

Groveland Board of Selectmen  
Meeting Minutes  
February 6, 2017

Present: Chair William Dunn, Selectman Ed Watson, Selectman William O'Neil, Selectman Daniel MacDonald, Selectman Michael Wood-via Remote

Absent: None

Others Present: Denise Dembkoski (Finance Director)

Recorder: Melanie Rich

Chair Dunn congratulated the Patriots for their historic win last night.

**RESIDENT/PUBLIC COMMENTS:** None

**APPROVAL OF WARRANTS:**

Selectman Watson made a motion to approve PW#17-31 in the amount of \$152,380.13; Selectman O'Neil seconded; roll call vote: MacDonald-yes; Watson-yes; Dunn-yes; O'Neil-yes; warrant approved.

Selectman Watson made a motion to approve DW#17-29A in the amount of \$28,523.64; Selectman O'Neil seconded; roll call vote: MacDonald-yes; Watson-yes; Dunn-yes; O'Neil-yes; Wood-yes; warrant approved.

Selectman Watson made a motion to approve BW#17-31 in the amount of \$1,003,169.55; Selectman O'Neil seconded; roll call vote: MacDonald-yes; Watson-yes; Dunn-yes; O'Neil-yes; Wood-yes; warrant approved.

**PUBLIC HEARING:** Seeking resident input on a potential Medical Cannabis Dispensary at Federal Way and Salem Street and the possibility of a Medical Cannabis Cultivation Center in Groveland at a location yet to be determined.

Selectman Watson read the notice into record. The hearing was opened; roll call vote: MacDonald-yes; Watson-yes; Dunn-yes; O'Neil-yes; Wood-yes. The Chair said representatives from Elevated Access will speak first and asked the audience to be refrain from comments and to be respectful. In attendance were Rob Proctor (CEO), Rebecca Adams (Executive Director), Scott Bettano (Consultant) and Jill Osborne (Outreach Director; volunteer). Ms. Osborne is a local mom who has a daughter who is using cannabis to treat her seizures effectively and is passionate about it. She gave a brief overview of Elevated Access (a non-profit corporation medical cannabis wellness provider), their goals and mission. They are applying for licenses for three retail locations which will all be served by one cultivation center. They are no longer considering the Estes Park location (441 Main Street). They are considering the vacant lot at the corner of Route 97 and Federal Way. Why Groveland? They don't want a high volume location and they would like to serve local patients. Benefits to the town? Every town has the right to negotiate a Host Agreement. The purpose is to offset any cost burdens to the town for hosting this type of business. Jobs? They expect the retail location to offer 30-40 jobs; if they can do cultivation that would be an additional 100 jobs. Entry level jobs start at \$15/hour; management/higher level positions are in the \$100K+ range. Safety & crime? There are studies in states that have implemented legalization laws; none of them show an increase in crime that host RMDs. Driving? The DPH requires that the patient handbook informs the patient that it is not legal to drive under the influence of marijuana.

The hearing was opened to the audience. Joe D'Amore (9 Cherry Tree Lane) said there are three facilities in the area (Waltham, Framingham and Ayer). He would suggest obtaining information from those towns concerning crimes. He believes the decision should fall to the people it impacts most: abutters, families with school children, and people who may use the facility. Groveland does not have a Town Manager; he

had concerns about oversight. How will we regulate and monitor it and know that all the rules are being followed. It would be subject to the town negotiating a good contract to receive a series of payments, and how long will the contract last, what happens when it's time to renew. He said we should never make a decision to include this type of facility because it is a good way to expand the tax base. Steve Rivers (8 Clark Road) asked how it would affect the water supply if cultivation is allowed. He had concerns with the hours of operation; will they be normal business hours, and if there is a change in the hours, how will the town address them (open forum, input from the community) before granting them. In Easton, they passed the cultivation and dispensary, initially the service was for medical marijuana only. Once passed in MA, they changed it to recreational as well; how would that affect this town? What is the traffic pattern impact; he would like to see a study. What is in it for the town? What is the timeline from start to finish? He said the DEA still considers marijuana a Class 1 drug. What is the process from the town, will it be a ballot question before the town approves it or does the BOS make the decision without commitment from the voters. What other safeguards will the facility take in terms of protecting the children from hanging out there; what is the position of the Groveland Police? Claire Walsh (478 Main Street) said because Georgetown is opening a growing site as well as a store, why would you want to put something so close to Georgetown. What is the revenue going to be used for? What happens if the federal government enforces it; where do we stand? Lisa Carpenter (2 Merrimack River) reviewed the DPH application Elevated Access submitted for their license. She noted that the individuals applying own an HVAC business; it does not appear they have any history in this area and is concerned with this area being a training ground for an organization that hasn't done this before. It appears they will be contracting out the actual grow piece and won't be doing it themselves. She said other jurisdictions have had a problem with odor and pesticides. The Rocky Mountain Report in Colorado noted that marijuana-related traffic deaths increased 48% in 2013-2015; there is no mechanism in place to assess if someone is impaired. The law currently states that if a jurisdiction allows or approves a medical dispensary, that it can transform into a retail marijuana shop and they have the right to locate in any area where there is a dispensary. In jurisdictions where there are retail establishments, the teenage use has gone up 20%-50%. She wanted to hear what the BOS has done for their due diligence. Dick Hodges (35 Union Street) said he is in full support of medical marijuana. Smoking is not healthy but supports people's freedom to smoke whatever they want. He said we have access to marijuana legally through a doctor and access illegally as well. It has the same cancer causing chemicals found in tobacco, it affects the mind; it is one of the most unnecessary things that this town has ever talked about; we need to protect our kids. Maria Reid (15 Pandora Drive) had concerns with not having a breathalyzer, property values impact and traffic impact; doesn't believe our town is set up for that. Albert Crepo doesn't think we have that many sick people in Groveland and Georgetown that we need this facility; totally opposed to it. Ken Noyes (33 Rollins Street) said his sister has a license for medical marijuana; she is weaned off all her other meds. He thinks people in a small town deserve the access like those in a big city. He sees the arguments and says the people around it should have a say; he wants people to see the medical benefits. Bill Flynn (cancer survivor) said cannabis is expensive and kids won't be going there to buy it to sell it. It is alternative medicine; people need to do their research. Kathy Franson (701 Salem Street) said if cannabis was legal and like a regular drug, it should be in a regular pharmacy. David Caponigro (271 School Street) asked why it can't be in a pill form rather than smoking it.

Deputy Gillen was not here to make a determination. His oath of office is to protect and serve everyone. He does respect both sides and thinks it is important that he does not pick a side because it is important for the police to be impartial and not discriminate. His concerns are public safety, traffic, and quality of life in Groveland. He asked are we going to get more officers to address the concerns as far as traffic, where it is, access, and security; typically there are two officers on the street. Should there be an incident we may not have any officers on the street for many hours. There are concerns with the drug recognition experts; it is a very expensive training course and only a few in the state that offer it. It's going through the Appeals Court currently on how to deal with the impaired; it's not easy to determine; they want an expert. There will be case law that comes out of actions that are taking place; most recently the effect of marijuana and someone being impaired. There are a lot of restrictions on the police. The police don't make the laws; they enforce them. Deputy Gillen said it is a Schedule 1; it is a federal violation; it is a controlled substance.

He was asked if they could be arrested if they sell it. Deputy Gillen thinks the feds can come in at any time and shut it down. Richard Haus asked if the police have to wait until somebody is driving all over the road to pick them up. Deputy Gillen said they have to have a reason of suspicion to stop a vehicle. Someone said there would be a great deal of money kept onsite. Deputy Gillen said that would go under the security; it could be a target for all different types of activities. Selectman O'Neil asked if he believed this would cause undue stress in his current resources. Deputy Gillen said not the way it is being proposed at this time; his concern would be if it became recreational. Selectman Wood asked Deputy Gillen if it would it be a positive aspect if we were able to write into the negotiations that part of the contract would be to include job recognition education; yes. Selectman Wood said it is expensive and the resources and locations are limited so it would be beneficial to the Town of Groveland and the other police officers in the surrounding areas if it passed. One audience member said he hasn't heard one person opposed to medical marijuana; 8 minutes away there is a dispensary in Georgetown; he says no for Groveland. Someone asked what the board's position was. Chair Dunn said at this point he is not willing to state that. He wants everything in front of him and wants to hear what the town has to say. Joe D'Amore asked if there is a local option in the permitting process that will allow the town to impose restrictive covenants as to how narrow that permit will be. Nancy Webster (69 King Street) wants to understand what the process is; how do we make sure it is regulated by science and there are protocols in place to make sure people are given proper doses and are monitored.

At 8:15PM Elevated Access asked for a brief recess before they provide their response.

At 8:23PM the meeting resumed. Ms. Osborne addressed the concerns. She said they are a medical facility and do not have a recreational application filed; only a medical application. The intention is to serve sick patients. She said in five years if there is no stigma and the town decides they want recreational, the same way they would ask us not to open recreational, they would ask them to give us first choice. The DPH conducts regular visits to monitor compliance. Water supply-the town is a well water town. They will use recirculated water and collect rainwater; the intention is to be as green as possible. Safeguards-the facility will be staffed by a team of security professionals at all times. Why so close to Georgetown-she said the demand far outweighs supply right now. The DPH application and Mr. Proctor's business experience and why that is relevant-someone mentioned smell, that is why HVAC is relevant. His background and owning an HVAC business is truly going to help them develop a system so that smell doesn't impact anyone. Retail would be a separate licensing and application process and as far as she knows those regulations haven't even been developed yet; they are not in consideration for that. There was some speculation that the RMDs permitted before a certain date would be grandfathered into recreational; it wouldn't apply to them; their license is solely for medical. People impaired and driving through town-it is not their intention to attract people from Haverhill. The dispensary vs. prescription-there is a pill available at the pharmacy; it is a synthetic form of THC. THC is one molecule that is found in cannabis; they are over 90 identified. When a patient sees a doctor, the doctor determines if their condition is chronic and debilitating and whether using cannabis would outweigh the risks. Cash and banking issues-there are banks in MA that are accepting RMD businesses; the amount on hand would be less than a grocery store; regular deposits will be made. Resources for the Police Department-they absolutely agree that it would be a great benefit and would be willing to work the recognition and training to be an expert into their contract negotiations. Scott Bettano said Massachusetts has the strictest regulations in the country. An audience member asked why Groveland when there is one 8 minutes away, and what percentage of the population needs prescription marijuana. Mr. Bettano said this would not be their only location; they are going for 3; they want to be strategically placed in a larger city and be able to service a small town too. Places are opening up all over, they are all outside companies coming in from Colorado and other states claiming they have experience, but they are coming in to take Massachusetts dollars for profit. Mr. Proctor has outlined a program that will give huge discounts to veterans and the best way to do that is to operate in a smaller town where the overhead is less and we can pass those discounts on to the patients. Mr. Bettano said their main focus coming to Groveland was not initially the retail location; it was to have the cultivation center which is manufacturing, transporting out of town; no sales happening in the town. They were told there was a retail location that was available

in town that fit the criteria and that the town would be interested in for the revenue; 441 Main Street did not fit the zoning. They are not opposed to if there are issues with sales going on in town to consider the cultivation and just the manufacturing; it is no different than having any other textile plant, there are no sales coming out of it. When questioned, they said they did not meet with any town officials; they did meet with Ms. Dembkoski to ask the process to get on the agenda and about the Zoning Bylaws. They were asked why should Groveland be a training ground. Ms. Osborne said they are hiring experts to come in to help the run this is the best possible way. A gentleman asked what experience does Mr. Proctor bring other than being a business owner, and how could he emphasize that it will be a successful business. Mr. Proctor said they have done a study of what has happened over the last four years and collected all the information from the industry as it has developed so far. It was asked if there is a way to get money up front in the event we want them out of the town.

Selectman MacDonald said with all the risks and concerns of people in town, he is inclined to oppose it; his duty is only to the residents of this community. Why should we as a town or a board jump to a conclusion with all the uncertainties and the law is involved. The regulations on recreational marijuana have been postponed. We need to be cautious. Ms. Osborne said she sat through more than 50 hours of testimony at the State House. The town could lose some of their say. Chair Dunn wanted to clarify that what she is saying is that the state will come in and say cannabis wants to come here and we have no say. Ms. Osborne says they feel they gave the towns ample time to create their bylaws and permitting processes. Chair Dunn again wanted to make it clear to the people present and watching the TV, that what Ms. Osborne is saying is, that if we do nothing about it, down the road the state can come in and say a cannabis company can come into Groveland without our say. She not under current regulations. Selectman MacDonald said the federal government cannot force the state and local jurisdictions to enforce federal laws. He hasn't heard one valid argument that it is not against federal law. He said it is unequivocally false that the state can mandate it. An audience member read from the Commonwealth of Massachusetts Executive Office of Health and Human Services regarding medical marijuana facilities which said in part...it is up to the municipality to determine how many RMDs it deems appropriate to the community. An RMD will not be permitted to proceed to the inspection phase if it does not obtain a letter of support or non-opposition. Ms. Adams said they do not want to override the local control. Their company is different than most medical marijuana companies; they are 100% owned and operated; they do not have investors; they would be a different type of company which is what they want to get across to everybody. They want to work with the town, not against the town.

Selectman Watson spoke of their attributes of an ideal facility; a convenient central location-he doesn't see where there is one. Adequate space to house retail and/or production operations with room for future growth-troubling statement. ADA compliant-every building has to be ADA compliant; it shouldn't even be listed. Plenty of off-street parking, easy to monitor and secure; local transit is available. He read the comment about access to public transportation and that it's hopeful that local transit services will regularly service the areas where the facilities are located. Minimal buildout required. He doesn't see where Groveland meets the demographics of their attributes of an ideal facility. Concerning the odor, Selectman Watson said the Boston Herald on January 26, 2017, published an article where a city councilor visited Colorado to view the facility. She noted the smell around the grow facilities. She commented that "it's everywhere". Regarding not enough dispensaries to serve all the patients-he has seen traffic and long lines at methadone clinics and doesn't think this is something the Town of Groveland can support. We need business in town, but we need the right business and does not think this is the right business for the town.

Selectman Wood addressed some questions: what's in it for the town-that is open for discussion. Depending on what kind of funds we are looking to receive, it could be for the school, roads, fields, etc. Educating the children-he talks to his children about all drug abuse; parents should educate their children; not the company. He has read many articles, looked at some of the surrounding towns, talked to residents, and also talked to congressional staff on Capitol Hill about the legalization and what the federal government could and could not do; he talked to the FDA. At this point, he is in favor of it; he is not opposed to getting more

information. Selectman O’Neil has personally seen how medical marijuana can help. He talked about control. If it is in our town, we have control. He is not and will not be in favor of recreational use.

Chair Dunn said he was voted by the Town of Groveland to do a job for the town. His personal opinion is that it should go to the ballot box; we don’t have to make a decision tonight. He feels bad they have a timeline, but we have the right to put it in the ballot box and let the 6,000+ people vote. He is 100% for bringing business into Groveland, but the Route 97 site he is adamantly against; the reason being there is a house across the street and this facility is rough start. The town hasn’t had the chance to sit down and iron out a contract. He feels it is too open ended and would like more discussion. He cannot make an informed decision. It should be 100% secure and out of the sight of people.

Selectman MacDonald doesn’t want Groveland to be the guinea pig for this social experiment. Selectman MacDonald made a motion to deny a letter in support or non-opposition to Elevated Access for a site as stated in the legal notice; Selectman Watson seconded. Selectman O’Neil would like to slow down the process and hear more and does not want to make a decision until hearing all the details. Selectman Wood is in favor of gathering more information and having answered some of the townspeople questions that weren’t entirely answered. Roll call vote: Wood-No; O’Neil-No; Dunn-No; Watson-Yes; MacDonald-Yes. Selectman MacDonald made a motion to deny their request; Selectman Watson seconded; roll call vote: Wood-No; O’Neil-No; Dunn-Yes; Watson-Yes; MacDonald-Yes. The public hearing was closed at 9:34PM. Roll call vote: Wood-Yes; O’Neil-Yes; Dunn-Yes; Watson-Yes; MacDonald-Yes.

The Board took a brief recess at 9:34 PM.

At 9:42PM the regular meeting resumed.

**DISCUSSION AND POSSIBLE VOTE:**

Bill Daley to speak about Washington Park and Center Street – Chair Dunn spoke with the Road Commissioner today; everyone is satisfied and there is no need for further discussion.

Surplus Fire Truck Bids – After seeing the truck posted on Municibid, the Town of Ashby bid \$4,500. Huntington NY bid \$6,100 on Municibid. Ashby re-bid at \$6,100; they are in need of the truck; they are currently renting one. For Huntington NY it would be an additional truck. Selectman MacDonald prefers to go with the Massachusetts town. Selectman Wood said he would be in favor of helping the town who needs it more. Selectman Watson made a motion to award the bid to the Town of Ashby for \$6,100; Selectman MacDonald seconded; roll call vote: Wood-no; O’Neil-yes; Dunn-no; Watson-yes; MacDonald-yes; motion carried and approved.

Fiscal Year 2018 Budget Discussion – The state aid numbers came in a little higher than estimated. The retirement allocation came in lower. Ms. Dembkoski received a revised school number; it is up 4.7% from last year (Special Ed costs are up; some Merrimack students require a translator). The school figure is not final and is still being worked on. The state aid number for the schools went down. As of today we are at a deficit of \$263K, without capital or salary increases. The cost per student for Essex Tech is approximately \$17K (6 Groveland students applied for enrollment). No information yet from Whittier. The Finance Committee has been holding budget meetings. She asked if the board wanted to meet with the departments or wanted the Finance Committee to meet with them. The Capital articles have been submitted. The Chair would like to meet with the boards with increases. Selectman Watson agreed and wants to know what the salary adjustment/additional monies is (\$21,465) that the Water Dept. is asking for. Ms. Dembkoski said it was included in the budget last year under salary; it wasn’t broken out; she will ask for more specifics. The Finance Committee wants any extra items, such as the Town Planner position, to be a separate article so there can be debate on the specific item and not to hold up the general budget. Chair Dunn said the town departments do not over-exceed what they need to do; most of the money goes to the school department.

Ms. Dembkoski said health insurance and retirement is also a huge part of the budget. She said we really are bare-boned. The insurance will have design changes. Employees will see more share of the responsibility of payment; deductible are going up; co-payments are going up; out-of-pocket expenses are going up to offset the percentage. Free cash is not known yet. We do have some left from last year. Selectman Watson asked for the per student cost at Whittier, Pentucket and Essex Tech. Ms. Dembkoski said Essex Tech is approximately \$17K; she will confirm figures for Whittier and Pentucket.

Selectman Watson asked why some employees were not paid minimum wage; what would it cost to bring them up to minimum wage? Ms. Dembkoski said the only employees that are impacted by the general fund budget are the library pages and the summer cemetery help. The only other people that are under minimum wage are the summer recreation and they are through the revolving account. She will calculate the figures. Ms. Dembkoski will get written explanations from the Assessor's Office and Water Department concerning the requested increases. Selectman O'Neil thinks we should balance the budget without free cash in the equation. Ms. Dembkoski said the budget deficit is based on department requests; there is still room to cut. Selectman O'Neil thinks it should go back to the individual departments for them to make the adjustments. Ms. Dembkoski said the deficit includes one full position and an \$85K contribution to OBEB. Chair Dunn feels the conversation is premature. There has been nothing put away for stabilization or capital stabilization; that is a good use of free cash to put them into the reserves. Chair Dunn asked the board if they wanted to go through the book page by page; yes. Selectman MacDonald said they should have a joint meeting with the Finance Committee. Ms. Dembkoski said the way a traditional municipality operates with regard to the budget is that budget requests come in to this board, this board makes recommendations to the Finance Committee, and they will make their final recommendation to town meeting. She said based on the discussions they've had, they are looking to this board to make recommendations to them first by way of any increases, any anomalies, do you support the new positions, etc. They will be looking for the board's guidance so when they make their final decision, they know where this board stands. She does not know if they will make a recommendation until they get a recommendation from this board. They have not taken a stance on any budget requests. Ms. Dembkoski said we should wait until they get a more solid number from the school. Selectman Watson suggested having the Finance Chairman attend our next meeting. The board will meet on February 27<sup>th</sup> to review the budget book.

Selectman MacDonald said we need to lean on the School Committee to stop giving the teacher's union exorbitant raises and benefits. Chair Dunn said the towns should go to the School Committee and find out why the increases keep going up; we have no control; it's draining our town, the people in the town hall are not draining our town; our town is being drained by the schools 100%. He said the BOS from Merrimac, West Newbury and Groveland should get together and have a meeting to try to figure what's going on. It's not being controlled and it's been going on for years. He said it should be one of our initiatives to try and get it under control. Selectman MacDonald said the reason for the escalation is that they revised their step system, but what it comes down to is you have a tenure, seniority and a teachers union; the longer they are there, they keep getting steps and raises that are beyond Prop 2 ½. He said there's a gravy train over there; they have a part-time job with full time money and we have to put an end to that.

### **VOTES OF THE BOARD**

January 9, 2017 Meeting Minutes – Selectman Watson requested the minutes be amended to include information about the PILOT program exemption. Ms. Dembkoski will make the change and the minutes may be voted on at the next meeting.

Opening of the Town Warrant – Selectman Watson made a motion to open the Town Meeting Warrant; Selectman MacDonald seconded; roll call vote: Wood-yes; O'Neil-yes; Dunn-yes; Watson-yes; MacDonald-yes. All articles are to be submitted to Ms. Dembkoski by March 10<sup>th</sup>; the Warrant will close on March 20<sup>th</sup>.

**OLD BUSINESS (Unfinished Business):**

Selectman O’Neil said we were contacted about the trash and was told it was an anomaly; during a snow event, the trash will be picked up. Ms. Dembkoski said they apologized; it was a mistake on their part and said it will not happen again.

Selectman MacDonald requested an executive session relative to the security at the Bagnall School and contract negotiations.

**CORRESPONDENCE:**

1. January 23, 2017 Meeting Minutes.
2. January 23, 2017 Executive Session Minutes at 5:45 p.m.
3. January 23, 2017 Executive Session Minutes at 8:30 p.m.
4. Response from the Attorney General regarding the Open Meeting Law complaint filed by Heather Meninger. Chair Dunn said there will be no further discussion on the matter. He was interviewed by the Attorney General and was found to be in compliance.
5. Disclosure of Appearance of Conflict of Interest from Deputy Chief Jeffrey Gillen.

**FINANCE DIRECTOR’S TIME:**

The following Board and Committee positions are up for election on May 1<sup>st</sup>. 1-Board of Assessors-3yr term; 1-Cemetery Commission-3yr term; 3-BOH-1yr term & two 2-yr terms; 2-Groveland Housing Authority-2yr term & 4yr term; 3-Board of Library Trustees 3yr term; 1-Electric Light Commission 3yr term; 1-Moderator 1yr term; 2-Planning Board 5yr term; 2-School Committee 1yr term & 3yr term; 2-Board of Selectman 3yr term; 1-Tree Warden 1yr term; 2-Water & Sewer Commissioners 2yr term & 3yr term. The last date to take out nomination papers is March 10<sup>th</sup>; the last day to submit nomination papers is March 13<sup>th</sup> by 5PM; the Town Election is May 1<sup>st</sup>.

Regarding 255 School Street – The property has been abandoned and there is debris and trash piling up. The Building Inspector has been working on it. There has been some concern from the School Department. She spoke with the property management company. The tenants that were there have been evicted; they can now move forward with removing debris. They are awaiting approval from HUD and the bank to approve the quotes. While it was in the eviction process, they were not legally allowed to take anything off the property.

**SELECTMEN’S TIME:**

Selectman Watson asked that the flag at Elm Park be raised to full staff. He also asked for an agenda item for the next meeting. The Water Department will be moving out of town hall at some point and he thinks there needs to be a study to see about office and storage space needed for the departments. Kermit Cross could do it.

The members will meet at the Water Department on Thursday at 8:30AM to tour both the Water Department and Light Department buildings. Ms. Dembkoski will confirm and send an email to the board.

Chair Dunn, Selectman Watson, and Ms. Dembkoski met with a local credit union who is interested in coming into the town; the meeting with very well.

The next regular meeting will be held **Tuesday, February 21, 2017** at 6:30 p.m.

Groveland Board of Selectmen Meeting – February 6, 2017

Selectman MacDonald made a motion to adjourn; Selectman Watson seconded; roll call vote: MacDonald-yes; Watson-yes; Dunn-yes; O’Neil-yes; Wood-yes. The meeting was adjourned at 10:55 p.m.

\*\*\* Unanimously Approved on March 6, 2017 \*\*\*