

Finance Committee Meeting

April 18, 2018 7:30 PM EST
Veterans Memorial Building, Room 229
900 Main Street
Millis, MA 02054

In Attendance:

Craig Schultze, Chairman
Jodie Garzon, Vice Chairman
Tayana Antin
Peter Jurmain
Jerry Nunnaley
Doug Riley
Nicole Riley, Retail Marijuana Committee
Loring Barnes, Board of Selectmen
Catherine MacInnes, Board of Selectmen
David Baker, Resident
Ellen Rosenfeld, Business Owner

Craig Schultze called the meeting to order at 7:32 PM

Retail Marijuana By Law Articles:

Nicole Riley:

There are (3) Marijuana Bylaw Articles on the May Town Meeting Warrant. Article #26, Retail Marijuana Special Permit/Zoning is the most contentious. Specifically, the setback footage of Marijuana Establishments. The Board of Selectmen's version of the article differs from the article the Recreational Marijuana Committee (RMC) voted in favor of:

Location: Marijuana Establishments may not be located within 1,500 feet of the following uses within the Town of Millis:

- School, including a public or private elementary, vocational or secondary school or a public or private college, junior college or university;
- Child Care Facility;
- Library;
- Playground;
- Public Park;
- Youth Center;
- Public Swimming Pool
- Video Arcade Facility;
- Similar facility in which minors commonly congregate in an organized, ongoing basis;
- Place of Worship; or
- Residential Zoning District as identified in Section III. A. of the Millis Zoning Bylaws

There shall be a minimum separation of 300 feet between Marijuana Retailers as that term is defined by 935 CMR 500.00

The distance under this section is measured in a straight line from the nearest point of the property line of the protected used identified in this section to the nearest point of the property line of the proposed Marijuana Establishment.

Marijuana Establishments shall be located in a stand-alone facility and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial or other uses, except for co-location with another licensed Marijuana Establishment or Medical Marijuana Treatment Center.

The RMC held numerous public forums where many residents voiced their desire to have Marijuana Establishments located in the west end of town; not in the downtown area. The RMC took a conservative approach with the 1,500 setbacks. Determining where the downtown area starts and ends was challenging as well. At the start of this bylaw process there was concern the Cannabis Control Commission (CCC) and Attorney General might not honor the moratorium put in place at the June 2017 Town Meeting. In mid-March the CCC's decided to honor the moratorium until the end of the calendar year. The strategy was to put the bylaw in place and then develop an Overlay District Bylaw for presentation at the November Town Meeting. This would insure the town would have something on record for Retail Marijuana Establishments. Creating an Overlay District would provide for a special district which overlaps two or more zoning districts.

Initially, the Board of Selectmen approved the RMC's version of the bylaw. Within a few weeks of that endorsement a Notice of Intent was received for the property at 1073 Main Street for a medical marijuana distribution facility which could eventually become a recreational marijuana facility as well. The Board of Selectmen voted 2:1 to make changes to the proposed bylaw. The changes include reducing the setback to 500 feet and removing the video arcade facility from the protected use areas.

There are four types of Marijuana Establishments:

- (1) Retail
- (2) Cultivation (5-6 Group Co-op)
- (3) Manufacturing
- (4) Testing

The best resolution would be establishing an Overlay District however due to timing that is not possible for the May 2018 Town Meeting.

The committee discussed the topic and acknowledged the property at 1073 Main Street has been vacant for years. There have been some less desirable businesses interested in the site. The RMC's version limits the prospective business from finding another location in town suitable for the facility. The polarizing article has not been unanimously voted for or against by either the Board of Selectmen (2:1), Planning Board (2:2:1 abstained) or RMC (2:2: 2 defer article to November Town Meeting) With such dissention among the boards and committees and the requirement of a 2/3 vote at Town Meeting it will be very hard to pass overwhelmingly on May 14, 2018. There was agreement that the opportunity for recurring revenue for the town was very positive. The state law's only protective use with a 500-foot setback are schools.

Article #27 Retail Marijuana Limitation – This bylaw limits the number of Marijuana Establishments be no more than the greater of one or 25% of the number of licenses issued by the town for the sale of alcoholic beverages.

The committee would like an estimated of the potential revenues the business at 1073 Main Street would generate for Personal Property Tax, Real Estate Tax increase due the anticipated improvements to the facility and the Host Agreement. A Host Agreement would be in place for 5 years and would generate up to 3% of the business's gross revenues. There was concern on tailoring the town's bylaws to accommodate one business in town.

Article #28 Retail Marijuana – 3% Sales Tax – this article would impose a local sales tax upon sale or transfer of marijuana or marijuana products by a Marijuana Retailer operating within the Town of Millis to anyone other than a Marijuana Establishment.

Catherine MacInnes pointed out that the Town of Medway has approved another growing facility, and her concern that Millis is passing up a revenue opportunity waiting to vote on an Overlay District in November. The Board of Selectmen have not determined what the Host Agreement Revenue would fund.

David Baker acknowledged his employment by 617 THC Group, the applicant for the potential business at 1073 Main Street. He will be instrumental in developing the design of the facility. The site is 73 acres and its back border is Prospect Hill Cemetery and the Black Swamp. He invited

the Finance Committee and the Board of Selectmen to tour the facility. He pointed out the additional revenues the business would bring to town with their water usage.

Ellen Rosenfeld, the owner of the town's first Medical Marijuana Dispensing facility, admitted that all cultivating facilities emit an odor, that is why they are primarily located in industrial parks. Her facility cost \$8 million to build. Her Host Agreement with the Town of Medway is \$100,000.00 per year.

Warrant Article Review and Recommendations:

Pete Jurmain made a motion to recommend approval of Article #9, Independent Annual Audit, in the amount of \$36,000.00; Doug Riley seconded. Vote: 6/0 motion carries unanimously.

Jodie Garzon made a motion to recommend approval of Article #10, Board of Health Appointing Authority; Peter Jurmain seconded. Vote: 6/0 motion carries unanimously.

Jodie Garzon made a motion to recommend approval of Article #11, Revolving Funds as written; Peter Jurmain seconded. Vote: 6/0 motion carries unanimously.

Peter Jurmain made a motion to recommend approval of Article #12, Capital Items as listed, in the amount of \$596,573.00; Tayana Antin seconded. Vote: 6/0 motion carries unanimously.

Jodie Garzon made a motion to recommend approval of Article #13, Community Preservation Committee Funds; Peter Jurmain seconded. Vote: 6/0 motion carries unanimously.

Jodie Garzon made a motion to recommend approval of Article #14, CPC – Digitization of Hindy Rosenfeld Collection in the amount of \$250.00 from Historic Resources Reserves; Tayana Antin seconded. Vote: 6/0 motion carries unanimously.

Jodie Garzon made a motion to recommend approval of Article #15, CPC – Currier & Ives Reprints Framing Project in the amount of \$2,390.81 from Historic Resources Reserves; Tayana Antin seconded. Vote: 6/0 motion carries unanimously.

Jodie Garzon made a motion to recommend approval of Article #16, Revaluation of Personal Property Tax in the amount of \$5,000.00; Tayana Antin seconded. Vote: 6/0 motion carries unanimously.

Article #17 School Bus Lease and Article #18 School Computer Lease were held until further clarification was received on what the lease year the articles cover.

Jodie Garzon made a motion to dismiss Article #20, OPEB (Other Post-Employment Benefits); Tayana Antin seconded. Vote: 6/0 motion carries unanimously.

The committee noted that the town does meet its obligation for OPEB it just cannot contribute to the total calculated amount of the benefits due to lack of funds.

Jodie Garzon made a motion to recommend approval of Article #21, Replenish Stabilization Fund, in the amount of \$233,013.00; Tayana Antin seconded. Vote: 6/0 motion carries unanimously.

Articles #22 – 29 were held until further discussions take place.

Jodie Garzon made a motion to recommend acceptance Article #30, Board of Selectmen Report – Unfunded Capital Requests as listed; Tayana Antin seconded. Vote: 6/0 motion carries unanimously.

Jodie Garzon made a motion to dismiss Article #31 Citizen Petition – Tow Clerk Stipend Increase/Full Time Elected Official; Tayana Antin seconded. Vote: 6/0 motion carries unanimously.

The committee expressed concerns of recommending approval of an article that requires funds not included in the balanced FY19 Operating Budget or recommended by the Board of Selectmen.

Warrant Article Assignments:

Craig Schultze:	#2 & 4 – 8
Jodie Garzon:	#20, 21 & 26 – 28
Peter Berube:	#17 – 19
Tayana Antin:	#13 - 15
Jim Bullion:	#1, 3 & 29 – 31
Peter Jurmain:	#12
Jerry Nunnaley:	#22 – 25
Doug Riley:	#9 – 11, & 16

Old Business/New Business:

Loring Barnes notified the committee and its attendees that a powerful virus has attacked the Millis Media Website; avoid the site until the problem has been resolved.

Minutes Approval:

Craig Schultze made a motion to recommend approval of the April 4, 2018 Meeting Minutes as written; Jodie Garzon seconded. Vote: 5/0 1 abstained, motion carries.

Adjourn:

Peter Jurmain made a motion to adjourn the meeting at 9:28 PM; Jodie Garzon seconded. Vote 6/0 motion carries unanimously.

Respectfully submitted,
Deirdre Gilmore