

**TOWN OF UXBRIDGE
BOARD OF SELECTMEN MEETING MINUTES
LOWER TOWN HALL – 21 S. MAIN STREET- UXBRIDGE
MONDAY, JUNE 28, 2021 6:30 P.M.**

REC'D UMB TOWN CLERK
2021 AUG 19 AM 11:17

This meeting was held in-person & via Zoom.

Present: Chairman Brian Butler, Vice Chairman Jeffrey Shaw, Clerk Stephen Mandile, Members: Peter DeMers and John Wise

Also Present: Town Manager Steve Sette, Admin. Assistants Ellen Welch and Alex Clauss

- 1) CALL TO ORDER Mr. Butler called the meeting to order at 6:34 PM. The Pledge of Allegiance was recited.
- 2) ANNOUNCEMENTS
 - a) Volunteers needed: Bylaw Review Committee, Cultural Council, Cable Advisory Committee, Recreation Commission, Historic Cemetery Committee
 - Anyone interested in volunteering should submit a Talent Bank Form to the Town Clerk or Town Manager. Summaries can be found on Town of Uxbridge website along with what each Committee entails, dedication of time, and commitment level required.
 - b) Uxcellent News
 - Medline to install largest solar array in the Commonwealth here in Uxbridge.
- 3) CITIZENS' FORUM – No one wished to speak
- 4) BUSINESS
 - a) Marijuana Community Impact Fee legislation update with Senator Fattman and Representative Soter

Background: Continuation from previous discussion the Board of Selectmen had – specifically Mr. Mandile. Vigorous discussion regarding the pluses and minuses – the pros and cons, to remove the impact fees completely from retail dispensaries in Town.

Senator Fattman – Congratulate Wise and DeMers on their service and appointments to the Board of Selectmen. Introduced himself and Representative Soter who both serve on the Joint Cannabis Committee in the legislature; present with his Legislative Director - Jason King, who has worked alongside him for the past two years and has extensive knowledge on the subject. Fattman mentions the committee's acknowledgement of the municipalities impact a few weeks earlier – provided packets to the Board of Selectmen detailing the nine bills essentially impacting this topic in legislation. Fattman discussed how nobody wants to get this particular matter incorrect as some would probably argue it already is incorrect – while some would argue it should stay the status quo. Fattman expressed no doubts the law will change, but does think it will take a significant amount of time – one of his key take-aways from talking with everyone about this.

Jason King, Senator Fattman's Legislative Director – Masters of Public Health and Regulatory Affairs for Cannabis Control certificate, earned at Clark University – Masters level education, absolutely free to any state and municipal employees, to include three courses that teach the History, Science, and Research behind Cannabis, as well as what other states are doing in terms of laws so we can learn from them. Senator Fattman and legislative team became more assertive towards these policies towards the end of last session and made big impacts on the hemp industry with Fattman's Survive and Thrive CBD Amendment that was passed in the FY '21 budget this

past November – helped save industry here in the Commonwealth but, there's still a lot of work that needs to be done.

Presently, continuing to work on and advocate for hemp industry and have two cannabis related bills filed for:

- S70 – Essentially expands the list of qualifying conditions to qualify for a Medical Marijuana Card to include PTSD and OUD (Opioid Use Disorder) – King stated he's pretty confident this bill will pass
- S1583 – Protects 2nd Amendment Rights for Medical Marijuana Cardholders (more difficult to pass here in MA)

HCA's – Nine bills filed in MA legislature currently (packets were given to the Board with information on each); Summary of Problem: Main Element of HCA in question is the Community Impact Fee - Payments required of a Cannabis establishment to a town can be up to 3% of their revenue and must be based on actual documented cost of the marijuana establishment doing business in that municipality. CCC asked legislature recently for clear authority to enforce the rules around HCA's. Currently, the CCC considers only the existence of an HCA – not its contents or if it's within the law. A recent report by UMASS found in systematic review of over 460 HCA's in state, over \$2.5 million in excessive fees were charged and there was very little transparency in the process. Senator Fattman and King are not present to take sides on the matter of HCA's; King mentions Senator Fattman's office trying to take an approach on issues where they see and listen to both sides of the story – HCA's being no exception to this rule. On one hand, municipalities absolutely should have a say on what goes on within their borders – on the other hand, although many municipalities are probably doing the right thing, we know many are not. Any questions or comments regarding the issue can be forwarded to Senator Fattman's office or Jason King directly: Jason.king@masenate.gov – their office is open to and will hear from anyone and everyone on this issue.

Board members questioned the transparency of HCA's, impact fees, and where in the process things are going wrong. Northampton was used as an example of a different approach to impact fees (fees paid upon discovery of impacts, not beforehand) bringing into question the actual law regarding this. "According to state law, a municipality needs to document impacts before fees can be collected" stated by King, who will find the location of this text for the Board members. Concern was stated on how to document impacts a city may be unaware of and length of time before municipalities receive some clarification on this issue – which could be months to years before a compromise can be agreed upon. King mentioned he and Senator Fattman would be touring all hemp and cannabis businesses before arranging a round table discussion with cannabis experts, open to everyone.

Representative Soter, present with Eric Eisner, Chief of Staff – Mentions the horrendous occurrence in Fall River and that the standard set in Uxbridge seems to not be turning people away (his office gets calls daily to come to Uxbridge). These agreements were entered knowing what was asked and expected – HCA's acted as a way to adjust and prepare for the unknown. Uxbridge has represented themselves with respect and dignity while following the rules protecting the Town, the taxpayers, and everyone involved. Soter explains touring the towns throughout the district will be a great, informal way to hear from both the cannabis retail locations and the municipalities.

- For public Narrative – Think about what Johnson & Johnson just did: ~\$250 million settlement on opioids and how to stop production – they know it's affective; not everyone can take an opioid and get off of them three days later after the pain is over – and when I say that, I want you to think long and hard about what cannabis means to a lot of folks. Previously, he mentioned the success that cannabis has had getting Vets off of opioids, for example.

Mr. Butler emphasized the very valid point of Soter's argument in regards to the legality of matters at hand – having impact fees collected up front takes the burden off of tax-payers if/when an incident occurs, as this would result in the Town having to spend in-house funding to defend the issues related to the HCA's.

Mr. Mandile highlighted the mentioning of contracts and wanted to emphasize the agreement municipalities entered at the same time – which states that impact fees would only go directly towards the impacts of the business operating within the municipality. We owe it to these businesses and future businesses that we honor that part of the contract also; to be collecting money for what ifs or past the negotiated five-year mark – it's not very comforting for a business. He mentioned the 2016 ballot question in which over 53% of Uxbridge residents voted to tax and regulate cannabis the same way as alcohol – yet we're doing things that aren't allowed with alcohol and I think it goes against the spirit of that ballot question. We're getting a contract that goes both ways, we're holding onto money for an indefinite amount of time but, we also have to answer to those businesses that can request annually the reports on how that money is spent – and we still haven't been able to provide the receipts for anything. Mr. Mandile commends Mr. Sette and everyone for making the progress already made in having these much needed, difficult discussions.

In response and in closing, Representative Soter mentions the following:

- Impacts could be anything like: talking about the risks in the high schools, drug overdose, ways to get off of opioids, and ways to have a healing process with cannabis.
- Ridding HCAs does not necessarily equal money trickling down to the consumer – but, could we push it towards education?
- Ultimately, it's the decision of legislature to change these laws and guide municipalities – and that's what needs to happen.

Katherine Feodoroff – Point of clarification: in 94G which governs adult use marijuana industry, costs are considered public records but, law is silent on when those records need to be made public (i.e. before HCA negotiation or not). Echoes what Representative Soter said in regards to some of the intangible costs that are more difficult to quantify – what Feodoroff does is a great example: working on HCAs for Town of Uxbridge quite frequently since there's multiple floating around. For example, in regards to 1st marijuana establishment: did traffic create an un-anticipated impact for that town? How about the impact to the roads that were paved before knowing the impact of all this traffic? It's much harder to contemplate, or even quantify these impacts – for that reason, I wanted to jump in and clarify what the legislature says and what the confines of the law are, so you can make these policy decisions with full information.

Jay Borghesani, Director of Communications for Legalization campaign in 2016 and since, involved in the industry as a consultant helping applicants go through the process at the local and the state level. Happy to see the legislation mentioned and hopes that whatever legislation is fashioned helps and does not prohibit towns from collecting impact fees but, puts a break on collecting the fees speculatively. This would ensure compliance with Mass General Law, Chapter 94 G, Section 3, Paragraph D, which says that they (impact fees) must be reasonably related to impacts imposed by a specific establishment in the town. The question becomes looking at the actual and prospective impacts that many have mentioned. When re-write of legislation occurred in 2017, Borghesani and Firm began monitoring the towns where marijuana establishments opened and found no impact thus far at a local level of change to: increased staffing, purchase of new equipment, or introduction of programs because of marijuana. State level – no increase as a percentage of overall budget in the Department of Public Health, or any of the Departments of NEFAP – the programs that specifically deal with marijuana. CCC has come out with guidance to alleviate the questions and confusion surrounding actual versus prospective impacts until more clarification comes from legislature. Borghesani mentions the Firm being anxious and willing to assist legislators to help keep municipalities intact for any actual impacts and also protect businesses that may be overpaying. No change by way of overall percentage to the budgets of Public Safety or Public Health found in any state, on the local or state level thus far.

Nicholas Obolensky, Attorney for Caroline's Cannabis – Critical to highlight the costs imposed on a municipality – this separates it from any amorphous impact we may be concerned about. No reason why HCAs should “go away” fully but – also, I agree purely speculative costs should be reigned in.

- Better Method: Fixed/ Dollar Cap Bond that allows an operator to pay a percentage of the impact fee that's allowed by statute to the town; once the business has paid a fee and reached the cap, its Community Impact Fee goes to 0% until such a time that the town needs to use the bond and money – which is when the operator would replenish that monetary number. This allows an operator to know fees are fixed and a town to know there's money in the event that any of these potential impacts come to pass.
- Collecting impact fees without proof or documentation of an impact equals a breach of contract; spirit and intent of the law is clear, municipalities shouldn't take advantage of the vagueness of a contract.

- b) **PUBLIC HEARING:** Class II License: for the buying or selling of second-hand motor vehicles:
Ironstone Truck Sales Inc, 165 Ironstone Road

MOTION: Mr. Shaw made a motion that the Board of Selectmen open the Public Hearing regarding the granting of a Class II License for Ironstone Truck Sales Inc, for the purpose of buying and selling secondhand motor vehicles. Seconded by Mr. Mandile. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Shaw YES, Butler YES. Motion carries 5-0-0.

Public hearing is now open.

Mr. Sette provided clarification and background information; confirmed only two items have yet to be received – ~\$360 in back taxes and the fee for newspaper to advertise Public Hearing. Approval of license can be made contingent upon receiving the final necessary items.

MOTION: Mr. Wise made a motion that the Board of Selectmen close the Public Hearing for Ironstone Truck Sales, Inc, 165 Ironstone Road, regarding the buying and selling of secondhand vehicles. Seconded by Mr. Mandile. Roll Call Vote: DeMers YES, Wise YES, Shaw YES, Mandile YES, Butler YES. Motion carries 5-0-0.

Public hearing officially closed – 7:52 PM.

MOTION: Mr. Shaw made a motion that the Board of Selectmen approve the Class II License for Ironstone Truck Sales, 165 Ironstone Road, provided that the following conditions are met prior to issuance of a license: Prior tax bill and advertising fees paid in full. Seconded by Mr. Mandile. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Shaw YES, Butler YES. Motion carries 5-0-0.

- c) Board/Committee Reappointments/Appointments

General discussion about the members up for appointment/ reappointment occurred – no objections or concerns.

- Cable Advisory Committee:

MOTION: Mr. Mandile move that the Board of Selectmen re-appoint Mr. Tom McNulty and Mr. Mark Stacy to the Cable Advisory Committee for a term to end 06/30/2024. Seconded by Mr. Shaw. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Shaw YES, Butler YES. Motion carries 5-0-0.

- Council on Aging:

MOTION: Mr. Shaw move that the Board of Selectmen re-appoint Edna Coffin, Dorene Landry, and Edwina Porter to the Council on Aging for a term to end 06/30/2024. Seconded by Mr. Mandile. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Butler YES, Shaw YES. Motion carries 5-0-0.

➤ Historic Cemetery Committee:

MOTION: Mr. DeMers move that the Board of Selectmen re-appoint William Martin to the Historic Cemetery Committee for a term to end 06/30/2024. Seconded by Mr. Shaw. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Shaw YES, Butler YES. Motion carries 5-0-0.

➤ Historical Commission:

MOTION: Mr. Wise move that the Board of Selectmen re-appoint Michael Potaski and Faye McCloskey to the Historical Commission for a term to end 06/30/2024. Seconded by Mr. Shaw. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Shaw YES, Butler YES. Motion carries 5-0-0.

MOTION: Mr. Wise move that the Board of Selectmen appoint as Alternate Member Diane Dearborn to the Historical Commission for a term to end 06/30/2024. Seconded by Mr. Shaw. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Shaw YES, Butler YES. Motion carries 5-0-0.

➤ Historic District Commission:

MOTION: Mr. Mandile move that the Board of Selectmen re-appoint Faye McCloskey to the Historic District Commission for a term to end 06/30/2024. Seconded by Mr. Wise. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Shaw YES, Butler YES. Motion carries 5-0-0.

MOTION: Mr. Mandile move that the Board of Selectmen appoint Peter Pendergast to the Historic District Commission for a term to end 06/30/2023. Seconded by Mr. Wise. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Shaw YES, Butler YES. Motion carries 5-0-0.

MOTION: Mr. Mandile move that the Board of Selectmen appoint as Alternate Members, Lisa Sprunger and Karen Beane to the Historic District Commission for a term to end 06/30/2024. Seconded by Mr. Wise. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Shaw YES, Butler YES. Motion carries 5-0-0.

➤ Housing Authority – State Appointed:

MOTION: Mr. Shaw move that the Board of Selectmen re-appoint Alisa Anwer to the Housing Authority (state appointed) for a term to end 06/24/2024. Seconded by Mr. Mandile. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Shaw YES, Butler YES. Motion carries 5-0-0.

➤ Open Space Committee:

MOTION: Mr. DeMers move that the Board of Selectmen appoint Kathleen Rogan to the Open Space Committee for a term to end 06/30/2024. Seconded by Mr. Mandile. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Butler YES, Shaw YES. Motion carries 5-0-0.

➤ Recreation Committee:

MOTION: Mr. Wise move that the Board of Selectmen re-appoint Mark Kaferlein and Kiel Dzivassn to the Recreation Committee for a term to end 06/30/2024. Seconded by Mr. Mandile. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Shaw YES, Butler YES. Motion carries 5-0-0.

➤ Scholarship Committee:

MOTION: Mr. Mandile move that the Board of Selectmen appoint Dr. Patrick Dillion to the Scholarship Committee for a term to end 06/30/2024. Seconded by Mr. Shaw. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Butler YES, Shaw YES. Motion carries 5-0-0.

➤ Town Scholarship Committee:

MOTION: Mr. Shaw move that the Board of Selectmen re-appoint Jane Keegan to the Town Scholarship Committee for a term to end 06/30/2024. Seconded by Mr. Wise. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Butler YES, Shaw YES. Motion carries 5-0-0.

MOTION: Mr. Shaw move that the Board of Selectmen appoint Dr. Patrick Dillion to the Town Scholarship Committee for a term to end 06/30/2024. Seconded by Mr. Wise. Roll Call Vote: DeMers YES, Wise YES, Mandile YES, Butler YES, Shaw YES. Motion carries 5-0-0.

➤ Virginia Blanchard Scholarship Committee

MOTION: Mr. DeMers move that the Board of Selectmen re-appoint John Wise to the Virginia Blanchard Scholarship Committee for a term to end 06/30/2024. Seconded by Mr. Butler. Roll Call Vote: DeMers YES, Wise RECUSED, Mandile YES, Shaw YES, Butler YES. Motion carries 4-0-1. (Wise – Recused)

5) TOWN MANAGER UPDATE

1. HCAs – Commending the continued discussion surrounding this and moving forward; Uxbridge is doing a great job being knowledgeable and cannabis-friendly to the industry. Continued correspondence coming from manufacturing and cultivating operators wanting to come to Uxbridge!
2. Medline – Installing largest commercial rooftop solar array (6.7 Megawatts) of the Commonwealth here in Uxbridge; in conjunction with Intersolar of New York City – this solar array will generate about 8 million kilowatt hours annually when completed. Jesse Greenberg, GM, meeting with Steve tomorrow.
3. New in IT –Tim Wahl working with Patrick Mistler – We welcome him to our IT department!
4. Superintendent News – Dr. Frank Tiano’s last day is Tuesday, June 29th; We welcome Dr. Pat Dillion July 1st.
5. Conservation Position – Posted with no interest as of yet.
6. Survey Study completed – Survey for Entry level salary in Uxbridge – data is back, only needing review. Retention is key!
7. Mr. Sette – Going on vacation the end of the week through the first week of July.

6) MEMBER ISSUES & COMMENTS

Mr. Mandile thanked members of the Board and Mr. Sette for the open minded, all-inclusive discussions on HCAs – a state-wide controversial topic that we discussed with class and dignity each time.

On behalf of the Board, Mr. Wise thanked Dr. Tiano for his time as Superintendent, wishing him luck on future endeavors, and welcomed Dr. Dillion to Uxbridge, as Superintendent.

7) MEETING MINUTES

May 10, 2021

MOTION: Mr. Mandile made a motion that the Board of Selectmen approve the meeting minutes of May 10, 2021 as crafted. Seconded by Mr. Shaw. Roll Call Vote – DeMers ABSTAIN, Wise ABSTAIN, Mandile YES, Shaw YES, Butler YES. The motion carried 3-0-2.

May 24, 2021

MOTION: Mr. Shaw made a motion that the Board of Selectmen approve the meeting minutes of May 24, 2021 as amended. Seconded by Mr. Butler. Roll Call Vote – DeMers ABSTAIN, Wise ABSTAIN, Mandile ABSTAIN, Shaw YES, Butler YES. The motion carried 2-0-3.


June 14, 2021

June 14th minutes tabled until next meeting: Monday, July 12, 2021.


8) ADJOURNMENT: NEXT REGULAR BOARD OF SELECTMEN MEETING: **MONDAY, JULY 12, 2021**

MOTION: Mr. Mandile made a motion that the Board of Selectmen adjourn its meeting of June 28, 2021 at 8:24 PM. Seconded by Mr. DeMers. Roll Call Vote – DeMers YES, Wise YES, Mandile YES, Shaw YES, Butler YES. The motion carried 5-0-0.

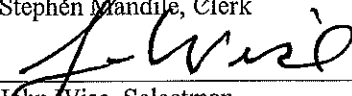
Minutes respectfully submitted by Alexandra Clauss
June 28, 2021 minutes approved by the Board of Selectmen:



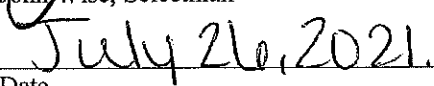
Brian Butler, Chair



Stephen Mandile, Clerk

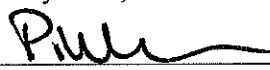


John Wise, Selectman



Date

Jeffrey Shaw, Vice Chair



Peter DeMers, Selectman