



TOWN OF NORTON
SELECT BOARD
MUNICIPAL CENTER
70 EAST MAIN STREET
NORTON, MA 02766

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Select Board
Meeting Minutes
December 16, 2021

I. **Call to Order by Chair**

The December 16, 2021 meeting of the Norton Select Board was held remotely (Web: <https://us02web.zoom.us/j/6391519600>; Phone: 646-558 8656; Meeting ID: 639 151 9600), and was called to order at 7:04 P.M., by Mr. John Conway, Chair. Member(s) present: Ms. Megan Artz, Ms. Renee Deley, Ms. Christine Deveau, and Mr. Michael Toole. Also in attendance: Mr. Michael D. Yunits, Town Manager.

II. **Public Comment**

Mr. Peter Wiggins informed everyone that he got his COVID-19 booster shot today.

III. **Appointments/Resignations/Retirements**

1. Appointment of Steven L. Bernstein to the Water/Sewer Commission.

Mr. Yunits requested that this be put off until the first meeting in January when the Water/Sewer Commission could be there because it is a joint appointment, which the Board agreed to.

IV. **Licenses and Permits**

1. 2022 License Renewals.

The 2022 License Renewals specified on the "2022 License Renewals" document presented to the Select Board at the December 16, 2021 Select Board meeting were all approved as written.

CV:

HH & SH Corporation d/b/a
Main Street Pizzeria
63 East Main Street

CV

New England Rodeo
185 N. Washington St

CV
Live Entertainment

Produce Barn Incorporated
d/b/a Produce Barn
72 Mansfield Ave.

CV

Goosebrook Garage & Recycling LLC
d/b/a Goosebrook Garage
36 Dean St.

Old Colony Cars, Inc.	Class II
350 Old Colony Road	
(Subject to receipt of \$25,000 bond)	

The Board discussed whether or not to vote to renew Goosebrook Garage & Recycling LLC's Class II and Class III licenses with contingencies or hold off until the requirements are met. Mr. Toole said he would be in favor of voting with contingencies and Ms. Artz agreed. Ms. Deley pointed out that this is a different situation where this licensee continues to not adhere to requirements of the Town.

Mr. Conway asked if they planned to have any straggler licensees that the Board might have to have another meeting to vote on. Mr. Yunits said he didn't plan to and asked the Select Board's Secretary, Ms. Jennifer Reid, how many were left. Ms. Reid answered that there were two licensees who had yet to submit their renewal applications. Mr. Yunits stated that these licensees should suffer the consequences for not getting the paperwork in. Mr. Toole suggested or questioned if they should implement fines for being late. Mr. Yunits proposed warning licensees that if they are late, they will be treated as a new licensee and have to go through the whole process again.

1. Norton Lady Junio Lancers 10U and 12U Cheerleaders Headed to Nationals.

Select Board – Agenda 12/16/2021

Henri A. Yelle Elementary School where there will be a celebration for them at the pit field at 10:30 A.M.

Ms. Allison Murry Chancey (coach) recognized all of the hard work of both teams. Ms. Melanie Massouda (Mayer) (coach) recognized the cheerleaders and thanked the Town for its support.

Mr. Conway congratulated the teams as well.

A resident named Tory recognized the great community and town for the way everyone came together to recognize and support the cheerleaders and emphasized that it is truly great.

2. Wreaths Across America.

Mr. Conway announced that Saturday, December 18th at 12:00 P.M. is the Wreaths Across America ceremony at the Norton Town Cemetery. Ms. Deveau added that if people still want to donate and buy a wreath, the contributions will go towards next year's event.

3. Parents' Night Out.

On Monday, December 20th it is Parents' Night Out at the Norton High School. It is \$20 per child with a \$50 family cap. Drop off your little ones with Norton High School students and chaperones and enjoy a night out. Get your Holiday shopping done, go out to dinner, or just relax.

4. National Business Honor Society Bingo Event.

The National Business Honor Society is running a family holiday bingo at the Norton Public Library in the Community Room on Saturday, December 18th from 11:00 A.M. to 2:00 P.M. The event is for people of all ages and gift baskets and prizes are available to be won throughout the event.

VI. Business

A. New Business

1. Discussion and/or Vote to Award the SERSG DPW Services for 2/1/22 – 1/31/23.

Mr. Yunits referred to the last three pages of the document and pointed out in comparison to last year, which was a three-year contract, they are holding to the prices and there are no increases.

MOTION was made by Mr. Toole to approve awarding the SERSG DPW Services for 2/1/22 – 1/31/23. Seconded by Ms. Deveau. Vote: Ms. Deley – Yes; Ms. Artz – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

2. Discussion and/or Vote to Approve the HCA to Queensbridge.

Ms. Deley informed the Board that the applicant has been working with the Economic Development Commission (EDC) and then herself and Mr. Yunits negotiating the Host Community Agreement (HCA) since May. She advised that the EDC prepared a document to speak to the comments the EDC had with the applicant.

Ms. Laura Parker of the EDC was also present. Ms. Parker stated that this is a proposal by Queens Bridge for a cultivation, manufacturing, and transportation license. She went over the strengths and concerns with this application (see attached). Ms. Parker pointed out that this would be the first cultivation license they would issue and would expect them to engage with the public to address issues, concerns, and provide information. She further stated that the EDC believes it would be beneficial to have someone with experience involved with the day-to-day operation.

Ms. Deley reminded the Board that when they were amending the bylaws for marijuana to be allowed in town, the main issue that was brought up many times was the concern of odor resulting from cultivation, so the EDC wanted to not only understand the business operation, but the impacts it would have on the community and addressing the concerns regarding odor that were previously raised amongst other things.

Summary of Proposal of Queensbridge Cannabis:

Key Points:

- Cultivation, marijuana product manufacturing, and transportation;
- Proposed location 0 South Washington Street (Lot 1);
 - \$1.5 million self-funding through HCA and licensing process; \$8.5 million letter of intent and Term Sheet (Acquisition of property if needed and full construction);
- Prefabricated square metal building;
- Interior of building, 4 flower room, hallway (with irrigation);
- Building envelope, building ventilation, and building/odor exhaust equipment to address odor concerns;
- Framed and insulated steel building; grow rooms have manufactured steel paneled rooms to control odor;
- Insulated metal wall and ceiling panels;
 - Building Ventilation: flower rooms, vegetation rooms, harvest & drying rooms, hallways, storage, common areas (
 -
- entrance, bathrooms, locker and break rooms, security/mechanical spaces); mini-splits used on walls so no air exchange;
- Odor mitigation would have closed-loop system where each room would have its own pressed unit with air circulated and air scrubbers in the rooms and exhausted with existential stations;
- Quest Climate systems are widely regarded as the most technologically advanced, reliable, and energy efficient HVAC option in the Cannabis Cultivation Industry;
- Compressor Wall: Quest Compressor Wall system is a closed-loop ducted system that intakes approximately 10% outside air into the supply portions of the ductwork;

- CleanLeaf CL2500D-CCP – 2100 CFM Odor Mitigation & Filtration System; and
- Pro-guard Defender DXM.

Ms. Deley asked Ms. Tiffini Isom, the Chief Executive Officer of Queens Bridge Group, Inc., to provide more information on the location. Ms. Isom stated that it is 0 Washington Street (Lot 1), Norton, MA (Map 24, Parcel 62). Ms. Deley pointed out that this is in the industrial park towards the Taunton line. Ms. Deley asked for context to be provided in reference to the changes that had been made, such as the lack of experience in the field and mentioned that they had hired a consultant. Ms. Isom responded that one of the things they stressed is the Cannabis Control Commission (CCC) requires you to enter into relations before approval creating a unique situation. Ms. Isom reported that this is when she reached out to Mr. Zack Pilcher since he has the experience and explained that he would be needed once they have the license because he would be assisting with the business operations. Mr. Pilcher said he has over 10 years of experience in this industry, specializes in cultivation and manufacturing, but also focuses on product accountability, security management, etc.

Ms. Deley brought up the issue of the property being surrounded by a lot of wetlands and Ms. Isom stated that they did consider this and they believe they have enough frontage away from the wetlands, but would confer with Conservation Commission

Mr. Toole asked what other surrounding towns have cultivation. Ms. Deley said Mansfield and either Franklin or Bellingham have it now, but there was an issue in one of the last two regarding odor. Ms. Deley stated that with working with town counsel, they addressed the issue of odor within the HCA with the closed-loop systems.

Mr. Toole pointed out that from sitting on the EDC and sitting here now on the Select Board, the team has changed drastically and asked if this is the team they plan to move forward with, which Mr. Isom confirmed it would be and that the changes that had been made were in result of EDC's recommendations.

Ms. Parker looked for clarification from a comment made by Ms. Isom that they applied with another town regarding cultivation and manufacturing. Ms. Isom clarified that they had applied to Seekonk, but there was only one license available with several groups of applicants, so they have not entered into any HCAs with any other towns.

Ms. Deley provided the following overview of the HCA:

- Community impact fee will be 3% of the gross price of sale of marijuana
- Community benefit payment of \$40,000 for annual substance abuse and mental health services;
- Sales tax, which won't affect them;
- Responsible for permit and connection fees (and consulting fees), such as with the wetlands issues;
- Police officer training to be done chronologically (wouldn't be applicable until the Police Department has their fourth officer trained);
- Annual charitable and nonprofit contribution of \$25,000;
- Odor control technology through closed-air system (conditions through special permit);

- If the Town receives three or more complaints for odor, the company is required to come before the Select Board and implement remediation to odor issues; the applicant will be notified; and
- If there is a fourth complaint and odor complaints haven't been properly addressed, the Select Board has the right to terminate the HCA.

MOTION was made by Ms. Deley to approve the HCA with Queens Bridge as presented. Seconded by Ms. Deveau. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Ms. Deveau – Yes; Mr. Toole – No; and Mr. Conway – Yes. MOTION CARRIES.

3. Discussion and/or Vote to Authorize the Town Manager to Execute the Certificate of Donation and Entity Authorization Regarding 0 N. Washington Street for the Norton Rail Trail Project.

Mr. Yunits explained that this comes down to the issue where this is land that the Town didn't even know it owned. He informed the Board that they found out from part of the title search that some of the parcels along the railroad right-of-way were never taken by the railroad and instead were just granted the right to use the land. The Town Manager advised that this would give rights to construct the Rail Trail across this property.

Mr. Toole questioned if Norton owns the land or if Mansfield does. Mr. Yunits answered that right now Norton is giving an easement, but the MFN (Mansfield-Foxboro-Norton) is working towards resolving the title issues so Mansfield will own it. Mr. Toole stated that he would rather keep control over the land. Mr. Yunits stated that the Assessor's Map doesn't even show it as Norton's and wouldn't have even come up if it wasn't for this title search (Mansfield purchased these properties through bankruptcy). Mr. Yunits questioned why Mr. Toole would want to keep this land and pointed out that there is a sewer pipe on it, which the Mansfield-Foxboro-Norton sewer district will be working to resolve the title issue and right now the Town is granting an easement to construct the Rail Trail. The Town Manager clarified that right now they are just looking to grant the easement to construct the Rail Trail and down the road, Mansfield will come to Norton to obtain the land, MFN will have the property appraised, and the Town can either give it to them or they can offer a certain amount, but either way they will obtain the property if not by eminent domain.

Mr. Conway clarified that right now they are just granting donating the easement. Mr. Yunits added that the easement is going to the State to build the Rail Trail. Mr. Conway expressed that he understood Mr. Toole's point with the terms "donation" vs. "easement." Mr. Yunits reminded the Board that at the most recent town meeting the Town appropriated \$700,000 to obtain these easements and expressed that he is hoping that these owners of land, who don't even know they own it, will donate it rather than have the Town go through the process of buying them off of them. Mr. Conway pointed out that it is only 9,078 square feet of land that it is somewhat "useless" land for any other purpose and the Town wants the Rail Trail and expressed his support.

MOTION was made by Ms. Deley to authorize the Town Manager to execute the Certificate of Donation and Entity Authorization Regarding 0 N. Washington Street for the Norton Rail Trail Project. Seconded by Ms. Deveau. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Ms. Deveau – Yes; Mr. Toole – Abstain; and Mr. Conway – Yes. MOTION CARRIES.

B. Old Business

1. Review and/or Vote to Approve the Mitigation Grant Agreement with American Outdoor Advertising II, LLC.

Mr. Yunits advised that town counsel has not finished reviewing the agreement, but American Outdoor Advertising II, LLC wanted to know if the Select Board had any questions at this time. Attorney David Manoogian stated that he represents the applicant and hopes that the supplemental information they sent, which he believed to be straightforward, was helpful and asked if there were any questions. Attorney Manoogian expressed that they were hoping town counsel would be on the call to answer the question of whether or not the Town could enter into multiple mitigation agreements, which he was adamant that they could. Mr. Conway asked that if the Board would consider item #3 (Discussion and/or Vote to Authorize Carroll Advertising LLC's Transfer of Ownership to Outfront Media, LLC) under Old Business on this agenda because they are very contingent on each other.

Ms. Deley questioned if there was any free time for the Town to advertise on the sign. Mr. Yunits answered there was and added that the Commonwealth MA gets 15 hours/month for each digital face and that is a minimum, so if there is more available, the Town could have more. Ms. Deley referred to Paragraph 13 of the agreement and asked if they could change the language from one year of installation to three years, which Mr. Yunits said had no problem with that and neither did Attorney Manoogian. Mr. Toole clarified that this agreement is for 36 months, which Mr. Yunits confirmed.

Mr. Toole and Mr. Conway expressed that they would like town counsel present to answer questions and clarify points of confusion, like the term "exclusivity" and asked to see if the Board would like to put this off until their next meeting. Attorney Manoogian pointed out that they have a hearing before the Planning Board on January 4, 2022 as does Carroll Advertising, and without the Board's vote to approve the Mitigation Agreement, it would be killing the competitive argument they have and creating a disadvantage. Mr. Yunits stated that their hearing will probably be more than one meeting with the Planning Board and he will make sure that this is addressed prior to then and advised that he would contact town counsel and also having them on for the Select Board's agenda on January 5, 2022, which they agreed to.

2. Discussion and/or Vote to Authorize Carroll Advertising LLC's Transfer of Ownership to Outfront Media, LLC.

Mr. Yunits stated that Mr. Carroll currently has a digital billboard at 3 Lopes Drive, which he is looking to sell to Outfront Media, LLC, but the Board would have to agree to the transfer. Mr. Yunits asked that they do so, but get paid the balance of the mitigation fee that is owed to the Town and Outfront Media will abide by the terms outlined in the previous agreement (Items 4,5, 6, 7, 9, 11, 12, 13, and 14).

Ms. Deley clarified that in the Mitigation Agreement it allows for two signs and asked if this would apply to the new owner, which Mr. Yunits stated it would not and it is only for the one sign and they would have to agree to the previously mentioned items. Ms. Deley asked to have those items outlined in the letter, make the installation three years instead of one, and remove the traffic study. Mr. Yunits asked how much of the mitigation payments is left and Mr. Carroll answered \$255,000.

MOTION was made by Ms. Deley to authorize Carroll Advertising LLC's transfer of ownership to Outfront Media, LLC with all the stipulations and agreements as outlined by Ms. Deley. Seconded by Mr. Toole. Vote: Ms. Deley – Yes; Ms. Artz – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

3. Discussion and/or Vote Regarding Open Meeting Law Complaint Regarding Oasis of Tranquility, Inc.

Mr. Yunits explained that the Board received an Open Meeting Law (OML) complaint and town counsel was directed to send a response to the Attorney General's (AG) Office. Mr. Yunits explained that town counsel is looking for the Board's authorization to send the letter prepared to the AG's office. He read the last paragraph of the first page for the record as follows:

"The Town submits that the notice for its September 30, 2021 meeting, containing an item to discuss a request by Oasis of Tranquility for a host community agreement, was properly posted more than 48-hours in advance of the meeting. Further, the Open meeting Law does not require the Town to notify any particular entity or person that it/they will be discussed in an open meeting. The Board submits further that whether and how the Board chose to exercise its discretion as to execution of a host community agreement is not an Open Meeting Law Issue."

Mr. Yunits stated that the Town posted the meeting as required 48-hours in advance with an agenda and those items were addressed. Mr. Toole stated that this was submitted by Elizabeth E. Craig on behalf of Oasis of Tranquility. Mr. Conway summarized that the agenda was posted on September 28th, the Board did not meet on September 29th, and in fact met on September 30th, the item was on the agenda, and they are not required to notify individuals that a certain item will be discussed/heard. Ms. Deley suggested adding the time-stamp of the agenda into the letter to make it easier for the AG to consider in their review.

MOTION was made by Mr. Toole to authorize the response regarding the Open Meeting Law complaint by Oasis of Tranquility, Inc. from KP-Law to the Attorney General. Seconded by Ms. Deley. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

C. **Town Manager's Report**

1. Building Project Update.

Mr. Yunits informed the Board that the Permanent Building Committee (PBC) voted to recommend that DBVW be hired as the architect for the Senior/Community Support Center and Town Hall. He stated that the next step is they will need to negotiate a contract.

VII. **Select Board's Report and Mail**

Ms. Deley reported the following:

1. Exit 10 LLC reached out to Ms. Deley to let her know that they have signed a Purchase and Sale Agreement and are moving forward.

2. Lucky Green Ladies (LGL) hasn't received provisional license as of two weeks ago because their application wasn't complete and background checks needed to be done. She advised that she met with Mr. Paul DiGiuseppe, the Director of Planning and Economic Development, to go over the special permit and site plan so they will be ready for their provisional license.

3. Solar Retail Norton looked like it did its closing and appear to be on track to be open at the end of December or beginning of January.

VIII. **Meeting Minutes**

MOTION was made by Mr. Toole to approve the minutes of October 14, 2021. Seconded by Ms. Deveau. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

Ms. Deley asked to have draft forms of the Minutes put on the town website. The Board asked to have Minutes put as item numbered three (following Public Comment) on the agendas from now on in order to prioritize approving them.

IX. **Warrants**

Report of Chair, John Conway, on the following Payroll and Invoice Warrants:

A. Payroll Warrant PR22-13 for the week ended December 11, 2021, Warrant dated December 16, 2021, in the amount of \$1,529,309.89.

B. Invoice Warrant AP22-25 dated December 16, 2021, in the amount of \$93,246.29.

X. **Other Business**

There was no other business to discuss.

XI. **Next Meeting's Agenda** – January 5, 2022.

XII. **Executive Session.**

1. To discuss strategy with respect to litigation, i.e. Bella Music, pursuant to G.L. C. 30A, Section 21(a)(3).

XIII. **Adjournment.**

DECLARATION BY THE CHAIR:

I declare, under General Laws Chapter 30A, §21(a)(3), that the purpose of the executive session will be to discuss strategy with respect to litigation, i.e. Bella Music, because a discussion of the strategy in open session could compromise the purpose of the executive session and with the Board to not return to open session at the conclusion of the executive session.

Queensbridge

Strengths:

- Experience in their senior management in the area of security given the backgrounds of both the COO and CSO in the Rhode Island Department of Corrections
- Experience in marketing and strong marketing plan for their product
- Hired a botanist who clearly has a high level of experience and education in growing marijuana and who will be an asset to the company
- Odor mitigation plan utilizing Quest Climate (also used by Curaleaf and Cresco Labs)
- Alluded to experience in legacy market

Concerns:

- Lack of prior experience of the company's senior management in the marijuana industry in general and specifically in the areas of commercial cultivation and large scale manufacturing (including in the legacy industry).
- Lack of experience in business management.
- Financial projections and yield projections seem overly optimistic and without back up support (operational risks could arise with environmental controls such as odor mitigation, waste disposal, and physical security if projections are not realistic)

Given that the first cultivation applicant with whom Norton enters into an HCA is going to be met with considerable public and Board scrutiny during the permitting process, the EDC feels they might have an easier path if they had someone on staff with first-hand knowledge mitigating the types of issues and concerns related to commercial cultivation and manufacturing.

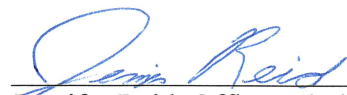
As this is a relatively new permitted industry in MA, we fully understand that in-state opportunities for gaining practical experience are somewhat limited. However, the majority of our retail applicants that we saw recognized that weakness and brought with them corporate partners, consultants and / or lawyers with vast experience in the marijuana industry and regulations to guide them and remain on staff after the opening of the business. In addition, there is no individual in the senior management who has commercial cultivation or manufacturing experience in any other industry that would demonstrate an understanding of the resources that they need to utilize, the waste that they need to manage, and in general how to run the large scale operation they are proposing.

Given the product being produced and the highly regulated industry, we would feel more comfortable if the company had employees in upper management, partners or paid consultants with commercial, large-scale grow and manufacturing experience.

MOTION was made by Mr. Toole at 9:28 P.M. for the Board to go into executive session under G.L. c.30A, §21(a)(3) for the purposes and reasons declared by the Chair and with the Board to not return to open session thereafter. Seconded by Ms. Deley. Vote: Ms. Artz – Yes; Ms. Deley – Yes; Ms. Deveau – Yes; Mr. Toole – Yes; and Mr. Conway – Yes. MOTION CARRIES.

URL Link: <https://www.youtube.com/watch?v=tTIMIIcBoW8>

Respectfully Submitted by:



Jennifer Reid, Office Administrator

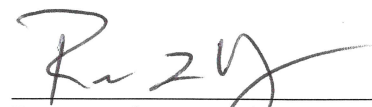
**SELECT BOARD
MINUTES OF MEETING
DECEMBER 16, 2021**

John Conway, Chair

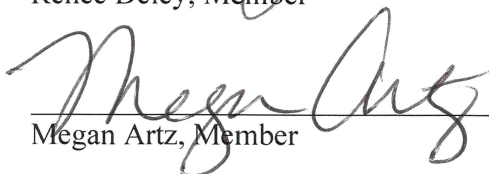
Michael Toole, Vice-Chair



Christine Deveau, Clerk



Renee Deley, Member



Megan Artz, Member

Minutes Approved by Board on: 01/05/22