



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

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**Select Board
Meeting Minutes
August 30, 2023**

I. Call to Order by Chair

The August 30, 2023 meeting of the Norton Select Board was held at the Norton Media Center, 184 West Main Street, Norton, MA 02766 as well as remotely (Web: <https://us02web.zoom.us/j/83225589285>; Phone: 646-558 8656; Webinar ID: 832 2558 9285), and was called to order at 7:02 P.M., by Mr. Kevin Snyder, Chair. Member(s) present: Mr. Steven Hornsby, Mr. Alec Rich, III, Ms. Megan Artz, and Ms. Denise Luciano. Also in attendance: Mr. Michael D. Yunits, Town Manager.

II. Appointments/Resignations/Retirements

Appointment of George Guptill as Highway Department Foreman.

MOTION was made by Mr. Hornsby to approve the appointment George Guptill as Highway Department Foreman. Seconded by Ms. Artz. Vote: Unanimous. MOTION CARRIES.

III. Business

A. New Business

1. Presentation of Certificate of Appreciation to Robert Medeiros.

Mr. Rich read the Certificate of Appreciation to Mr. Robert Medeiros as follows:

“In recognition of 40 years of dedicated service to the People of the Town of Norton. We wish you all the best in your future endeavors and hereby extend our deepest gratitude to you for your friendship and your contributions to the betterment of our community.”

2. Discussion and/or Vote on Extending Delivery HCA with Lucky Green Ladies.

Mr. Snyder emphasized that a big/major reason the Board decided to have this meeting this evening was because the current Host Community Agreement (HCA) expires on August 31st, which is tomorrow. The Chair advised that the main point tonight is to vote as to whether or not to grant the extension of the HCA. Mr. Snyder instructed that all discussions of this meeting should be the topic as printed in the agenda and per town counsel and in accordance with Open Meeting Law (OML), all discussions are to be limited to determining whether or not to extend the current HCA and this is applicable to the Board, the Town Manager, to the Select Board designee, and representatives from Lucky Green Ladies. Mr. Snyder stated that Ms. Renee Deley, Select Board designee, and Ms. Alissa Nowak, owner of Lucky Green Ladies, will be able to speak first.

Mr. Hornsby questioned when it was determined that the agenda item was simply to just grant the extension versus discussing the HCAs when he has been asking for two weeks now to have this

emergency meeting and discuss the HCAs. Mr. Snyder said he doesn't have a specific time and date, but the point is to determine the granting of the extension this evening and then at a future meeting, they can discuss the current HCAs.

Ms. Deley stated that she is conscious of the current expiration date of August 31st and she recommended extending the current agreement for 6 months because Ms. Nowak has hit delays as far as getting the site prepared and didn't want this current one to expire and then have to resubmit to the Cannabis Control Commission (CCC) and delay things further. Ms. Deley advised that she believed that would bring them to March 1, 2024.

Mr. Yunits added that he hopes it wouldn't take 6 months and advised that they should be done sooner than that, but by granting the extension for 6 months, that leaves them room so they don't have to come back right away.

Mr. Hornsby explained that his understanding was that the point of the meeting was the expiration of the current HCA and then questioned why this is urgent now, but it wasn't before to get on an earlier agenda. Ms. Deley said it was just a timing issue. Mr. Hornsby questioned Mr. Yunits as to why this wasn't on the August 10th Select Board agenda and Mr. Yunits answered that he wasn't sure.

Mr. Rich stated that from what he has gathered, Ms. Nowak would like to do modifications to the current agreement. Ms. Deley responded that she could not discuss that in open session because they are currently in negotiations and added that she can only speak to the extension itself.

Ms. Nowak stated that her request for a meeting was to discuss all of the HCAs (current and ones being negotiated), but will respect the Board's decision to just discuss the extension. She explained that she didn't want to extend her current HCA for the proposed 6 months because she should be open in 6 months and is on the September 1st CCC agenda; so, while she appreciates the 6-month extension, she wants to relinquish herself from her current HCA agreement. She informed the Board that at the time when she entered into her current HCA, the market was much more competitive, she had a different location, and the laws have changed, but now, the industry as a whole has changed and the circumstances around her business have change. Ms. Nowak stated that she is open to working with the Town. She advised that because of the new law, the Town is getting an additional 1% revenue. Ms. Nowak said she was uncomfortable committing to the donation amount. Mr. Snyder asked when she plans to open and Ms. Nowak replied that she is hoping in 2 months, but if not 2 months, then, 3 months. Mr. Snyder emphasized they have to be careful discussing these contracts in open session. Ms. Nowak asked if she was faced with extenuating circumstances and she finds that she can't open in 3 months if she could come back to the Board and Mr. Snyder stated that it is the Select Board's authority to negotiate and grant extensions; so, while he can't predict the future, he doesn't see why they wouldn't be able to. Ms. Nowak explained that she has been having a lot of issues with the landlord and work that needs to be done at her location has delayed her 5 months.

Ms. Nowak's legal counsel, Attorney Nick Obolensky, came forward to speak on behalf of Ms. Nowak as follows:

- Almost impossible to discuss the reasoning for extending the contract without speaking to the other HCAs;
- Questioning why the Board put this topic on the agenda as it did;
- Stated that Ms. Nowak could extinguish her current HCA and the Board could allow her to create a new one that is in line with the current laws and statutes;

- Mr. Snyder stated that he disagreed with that comment because that would be involving discussing a whole different HCA, which isn't on the agenda;
- This is a meeting as to the request of LGL not only to discuss the extension but all of the agreements and questioned who made the request and determined this agenda item. In response, Mr. Snyder advised that he did and it falls within his right as the Chair of the Select Board to make that determination;
- Ms. Deley stated that part of the reasoning for this meeting was from a recommendation from Ms. Deley and Mr. Yunits to simply grant an extension because there is a clause in the agreement that if it expired, then Ms. Nowak would have to do the process all over again.

Mr. Rich suggested extending the current HCA and have it become effective for when she opens so it is fluid. Mr. Rich expressed that with the tables that were provided, sooner rather than later would benefit both parties. Mr. Snyder stated that they want to extend it where it is fair to both the Town and to LGL.

Mr. Hornsby expressed that this whole thing is strange to him because both Mr. Snyder and Mr. Yunits knew about this on August 2nd and the Board should have been notified at their August 10th meeting and emphasized that not notifying them is unacceptable.

MOTION was made by Mr. Hornsby to extend the HCA for 60 days with the stipulation that the new HCA is negotiated and completed by then and if not, then the negotiations come back to the Select Board. Seconded by Mr. Rich. Vote: 2 – Yes (Mr. Hornsby and Mr. Rich) and 3 – No (Mr. Snyder, Ms. Artz, and Ms. Luciano). MOTION FAILS.

During the discussion of the motion, Mr. Snyder cautioned the Board with having language such as this in the motion. Mr. Yunits asked what the logic was behind having that language. Mr. Hornsby replied that the logic is that the negotiations began in January and it is now the end of August, so another 2 months should complete the HCA negotiations and if not, then it should come back to the Board and the Board isn't being properly updated. Mr. Snyder responded that he wasn't sure if the language within the motion was legal and Mr. Hornsby stated that he also asked for town counsel to be present at this meeting and they aren't there. Mr. Snyder suggested 90 days.

Mr. Hornsby stated that this has gotten out of hand at this point because the Board wasn't even aware of it until the applicant had to reach out to all Board members, their State Representatives, the CCC members, and the Town Manager because she wasn't getting any movement.

MOTION was made by Mr. Snyder to extend the Delivery Host Community Agreement for Lucky Green Ladies for 90 days. Seconded by Ms. Artz. Vote: Unanimous. MOTION CARRIES.

Ms. Deley addressed the Chair and stated that if the Board would like an updated timeline of the negotiation process (not any negotiation details, but the timeline), she would be happy to do so. After Mr. Hornsby replied that that this wasn't part of the extension discussion, he told Ms. Deley that he would like the timeline and the details of the negotiations. Ms. Deley stated that they would have to talk to town counsel about whether or not they could do that. Mr. Hornsby argued that they should be able to do so because the Select Board is the governing authority that approves it, so there is no reason why she couldn't give that to them. Mr. Hornsby asked if the rest of the Board could be part of that discussion with town counsel and in response, Mr. Snyder stated that he can be part of any discussion that he wants. Ms. Deley advised that there just can't be a quorum of the Board. In the end, Mr. Snyder advised that he would talk to town counsel about this. Ms. Nowak addressed the Board and stated that she too created a timeline of the negotiation process and suggested sharing hers with the Board as a point of comparison.

3. Discussion and/or Vote on Town Meeting Articles.

Mr. Yunits provided a brief summary of the request of Mr. Robert Kimball on behalf of the Norton Historical Society stating that the Historical Society is looking to have two articles placed on the warrant for the Fall Town Meeting for 18 West Main Street: one is to tie the property into sewer, which is town-owned property and the other is for the paving of the Norton Historical Society's parking lot. Mr. Yunits stated that he would like to see if they would be agreeable to have those two articles on the warrant from the Select Board. Mr. Kimball expressed a concern with the poor condition of the parking lot and older people possibly falling. Mr. Kimball advised that he is in the process of getting estimates and stated that he knows he has to have at least 3. He noted that there would be a possible expansion of the existing parking lot because there is only room for 8 cars to park, so what ends up happening is people end up parking on the grass or park behind the other parked cars. Mr. Kimball informed the Board that the expansion would only be about 25 feet.

Mr. Kimball moved on to discuss tying into town sewer and stated that the Norton Historical Society currently has a cesspool and they just recently were able to locate where it is because they have never had it pumped. He advised that the property where the Historical Society is now used to be the High School, which was built in 1965, and if he had to guess they tied into the existing cesspool from that building rather than putting in a new system. Mr. Kimball stated that he was shocked to find out that the price for the pump and the gravity feed are almost the same price. Mr. Kimball advised that they are probably leaning towards doing the pump because the other problem they have there is there is ledge. He informed the Board that he has contacted 11 contractors from Norton to do the work and only one has called him back and he said there is no way on Earth that he was going to touch Main Street; so, it is going to be hard to get any contractor to come out and do work on Main Street because they are going to have to continue to chisel through granite. Mr. Kimball advised that they are looking at probably \$25,000 for the sewer line and less than \$20,000 for the expanded driveway/parking lot. Mr. Kimball on behalf of the Norton Historical Society thanked the Select Board for their consideration.

MOTION was made by Mr. Hornsby to agree to put both of those articles on the warrant. Seconded by Ms. Luciano. Vote: Unanimous. MOTION CARRIES.

4. Other Business: Topics Not Reasonably Anticipated 48 Hours in Advance.

There was no other business to discuss.

B. Old Business

There was no old business to discuss.

C. Town Manager's Report

There was no Town Manager's report at this time.

IV. Executive Session.

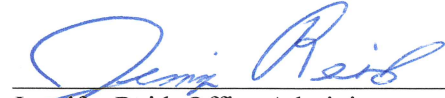
There was no executive session scheduled for this meeting.

V. Adjournment.

MOTION was made by Ms. Luciano to adjourn at 7:49 P.M. Seconded by Ms. Artz. Vote: Unanimous. MOTION CARRIES.

URL Link: <https://www.youtube.com/watch?v=FiIuwoOCi0c>

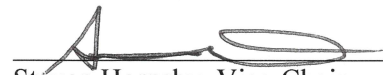
Respectfully Submitted by:



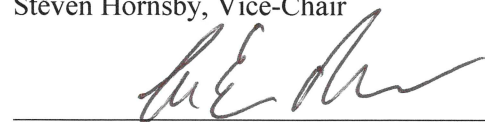
Jennifer Reid, Office Administrator

**SELECT BOARD
MINUTES OF MEETING
AUGUST 30, 2023**

Kevin Snyder, Chair

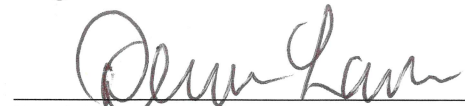


Steven Hornsby, Vice-Chair



Alec Rich, III, Clerk

Megan Artz



Denise Luciano

Minutes Approved by Board on: September 14, 2023