

**TOWN OF BELCHERTOWN  
BOARD OF SELECTMEN'S MEETING MINUTES  
MONDAY, DECEMBER 16, 2019  
Selectmen's Meeting Room, Lawrence Memorial Hall**

**Present:** Ed Boscher, Gail Gramarossa, Jen D. Turner, Brenda Q. Aldrich

**Absent:** Nicholas O'Connor

**Call to Order:** Chairman Boscher called the meeting to order at 7:15 p.m. with the Pledge of Allegiance.

**2) Sign Documents:**

- a) Warrant #2025 was signed for \$ 1,346,107.07 bringing the fiscal year to date total to \$34,061,413.80.
- b) Routine documents
- c) Approval of Minutes: Ms. Turner moved the Board accept the minutes of the following meetings: November 18, 2019, November 25, 2019 and December 9, 2019. Motion seconded by Ms. Aldrich. Motion passes 4 – 0.

**3) Additions to the Agenda:**

**4) Appearances Before the Board:**

- 7:20 – 7:45 p.m. Continuance – Public Hearing to Gauge Community Interest in Change of Name from Board of Selectmen to “Select Board” or Other Appropriate Title: Ms. Turner read the continued public hearing notice for the interest in change of name from Board of Selectmen and opened the public hearing.

Mr. Boscher opened the hearing to the public for comments. Mike Hofler, Belchertown resident had several comments. In the original public hearing several people spoke about the message that this gives our daughters. He wanted to add that it is a message that it gives our sons. It gives all our children the idea that the world does change, that priorities change. It is important that we listen, respect and understand others. He also feels that if we do not make this change it says to the world that we had the opportunity and we looked at it and turned out back and buried our head and decided to live in the last century. It is important that we make this change. He feels we should look at not just the title of board of selectmen but we look at other titles, other board names and department heads on how they are referred to. We need to make the change so we show the world that we are a town that is moving forward and embracing change.

A question was asked about what type of correspondence the board has received regarding the name change. Mr. Boscher remarked that it is overwhelmingly in favor of the change. Ms. Gramarossa agreed. She has received many emails and letters in favor of the change.

Ms. Turner moved to close the public hearing. Motion seconded by Ms. Aldrich. Motion passes 4 – 0.

Ms. Aldrich agreed we should move forward with the name change. She hopes that everyone who wrote in with their comments for the name change attends the town meeting to vote for the change.

Ms. Gramarossa had a few comments regarding questions that came up at the original hearing and she is still doing research. She has had people question other titles and what happens with them. Besides changing the name of the Board of Selectmen do we also change the term chairman/chairperson and just go with “chair” as some other communities have done.

Ms. Gramarossa also mentioned the other question that came up is the cost of doing this. She spoke with both the Mass Municipal Association staff as well as some local communities they indicate that it is somewhat minimal. It was suggested that you just use up the letterhead that you have before purchasing new letterhead with the changed name. The other changes would be what we have electronically so it would use staff time to make the changes there. In speaking with the towns that she has she hasn't heard anything that indicates there is an overwhelming cost to go through the change. Other towns have taken their time with making official changes on paper or in other ways. Even if this gets passed at town meeting it still has to go through the legislation. Many communities have told her that it may take a year or more to officially make the switch.

Ms. Turner appreciated Mr. Hofler's comments regarding including sons in the message we send our children. She appreciates all the comments that the Board has received.

Mr. Boscher thanked Ms. Gramarossa for making this conversation happen. To him it seems like a no brainer that we should change the name. He read every letter that the Board received in favor and against the change. He can't find any legitimate reason not to move forward with the name change.

Mr. Boscher questioned the town administrator as to the next logistical step. Mr. Brougham responded that we will soon begin to put together a list of articles for town meeting and this will be on the list. The board will need to address the secondary question regarding other committees and boards and how they will be addressed. There should be another discussion to firm up any loose ends prior to town meeting.

- 7:45 p.m. D.E.P. Ram Corporation d/b/a Town Mart, 10 Federal Street, Belchertown: Jay Patel a family member of the owner was present for the appearance on behalf of Town Mart. Mr. Boscher thanked him for coming in and remarked that the Board wants to understand what happened. Mr. Patel commented it was a sale violation. A tall, stocky man came in and purchased a can of beer that store clerk, Michelle, sold to him. When he left the store with the

beer, the inspector came in and gave them a violation. They also received notice in the mail from ABCC about two weeks ago.

Mr. Boscher commented the Board has seen their records and they are pretty spotless with no prior violations. This is their first offense in 15 years in any category – tobacco or alcohol.

Ms. Aldrich commented she admires Michelle for being before the Board and thanked her. Michelle commented that she has been working in establishments that sell alcohol for 30+ years and this is the first time she sold to someone underage and it will be the last time. She cards everyone now. She thought that the individual was old enough – he was tall and stocky.

Board members appreciated that Michelle came before them to admit she made a mistake. Mr. Boscher believes her when she says it will not happen again.

Mr. Patel commented that he is TIP certified so he has been passing his knowledge to the other store clerks and he is planning on giving classes to all three employees.

Mr. Boscher commented that he is satisfied with their explanation of what happened and asked the Board for a motion to endorse their wine and malt license. Ms. Aldrich moved the Board endorse the wine and malt license for Town Mart. Motion seconded by Ms. Gramarossa. Motion passes 4 – 0.

- 7:55 p.m. Shree Yamunavallabh Group Belchertown d/b/a Ye Olde Grog Shoppe, 32 Deport Street, Belchertown: Ash from Ye Olde Grog Shoppe was present for the appearance before the Board to discuss the alcohol sale violation at his store. He told the Board that he was embarrassed to have to come before them and that this is his first violation in 19 years. He is the one who mostly runs the business from 10 am to 10 pm with his wife coming in sometime. On that day his wife was at the register and made the sale. Normally she is careful and checks ids but this one got past her. He apologized to the Board.

Board members thanked them for coming in to explain what happened. Ash reported that according to the Board of Health report they have come into his store three times to check for tobacco violations and he has passed all three times. They are not in the business of selling to any minors and they follow the law carefully. He has actually reported incidences to the police department of underage individuals trying to purchase items.

Mr. Boscher remarked that there are some very conscientious business owners in town and they are trying to do their very best. He is confident they will not make the same mistake a second time.

Ms. Aldrich moved the Board endorse the liquor license for the Ye Olde Grog Shoppe. Motion seconded by Ms. Gramarossa. Motion passes 4 – 0.

- 8:10 p.m. Brandon Taylor, American Cannabis – 40 Turkey Hill Road, Belchertown: Mr. Taylor was present for the appearance. He questioned what the Board wanted to hear from him. Mr. Boscher gave a quick overview of what the Board knows about them so far and the locations they chose for their cannabis store. He remarked the Board wants to know where things stand.

Mr. Taylor commented they have put in a proposal for property located on 40 Turkey Hill Road. They have begun negotiating the cost of the parcel and actually heard from the owner today. The property is about 6,000 sq. ft. They are still negotiating the size for the retail establishment. He believes they will come to an agreement by next week.

They are also actively looking at changing their name. They will be dissolving the American Cannabis entity and creating one that is not taken as apparently American Cannabis has been trademarked at the federal level. They are waiting to see if the property proposal materializes and then will find a name that is appropriate for the area.

They are still actively working through a law firm based out of Northampton but are seeking transitioning over to new legal representation. The intent is to help guide them through the rest of the process with the town. They believe they can get through the State licensing with the help of consultants. They vision bringing in consultants that are already licensed in the State that have experience to help them establish the store and standard operating procedures. They have a team experienced in human resources and project management.

He understand that the Cannabis Control Commission has established new trading guidelines that they are having to revise. He wants to stay in good communication with the town so they don't miss anything the town might require.

Mr. Boscher commented he is not aware of any big changes on the town's side. He is concerned that this company has not been represented well. There is not a lot of confidence in what they are trying to do but feels they are making it harder than it has to be. He asked Mr. Taylor for his thoughts on how they could have approached things differently. Mr. Taylor commented that they know they made some bad decisions partially because they are not located here. He had to rely on legal representatives to guide them through the process. They did not have the best guidance and it has set them back. They want to have better communication with the town. They will be more hands on instead of relying on others to do things for them.

Mr. Boscher commented that on the Host Agreement one thing that jumped out at him was the annual charitable, non-profit contributions. American Cannabis has outlined \$600,000 in charitable contributions. That's a lot of money on top of the 3% sales tax, excise tax and impact fees. Mr. Boscher questioned how they plan to pay out that much money. Mr. Taylor informed the board on how he came up with

his statistics. He assumed he would negotiate those numbers with the Board but they feel comfortable with what they put in the Host Agreement. The organizations that they are donating to were chosen by his team and he has not contacted any of them to express their donations to each cause.

Ms. Turner remarked how she is stuck historically not just with this agreement but with another one that the Board signed in regards to the charitable contributions. She has a lot of feelings about it as the feds are starting to look at them and doesn't want to open the town up to any liability. She has concerns about it. She doesn't understand how the contributions get prioritized or the procedures, how it gets decided and doesn't know if it even belongs in the Host Agreement. She reiterated that she has concerns about it the charitable contribution section with all the host agreements. Mr. Taylor commented that they are open to discussion and that their numbers are preliminary. He further commented that maybe the contributions could be separated from the host agreement.

Ms. Gramarossa commented the Board could revisit that. The Town cannot mandate the charitable contributions. When the Marijuana Task Force created the host agreement template there was a consensus that the contributions should be a part of it but again we can't mandate that a business does them. We have signed host agreements with other applicants who have made those commitments.

Ms. Gramarossa had questions as she sees his retail establishment as being a little different than the ones that are already in the pipeline but they are going into existing structures so the Board had an idea of what the store would be. She is wondering if they have had any conversations with any of the abutters that would be near them on Turkey Hill Road. She understands they are in very preliminary stages right now. Mr. Taylor responded that he has not. His real estate agent and the property owner have been in touch with the surrounding businesses. As far as he know there were no negative responses but he will double check on that.

Ms. Gramarossa feels that the Board is far from looking at a host agreement because of where they are in their planning. She feels they are in the very preliminary stages. She also shares the concerns that they have changed the location, changed the name and now are talking about changing their legal representation. She prefers that the community outreach meetings happen before the Board is asked to look at the host agreement.

Ms. Aldrich had no questions. She will hold off until they have their stuff together.

Ms. Turner questioned if they had any additional questions or comments. Mr. Taylor commented he wanted to revisit her concerns with the donations. He asked what the Board proposes. Mr. Boscher commented he had no proposal it just struck him as a decidedly robust contribution. Mr. Taylor remarked that he and the team feel passionate about doing this. Mr. Boscher has concerns that their

business can stay afloat with such large contributions. Mr. Taylor remarked that based on statistical data they can.

Ms. Gramarossa remarked they should look at other communities host agreements. We appreciate their generosity but wants them have a realistic perception of what other businesses are doing.

Mr. Brougham commented that he attended the two community outreach meetings that American Cannabis held. There was a lot of frustration and misrepresentation. He has recently been speaking with Mr. Taylor and he feels that the comments that were made in those meetings are now starting to make sense to Mr. Taylor. They are now looking at a different location. The initial host agreements that were signed did include charitable organizations that were outlined by the Task Force. The last host agreement the Board signed he spoke with Chief Pronovost regarding contributions for the police department and Mr. Brougham proposed the other benefactors. He gave Mr. Taylor a copy of the last host agreement that was signed and Mr. Taylor questioned if there were other charitable contributions that could be considered. He had no idea that they would acknowledge every one of them or the amount of generosity. Mr. Boscher commented that American Cannabis is really far away from deciding the charitable contributions and felt the Board should not discuss them any further tonight. Mr. Brougham questioned the impact fees as the town hasn't really negotiated impact fees with prior applicants.

Mr. Brougham went over the steps that Mr. Taylor will need to take in order to get approval with the town. He is not aware of any changes on the State level other than they are adding additional personal to deal with the backlog of applications. The town administrator questioned if Ms. Gramarossa is suggesting or not suggesting that this should be a one step process – have the outreach meeting, and move on to the host agreement or will it be all simultaneous. She is comfortable with it being simultaneous.

Mr. Taylor hopes to back on the agenda as soon as possible next year to continue the discussion. He did ask the Board if they will be taking the charitable donations out of the host agreement in the future. Mr. Boscher commented that it was too early to answer that.

Ms. Turner asked why American Cannabis chose Belchertown. He and his partners are feel passionate about giving back to communities and organizations. Mr. Taylor commented he feels comfortable in Belchertown. He feels the people are nicer and he likes the environment. He does feel they made a bad decision.

**5) Discussion/Action Items:**

- a. Vote to Endorse 2020 Licenses for Town Mart and Ye Olde Grog Shoppe: The Board voted to endorse 2020 licenses for Town Mart and Ye Olde Grog Shoppe during their appearances before the Board.

- b. Right of First Refusal – Bowler, Chapter 61A – Lots 18.01 and 18.02, Shea Avenue: Mr. Boscher read all of the town administrator's comments regarding this discussion item. He asked Mr. Brougham to bring everyone else up to speed on the right of first refusal.

Mr. Brougham commented that Mr. Bowler is looking to take two lots out of a larger parcel that the Bowler family owns. The remaining acreage will continue to be in the current chapter property that it is in. As with another right of first refusal that the board recently received on George Hannum Road there is no purchase and sale agreement. The planning board took no action on this right of first refusal as there is no purchase and sale agreement. The Board of Selectmen was aware of it on the one on George Hannum Road and declined the right of first refusal. He doesn't see the town buying two building lots and feels the Board could vote on it.

Mr. Brougham understands that the Bowler's are under a tight timeline. They are selling their home and are trying to buy another home at the same time. If the Board does not vote on this it could put them back to square one. He asked that the Board allow Mr. Bowler to speak. Mr. Brougham did say that the statute allows the town 120 days to exercise or decline the right of first refusal from the day we receive a complete right of first refusal notice. Mr. Boscher questioned if the property owner is required to have a purchase and sale agreement. Mr. Brougham confirmed that the purchase and sale agreement is required for it to be a complete notice but did say he doesn't see the town purchasing these lots.

Mr. Bowler addressed the Board. They were trying to sell a home in Palmer and buy a home in Palmer and were up against a time frame. They are not purchasing the house in Palmer now. They have an interested party on the lots and they needed that money if they were purchasing the house. The Chapter 61 complication is that if they were not able to sell the lots now it would be next year before that could happen and they would have lost the house that they wanted. At this time it is a moot point. He is now not looking for anything extraordinary to happen today. If they don't buy the house that they were hoping to they will put the lots on the market and come back with a complete notice including the purchase and sales agreements.

Mr. Boscher remarked that in the future these types of transactions he would not be inclined to allow exceptions to the rule. A purchase and sales agreement should be included at the time the landowner wants to take property out of chapter 61. Ms. Gramarossa was in agreement.

- c. Appointment of Firefighter/EMT: Ms. Aldrich presented the details to the Board. Fire Chief Bock is recommending the appointment of Adam Burdick to the position of Firefighter/EMT contingent on passing his PAT and CORI check and the date to be established by the fire chief. Motion seconded by Ms. Gramarossa. Motion passes 4 – 0.
- d. Appointment of WWTP Laborer: Mr. Boscher presented the details to the Board. Director of Public Works, Williams recommended the appointment of Justin Ryan

to the position of WWTP laborer, effective immediately. Mr. Boscher moved the Board appoint Mr. Ryan as recommended. Motion seconded by Ms. Aldrich. Motion passes 4 – 0.

- e. Authorize Signatory – Boiler Contract: Mr. Boscher asked the town administrator to briefly review the boiler contract. Mr. Brougham commented that the earlier this year the school department had applied for a green communities grant to replace one of the boilers at the high school. The school department received the grant and several weeks ago the Chairman of the Board was asked to endorse the standard contract form. The Green Communities division has requested three or four additional documents. They are asking the Board to identify an additional signatory. The town administrator would be happy to assume that role on behalf of the Board of Selectmen.

Mr. Boscher moved the Board appoint Gary Brougham, Town Administrator to be the additional signatory. Motion seconded by Ms. Aldrich. Motion passes 4 – 0.

- f. Review Great Hills Definitive Subdivision Plan – W.D. Cows, Inc., Gulf Road: Mr. Boscher presented the details to the Board. He reminded everyone that the preliminary plans had come through to keep the zoning bylaws in place at that time. Zoning bylaws were changed at town meeting but the plans came in prior to town meeting so they are under the old zoning bylaws. This is the next step for keeping the old zoning bylaws in place for this project. Mr. Brougham was in agreement with Mr. Boscher's comments. This will give them two years of additional time under the old zoning bylaw. Mr. Boscher reminded everyone that these are property owner's rights bestowed on by the Commonwealth of Massachusetts. Board members had no additional comments. Mr. Boscher asked the town administrator to remand the plan back to the planning board for their review.
- g. Miscellaneous Matters: None.

**6) Town Administrator's Report:**

- Last Tuesday he attended the Planning Board meeting for the special permit for Evergreen Strategies, LLC. A couple of abutters addressed a couple of concerns. The Planning Board had some additional concerns and the continued the hearing until January 28<sup>th</sup>. The applicant, the owner of the dental clinic next door and the facilities manager for Florence Savings Bank were supposed to meet on Friday to try and address some of their concerns.
- Wednesday evening he attended the Citizen's Police Academy graduation. He thanked the Belchertown Police Department for offering the course.
- He asked the Board members to think about their agenda for December 23<sup>rd</sup>. He will not be at that meeting and one other member of the Board will not be available that evening. At present there is nothing for that agenda.
- There is a document in the folder to be signed for the Community Block Grant application for Sportshaven. Draft minutes will be submitted with the application. There is a conference call on Wednesday to further discuss the application. On January 13<sup>th</sup> they return to Hampshire Housing Court to update Judge Fields on their progress.



- There is a winter storm forecasted for tomorrow with varying amounts of snow. The roads have been pre-treated which may help. As of right now town hall will be open tomorrow as usual.
- All licenses that have been signed are being picked up by business owners.

7) **Review of Weekly Mail:** No discussion held.

8) **Individual Board Members' Reports:**

Ms. Aldrich:

- She and the town administrator continue to meet with the firefighters. They had a good meeting on Wednesday.
- She and Mr. Brougham went to the Citizen's Police Academy graduation. She encourages residents to sign up for it. When she left she went out past the assisted living and it is gorgeous out there at night on the new road.

Ms. Gramarossa:

- She echoed the comments about the Citizen's Police Academy. One of the young graduates that she spoke with commented that the experience has now shaped his future career plans.
- Earlier this evening she was at a follow-up meeting with the schools around their strategic planning.
- If there is school tomorrow there will be a finance and budget and subcommittee meeting. She is planning on going to that meeting.
- Happy Holidays to everyone. She will not be at the meeting of December 23<sup>rd</sup> if there is a Board meeting.

Ms. Turner:

- Attended the Planning Board meeting last week to discuss the cannabis bylaw and designating the town common as a park. The planning board had some good comments on why they thought it wasn't the best solution. They are concerned that we would be cutting off opportunities for other development around the common such as liquor. We would have to level the playing field for all. She thinks the Board has more thinking to do about what it would mean especially if we ever want to develop around the common. Maybe it should be added to another agenda down the road. Ms. Aldrich feels the two Boards should have a meeting together to discuss it.
- She and Mr. O'Connor had a run through with the website developers that were contracted back in 2018. She thinks that it is going to move forward and the website is going to happen. She is looking for any high resolution pictures of Belchertown that residents may have for the website. Mr. Boscher asked if there was any idea as to the timing of it happening. She believes that Mr. O'Connor asked for it to be done prior to town meeting.
- Community Preservation applications were due last week. They are meeting tomorrow to start reviewing them.
- The Day School broke ground.
- The EDIC is meeting again on Wednesday.

Mr. Boscher:

- He is trying to round up the last pieces of preliminary budget information for everyone to look at.
- In the incoming mail he noticed that the MMA has their annual meeting coming up in January. The Board has not historically been proactive in these meetings. Sign up for the meeting must be done by December 28<sup>th</sup> to take advantage of the low rates. He asked the town administrator if there was any possibility of finding enough money for a hotel room if a Board of Selectmen member wished to attend. Mr. Brougham thought it might be possible. Board members thought it was something for them to consider. One of the workshops is about succession planning that he would lean towards going to. Ms. Gramarossa mentioned she is going but only for the Saturday session. She will commute in and out. Ms. Aldrich commented that she cannot attend the MMA annual meeting.

- 9) **Questions from the Press:** Mr. Russell from *The Republican* he questioned if Brandon Taylor owned 40 Turkey Hill Road. He was told they do not own the property but are looking to purchase it. He also asked for the addresses of the other two proposed cannabis stores in town. That information was provided.

He also commented that with the dissolution of the Hampshire Council of Governments there is still the ongoing pension liability. He's attended some of their meetings and understood that the communities would eat those costs. He asked if the Board had an update. He was told the Board does not have one.

- 10) **Adjournment:** Meeting adjourned at 8:55 p.m.

Minutes submitted by Gary L. Brougham, Town Administrator

Board approved/endorsed: 1/13/2020

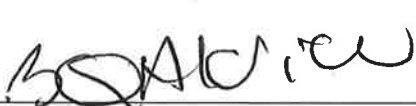
Board of Selectmen - Town of Belchertown


Endorsed by a majority:

  
\_\_\_\_\_  
Ed Boscher, Chairman

  
\_\_\_\_\_  
Gail Gramarossa

(absent)  
\_\_\_\_\_  
Nicholas O'Connor

  
\_\_\_\_\_  
Brenda Q. Aldrich

  
\_\_\_\_\_  
Jen D. Furner