

Town of Colrain  
Select Board/MLP Board Meeting  
Colrain Central School  
22 Jacksonville Road  
4:30 PM

**MINUTES OF SELECT BOARD  
March 22, 2022**

**Present:** Joe Kurland, Chair; Mike Slowinski; Thom Griffin

**Others Present:** Nicole Costanzo, Town Counsel; Craig Underwood; Jane Johnson; Nathan Smith; Cynthia Lively; Adam Phillips; Alysia Phillips; David Shearer; Brady McElaney; Matthew Shearer; Karen Herzig; Eric Herzig; Joseph Starzyk; Keira Woodhart; Lisa Nagle; Jade Mortimer; Eileen Sauvageau; Lynn DiTullio; Nancy Turkle; Colleen Worden; David Nims; Ben Eastman; Suzanne Conway; Jonathan Lagreze; Douglas MacLeay; Chris Larabee, Greenfield Recorder; Maggie Smith; Huggens Lafond, Drudys Ledbetter, Mark Daishto, Bau Tran, Quan Tran, TuonGui Nguyen, Bred Genetics LLC; Scott Sullivan, Highway Superintendent; Betsy Shuipis, Administrative Assistant; Kevin Fox, Town Administrator

Chair, Joe Kurland called the meeting to order at 4:30 pm.

**Appointments:** None

**New Business:** Review and/or Approve Proposed Host Community Agreement from Bred Genetics LLC to Operate a Marijuana Cultivation Establishment and/or a Marijuana Product Manufacturing Establishment at 270 Greenfield Road, Colrain, MA 01340

Chair Joe Kurland explained proper meeting etiquette to all in attendance.

Town Counsel went over the main points in the proposed host community agreement from Bred Genetics, LLC., including the company's plan to build an adult-use cultivation establishment with 85,000 sq. ft of outdoor cultivation, 15,000 sq. ft. of indoor cultivation and 920 sq. ft. of processing and manufacturing on an approx. 9.37 acre parcel. Most of the responses to questions concerning Bred Genetics were handled by Dru Ledbetter, CEO, Bred Genetics and Flower Xpress.

The Town of Colrain and Bred Genetics, LLC came to an agreement on the following points:

- Community Impact Fee raised from 1.5% to 3% of gross sales to keep consistent with other marijuana operators in Colrain
- Impact fee will be paid in a single payment annually, rather than quarterly
- The impact fee will be a 3-year agreement, automatically renewable by a one-year agreement
- Arms-length transactions language goes back into the Host Community Agreement for calculation of sales, which was recommended by Town Counsel
- There will be no \$250 Community Benefit Fee
- A requirement for annual contributions to local charities or non-profit organizations in Colrain is not included. Ms. Ledbetter explained that part of Bred Genetics positive impact plan submitted to the state included some of these fees. They are committed to a \$10,000 fund to disperse among non-profits in Colrain. The members of the Board the requirement is not needed.
- In the annual reporting provision, the Town can request an audit and would like to share in the decision to select an independent auditor. Ms. Ledbetter explained that they would be obtaining three quotes, share with the Select Board and choose from there
- Sunset clause was changed from an 18-month period to a 24-month period

**Resident/Board questions:**

1. Concern with the impact of the use of pesticides on the abutters, including beekeepers and farmers, and the very real impact of the smell from marijuana plants. Huggens Lafond, Chief of Cultivation, said that part of their mission is to be organic and pesticide free. Regarding odor, the company created two massive buffers: a 600 ft. buffer from Greenfield Road to where their outdoor cultivation will be. To their closest neighbor there is a 500 ft. buffer between Pine Hill and their business. They plan to convert all their outdoor growing space to indoors within a few years.
2. What can be done to help the abutters whose property values will drop because their neighbor is now a marijuana farm? Town Counsel Nicole Costanzo responded. The zoning by-laws do allow marijuana cultivation in this neighborhood that requires a special permit. Concerns can be raised at the Planning Board special permit hearing, and residents can go to the meeting to amend these by-laws.
3. Mr. Slowinski asked what "minimal-risk (25(b))" pesticides allowed for use in marijuana cultivation? Mr. Lafond responded that it's Massachusetts' list of pesticides deemed environmentally friendly; however, Bred Genetics plans to be pesticide free.
4. Joe Kurland commented that with other Host Agreements in Town the Board encouraged outdoor cultivation because indoor requires high levels of energy consumption and asked for comment from Bred Genetics. Mr. Lafond stated that the plan is to be as sustainable and net-zero as possible. Phase 2 of their buildout includes solar and battery back-up and they are working with solar engineers.
5. Most of the land is in APR, how will they work around that regarding solar? Mr. Lafond explained they will use as many rooftops and non-APR land as possible.
6. How will the change to marijuana cultivation from a dairy farm impact emergency departments? Town Counsel explained that the agreement requires the company to work with the Town departments on an annual basis through inspections and is required to provide all emergency contact information to the Town.

**MOVED:** Mike Slowinski moved to allow the Community Impact Fee payments to be annually. Thom Griffin seconded.

**Discussion:** Joe Kurland explained the reasoning behind the Community Impact Fee in response to a resident question.

**Approved unanimously.**

**MOVED:** Mike Slowinski moved that the Community Impact Fee be 3%. Thom Griffin seconded.

**Discussion:** Dru Ledbetter, CEO of Bred stated the reason for the 1.5% is because they are a Social Equity company designated by the State and guided by the State to request the 1.5%. Ms. Ledbetter further explained the definition of Social Equity company. Residents and members of the Board commented on both sides of the argument.

**Approved unanimously.**

**MOVED:** Thom Griffin moved to make it a 3-year agreement, automatically renewable by a one-year agreement of the impact fee.

Mike Slowinski seconded. **Approved unanimously.**

**MOVED:** Thom Griffin moved to approve the Host Community Agreement with the agreed upon changes between the Town of Colrain and Bred Genetics, LLC.

Mike Slowinski seconded. **Approved unanimously.**

**Timeline:** Town Counsel can give the agreement to Bred Genetics attorneys by the end of the week. The Select Board members can come into the Town Office to sign the agreement before their next meeting.

**Review and/or Approve Proposed Host Community Agreement from Flower Xpress LLC to Operate a Marijuana Delivery Operator Establishment at 270 Greenfield Road, Colrain, MA 01340**

Ms. Ledbetter requested the amendments made to the Bred Genetics Host Community Agreement be the same for the Flower Xpress Host Community Agreement except for points specific to the delivery service. The Board agreed.

Town Counsel explained the main points in the proposed host community agreement from Flower Xpress, LLC and that a delivery operator establishment is not a retail store; customers cannot purchase directly from the facility. Rather, they will have delivery vehicles to bring products to consumers. They have proposed approximately 20 vehicles, 1,000 sq. ft. of administrative space, 450 sq. ft. of storage space, and 2,000 sq. ft. of garage and parking; operations model: next-day delivery, starting with five vehicles and hoping to increase to 20 over time, orders placed through their website with all vehicles making one delivery in the morning to mitigate traffic in and out of the warehouse. The vehicles will be unmarked cars outfitted with front and rear cameras, with two drivers per vehicle wearing body cams who use a hand scanner to scan customer IDs at the door. The transaction is electronic and pre-paid, so no cash is involved.

**Resident Questions:**

1. The explanation of the delivery service sounds more like distribution and manufacturing in an agriculturally zoned property, not a commercially zoned property. Ms. Ledbetter explained the look of the warehouse remains the same. Mike Slowinski stated that this is a matter for the Zoning Board. Town Counsel further stated the company will need a special permit from the Zoning Board. Notification to abutters will go out when a public hearing is scheduled.
2. What is the next step with the Town should the Host Community Agreement be approved?
3. Did the Community Outreach meeting happen for Flower Xpress? Ms. Ledbetter explained that both Bred Genetics and Flower Xpress were presented at the same meeting.
4. What about arms-length sales? Ms. Ledbetter explained Bred Genetics will not produce finished products, so they can't sell directly to the warehouse delivery service. Should there be an arms-length sale, it will be caught and taxed appropriately. Town Counsel further explained that the Town can request an independent audit.
5. What percentage of hiring vendors will be local? Ms. Ledbetter is hoping for 50-60% local for the cannabis operations, not the building. Mr. Tran further explained that they are sourcing building materials, plumbing, electric, etc. as locally as possible.

**MOVED:** Mike Slowinski moved that we approve the Host Community Agreement between the Town of Colrain and Flower Xpress, LLC, with the amendments as noted.

Thom Griffin seconded. **Approved unanimously.**

Mike Slowinski explained a few broadband and electric service logistics to the company.

**The meeting was paused at 6:10 pm for recess and reconvened at 6:25 pm.**

### **Transfer Station Staffing**

Kevin Fox explained that Mr. Craig Underwood's fitness for duty as transfer station attendant is under consideration and he researched how many attendants should be at the Transfer Station. Jan Ameen, FCSWD, wrote that it was highly recommended to have two attendants who can handle the workload and meet the requirements of the position. Scott Sullivan agreed there should be two attendants. Thom Griffin proposed removing the 50 lbs. lifting requirement and allowing Mr. Underwood to work until November. Mike Slowinski stated his opinion that should Craig stay, it is unsafe for him and the Town. Joe Kurland recommended changing the job description to clerk and not requiring lifting. Eileen Sauvageau requested that Town Counsel weigh in on the Town making accommodations to keep an employee on who is no longer able to perform the requirements of the position. Additionally, would the Town be setting precedent allowing future accommodations for other employees? The Select Board will hear from Town Counsel before deciding.

### **Nomination of Animal Inspector**

The applicant did not attend the meeting and the discussion was tabled until the next meeting.

### **Old Business: Involvement/Use of a Town Facility and Personnel (Transfer Station) for "Spruce it Up Colrain"**

Mr. Jonathan Lagreze read from his handout an overview of the disposal of roadside trash free of charge, tire disposal, dates of disposal, volunteer training, and additional demands on highway crew and equipment. The Select Board did not receive the expected detailed written plan from Mr. Lagreze prior to this meeting outlining the tire collection and the supervision and training of volunteers at the Transfer Station.

Mike Slowinski referred to the 2/23/2022 Board meeting where Mr. Lagreze spoke about the tire drive and how donations were solicited from people who wanted to remain anonymous. After Mr. Slowinski read the State Ethics Commission rules regarding solicitations, he said he could not make any commitments until Jonathan contacts the State Ethics Commission to resolve this issue. Discussion on the Conflict of Interest Law. Before the Board meets again, they need the following from Mr. Lagreze:

- The detailed written plan of how those four dates at the Transfer Station will work
- A written opinion from the Ethics Commission and/or Town Counsel that assures the Board the Town is not breaking any rules
- A plan of training (recommended by the Town's Insurance Company) and supervision of volunteers at the Transfer Station, including Scott Sullivan's willingness to work those Saturdays, if needed

The Select Board scheduled a meeting for next Tuesday at 4:30 p.m. where this discussion can continue.

### **FCTSD Enrollment**

Not ready for discussion.

**Unanticipated: Draft Capital Article for Ballot**

Mike Slowinski recommends that the Town accept Alternate 1 (plumb four light poles, a total of \$4), Reject Alternate 2 (\$6,500 for a dry well), accept Alternate 3 (\$900 to remove three stumps in front of the building), with a 5% contingency, approximately \$11,966, in case there is something unanticipated underground. There is also approximately \$20,000 of masonry repairs for next year. We would be asking \$278,400 for the debt exclusion. Mr. Slowinski will send this back to Mrs. Thurber, who will send the final copy to the Town. The Select Board can vote on it 3/29 and the final copy be given to the Town Clerk for the ballot.

**MOVED:** Mike Slowinski moved to approve the draft Capital Article for Colrain/Heath; where it says "not to exceed" put "not more than \$278,400 for repair work to the Colrain Central School, Colrain, MA to include rebuilding or resurfacing of parking lots, certain walkways, brick masonry repairs and repointing, and other capital expenses, (eliminate "and") including costs incidental or related thereto." and the rest of the article as written.

Thom Griffin seconded. **Approved unanimously.**

**Council on Aging Appointment**

**MOVED:** Mike Slowinski moved to appoint Kathy Steinhem to the Council on Aging.

Thom Griffin seconded. **Approved unanimously.**

**Town Administrator Updates:**

**Kingdom County Production Filming**

Kingdom County Productions have asked to film in town. The production company is exempt from the town permitting process as they are a 501(c)(3) non-profit organization. They asked to use the parking lot on 9 River Road for vans transporting students April 12-14 to the Pitt House and the Hillman property April 15-18. No town services are needed.

**MOVED:** Thom Griffin moved to welcome the production company to town.

Mike Slowinski seconded. **Approved unanimously.**

**COLA Increase**

The Finance Committee recommended a 3% COLA increase for all. They voted against hiring another highway department employee and two of the three Select Board members agreed. There are currently six capital requests: police cruiser (\$60,000), backhoe (\$145,000), over the guardrail tractor and mower (\$161,000), new Dodge Ram truck (\$50,000), mapping archive (\$5,200), and network upgrades for our server (\$5,500). Kevin Fox recommended eliminating the over the guardrail tractor and mower, new pickup, and mapping archive and the Finance Committee agreed. Discussion on use of free cash and other items regarding the budget.

**Public Hearing – 102 Main Rd**

There will be a public hearing in Housing Court on 3/25/2022 at 11:00am to get a demolition permit for 102 Main Rd.

**MOVED:** Mike Slowinski moved to dissolve the meeting at 8:01 pm.

Thom Griffin seconded. **Approved unanimously.**

Respectfully submitted,

Accepted by the Select Board

Betsy Shuipis  
Administrative Assistant

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Joe Kurland - Chair

\_\_\_\_\_  
Mike Slowinski

\_\_\_\_\_  
Thom Griffin

Minutes originally taken by Betsy Shuipis and typed by Marjorie Smith for approval by the current Select Board members. The current Board members accept the minutes as written on 12/20/2023, for the purpose of putting the minutes on record, as they were not accepted around the time of the original meeting.

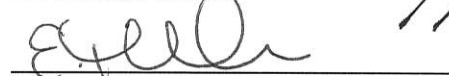
Respectfully submitted,

Accepted by the Select Board

Marjorie Smith  
Administrative Assistant

  
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Benjamin Eastman - Chair

  
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W. Thomas Griffin

  
\_\_\_\_\_  
Emily Thurber

**Documents:**

Select Board Meeting Notes

Draft Host Community Agreement Between the Town of Colrain and Flower Xpress, LLC

Draft Host Community Agreement Between the Town of Colrain and Bred Genetics, LLC

Email from Kevin Fox dated 3/15/2022 re: Transfer Station Staffing

Letter from MDAR dated 3/7/2022 re: Nomination of Inspector of Animals

Email between Kevin Fox and Michael Garrod, Cabot Risk Insurance, dated 3/17/2022 re: Insurance Recommendations Involving Volunteers at the Transfer Station