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Town of Hudson - Board of Selectmen

Minutes –December 17, 2018

78 Main Street 2nd Floor 7:00 PM

1. Call to Order:

Present were Mr. Parent, Mr. Durant, Mr. Duplisea, Mr. Lucy, Mr. Quinn and Mr. Moses. Also present were Atty. Cipriano and Ms. Vickery.

2. Minutes to be Approved:

a) Public Session Minutes – December 3, 2018

On a motion by Mr. Duplisea, seconded by Mr. Quinn, the Board voted 5-0 to approve the public session minutes of December 3, 2018.

b) Executive Session Minutes – December 3, 2018

On a motion by Mr. Duplisea, seconded by Mr. Durant, the Board voted 5-0 to approve the executive session minutes of December 3, 2018.

3. Meetings and Public Hearings - 7:00 PM:

4. Licenses:

a) Selectmen to consider approval of a Monday through Sunday Entertainment License for Ground Effect Brewing Company between the hours of 1:00 PM and 11:00 PM located at 312 Main Street.

On a motion by Mr. Quinn, seconded by Mr. Duplisea, the Board voted 5-0 to approve a Monday through Sunday Entertainment License for Ground Effect Brewing Company between the hours of 1:00 PM and 11:00 PM located at 312 Main Street.

b) Selectmen to consider approval of 2019 License renewals for all licensee's that have met their requirements.

On a motion by Mr. Lucy, seconded by Mr. Durant, the Board voted 5-0 to approve 2019 License renewals for all licensee's that have met their requirements.

5. Personnel:

a) Selectmen to consider approval of the upgrade of the position and job description of the Administrative Secretary / Payroll for the Treasurer / Collector's Office.

On a motion by Mr. Lucy, seconded by Mr. Parent, the Board voted 5-0 to approve the upgrade of the position and job description of the Administrative Secretary / Payroll for the Treasurer / Collector's Office.

b) Selectmen to consider approval of the updated and revised job description for a W-4 Mechanic for the Department of Public Works.

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On a motion by Mr. Lucy, seconded by Mr. Parent, the Board voted 5-0 to approve the updated and revised job description for a W-4 Mechanic for the Department of Public Works.

- c) Selectmen to consider advance of 30 days of sick leave to Alden Araujo.

On a motion by Mr. Durant, seconded by Mr. Parent, the Board voted 4-0-1 to advance 30 days of sick leave to Alden Araujo. Mr. Lucy voted against.

- d) Selectmen to note the resignation of Nancy Day from the Treasurer / Collector's Office, effective December 14, 2018.

On a motion by Mr. Durant, seconded by Mr. Parent, the Board voted 5-0 to note the resignation of Nancy Day from the Treasurer / Collector's Office, effective December 14, 2018.

- e) Selectmen to note the resignation of Jeffrey Morse from the Department of Public Works, effective December 14, 2018.

On a motion by Mr. Duplisea, seconded by Mr. Durant, the Board voted 5-0 to note the resignation of Jeffrey Morse from the Department of Public Works, effective December 14, 2018.

- f) Selectmen to consider approval of the appointment of Linda Fahey as a part time employee in the Treasurer / Collector's Office at a rate of \$17.21 per hour, effective December 18, 2018.

On a motion by Mr. Lucy, seconded by Mr. Durant, the Board voted 5-0 to approve the appointment of Linda Fahey as a part time employee in the Treasurer / Collector's Office at a rate of \$17.21 per hour, effective December 18, 2018.

- g) Selectmen to consider approval of the appointment of Elizabeth Tomlin as a part time employee in the Treasurer / Collector's Office at a rate of \$17.21 per hour, effective December 18, 2018.

On a motion by Mr. Lucy, seconded by Mr. Quinn, the Board voted 5-0 to approve the appointment of Elizabeth Tomlin as a part time employee in the Treasurer / Collector's Office at a rate of \$17.21 per hour, effective December 18, 2018.

- h) Selectmen to consider approval of the appointment of Gwendolyn Junghanss as Reference Librarian at a Grade 10, Step 5.

On a motion by Mr. Lucy, seconded by Mr. Duplisea, the Board voted 5-0 to approve the appointment of Gwendolyn Junghanss as Reference Librarian at a Grade 10, Step 5.

- i) Selectmen to consider approval of Fall/Winter 2018-2019 Seasonal Employees for the Recreation Department.

On a motion by Mr. Quinn, seconded by Mr. Durant, the Board voted 5-0 to approve Fall/Winter 2018-2019 Seasonal Employees for the Recreation Department.

- j) Selectmen to consider reappointments of presently serving Board & Committee members that wish to be reappointed.

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On a motion by Mr. Duplisea, seconded by Mr. Durant, the Board voted 5-0 to approve the reappointments of presently serving Board & Committee members that wish to be reappointed.

k) Selectmen to consider approval of the appointment of Richard Harris to serve as Interim Fire Chief, effective January 7, 2018.

Mr. Lucy read six credentials into the record and noted that the Town will continue to look for a permanent Fire Chief. These were Mr. Harris’ credentials that Mr. Lucy noted could apply to anyone.

- 1. Deputy Fire Chief – two years*
- 2. Shift leader – eight years*
- 3. Master of Arts in Fire Science and Administration*
- 4. Bachelor of Science Degree Fire Emergency Management*
- 5. Fire Chief Officer Program Certification*
- 6. Written State and Federal Fire and Safety Grants*

On a motion by Mr. Duplisea, seconded by Mr. Durant, the Board voted 5-0 to approve the appointment of Richard Harris to serve as Interim Fire Chief, effective January 7, 2018.

6. General:

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Department	Dept. #	Tab #	Amount Request	Motion	Seconded	Vote
Board of Selectmen	1220	5	\$13,700	Parent	Duplisea	5-0
Executive Assistant	1230	6	\$321,702	Durant	Parent	5-0
Elections & Town Meeting	1231	6	\$35,260	Parent	Durant	5-0
Legal Services	1235	6	\$164,000	Parent	Durant	5-0
Town Buildings	1236	6	\$258,643	Parent	Durant	5-0
Personnel Expense	1237	6	\$11,753	Parent	Durant	5-0
Debt Service	7100	25	\$7,360,216	Parent	Duplisea	5-0
Retirement / Pensions	9110	26	\$5,798,334	Parent	Quinn	5-0
Group Health Insurance	9140	27	\$5,590,000	Parent	Duplisea	5-0
General Insurance	9141	28	\$405,560	Parent	Quinn	5-0
Town Clerk, Board of Registrars	1610	8	\$178,247	Parent	Duplisea	5-0
Building Inspections	2410	18	\$197,880	Parent	Quinn	5-0
Council on Aging	5410	21	\$291,497	Parent	Duplisea	5-0
Board of Health	5100	20	\$194,087	Durant	Parent	5-0
Veterans	5441	22	\$147,689	Durant	Parent	5-0
Moderator	1960	9	\$110	Lucy	Quinn	5-0
Finance Committee	1961	10	\$861	Lucy	Duplisea	5-0
Board of Assessors	1962	11	\$112,804	Parent	Durant	5-0
Municipal Light Board	1967	13	\$3,900	Parent	Durant	5-0

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Ft. Meadow Commission	1971	14	\$6,100	Lucy	Durant	5-0
Lake Boone Commission	1974	14	\$2,167	Duplisea	Quinn	5-0
Historic District Commission	1977	15	\$800	Parent	Lucy	4-0-1*
Hudson School Appropriation	---	---				

*Mr. Quinn abstained

8:00 PM Mr. Duplisea left the meeting.

- b) Selectmen to consider authorizing the Executive Assistant to sign a Community Host agreement with Top Shelf Cannaseurs, Inc. for the cultivation and production of marijuana.

Present were Ryan Cohen and Scott Bulkeley. They explained that they have found a property located at 11 Brent Drive for the cultivation and manufacturing of marijuana. Mr. Moses noted that the host agreement lays out essentially the same terms as the other agreements in Town. He did message the wording a bit to take out references to retail or medical sales as this does not apply in a wholesale situation such as this.

Mr. Lucy made the following statement: "I want to introduce and discuss the idea of SAFE HARBOR. Regarding Section three, variable payments to the Town, we see that the same percent of revenues and the same opportunity to increase the percent to any higher allowed maximum is that same in the other two existing host agreements we have approved.

But those two prior agreements are with retail sellers.

This is our first agreement with a cultivator who will also process and distribute.

This cultivator writes that operating at capacity should result in annual sales of five million dollars. The Town's fee would be \$150,000 and I for one look forward to collecting that amount.

But we may have other non-retailing applicants come before the Town expecting to do say fifty million dollars in annual sales. Such an applicant may cause Hudson's now standard percent of revenues to be set at a lower percent. I believe that would be unfair to such a small company as the one before us.

We could place in this HOST AGREEMENT SAFE HARBOR language. It could read something like this:

3.e. In the event the Town grants a lower percent of gross sales fee to any other non-retailer for its first five million dollars in sales then that same lower fee shall be applicable to this Agreement from the time that other non-retailer pays it first gross sales fee to the Town.

Mr. Chairman it is my hope any non-retailer is charge either 3% or the maximum allowed by law if greater than 3%. And as a Board we have been unanimous in charging both medical and recreational retail sellers the same fees, and the maximum amounts. But allowing section 19 here-in to stand without an alternative SAFE HARBOR outlet for the Town could mean either lost revenue opportunities or the need to re-open non-retail Host Agreements like this one. Imagine if a ten time's bigger

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non-retail goliath comes to Town and offers to occupy long vacant commercially taxed space we might relent on the maximum allowable fee. In that instance this small company should be given safe harbor and the same rate.”

Mr. Durant stated he would vote against Mr. Lucy’s change as it is not up to the Board to negotiate the best deal for applicants and that their job is to negotiate the best deal for the Town.

Atty. Cipriano noted that he has not yet reviewed the agreement and could not comment on its terms.

Mr. Parent read the following excerpt from Mr. Cohen and Mr. Bulkeley’s letter to the Town.

TSC respects the Town of Hudson and wants to ensure its residents and elected officials that we will work tirelessly to maintain the positive perception that Hudson had earned. In that same vein, we feel the location at 11 Brent Drive is perfect for our Company and the Town, as it will not be viewable from main roads. TSC will not have any public retail presence or traffic.

On a motion by Mr. Lucy, seconded by Mr. Quinn, the Board voted 3-0-1 to modify the community host agreement between the Town and Top Shelf Cannasuers, Inc. by adding the following:

3.e. In the event the Town grants a lower percent of gross sales fee to any other non-retailer for its first five million dollars in sales then that same lower fee shall be applicable to this Agreement from the time that other non-retailer pays its first gross sales fee to the Town.

Mr. Durant voted against.

On a motion by Mr. Parent, seconded by Mr. Lucy, the Board voted 3-0-1 to approve the community host agreement between the Town and Top Shelf Cannasuers, Inc., approval is subject to legal review by Town Counsel. Mr. Durant voted against.

c) Selectmen to accept a donation to the Fire Department in the amount of \$25 from Margaret Larsen.

On a motion by Mr. Durant, seconded by Mr. Quinn, the Board voted 5-0 to accept a donation to the Fire Department in the amount of \$25 from Margaret Larsen.

7. Citizens’ Issues:

8. Town Issues:

9. Correspondence to be Noted by Clerk:

Mr. Lucy asked that a letter that Atty. Cipriano submitted to the Board this evening be included in the correspondence list. This letter, dated December 17, 2018, states that on Friday, December 17, 2018 Atty. Cipriano had recorded all of the curative documents on the deed in lieu of tax foreclosure on the property located at 47 Apsley

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Street. This means that the property is now owned by the Town and available for public auction.

On a motion by Mr. Parent, seconded by Mr. Lucy, the Board voted 4-0 to note the correspondence of its December 17, 2018 meeting.

10. Executive Session:

11. Adjourn:

On a motion by Mr. Durant, seconded by Mr. Parent, the Board voted 4-0 to adjourn its meeting of December 17, 2018 at 8:30 PM.

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Document List

Document	Location
Public and executive session minutes 12/3/18	BOS Office
Entertainment license application – Ground Effect Brewing Co.	BOS Office
License renewal memo	BOS Office
Job description upgrade – Admin Secretary / Payroll	BOS Office
Job description upgrade – W-4 Mechanic	BOS Office
Sick leave advance memo – Alden Araujo	BOS Office
Resignation memo – Nancy Day, Jeffrey Morse	BOS Office
Appointment memo – Linda Fahey, Elizabeth Tomlin, Gwendolyn Junghanss	BOS Office
Appointment memo for 2018-19 seasonal recreation employees	BOS Office
Reappointment memo Boards and Committees	BOS Office
Appointment memo – Richard Harris, Interim Fire Chief	BOS Office
Community Host Agreement – Top Shelf Cannaseurs, LLC	BOS Office
Letter from Top Shelf Cannaseurs, LLC	BOS Office
Fire Department donation memo	BOS Office
Letter to Selectmen regarding the Hudson Land Trust	BOS Office
MIIA grant award letter	BOS Office
Letter from Movimiento Cosecha regarding Green Life Janitorial	BOS Office
Notification regarding diesel fuel release	BOS Office
Alcohol quota report	BOS Office
Letter from Atty. Cipriano regarding 47 Apsley Street	BOS Office

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