

Selectmen's minutes of meeting January 25, 2021

Members present: Brian O'Rourke, George Riley, Mark Newman, Joanne Grybosh by remote, Dolores Harasyko, Admin. Asst.

Called to order at 7:00 p.m.

Remote participation information provided to the public.

Reviewed and signed minutes of meeting.

Reviewed and signed purchase orders.

Brian made the announcement that the Commonwealth of Massachusetts, acting through its Department of Conservation and Recreation (DCR) has under consideration the acquisition of approximately 195 acres in the Town of Sandisfield. The property is currently used for forestry and open space. The proposed use for the property will be protected open space and recreation, connecting the Cookson and Sandisfield State Forests. The land is located on Sandy Brook Tpke, map and parcels 413-0-29 and 413-0-30. The Certificate of Announcement was signed by Selectboard Clerk George Riley.

Reviewed and discussed the Host Community Agreement between SAMA, LLC and the Town of Sandisfield. Brian announced that the HCA agreement does not require a vote tonight, we are only discussing the HCA. Brian read aloud the complete HCA.

The complete Host Community Agreement will be posted on the website.

George questioned where does SAMA Productions stand, Brian responded that they are in full agreement with the HCA.

Mark asked who wrote the agreement, Brian responded that our Town Counsel did.

Brian reviewed that in the first year we could get \$300,000 in revenues in addition to the permit fees, taxes and real property. SAMA is making yearly charitable contributions as follows: \$2,500 to the Library, \$2,500 to the Recreation Committee and \$10,000 to the Highway Department.

Mark stated it is growth without growth.

Brian explained that it would take building 110 new houses every year to match the income by this one agreement.

This money is in perpetuity as long as they are in business.

If we built 110 new homes there would be a substantial increase in school children which would raise that budget.

George stated that the agreement is in favor to the town.

Dolores asked if the HCA is a public record, Town Counsel responded that it is and that it could be posted to the town's website in the morning.

Tax Collector/Treasurer/Librarian Theresa Spohnholz commended the Selectboard on the contents of the agreement with a special thanks to Brian. The Library Trustees will be extremely happy to hear of the yearly contribution to the Library. She asked if this was a true contribution or is it to be used to offset their budget. Brian responded that it is a contribution for the Trustees

to use as they wish, they could replace rugs, computer equipment, shelving, etc. Brian clarified that the \$2,500 contribution is in addition to their annual budget.

Brian opened the discussion to the public along with Town Counsel.

Sharon Lewis asked how much acreage. Brian responded 47 acres.

Sharon asked about night time lights, Brian responded that it's a "dark sky", all natural.

Sharon asked about power, Brian responded there is sufficient power.

Sharon asked about the maintenance of Abby Road, Brian responded that we are obligated to maintain the dirt road. There will be no additional expense to the town.

Paul Gaudette asked about environmental impact, Brian responded that it will be a part of the special permit process.

Paul asked for any plans or documents for review, Brian responded that we have not received an application at this time, all documents attached to the application will be available for viewing.

Roger Kohler asked about the local builders and contractors, Brian responded that he does not have all the details but knows that they are looking into using local contractors.

Elizabeth Orenstein asked if there are any documents available from the outreach meeting, Brian responded that it was not a town meeting so we do not have the documents. The outreach meeting was held by SAMA with some members in person and some by remote.

Bill Taylor is concerned that we will only break even, he is concerned that they would keep 2 sets of books and not correctly report their finances and could cook the books. Brian stated that he is not sure what costs Bill is referring to. The HCA is very specific. There will be 4 to 5 vehicles a day.

George stated that the community impact fee is a wash.

Town Counsel responded to the concern about cooking the books. All cannabis operations are followed closely and cooking the books would invalidate their license. The reproductions are very high from the Cannabis Control Commission. They would likely get caught. The dealings they have had with this applicant have been very good, the risk is very low.

Jay Alison stated there were issues with this same company in other towns. She is from California and wants a very good investigation done on the company.

Carl Nett asked if the document will be available, Brian responded that it will be on the website in the morning. The betterment for the town is from the revenue, there are no minimums mentioned, Carl is asking for additional revenue. Brian responded that the building permit is \$25,000. George added that the taxes and contributions are in addition to the revenue.

Cindy Deloy feels she has not had a voice, she would like to know when she can give her opinion. Brian responded that she can do that at anytime. Anyone with concerns is encouraged to reach out to the selectmen.

Brian reviewed the process that is laid out by the CCC. The first step is the outreach meeting, then the negotiation of the HCA, then the Special Permit Hearing. At that hearing is the point in time that the public can ask questions.

Brian clarified that the town does not vote on the special permit, it is voted on by the Board of Selectmen per our town's bylaws. They have to apply for a special permit because it is a commercial greenhouse which is specified in our bylaws as needing a special permit. The Planning Board does not have a say or vote on the special permit.

Cindy questions the bylaw updates, Brian responded that we are currently working on the bylaw and have been for some time now. George said he hopes that the bylaw will be ready to be voted on at the next annual town meeting.

Lesley Garwood asked about the size of the facility, Brian responded that it is 47 acres on Abby Road with up to 23 greenhouses. The facility will be located 1,200 feet off Town Hill Road. Each greenhouse will be 4,500 square feet.

She is concerned that this is a tier 10 operation. Brian reiterated that no application has been received, once the application is received it will be available for review.

Leslie asked about the bylaw, Brian responded that we are in a pandemic and hopefully it will be ready for the annual town meeting.

George said that the planning board meetings are open to the public and she can attend their meetings to discuss the bylaw.

Leslie feels SAMA has a responsibility to inform the community. Town Counsel responded that the HCA is for improving the property and the impact to the community. They do have an obligation to follow up on their requirements.

Town Counsel addressed security concerns. This usually comes in to play with large cultivators, this is a very small low traffic facility. There is no public access to the facility.

Barbara Cormier said this company was denied in other towns. Brian responded that they actually withdrew their application, it never got to the point to be denied.

Laura Rogers Castro asked about the type of greenhouses. Brian responded that this will be addressed at the special permit hearing.

John Redderman would like to know if being next to this facility would devalue his property. Brian responded that at this time he does not have an answer, he reiterated that we would have to build 110 new houses a year to match the income from this one facility. He stated that you will not see the facility from the road.

Cindy True questioned setbacks, she understood that the CCC dictated the setbacks. Town Counsel responded that the only setback required by law is 500 feet from any school. She would like to see more in the HCA regarding setbacks. Brian stated that SAMA is working with natural placement of the greenhouses. There will not be any excavation. Cindy does not believe factories belong in a forest.

Ed Brozman would like to see a study done on noise and odors. He would like to see reports before the special permit hearing. He would like more due diligence done by the selectmen. Brian asked Mr. Brozman if he truly believes that the Selectmen would do any less than their due diligence. Until we receive the application we cannot compare it to prior towns. We are concerned about Sandisfield, not other towns. We do not want to speculate or guess until we actually receive their application. At that time we will fully review all documents.

John Switzer doesn't understand the low traffic. Brian said they will have more info at the hearing.

Mr. Greenwell asked for a moratorium before the bylaw is accepted.

Cindy Deloy would like to have a discussion on the timeline to slow the process up.

Brian will follow up with Town Counsel regarding the moratorium. It can be placed on next week's agenda to be discussed.

Roger Kohler in to discuss Covid Vaccination. We are in Phase 1. Brian asked is all the information is on the website. Roger confirmed that the most current information is on the town's website and also on social media "Connect Sandisfield". Roger will update as information is available. Nina Carr asked about seniors making appointments. She stated that many seniors don't own or have access to a computer in order to sign up for appointments. She would like to have a town employee to help her do this. Mark Newman nominated Nina to be the person to assist with the appointments. Brian said that the Council on Aging would be the best and easiest to assist. Nina will look into other resources. Roger stated that there is no way to register at this time.

Motion by Brian, second by George, passed unanimously to amend the Regional School Review Committee to an Ad Hoc Committee which will now allow for one non registered voter to be a member.

Motion by Mark, second by Brian, passed unanimously to appoint Carl Nett to the Regional School Review Committee.

Motion by Mark, second by George, passed unanimously to appoint Eileen Folmer to the Regional School Review Committee.

Motion by Mark, second by George, passed unanimously to appoint Nina Carr to the Regional School Review Committee.

Mark asked if the Regional School Review Committee had all its members now. Brian stated that there is one more person that will be on next weeks agenda.

Future agenda items:

Leslie Garwood would like to discuss a moratorium on marijuana facilities. Brian will follow up with town counsel.

Joanne would like to present information on Senior Transportation.

Reviewed mail

Reviewed and signed warrants.

Topics not reasonably anticipated by the Chair:

Mark stated that we received the inspection for the Transfer Station with high marks, all positive. We only have to post one more sign for 911 information.

Meeting adjourned 8:50 p.m.

Brian O'Rourke

George Riley

Mark Newman