

TOWN OF MILLBURY  
BOARD OF SELECTMEN MINUTES

`Zoom Meeting ID: 837 5856 7314

**July 27, 2021**

**6 PM**

**Present:** Mary Krumsiek, Katie McKenna, Scott Despres, Chris Naff, David Delaney, Sean Hendricks, Justine Caggiano, Jayne Daviolo, Bob Carr

**Zoom:** Amy Riordan, iPad, Lisa Redmond, Josh Lee Smith, Harris Shain, Matt Levitt

**6 PM Regular Session**

Pledge of Allegiance

**Host Community Agreement Transfer for Nature's Remedy to Jushi**

\*See Attached

Selectman Naff stated that he looks forwards to welcoming Jushi to Town and Congratulated Mr. Carr. Chairman Krumsiek agrees and stated Mr. Carr has been a great neighbor. Selectmen Naff also stated people have commented to him how striking and nice of a facility Nature's Remedy has been since 2017. Selectmen Despres asks if the recreational and medical aspects are separate entities or combined? Mr. Carr responded that there are different rules to each aspect, but they run in parallel. There are two licenses and one function, the only difference is the physical sale. Selectman Krumsiek asked what is the tax difference between the two licenses? Mr. Carr stated the medical license does not pay state tax, but pays the 3% local tax. Sean Hendricks updated the Board on where Jushi is in the process with the CCC. Selectman Delaney asked if the facility's name will remain the same? Matt Levitt stated that as of right now they will keep Nature's Remedy.

Motion to Transfer the Host Community Agreement from Nature's Remedy to Jushi by Selectman Naff seconded by Selectman McKenna. Motion carried unanimously.

**Accept and authorize to expend \$50 donation to MPD (MGL Ch. 44, §53A)**

Letter from Police Chief Lewos re: a \$50 donation for the Millbury Police Dept. K-9 Program.

Motion to accept and authorize to expend the \$50 donation to MPD (MGL Ch. 44, §53A) by Selectman Despres seconded by Selectman Naff. Motion carried unanimously.

**Drainlayer Renewal to Lay Drains in Millbury - NHB Construction-Michael Bernard 3 ½ Oakview Dr Millbury**

Motion to approve the Drainlayer Renewal of NHB Construction-Michael Bernard of 3 ½ Oakview Dr Millbury to Lay Drains in Millbury by Selectman McKenna seconded by Selectman Naff. Motion carried unanimously.

**Discussion regarding Board responsibility for dog hearings**

Sean Hendricks stated that the Board of Selectmen is not required to be the hearing authority under the statute. The Board of Selectmen could delegate responsibility to another town employee. Selectman Naff stated that he believes that the way the public dog hearings are currently being held are not as effective as they could be. He feels that there are better alternatives to the current format. Selectman Naff also stated that a formal process should still be used but in a non-televised way, as it is hard for the public to display their tough detailed

## **Selectmen Meeting**

experiences when it is being broadcasted. Selectman McKenna disagrees and she believes the current format is effective by having them come forward. Chairman Krumsiek stated that there could be steps that must occur; the Board of Selectmen could be the final step. Selectman Despres stated that he likes the public coming before the Board and he feels 5 people are better than 1. He also stated that it must have taken the complainant multiple issues/ years to come forth before the Board. It has been a known issue and no action has been taken so the Board should be the ones to handle it. Selectman Naff stated that he does not believe that this is the most effective way of handling the issues brought forth. Selectman Naff posed the question if this is best use of the Board of Selectmen? Selectman McKenna stated that she recalls from a webinar they cover policies and they are similar in category. Selectman Naff stated it is hard to shift through the issues because of people wanting to speak on certain details due to the public broadcast. Sean Hendricks addressed Selectman Despres concern on authority by stating that these issues do not have much discretion. The Statute is clear in the outcomes of the hearings. Selectman Delaney stated that the dog hearings do not take much time. Selectman Naff stated that one issue took an entire year to be resolved. The Board decided to have Sean reach out to the AOC, check with Town Counsel, see what other towns are doing and are considering a step process.

### **Discussion regarding Board responsibility for issuing Drainlayer licenses**

Sean Hendricks stated that in 44 towns, 75% of the towns the Sewer Commission handled the Drainlayer's Licenses not the Board of Selectmen. Bylaws are not specific and does not state the approval authority and it is open for interpretation. Sean stated he will approach the Sewer Commission.

### **Discussion of Entertainment License Fee (MGL Ch. 140, §183A)**

Selectman Naff asked for this item to be brought back on the agenda and had questions for the justification of the fee? Sean replied that the statute stated they can charge up to \$100 for the entertainment license fee. Selectmen McKenna stated that they did asked what other towns were charging when the Board decided upon the fee. She also stated that fees do go into the budget and it is fair to charge for time and paperwork. Selectman Naff stated that he does not see the fee as fair to the businesses owners. Selectman Krumsiek stated that the Town of Amherst, MA charges a keg & dance fee. Sean stated that it was directed to live music with a Common Victualler fee. In December, they would readdress due to it being half way through the year. Selectman Krumsiek stated that permits in Town require a fee and the State requires the businesses to have to fill out the paperwork. Motion to revoke the Board's enactment of an Entertainment Fee and rescind the vote of the Entertainment License Fee MGL Ch 140 § 183A by Selectman Naff seconded by Selectmen Despres. Selectman Naff, Selectman Delaney and Selectman Despres all in favor, with Selectmen Krumsiek and Selectmen McKenna opposed. Motion carried 3-2.

### **Discussion of possible Little League championship parade**

Selectman Krumsiek stated that she will speak to Police Chief Lewos

### **Authorize chair to sign letter requesting .gov domain**

Sean Hendricks stated that regulations have changed and that a signature is needed from the chief executive. Motion to authorize the chair to sign the letter requesting .gov domain by Selectman Despres seconded by Selectman Delaney. Motion carried unanimously

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### **Management Update**

#### **\*See Attached**

Selectman Despres stated he received a compliment that the bike path entrance been cleaned and looks great- he wanted to thanks those who helped.

Chairman Selectman Krumsiek asks about the roadside mower. Sean stated the mover is damaged and he is in contact with the insurance company.

### **Dates to Remember**

Asa Waters Mansion hosting the summer concert series July 29, 2021 from 6-8 pm.

Town Manager & Police Chief meet and greet at the Mansion on July 28, 2021 from 5-7pm.

### **Review & Approve Previous Minutes**

Motion to approve the Minutes of June 22, 2021 by Selectman McKenna 2<sup>nd</sup> by Selectman Despres. Motion carried unanimously.

### **Round Table Discussion**

Selectman Krumsiek states that the public will not be happy with wearing masks if we have to go back to that.

### **7:32 PM Adjourn Meeting**

Motion to adjourn the meeting by Selectman McKenna, seconded by Selectman Despres  
Motion carried unanimously.

Respectfully submitted,

Amy Fleming, Secretary

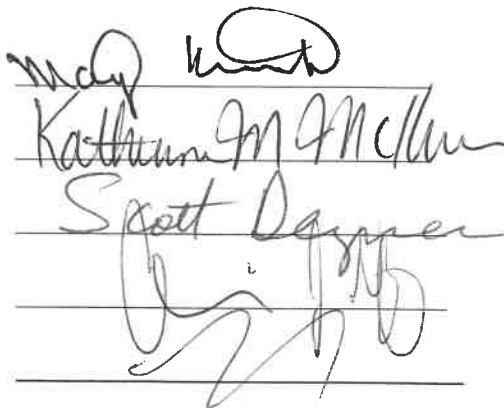
Mary Krumsiek

Katie McKenna

Scott Despres

Chris Naff

David Delaney

Handwritten signatures of the five selectmen listed on the left. The signatures are written in cursive and are placed over horizontal lines. From top to bottom, they correspond to Mary Krumsiek, Katie McKenna, Scott Despres, Chris Naff, and David Delaney.



*Gateway to the Blackstone Valley*

## TOWN OF MILLBURY

*Office of the Town Manager*

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### MEMORANDUM

**To:** Board of Selectmen

**From:**   
Sean Hendricks

**Date:** July 27, 2021

**Re:** Host Community Agreement with Nature's Remedy of Massachusetts

Nature's Remedy of Massachusetts, Inc. ("Nature's Remedy") and the Town of Millbury (the "Town") are parties to a certain Host Community Agreement dated January 3, 2018, which was amended by a First Amendment to Host Community Agreement dated August 16, 2018 (collectively, the "HCA") in connection with the use and operation of a Medical Marijuana Treatment Center and Recreational Marijuana Establishment (collectively, the "Establishment") located at 266 North Main Street (the "Property"). After executing the HCA with the Town, Nature's Remedy sought and obtained all necessary state and local permits and approvals for the operation of the Establishment, which served to activate the obligations of all parties to the HCA. Nature's Remedy completed renovation and construction work at the Property and opened the Establishment to the public in September of 2019.

Nature's Remedy and Jushi MA, Inc. ("Jushi MA") recently entered into an agreement under which Nature's Remedy will merge with and into Jushi MA, with Jushi MA as the entity surviving the merger. Consequently, Jushi MA will hold all the licenses and permits held by Nature's Remedy upon completion of the merger. Section 13 of the HCA provides that Nature's Remedy shall not assign or transfer its rights or obligations under the HCA without prior written consent from the Town.

On June 17, 2021, in anticipation of the merger, Jushi MA requested written approval from the Town, pursuant to Section 13 of the HCA, for Nature's Remedy to transfer all of Nature's Remedy's right, title and interest in and to the HCA to Jushi MA. My office notified Jushi MA that a few weeks would be necessary for the Town to complete its due diligence, and it was agreed that the request would be heard by the Board of Selectmen on July 27, 2021.

Nature's Remedy has been a model business in Town, and by all accounts, it has been a good neighbor since it opened its doors. Aside from a general vetting of the corporate information provided by Jushi, which the Board members have been provided, the focus of my efforts was Jushi's relationships with its

neighbors in other municipalities. Additionally, Jushi Holdings boasts a very comprehensive website, which contains very detailed and transparent information regarding Jushi's past and proposed acquisitions, corporate infrastructure, corporate philosophy, and a vast array of cannabis cultivation/distribution educational materials.

I found no substantial misstatements of fact in the materials Jushi provided to the Town. Most of the information provided by Jushi can be independently corroborated, whether corporate infrastructure-related or information regarding Jushi's presence on a stock market/value of the business. My primary focus was verifying Jushi's reputation in its communities, as I believe that is likely Millbury's greatest concern. In order to determine how Jushi does business on a local level and how it interacts with and is viewed by its neighbors, I directly contacted the administrations of six communities where Jushi currently conducts retail operations, medical and/or recreational. I had conversations with multiple individuals from Santa Barbara, CA, Manassas, VA, Scranton, PA, Las Vegas, NV, Sauget, IL, and Irwin, PA. I also spoke with the Town Administrator of Tyngsborough, MA, where Jushi recently received local HCA transfer approval.

While no business is perfect, each municipality stressed that Jushi has been and are expected to continue to be a good neighbor in their communities. I found no evidence/heard no anecdotes that would lead me to believe that a Jushi establishment will be a problem in our community. No town/municipality reported any substantial problems—with law enforcement or with neighbors. While Jushi's entry into many communities has been via a merger with or buyout of an existing franchise, it has been a reputable business in every market it has entered.

In conclusion, relying on information gathered in pursuit of providing the Board members with information that will enable them to make an informed decision on this matter, I recommend that the Board of Selectmen approve Jushi MA's request for a transfer of the subject Host Community Agreement from Nature's Remedy of Massachusetts to Jushi MA, pending acquisition of necessary state and local permits and approvals.



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### MANAGEMENT UPDATE

**To:** Board of Selectmen  
Municipal Staff

**From:**

  
Sean Hendricks

**Date:** July 27, 2021

#### TM:

- With HR Administrator, completed FY22 goal sessions with department heads
- Attended 7/13 BoS meeting
- Attended weekly Shaw School OPM/NGrid meeting (2)
- Attended summer concert at Senior Center
- Met with Senior Center staff members
- Attended Charter Review Committee meeting
- Attended multiple CodeRED user training sessions
- Attended meeting w/ Johnson Controls re: municipal energy efficiency/sustainability projects
- Attended meeting of Central Mass. Public Health Alliance
- Attended Shaw Building Committee meeting
- Attended negotiation strategy meeting with police chief and HR administrator
- Conducted contract negotiations with DPW and Dispatcher bargaining units
- Attended check-in meeting w/ Weston & Sampson re: ongoing projects
- Participated in bond rating call ahead of upcoming short-term borrowing

#### Updates:

- **175 W. Main St.:** The Building Inspector has advised me that there are three current/active certificates of occupancy at the address. We have been informally notified that the Care Factory is terminating its lease at the location. The owner, Mr. Dion, is reportedly looking to lease another area of the location for an unrelated business. Mr. Stringham is in contact with the property owner regarding outstanding building code issues.
- **Senior Center:** Kendra Faldetta is the Acting Director of the Senior Center until further notice. Judy O'Connor is on paid administrative leave while staff completes an investigation/audit of the operation. I will keep the Board informed as appropriate. I am in contact with president of the Council on Aging; that group is aware of the temporary state of operations at the Senior Center. All programming is anticipated to continue as scheduled.
- **12 Latti Farm Rd:** We were informed that Co-Grow has experienced some communication problems with National Grid. We have made contact with the proper individuals at NGrid, and the project is moving forward. NGrid will need to do some work in the public right-of-way, and the designer of those upgrades/installations is new to Millbury; hence, he was unfamiliar with the protocols in our town.

After several email exchanges, which ultimately led to a more solid identification of the problem, NGrid has now submitted its proposed design to Keith Caruso, who will provide recommendations to the Board when it is asked to vote on NGrid's pole petitions that will be submitted in the near future. Once the Town has given its approvals, NGrid will complete its work, which will lead to NGrid addressing final inspections/approvals for the Co-Grow facility.

- **Engineering:** Our check-in meeting with Weston & Sampson was productive. We have several ongoing projects, from sewer rehab to MS4. All are on schedule and progressing nicely. We will work with W&S to find ways to leverage ARPA funds to offset some of the expense of our projects, including relevant bridge/culvert/drainage repairs/replacement.
- **DPW:** Now that we are in the new fiscal year, we are in the process of finalizing our paving projects. We expect RFBs to be on the street in the next couple of weeks.
- **Bond rating call:** The bond rating call, conducted by Ms. Marlborough, Ms. Barrett, and me went well. There have been few changes since our last call in February, so our status has not changed, but our internal outlook is certainly more positive, now that we have Ms. Barrett on board. Over the next 10 months or so, we hope to initiate, implement, and codify some financial policies that will reflect our historically responsible practices. We hope that this could lead to a bump in our rating next summer, when we anticipate putting the Shaw School debt out for permanent borrowing.
- **Personnel/HR:**
  - Public Access Assistant- reposted July 8th
  - Assistant Treasurer/Collector- Susan Rogers starts August 2nd
  - Equipment Operator II- on hold
  - Part Time Dispatcher- Posted July 9th
  - Special Police Officer- John Fraioli starts after July 22nd

Be well.

SH