

February 12, 2020

**Board of Selectmen  
February 12, 2020  
Town Hall**

**AMENDED**

**Present:**

Mary Blanchard, Chairman  
Mary Dowling, Vice Chairman  
Michael Suprenant, Clerk  
Priscilla Gimás  
Chase Kaitbenski

**Staff:**

Jeff Bridges, Town Administrator  
Andrea Mensen, Administrative Assistant

**Chair Blanchard called the meeting to order at 5:30 pm**

**The Selectmen led the Pledge of Allegiance.**

**Chair Blanchard read through the agenda**

**To confirm and clarify actions taken at the February 3, 2020 Board of Selectmen meeting pertaining to proposed host community agreements with 253 Organic, LLC, Caregiver Patient Connection, and Heal Sturbridge, Inc. for the retail sale of marijuana, and to a proposed amendment to the existing host community agreement with Heal, Inc. for a medical marijuana facility. Votes may be taken and prior votes may be reconsidered.**

Chair Blanchard clarified why the board was meeting about this topic again. She went over the events of the Board of Selectman's meeting on February 3, 2020. The Chair informed the board of the order in which she would conduct this meeting. She stated that first she would start by allowing each of the applicants to make a brief statement of no more than 3 minutes in length to summarize their proposal and address the Board on the issue of the reconsideration of votes as they feel appropriate. Secondly, she will open the floor to the Board to discuss the three proposed agreements, separately or together, and what further actions the Board may wish to take, if any. Third, following discussion the Chair recommended she would accept a separate motion for reconsideration on each agreement. Chair Blanchard stated that, as advised by Town Counsel, the prior votes taken by the Board on February 3<sup>rd</sup>, remain valid until reconsidered.

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Each of the applicants, along with their attorneys approached the Board, one at a time, and summarized why they feel they are the right fit for Sturbridge, and asked the Board for their votes to enter into host community agreements.

Johnathan Eichman, Town Counsel, was in attendance if the Board were to have any questions.

Chair Blanchard asked Mr. Eichman to explain what granting three host community agreements as opposed to two would look like. Mr. Eichman stated they the Board does have that authority.

Vice Chair Dowling stated that she wanted to clarify that she knows Sturbridge voted and is a "yes" town, but stressed that the majority of residents (600+) voted to ban all retail stores at the 2017 town election and the Board should be cognizant of that. She also noted that the bylaw only allows two special permits. Vice Chair Dowling said that she appreciated Chair Blanchard giving the applicants another chance, but she does not feel comfortable with the attorney of 253 Organic giving the Board legal advice, as they receive legal advice and direction from their Town Counsel. Vice Chair Dowling told the Board that she feels strongly that the applicants they choose to enter into a host agreement with, should be individuals who the town can be amicable with. She wants to enter into a contract with an applicant who will not challenge the Town and threaten a lawsuit, referring to the drafted lawsuit paperwork given to the Board from 253 Organic after the events of February 3, 2020 Board of Selectman's meeting. After town counsel confirmed that it was a public document, Vice Chair Dowling referred to a document entitled "order plaintiff's ex part motion for a temporary restraining order" that was placed in their mailboxes approximately one hour before the meeting. The document sought to restrain the town from entering into other host agreements. She stated that she felt "strong armed" by 253 Organic's actions.

Selectwoman Gimas stated she was confused about why the Board is able to enter into three host agreements, considering the number of host agreements is based upon 20% of off premise liquor licenses. Mr. Eichman stated that it is the discretion of the Board whether or not they enter into three agreements. He went over the bylaw which states they are able to enter into agreement with three because it is not a license or a permit yet. He stated that if three agreements were approved, the three applicants would then go to the Planning Board where two would be selected to move forward with permits and licenses. Vice Chair Dowling and Selectwoman Gimas stated they didn't see why it would be the Planning Board's job to make that decision.

Vice Chair Dowling referenced the documents, court order and Affidavits, given to the Board from 253 Organic. She asked the applicant if the Board choose not to go into agreement with them, would they continue to pursue a lawsuit. Adam Fine, 253 Organics attorney, came forward and stated that the documents were drafted and the purpose of them was to let the Town know that the applicant is subject to his rights. Mr. Fine stated that his client wants a "fair shake" and to him that means entering into a host agreement and allowing him to go to the Planning Board and explore their thoughts and make his case on this merit.

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Chair Blanchard stated that 253 Organic has been cooperative, and the drafted paperwork was understandable because the rug had been ripped from under them after the last meeting.

Selectman Kaitbenski stated that he asked for this meeting because after consistently wanting to enter into two host community agreements, he now believes that they should enter into three because at this point he feels they are at legal risk. He stated he would like to send the three applicants to Planning Board, adding that if he were on the Planning Board he would want to be privy to all the components.

Selectman Suprenant stated that based on a lot of research and conversations he's had, he found that all three applicants were qualified. He stated that it would be the ultimate decision of the Planning Board but their decision would be based on the bylaw. If he didn't think all three applicants were qualified, he stated that he would only be voting for two, but since that's not the case he believes voting for three is a good idea.

Selectwoman Gimas stated that she was always under the impression that it was the Board of Selectman to pick the two applicants, and then they would be sent to Planning Board for the Planning Board to move forward with site plans. Vice Chair Dowling and Selectwoman Gimas agreed that they were very disappointed with this process, stating that they always understood that this decision was up to the Board of Selectmen.

A representative of Caregiver Patient Connection asked if this was a "first come, first serve" process to get to the Planning Board. Jean Bubon, Town planner, stated that it was because they only have 65 days from the time a host community agreement is approved until they hold a public hearing on the site plans. The representative stated he believed they are at a large disadvantage now because of their location.

**Motion: To reconsider the Board's vote taken at its February 3, 2020 meeting not to enter into a host community agreement with 253 Organic LLC By: Selectman Kaitbenski**

**2<sup>nd</sup> : Chair Blanchard**

**Vote: (3-2) (Vice Chair Dowling and Selectwoman Gimas opposed)**

**Motion: To reconsider the Board's vote taken at its February 3, 2020 meeting to enter into a host community agreement with Caregiver Patient Connection, LLC By: Selectman Suprenant**

**2<sup>nd</sup>: Selectman Kaitbenski**

**Vote: (3-2) (Vice Chair Dowling and Selectwoman Gimas opposed)**

**Motion: To reconsider the Board's vote taken at its February 3, 2020 meeting to enter into a host community agreement with Heal Sturbridge. Inc. By: Selectman Kaitbenski**

**No Second**

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**Motion fails**

**Motion: To approve and enter into a host community agreement with Caregiver Patient Connection LLC in the form presented, as that form has been modified in accordance with the Board's prior vote, for the operation of a retail adult- use marijuana establishment at 365 Main Street. By: Vice Chair Dowling**

**2<sup>nd</sup> Selectwoman Gimas**

**Vote: All in Favor (5-0)**

**Motion: To approve and enter into a host community agreement with 253 Organic LLC in the form presented, as that form has been modified in accordance with the Board's prior vote, for the operation of a retail adult- use marijuana establishment at 138 Main Street. By: Selectman Kaitbenski**

**2<sup>nd</sup>: Chair Blanchard**

**Vote: (3-2) (Vice Chair Dowling and Selectwoman Gimas opposed)**

**Adjourn**

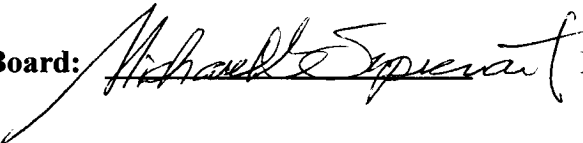
**Motion: To adjourn at 7:07 pm. By: Selectman Kaitbenski**

**2<sup>nd</sup>: Selectman Suprenant**

**Vote: All in Favor (5-0)**

**Adjourned at 7:07 PM**

**Minutes prepared by: Andrea Mensen**

**Clerk of the Board:**  **Date signed:** 03-05-2020