



Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

TOWN HALL BUILDING
8 PARK STREET

Wednesday, July 20, 2022, 7:00 p.m.

TOWN HALL, 8 PARK STREET, ADAMS, MA 01220 1st Floor, Board of Selectmen Meeting Room

EXECUTIVE SESSION: *For reasons #3 To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares, and Reason #6 To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body*

Vice-chair Hoyt made a motion to go into Executive Session for reasons 3 and 6 to discuss a negotiating position with cannabis businesses including MOTAH 420 Inc. Member Nowak seconded the motion.

Roll Call vote: Member Nowak, yes. Member Rosenberg, yes. Member Blanchard, yes. Vice-chair Hoyt, yes. Chairman Duval, yes

The motion passed unanimously.

Chairman Duval Recused himself from the discussion.

Board moved into Executive Session at 8:40pm.

Jay Green, Town Administrator: We currently have two signed Host Community Agreements (HCA) for retail location. Two cultivation and manufacturing agreements. A Host Community Agreement as approved by BOS was presented to MOTAH 420. MOTAH has responded with 3 revisions. 2 of which, staff would recommend that they move forward with. We recommend that the BOS look specifically at the Community Impact fee that is in the law resulting in 3% of gross sales being given to community.

Adams has not cited any community impact at this point in time, and as such has not requested the charge. MOTAH would like to see that provision removed from the Host Community Agreement (HCA). If they do not have an HCA, their purchase and sale agreement will expire and the purchase of the Burke Construction project will expire.

Eammon Coughlin, Director of Community Development has worked to make changes to the HCA and MOTAH has found the changes to be agreeable.

Mr. Coughlin noted that the majority of this work has been done to change the tone of the HCA. For example, a change in the language from "retail, agricultural, etc." to "marijuana establishment", and "company will make an annual payment equal to 3%" changed to "not to exceed 3%" so that 3% could be collected if it was justified, but it will not automatically be collected. Currently, for the Town of Adams, the impact is staff time and not extraordinary in comparison with any other business that may go through a licensing process. If there is, for example, a significant increase in traffic as the result of a marijuana business that resulted in road improvements or modifications being needed, that would be considered an example of community impact. That has not been seen in the town of Adams.

Member Nowak asked if this has been cleared through the Marijuana Commission.

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Eammon Coughlin clarified that HCA is strictly an agreement between business and Host Community, so Marijuana Commission is not involved outside of providing guidelines.

This new HCA is worded in a way that maintains the validity of the contract in the event that legislation changes remove the community impact fee.

Jay Green, Town Administrator recommends that the board to vote to put the changes into the final HCA with MOTAH 420. The wording will allow for a more comfortable contract and will still being in full accordance with Mass State Law.

MOTAH 420 would like to do a financial literacy program as their form of Community Education in accordance with the HCA.

It is the recommendation of Town Administrator Green and Mr. Coughlin that the Board agrees to the simple modification to the HCA so they can move forward with their purchase of space and move into the licensing process

Attorney St. John, Town Council noted that it is challenging to pinpoint community impact and therefore challenging to justify the collection of the 3% impact fee, which is why it is unlikely that the Town will attempt to collect the 3%.

Member Blanchard made a motion to approve the modifications for the Template Host Community Agreement specifically for MOTAH 420. The motion was seconded by vice-chair Hoyt.

Member Nowak questioned if this would cause there to be retroactive changes in HCA with other marijuana businesses. Eammon Coughlin clarified that the this is not retroactive.

The motion to accept the changes to the Host Community Agreement passed with three votes in favor of the motion and two abstentions.

New legislation will dictate how new HCAs and future HCAs are handled. There is a proposal to have it not be retroactive, but it will all depend on final language in the law.

Member Blanchard moved to exit executive session. Vice-chair Hoyt seconded the motion.

Roll Call vote: Member Blanchard, yes. Member Nowak, yes. Member Rosenberg, yes. Vice-chair Hoyt, yes. Chairman Duval, yes. The motion passed unanimously.

*Respectfully Submitted,
Bri Hantman, Recording Secretary*



Chairman, Board of Selectmen