

MINUTES
SHARON BOARD OF SELECTMEN
April 10, 2018

The meeting of the Sharon Board of Selectmen was called to order at 7:01pm in the Town Hearing Room at the Sharon Community Center with Chairman John J. McGrath, Selectman William A. Heitin, Selectman Walter B. Roach, Town Administrator Frederic E. Turkington, Jr. and Assistant to the Town Administrator Lauren Barnes. The meeting commenced with the recitation of the Pledge of Allegiance.

Four Daughters Compassionate Care Host Community Agreement Discussion

Mr. Turkington told the Board that he spent time with Mr. Striar and Mr. Rosen of Four Daughters Compassionate Care (FDCC), and separately with Town Counsel, discussing the components of the host community agreement. Mr. Turkington gave the Board an overview of the draft agreement, which is in the Board's packets. It includes a prioritized list of mitigation measures to anticipated community impacts to be paid only if the retail establishment opens. The 3% sales tax is contingent on Town Meeting action to adopt the tax, and the wholesale 3% payment applies to cultivation, processing and manufactured products, regardless of the vote on the ban. The agreement also includes contingencies for Town Meeting action and leaves in place the existing medical marijuana dispensary host community agreement in the event a ban is approved. Mr. Turkington went on to say that the Cannabis Control Commission has guidance for host community agreements and this draft reflects template language from approved host community agreements in other municipalities. This draft is 95% complete, pending final review by Town Counsel.

Selectman Heitin thinks everyone did a great job and feels it is a defensive position to ensure that the Town is protected. He is comfortable with the way it is written. Selectman Roach noted that something has to be in place before Town Meeting.

Connie Dai, 627 Massapoag Avenue, noted that Sharon CARES suggested content for the agreement relative to public safety/product safety/public health concerns. Mr. Turkington replied that he reviewed four different communities' agreements and none of them referenced these matters. Mr. Turkington said that typically these are matters that would be regulated on the state level, not the local level. Brian Striar, 584 Mountain Street, explained that the state has created regulations on the level of THC in edibles. The state wants to start low with the edibles, as there is a learning curve. Ms. Dai asked about cultivation in the host community agreement. Mr. Turkington explained it is regulated in the permitting process, such as the Zoning Board of Appeals. Paul Lauenstein, 4 Gavins Pond Road, spoke about the 2007 Sharon Commons agreement and the provision in the agreement relative to a payment for water conservation measures. He believes that any new development could have language like this, and asks the Board to consider it. It would be a one-time payment. Mr. Striar said that during the permitting process with the Zoning Board of Appeals for the medical facility, there is a provision in the agreement for such a thing. Selectman Heitin pointed out that water usage in Sharon is at an all-time low.

MOTION: To approve the host community agreement as presented, subject to review of Town Counsel
(Heitin – Roach) 3-0 **PASSES**

Vote Positions on Annual Town Meeting Articles 21 & 23

Mr. Turkington explained that at the last meeting, the Board voted in rapid fire succession on the marijuana articles and wanted to ensure that their votes were recorded on these two articles.

Both the Finance Committee and the Planning Board voted against the article banning recreational marijuana retailers (Article 21) and in favor of limiting the number of recreational marijuana retailers (Article 23).

Article 23 – limiting the number of recreational marijuana retailers

Selectman Heitin supports this article as amended (20%, down from 25%, of the number of off-premises alcoholic beverage licenses) due to recent CCC guidance. This translates into one dispensary. Chairman McGrath supports; Selectman Roach supports.

Article 21 – banning recreational marijuana retailers

Selectman Heitin explains that this is the ban article. He noted that this is a big deal but needs guidance; he supported putting this on the warrant and on the ballot. He is looking to see what the town wants to do and expects a debate on the floor of Town Meeting. He does not want to take a position on Article 21. Chairman McGrath supports the ban of recreational marijuana, and supports Article 21. Selectman Roach believes that he needs to listen to the voters. He too does not want to take a position on Article 21.

Chairman McGrath noted that the Board always takes positions on articles. Mr. Turkington noted that he will draft language in the warrant.

Reconsider Location of Civil Defense Building

Michael Polimer, Civil Defense Director, summarized the last meeting with the Board: the first option is using a part of Parcel F, with the backup being a parcel off South Main Street on the site of the Deborah Sampson ballfields. They received a lot of pushback from the neighbors on the use of Parcel F and are looking for the Board to support the “triangle lot” parcel, known as Parcel T (for triangle). Mr. Turkington explained the process: if the Board supports the new location, the Finance Committee recommendation will need to be held until Town Meeting because their vote was predicated on the Parcel F lot. Parcel B is designated for outdoor recreation use, so Parcel F, which allows municipal office buildings, will become designated for outdoor recreation use. He did speak with Greg Meister, and the National Park Service (NPS) will need to get involved, as the NPS money was used in the initial purchase. The underlying zoning is 80,000 square feet, so a part of it will need to be carved out for the building, so it will require a variance from the Zoning Board of Appeals.

Chairman McGrath asked if there are any issues with this new site. Mr. Turkington said that the only issues we are aware of are the site line coming out onto South Main Street and some additional clearing of the property. Selectman Roach’s only problem with this site is crossing lanes of traffic coming from the new public safety building on South Main Street. Selectman Heitin noted that the purchase on the house on the corner of East Foxboro Street and South Main would help with parking and would allow Civil Defense to come in and out of East Foxboro Street. Selectman Roach cautioned Civil Defense that the land swap and special legislation does take a lot of time.

MOTION: To approve the “triangle lot” for the civil defense building, as discussed
(Heitin - Roach) 3-0 **PASSES**

MOTION: To rescind the previous vote for Parcel F, as discussed tonight
(Heitin - Roach) 3-0 **PASSES**

Consent Calendar

- I. Vote to approve regular session minutes of March 27, 2018
- II. Vote to approve the Water Department Reserve Fund transfer request of Eric Hooper, Superintendent of the Department of Public Works, in the amount of \$138,919.67 into the Water Systems Improvement fund
- III. Vote to authorize the application of unexpended capital funds to fiscal 2019 debt service in the amount of \$25,565
- IV. Vote to sign the 2018 Annual Town Meeting Warrant
- V. Vote to approve the outdoor water use restrictions from May 1, 2018 through October 1, 2018: that outdoor water use be restricted for odd numbered homes to 6:00pm to 8:00pm on Mondays and Thursdays, and for even numbered homes to 6:00pm to 8:00pm on Tuesdays and Fridays
- VI. Vote to appoint Kathleen Nasti to the Sharon Cultural Council for a term through June 30, 2021
- VII. Vote to approve and sign the Second Amendment to Memorandum of Understanding by and between the Town of Sharon and 25 Tiot Holdings, LLC
- VIII. Vote to approve the following banner requests: SYBSA Carnival – April 23-30, 1st position
- IX. Vote to approve the one-day alcohol license (wine & malt) for Lynn Brown for a Bat Mitzvah at the Sharon Community Center on Friday, April 27, 2018 from 7:00pm to 10:00pm

MOTION: To approve the April 10 consent calendar, as presented
(McGrath – Heitin) 3-0 **PASSES**

Town Administrator's Report

Mr. Turkington reported the following:

Through March 30, there is a deficit in the snow & ice budget of approximately \$196,000. A reserve fund transfer request will be finalized and will go to the Finance Committee.

With respect to Town Meeting, the deadline for the Finance Committee to submit their write-ups is tomorrow at noon and pointed out that the warrant is 95% complete. He explained that articles 1-19 will be debated on the first night, with the zoning articles to be debated on the second night. The Moderator will again use specific microphones for "pro" and "con" debate and will employ the use of a consent agenda to approve routine and non-controversial articles. Mr. Turkington reviewed the list of warrant articles with the Board. The warrants will be in residents' mailboxes by April 23.

Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting

Chairman McGrath stated that the Town received a plaque in recognition of its efforts with respect to the Polar Plunge to benefit Special Olympics. He also announced that Police Chief Tilden Kaufman quietly retired after 32 years of service to the Town of Sharon. The Board thanks him for his hard work and dedication. Selectman Heitin suggested drafting a letter to send to Chief Kaufman.

Executive Session

MOTION: To enter into executive session to discuss strategy with respect to pending litigation and at the end, to adjourn. Discussion of this item in open session may have a detrimental effect on the bargaining position of the Town.

(McGrath - Heitin) 3-0 **PASSES**

McGrath - Aye

Heitin - Aye

Roach - Aye

Adjournment

MOTION: To adjourn at 8:12pm

(Heitin - Roach) 3-0 **PASSES**

McGrath - Aye

Heitin - Aye

Roach - Aye

List of Documents

- Fred Turkington – April 4, 2018 email re: draft HCA with FDCC
- Draft HCA with FDCC
- Connie Dai – March 28, 2018 email request to be added to agenda
- Connie Dai – Comments/suggestions on HCA with FDCC
- Annual Town Meeting Warrant Articles 21 & 23
- 25 East Foxboro Street GIS map & triangle lot map
- Lisa V. Whelan, Esq – April 2, 2018 email re: Sacred Heart Property – Parcel B inquiry
- Michael Polimer, Civil Defense – April 5 email re: CD location, conforming 80,000 sf parcel
- Lauren Barnes – March 29, 2018 email re: Sacred Heart – Parcel B inquiry
- Sacred Heart Property – original vote to purchase property, ATM 2002 Article 25 vote, plan, 1985 site plan, quitclaim deed, Acts of 1974 – Chapter 568
- March 27, 2018 Board of Selectmen minutes
- Eric Hooper, Superintendent of Public Works, memo regarding Water Dept. reserve transfer request
- Krishan Gupta, Finance Director – Email memo requesting a vote of the Board of Selectmen authorizing the application of unexpended capital funds to FY2019 debt service
- Eric Hooper, Superintendent of Public Works, memo regarding 2018 outdoor water restrictions
- Second Amendment to MOU by and between the Town of Sharon & 25 Tiot Holdings, LLC
- Banner Requests: SYBSA Carnival
- One Day Alcohol License Application: Lynn Brown for April 27, 2018 at the Community Center
- Eric Hooper, Superintendent of Public Works, memo regarding snow and ice expenditures
- Miscellaneous Correspondence