



MINUTES OF SPECIAL TOWN MEETING, November 27, 2018.

At the Bernardston Elementary School, School Street, Bernardston.

Moderator: Geoffrey A. Wilson
Town Clerk: Paul Luther
Check-in Clerks: Kristina Costello, Linda Raymond, Salvatore Arnone,
Frank Kromholz, Judy Kromholz
Constable: William Montiglio

The Moderator called the meeting to order at: 7:02pm 31 voters checked in at 7:02pm.
32 voters checked in by close of the meeting.
1594 registered voters.

Town Officials Present:

Selectboard: Brian Keir, Chair; Robert Raymond, Stan Garland.

Finance Committee: Jane Dutcher, Chair.

Town Coordinator: Louis Bordeaux.

Non-Resident / Unregister Voters Known to be Present:

James Counihan, CEO, The Heirloom Collective
Patrick Cloney, CFO, The Heirloom Collective
Paige Dolinski, Aide to Representative Paul Mark

The Moderator read the opening and notice of warrant confirming the proper posting of the warrant.

- *Pledge of Allegiance.*
- *Introduction of Public Officials who all verbally gave their names and duties.*

Article 1: **THE TOWN VOTED TO** petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Selectmen approve amendments to the bill before enactment by the General Court. The Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT RELATIVE TO LAND IN BERNARDSTON

SECTION 1. Notwithstanding section 3 of chapter 40A of the general laws, or any other general or special law to the contrary, the land located at 87 Northfield Road Bernardston, MA 01337 shall not be defined as agriculture.

SECTION 2. This act shall take effect upon its passage.

Article 1, Continued . . .

The article was moved and seconded followed by about forty five minutes of public comment. From the beginning of the comments it appeared clear to the Town Clerk that there was a consensus that the wording and intention of the article was confusing. Through direct questions and explanations by James Counihan, CEO of The Heirloom Collective (lessee of 87 Northfield Road), Paige Dolinski, Representative Mark's Aide & others; it became clear that the language in the petition "shall not be defined as Agriculture" referred to how the state in very recent legislation had defined agricultural activity with regard to the cultivation of cannabis. In the legislation approved regarding cannabis cultivation, the State specifically defined agriculture **to exclude cannabis cultivation** which meant that **all cannabis operations** in the state (which included The Heirloom Collective) would have to be considered manufacturing/non-agricultural activity with all the Zoning Bylaw and permitting consequences thereof. Therefore by the Town asking the State Legislature to not consider The Heirloom Collective property at 87 Northfield as agriculture, it meant that now if Bernardston chose to define the property as agriculture it could include cannabis cultivation in that local definition. This would exempt the property at 87 Northfield Road from the site definition requirements of the State.

James Counihan explained that this classification for their project as manufacturing/non-agricultural under the current State legislation was totally unexpected by them and for more than a year they had built a business plan based on their project being defined as agriculture. For The Heirloom Collective to now switch directions at nearly the very end of the first phase of the project, would not only be very costly to them but might even jeopardize the viability of the entire project and any potential financial benefits to the town. A vote in favor of this article would therefore result in allowing The Heirloom Collective to continue as previously designated by Bernardston as an agricultural activity (including cannabis cultivation).

All of the above only applies to Bernardston and the property at 87 Northfield Road.

*After everyone who desired to speak had been heard **the Moderator asked for a voice vote of those in favor and those opposed and then asked for a show of hands and upon completing that process declared the Article Approved by a vote of 21 (twenty one) in favor and 5 (five) opposed.***

Article 2: **THE TOWN VOTED TO** authorize the Selectboard to purchase a front-end loader with 60" forks for the Highway Department at a net cost of \$153,900.

*The Article was moved and seconded and after everyone who desired to speak had been heard, **the Moderator declared it approved by a Unanimous Voice Vote (without objection).***

Article 3: **THE TOWN VOTED TO** transfer from the Recycling Revolving Fund the amount of \$18,000 and to transfer from the Stabilization Fund the amount of \$135,900 for a total of \$153,900 for the purchase of the front-end loader.

*The Article was moved and seconded and after everyone who desired to speak had been heard, **the Moderator declared it approved by a Unanimous Voice Vote (without objection), therefore satisfying the required 2/3 majority for this article.***

Article 4: ***THE TOWN VOTED TO*** authorize the Town Accountant to move the balance in Account #630 5465 (Recreation Activities: Programs & Field Maintenance) to Special Funds Account #286 (Kiwanis Recreation Equipment Fund).

The Article was moved and seconded and after everyone who desired to speak had been heard, the Moderator declared it approved by a Unanimous Voice Vote (without objection).

Meeting Adjourned at 7:55pm

Respectfully Submitted, November 29, 2018 and amended November 30, 2018

A handwritten signature in cursive script that reads "Paul W. Luther". The signature is written in black ink on a white background.

Paul W. Luther, Bernardston Town Clerk