

1 **TOWN OF CHESTER**  
2 **SPECIAL SELECTBOARD MEETING**

3 **January 28, 2022 Minutes**

4 **Board Members Present:** Arne Jonynas, Jeff Holden, and Lee Gustafson at Town Hall; Heather  
5 Chase and Leigh Dakin via Zoom.

6 **Staff Present:** Julie Hance, Town Manager, and Deborah Aldrich, Town Clerk at Town Hall; and  
7 Susan Bailey, Secretary via Zoom.

8 **Visitors Present:** Scott Blair, Tim Roper, Robert Nied, Jesse Bailey, Chester Telegraph, and SAPA  
9 TV via Zoom.

10 **Call to Order**

11 Chair Arne Jonynas called the meeting to order at 3:05 p.m. with the pledge of allegiance. He  
12 welcomed everyone to the special meeting regarding the petition for the cannabis opt-in vote.

13  
14 **Agenda Item 1, Citizens Comments**

15 Arne asked for comments on anything that was not on the agenda. Tim Roper made a request. He  
16 wondered if the Selectboard could post their packet to the website like the Planning Commission  
17 did with theirs. Julie and several members thought it was a great idea. Leigh asked if his request  
18 was regarding the 4:00 p.m. email that was discussed at their last meeting. Tim said no that he was  
19 able to access that email. It was regarding the 23-page packet. Arne thought it was a great idea to  
20 get the information out to the public.

21 **Agenda Item 2, Petition for Cannabis Opt In vote being added to the Town Warning**

22 Today they received the petition at the Town Hall, and it was verified with the proper number of  
23 signatures. When something like that happens, the Selectboard has within 60 days to warn the  
24 meeting. The way procedure works is when they receive a citizen's petition and it's verified, they  
25 must warn it within 60 days. They could act immediately or sometime within the 60 days. Once  
26 that happens, there's a 30-to-40-day period in which they must vote. If they waited the entire  
27 amount of time, it could take 100 days. If they acted right away, they would have 30 to 40 days. It  
28 needed to be warned at a minimum of 30 but no more than 40 days before the vote. There needed  
29 to be an informational meeting within 10 days of the vote. Because they had received the petition  
30 today and were having the special meeting, it would start the timeframe and they would be able to  
31 have the vote on town meeting time. It's a special item that would be included with the rest of the  
32 information, and they are allowed to do it that way. They confirmed the procedure with the  
33 Secretary of State because some thought they were trying to push it through and bend the rules. If  
34 the Selectboard didn't want to do it, they could wait the 60 days and then the 30 to 40 days, but  
35 Arne thought because it was such an important issue, there would be more people engaged with it  
36 on Town Meeting Day, than a special election.

37 Lee asked for clarification on the amount of time they had, that being up to 60 days to act. Julie  
38 added the meeting had to be warned no less than 30 and no more than 40 days before the meeting.  
39 An informational meeting must also be held within 10 days of the vote. Lee asked if the 30 days  
40 was between now and March 1<sup>st</sup> and was told it was. Arne said if they wanted the vote at the town  
41 meeting, they needed to do it by Sunday because that would start the clock. When they got closer,

1 they would have the informational meeting at the end of the town meeting. It would also be on the  
2 agenda at the next Selectboard meeting to get more people involved and more input, so it didn't  
3 appear like they are trying to rush things through.

4 Heather was aware the informational meeting would be after the town meeting, but she thought  
5 there was misinformation circulating such as the town receiving revenue. She thought they should  
6 have a clear presentation of what it would mean for zoning, etc. and they should have it on the  
7 agendas for both meetings until town meeting to give people accurate information. She suggested  
8 getting the information they knew out there in a factual way. Arne agreed and said that was why  
9 it was on next week's agenda, and they could also include it on the second meeting's agenda to  
10 continue the discussion and the sharing of information and address questions from the public or  
11 anything that came up before the final vote. They wanted to make sure all the information out there  
12 was correct.

13 Lee requested it was on the agendas for both meetings. There was a lot not known or decided yet.  
14 It would require a lot of in-depth investigation and he thought the more they talked about it, the  
15 better.

16 Leigh said the CCB hadn't completed their study, so it was very important when they received  
17 new information to get it out to the public. She thought it was important it was acknowledged and  
18 followed up on. She understood it would be a separate ballot and not on the Town Warning. Arne  
19 agreed it would not be on the Town Warning and would be by separate ballot because the Town  
20 Warning has a separate set of rules and regulations.

21 Arne thought at the next two meetings, possibly they could get the Planning Commission, or the  
22 Development Review Board involved because they may be able to help them answer questions  
23 regarding zoning. Lee said based on his research, he didn't believe they had any say in that because  
24 the state would not allow them to regulate it any differently than any other business in town.

25 Arne agreed and just wanted them there for questions regarding retail.

26 Heather suggested a short PowerPoint presentation about the facts and maybe not the pros and  
27 cons because it depended on who you were if you saw them as pros or cons. Lee said he didn't  
28 think it was their role as Selectboard members. Heather thought it was their role to educate the  
29 public. Lee thought they could have an opinion personally but didn't think as a board they should  
30 state their opinions. Heather said not opinions and that's why she had stepped away from the pros  
31 and cons but meant as to what the implications would be for zoning, revenue, retail, and other  
32 details of information they received. She was thinking of a presentation about what would be  
33 involved. Lee agreed.

34 Arne said it would be on the agendas for the next two meetings. He said there was one issue about  
35 it being within 500 feet of a school. Lee said he had asked for clarification from the CCB regarding  
36 that.

37 Heather asked Lee if that could be the outline of the discussion.

38 Lee recommended they come up with a list of questions and find answers, and if not, they reach  
39 out to whoever could help understand that. He thought that would go a long way by getting a  
40 decision or opinion from the people in control rather than finding answers online.

41 Arne thought they were all good ideas to get information out there and answers to help people in  
42 deciding how to vote.

1 Lee understood having the vote as part of an already scheduled election would save them a  
2 significant amount of money. Leigh agreed. Lee asked how much it would save them.

3 Debbie Aldrich said they could find out. She thought the cost of ballots, time, and people to work  
4 would likely be around \$1,000. Julie's bigger concern was how to get people out to vote for a  
5 special election.

6 Arne thought there would be a better representation of the town if it was done during a town  
7 meeting vote.

8 Lee thought, from his perspective, he would rather have had more time to gather information and  
9 have the CCB and state figure out exactly what they were doing. But it made sense to him to have  
10 a vote when more people were engaged rather than wait for a special meeting. Heather agreed.  
11 Arne said they had time. Lee didn't think they would have all the answers in time.

12 Arne said he has had a few questions, but it was all spelled out in detail. After he read through it,  
13 he didn't have many questions.

14 Lee questioned how it would impact Chester regarding zoning issues and complaints, or other  
15 issues. He said they had gotten the regulations from Massachusetts who tended to overregulate  
16 everything. He wondered if they really had made the effort to make it specific to Vermont.

17 Robert Nied understood the votes would be separated but asked if it would be on the agenda for  
18 Town Meeting and part of the virtual agenda.

19 Julie said the State Secretary gave them the opinion that they could have it as part of Town Meeting  
20 but for clarity and to avoid confusion, she and Debbie were recommending having the Town  
21 Meeting Warning and the moderator would take them through it. There is no voting on Town  
22 Meeting this year, as it's all Australian Ballot. They would adjourn Town Meeting and go directly  
23 into a special meeting that would deal with cannabis.

24 Julie said there was a bit of contradiction within statute about warning Town Meeting Warnings.  
25 Just to keep it clean, they would do it as a special meeting that followed Town Meeting. Lee asked  
26 what the typical voter participation was for Town Meeting versus special election.

27 Debbie said last year at the Town Meeting, 563 people voted. For a special meeting for one thing,  
28 she thought half that number voted. Lee said that's what he guessed.

29 Arne asked for any other questions or concerns.

30 Arne read the warning. "Town of Chester Warning: Notice of Special Town Meeting. The legal  
31 voters of the Town of Chester are hereby notified and warned to meet on Monday, February 28,  
32 2022, at a time following the regular town meeting via Zoom and/or in person for a hybrid  
33 informational meeting on the following article: voting on Article 1 will be by Australian ballot on  
34 March 1, 2022, from 9:00 a.m. to 7:00 p.m. at the Chester Town Hall, second floor. And the article  
35 reads: Article 1, Shall the Town of Chester authorize cannabis retailers in town pursuant to 7  
36 V.S.A. § 863? Dated at Chester, Vermont this 28<sup>th</sup> day of January 2022." The motion would be to  
37 adopt the notice of special town meeting warning that Arne had read. Arne said if nobody made  
38 the motion, the time would start on the 60 days. He said they either accept it now or put it off for  
39 a special election if they didn't move or vote it down. Lee was conflicted but said he also wanted  
40 more participation, so from that perspective, he thought they should hold it when there was going  
41 to be a lot of people participating. Even though his preference would be to wait, his thought was  
42 to just get it over with. Lee moved and Heather seconded the motion. Heather agreed with Lee

1 about having more information and thought the most participation was good. Leigh also agreed.  
2 Arne's advice was to get their questions down on paper and share them at the next meeting where  
3 they could continue the discussion, as well as at the following meeting. They would also have the  
4 final informational meeting. He hoped with the three meetings they could answer most questions  
5 and concerns. A vote was taken, and the motion passed unanimously.

6 **Agenda Item 3, Adjourn**

7 Lee moved to adjourn, and Leigh seconded. The motion carried unanimously, and the meeting was  
8 adjourned at 3:33 p.m.

1 **TOWN OF CHESTER**  
2 **SELECTBOARD MEETING**  
3 **February 2, 2022, Draft Minutes**

4 **Board Members Present:** Arne Jonynas and Jeff Holden at Town Hall; Lee Gustafson, Heather  
5 Chase, and Leigh Dakin via Zoom.

6 **Staff Present:** Julie Hance, Town Manager, at Town Hall; and Susan Bailey, Secretary via Zoom.

7 **Visitors Present:** Bill Lindsay at Town Hall; and Linda Diak, Susan (last name not provided), Scott  
8 Blair, Cynthia Prairie, Tim Roper, Robert Nied, Andi Goldman, Chester Telegraph, and SAPA TV  
9 via Zoom.

10 **Call to Order**

11 Chair Arne Jonynas called the meeting to order at 6:00 p.m. with the pledge of allegiance. He  
12 welcomed everyone to the special meeting regarding the petition for the cannabis opt-in vote.

13  
14 **Agenda Item 1, Approve minutes from the January 19, 2022, Meeting**

15 Jeff moved and Lee seconded the motion to approve the January 19, 2022, minutes. Lee noted on  
16 page 5, line 3, the word petition should have been position. A vote was taken, and the motion  
17 carried unanimously with the noted correction.

18 **Agenda Item 2, Citizens Comments/Answers from Previous Meeting**

19 There were none.

20 **Agenda Item 3, Old Business**

21 Properties in Town

22 Julie said she was working with Regional Planning on a program that would include obtaining  
23 some Brownfields funding to perform an environmental study to identify if there was any  
24 hazardous material on site on two of the most egregious properties in Chester which would be up  
25 for tax sale for multiple years of delinquency. After review by the town's attorney, they would  
26 sign an agreement with the state to allow the town to purchase the properties at tax sale, clean them  
27 up, and resell them. The resell price would include cost of cleanup and the hazardous materials  
28 would be paid through the grant program. She still needed to read through the agreement. If the  
29 timing is right, there is no liability to the town. There was work that needed to be done, as it was  
30 new, but she wanted to keep the board in the loop. The Town of Windsor has done it twice now.  
31 Arne said it would help to get properties back on the tax rolls.

32 Lee thought Phase 1 was limited cost and limited scope, and samples weren't collected until Phase  
33 2. He thought there used to be a \$10,000 upfront payment and Julie thought the new piece to the  
34 program was funding to help towns so that cost was covered. She said she needed to have the  
35 contract they would sign vetted through Jim first. Lee offered to help as it used to be his  
36 wheelhouse. Leigh asked if anything had been looked at on the 103 South property still in use.  
37 Julie said Preston was going to write a letter and would follow up with him in the morning. Bill  
38 Lindsay asked if a lien would be placed against the property by the town before the town bought  
39 the property. His concern was the expedience in which the town takes over a property. Speaking  
40 from experience, it could take a lot of time and was difficult to get the cooperation of the state. He

1 was hoping there would be no additional encouragement the town would continue to do it. He was  
2 concerned people would walk away from properties if the town continued to do it.

3 Stormwater Master Plan

4 Julie said the Agency of Natural Resources and Regional Planning reached out to her to participate  
5 in a state program to create a master plan for the stormwater system. They had, over the years,  
6 done mapping of sections in the town. This would finish the mapping and link it together to a  
7 maintenance plan at no cost to the town and would benefit the town. Arne questioned if what they  
8 had on file was Mountainview. Julie said it also included some of Chester Depot and South Main  
9 that was mapped. The stormwater system for the town had gaps and this would complete that  
10 mapping. Jeff and Julie agreed it needed to be done. Julie said the state was selecting 10 towns at  
11 a time and had included Chester.

12 Vermont Forestry Foundation Property

13 The Vermont Forestry Foundation property next to the Pinnacle is under contract with a young  
14 man from Washington State. It is a strong contract and will likely go through. He wants to put a  
15 small camp on the 34 acres. When the contract goes through, Julie will reach out to him and  
16 introduce herself and the town. She understood that he is aware people walk on the property and  
17 that a snowmobile trail exists. At this point, he has no plans to discontinue that use.

18 Brookside Trail Bridge

19 Arne questioned if the grant for the Brookside Trail Bridge had been awarded. Julie said they first  
20 award in early February so she thought they should hear very soon. She would follow-up with  
21 them.

22 Solar Farm

23 Arne asked about the solar farm and Julie said she hoped it would be on the next agenda. Jim  
24 wasn't sure if he would review it by then, but it was coming.

25 Arne asked if anyone on the board had any other old business. There was none.

26 **Agenda Item 4, Discussion re Cannabis Opt-In Vote**

27 Arne said they were trying to get as much information out there and answer as many questions as  
28 they could before the vote at the Town Meeting so people could make informed decisions so it  
29 would be discussed at this meeting and the next. He thought the state may not decide some things  
30 until April 1<sup>st</sup>. There is quite a bit of information out there now, as the law currently stands. The  
31 town had the option to opt-in or out regarding retail sales only. Growing, manufacturing, and  
32 processing will be allowed. At this time, he understood there was no tax benefit or revenue that  
33 would come their way, although there was a bill recently introduced that could change that. They  
34 are not permitted to make any laws pertaining only to retail cannabis which must be treated as any  
35 other retail business. Any zoning laws that pertain to a retail establishment would also pertain to a  
36 cannabis retail establishment. The only difference is the distance it must be from a school property,  
37 which was 500 feet. Their goal was to inform the public as much as they could before the vote  
38 took place.

39 He asked for questions or comments from anyone present at Town Hall or on Zoom.

40 Heather asked if the distance was from a school zone or school property. Arne thought it was the  
41 school zone. Leigh thought it was the school property. Arne had the Vermont statute online

1 regarding drug zones around schools. It just said schools and 500 feet. He thought it was a good  
2 question to have answered.

3 Lee thought alcohol sales had to be more than 1200 feet from a property so he didn't think cannabis  
4 would be less than alcohol from a school. Julie said she would email the VLCT's legal department  
5 tomorrow and get the answer. Arne said the Vermont statute controlling the drug part didn't even  
6 mention alcohol.

7 Jeff thought they were dropping the ball regarding growing because the chemicals used could be  
8 detrimental to the groundwater system. He was bothered they didn't have any say in the matter.  
9 Arne said the same guidelines that applied to agriculture would apply to cannabis. Lee said a lot  
10 of the growers were indoors and used a lot of energy. He read somewhere that the energy used by  
11 marijuana growers was equivalent to a whole state. It may not be outdoors, but the pesticides and  
12 herbicides were very detrimental to the environment. If they don't have a say as a town, it was a  
13 huge issue they needed to bring up with the legislature. Arne said Vermont was considered a  
14 farming state that encouraged small farms, so if they were under the same guidelines as agriculture,  
15 he didn't get the connection about having to worry about pesticides. Arne said pesticides was a  
16 scare word and they could be natural or all different classifications. Arne thought there were  
17 regulations in the document and thought whoever regulates regular farms would be involved. Lee  
18 thought that was one of the questions they needed to ask. Arne agreed they needed more clarity  
19 because it was a concern. Arne said when he looked at the tiers for outdoor and indoor cultivation,  
20 they didn't even include Tier 6 which was the biggest growing establishment allowed which was  
21 37,000 square feet. An acre is 43,000 square feet so  $\frac{3}{4}$  of an acre would not even be allowed in the  
22 beginning. The next tier down was half an acre. He thought the state was trying to maintain it on  
23 a smaller scale as opposed to a commercialized industrial cannabis grower. Arne said it could be  
24 debated whether that was good or bad size wise, but he was glad to see they were limiting the size.

25 He asked for more questions.

26 Leigh thought for several years, in Chester, they had people growing cannabis for the cannabis and  
27 not the marijuana. So, she thought they already had farms. Arne didn't know what the rules were  
28 regarding CBD.

29 Scott Blair said the CBD and cannabis laws coming out were two totally different things. CBD  
30 was a retail from the hemp plant where the full cannabis was a THC coming from marijuana. He  
31 wanted to clear that up. Leigh agreed.

32 Robert Nied thought there was a lot of misinformation floating around concerning the opt-in vote  
33 and what it was about. It wasn't a referendum about whether cannabis was good, bad, or the legality  
34 of it. It wasn't a vote concerning growing because they were resolved issues that the town had no  
35 say about. It was about giving towns the opportunity to opt-in for retail sales. He wasn't looking  
36 at it as whether they wanted to opt-in but rather when they wanted to. He thought within 5 or 10  
37 years, a lot of communities would want to. There had been talk about urgency and a petition had  
38 been submitted. There was an urgency to opt-in by March 1<sup>st</sup> or lose the opportunity and that  
39 wasn't the case. The urgency was coming from the petitioner which Robert thought was fine as  
40 they had a business plan. Only 5% of the voters had signed petition, which was a small percentage  
41 of the town. He thought it was important to note most residents may not share that urgency. He  
42 thought it was an important point that 90% of towns in Vermont had not voted to opt-in. A small  
43 percentage of Chester was pushing them to opt-in like a small percentage of the state had. It didn't  
44 mean they wouldn't want to opt-in eventually. Right now, there was nothing for them to look at in

1 Vermont regarding cannabis retail. He thought it would make more sense to wait, when there was  
2 more information. He said a lot of folks were making a comparison between alcohol sales and  
3 cannabis. He suggested they were not similar mainly because the town has no control over  
4 cannabis, as it does alcohol. The town cannot issue, suspend, or revoke a cannabis license. He said  
5 Chester's zoning predates the cannabis issue. As zoning is today, they could have cannabis in  
6 residential districts, like R-20, in the Stone District and Village Center and commercial areas. They  
7 can't ask other towns how it's working out in their residential districts because they don't have  
8 that information. He thought approving it March 1<sup>st</sup>, would be premature and that they should  
9 follow the lead of 90% of towns in Vermont by collecting information, waiting for the industry to  
10 shake out, and see what it looks like before making their decision. He encouraged the voters not  
11 to opt-in on March 1<sup>st</sup> but to certainly consider it as a possibility going forward.

12 Lee agreed with Robert. He suggested other states like California and Colorado had a history with  
13 it and were having buyer's remorse with respect to marijuana sales. Lee thought there was history  
14 out there as to how it was working out for people.

15 Tim Roper had done a quick scan of the VLCT's guidance document from the previous  
16 Selectboard meeting. There was no discussion that he recalled about forming a local Cannabis  
17 Control Commission. He mentioned that Mr. Nied said the town had control over liquor licenses.  
18 The town could also opt to have control over cannabis. He read from the guidance about local  
19 commissions and the power they would have regarding zoning and public nuisances, including the  
20 right to deny, suspend, or revoke a local license if it violated conditions placed on the license. He  
21 thought it was important to include that information in the discussion. The town could choose to  
22 have a higher degree of control if they wanted. He also searched the internet trying to find feedback  
23 from communities where retail cannabis had been a fact of their lives for some length of time, and  
24 he couldn't find a single article for a municipality that said they wished they had not allowed retail  
25 cannabis. He thought it important if they were going to cite incidents that they have something to  
26 back it up.

27 Andi Goldman agreed with Tim Roper on a couple points. She thought New England was relevant  
28 for Vermont and they could ask Massachusetts and Maine. She said not only was there not buyer's  
29 remorse in Massachusetts but the highest officer for cannabis control has said that all the fear  
30 mongering didn't realize itself. As far as buyer's remorse for California and Colorado, she has  
31 worked in the legal cannabis industry and/or has been involved in both states and could say that  
32 was not correct. They are enjoying the tax money tremendously. The biggest issue in California  
33 was trying to transfer illicit cannabis into the legal markets.

34 Heather interrupted Andi and asked her to give her context of who she was. Andi said she had been  
35 investing in the legal cannabis industry since 2014 and had been working in it since 2015. She was  
36 a lender to healthcare companies prior to entering into legal cannabis and she entered legal  
37 cannabis because of the healthcare aspects and that it was far safer than illicit cannabis because it  
38 was tested.

39 Arne asked for her name again and asked if she was a Chester resident. Her name was Andi  
40 Goldman. She said she was not a Chester resident but was passionate about the issue and educating  
41 people about what the plant does, and the legal markets are from experience. She thought she had  
42 more than many in the region.

43 Jeff said, in relation to Tim Roper's comment, his understanding was if the voters chose to opt-in,  
44 they would need to set up a Cannabis Control Board through the Selectboard. Julie said that it was



1 her understanding that by default, it was the Selectboard. Arne said they were not required to do it  
2 and if they chose not to, the state would take it over.

3 Bill Lindsay was trying to understand both sides of the issue. He wanted to know what tools law  
4 enforcement had been given for erratic behavior from smoking marijuana. Arne said they could  
5 ask Chief Cloud unless Jeff wanted to help them out. Jeff said he didn't want to comment.

6 Heather said this wasn't the only moment in time they could opt-in. Although opting out later was  
7 an option, anyone who had already been granted a license would be grandfathered in. She was  
8 concerned about what they didn't know yet.

9 Lee, in response to Tim and Andi, commented on buyer's remorse. He published and sent out to  
10 the other board members a fifteen-page document with copious notes and links related to this  
11 subject. He had collected another list of websites where communities in California and Colorado  
12 were regretting the choices made. He was happy to send the information to those who wanted it.  
13 Regarding local control, he wasn't sure if the municipal guidance document given to them at the  
14 last meeting was codified because he saw nothing related to local control options for municipalities  
15 in any of the rules. It was just a guidance document. He wasn't going to take it at face value until  
16 it had been promoted as one of the rules. Lastly, he questioned whether they had control over  
17 alcohol sales at the Sunoco as part of the state liquor store or if it was something they just accepted  
18 and had no control over.

19 Arne said when they talked about responsibilities for liquor as a town, he thought their control was  
20 very limited. Leigh agreed. He said it wasn't a control that could help them put things where they  
21 wanted but was more of a reactionary control if there was trouble. It was some power but was  
22 limited. It was what they did as a board as liquor commissioners, and he thought it would translate  
23 the same way for cannabis. Jeff said they have no say and have never signed a license for the state  
24 liquor store.

25 Jeff said the only money the town may see is the fee they can charge for a license. They would not  
26 receive any of the tax money. Arne said they don't have that regulatory on any retail establishment.

27 Tim said he had pasted the VLCT guidance document into the Zoom chat. Lee said it had no basis  
28 as far as what the Cannabis Control Board was publishing, and he would take it with a grain of  
29 salt.

30 Arne asked for any other comments.

31 Andi Goldman said Tim Roper was correct and that Act 164 had been passed regarding  
32 municipalities setting up their own local commission. To another comment, that commission may  
33 suspend or revoke a local license. She said they could control it more than alcohol if they wanted  
34 to set it up.

35 Susan (last name unknown) asked how Ms. Goldman found her way to the meeting since she was  
36 not a resident. Susan asked if she was an employee in the cannabis industry.

37 Ms. Goldman said she lived in Ludlow and was very much about education and wanted a safe  
38 alternative to cannabis in the region. Ludlow had said no and she was supporting every other town  
39 that was voting on it. It was important to her that correct information was out there, so she was just  
40 doing her civic duty. If it was Chester, she would be purchasing there. The CCB has said the  
41 recommendations were 1% to 2% of the excise tax. If it went through, they would make a lot of  
42 money. It would also bring other business to the town so the town could really benefit. People

1 won't need to make the turn to Ludlow and could stay in Chester and could benefit all the  
2 businesses.

3 Susan asked Ms. Goldman if she was employed in the cannabis industry. She answered that she  
4 was self-employed and managed a cannabis only investment fund and was an advisor in the  
5 industry. She was full-time in the legal cannabis since 2015 and investing since 2014. Arne  
6 appreciated her candid answer.

7 Arne said it was up to the people to decide where they wanted to go with the issue. He thought the  
8 discussions would help guide the town when it came to the vote.

9 **Agenda Item 5, Certificate of Highway Mileage**

10 Arne said the Certificate of Highway Mileage was a verification for state aid. Julie said it was the  
11 same as last year. No motion was necessary. It only required signatures.

12 **Agenda Item 6, Appointment to the Regional Emergency Planning Committee**

13 Julie said there had been several local emergency planning committees in the region and the state  
14 had come in and changed that and lessened the number and made them more regional. It was for  
15 if there was another Hurricane Irene or some other regional event that took place. It was new. The  
16 formation of a new regional board was being set up and they were asking each town to appoint  
17 two people: one would be the emergency management director, which is the town manager, and  
18 the other would be the head of police, fire, or emergency medicine. In speaking with Matt,  
19 Amanda, and Rick, they decided Rick would probably be the best to appoint to the committee.  
20 Julie said they were asking that they appoint her and Chief Rick Cloud to the Regional Emergency  
21 Management Committee. Leigh moved they appoint Julie as the director and Rick Cloud as the  
22 second person to the Regional Emergency Management Committee. Jeff seconded the motion.  
23 Julie said there was an effort throughout the state to start regionalizing this. She has been in some  
24 meetings with Springfield, Weathersfield, and Ludlow. When they bring someone from the state  
25 to do firefighter training at the new facility, they should reach out to Springfield, Weathersfield,  
26 and Ludlow to ask them if they want to participate. It is too expensive of an industry for every  
27 town to foot the bill on their own. That's why they started this regional effort. Jeff said they've  
28 always done mutual aid and when they work together, they're used to what will happen and things  
29 will go smoother. Arne agreed. A vote was taken, and the motion carried unanimously.

30 **Agenda Item 7, New Business/Next Agenda**

31 Arne asked if there was anything anyone wanted to see on a future agenda. It was mentioned that  
32 cannabis will be discussed again at the next meeting. Arne hoped they would delve more into the  
33 questions that were outstanding.

34 Arne said if the information for the solar farm was ready, it would be discussed, and possibly  
35 ARPA funding and the Wayfinding Grant approval. Jeff asked if it was another one as they had a  
36 Wayfinding plan before. Julie said they had a Wayfinding plan that was adopted a couple years  
37 ago. They were waiting for downtown transportation funds and now the grant has opened. The  
38 process requires sign-off by the Planning Commission who meets on Monday. She will speak with  
39 them about their portion of it and then it will be off to the Selectboard to sign the resolution. Both  
40 entities must give their approval. It is the grant funding that will put the signs in the ground.  
41 Potentially it is 100% funding. It has taken longer than thought but if it gave them \$200,000 to pay  
42 for it, it was worth waiting.

1 There were no other agenda items.

2 **Agenda Item 8, Executive Session: Thompson Road**

3 Arne said he would entertain a motion to go into executive session to discuss a legal matter  
4 regarding Thompson Road. Jeff moved and Leigh seconded it. The motion carried unanimously.  
5 Executive session began at approximately 7:05 p.m.

6 **Agenda Item 9, Executive Session: Town Manger Review**

7 (In executive session.)

8 **Agenda Item 10, Adjourn**

9 The meeting was adjourned at 7:15 p.m.



# TOWN OF CHESTER

556 Elm Street  
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Chester, VT 05143

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## SELECTBOARD MEETING AGENDA

February 16, 2022

6:00 p m.

1. Approve Minutes from the January 28, 2022 Special Selectboard Meeting and February 2, 2022 Selectboard Meeting
2. Citizen Comments/Answers from Previous Meeting
3. Old Business
4. Discussion re: Cannabis Opt-In Vote
5. ARPA Funds Discussion
6. Approve Grant Resolution – Wayfinding Grant
7. New Business/Next Agenda
8. Executive Session: Town Manager Review
9. Adjourn

***Meeting will be held at Town Hall and via Zoom.  
See the Town's website for the link to join the meeting.***

List of Potential ARPA Projects  
February 9, 2022

Department	Item Description	Status update	Cost
PSB & Town Garage	cost overruns due to covid	this is the \$120,000 already approved & anticipated overruns on town garage	\$ 240,000.00
	landscaping at building	Working with Building Committee on plan going forward	
Water	Meter Reading System	Reading System is Outdated	\$ 25,000.00
	Second Well Site	Applied for funding through drinking water	\$ 640,000.00
	Generator	Applied for funding through drinking water	\$ 100,000.00
Sewer	SCADA System, Automatic BOD Control	On a state priority list	\$ 500,000.00
	Engineer Upgrades to Plant	This will be part of a larger planning study to determine needs/goals for the town. Anticipated to take place in 2023	
Ambulance	New Ambulance	Would propose a potential split between ARPA & Capital Plan	\$ 265,000.00
	New Stretcher - required for new ambulane	Will look for funding sources on this - but will be needed when we get new ambulance	\$ 40,000.00
	Respirators	Outdated Equipment - have applied for funding through grant	\$ 30,000.00
	Communications	Equipment is no longer supported Applied for funding through Homeland Security Grant	\$ 60,000.00
Fire	Compressor	Applied for Funding through FEMA - if not funded, we will need to replace ours	\$ 70,000.00
	Communications	Equipment is no longer supported. Applied for funding though Homeland Security Grant	\$ 100,000.00
Police	Finger Print Machine	Our machine is no longer supported - this is a vital piece of equipment - difficult to get funded through grants	\$ 20,000.00
Recreation	Tennis Court	Needs significant repairs and upgrades - heavily used	\$ 20,000.00
	Brooksdie Trail	Watiing on VOREC Grant Announcement - if no award this would be a priority project	\$ 70,000.00
	Dog Park	There has been recent requests for this - location still to be identified	\$ 50,000.00
Administration	More ditigizing of land records	Watching for grant funding on this - would be done in phases	\$ 115,000.00
Community	Improvements to the Green	Working with Scott & Townscape to develop a master planning process for Green & Academy	
	Improvements to Depot Green	This could be part of the Depot Street Sidewalk Project - conceptual plans have been drawn	
	outdoor space at Library	Working on Outdoor spaces grant- Library has some great ideas for developing out back	
	Walking Path at Well Site	Concept to be discussed and reviewed	
Town Hall	Emergency Shelter	We need to focus on creating a certified shelter in Chester - will be grant funding in future	
	Generator at Town Hall	Need a designated generator for town hall - could be inc. in shelter grant if town hall is designated	\$ 50,000.00
	Upgrades to second floor as event space	Wireless sound and video system for second floor once conference room is complete - will look for funding of other sources	\$ 100,000.00

**STATE OF VERMONT  
CANNABIS CONTROL BOARD**

**RULE 2: REGULATION OF CANNABIS ESTABLISHMENTS**

- 2.1 Section 1: General Provisions
  - 2.1.1 Authority
  - 2.1.2 Scope and Purpose
  - 2.1.3 Definitions
  - 2.1.4 Applicability
  - 2.1.5 Time
  - 2.1.6 Severability
- 2.2 Section 2: Regulations Applicable to All Cannabis Establishments.
  - 2.2.1 Business Records
  - 2.2.2 Insurance
  - 2.2.3 Continuing Disclosure and Background Check Requirements
  - 2.2.4 Health, Safety, and Sanitation
  - 2.2.5 Employment and Training
  - 2.2.6 Tracking of Cannabis and Cannabis Products
  - 2.2.7 Transportation of Cannabis and Cannabis Products
  - 2.2.8 Waste Disposal
  - 2.2.9 Packaging
  - 2.2.10 Warning Labels
  - 2.2.11 Advertising
  - 2.2.12 Audience Composition Presumptions for Advertising
  - 2.2.13 Visitors
  - 2.2.14 Inspections
  - 2.2.15 Inversion and Diversion from the Legal Market is Prohibited
  - 2.2.16 Compliance in Other Jurisdictions
  - 2.2.17 Reporting Theft or Loss
  - 2.2.18 Co-Location
- 2.3 Section 3: Regulations Applicable to Cultivators
  - 2.3.1 Pesticides
  - 2.3.2 Visitors to Cultivation Sites
  - 2.3.3 Testing
  - 2.3.4 Adulterated Cannabis
  - 2.3.5 Cultivator Packaging
  - 2.3.6 Cultivator Inspections
  - 2.3.7 Sanitation
  - 2.3.8 Cultivation and Operations Information
  - 2.3.9 Vendor and Employee Samples
- 2.4 Section 4: Regulations Applicable to Outdoor and Mixed Cultivators

- 2.4.1 Outdoor Security Management Practices
- 2.4.2 Standards For Outdoor Security Management Practices
- 2.4.3 Minimum Outdoor Security Management Practices
- 2.4.4 Visibility From a Public Road
- 2.4.5 Additional Requirements
- 2.4.6 Security for Drying, Curing, and Storage
- 2.4.7 Allowance for Winter Indoor Storage
- 2.5 Section 5: Regulations Applicable to Indoor and Mixed Cultivators
  - 2.5.1 Security
  - 2.5.2 Security for Drying, Curing, and Storage
  - 2.5.3 Energy Standards for Buildings
  - 2.5.4 Energy Standards for Lighting
  - 2.5.5 Energy Standards for Dehumidification
  - 2.5.6 Energy Usage Reporting and Reduction Efforts
- 2.6 Section 6: Regulations Applicable to Manufacturers
  - 2.6.1 Safety
  - 2.6.2 Manufacturer Security
  - 2.6.3 Testing
  - 2.6.4 Manufacturer Packaging
  - 2.6.5 Additives
  - 2.6.6 Records
  - 2.6.7 Vendor and Employee Samples
- 2.7 Section 7: Regulations Applicable to Wholesalers
  - 2.7.1 Wholesaler Security
  - 2.7.2 Wholesaler Processing
  - 2.7.3 Wholesaler Packaging
- 2.8 Section 8: Regulations Applicable to Retailers
  - 2.8.1 Buffer Zones
  - 2.8.2 Retail Security
  - 2.8.3 Age Verification
  - 2.8.4 Retailer Packaging
  - 2.8.5 Standard Operating Procedures
  - 2.8.6 Retailer Samples
  - 2.8.7 Consumer Samples
  - 2.8.8 Safety Information Flyer
- 2.9 Section 9: Regulations Applicable to Testing Laboratories, Cultivators, and Manufacturers
  - 2.9.1 Testing Requirements
  - 2.9.2 Potency Parameters
  - 2.9.3 Moisture Parameters
  - 2.9.4 Microbiological Parameters
  - 2.9.5 Metal parameters

- 2.9.6 Pesticides
- 2.9.7 Residual Solvent Parameters
- 2.9.8 New Tests
- 2.9.9 Proficiency
- 2.9.10 Records
- 2.9.11 Other Parameters or Testing Methods
- 2.10 Section 10: Regulations Applicable to Integrated Licensees
  - 2.10.1 All Cannabis Establishment Regulations Applicable
  - 2.10.2 Dispensaries and Medical Cannabis
  - 2.10.3 Co-located Operations
  - 2.10.4 Duty to Maintain Continuity of Services to Medical Patients
  - 2.10.5 Use of Dispensary Cultivation for Integrated Licensees
  - 2.10.6 Duty to Purchase From Small Cultivators
- 2.11 Section 11: Licensee's Ongoing Duty to Disclose
  - 2.11.1 Disclosure Insufficient For Changes In Control
- 2.12 Section 12: Confidentiality
- 2.13 Section 13: Regulatory Waiver

## **2. Rule 2: Regulation of Cannabis Establishments**

### **2.1 Section 1: General Provisions**

#### 2.1.1 Authority

The Cannabis Control Board adopts this rule pursuant to 7 V.S.A. §§ 865, 866, 881, 883, 884, 904, 907, and other applicable law.

#### 2.1.2 Scope and Purpose

The Board is charged with implementing and regulating a legal market for Cannabis in Vermont. This rule regulates Cannabis Establishments.

#### 2.1.3 Definitions

All definitions in 7 V.S.A. § 861 shall apply to this rule. The following definitions shall also apply:

- (a) "Board designee" means a person designated by the Board to act as its agent for the purpose of executing the Board's responsibilities. This may be an employee of the Board, another government agency, or a contractor.
- (b) "Cannabis Licensed Agent" means a person employed by a Cannabis Establishment who



is designated by the establishment to transport Cannabis or Cannabis Product between Cannabis Establishments. A Cannabis Licensed Agent must be an individual who has received a Cannabis Establishment identification card as provided for in 7 V.S.A. § 884 and who has a valid driver's license.

- (c) "Greenhouse" means a structure or a thermally isolated area of a building that maintains a specialized sunlit environment exclusively for, and essential to, the cultivation or maintenance of Cannabis plants and that is in use for a period of 180 days or more each calendar year.
- (d) "Interest holder" has the same meaning as defined in 11A V.S.A. § 11.01(11).
- (e) "Harvest lot" means a grower's harvested Cannabis produced during a single growing season in a contiguous area containing the same cultivar or variety.
- (f) "Inventory Tracking System" means a method implemented by the Board for tracing all Cannabis and Cannabis Products grown, manufactured, and sold in Vermont.
- (g) "Licensee" means a person who has been issued a license pursuant to Board Rule 1. A licensee does not include a person who has been issued a provisional license.
- (h) "Pesticide" shall have the same meaning as "economic poison" as defined in 6 V.S.A. § 911(5).
- (i) "Physical site of operations" means:
  - i. a cultivator's grow site;
  - ii. a wholesaler's product storage facility;
  - iii. a manufacturer's site of manufacture;
  - iv. a retailer's store location; or
  - v. a testing laboratory's testing facility.
- (j) "Process lot" means any amount of Cannabis concentrate, Cannabis Product or Cannabis-infused product of the same type, processed at the same time, using the same ingredients and same standard operating procedures.

Any time this rule references a retail Cannabis Establishment or otherwise references retail stores, such references shall include the retail portion of an integrated licensee unless the text of the rule plainly states that it does not.

#### 2.1.4 Applicability

This rule applies to Cannabis Establishments and persons who control, operate, manage, or are employed by Cannabis Establishments.

#### 2.1.5 Time

- (a) In computing any time period, measured in days, that is established or allowed by this rule or by order of the Board or Chair:
  - (1) the day of the act or event that triggers the period shall be excluded;
  - (2) every day, including intermediate Saturdays, Sundays, and legal holidays shall be counted;
  - (3) the last day of the period shall be counted, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

(b) A “legal holiday” means:

- (1) any day declared a holiday by the President or Congress of the United States; and
- (2) any day declared a holiday by the State of Vermont.

#### 2.1.6 Severability

If any portion of this rule is found to be invalid, the remaining portion of the rule shall remain in force and effect.

## **2.2 Section 2: Regulations Applicable to All Cannabis Establishments.**

The requirements in this section apply to all Cannabis Establishments authorized by statute.

All Cannabis Establishments must abide by the prohibitions, restrictions, and requirements of Chapter 33, Title 7 of the Vermont Statutes. Cannabis Establishments must also abide by all other applicable laws, including but not limited to worker’s compensation laws and tax laws.

#### 2.2.1 Business Records

Cannabis Establishments are required to maintain the following records onsite and readily accessible and make them available for inspection by the Board, if requested:

- (a) employee list;
- (b) information related to facility security;
- (c) advertising records, if applicable;
- (d) inventory records;
- (e) insurance records;
- (f) seed-to-sale tracking records;
- (g) visitor log;
- (h) all records retained for tax purposes;
- (i) waste log;
- (j) surveillance logs, if applicable;
- (k) testing records, including all Certificates of Analysis;
- (l) sampling unit records;
- (m) license application records;
- (n) standard operating procedures manuals; and
- (o) corrective action and preventive action records, if applicable.

#### 2.2.2 Insurance

Cannabis Establishments are required to obtain and maintain insurance, or an equivalent, at the following levels:

- (a) A Cannabis Establishment shall obtain and maintain general liability insurance coverage for no less than \$1,000,000 per occurrence and \$2,000,000 in aggregate, annually, and product liability insurance coverage for no less than \$1,000,000 per occurrence and

\$2,000,000 in aggregate, except as provided by subsection (b) of this section. The deductible for each policy shall be no higher than \$5,000 per occurrence.

- (b) A Cannabis Establishment that documents an inability to obtain minimum liability insurance coverage as required by subsection (a) of this section may place in escrow a sum of no less than \$250,000 or such other amount approved by the Board, to be expended for coverage of liabilities.
- (c) The escrow account required in subsection (b) of this section must be replenished within ten business days of any expenditure.
- (d) Cannabis Establishments must be prepared to demonstrate compliance with this subsection at any time, with records onsite and readily accessible.

### 2.2.3 Continuing Disclosure and Background Check Requirements

At the Board's discretion, the entities or persons named in Rule 1.4.2 or 1.4.3 may be required to resubmit any information described in those sections if the Board has reason to believe that information has changed since the time of a license application or license renewal. They may be subject to the same background checks and financial disclosures provided for in those sections. The information may be shared with other state agencies, as provided for by Rule 1.4.8.

### 2.2.4 Health, Safety, and Sanitation

Cannabis Establishments shall:

- (a) develop safe and sanitary handling procedures for all products;
- (b) provide regular training on health, safety, and sanitation procedures;
- (c) ensure that employees follow procedures;
- (d) immediately report to the Board breaches in health, safety, and sanitary procedures that pose a risk to consumer safety; and
- (e) comply with applicable health, safety, and sanitation rules, including, but not limited to, the Vermont Occupational and Safety and Health Administration Rules, applicable fire-safety rules, applicable building standards and occupancy rules, and the Good Manufacturing Practices for Food Rule, as promulgated by the Vermont Department of Health.

Subsection (e) does not assign responsibility for enforcing those regulations to their respective state agencies, nor does it indicate such responsibility.

### 2.2.5 Employment and Training

- (a) Licensee Training: In accordance with 7 V.S.A. 865(a), the agents of those who control a Cannabis Establishment shall complete an enforcement seminar once every three years. For the purposes of this section, an agent refers to anyone who is an employee of the establishment or who works at the establishment.
- (b) Employee Training: within 60 days of hire and annually after that, employees of Cannabis Establishments must complete trainings regarding the following topics, except that employees of retail establishments may not sell Cannabis or Cannabis Products to

consumers without first completing trainings regarding the first 8 topics of the following list:

- i. the Cannabis Establishment's operating, security, health, safety, and sanitary procedures;
- ii. the health effects of Cannabis and Cannabis Products;
- iii. compliance, enforcement, inspection, incident reporting, and record-keeping;
- iv. acceptable forms of identification for staff and visitors, if permitted by this rule;
- v. inventory control and appropriate tracking systems;
- vi. cash handling;
- vii. preventing the sale of Cannabis to minors;
- viii. signs of overconsumption and signs of mental health or substance abuse disorder;
- ix. human trafficking and domestic violence awareness;
- x. diversity, equity, and inclusion;
- xi. racism and bias; and
- xii. sexual harassment and discrimination.

#### 2.2.6 Tracking of Cannabis and Cannabis Products

- (a) Cannabis Establishments shall comply with the Inventory Tracking System in a manner determined by the Board and shall cooperate with any third-party vendors the Board utilizes for the purpose of implementing the system. The Inventory Tracking System policy shall be readily available to the public and will not change without at least 90 days of notice.
- (b) Cannabis Establishments shall be responsible for costs associated with compliance with, and adoption of, the Inventory Tracking System.
- (c) All Cannabis and Cannabis Products must be tracked using the Inventory Tracking System from the time the Cannabis is grown by a cultivator until it is sold to a consumer by a retailer. A Cannabis Establishment must reconcile all on-premises and in-transit Cannabis or Cannabis Product inventories each month and must complete the reconciliation within 15 days of the end of each month.
- (d) If Cannabis or Cannabis Product is not ultimately sold to a consumer, it must be disposed of in the manner prescribed by section 2.2.8 of this rule and the disposal must be entered into the Inventory Tracking System.
- (e) A Cannabis Establishment must conduct a comprehensive inventory audit at least once every year from the date of the previous comprehensive inventory.
- (f) Cannabis Establishments and the individuals using the Inventory Tracking System are responsible for the accuracy of all information entered into the Inventory Tracking System. Any misstatements or omissions may be considered a license violation affecting public safety.
- (g) Cannabis Establishments must have the ability to reconcile transported and on-hand Cannabis and Cannabis Product inventory with the Inventory Tracking System and the associated transaction history and transportation order receipts.

#### 2.2.7 Transportation of Cannabis and Cannabis Products

- (a) Each Cannabis Establishment shall designate one or more Cannabis Licensed Agent(s) and register the Cannabis Licensed Agent(s) with the Board.
- (b) Only Cannabis Licensed Agents are permitted to transport Cannabis or Cannabis Products between Cannabis Establishments.
- (c) Cannabis Licensed Agents must carry an employee identification card issued pursuant to Rule 1.16 at all times while transporting Cannabis or Cannabis Products.
- (d) Transportation must take place in a vehicle, provided that the Board may waive this requirement at its discretion.
- (e) When Cannabis or Cannabis Products are transported in a vehicle:
  - i. they must not be visible from outside the vehicle;
  - ii. the driver must not be able to access them from the driver's seat; and
  - iii. the vehicle must be unmarked.
- (f) Vehicles used for transportation must be registered and current in their registration, inspection, and insurance.
- (g) Cannabis Licensed Agents may transport Cannabis and Cannabis Products only between Cannabis Establishments.
- (h) The transporting Cannabis Establishment must enter all Cannabis and Cannabis Products to be transported into the Inventory Tracking System.
- (i) While transporting Cannabis and Cannabis Products, Cannabis Licensed Agents must utilize GPS tracking technology that records their entire route and that is capable of broadcasting their location to a remote computing device, provided that this requirement can be waived on a case-by-case basis at the Board's discretion.
- (j) Prior to departure from a Cannabis Establishment, Cannabis Licensed Agents must generate a transport manifest that contains the following:
  - i. departure date, location, and approximate time of departure;
  - ii. name and location of the destination Cannabis Establishment(s);
  - iii. name and identification card number of Cannabis Licensed Agent;
  - iv. product name and quantities (by weight and unit) of each product to be delivered to the specific Cannabis Establishment(s);
  - v. estimated time of arrival at each Cannabis Establishment;
  - vi. transport vehicle's make, model, and license plate number; and
  - vii. a signature line and time notation to be signed by an employee of the Cannabis Establishment who receives the transported product.
- (k) Cannabis Licensed Agents must transmit transport manifests to receiving Cannabis Establishments before departure.
- (l) Cannabis Establishments receiving Cannabis or Cannabis Product from a Cannabis Licensed Agent must log the time of receipt.
- (m) Upon receipt of a transport, the receiving Cannabis Establishment shall ensure that the products received are as described in the transport manifest and shall adjust its records and the Inventory Tracking System to reflect the receipt of inventory the same day it is received. If there are discrepancies, the receiving Cannabis Establishments must specify them.
- (n) While transporting Cannabis or Cannabis Products, Cannabis Licensed Agents must log the times of arrival at, and departure from, any stops, whether planned or unplanned. Logs must be maintained contemporaneously and must give a reason for stops that are not at Cannabis Establishments.

- (o) To the extent possible, Cannabis Licensed Agents must stay with their vehicles while transporting Cannabis or Cannabis Products. Where Cannabis Licensed Agents have the option to stay with their vehicle, they must choose that option. Except for the entry and exit of Cannabis Licensed Agents, vehicles must be locked and secured.
- (p) Cannabis Licensed Agent shall not cross state borders while transporting Cannabis or Cannabis Products.
- (q) Storage and transportation shall be under conditions that will protect Cannabis and Cannabis Products from loss and theft, as well as against physical, chemical, and microbial contamination and against deterioration of product.
- (r) If a Cannabis Establishment is transporting over 20 pounds of Cannabis on a dry weight basis, the Cannabis must be transported in a secure, locked storage compartment within the transportation vehicle.
- (s) Cannabis Licensed Agents shall report to the Board any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport, within not more than 24 hours of such accidents, diversions, losses, or other reportable incidents.
- (t) In the event Cannabis has failed required testing, has been contaminated, or otherwise presents a risk of cross-contamination to other Cannabis, such Cannabis may only be transported if it is physically segregated and contained in a sealed package that prevents cross-contamination.

#### 2.2.8 Waste Disposal

- (a) All applicable federal, state, and local statutes, regulations, and ordinances apply to waste disposal from Cannabis Establishments. This includes, but is not limited to, all regulations pertinent to chemical, dangerous, and hazardous waste, such as those that may be generated during product manufacturing processes, as well as all pesticides and other agricultural chemicals.
- (b) Cannabis or Cannabis Products must be rendered unusable and unrecognizable before disposal. The acceptable methods for rendering Cannabis and Cannabis Product unusable and unrecognizable will be enumerated by the Board in a policy that will be readily available to the public. The policy may include, but may not be limited to, methods such as:
  - i. grinding or compacting Cannabis and Cannabis Product with non-consumable, solid wastes, such that at least 50% of the resulting waste is non-Cannabis waste;
  - ii. on-site composting;
  - iii. anaerobic digestion;
  - iv. pyrolyze into biochar; and
  - v. biomass gasification.
- (c) Organic material that has either no tetrahydrocannabinol content or a tetrahydrocannabinol content under 0.3%, doesn't need to be rendered unusable or unrecognizable. It can be composted onsite or disposed of in a manner otherwise consistent with applicable law and regulation.
- (d) Disposal of Cannabis and Cannabis Products must be tracked with the Inventory Tracking System.

#### 2.2.9 Packaging

To the extent not already required by other sections of this rule and by Chapter 33, Title 7 of the Vermont Statutes, the following requirements apply to all Cannabis and Cannabis Product packaging.

Cannabis and Cannabis Product packaging must:

- (a) be child-resistant and opaque,
- (b) include required warning labels and symbols as provided by section 2.2.10 of this rule,
- (c) clearly identify package contents,
- (d) clearly identify ingredients,
- (e) clearly identify tetrahydrocannabinol content,
- (f) be in resealable packaging that remains child-resistant for multiple uses if multiple servings are contained in the package,
- (g) be free from false or misleading statements; and
- (h) not use objects, such as toys, inflatables, movie characters, cartoon characters, child-friendly depictions of food or other consumables, or include any other display, depiction, or image designed in any manner likely to be appealing to minors or anyone under 21 years of age.

#### 2.2.10 Warning Labels

The Board will make copies of the labels below readily available for use by Cannabis Establishments.

- (a) All marketing, advertising, branding and promotion must include the following warning exactly as it is below:

*This is a cannabis product and has not been analyzed or approved by the Food and Drug Administration (FDA). For use by individuals 21 years of age and older or registered qualifying patient only. **KEEP THIS PRODUCT AWAY FROM CHILDREN AND PETS. DO NOT USE IF PREGNANT OR BREASTFEEDING.** Possession or use of this product may carry significant legal penalties in some jurisdictions and under federal law. It may not be transported outside of the state of Vermont. **The effects of edible cannabis may be delayed by two hours or more.** Cannabis may be habit forming and can impair concentration, coordination, and judgment. Persons 25 years and younger may be more likely to experience harm to the developing brain. It is against the law to drive or operate machinery when under the influence of this product. National Poison Control Center 1-800-222-1222.*

- (b) All product packaging must use the following warning symbols:



#### Minimum Size

**Packing and Labeling:** 0.5" x 0.5"  
**Edible Marijuana Products:** At least 25 percent of the servings' height and width, but not less than 0.25" x 0.25"

#### Required Colors

When used on the marketing layer, the universal symbol and optional "not safe for kids" icons must be reproduced in black and red.

**Black (CMYK):** 0, 0, 0, 100  
**Red (CMYK):** 0, 95, 100, 0  
**Red (Pantone):** PMS 485

Coloring is not required for on-product markings.

#### Background

The icons must be placed on a white or light-colored background. The interior of the icon must remain white.

#### Restrictions

- Do not recreate or modify the icons in any manner.
- Do not stretch or distort the icons.
- Do not use the icons smaller than the minimum size.
- Do not change the icon colors (Note: Coloring is not required for on-product markings.)
- Do not use the icons on a dark background.

- (c) All product packaging must include the following statement, including capitalization, in at least 10-point Times New Roman, Helvetica or Ariel and bolded font:

## **KEEP OUT OF REACH OF CHILDREN**

- (d) All product packaging for products that contain multiple servings must contain the following statement, including capitalization, in at least 10-point Times New Roman, Helvetica or Ariel and bolded font:

## **INCLUDES MULTIPLE SERVINGS**

### 2.2.11 Advertising

In addition to those contained in 7 V.S.A. § 864, the following prohibitions and requirements apply to advertising Cannabis or Cannabis Products:

- (a) Cannabis Establishments are prohibited from using objects, such as toys, inflatables, movie characters, cartoon characters, child-friendly depictions of food or other consumables, or include any other display, depiction, or image designed in any manner likely to be appealing to minors or anyone under 21 years of age. This includes, but is not limited to, brand logo development and any advertising used for the purposes of marketing the licensee's dispensary and/or products.



- (b) Cannabis Establishments are prohibited from advertising or promoting in a manner that is false, untrue, or misleading.
- (c) Cannabis Establishments are prohibited from including in its advertising any statement concerning a brand or product that is inconsistent with any statement on the labeling thereof.
- (d) Websites for Cannabis Establishments must have age-gating.
- (e) Social media accounts for Cannabis Establishments may only promote products using links to their age-gated websites. Any images or other text regarding products is otherwise prohibited.

#### 2.2.12 Audience Composition Presumptions for Advertising

When considering whether a proposed advertisement meets the requirements of 7 V.S.A. § 864 and of this rule, the Board will make the following presumptions:

- (a) That more than 15% of the audience will be under 21 years of age, unless the prospective advertiser can show by a preponderance of the evidence that less than 15% of the audience is reasonably expected to be under 21 years of age. Evidence must include reliable, verifiable, and current audience composition data.
- (b) That the audience for any outdoor advertisement is the general public, and those under 21 years of age will have the same prevalence in that audience as they do in the general public, unless a prospective advertiser can demonstrate that an outdoor space will not be accessed by the general public and that those who can access it meet the audience metric of 7 V.S.A. § 864(c).
- (c) Except for signage as defined in 7 V.S.A. § 861(2)(D), window displays, or items, text, or objects inside a retail Cannabis Establishment that are visible to a person standing outside the establishment, will be considered an outdoor advertisement for the purposes of this rule.

#### 2.2.13 Visitors

Visitors are only permitted to the extent provided for in this rule. If this rule makes no provision for visitors at a type of Cannabis Establishment, then visitors are not permitted at that type of Cannabis Establishment, provided that contractors accompanied by a Cannabis Establishment employee who has an identification card issued pursuant to Rule 1.16, Board designees, and Cannabis Licensed Agents making deliveries are permitted at Cannabis Establishments.

This provision does not apply to retail Cannabis Establishments.

#### 2.2.14 Inspections

Cannabis Establishments shall submit to inspections of their physical site of operations and their records upon request of the Board or a Board designee.

#### 2.2.15 Inversion and Diversion from the Legal Market is Prohibited

No Cannabis Establishment may purchase or obtain Cannabis or Cannabis Products from an entity that is not licensed pursuant to Board Rule 1. Except for retail Cannabis Establishments, no Cannabis Establishment may sell or transfer Cannabis or Cannabis Products to any person other than a licensed Cannabis Establishment.

#### 2.2.16 Compliance in Other Jurisdictions

To the extent the controller or principal of a licensee also controls or is a principal of a licensed Cannabis Establishment, or the equivalent of a Cannabis Establishment, in a different jurisdiction, that Cannabis Establishment must remain in compliance with the laws and regulations of its jurisdiction.

#### 2.2.17 Reporting Theft or Loss

Cannabis Establishments must report theft or loss of Cannabis or Cannabis Product to the Board immediately after discovery of the theft or loss and enter such loss into the Inventory Tracking System.

#### 2.2.18 Co-Location

Cannabis Establishments may operate at the same location, subject to the following conditions:

- (a) The co-located operation is not in violation of any local ordinances or regulations.
- (b) Each Cannabis Establishment operating at the same location shall do all the following:
  - i. Have distinct and identifiable spaces, areas, or plots, with each licensee operating in its own separate space, area, or plot.
  - ii. Post notice of its license in its distinct area, space, or plot.
  - iii. Maintain all the business operations, compliance requirements, and record-keeping that a Cannabis Establishment would maintain if it were operating in its own location.
  - iv. Otherwise comply with the provisions in the relevant statutes and these rules.
- (c) Co-located Cultivation Cannabis Establishments must limit their total canopy to the relevant Tier 6 plant canopy limit, provided that the Board retains discretion to waive this limit.
- (d) Co-located Cannabis Establishments that are not cultivators must utilize the security measures that are the most stringent required of any one of the co-located establishments, as provided by this Rule.
- (e) Co-located cultivation Cannabis Establishments must utilize the security measures that would be required if the combined plant canopy of all the co-located cultivators were treated as belonging to a single Cannabis Establishment.
- (f) No person, business, or Cannabis Establishment may operate in a manner that has the effect of subverting 7 V.S.A. § 901(d)(3)(A), and no person shall exercise control over a Cannabis Establishment without the disclosures required in Rule 1.4. At its discretion the Board may require additional information from Cannabis Establishments to ensure compliance with this section.
- (g) Multiple retail Cannabis Establishments may not operate at the same location.

This section does not apply to dispensaries, which are governed by section 2.10.3 of this rule and by Rule 3.

### **2.3 Section 3: Regulations Applicable to Cultivators**

The requirements in this section apply to Cannabis Establishments with any cultivator license.

#### 2.3.1 Pesticides

Cultivators shall abide by the rules and guidelines regarding pesticides that are promulgated by the Vermont Department of Agriculture, Food and Markets.

At the time of a harvest, Cannabis Establishments with a cultivator license will report to the Board regarding the use and quantity of pesticides, if applicable.

#### 2.3.2 Visitors to Cultivation Sites

- (a) Visitors must be escorted at all times by a Cannabis Establishment employee who has an employee identification card issued pursuant to Rule 1.16.
- (b) Visitors may not consume cannabis in any form on site and may not purchase cannabis on site.
- (c) Visitors must be over the age of 21. The Cannabis Establishment is responsible for ensuring compliance with age limitations.
- (d) Cannabis Establishments must issue identification badges to visitors, provided that this provision does not apply to Tier 1 cultivation licensees. The badge will:
  - i. have a design approved by the Board;
  - ii. be visibly displayed while on the physical site of operations; and
  - iii. be returned upon exit.
- (e) Visitors must be logged with time of entry and exit, and the log will be made available to the Board or a Board designee upon request. Logs must be retained for 1 calendar year.
- (f) A safety protocol must be established by license holder before allowing visitors. The safety protocol must be on record with the Board.
- (g) Contractors accompanied by a Cannabis Establishment employee who has an identification card issued pursuant to Rule 1.16, Board designees, and Cannabis Licensed Agents making deliveries will not be considered visitors for the purposes of this section.

#### 2.3.3 Testing

Cultivators must have their products tested in accordance with rules and guidance established in section 2.9 of this rule. Testing for potency of a crop must take place within the three-week period preceding a harvest. Other testing will occur in accordance with the relevant regulations and policies. Test results shall be saved for no less than 1 year.

#### 2.3.4 Adulterated Cannabis

- (a) Cultivators must abide by all orders of the Board issued pursuant to 7 V.S.A. § 904(e)(1) and Board Rule 4.
- (b) If Cannabis is adulterated due to the willful or intentional misuse of a pesticide, the Cannabis must be destroyed in accordance with section 2.2.7 of this rule and reported to the Board by:
  - i. The cultivator, or
  - ii. A testing laboratory if a testing laboratory discovers such adulteration.
- (c) If Cannabis is adulterated due to no fault of the license holder they may attempt to remediate if doing so can be done safely. Adulteration without fault may occur due to atmospheric drift of an adulterant, or a similar natural phenomenon.
  - i. Remediation may include refinement into a manufactured product using a licensed manufacturer.
  - ii. Any remediated product needs to be retested for the adulterant subsequent to remediation.
  - iii. If an adulteration poses a public health issue subsequent to remediation the Cannabis Product will need to be destroyed in accordance with section 2.2.7 of this rule.

#### 2.3.5 Cultivator Packaging

- (a) When a cultivator sells Cannabis to any licensee other than a retail licensee, packaging must include:
  - i. All requirements contained in 7 V.S.A. § 904(d);
  - ii. All baseline packaging requirements in section 2.2.8 of this rule; and
  - iii. Testing results, which can be conveyed using a website address, QR code, or similar means of providing access to testing results available on a website.
- (b) When a cultivator sells Cannabis to a retailer, packaging must include:
  - i. All requirements contained in 7 V.S.A. § 904(d);
  - ii. All requirements contained in 7 V.S.A. § 907(c);
  - iii. All baseline packaging requirements in section 2.2.8 of this rule; and
  - iv. Testing results, which can be conveyed using a website address, QR code, or similar means of providing access to information accessible on a website.

#### 2.3.6 Cultivator Inspections

- (a) The Board or Board designee will conduct inspections, which may or may not be noticed in advance, to ensure compliance with these rules and Title 7, Chapter 33 of the Vermont Statutes.
- (b) Inspections may include:
  - i. collecting samples;
  - ii. taking photographs or video;
  - iii. talking to employees, principals, or owners;
  - iv. inspecting records;
  - v. inspecting equipment or vehicles used for growing, processing, or transporting Cannabis; and
  - vi. taking any other reasonable measure to evaluate compliance.

- (c) Information obtained from inspections at non-cultivator Cannabis Establishments may inform inspections at cultivator licensees.
- (d) Cannabis samples obtained during inspections may be used to assess consumer safety issues and may also be used by the Board for genetic testing and research into taxonomic determinations of cannabis cultivars or varieties grown.

### 2.3.7 Sanitation

To the extent not already required by section 2.2.3 of this rule, cultivators will ensure:

- (a) that any illness or bodily injury to an individual working at a cultivation site does not become a source of microbial contamination to a Cannabis crop;
- (b) that litter and waste are properly removed so they do not become a source of microbial contamination; and
- (c) sufficient sanitation to minimize potential for attracting, breeding, or harboring pests.

### 2.3.8 Cultivation and Operations Information

Cultivating licensees shall submit cultivation and operations information to the Board within 60 days of gaining a license. The information shall include the following:

- (a) cultivation schedule;
- (b) grow medium;
- (c) mixed-light cultivation plan and schedule, if applicable;
- (d) irrigation plan and schedule, if applicable;
- (e) waste management plan;
- (f) pest management plan; and
- (g) a plan to secure regulated products such as pesticides.

### 2.3.9 Vendor and Employee Samples

- (a) Vendor samples must meet the following requirements:
  - i. Cultivators may provide a sample of flower to a wholesaler, manufacturer, or retailer, provided that such samples may not be consumed on any licensed premises. Samples must be tested in accordance with rules and guidance established in section 2.9 of this rule.
  - ii. Samples will be limited to the following aggregate amounts in a calendar month: four grams per strain of flower per vendor, and no more than seven strains of flower per vendor.
  - iii. Vendor samples must be labeled: **VENDOR SAMPLE NOT FOR RESALE.**
  - iv. Samples must be designated and identified in the Inventory Tracking System.
- (b) Employee Samples must meet the following requirements:
  - i. Cultivators may provide samples to employees to determine whether to make product available to sell, provided that such samples may not be consumed on any licensed premises.

- ii. Samples will be limited to the following aggregate amounts in a calendar month: four grams per strain of flower per employee, and no more than seven strains of flower per employee.
- iii. Employee samples must be labeled: QUALITY CONTROL SAMPLE NOT FOR RESALE.
- iv. Samples must be designated and identified in the Inventory Tracking System.

## **2.4 Section 4: Regulations Applicable to Outdoor and Mixed Cultivators**

The requirements in this section apply to Cannabis Establishments with an outdoor and mixed cultivator license.

### 2.4.1 Outdoor Security Management Practices

- (a) The Board deems the following to be Outdoor Security Management Practices:
  - i. fencing;
  - ii. video surveillance system with unobscured views of area;
  - iii. alarm system;
  - iv. photographic surveillance;
  - v. motion activated flood-light, which may face away from the plant canopy;
  - vi. security services, which may include the physical presence of a security guard; and
  - vii. controlled point of access.

### 2.4.2 Standards For Outdoor Security Management Practices

- (a) Fencing must be sufficient to prevent unauthorized entry to the cultivation areas.
- (b) Electronic security measures and security services, if applicable pursuant to section 2.4.3, must be operating for no less than the three-week period preceding a harvest, as well as while drying, curing, or storing a harvested crop.
- (c) Video and photographic surveillance equipment must:
  - i. retain footage for a minimum of 30 days;
  - ii. include date and time stamps on images without significantly obscuring the images;
  - iii. be capable of producing usable images in the lighting conditions in which it is placed;
  - iv. be placed in a way that allows for the clear and certain identification of any persons or activities at or in the immediate vicinity of any Cannabis or Cannabis Product; and
  - v. be exportable and transferrable to standard computing equipment and have a resolution of 1080p or greater or the equivalent of such a resolution.

### 2.4.3 Minimum Outdoor Security Management Practices

Outdoor cultivators must implement Outdoor Security Management Practices to the extent required in this section unless they apply to the Board for a variance from the fencing requirement, which the Board will consider on a case-by-case basis.

- (a) Tier 1 outdoor cultivators and mixed cultivators must utilize at least 1 of the Outdoor Security Management Practices in section 2.4.1.
- (b) Tier 2 outdoor cultivators must utilize at least 2 of the Outdoor Security Management Practices in section 2.4.1 and one of them must be fencing.
- (c) Tier 3 outdoor cultivators must utilize at least 3 of the Outdoor Security Management Practices in section 2.4.1 and one of them must be fencing.
- (d) Tier 4 outdoor cultivators must utilize at least 4 of the Outdoor Security Management Practices in section 2.4.1 and one of them must be fencing.
- (e) Tier 5 outdoor cultivators must utilize at least 5 of the Outdoor Security Management Practices in section 2.4.1 and one of them must be fencing.
- (f) Tier 6 outdoor cultivators must utilize all of the Outdoor Security Management Practices in section 2.4.1.

#### 2.4.4 Visibility From a Public Road

If crop would be visible from a public road, as defined in 24 V.S.A. § 4303(33), a physical barrier of concealment must be created such that the crop is not visible from the public road. Such barriers may include, but are not limited to, fencing, hedges, or building structures.

#### 2.4.5 Additional Requirements

- (a) At the Board's discretion, a physical site of operations may be inspected by a Board designee to determine security risks and visibility from a roadway either before or after the Board has granted a license. The Board retains the right to require additional Outdoor Security Management Practices or barriers subsequent to such an inspection.
- (b) If a Cannabis Establishment experiences more than one incident of theft in a one-year time period, additional Outdoor Security Management Practices may be required at the Board's discretion.

#### 2.4.6 Security for Drying, Curing, and Storage

Security for Cannabis drying, curing, and storage must meet the requirements of section 2.5.1 of this rule.

#### 2.4.7 Allowance for Winter Indoor Storage

Mother plants, Cannabis plant-seeds, and clones in propagation or vegetation phase of development may be kept indoors during winter months when outdoor cultivation is not possible, provided that outdoor cultivation licensees may not cultivate Cannabis indoors.

### **2.5 Section 5: Regulations Applicable to Indoor and Mixed Cultivators**

The requirements in this section apply to Cannabis Establishments with an indoor and mixed cultivator license.

#### 2.5.1 Security

Indoor and mixed cultivators must utilize the following security measures:

- (a) All perimeter doors and windows must be locked, and only individuals with a Cannabis Establishment identification card, granted in accordance with Rule 1.16, may have keys or a key equivalent.
- (b) All perimeter doors and windows must have operational security alarms, provided that Tier 1 and mixed cultivators are not required to have security alarms unless the Board requires it, which the Board retains the discretion to do on a case-by-case basis.
- (c) Video surveillance with continuous monitoring of any space that contains Cannabis, whether growing or harvested, or Cannabis Products. Video surveillance must meet the standards of section 2.4.2(c) of this rule.

#### 2.5.2 Security for Drying, Curing, and Storage

Security for Cannabis drying, curing, and storage must meet the requirements of section 2.5.1 of this rule.

#### 2.5.3 Energy Standards for Buildings

- (a) Vermont Commercial Building Energy Standards (CBES) will apply to indoor cultivation facilities in the following areas:
  - i. The building envelope must meet CBES for insulation.
  - ii. Non-cultivation lighting must meet CBES for new buildings and retrofits.
  - iii. Ventilation must meet CBES.
  - iv. HVAC systems must meet CBES for efficiency, except that HVAC equipment used for cultivation does not need economizers and heat recapture.
- (b) Greenhouses must meet CBES for HVAC equipment efficiency, except that HVAC equipment used for cultivation does not need economizers and heat recapture.
- (c) Fans and clean water pumps at indoor cultivation facilities should, at the date of equipment purchase, comply with the most recent energy efficiency standards promulgated by the federal Department of Energy.

#### 2.5.4 Energy Standards for Lighting

- (a) Lighting for indoor cultivation must have a minimum of 1.9 Photosynthetic Photon Efficacy (PPE).
- (b) Lighting for greenhouses:
  - i. The envelop must have a minimum u-factor of 0.7.
  - ii. If a greenhouse uses lighting fixtures to supplement the sun, the cultivation lighting must have a minimum of 1.7 PPE, except that if a greenhouse has a total



connected lighting load of less than 40 kilowatts it is exempt from lighting requirements.

#### 2.5.5 Energy Standards for Dehumidification

One of the following dehumidification systems must be used for indoor cultivation:

- (a) Standalone dehumidifiers must meet the following minimum integrated energy factors:
  - i. Minimum integrated energy factor of 1.77 L/kWh for product case volumes of 8.0 cubic feet or less, or
  - ii. Minimum integrated energy factor of 2.41 L/kWh for product case volumes greater than 8.0 cubic feet.
- (b) Integrated HVAC system with on-site heat recovery designed to fulfill to least 75 percent of the annual energy for dehumidification reheat.
- (c) Chilled water system with on-site heat recovery designed to fulfill at least 75 percent of the annual energy for dehumidification reheat.
- (d) Solid or liquid desiccant dehumidification system for system designs that require dewpoint of 50° Fahrenheit or less.

#### 2.5.6 Energy Usage Reporting and Reduction Efforts

- (a) License holders must report energy efficiency and water performance benchmarks annually to the Board as a condition of license renewal.
- (b) License holders must annually update and submit to the Board written operating procedures regarding equipment maintenance, calibration and proper operation, for all major energy equipment, including, but not limited to, horticultural lighting, HVAC systems, and dehumidification systems.
- (c) License holders must annually assess and report to the Board on opportunities to reduce energy and water usage, which should include:
  - i. identification of potential energy use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;
  - ii. consideration of opportunities for renewable energy generation, including, where applicable, identification of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;
  - iii. strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage); and
  - iv. engagement with energy efficiency programs offered by Efficiency Vermont, Burlington Electric Department, or Vermont Gas Systems.

### **2.6 Section 6: Regulations Applicable to Manufacturers**

The requirements in this section apply to Cannabis Establishments with a manufacturing license.

Manufacturers shall abide by any requirements and limitations contained in 7 V.S.A. § 881(a)(3) and 18 V.S.A. § 4230h, in addition to the requirements of this section.

#### 2.6.1 Safety

The Vermont Fire and Building Safety Code, as promulgated by the Department of Public Safety, will apply to all manufacturing operations.

#### 2.6.2 Manufacturer Security

Manufacturers must meet all requirements of section 2.5.1 of this rule.

#### 2.6.3 Testing

Manufacturers must have their products tested in accordance with rules and guidance established in section 2.9 of this rule. Test results shall be saved for no less than one year.

#### 2.6.4 Manufacturer Packaging

Manufacturers shall meet the following requirements for packaging Cannabis Products:

- (a) All requirements contained in 7 V.S.A. § 881(a)(3)(B) and (C).
- (b) All requirements contained in 7 V.S.A. § 907(c).
- (c) All requirements contained in section 2.2.8 of this rule.
- (d) Packaging for consumable Cannabis Products must include:
  - i. the number of servings in the package and serving size, provided that servings must be easy for a consumer to measure, either by clear and visible indentation on the Cannabis Product or physical separation of servings; and
  - ii. a warning that the impairment effects of the Cannabis Product may be delayed by two hours or more.
- (e) Packaging for non-consumable Cannabis Products must include:
  - i. the ingredients used in production, including but not limited to scents or other additives, and common irritants warnings; and
  - ii. notice that the product is not for consumption.

#### 2.6.5 Additives

The following additives shall not be added to Cannabis Products:

- (a) Chemicals, other than those allowed in the processing of Cannabis Products,
- (b) Psychoactive compounds, other than those naturally occurring in cannabis, and
- (c) Artificial sweeteners or flavorings, provided that this applies only to oil Cannabis Products and Cannabis flower.

#### 2.6.6 Records

Manufacturers shall:

- (a) Maintain onsite and readily accessible records of purchases from any manufacturer or supplier of an ingredient, additive, component, or other substance, compound, or material obtained by the manufacturer. Records shall be provided to the Board upon request.
- (b) Maintain onsite and readily accessible records of the name and business address of the manufacturer of any cartridge, battery, atomizer coil, hardware, device, or other component in vaporized products. Records shall be provided to the Board upon request.
- (c) Maintain onsite and readily accessible a copy of a Certificate of Analysis for each thickening agent, thinning agent, or terpene used in production. These Certificates of Analysis shall be provided to a retailer, wholesaler, or to the Board upon request.

#### 2.6.7 Vendor and Employee Samples

- (a) Vendor samples must meet the following requirements:
  - i. Manufacturers may provide a sample of Cannabis Product to a wholesaler or retailer, provided that such samples may not be consumed on any licensed premises. Samples must be tested in accordance with rules and guidance established in section 2.9 of this rule.
  - ii. Samples will be limited to the following aggregate amounts in a calendar month: Five grams of concentrate or extract, or 100 servings of edibles per vendor, so long as the tetrahydrocannabinol content of each individual edible sample does not exceed five milligrams per serving and is within any applicable statutory or regulatory potency levels.
  - iii. Vendor samples must be labeled: VENDOR SAMPLE NOT FOR RESALE.
  - iv. Samples must be designated and identified in the Inventory Tracking System.
- (b) Employee Samples must meet the following requirements:
  - i. Manufacturers may provide a sample of Cannabis Product to an employee to determine whether to make a product available to sell, provided that such samples may not be consumed on any licensed premises.
  - ii. Samples will be limited to the following aggregate amounts in a calendar month: five grams of concentrate or extract, or 100 servings of edibles per employee, provided that the tetrahydrocannabinol content of each individual edible sample does not exceed five milligrams per serving and is within any applicable statutory or regulatory potency levels.
  - iii. Employee samples must be labeled: QUALITY CONTROL SAMPLE NOT FOR RESALE.
  - iv. Samples must be designated and identified in the Inventory Tracking System.

### 2.7 Section 7: Regulations Applicable to Wholesalers

The requirements in this section apply to Cannabis Establishments with a wholesaler license.

#### 2.7.1 Wholesaler Security

- (a) Wholesalers must meet all requirements of section 2.5.1 of this rule.

- (b) Manufactured Cannabis Product, but not Cannabis flower, must be kept in a locked safe that is bolted to the ground.

#### 2.7.2 Wholesaler Processing

The word “process” in 7 V.S.A. § 905(b) means the act of packaging or wrapping Cannabis flower in any manner that Cannabis flower may be transported or consumed. It does not mean transforming Cannabis flower into another substance through manufacturing.

#### 2.7.3 Wholesaler Packaging

Wholesaler packaging must meet the requirements of section 2.8.4 of this rule.

### **2.8 Section 8: Regulations Applicable to Retailers**

The requirements in this section apply to Cannabis Establishments with a retailer license.

#### 2.8.1 Buffer Zones

- (a) Retail Cannabis Establishments shall not be located at a place where the sale of a regulated drug would constitute a violation of 18 V.S.A. § 4237(d).

#### 2.8.2 Retail Security

Retailers must meet all requirements of section 2.5.1 of this rule, along with the following additional requirements:

- (a) Alarm systems installed by retailers must be installed by an alarm installation company with expertise in industry standard commercial-grade alarm systems.
- (b) Video surveillance must include point-of-sale areas, all entrances, exits, and any area where Cannabis or Cannabis Product is stored or handled.
- (c) Strict access controls to areas where Cannabis and Cannabis Product is stored or handled.
- (d) Video footage must be kept for at least 90 days.
- (e) Employees shall wear identification badges that clearly identify them as employees while on duty.
- (f) Upon request, a retailer shall make available to the Board or Board designee all information related to security alarm systems, monitoring, alarm activity, maps of camera locations and camera coverage, surveillance equipment maintenance log, authorized user list, operation instructions, and any other relevant information.
- (g) The number of customers in the retail area at any given time may not be more than can be easily monitored by the employees present in the retail area.
- (h) The requirements of 7 V.S.A. § 881(a)(5), to the extent not already covered by this rule.

#### 2.8.3 Age Verification

- (a) Immediately upon a visitor entering the retail premises an individual who has been issued an identification card pursuant to Rule 1.16 shall inspect the visitor’s proof of

identification and determine the visitor's age. This age check shall take place in the immediate vicinity of the entrance to the retail premises.

- (b) "Acceptable form of identification" shall mean a photo identification issued by a government, and it must be current and valid.
- (c) No individual shall be admitted unless the retailer has verified that the acceptable form of identification matches the visitor and that the visitor is 21 years of age or older.
- (d) Prior to completing a transaction for the purchase of Cannabis or a Cannabis Product, an individual who has been issued an identification card pursuant to Rule 1.16 shall inspect the visitor's proof of identification and determine the visitor's age.
- (e) A retailer may not acquire or record visitor personal information other than information typically required by a retail transaction, which can include information to determine the visitor's age.
- (f) A retailer may not record or retain any additional personal information from a visitor without the visitor's permission.
- (g) Retailers shall refuse to sell to any visitor who is unable to produce valid proof of their age using an acceptable form of identification.

#### 2.8.4 Retailer Packaging

Retailers must ensure that the packaging for Cannabis and Cannabis Products sold in their establishment meets the following requirements:

- (a) All requirements contained in 7 V.S.A. § 907(c).
- (b) All requirements contained in section 2.2.8 of this rule.
- (c) Manufactured Cannabis Products must meet the requirements contained in section 2.6.2 of this rule.
- (d) Packaging must have information regarding the chain of custody of the Cannabis or Cannabis Product, provided that packaging may convey such information using a website address, QR code, or similar means of providing access to information available on a website.
- (e) Packaging that will exit the store after purchase by a consumer must be sealed or stapled closed.

#### 2.8.5 Standard Operating Procedures

Retailers must maintain onsite and readily accessible standard operating procedures regarding the following, each of which shall be available to the Board or Board designee upon request:

- (a) security measures;
- (b) employee security policies, including personal safety and crime prevention techniques;
- (a) description of establishment's hours of operation and after-hours contact information for management;
- (b) plan for storage of inventory;
- (c) procedures to ensure accurate recordkeeping, including inventory protocols and compliance with the Inventory Tracking System;
- (d) quality control plans;
- (e) emergency procedures in case of a fire or other emergency;
- (f) how confidential information will be maintained; and

(g) policy for immediate dismissal of an employee who has diverted Cannabis or Cannabis Product or engaged in unsafe practices.

2.8.6 Retailer Samples

Retailers may accept vendor samples as permitted by sections 2.3.9 and 2.6.5 of this rule but are prohibited from offering such samples for sale. Acceptance of such samples must be logged in the Inventory Tracking System.

2.8.7 Consumer Samples

Retailers may provide samples of Cannabis flower in enclosed containers for viewing or smelling by visitors. Such samples may not be touched by visitors or sold or transferred to visitors and their use and disposal must be tracked in the Inventory Tracking System.

2.8.8 Safety Information Flyer

Retailers shall display a safety information flyer created by the Board at the point of purchase, in accordance with 7 V.S.A. § 907(d). The Board shall make the flyer readily available to the public and to retail establishments for their use. The Board may update the flyer at any time and will provide notice to licensed retail establishments when it makes such an update.

**2.9 Section 9: Regulations Applicable to Testing Laboratories, Cultivators, and Manufacturers**

The requirements in this section apply to Cannabis Establishments with a testing laboratory license, as well as to cultivators and manufacturers who must have their product tested in accordance with the standards in this section.

2.9.1 Testing Requirements

The following chart describes the testing requirements that each laboratory must be prepared to administer, and the sampling standard operating procedures that Cannabis Establishments must follow. The top row describes the test, the left column describes the substance that will be tested, and the boxes in the chart describe the relevant sampling standards. There are corresponding notes below the chart.

	Potency	Moisture or Water Activity	Microbiological (human pathogens)	Heavy Metals	Pesticides	Residual solvents
<b>Harvest lot</b>						
THC compliance	Each lot	Each lot	N/A	Note 5	Each Lot Note 6	N/A
<b>Plant material</b>						

Trim flower	Note 1	Each process lot	Each process lot	Note 1	Note 1	N/A
<b>Concentrates</b>						
Liquids	Each process lot	N/A	Each process lot	Each process lot	Each process lot	Note 3
Solids	Each process lot	N/A	Each process lot	Each process lot	Each process lot	Note 3
<b>Products and Infused products</b>						
Liquids, including infused products (tinctures, and water based)	Note 4	N/A	Note 2	Note 1 or Note 2	Note 2	Note 2 or Note 3
Solids, including infused edibles, tablets	Note 4	N/A	Note 2	Note 1 or Note 2	Note 2	Note 2 or Note 3

- Note 1 Harvest lot testing is sufficient to show compliance.
- Note 2: Trim flower or concentrate testing is sufficient to show compliance.
- Note 3: Residual solvents are tested whenever solvent based extraction techniques are used.
- Note 4: A certified laboratory's certificate of analysis demonstrates that the product meets the acceptable potency level or the processor's formulation demonstrates compliance with the acceptable potency level.
- Note 5: Testing for heavy metals is required whenever the crop land was used for orchard crops or any land use other than farming as defined in the Required Agricultural Practices Rule, unless a recent soils test demonstrates that the heavy metals are within the authorized action limits for soils.
- Note 6: No pesticide testing required if crop is certified by a third party to be pesticide free.
- Note 7: Testing for other contaminants is necessary when the Agency of Natural Resources has approved biosolids applications to crop land.

### 2.9.2 Potency Parameters

Total delta-9 tetrahydrocannabinol and other cannabinoids must be within 10% of label value.

In assessing potency, laboratories will use the following formulation:

- (a) Tetrahydrocannabinolic acid (THCA) is the precursor of delta-9 tetrahydrocannabinol (THC).
- (b) The laboratory determination of potency will be determined by total theoretical THC.

- (c) Total theoretical THC content is the maximum amount of possible delta-9 THC in a cannabis crop if total conversion from THCA to THC were to occur. The calculated amount of total theoretical THC is determined as follows:
- i. the sum of the concentration of delta-9 tetrahydrocannabinol added to the amount of tetrahydrocannabinolic acid after it is multiplied by 0.877 on a dry weight basis and reported to two significant figures.
  - ii. The following mathematical equation expresses this calculation:

$$\text{Total theoretical THC} = ([\text{delta 9 THC}] + ([\text{THCA}] * 0.877))$$

### 2.9.3 Moisture Parameters

Moisture parameters will be set as follows:

Parameter	Action limits for trim flower
Moisture content	Less than or equal to 13 %
Water activity	0.65

### 2.9.4 Microbiological Parameters

The following human pathogens will be measured and the limits set in accordance with guidance issued by the Board. Such guidance will not be altered without at least 90 days of notice to licensees and the general public.

- (a) Shiga---toxin producing *Escherichia coli* (STEC) – Bacteria
- (b) *Salmonella* species – Bacteria
- (c) *Aspergillus flavus*, *Aspergillus fumigatus*, *Aspergillus niger*, *Aspergillus terreus* - Fungus

### 2.9.5 Metal parameters

The following metals will be measured and the limits set in accordance with guidance issued by the Board. Such guidance will not be altered without at least 90 days of notice to licensees and the general public.

Arsenic
Cadmium
Lead
Mercury
Chromium
Copper
Nickel
Zinc

### 2.9.6 Pesticides



As provided for by section 2.3.1 of this rule, cultivators will be required to abide the pesticide standards set by the Agency of Agriculture, Food, and Markets.

2.9.7 Residual Solvent Parameters

Residual solvents will be measured and the limits set in accordance with guidance issued by the Board. Such guidance will not be altered without at least 90 days of notice to licensees and the general public.

2.9.8 New Tests

When a laboratory seeks to gain certification for a new test, it must also submit to the Board the method validation summaries for any new test.

2.9.9 Proficiency

A laboratory must maintain analytical proficiency for each test it administers.

2.9.10 Records

In addition to all other relevant disclosure requirements, upon request of the Board or Board designee laboratories shall provide full access to all test records.

2.9.11 Other Parameters or Testing Methods

The Board retains discretion to change or add testing parameters, required pathogens, or other substances to the testing required under this rule.

**2.10 Section 10: Regulations Applicable to Integrated Licensees**

The requirements in this section apply to applications for an integrated license.

2.10.1 All Cannabis Establishment Regulations Applicable

All regulations in sections 2.2 through 2.9 of this rule applies to integrated license holders.

2.10.2 Dispensaries and Medical Cannabis

Except to the extent provisions in this section 2.10 impact dispensary operations, dispensaries and the medical cannabis registry are not regulated by this rule. They are regulated by Board Rule 3 and by Chapters 35 and 37 of Title 7 of the Vermont Statutes.

2.10.3 Co-located Operations

- (a) Integrated licensees may commingle Cannabis cultivation for adult-use sales with cultivation for dispensaries.

- (b) After cultivation is complete and a crop has been harvested the licensee must maintain strict separation between Cannabis that will be sold through a retailer and Cannabis that will be sold through a dispensary to a registered patient. This separation extends to all Cannabis Products derived from the Cannabis. The separation must be documented in the Inventory Tracking System.
- (c) Integrated licensees may co-locate operations from different license types in the same location, but co-located operations must maintain all relevant security requirements for each license type and must maintain all Inventory Tracking System requirements.
- (d) Dispensaries may be co-located with retail Cannabis Establishments, provided that:
  - i. integrated licensees must have a system in place to ensure that staff give priority of service, including priority of entrance and sales, to registered dispensary patients before adult use consumers. This shall include curbside sale, if requested, for dispensary patients.
  - ii. Strict protocols must be in place to ensure that medical products for dispensary patients are not sold to adult-use consumers.

#### 2.10.4 Duty to Maintain Continuity of Services to Medical Patients

- (a) Integrated licensees must ensure their dispensary operations maintain continuity of services to medical Cannabis patients.
- (b) If an integrated licensee has commingled their cultivation pursuant to 2.10.3(a), continuity of services will include designating sufficient biomass at an integrated licensee's cultivation facility to meet demand for medical Cannabis and Cannabis Products as indicated by dispensary sales data for the preceding 3 months. Such records and calculations will be provided to the Board or a Board designee upon request.

#### 2.10.5 Use of Dispensary Cultivation for Integrated Licensees

Dispensary operations may transfer Cannabis and Cannabis Products to integrated licensees to the extent provided by Section 8 of Act 164 (2020), subject to the conditions in this section.

Beginning on the date retail establishments that are not part of an integrated license may begin sales:

- (a) The tiered plant canopy limits in Rule 1.3.1 that apply to all cultivator licenses apply to the cultivator portion of an integrated license, except for cultivation dedicated to medical cannabis sold through a dispensary.
- (b) Other than cultivation for a dispensary, cultivator portions of an integrated license will be deemed to be in the largest cultivator tier that the Board has opened for an application acceptance period pursuant to Rules 1.3.1 and 1.10 and will be subject to the plant canopy limit of that tier.
- (c) If an integrated licensee has chosen not to commingle their dispensary and adult use Cannabis cultivation, the dispensary grow will be regulated by Board Rule 3 while the adult use grow will be subject to subsection (b) of this rule 2.10.5.
- (d) If an integrated licensee has chosen to commingle their dispensary and adult use Cannabis cultivation pursuant to section 2.10.3 of this rule, the cultivation will be subject to subsection (b) of this rule 2.10.5, with the following exception:

- i. The total biomass of Cannabis required to meet the demand for medical Cannabis and Cannabis Products as indicated by dispensary sales data for the preceding 3 months will not be counted towards the total permissible square footage. If the total biomass set aside for medical Cannabis and Cannabis Products is ultimately not needed for that purpose, it may not be transferred to the adult-use market.
- (e) The Board at its discretion may require integrated licensees to provide the Board with any records that might demonstrate compliance or noncompliance with this section, including but not limited to sales and manufacturing data.

#### 2.10.6 Duty to Purchase From Small Cultivators

Integrated Licensees shall abide by the requirement in Section 10 of Act 62 (2021) regarding the purchase of Cannabis from small cultivators.

### **2.11 Section 11: Licensee's Ongoing Duty to Disclose**

A Cannabis Establishment has an ongoing duty to fully and transparently update the information submitted with their licensing application or their last renewal form if they have renewed their license.

#### 2.11.1 Disclosure Insufficient For Changes In Control

If a Cannabis Establishment seeks to alter the interest holders that control it, mere disclosure is insufficient to meet its obligations under this rule. It must seek a license renewal prior to any change in control, as required by Rule 1.15.2.

### **2.12 Section 12: Confidentiality**

The Board will keep confidential Cannabis Establishment information to the extent required by 7 V.S.A. § 901(h).

### **2.13 Section 13: Regulatory Waiver**

The Board, in accordance with the purposes and intent of Chapter 33, Title 7 of the Vermont Statutes and this rule, may waive a regulatory requirement regarding the operations of a Cannabis Establishment to the extent such waiver does not conflict with any other state law, if in the Board's determination, such a waiver:

- (a) is necessary to achieve the purpose of Vermont law; and
- (b) does not create a danger to the public health, safety, or welfare.

## Julie Hance

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**From:** Gwynn Zakov <gzakov@vlct.org>  
**Sent:** Thursday, February 3, 2022 12:29 PM  
**To:** Julie Hance; VLCT  
**Subject:** RE: Cannabis

Hi Julie.

I am not familiar with that 1200 ft rule. I don't know if MAC has a better answer on that, but I don't. As far as pesticides is concerned the Agency of Ag regulates all pesticides and this includes cannabis. See the bottom of pg 27, top of pg 28: <https://ccb.vermont.gov/sites/ccb/files/2021-11/Proposed%20Rule%20%20-%20Regulation%20of%20Cannabis%20Establishments.pdf>  
As far as detection of influence, I would email Trevor Whipple here at the league. He's a retired chief and may know more about that. [twhipple@vlct.org](mailto:twhipple@vlct.org)

Hope this helps!

**From:** Julie Hance <julie.hance@chestervt.gov>  
**Sent:** Thursday, February 3, 2022 11:38 AM  
**To:** VLCT <info@vlct.org>  
**Cc:** Gwynn Zakov <gzakov@vlct.org>  
**Subject:** Cannabis

This email originated from outside of VLCT's email system. Maintain caution when opening external links/attachments

Good afternoon.

The Chester Selectboard has been discussing Cannabis at our local meetings since a petition has now been submitted to add opt in of retail sales on the ballot. A few questions came up at their most recent meeting that I have been asked to figure out answers for. I wonder if you might be able to help.

1. The Guidance document states that the cannabis retailers cannot be located within 500 feet of a drug free school zone. I have also located 18 VSA §4237 which discusses no sales within 500 feet of school property. One of my board members stated that the sale of liquor cannot be within 1200 feet of a school or place where youth gather. Could you help me locate what statute that is referenced in? I cannot seem to locate it. The concern is that cannabis can be sold within 500 feet but alcohol is 1200.
2. Several questions were asked regarding who regulates the growing and use of pesticides. In the guidance document it states that cannabis cultivators are not regulated by department of Agriculture. Will ANR be regulating the usage of pesticides?
3. The last question is relative to enforcement tools for police. It is our understanding that there is nothing in place at this time by which an officer can measure or determine if someone is under the influence?

Thank you so much for any assistance you can provide.

*Julie S. Hance*

Town Manager  
Chester, Vermont 05143  
(802) 875-2173

## Julie Hance

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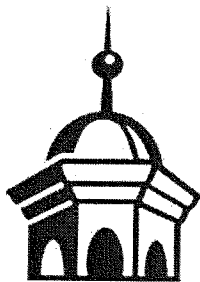
**From:** Susan Senning <ssenning@vlct.org>  
**Sent:** Thursday, February 3, 2022 2:33 PM  
**To:** Julie Hance  
**Subject:** RE: Cannabis

Hi Julie,

I understand Gwynn responded to your email, as well, but I'm following up with respect to the alcohol free zone you mentioned. I am not finding any reference to the 1200' distance from schools required for liquor stores. You may want to ask the selectboard member for the citation he referenced. Otherwise, Department of Liquor Control may be the best source of information. The limitation may be in one of their rules for licensing retail stores. I believe the statutes are silent and only include the 500' distance from schools for regulated drugs in Title 18 that you referenced below.

Sorry I can't be more helpful. As generalists of municipal law, we don't get too much into the weeds on those rules and details that aren't in statute.

Sincerely,  
Susan



Susan E. Senning, Esq.  
*Staff Attorney II, Municipal Assistance Center*  
Vermont League of Cities & Towns  
89 Main St. Suite 4, Montpelier, VT 05602  
802-229-9111  
[ssenning@vlct.org](mailto:ssenning@vlct.org)  
Pronouns: she/her/hers  
[VLCT.ORG](http://VLCT.ORG)

**Quick Reference Links:** [2022 Town Meeting](#), [COVID-19](#). Answers to most questions can be found within these webpages.

**Note:** Due to COVID-19 and Town Meeting, the VLCT Municipal Assistance Center (MAC) is experiencing a high number of legal questions so it may take longer than usual for MAC to respond. Please also understand that if your question is unrelated to COVID-19, town meeting, or is not an urgent matter, our response time will be extended. If you have an urgent matter and you haven't received a response from MAC, please contact your municipal attorney.

**Please visit [www.vlct.org/mac](http://www.vlct.org/mac) for MAC resources on various municipal topics.**

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## Julie Hance

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**From:** Trevor Whipple <twhipple@VLCT.org>  
**Sent:** Thursday, February 3, 2022 3:31 PM  
**To:** Julie Hance  
**Subject:** RE: Cannabis

Julie

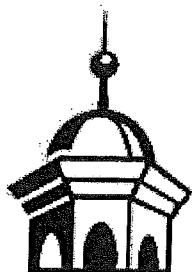
There are currently two training programs that assist officers in detecting impaired operators. Officers who graduated more recently than 1986 are required to attend the Advanced Roadside Impaired Driving Enforcement (ARIDE) training. Those who graduated prior to 1986 certainly can attend the training as well. A description of the program is here, although not a VT example, it is the same program. They are regularly scheduled at the VT Police Academy, (schedule). This is fairly basic training and a start to being able to identify someone who is under the influence of many different substances.

The higher level, and more robust training, is the Drug Recognition Expert (DRE) program. The training is much more involved and after the training the officer must remain actively engaged in screening a minimum number of suspected operators. Because of this some agencies either don't have the ability to release someone for the training, or don't have the cases to give the officer enough ongoing engagement. This is a description of the VT DRE program. If you are curious to learn if there are trained DREs who could assist Chester PD with a suspected drug impaired operator I am sure Christopher Conway at the police academy could help, [Christopher.conway@vemont.gov](mailto:Christopher.conway@vemont.gov)

I hope this helps and if you have additional questions please feel free to let me know.

My best,  
Trevor

**Trevor Whipple**  
**Law Enforcement Consultant**  
**Vermont League of Cities and Towns**  
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[www.vlct.org](http://www.vlct.org)



Click [this link](#) to view the service available through our Law Enforcement Consultation Program.

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**From:** Julie Hance <julie.hance@chestervt.gov>  
**Sent:** Thursday, February 3, 2022 1:54 PM  
**To:** Trevor Whipple <twhipple@VLCT.org>  
**Subject:** FW: Cannabis

# DRE Trainings

DRE Online Continuing Education Opportunity

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## Drug Recognition Expert Application

The Drug Evaluation and Classification (DEC) Program has received national acclaim for its success in identifying the drug-impaired driver. Officers trained as Drug Recognition Experts (DREs) are frequently called upon to differentiate between drug influence and medical and/or mental disorders and is an extremely valuable tool in combating the adverse impact of drug and alcohol impaired driving in our communities.

DRE School is extremely demanding. To receive certification as a DRE, two phases of training must be completed. The following summarizes each phase:

**ACADEMIC TRAINING:** This phase is typically conducted over ten days (80 hours). It includes courses in physiology, vital signs, standardized field sobriety testing (SFST), and extensive information on each of the seven categories of the drugs of abuse. The training includes an SFST proficiency examination, five written quizzes, and three written examinations. Students must achieve a minimum of 80% on the three examinations and must demonstrate proficiency in administering SFSTs in order to progress to the certification phase.

**CERTIFICATION PHASE:** After successfully completing the academic portion, students must complete the certification training phase. It is the student's responsibility to complete the certification requirements within six months following the DRE School. These requirements include conducting a minimum of 12 drug influence evaluations while under the supervision of a DRE instructor, identifying subjects under the influence of four of the seven drug categories, and attaining a 75% toxicological confirmation rate. In addition, the student must maintain a certification progress log and rolling log and submit a written curriculum vitae (CV). Finally, the student must obtain the written endorsement of two certified DRE instructors.

[VT DRE Recruiting Video](#)

[Download the Application Here.](#)

**Appendix F**

**Municipal Resolution for Downtown Transportation Fund**

**WHEREAS**, the Municipality of Chester is applying for funding as provided for in the State of Vermont FY 2022 Budget Act and may receive an award of funds under said provisions; and

**WHEREAS**, the Department of Housing and Community Development may offer a Grant Agreement to this Municipality for said funding; and

**WHEREAS**, the municipality has agreed to provide local funds for a downtown transportation grant.

**Now, THEREFORE, BE IT RESOLVED**

1. That the Legislative Body of this Municipality enters into and agrees to the requirements and obligations of this grant program including a commitment to match funds of 20% of total project cost;
2. That the Municipal Planning Commission recommends applying for said Grant;

**Cathy Hasbrouck**

*(Name of Planning Commission Chair)*

Catherine A. Hasbrouck  
*(Signature)*

Passed this 16 day of February, 2022.

LEGISLATIVE BODY\*

<i>(name)</i>	<i>(signature)</i>
Arne Jonynas	
Heather Chase	
Leigh Dakin	
Jeff Holden	
Lee Gustafson	



# Selectboard Memo

## February 16, 2022

### Citizen's Comments from Previous Meeting

No Citizen's Comments.

### Old Business/Last Meeting:

Donation of Benches: As you may recall, Mr. Sottovia generously offered a donation of 2 benches for The Green. I was able to meet with Chester Townscape, Terrigenous Landscaping as well as Mr. Sottovia regarding placement of those benches. Terrigenous drew up several options with Mr. Sottovia choosing placement on either side of the walkway to the Academy Building, so that most of Town as well as the entire Green would be visible while sitting.

Grant Applications: I wanted to give you an update on grants that are being applied for currently:

- Downtown Transportation Fund – Wayfinding Signage
- Homeland Security Program – Communications Equipment for fire & Ambulance
- Firehouse Subs – Turnout Gear and Respirations for Ambulance
- Better Places – Outdoor Program area at Library (more to come on this)
- Large Structures Grant – Large Culvert Replacement Green Mtn. Turnpike
- Better Backroads Grant – culvert replacement and erosion control on Lovers Lane

### Cannabis Discussion:

I reached out to VLCT with the questions asked at the last meeting. I have included email correspondence from Trevor Whipple, Gwynn and the legal department of VLCT.

Scott Blair attended the Cannabis Control Board meeting which was apparently held last Monday. I have included an email from Scott with some information he learned. I have reached out to the CCB directly but have not heard back from them.

### ARPA Funds Discussion:

This is intended to be a beginning discussion relative to potential uses of ARPA Funds. I would anticipate that there would be other discussion in the future as projects develop and new ideas come forward.

This list has been created with input from the Department Heads on projects & Equipment that is needed in their departments. In addition, this list is representative of projects in the community that have been discussed over the past couple of years or were mentioned during the Master Plan process as well as follow up meetings.

I have provided costs where known as well as the current status of each idea. As you will see, there are several of these projects where grant funds have already been applied for and are awaiting a decision, or I am aware that there is a potential grant source coming. My goal is to leverage as much outside money as possible.

### Grant Approval:

The Downtown Transportation Fund has opened up. Applications are due by March 7. The cap is \$200,000 which will allow us to accomplish a lot in the Wayfinding Plan. I have met with SE Group to review the Plan relative to priority signage so that they can start gathering estimates. Priority signage identified in the Plan and we feel is still relevant is as follows:

1. Village Gateway Signage
2. Signs that direct to the Village Green (these were the main driver of the Wayfinding Plan)
3. Directional signage around town, i.e. Cobleigh parking signage, Pinnacle location; parking on The Green
4. Kiosks to be located on The Green, Depot Green and at Cobleigh Parking lot if money allows

The grant requires the enclosed Resolution be signed by the PC as well as the Selectboard.

### New Business/Next Agenda:

March 2: Organizational Meeting; DRB & PC interviews; Paper of Record

March 16: DRB & PC Appointments; Solar Farm