

1 **TOWN OF CHESTER**
2 **SELECTBOARD MEETING**
3 **February 2, 2022, 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 1st. 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 1st 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 1st, 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 1st 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.