

**Mount Holly Select Board Meeting
December 10, 2019
Minutes**

Present: Select Board: Mark Turco (chair), Ron Tarbell, Jennifer Matthews

Town Officials: Susan Covalla, Carol Garrow-Woolley, Russ Garrow, David Johnson, Jon McCann, Clinton Woolley

Members of the Public: Tracy Lazell, Mary Jane Osborne, Jeb Porter & Gwynn Zakov from VLCT

1. **Call to Order** by Chair Mark Turco at 6:00 pm.

2. All stood for the **Pledge of Allegiance**.

3. **Changes and/or additions to the agenda** – Jennifer Matthews asked to add the Local Hazard Mitigation Plan and a dog attack complaint from Mary Jane Osborne to **New Business**; it was agreed to do so.

4. **Retail Pot – Status of Current Bills & Possible Impacts on Mount Holly – Presentation by Gwynn Zakov, VLCT Municipal Policy Advocate** – Ms. Zakov introduced herself as an advocate for local government in her work for the VT League of Cities & Towns with the VT Legislature. She briefly summarized the bills creating a retail cannabis system which are currently before the Legislature, noting these bills will most probably be taken up early in the upcoming session. She spoke of three concerns: 1) regulations for towns with no zoning around setbacks from schools, placement of retail establishments in communities, and necessary public safety services; 2) the ability for voters in communities to opt in or opt out of marijuana establishments in town; and 3) tax revenue generated by a local cannabis tax for those communities which host retail establishments.

Jennifer Matthews asked her to further explain the opt in and opt out concept. Ms. Zakov explained that the Senate bill allows for communities to opt out of all marijuana components, be it retail, manufacture, growth, processing. The House bill, on the other hand, requires communities to opt in to retail, but offers towns no say in the manufacture, growth, processing, etc. She noted that all the other states, with the exception of Maine, which have legalized marijuana sales, have given towns the right to opt out. Ms. Matthews asked about the status of the local cannabis tax. Ms. Zakov explained that VLCT advocated for a 5% local option tax on retail sales with 70% of the tax staying in the town hosting the retail establishment and 30% being distributed to non-hosting towns. She noted that the current House bill proposes a 1% share of the State retail tax to go to the hosting towns. The Senate bill proposes a 2% local option tax to stay with the hosting towns.

Ms. Matthews asked about when this legislation would take effect. Ms. Zakov explained the need to create a new Cannabis Control Commission and the need for a rule-making process around licensure, operations of retail establishments, grow facilities, etc., thinking it would be a 12-18 month roll-out. Ms. Matthews asked if the Legislature was keeping in mind the costs that will fall on towns around law enforcement to address thefts from grow operations and stores, illegal grow operations, public consumption, driving under the influence. Ms. Zakov said there was also some talk of event permits for public events where public consumption would be allowed. She also discussed saliva testing for THC and the fact no standard has yet been determined for impairment.

Ms. Matthews asked if the hopes were the black market would cease to exist with legalization. Ms. Zakov said no, but the existence of the black market was the rationale to keep taxes lower and to have retail establishments geographically disbursed for easier access to legal marijuana. She noted the intent to provide consumers with a safer product with legalization.

Ms. Zakov also pointed out that were 1000 licenses for hemp producers currently. A number of those may move into marijuana production. With no zoning in place, towns may not be able to stop the growth and production of marijuana in their communities. Also, cannabis may be classified under

agriculture. If this is the case, given there is no local control over farms, there would be no local control over marijuana grow operations.

Ms. Matthews asked about potential sellers of retail marijuana. Ms. Zakov responded that priority would be given first to the five medical dispensaries in the State, then probably to hemp and CBD sellers.

Jon McCann asked if the opt out version of the legislation took effect would that mean opting out of all components of retail marijuana. Ms. Zakov replied that with the Senate version, towns could cherry pick which parts they wanted to opt out of, be it retail establishments, grow operations, etc. With the House version, towns could only opt out of retail. Mr. McCann asked if towns did not want retail establishments, could they still have small farms. Ms. Zakov replied in the affirmative if the Senate version of the legislation becomes law.

Ms. Matthews asked what actions towns could take at this point to say yea or nay to components of retail marijuana. Ms. Zakov replied that the ordinances Clarendon and Newport have passed hold little to no weight. The Legislature wants the decisions around retail marijuana to come from the voters, not Select Boards or city councils or Boards of Aldermen. She recommended fine-tuning VLCT's resolution asking the legislature to give towns some local control in the retail marijuana legislation.

Jeb Porter stated he was an advocate and looking to invest in marijuana operations. He knew there were farmers in town who would like to grow cannabis. He wondered where the Select Board stood at present. Ms. Matthews replied that they had not yet taken a stand, and that the Select Board was just beginning to gather information and discuss the legislation and its impact on Mount Holly. Ron Tarbell stated he had not yet taken a position. Mark Turco stated the same, saying he wanted more time to research the issue and investigate what other States have done.

Ms. Matthews asked about receiving input from the community as a whole. Mr. Turco suggested putting it on the ballot. Mr. Tarbell suggested a non-binding vote. Mary Jane Osborne suggested a survey in the *Chit Chat*.

David Johnson asked what the draft resolution addressed. Ms. Zakov replied that it asked that towns be given some local control over retail marijuana regarding the ability to say yea or nay to retail establishments, grow operations and the like, have the ability to license such operations, be able to share in a local cannabis tax, and be given time once the legislation passes to discuss and implement local regulations and policies regarding retail marijuana. Jon McCann asked about what reasons there might be to prohibit cultivation. Ms. Zakov noted concerns about odors, thefts from outdoor grow operations, and security in general.

The Select Board thanked Ms. Zakov for her informative presentation.

5. Approval of November 12th, 2019 Minutes – Ron Tarbell made a motion to approve the minutes as presented, seconded by Mark Turco, unanimously approved.

6. Reports

a. Highways & Transfer Station – Clinton Woolley

i) **Update** – Mr. Woolley reported that FEMA now has all documentation for the April flooding event.

ii) **Food Scraps** – Mr. Woolley reported that he had attended the monthly Solid Waste District meeting and that there would now be a charge for the disposal of food scraps; the charge will be 40-cents per gallon. Mark Turco asked how much the Town was currently collecting. Mr. Woolley responded that it is about 400 lbs. every three weeks. Jennifer Matthews asked if there were any other options for the disposal of food waste like local farms. Mr. Woolley said he had mentioned this to a local farmer who might be interested in placing containers at the Transfer Station for collection of food scraps for his pigs. Other farmers might also be interested. Mr. Turco thought this a good option.

b. Treasurer – David Johnson

i) **Monthly Income & Expense Report** – Mr. Johnson noted the following items: there were a few more delinquent tax payers this year than last year but quite a few did pay in November; the interest income is \$4,800 over what was budgeted to be received; Solid Waste label sales continue strong; the workers comp and insurance bills have been received and are within the budgeted amounts; with strong solid waste label sales, the Town is now going through an order of labels in two years rather than three, so will need to budget accordingly; payment to Statewide Education Fund made; the new truck has been paid for at a cost of \$163,707; to date, equipment and vehicle repair costs are low.

ii) **Set Budget Work Session & Warning Dates** – Tuesday, January 7th at 6:00 pm will be the date for the budget work session. The next Select Board meeting will be on Tuesday, January 14th and at that meeting, the date to approve and sign the warning will be set.

Mr. Johnson also noted the mapping contractor was progressing with his work on the new maps. He also said that the new CLA and COD numbers should be available at the next Select Board meeting.

c. Rutland Regional Planning Commission Report – Jon McCann reported to the RRPC on the two motions made by the Select Board in support of the proposed AT&T cell tower project in town and the 345-acre land acquisition.

d. Rutland Region Transportation Council Report – Clinton Woolley stated there was nothing to report.

7. Old Business – There was none.

8. New Business

a. Osborne Dog Complaint – Mary Jane Osborne presented the Select Board with a letter detailing an attack by her neighbor's dog on her dog. The neighbor's dog came on to her property while she and her dog were doing farm chores. The dog attacked her dog, causing puncture wounds to the neck and abdomen. The owners were present but unable to get control of their dog, no recall. Ms. Osborne explained that her dog is 11 years old and all of 45 pounds, while the neighbor's dog is a Husky in its prime. Ms. Osborne considers her dog, her livestock, her grandchildren, and other neighbors to be vulnerable to attack by the Husky, especially so as the dog has attacked and bitten another individual. Ms. Osborne has spoken with the owner, Jessie Alberty, about her dog. Ms. Alberty stated she plans to purchase an electric fence to help contain the dog; Ms. Osborne questions the effectiveness of this particular product. Tracy Lazell witnessed the attack and spoke with Animal Control Officer Paul Faenza. She stated Mr. Faenza was not very receptive, not very helpful, and that he said there was nothing he could do. She stated that he said he had spoken with Ms. Alberty and she said she would keep the dog on a leash from now on. Ms. Osborne stated that after her initial conversation with Mr. Faenza, she called him again to find out if Ms. Alberty's dog had had its rabies shot. Mr. Faenza said he did not know, and after some initial reluctance, said he would call Ms. Alberty to find out and let Ms. Osborne know. He never called Ms. Osborne back with that information. Ms. Osborne asked if the Town of Mount Holly has an Animal Control Officer policy. Jennifer Matthews stated she would be writing policies over the winter and could add this to the list. She asked Ms. Osborne to pass along any policies or protocols she had found that might be helpful in the drafting of Mount Holly's. Mark Turco stated that the Select Board would meet with Mr. Faenza to discuss the incident and his handling of it, and what his protocol is when contacted by residents with dog attack complaints. Annette Lynch stated there used to be regular reports from the Animal Control Officer, which no longer happen. She also asked if the contract Mount Holly used to have with the Sherriff's Department might spell out standards for handling animal complaints. Ms. Osborne also asked that the Animal Control Officer be made aware of the need to handle all animal complaints, not just those about dogs.

b. Mount Holly Planning Commission Appointment – One Vacancy to November 2020 – Three Letters of Interest were submitted for the position, which will be discussed in Executive Session.

c. Retail Pot Discussion – Any Follow-Up – No additional discussion needed.

d. Town Office Cleaning – Jennifer Matthews asked if it was possible to have the public areas and the restroom of the town office cleaned on a regular basis. It was agreed that this would be a good idea, and Ms. Matthews will post notices for bids.

e. Local Hazard Mitigation Plan – Mark Turco announced that the Rutland Regional Planning Commission has some State funding available to update Mount Holly’s plan which is expiring. He asked for volunteers to work on updating the plan. This will necessitate four to five meetings of a couple hours each in the evening. He, Clinton Woolley and Russ Garrow will be part of this team. Jennifer Matthews will post notices for additional volunteers.

9. Announcements/Other Business

a. Rutland County 2020-21 Budget Public Hearing on December 12th @ 12:00 noon – Notices have been posted for those interested in attending.

b. Tree Cutting in Cemeteries – David Johnson asked about quotes for doing some tree cutting in town cemeteries. Jennifer Matthews responded that Dennis Devereux only had one quote at present and that he hoped to have a couple more by the budget work session in January as there is no money currently in the budget for tree cutting.

10. Review & Sign Orders – Reviewed and signed.

11. Executive Session: Title 1 V.S.A. S 313(a)(3) – At 7:37 pm, Ron Tarbell made a motion to enter Executive Session to discuss the Planning Commission appointment and to discuss personnel matters, seconded by Jennifer Matthews, passed unanimously. After exiting Executive Session at 8:20 pm, Jennifer Matthews made a motion to appoint Gabrielle Macklin-Bickford to the Planning Commission for a term ending in November 2020, seconded by Ron Tarbell, unanimously approved.

Respectfully submitted: Jennifer Matthews

Minutes Approved: 1.14.2020