

Theory Wellness, Rebelle, and Farnsworth Fine Cannabis, have jointly filed suit against the Town of Great Barrington, over the Town's unwillingness to return illegal impact fees which we have been forced to pay over the years despite the Town's repeated acknowledgement in writing that the operation of our businesses has not caused the Town to incur any costs. We are not alone – there is a trend across the Commonwealth of dispensaries pushing back against the illegal and unethical treatment they have experienced over the past several years.

Our position is clear.

Massachusetts General Laws Chapter 94G requires that any Community Benefit Fees paid to a Town under a Host Community Agreement (HCA) must only be used to offset actual costs incurred by the Town.

These costs are required to be documented and reported to us in writing annually by the Town. A copy of this report must be included in our license renewal with the Cannabis Control Commission (CCC).

Every year Great Barrington has written to us and confirmed in writing that they have incurred **zero costs** (copies of some of the Town's confirmatory statements were included in our lawsuit as exhibits).

It is important to note that Impact Fees are **different and separate from the Taxes we pay to the Town**. What many may not realize, is that we have paid to the Town of Great Barrington over \$5M in taxes, **in addition** to nearly \$6M in impact fees over the past several years.

Several other cities and towns in the Commonwealth, including the City of Boston and the Town of Uxbridge, have performed a legal assessment of the matters raised in our lawsuit and have determined that the Community Impact Fees paid, for which the municipality incurred no corresponding expense, should be refunded. Many more legal cases are pending, including cases in the Berkshires.

We did not want to have to file a lawsuit, as we are deeply invested in the community, its businesses, and the people we employ and serve here. Lawsuits are costly and time intensive. However, we have tried many times over the last year to engage directly and amicably with the Town and have been repeatedly ignored and our concerns dismissed. On top of it all, the Town is holding new, legal host agreements hostage unless we pay additional hundreds of thousands of dollars in disputed fees which we believe to be another illegal and coercive tactic.

While this dispute is ongoing, and in further defiance of the law, the Town has recently voted to accelerate the spending of these impact fees with a recent \$1.5M recommendation to invest in real estate development. Instead of the Town using impact fees directly to offset documented costs as required by the law (and which they have admitted in writing there are no costs), they have instead been soliciting requests from organizations who want a piece of these funds. Great Barrington's process of encouraging organizations to petition to receive funds from this protected pool demonstrates in and of itself their disregard to how impact fees must legally be used.

Our desire to resolve this amicably has not changed, however we are faced with no other option to stand up for our rights. We only ask that the Town adhere to the law, return the illegal fees they have collected and avoid an elongated litigation process at the taxpayers' expense.