

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
DECEMBER 11, 2017**

Members Present: Steven J. Ouellette, Chairman
Shana M. Shufelt, Vice Chair
R. Michael Sullivan
Brian T. Valcourt, Clerk

Members Absent: Craig J. Dutra

Also Present: Timothy J. King, Town Administrator

Chairman Ouellette opened the meeting at 6:04 p.m. with a salute to the flag and publicly announced under M.G.L. Chapter 30A, Section 20(e) that the meeting was being recorded.

The Chairman then mentioned special meetings that would be happening because the Selectmen schedule was kind of irregular for the rest of the month: Tuesday, December 19th at 6:00 p.m. special budget meeting and Wednesday, December 27th at 6:00 p.m. a regular meeting. He also announced that the Special Town Meeting would be held on Tuesday, January 23, 2018 at 7:00 p.m. and the Special Election would be held on Tuesday, February 27, 2018.

Appointments and/or Resignations:

1). Selectman Valcourt made a motion to accept Donna Lambert's resignation from the Board of Appeals and to send her a thank you letter. The motion was seconded by Selectman Shufelt and was voted unanimously.

Public Hearing – RE: A petition from Verizon New England, Inc and NSTAR Electric Company d/b/a Eversource Energy requesting permission to place two (2) new JO poles 40/469 & 40/470.5 on the southerly side of Hix Bridge Road, starting approximately 142' westerly from existing pole 40/468 as shown on the attached plan marked VZ N.E., Inc. No. MA2017-45, dated 10/02/2017. The new poles are necessary to provide a service upgrade to existing fire station and new police station:

The hearing opened at 6:05 p.m. with the legal notice being read. Present was Thomas Blicharz from UC Synergenic on behalf of Verizon. He told the Board that his company provides engineering and rights-of-way services for Verizon. None of the abutters were in attendance. Mr. Blicharz told the Board that the 2 poles were needed for the new police station. After a brief discussion, Selectman Valcourt made a motion to approve the 2 new poles subject to the recommendation from the Police Department. The motion was seconded by Selectman Sullivan and was voted unanimously. The hearing was closed at 6:06 p.m.

Action Items:

2). On a motion by Selectman Sullivan, which was seconded by Selectman Shufelt, the Board voted unanimously to approve the request from the Town Hall and Annex employees for permission for an hour lunch on Thursday, December 21st to hold annual holiday buffet.

Approval of the 12/4/17 Special Meeting Minutes:

Selectman Valcourt made a motion to approve the 12/4/17 Special Meeting Minutes. The motion, which was seconded by Selectman Shufelt, was approved with Selectmen Ouellette, Shufelt and Valcourt voting yes and Selectman Sullivan abstaining.

Action Items Continued:

1). The Board was in agreement that they did not have any comments or recommendations for the Planning Board regarding an application for a definitive subdivision plan (Francis Estates) proposed for Charlotte White and Main Roads.

Public Hearing – RE: A petition from National Grid requesting permission to install conduit from P15 to P16 Old Bedford Road. Conduit to leave from P15 angle towards a point 4ft from the east side of the road, then parallel the side of the road before angling back to P16. Massachusetts Electric Company Plan No. 24658901 – Dated: 8/1/2017:

The hearing was opened at 6:10 p.m. with the legal notice being read. Present was Michael Frazer, the representative from National Grid. No abutters were in attendance. After a brief discussion, Selectman Sullivan made a motion to approve the petition from National Grid for permission to install conduit from P15 to P16 on Old Bedford Road subject to the recommendation of Lieutenant John Bell regarding Police details. The motion was seconded by Selectman Valcourt and was voted unanimously. The hearing closed at 6:12 p.m.

Stephen Sloan and Ross Moran, Westport Land Conservation Trust – RE: An update on the public input and planning associated with the “camp core” of the Saint Vincent de Paul property and a Pine Hill Road Conservation Restriction:

Meeting with the Selectmen were Stephen Sloan and Ross Moran from the Westport Land Conservation Trust.

Saint Vincent de Paul property - Mr. Sloan reported that the Town was eligible for a \$196,000.00 land grant from the state to offset a portion of the \$350,000.00 commitment that the Community Preservation Committee (CPC) and Town Meeting approved in May. It would be necessary for specific language to be voted on which wasn't in the May vote so that is why an article is needed to be included on the 1/23/18 Special Town Meeting Warrant. It would authorize the Town to enter into a contract with the state to get

the \$196,000.00. Selectman Sullivan questioned the budget in regards to the grant. Mr. Moran gave the Board a new set of documents analyzing both Town ownership and Land Trust ownership. He noted that back in June the Board had requested that the Land Trust come up with a concept plan of what would happen onsite based on public feedback and Town stakeholders and a variety of things. They worked with a landscape architectural firm to come up with a couple of plans which he had just provided the Board. Mr. Moran went on to say that it included an Option A & Option B which reflected what was feasible onsite, what was desired across the property and also reflects some historical character. He priced out some of the options based on what was discussed at the last meeting with the Selectmen. Mr. Moran then reviewed then reviewed the documents with the Board. Selectman Sullivan requested that the chart be revised to reflect where they came from someplace in the middle to the grant. On a motion by Selectman Shufelt, which was seconded by Selectman Valcourt, the Board voted unanimously to approve Article 4 and include it on the draft 1/23/18 Special Town Meeting Warrant and for the Board of Selectmen to support it. Mr. Sloan noted that last year the Agricultural Open Space Preservation Trust Fund had voted to appropriate \$500,000.00 for the purchase of the camp core. Because the Town was acquiring a conservation restriction the vote had to be revised, which was done at their December 7th meeting. He requested that the Selectmen also do the same. Selectman Shufelt then made a motion to approve the use of no more than \$500,000.00 from the Agricultural Open Space Trust Fund for acquisition of either the fee interest in or a conservation restriction on an approximately 21-acre portion of the Saint Vincent de Paul Camp, as shown as "Lot A" on a Plan of Land entitled "Approval Not Required Plan of Land in Westport, MA & Little Compton, RI, prepared for WLCT," dated October 7, 2017, and prepared by SITEC. The motion was seconded by Selectman Valcourt and was voted unanimously.

Reed Pine Hill Road Conservation Restriction – Mr. Sloan stated that this was a Conservation Restriction for approximately 19.79 acres on Pine Hill Road (Lots 1H-1 & 1G) north of the Fair Grounds going down to the east branch of the Westport River. He noted that they were trying to accomplish this by the end of the calendar year for reasons having to do with the state's Conservation Tax Credit Program. Mr. Sloan said that Selectman Sullivan had sent him some questions regarding how this Restriction diverges from the standard template. He provided the Board with a new copy highlighting the changes. He told the Selectman that the Conservation Restriction template was not a complete document and every single restriction is modified from the template. Mr. Sloan noted that this was the third Conservation Restriction on the property and would include the area the house is located on. Mr. Sloan went on to explain that it was a gift of a Conservation Restriction which means that the property would be permanently protected in perpetuity on that property regardless of who the future owners are and it is not something that is being paid for. Massachusetts started a program called the Commonwealth Conservation Lands Tax Program making donors of land for conservation and donors of Conservation Restrictions eligible for a tax credit on the Massachusetts tax returns up to a certain limitation. Mr. Sloan reported that this gift was deemed by the state to qualify for that program and that you have to close by a certain date to get it all done. They learned that they were eligible several months ago and are trying to get everything in place to close by the end of this calendar year. There will be no public access on this property. The overarching goal of the document is to protect the conservation values of the property. There was some discussion regarding the language in Section 20 (Renewable Energy Generation) of the Restriction with Selectman Sullivan suggesting that the language be changed to "125% of anticipated usage of the time of the signing". Mr. Sloan promised to explore the suggested revision. Selectman Shufelt made a motion approving the Reed Conservation Restriction subject to minor legal edits made by the state and the one they just discussed so long as when it's presented back to the Selectmen for signature it is very clear why this changed in the

legal process or this particular change. Mr. Sloan stated that he would provide the Board with a redlined copy if it would be helpful. Selectman Sullivan seconded the motion which was voted unanimously.

Coastal Healing, Inc. - RE: Letter of Support or Non-Opposition to operate a not for profit corporation for the purpose of cultivating, dispensing and advancing medical marijuana research:

Present at the meeting table were Brian Corey, Jr. representing Coastal Healing, Inc. and Dr. Diego Bernal, the President of the corporation who is also a Westport resident. Attorney Corey noted that they had provided the Board with a copy of their proposed host agreement as well as a draft security protocol from Kevin J. Butler, who is a retired major of the Massachusetts State Police. They wanted to emphasize the seriousness of their application. The team is comprised of scientific and medical professionals who are the founders. Attorney Corey then introduced, in the audience, Karen Demers, who is the lead pharmacist for the Southcoast Hospitals Group, Dr. David Bullis, who is a well-respected orthopedic surgeon in Southeastern Massachusetts, Dr. Diego Bernal, who is a faculty member in the biology department at UMass Dartmouth and Kevin Butler. Attorney Corey stated that it was a vertically integrated dispensary plan for Westport. He noted that the other plan presented by Xiphias, Inc at the previous meeting does not include cultivation in the Town. Coastal Healing's facility will be a "state of the art" facility with testing, research and development, dispensing and cultivation located therein. He said it would be an economic benefit for the Town. They anticipate creating between 22 to 27 jobs with full benefits which would not be minimum wage jobs. Professionals, scientists and educated individuals familiar with horticulture and agronomy would be required at this facility. Additionally, professionals will be required to institute what they see as very serious medical protocols for the dispensing, storage and harvesting of the marijuana needed to fulfill the medical marijuana goal. This facility will be a medical marijuana facility which will fully comply with the state regulations under M.G.L. Chapter 94G, Section 3(d) with regards to location and setback as well as Section 25(2) with regards to the dimensional, setback and boundary issues that Westport adopted. This parcel not only meets but exceeds the Town's zoning requirements adopted under those protocols for boundary issues and buffer zones. The property is almost totally uplands and will utilize a combination of water available in the street and a well system. Sustainable building techniques will be utilized throughout the process including the exterior and interior build system. A full gray water treatment system removing all particulates and any damaging fertilizer and nitrogen loading will be put in place through using a recycled water system in the cultivation facility. Attorney Corey stated that the host community agreement would allow Westport to benefit and mitigate any increased expenses that the Town might have. This location is being purchased for this purpose. The existing building and structures will be razed and a new facility estimated at \$3.2 million will be constructed. The property taxes which are currently around \$2,800.00 should increase by tenfold. The plan is to utilize solar power both on ground and on the building to generate the electricity needs for this location. Karen Demers told the Board that their intention was to operate the facility in a manner which the Southcoast Pharmacy is operated; everything is secured, controlled and inventoried; they know what comes in and goes out; the security system people would either have badge access or pin pad access. They would not treat medical marijuana any differently than the way that they treat prescription drugs that they currently handle. Dr. Bullis told the Selectmen that he was an orthopedic surgeon that had been practicing in Fall River for the past 24 years. He noted that in the course of his practice he'd seen thousands of patients with chronic pain that have been put on narcotics. He continued by saying that narcotics are very helpful for acute pain but they don't work very well for chronic pain. The reason for

that is that your body gets use to it and, on top of that, you get addicted to a medicine that is not helpful. When medical marijuana became legal, he saw this as an opportunity to get patients off of narcotics and use a much safer alternative. Dr. Diego Bernal then spoke telling the Selectmen that when they established this non-profit organization it really came out of the idea of addressing it from a scientific point of view - high quality, consistency, let's do it right, let's do it good. He noted that he is a Westport resident and wants what's best for the Town. Attorney Corey stated that they wanted to emphasize the team's commitment to the Town on a moral level. They will be providing a base, minimum payment to the Town of \$135,000.00 and the potential payment of an additional \$50,000.00 directly towards the Police Department or other expenses with a cap of 3% annualized against the gross income generated by the dispensary. As a vertically integrated system they expect revenues potentially to be in excess of \$4,000,000.00 per year. Attorney Corey emphasized that Westport was the only location they we're looking at and would not move forward with their application to the state without receiving a Letter of Support or Non-Opposition from the Selectmen. After being questioned by Selectman Shufelt about the licensing process, Attorney Corey explained that the Cannabis Control Commission could approve the license while the host agreement was still being negotiated but they could not open until the host agreement was signed by the Town. Selectman Valcourt stated that it would not be fair to take a vote on this proposal or the one from Xiphias, Inc. until they have a full board and they have had some time to consider both proposals. He asked that the Board continue their discussion on both proposals and make a decision at their next meeting. Selectman Sullivan stated that the Board should come up with some criteria to decide the minimal requirements before they grant a Letter of Support or Non-Opposition. Selectman Sullivan had questions about the security. Attorney Corey responded that the facility would be fully video monitored and under constant surveillance. No product would leave the building unless its been accounted for. Retired State Police Major Kevin Butler, head of security, told the Selectmen that there are several minimum security requirements from the Department of Health, there will probably be additional requirements from the Cannabis Control Commission and they are also seeking some input from a consultant who is an expert in this field to come up with security protocols and plans down the road. Karen Demers then explained that most of these products are sold by weight and liquids by volume so when something is manufactured you put it into your inventory and once its dispensed you subtract it from the inventory so you should know what you have for usable products on hand at all times. As far as actual plants are concerned, it would be the number of growing plants. She said that she was more concerned with products already to dispense and controlling that to make sure that there is no diversion and that everyone is staying honest and upholding the highest standards. Selectman Valcourt went on to say that when you're talking about a natural product, they have to test the different levels of CVD, THC and whatnot, and they give you a percentage of that so you know the strength from those percentages rather than a specific dosage. Like any medicine that is prescribed to a patient you have to play with the dosages until you get it so that it is not to much or not to little. It is not so much a weight as a percentage of medicine within the particular strain that is prescribed. Attorney Corey noted that edibles and oils would be created according to very specific guidelines. Selectman Valcourt questioned what security measures would be in place for external security. Kevin Butler reassured the Board that security personnel would be monitoring the parking lot and any suspicious vehicles or people. Chairman Ouellette announced that the Board would continue

their discussion on both proposals and make a decision at their meeting scheduled for January 8, 2018 because Selectman Sullivan would be absent at the December 27th meeting.

Fernando Larginha, Westport United Youth Soccer - RE: proposal to add one more soccer field to the north of the 914 Sanford Road property:

Meeting with the Selectman were Fernando Larginha and Chris Conroy, President and Vice-President respectively of Westport United Youth Soccer. They told the Board that the League wanted to build one more soccer field on Lot 18 which is adjacent to the fields already built on the Town-owned property. However, they need Town Meeting approval because this lot is not included in the lease. Selectman Valcourt made a motion to support their request and include an article on the Special Town Meeting Warrant scheduled for January 23, 2018. Selectman Shufelt seconded the motion. Chairman Ouellette requested that they check with the neighbors to make sure that it would not be a problem. The motion was unanimously voted.

Action Items Continued:

4). Assistant Town Administrator for Planning, James Hartnett in attendance. He told the Board that the Planning Board had a few Zoning By-Laws that were being proposed for the Annual Town Meeting and the process required that the amendments be submitted to the Board of Selectmen for review and the Selectmen then refer it back to the Planning Board where they start the hearing process and then initiate a report back to Town Meeting. He then reviewed the revisions – a change to the definition of agriculture to make sure that recreational marijuana is not included in that definition and additional definitions that mirror the state definitions for different marijuana use establishments, retail, manufacturers, testing laboratories and so forth. Item B.3 would propose a Zoning By-Law that would exclude recreational and medical marijuana establishments as home occupations. Item B.4 would propose a new Zoning By-Law that would regulate recreational marijuana facilities and uses in the Town. The retail uses would be permitted in the business districts (Route 6, Route 177 and along parts of Main Road). The independent testing laboratories, cultivation and product manufacturing uses would only be allowed in the Science and Technology Overlay District (S.T.O.D.). The maximum number of establishments for retail would not exceed 20% of the number of liquor licenses. The other establishments a maximum number would not exceed 2 or would not exceed the number of medical marijuana treatment centers here in Town, whichever is greater. Selectman Valcourt made a motion to refer the amendments to the Zoning By-Laws for the Annual Town Meeting back to the Planning Board support the amendments going forward. Selectman Sullivan seconded the motion. He stated that they should start the process of considering both methods of prohibition that are open to the Town – language for a ballot question for the April Town Election and a Regular By-Law & Zoning By-Law for the Annual Town Meeting in May. Mr. Hartnett told the Selectmen that he had also included in the documents language to prohibit recreational marijuana for the Regular By-Laws and Zoning By-Laws. Selectman Sullivan requested that the Town Administrator refer the plan and language for the April prohibition vote and the proposed prohibition By-Laws to the Attorney General's office to make sure that they will approve it. He was told that the Attorney General's office would not review it until after it was voted on. He insisted that it be done and Mr. King agreed. Selectman Sullivan then requested that Selectman Valcourt include in his motion a request that the Planning Board start making provisions for a prohibition vote. Selectman Valcourt would

not agree to the amended motion. Selectman Sullivan then stated that he would second the motion without modifications. The motion was voted unanimously. Selectman Sullivan then made a motion to ask the Planning Board to reconsider prohibition and take the initiative to start the wheel going with whatever language or process is necessary so the Town has the option of considering prohibition at the May Annual Town Meeting. Mr. Hartnett responded that the language was done. The Planning Board reviewed it and felt that if the Board of Selectmen wanted to pursue prohibition they could file it and submit it to the Planning Board and it would go through the same process. Selectmen Sullivan then made a motion that the Board refer back to the Planning Board for public comment the language for the proposed Zoning By-Law and Regular By-Law prohibiting recreational marijuana facilities as prepared Mr. Hartnett. Selectman Shufelt seconded the motion, which passed with Selectmen Ouellette, Shufelt and Sullivan voting yes and Selectman Valcourt voting no.

3). **1/23/18 Special Town Meeting Draft Warrant: Article 1** (Approval of funds to design, manage and construct a new Westport Middle High School) - Selectman Shufelt made a motion to place the article on the Special Town Meeting Warrant. The motion was seconded by Selectman Valcourt and was voted unanimously; **Article 2** (Approval of funds to fund the retirement sick leave buy back of a Firefighter/EMT) – Mr. King recommended removing the article and placing it on the Annual Town Meeting Warrant; The Board agreed to remove the article; Selectman Sullivan suggested that a fund be created for when employees retire or leave and they are due moneys from their sick/personal and vacation time that have not been used; **Article 3** (Approval to amend the Electrical, Plumbing and Gas Inspectors Revolving Fund to include the Assistant Building Inspector) – On a motion by Selectman Valcourt, which was seconded by Selectman Shufelt, the Board voted unanimously to place the article on the Special Town Meeting Warrant; **Article 4** (Authorization for the Conservation Commission to expend the \$350,000.00 appropriated from the Community Preservation Fund at the last Annual Town Meeting) – the Selectmen had already voted earlier in the meeting to put the article on the Warrant; **Article 5** (Approval to amend a vote taken at the 5/24/11 ATM to lease land on Sanford Road to include Lot 18) - the Selectmen had already voted earlier in the meeting to put the article on the Warrant; **Article 6** (Authorization for the Selectmen to petition the General Court for the passage of legislation for the issuance of a Wine & Malt Package Store License for 151 State Road) Selectman Shufelt made a motion to place the article on the STM Warrant; Selectman Valcourt seconded the motion, which was voted unanimously. Selectman Shufelt then made a motion to close and post the 1/23/18 Special Town Meeting Warrant as revised. The motion was seconded by Selectman Sullivan and was voted unanimously.

Town Administrator Report:

5). **Westport Middle School Air Sampling** – Selectman Sullivan mentioned that he had looked at the results and pointed out that on pages 7 and 8 some of the results were way over the reporting limit. Mr. King responded that he would contact George Campbell to request an explanation. It was noted the report stated that based on the test results, current indoor air concentrations were safe for the gymnasium which is being rented out by the Town.

Question & Answer Period:

There were no questions for the Board.

FY'19 Municipal Budget – Town Administrator:

Selectman Shufelt requested a brief overview of what the Town Administrator had put together, which Mr. King did. He noted the budget was out of balance by \$132,966.00. It is a service maintenance budget with no additional staff, no cost initiatives and no major changes. The Town Administrator is not recommending funding the vacant Public Health Nurse position and the retiring Deputy Fire Chief position. Mr. King explained that part of the funds for the Public Health Nurse position were being used to fund the new Director of Public Health position and the Town did not have enough revenue to cover all the needs. Selectman Valcourt stated that he did not agree with eliminating positions when people retire. Chairman Ouellette directed Mr. King to contact the five departments (Fire, Police, Board of Health, Highway and Recreation), who had requested funds for positions not recommended for funding by the Town Administrator, to meet with the Selectmen at their special budget meeting scheduled for December 19th. Selectman Shufelt requested that Mr. King put page numbers on his Excel document. She also had questions about the Board of Health and Animal Control budgets. Specifically she had heard that the Board of Health was looking to hire a Senior Agent and what were the duties of the Public Health Nurse and what would the Town be missing out of if the position was not filled. Selectman Shufelt asked if Mr. King had looked at the actuals for the Assistant Animal Control Officers and if it was sufficiently funded for that. Mr. King responded that it was the Animal Control Officer's request. Chairman Ouellette also requested the build out numbers.

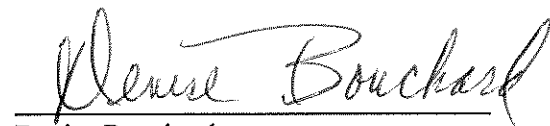
Selectmen Liaison Committee Reports:

Selectman Shufelt informed the Board that representatives from the Town School Building Committee would be meeting with the MSBA on December 13th and they should have the final numbers after that meeting.

Adjournment:

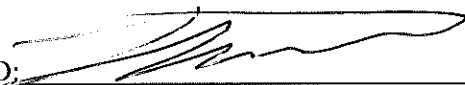
On a motion by Selectman Sullivan, which was seconded by Selectman Shufelt, the Board voted unanimously to adjourn the meeting at 8:38 p.m.

Respectfully submitted,



Denise Bouchard
Secretary to the Board of Selectmen

APPROVED:



Brian T. Valcourt, Clerk