

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
NOVEMBER 27, 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 6:03 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.

Marlene Samson, Town Clerk – RE: Setting of dates for Special Town Meeting and Special Town Election for proposed Jr/Sr High School

Ms. Samson met with the Selectmen to discuss her memo listing her recommendations for the dates to schedule the Special Town Meeting (STM) and the Special Election for the proposed new Jr./Sr. High School. She noted that the Special Election date could only be set after the Town Meeting approved the new school. Ms. Samson recommended that right after the close of the STM, the Selectmen take a vote to schedule the Special Election. Selectman Shufelt questioned the least amount of time needed between the STM and the Special Election. Ms. Samson responded that she needed 35 days notice and suggested January 9th for the STM and February 20th for the Special Election so it wouldn't interfere with her preparation for the Annual Town Election. She pointed out that by scheduling the Special Election for February 20th, students would be on vacation and not in the Jr./Sr. High School building. Selectmen Shufelt and Sullivan felt that January 23rd would be a better date for the STM and did not want to schedule the Special Election during a school vacation week when parents might be away on vacation. Dianne Baron noted that she would prefer the dates of January 23rd for the STM and February 27th for the Special Election. Selectman Shufelt reassured the Town Clerk that she would be given the wording for the ballot question before the STM. On a motion by Selectman Shufelt, which was seconded by Selectman Valcourt, the Board voted unanimously to schedule the Special Town Meeting for January 23rd and the Special Election for February 27th.

Xiphias Wellness, Inc. - RE: Letter of Support of Non-Opposition to Operate a Retail-Only Registered Marijuana Dispensary

Selectman Valcourt began by stating that he has known David Brayton his entire life and that he has no business or personal dealings with him at this time. Present were David Brayton, President and founder of Xiphias Wellness, Inc. He noted that they were meeting with the Selectmen to request a Letter of Support or Non-Opposition to operate a retail-only registered marijuana facility. In October 2016 they received their provisional license from the state to site cultivation, processing and dispensing for medical usage in the City of Fall River. Mr. Brayton said that in October 2017 they were awarded a Letter of

Non-Opposition from the Town of Uxbridge to cultivate. He continued by saying that Xiphias had partnered with a group call Nature's Medicine that has successful dispensaries in Arizona. Mr. Brayton noted that Xiphias is proposing to locate a retail medical marijuana facility at 260 State Road. This facility would provide medical marijuana to Fall River and Westport patients. Mobility and ease of access is an issue for patients and going to Fall River for medicine is not always an option. Because of the strict rules and regulations there is no reason for concern about the safety and security of children. In order to gain access a person would have to be 21 years old and have a valid medical marijuana card. The required security as mandated by the Department of Public Health makes it nearly impossible for anyone unauthorized to access their facilities. Also present were Philip Silverman and Adam Fein from Vincente Sederberg, LLC & VGR Law Firm, P.C. Their law firm specializes in legal compliance with state laws, local zoning by-laws and other ordinances as well. Attorney Silverman noted that this would be a limited access facility. The only way that a non-employee would be able to access it would be by going to a doctor, getting a recommendation from that doctor to use medical marijuana, bringing the recommendation to the Department of Public Health where they would receive a registration card which they would bring to the registered medical marijuana dispensary. The patient would have to show the card outside the dispensary, they would get buzzed into the security sally-port where they would have to show the card again to another security check where it would be checked against the state database to make sure that individual is entitled to enter into that facility. Attorney Fein stated that they were asking for a Letter of Support or Non-Opposition which is an application requirement. It allows them to proceed with the application process. Without it they would not be able to site a retail dispensary. It is an absolute mandate from the Commonwealth. The Letter of Support or Non-Opposition says basically two things; the first being that the Town would not oppose it and the second being that they fit within the zoning that Town has set forth. Chairman Ouellette read a letter from Police Chief Keith Pelletier which listed his concerns regarding public safety. Selectman Sullivan questioned whether it was a non-profit or a for-profit organization. Mr. Brayton replied that at this time they were non-profit but are looking to convert it to for-profit. Attorney Fein noted that these non-profit organizations were treated as for-profit for tax purposes. After lengthy discussion, Selectman Sullivan recommended that the Board put Xiphias' request on hold for either 30, 60 or 90 days until they hear other presentations. He noted that he was inclined to give them a Letter of Non-Opposition, but not that night. Selectman Valcourt stated that he was of another opinion. Mr. Brayton was someone local who had been in the business for 2 years. Selectman Valcourt continued by saying that he did not see what delaying making a decision would do. He then made a motion to give Xiphias a Letter of Non-Opposition that day. The motion was seconded by Selectman Shufelt. Town Administrator Timothy King advised the Board not to take any action that night and to wait until they had a full board. He went on to say that in the meantime, he would research the issues that had been brought up and get those questions answered. Selectman Sullivan asked Mr. Brayton that if the Selectmen were to wait 4 or 6 weeks to make a decision, would it be a problem. At first, Mr. Brayton said yes and then he changed his mind and stated that they were willing to wait. Selectmen Valcourt and Shufelt then withdrew their motion and second. The Board directed Mr. King to give them guidance on a timeline.

Pine Hill Gas and Convenience, Inc. - RE: Request for Change of Manager – Sandra L. Dias:

The hearing was opened at 7:00 p.m. with the legal notice being read. Present were Sandra & Jeffrey Dias. After brief questioning, Selectman Sullivan made a motion to approve Sandra L. Dias as the manager of Pine Hill Gas & Convenience. The motion was seconded by Selectman Shufelt and was voted unanimously. The hearing was closed at 7:02 p.m.

Supreme Westport Fuel, Inc. d/b/a Supreme Gas, 174 State Road – RE: Continued informal hearing for a BOS decision regarding the non-utilization of an All-Alcohol Package Store Liquor License:

Meeting with the Selectman was Ankit Patel, owner of Supreme Gas. After a brief discussion of the report from Ralph Souza, Building Commissioner, and Lieutenant Paul Holden, the Board stated that Mr. Patel had shown that he was now utilizing the liquor license. Selectman Valcourt made a motion to approve the renewal of the All-Alcohol Package Store Liquor License for Supreme Westport Fuel, Inc. d/b/a Supreme Gas. Selectman Shufelt seconded the motion which was voted unanimously.

Joe's Cafe & Lounge, LLC d/b/a Joe's Bar & Grill, 549 American Legion Highway – RE: Informal hearing on the status/renewal of the All Alcohol Restaurant Liquor License (Jose Calheta):

Present was the owner of Joe's Bar & Grill, Joe Calheta. Mr. Calheta gave the Selectmen a letter from the bar manager, Kimberly Loura, which explained that the bar had been closed on November 5th due to under staffing and a certified bartender being unavailable. She also stated that starting that day the bar would display the hours of operation as well as an "open" and "closed" sign for public view. The new hours would be: Monday – 3:00 pm to 12:00 am; Tuesday – closed; Wednesday – 3:00 pm to 12:00 am; Thursday – 3:00 pm to 12:00 am; Friday – 3:00 pm – 1:00 am; Saturday – 3:00 pm – 1:00 am; and Sunday 12:00 pm – 12:00 am. The Selectmen questioned Mr. Loura about his manager's behavior towards Lieutenant Holden. He denied that she was disrespectful to the Police Lieutenant. On a motion by Selectman Shufelt, which was seconded by Selectmen Valcourt, the Board voted unanimously to approve the new hours as stated and to also approve the renewal of the All Alcohol Restaurant Liquor License for Joe's cafe & lounge, LLC d/b/a Joe's Bar & Grill.

Customer First Auto Group, Inc., 237 State Road – RE: Informal hearing on the status/renewal of a Class II Motor Vehicle License (Michael Ramos):

Meeting with the Selectmen was Michael Ramos, the owner of Customer First Auto Group. He told the Selectmen that he was in the process of restructuring the business and gave them a copy of a document which outlined the systematic problems with a corrective action plan. There was a brief discussion with Selectman Sullivan stating that before the Board approves the renewal of the Class II License, he would like to send the police out to check again to make sure that the business is in compliance. The Selectmen agreed to postpone any action until their next meeting.

Fire Chief Brian Legendre – RE: Discussion of FY'19 Budget:

Present was Fire Chief Brian Legendre. The Fire Chief reviewed his proposed FY'19 budget with the Board of Selectmen. He explained the \$47,170.00 increase in personnel services was due to the 2% wage increase. Chief Legendre noted that it was a level service budget required to maintain the current operation of the Fire Department and followed the guidelines as directed by the Board of Selectmen for FY'19. He then requested that he be allowed to implement his proposed 2006 staffing plan which consisted of a gradual staffing increase over a four-year period. The plan involved an increase of staffing per shift from 5 to 6 personnel and would require the hiring of 4 new Fire department employees, which would be accomplished in steps by hiring one Firefighter/Paramedic per year for a four-year period.

Chief Legendre noted that call volume had doubled since 1989. The budget increase for FY'19 for the new Firefighter/Paramedic would be \$64,000.00. There was brief discussion regarding the proposed budget.

Discussion Items:

2). Coastal Healing, Inc. - Meeting with the Board was Attorney Brian Cory, Jr representing Coastal Healing, Inc. which is a non-profit organization that was formed under the laws of the Commonwealth of Massachusetts to provide medical marijuana to the general public. 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, who is a retired major of the Massachusetts State Police. They are proposing a 10,000 building of new construction which would be located at 248 State Road. The building would house cultivation, a dispensary and research and development facility. It would be a green building using solar energy as a renewable energy source and a water filtration system which would minimize water usage and ground discharge. Twenty-seven jobs would be created (12 full-time and 15 part-time). After brief questioning, Selectman Sullivan suggested that the Board should charge the Town Administrator with assembling both proposals, reviewing them and making recommendations to the Board at a future meeting as to which one or ones the Board should offer a letter of either Support or Non-Opposition.

Action Items:

1). On a motion by Selectman Shufelt, which was seconded by Selectman Sullivan the Board voted unanimously to approve the request from the Westport Land Conservation Trust for the allowance of on-street parking on Tickle Road for the opening event of the Camara Conservation area on Saturday, December 9th from 9:00 a.m. until 12:00 p.m. (noon) subject to Lieutenant Bell's recommendation that all vehicles attending the event park on the west side of Tickle Road and that the Highway Department place temporary "No Parking" signs on the east side to insure that vehicles don't park there.

2). Selectman Sullivan made a motion to approve the request from the Daughters of the American Revolution to issue a proclamation declaring the month of November to be American Indian Heritage Month. The motion was seconded by selectman Shufelt and was voted unanimously.

3). Selectman Sullivan made a motion to follow Lieutenant John Bell's recommendation not to install a Stop Sign at the intersection of Center Street and Forsythia Lane as requested by Maureen Sullivan because Yield or Stop Signs should not be used for speed control. Selectman Valcourt seconded the motion – voted unanimously.

4). On a motion by Selectman Sullivan, which was seconded by Selectman Valcourt the Board voted unanimously to approve the contract with Sitec, Inc. in the amount of \$5,230 for a survey and plan to develop a "park area" at the Adamsville Landing for the Landing Commission.

Licenses:

1). Selectman Valcourt made a motion to approve a Common Victualler License for R & C Market Inc. d/b/a Village Market, 151 State Road. The motion was seconded by Selectman Sullivan and was voted unanimously.

Question & Answer Period:

1). Constance Gee – Ms. Gee noted that the Board of Health was having a problem hiring a Director of Public Health, she questioned whether they would have to go back to Town Meeting to raise the salary. She was told that they would not have to.

Discussion Items Continued:

1). February 2018 Special Town Meeting (STM) - Selectman Shufelt stated that the Board should only put what is absolutely necessary on the warrant. After some discussion, the Selectmen agreed to place the following articles on the STM warrant: action on the proposed new school for grades 5 – 12, amending the Revolving Account for the Building Department to allow for payment of a part-time building inspector, approval of \$350,000 in CPC funds for the Westport Land Trust in order to qualify for state funds in regards to the St. Vincent de Paul property and approval of the revision of the Sanford Road property lease to WUYS to include an additional parcel.

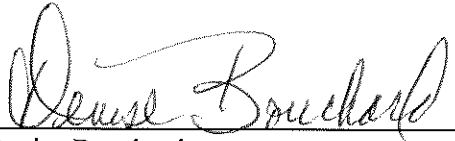
Minutes:


1). Selectman Sullivan made a motion to approve the 11/13/17 Regular Meeting Minutes as written. Selectman Valcourt seconded the motion which was voted unanimously. Selectman Valcourt then made a motion to postpone any action on the 11/13/17 Executive Session Minutes until their next meeting. The motion was seconded by Selectman Sullivan and was voted unanimously.

Adjournment:

On a motion by Selectman Valcourt, which was seconded by Selectman Shufelt, the Board voted, by roll call vote, to return to adjourn the meeting at 8:35 p.m. The vote was Selectmen Ouellette, Shufelt, Sullivan and Valcourt voting affirmatively.

Respectfully submitted,


Denise Bouchard
Secretary to the Board of Selectmen

APPROVED: 
Brian T. Valcourt, Clerk