

Approved 4/25/18
TOWN OF WEST TISBURY
SELECTMENS MEETING
Thursday, March 29, 2018 4:00 p.m. – 6:00 pm

Present: Selectmen Skipper Manter, Cindy Mitchell, Kent Healy, Jen Rand

Also Present: Ron Rappaport, Isabelle Lew, Cindy Wansiewicz, Dan Waters, Chris Eagan, Geoff Rose, Holly Pretsky, (the following arrived for the Tort Lawsuit discussion at 5:00 pm) Jim Malkin, Mike Santoro, Tim Carroll, Jim Newman, Jeff Madison, Lauren Goldberg

Warrant Review: The Board discussed the town meeting warrant with Town Counsel and the Moderator to identify the speakers for each article should there be a question and to assure there were no concerns about any articles. Jen will confirm with the article proponents that they will be present at the meeting and will confirm with the school that the room is available Wednesday night should the meeting need to go to a second night.

Medical Marijuana Dispensary Host Agreement: Skipper said the Board had asked Counsel to assist with the creation of a Host Agreement, as required by the State after the Recreational Marijuana laws were passed. Ron said he had brought a copy of the Host Agreement developed for Mashpee as he felt the towns had a lot of similarities. The Mashpee Host Agreement details an annual \$20,000 payment to offset impacts, with a clause that says if another Host Agreement is developed that is more favorable to the Town this agreement will be modified to match the offers. Skipper said that all businesses in town have a cost and he didn't see why this one would be treated differently. Ron said the difference is that the State allows this type of business to be treated differently. Geoff said that Medical Marijuana facilities were still regulations by the Department of Public Health, which does not require a host agreement. Cindy noted they do allow for them however. Ron will work up a draft for the Board to review.

Opioid Tort Lawsuit: Lauren Goldberg, Attorney with KP Law presented the Board with information about a Tort Lawsuit her firm is involved with against the manufacturers and distributors of opioids. She said that the opioid crisis has resulted in real costs for municipalities, so far around 75 of KP's municipal clients have signed on to this suit. The case was filed in Ohio, and if not settled would be heard in Federal Court in Massachusetts. The suit is focused on the misleading practices of the manufacturers and distributors; she said that in the 90's the drugs were marketed to the doctors with false information saying they are not addictive when the manufacturers knew they were. She said the suit was structure so that the towns would not have to pay to participate, and the law firm would only be paid if there was a settlement. The agreement between the town and KP Law would state that the law firm would get 25% of the settlement, and they have agreed to cap expenses at 10% so the town would get at least 65% of the settlement. The town also does not have to accept the settlement and can pursue the case in State Federal Court. She said she thought the case would take 3-6 years. Mike Santoro said he didn't think that a financial settlement would actually solve the problem. Lauren said the threat of the suit has already forced changes in the marketing and prescribing of opioids, so this suit may force more changes. Jim Malkin asked what the downside to joining the lawsuit would be. Larne said she didn't see one. She noted that document prep by the towns should not be onerous, and there would be legal staff to assist if needed. Skipper said the lawsuit should also go after the doctors. Mike asked if there was a cut-off date to join. Lauren said not yet.