

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
JULY 10, 2017**

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

Also Present: Timothy J. King, Town Administrator

Chairman Ouellette called the Board of Selectmen meeting to order at 6:00 P.M. in the Westport Town Hall, 2nd floor meeting room, 816 Main Road, Westport, MA.

Pledge of Allegiance

Chairman's Announcement – Under MGL Chapter 30A, section 20(f) – Meeting being recorded.

Executive Session – Chairman Ouellette stated the scheduled Executive Session has been postponed per request and will be rescheduled to July 24, 2017.

Public and/or Board Member Comments

None.

Acknowledgments & Recognitions

The Board recognized with a Moment of Silence the passing of John B. Moniz (retired WHS science teacher) and William A. “Billy” Pariseau (former Westport Firefighter and Reserve Police Officer and school bus driver).

Appointments and/or Resignations

1. **Motion** made by Ms. Shufelt to accept with regrets the resignation of Kathleen Burns as Public Health Nurse for the Westport Board of Health and to send a letter of thanks. Second by Mr. Valcourt. The Board voted unanimously in favor.
2. **Motion** made by Mr. Sullivan to appoint Andrea Lemos as Full-time Outreach Coordinator for the Council on Aging. Second by Mr. Dutra. The Board voted unanimously in favor. Present: COA Director Beverly Bisch and Andrea Lemos.
3. **Motion** made by Mr. Dutra to appoint Dr. Ann Dargon and Margot Desjardins as School Dept. Representatives to the ADA Transition Plan Committee. Second by Ms. Shufelt. The Board voted unanimously in favor.
4. **Motion** made by Mr. Dutra to appoint Nancy Rioux as School Committee Representative to the Educational Fund Committee. Second by Ms. Shufelt. The Board voted unanimously in favor.
5. **Motion** made by Mr. Dutra to appoint Antonio Viveiros as School Committee Representative to the Capital Improvements Planning Committee. Second by Mr. Valcourt. The Board voted unanimously in favor.
6. **Motion** made by Mr. Valcourt to appoint Sean Leach as Precinct “B” Representative to the Water Resources Management Committee. Second by Mr. Dutra. The Board voted unanimously in favor.
7. **Motion** made by Ms. Shufelt to appoint Carolina Africano as School Dept. Representative to the Cable Advisory Board. Second by Mr. Sullivan. The Board voted 4 in favor, 1-abstention (Dutra).

Philip Weinberg (WRMC) & Jim Whitin (Planning Board) – RE: Request for approval of the filing of a loan application with MassDEP from the Clean Water Trust – State Revolving Fund.

Present: Maury May, Philip Weinberg and Jim Whitin. Mr. Weinberg stated they were asking the Board of Selectmen for permission to file an application with the MADEP-Clean Water Trust State Revolving Fund for a 20-year low interest loan to develop a plan that would analyze and develop recommendations for current and future stormwater and wastewater infrastructure needs. Mr. Weinberg stated we are estimating the scope will cost around \$125,000. Mr. Weinberg stated the application needs to be filed by August 11, 2017. The proposal to apply was unanimously approved by the Water Resources Management Committee. The application is not a commitment to enter into a loan or whatever terms are presented, it is simply an entry point for eligibility, which only comes around once a year. Mr. Weinberg stated if we do not file now, we will have lost that year's opportunity. Mr. Weinberg stated the process will be, we file an application, the DEP will make a decision in January and then the final decision by the BOS will be as to whether we will take the loan or not and if we do, then it will have to go Town Meeting for final approval. Mr. Weinberg stated between August and next spring, a lot of outreach will have to happen by talking with all the interested parties and putting a scope/plan together. Mr. Weinberg stated there are a couple of drivers on this, such as the final TMDL Report, the Infrastructure Constrained Neighborhoods and Future Development/Master Plan-Housing. Discussion ensued. Mr. Whitin stated we are looking at a focused, comprehensive plan for all of the Town; we need to create a scope and we need expert help to do this. Mr. Whitin stated he and Mr. Weinberg met with DEP in Lakeville and it was clear, they would like Westport to do a comprehensive plan. Mr. Whitin stated that Mr. Cole wanted to target the East Branch of the Westport River where we know we have a TMDL problem but myself and Mr. Hartnett thought, we could do that but then we will be leaving out the West Branch and the watershed for South Watuppa Pond; we should do this in a focused way that makes sense. Mr. Whitin stated this is a two-step process, (1) you can't get SRF funding unless you have a plan; and (2) the focus has to be on what we want; then in January, they will send us an application asking for the real thing we are looking for. Ms. Shufelt stated she was looking at a 20-year loan @ 2%, which seems like a long time and asked if there were any advantages to going this way; are there any other sources of funding vs borrowing? Mr. Weinberg stated there isn't, only to the extent that if we want to get future SRF funding, the plan that would be produced would have to be SRF quality. Ms. Shufelt stated she was not opposed to the plan, but with all the other plans that have been developed, why do we need this plan. Mr. Weinberg stated the previous plans identified the major sources such as nitrogen and where in the watershed these sources are located; this focus will take advantage of that knowledge but what we don't have is, what are the alternatives that will get us the goals that we want. Mr. Weinberg stated that is where this will tie into the Planning Board for future development. Mr. Whitin stated this will also help the Board of Health in figuring out how to change their regulations for the future. Mr. Sullivan stated he would ask the Planning Board for a public engagement schedule and to give the Board a sketch on how this will unfold. Mr. Valcourt stated some of the plans we have can't be utilized because some were before the TMDL Regulations, probably 10 years ago; until we can target all these areas, we are walking in the dark. **Motion** made by Mr. Dutra to approve the request to file an application with the MassDEP Clean Water Trust – State Revolving Fund. Second by Mr. Valcourt. The Board voted unanimously in favor.

Public Hearing – RE: An application request from Customer First Auto Group, Inc. for a Class II Motor Vehicle License to sell used vehicles at 237 State Road, Westport, MA. Manager – Michael Ramos. Vehicle limit of “for sale” vehicles: 43.

The public hearing was opened at 6:34PM with the reading of the Public Hearing Notice by Mr. Ouellette. Present: Michael Ramos. No abutters were present. Mr. Ramos explained his reason for moving to Westport and how the property he will be relocating to has been updated. It was noted all application paperwork was in order. Ms. Shufelt questioned a violation on the Fire Inspection report. It was noted from a previous inspection and has been corrected. Mr. Ramos stated it was a smoke detector that had to be upgraded to a smoke/co alarm. **Motion** made by Mr. Valcourt to approve a Class II Motor Vehicle License for Customer First Auto Group, Inc. at 237 State Road, Michael Ramos-Owner/Manager; the vehicle limit of “for sale” is 43. Second by Mr. Dutra. The Board voted unanimously in favor. The hearing is closed at 6:37PM.

Attorney Kathleen O'Donnell – RE: Confirmatory Deed for Housing Trust.

Mr. Ouellette explained this item will be passed over and continued to Monday, July 24, 2017 @ 6:05PM. Mr. Ouellette stated there is nothing wrong with the issue coming forward, it was postponed due to no address of the property being listed on the agenda for any interested abutter. Mr. Dutra stated he was concerned because this has been kicked down the road too many times, it is unnecessary and we should have been able to take this up tonight, and now we have just lost another month of development time for Noquochoke Village. Mr. Ouellette apologized to the Housing Trust. Mr. Sullivan stated he spoke with Mr. Aray today and Mr. Aray will contact the abutters to allay any of their concerns. It was noted that one abutter was present: Wayne Holden, 1177 American Legion Highway.

Landing Commission – RE: BOS vote to accept grant and sign contracts for Seaport Economic Council; and to vote to approve engineering services contract with SITEC as part of the grant.

Present: Sasha Sullivan, Jeff Bull and Tony Millham. Ms. Sullivan stated the Landing Commission has met with the Planning Board and have been overseeing and reviewing the Seaport Grant; presently there is a request for signatures of sign-off by the Board of Selectmen. The Landing Commission has approved what will be submitted. Ms. Sullivan stated the grant is not a highly specific grant and we are still working on some design issues and reconstruction of some of the actual landings. Mr. Ouellette stated the description of the project is to restore historic features of the Town Landing and improving access to the property, handicap accessibility parking and stormwater management. Mr. King stated this grant does not require any local match; it will require a vote of acceptance by the Board. Discussion ensued regarding what work was going to be conducted and what the actual contract would cost.

Motion made by Mr. Dutra to approve acceptance of the grant and to sign the contract with the Seaport Economic Council. Second by Mr. Valcourt. The Board voted unanimously in favor. Mr. King stated as part of the grant, the Board needs to vote approval of a contract with SITEC for the engineering services. **Motion** made by Mr. Dutra to approve and sign the contract with SITEC for engineering services as part of the grant. Second by Mr. Valcourt. The Board voted unanimously in favor.

End of the Year Budget Transfers

1. **Motion** made by Mr. Dutra to approve the End of the Year Budget Transfer of \$9,800 from Treasurer/Short-Term Interest to Legal/Legal Services. Second by Ms. Shufelt. The Board voted unanimously in favor.
2. **Motion** made by Mr. Sullivan to approve the End of the Year Budget Transfer of \$3,500 from Fire-Personnel Services to Fire-Expenses (tuition/training). Second by Ms. Shufelt. The Board voted unanimously in favor.
3. **Motion** made by Mr. Sullivan to approve the End of the Year Budget Transfer of \$1,000 from Cemetery-General Expenses to Street Lights. Second by Mr. Valcourt. The Board voted unanimously in favor.

Retain or Return of Article Monies

1. **Motion** made by Mr. Sullivan to “Retain” the following article monies:

A. Injured on Duty Medical Expenses	(\$ 5,189.29)
B. Economic Planning & Co-Ord	(\$ 6,950.71)
C. Capital Expense Preparation	(\$ 6,575.00)
D. Middle School Transition Costs	(\$ 10,960.31)
E. Highway Surveyor Legal Fees	(\$ 7,000.00)
F. Environmental Maintenance – Town Hall	(\$ 7,041.75)
G. Cemetery Maintenance	(\$ 7,343.64)

Second by Ms. Shufelt. The Board voted unanimously in favor.

Action Items

1. **Motion** made by Mr. Sullivan to approve the contract with Miley's Painting for the Town Hall Gymnasium in the amount of \$8,800. Second by Mr. Valcourt. The Board voted unanimously in

favor.

2. **Motion** made by Mr. Valcourt to approve the contract with Russells Mills Contracting, Inc. for the Head of Westport Stonework Repair in the amount of \$183,300. Second by Mr. Dutra. The Board voted unanimously in favor.
3. **Motion** made by Ms. Shufelt to approve of the prepared letter regarding the alleged Open Meeting Law Complaint by Mr. Patrick Higgins. Second by Mr. Valcourt. The Board voted unanimously in favor.

Licenses

None.

Correspondence

1. Mr. Ouellette announced that there will be public hearings held by the Department of Public Utilities to receive comments on the requested rate increases by Eversource Energy on July 26, 2017 at the DPU in Boston (7PM), on August 1, 2017 at Berkshire Community College in Pittsfield, MA (6PM) and on August 2, 2017 at Cape Cod Community College in West Barnstable (7PM). It was requested that Mr. King contact the Energy Committee to see if they would like to help with this matter.

Town Administrator Report

1. Hixbridge Road Bridge Repairs: Mr. King provided the Board with an email from MADOT and a schedule for the repairs to the bridge by SPS. Informational only; no action required.
2. House Bill 4103 Regarding Naming Route 88: Mr. King stated Representative Schmid and Senator Rodrigues have filed a bill to name a section of Rte 88 in the name of Governor Cellucci Circle. Informational only; no action required.
3. Police Station Construction: Mr. King stated structural fill is being delivered to the site and compacted. Tests show the compaction meets spec. Excess site materials are being hauled off. Foundation excavation is scheduled to start next week. Attached is a construction schedule. Informational only; no action required.
4. MS4 Implementation: Mr. King noted that the EPA has postponed the effective date for MS4 for one year. Informational only; no action required.
5. Town Meeting Article – Marijuana Moratorium: Mr. King stated the Attorney General's Office has approved the marijuana moratorium and provided a letter received from the Attorney General. Informational only; no action required.
6. Cemetery Expansion: Mr. King stated David Potter from PARE Corp. has started the engineering work related to the expansion of a section of Beech Grove Cemetery. Informational only; no action required.
7. Senior Center Annual Picnic: Mr. King stated the Senior Center's Annual Picnic at Noon on August 16, 2017. Informational only; no action required.
8. Head of Westport – Governor Polito: Mr. King informed the Board that Lt. Governor Karyn Polito will be at the Head of Westport at 4 PM on Wednesday, July 26, 2017 to discuss the Seaport Council Economic Development Grant. Informational only; no action required.

Discussion Items

1. Mr. Dutra stated we received a letter from Town Counsel Attorney Jenkins and it says we should have a Personnel Board; the Board of Selectmen can be the Personnel Board if we want to take that responsibility to ourselves but we would have to amend the Town Bylaw to designate it to the Board. Mr. Dutra stated according to his reading of this letter, it is suggested that we maintain a separate Personnel Board. Mr. King agreed with Mr. Dutra on the reading of the letter. Mr. Dutra stated the problem with the Personnel Board is that there is not a lot to do but it does oversee the classification system of Non-Union Employees and they arbitrate any issues. Mr. Dutra stated in reading the letter, if we are the next step of recourse, as in a Union grievance and if we are the

Personnel Board, we are taking that step out; so if there is a problem with a Non-Union Employee and there is no Personnel Board to adjudicate it, then the BOS are the judge & jury. Mr. Dutra stated at this time, he was withdrawing his concern over a Personnel Board. Mr. Dutra stated we have not had a Personnel Board since the better part of last year and we can't get a quorum because there is no quorum on the Board. Mr. Dutra stated we have to try to get five members.

Minutes

None.

Selectmen Liaison Committee Reports

1. Mr. Ouellette stated he has had two SRPEDD Meetings since the Board last met. Mr. Ouellette asked that if anyone had any ideas for highway/road planning to let him know because they are planning out to 2023. There is a safety study being done on Rte. 177 with car counters being put out just before the 4th of July, so we should have numbers by the end of the month.

Question and Answer Period

None.

Boards/Committees/Commissions Vacancy List

Ms. Shufelt reviewed the list of vacancies for Boards, Committees and Commissions.

Board Members Suggestions for Future Agenda Discussions / Actions

1. Mr. Ouellette stated he was looking at a few items:
 - a. Decision on whether to push for a DPW if we want to address this in the Fall;
 - b. Evaluations;
 - c. Review of the end of the fiscal year numbers by Mr. King so we are ready to go forward with an idea for the budgets for next year.
2. Mr. Dutra stated if we have three or four Committees that have more than one vacancy, we should probably form an Adhoc Committee of the BOS to try to recruit people because we are just running these vacancies and we should probably be making phone calls. Mr. Ouellette stated we can try it; a lot of people don't want to be video-taped during the meetings.

Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting

None.

Other Business

1. Mr. Sullivan stated what a great job the Parade Committee did for the 4th of July.
2. Mr. Valcourt stated he was saddened by the loss of Mr. Moniz, who was an inspirational teacher.
3. Mr. Ouellette stated there was a complaint at the Parade due to a rebel flag being displayed on a float; this will be looked at in the future.
4. Mr. Ouellette noted the Westport Fair will be starting on Wednesday at 6PM. Let's support the Fair!
5. Mr. Valcourt mentioned that one of the Eagle Scout candidates and his associates have provided a permanent roof over the BBQ pit at the Fair.

7:20 PM Executive Session

Motion made by Mr. Sullivan to enter into Executive Session pursuant to the provisions of MGL c 30A section 21(a) to discuss strategy with respect to Collective Bargaining (AFSCME-Highway) & (LAW-Town Hall) and Highway Surveyor Contract. Second by Ms. Shufelt. The Board voted unanimously in favor.

Roll Call Vote: Mr. Sullivan-aye. Ms. Shufelt-aye. Mr. Valcourt-aye. Mr. Dutra-aye. Mr. Ouellette-aye.

Mr. Ouellette announced the Board would return to Open Session in order to adjourn.

7:57 PM Open Session

Motion made by Ms. Shufelt to adjourn the Board of Selectmen Meeting. Second by Mr. Sullivan.
The Board voted unanimously in favor.

Adjournment.

Respectfully submitted,
Diane Pelland
Administrative Asst/Confidential Clerk to the Board of Selectmen

APPROVED: Brian T. Valcourt, Clerk