

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY
SEPTEMBER 05, 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 6:05 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.

Acknowledgments & Recognitions

1. Mr. Ouellette recognized the folks in Texas who are going through survival stage with the flood waters, for anyone willing to help. The animal groups in Town are collecting at the Police Station and SOS Storage on Rte. 6; donations can also be made to Redcross.org and some of the churches are collecting along with the Salvation Army. Chris Wiley also mentioned that Melissa's Pet Depot, Faunce Corner Road in Dartmouth is collecting items and selling discounted food and articles for the animals.
2. Mr. Ouellette recognized Senator Rodrigues and Representative Schmid for their efforts in getting the flagpole out in front of Town Hall for the State Flag. Senator Rodrigues thanked Mr. Ouellette and Denise Bouchard for taking the lead on getting the flag poles out front. He stated it is appropriate that we have the State and Town flags flying along our National flag because it is only when State, Federal and Local governments work together that we really accomplish anything. Representative Schmid stated he was happy to be part of it and thanked everyone for allowing him to be part of it. Mr. Ouellette noted that when someone in Town passes away, we can now lower the Town flag and possibly the State flag. Mr. Ouellette noted that Denise Bouchard did the work of getting the Ron Desrosiers Grant for the Town flagpole and the Highway Department did the work of putting them up.

Public and/or Board Member Comments

1. Jim Whitin stated he wanted to keep up on the issue of dead trees on River Road and Old Harbor Road including other streets, before the Board; this is a hazard to keep them standing, some are in the Town right-of-way and some of them are not, but it needs to be addressed by the Town; the Town has been noticed of this problem and it is the Town's responsibility to keep the public ways safe. Mr. Whitin stated one car has been totaled by a falling tree just missing someone's head. Mr. King stated he rode with the Highway Surveyor and some trees were identified as being in the right-of-way, while others belonged to private property; the owners will be noticed. Discussion ensued. Mr. Sullivan asked if there were trees that were in eminent danger of falling down. Mr. King stated it was more large limbs rather than trees; in one area was probably a dozen in the Town's right-of-way. Mr. King stated one of the problems is some of these trees are wrapped around power lines, so we need to get a company contracted to do them because the equipment the Town has is insufficient to do it properly and safely and secondly, the trees are so close to the power lines, it would not be prudent for the Town to do this. Mr. Valcourt stated we have a 10ft radius from the power lines where we can't work. Mr. Sullivan asked if there was a time-line for

execution of this. Mr. King stated not yet, Mr. Gonsalves was going to be talking to companies and getting prices to do the work; there will be more information next meeting. Wayne Sunderland said to contact MA Highway Right-of-Way Department, you can get the most up-to-date right of entry forms and temporary easement forms.

Appointments and/or Resignations

1. **Motion** made by Mr. Sullivan to accept with regrets the resignation of Elizabeth Collins as Precinct-D Representative on the Water Resources Management Committee and to send a letter of thanks. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Dutra). Mr. Ouellette stated that if anyone is interested, this position is by Precinct and this is Precinct D, which votes at the north-end Fire Station. Some discussion ensued regarding this position.
2. At this time, the Board was introduced to Marjorie Howland, who was appointed to the Bike/Walking Path Committee at the last meeting but was unable to attend.

6:18 PM - Mr. Dutra arrives.

Discussion with Dianne Baron, Chair of the School Building Committee and Town Clerk Marlene Samson – RE: Special Town Meeting and Special Town Election.

Mr. Ouellette stated this item was postponed until early to mid October. Ms. Shufelt gave a brief update on the School Building Committee. Ms. Shufelt stated the Committee had expected to present the final plans to us tomorrow to vote with the School Committee and School Building Committee on the final submission to the MSBA but it was decided they were not quite ready to do that, so now instead of an October 25th target to MSBA, they are now looking at the middle of December. Ms. Shufelt stated that will push back any perspective Town Meeting convened to address the issue and it will change any prospective ballot question dates.

Public Hearings – RE: Requests from National Grid and Verizon to install and/or relocate poles on Adirondack Lane, Old Bedford Road and Frontage Street. Representative Crystal Tognazzi will be attending.

The Public Hearing was opened at 6:28 PM. Present: Crystal Tognazzi, representing National Grid. Ms. Tognazzi stated that all poles are being requested by National Grid but joint ownership is with Verizon. Ms. Tognazzi stated this is a large project due to the solar site located on Adirondack Lane and in order to provide the proper services, we have to upgrade a lot of equipment and at the same time, fix long spans between poles to eliminate lines from sagging. Mr. Ouellette asked in upgrading, will there be better phone service; Ms. Tognazzi stated she could not answer in regards to phone or internet service. Abutter Jay Borden asked if they were replacing poles or just adding poles. Ms. Tognazzi explained they will be replacing and repositioning poles; the new poles will be going from 35ft to 45ft in height and the addition of poles will be for the prevention of sagging lines. Mr. Borden asked if he would still be able to hookup to the 3-phase line. Ms. Tognazzi stated yes, once equipment is up, it does not come down; they are upgrading equipment because solar can create havoc on the systems and a lot of maintenance is required. It was noted recommendations were received from the Police and Highway Departments with no objections to all three petitions. No other abutters were present. Mr. Sullivan questioned what kind of havoc is caused by the solar array. Ms. Tognazzi stated it is not with our equipment, the equipment that is installed on the poles are adequate for what we have on the feeders at the time, when we have voltage coming back into the system, we have to have proper equipment to be able to carry live voltage throughout the conductors and that is what was meant by wreaking havoc; the higher the voltage, the higher upgrade of equipment.

Motion made by Mr. Valcourt to approve the request for Frontage Street to install new mid span Pole 2-50 and mid span Pole 3-50 per plan # 20875359, dated 08-01-17. Second by Mr. Dutra. The Board voted unanimously in favor.

Motion made by Mr. Valcourt to approve the request for Old Bedford Road to move Pole 15 20ft south toward Pole 14 and for Pole 16 to be moved 20ft north toward Pole 17 for solar project per plan # WR20875359, dated 08-01-17. Second by Ms. Shufelt. The Board voted unanimously in favor.
Motion made by Ms. Shufelt to approve the request for Adirondack Lane to install new Pole 11 175ft north of existing Pole 10 for solar project per plan # WR20875359, dated 08-01-17. Second by Mr. Valcourt. The Board voted unanimously in favor. The public hearing is closed at 6:35 PM.

Planning Board – RE: Discussion of the process for regulating marijuana in the Town of Westport. Planning Board Chairman Jim Whitin and Town Planner Jim Hartnett attending.

Present: Jim Whitin, Chairman of the Planning Board and Jim Hartnett, Town Planner.

Mr. Whitin stated as you know the State has finally gotten their act together and are appointing people to the Marijuana Control Commission; and also, they have approved the tweaking of the vote that approved recreational marijuana. Mr. Whitin stated the Town approved a one-year extension to the moratorium that ends next June. Mr. Whitin stated the Planning Board has questions for the BOS because they want to work on this and come up with an acceptable bylaw to regulate the time, place and manner of marijuana establishment operations in the zoning bylaw; the new law that was signed, because Westport voters approved this article two years ago for marijuana facilities in Westport, means that we can't prohibit marijuana facilities in Westport unless we do several things. Mr. Whitin stated to prohibit, we would need another vote sponsored by the Executive branch of the Town (BOS). Mr. Valcourt stated Town Meeting put a one-year moratorium on this already. Mr. Hartnett stated the Legislative Body is Town Meeting. Ms. Shufelt stated Executive Body is the BOS. Mr. Whitin stated to put a bylaw together that makes sense, takes a lot of effort and work, so the Planning Board wants to know if the BOS are going to pull the plug on this or agree to have a marijuana bylaw for facilities here in Westport. Mr. Valcourt stated he supported this, it is a way for the Town to generate revenue and Town Meeting voters (503 votes) wanted this to be legal. Mr. Dutra stated he shares the same position as Mr. Valcourt; at this point of the game, we have so many neighbors and will have more neighbors with these types of facilities, so he will support this as well for the same reason, Town Meeting voted for this. Ms. Shufelt stated the narrow question that was asked, is would we be seeking to prohibit; she stated she would not prohibit the establishments of marijuana but she does want to talk about some of the specifics; overall, she does not support stopping it. Mr. Sullivan stated the Town voted marginally in favor of legalizing recreational marijuana use and that is fine, but he did not think the residents of Westport voted to have these facilities in their backyard, which is one thing about this that bothers him. Mr. Sullivan stated the Planning Board will come up with a bylaw to regulate this activity to a certain portion in Town. Mr. Sullivan stated that he thought, when people cast their votes in Town, they cast their votes thinking we are just going to make this legal in Massachusetts and we might not have a marijuana dispensary in our backyards; that is the part that is missing. Mr. Sullivan stated when we do these types of things, we always put the undesirable stuff at one end of Town without really giving much consideration. Mr. Sullivan stated he would be in favor of finding a way, not to be decided tonight but, he would like to see on a precinct by precinct basis, which precincts are interested in having a marijuana dispensary in their precinct. Mr. Sullivan stated the Planning Board will come up with the framework for a bylaw and there will be zoning for a marijuana dispensary zone and he would make any bet that he knows where that zone is not going, and that is the south part of Town. Mr. Whitin stated the process of the Planning Board will be fully open to the public and we would like to have public input into the details before we even write a bylaw because that is the only way we will know what makes sense for Westport. Mr. Whitin stated the medical marijuana bylaw left some part of the business districts in Central Village open to it (not the central part) and any other business districts in Town (Route 177 & Route 6) and it did not allow it in the unrestricted zone which is mostly residential; and of course, it had all kinds of requirements and special permits, etc. Mr. Whitin stated he would hope that in going forward in trying to come up with a bylaw that makes sense, the BOS would participate in the process because the BOS will be the arbitrator as to whether or not Westport wants to prohibit or to regulate in any other way, such as how many be allowed in Westport, if any. Mr. Whitin stated one of the things to consider would be to limit the number of medical marijuana retailers

to fewer than 20% of retail off-premise alcohol beverage licenses. Mr. Valcourt questioned how many that would be. Mr. Hartnett stated there are six all-alcohol and four beer and wine licenses; so with the max at ten, 20% of that would be two. Mr. Hartnett stated if you want to limit or prohibit them, it has to go through Town Meeting vote, as well as a ballot vote. Mr. Hartnett stated the Planning Board can regulate and locate them to different parts of Town but we don't have the ability to prohibit or limit. Mr. Valcourt stated he didn't understand why we would do that, if we allow ten off-site liquor licenses; how is that legal or constitutional saying you can sell your stuff here but not there when both are regulated by a state board; it does not make sense. Mr. Sullivan stated that is the actual law passed. Mr. Whitin stated if we do nothing, they will be allowed in any business or unrestricted districts in Town; we will have no ability to regulate or limit the number of establishments. Mr. Whitin stated the other option, as suggested by Town Counsel, is to limit the number of any type of marijuana establishments to fewer than the number of medical marijuana treatment centers registered to engage in the same type of activity in Town; we have zero in Town. Mr. Dutra stated if we had two in Town, we would see the medical marijuana piggy-backing the recreational marijuana. Mr. Sullivan suggested this is not something that can be thoughtfully decided tonight, but if Mr. King and Mr. Whitin could walk us through a series of decisions and votes, it will get us to the point of the majority agreeing whether to prohibit, whether to regulate and how to regulate. Mr. Dutra stated he would like to give the Planning Board guidance so they are able to work within a parameter of options to limit the amount of work. Ms. Shufelt stated this is very confusing, it is either prohibit or 20% of the alcohol limit, which makes no sense to her. Ms. Shufelt stated her position is, it should be very similar and regulated to the sale of alcohol; similar amounts of licenses, locations, and restrictions, etc. Ms. Shufelt stated she did not want a free-for-all but she does not want to prohibit it. Mr. Ouellette stated he is in favor of restrictions but will go with the voters on this, even though he is a lot more towards Mr. Sullivan's position. Mr. Ouellette stated there will be security issues that you don't have with a liquor store.

Motion made by Mr. Dutra to give guidance to the Planning Board to develop options, while working with the Board of Selectmen, on how to regulate and distribute in Town; basically by making this motion, we are taking the prohibition option off the table and for the Planning Board to come back to the Board of Selectmen with their recommendations. Second by Mr. Valcourt. Discussion ensued. The Board voted unanimously in favor. Speaking in favor of this: Chris Wiley and Constance Gee. Speaking in opposition of this: Wayne Sunderland.

Action Items

1. **Motion** made by Mr. Valcourt to approve the request of the Director of Marine Services that Scallop Season be opened at sunrise on Saturday, October 14, 2017. Second by Mr. Sullivan. The Board voted unanimously in favor.
2. **Motion** made by Ms. Shufelt to approve the road race request received from Max Performance for the Buzzards Bay Triathlon on September 17, 2017 per police recommendation. Second by Mr. Valcourt. The Board voted unanimously in favor.
3. Action was postponed until next meeting for Mr. Gonsalves to give a reconciliation of a couple of the larger items within the \$91,000 overrun, specifically, the HMA Pavement and the Police Details.
4. **Motion** made by Mr. Sullivan to approve the road race request received from the Westport Jr/Sr High School Parents Association for their 2nd Annual Westport Jr/Sr High School 5k Run/Walk and 1,000 meter Kids Run on Sunday, October 8, 2017 per police recommendation. Second by Ms. Shufelt. The Board voted unanimously in favor.
5. **Motion** made by Mr. Dutra to approve the request of the Westport River Watershed Alliance to use the Town Hall rear parking lot for their semi Annual Electronic Recycling Day on Wednesday, October 4, 2017 from 8-12noon, with the actual event taking place during the hours of 9-11AM. Second by Ms. Shufelt. The Board voted unanimously in favor. This event will be announced on the Town's website.
6. **Motion** made by Mr. Dutra to approve the Release of Lien for Document # 47117, Book-6535, Page-255-257. Second by Mr. Valcourt. The Board voted unanimously in favor.

Licenses – None.

Town Administrator Report

1. Hixbridge Road Bridge – Mr. King provided the Board with an email from MADOT giving an update on the Hixbridge Road bridge project; the project is two months behind schedule and should begin on or about the first week in September. Mr. Sullivan asked Mr. King to remind MADOT that one of the reasons why the original construction of the bridge failed so soon was because it was done at a certain time of the year and we don't want a repeat; please make sure we are on record as reminding them. Mr. Sullivan also asked Mr. King to check to make sure the epoxy won't be effected by the cold weather. Wayne Sunderland stated he agreed with Mr. Sullivan. No vote was taken.
2. Police Station Project Financing – Mr. King stated that Bond Counsel has approved the bond issue for the new Police Station, this does not include the supplemental borrowing approved at the May 2017 Town Meeting. No vote was taken.
3. Senior Center Parking Lot Expansion – Mr. King stated this project is now out to bid. Mr. Sullivan asked Mr. King to contact Ms. Bisch regarding a problem with the engineering and budget management contractor being discontinued. No action was required; no vote was taken.
4. WLCT Town Projects – Mr. King provided the Board with an email from Steve Sloan that shows the status of various Town related projects that are in the works. No action was required; no vote was taken.
5. Route 88 MA DOT Projects - Mr. King provided the Board with an email from MA DOT on the status of the Route 88 projects. Mr. Sullivan asked what is the date of Phase III. Mr. Ouellette stated Spring of 2018. Mr. Sullivan stated the Fontaine Bridge is being reconfigured. Mr. Ouellette stated it will be walking and biking friendly all the way to East Beach Road but it is not being reconfigured. Mr. King stated he will try to get an updated plan. No vote was taken.
6. Treasurer's Office Assistance – Mr. King stated that staff hired through Accountemps has been assisting the Treasurer's Office with the FY'17 cash reconciliation. Mr. Sullivan stated he read a letter from the State, has a copy of that letter been given to the Treasurer. Mr. King stated yes. Mr. Sullivan asked if there was a list of outstanding issues yet from the Treasurer. Mr. King stated yes. Mr. Sullivan asked to see the list. Ms. Shufelt stated we also spoke about consultants besides accounting temps, while the Auditor was here. Mr. King stated he has spoken with a couple of consultants and their response was “you use the right tool for the right part of the project” and their opinion was the first thing to do was the reconciliation; which has begun. Mr. King stated the consultant will be coming in to give guidance to the Treasurer. No action was required; no vote was taken.
7. Old Police Station – Mr. King stated the Town will need to decide what to do with the old Police Station after it is vacated next May/June 2018; he suggested a small committee be formed to develop recommendations. Mr. Valcourt stated do we really need a committee, that building is in such bad repair and possible no value. Mr. Ouellette stated we will have to look at it when it is stripped down and empty. Mr. Sullivan stated we don't have the expertise and perspective sometimes to look at this; we should do some homework because there are consultants out there who can look at all of our building inventory, consult and give recommendations. Mr. Sullivan stated to try to keep the cost around \$5,000. Mr. Ouellette asked Mr. King to get some prices. Mr. Dutra stated we should look at the Annex, Middle School, Police Station and Town Hall. No vote was taken.
8. Special Town Meeting – Mr. King stated in anticipation of a Special Town Meeting in the fall to vote on a new school, he was working on a list of potential other articles that would include the following: (1) Recall Bylaw, (2) Authorization for funding of a Fiber Optic Cable Project, (3) Expansion of the Building Department Revolving Account to allow for it to pay for intermittent Assistant Building Inspector services, (4) new school funding. Mr. King asked if the Board had any other articles. No response received. No action was required; no vote was taken.

9. **Budget Process** – Mr. King stated the FY'19 budget preparation will begin shortly. Mr. King provided the Board with suggestions prepared by Ms. Shufelt. Mr. King stated the FY'19 budget policies will be on the Board's next agenda. Mr. Sullivan asked Ms. Shufelt if the FinCom should be invited in to have a joint meeting to review the guidelines. Ms. Shufelt stated she did not object but does not feel it is necessary, this is just to clarify what the BOS is going to do; the FinCom were adamant that we have a process in place. No vote was taken.

Minutes

1. **Motion** made by Mr. Valcourt to approve with amendment the Regular Meeting Minutes of August 21, 2017. Second by Ms. Shufelt. The Board voted 4 in favor, 1-abstention (Sullivan).
*Amendment: page 4, item #3 – insert “of”.

Discussion Items – None.

Selectmen Liaison Committee Reports

1. Ms. Shufelt stated she represented the Board on August 25, 2017 when the Lt. Governor Polito visited and signed the Commonwealth Compact Agreement and announced the awarding of a grant for a new COA van.
2. Ms. Shufelt reminded everyone the High School Re-use Committee will be meeting on Monday, September 11, 2017 in the Town Hall, 2nd floor meeting room to seek public input on possible options of what to do with the disposition of the old High School; no decisions will be made at that meeting.
3. Ms. Shufelt stated that on September 25, 2017, the Animal Action Committee will be discussing draft site regulations. Ms. Shufelt stated the committee can't make any decisions but we will look at the proposed regulations and the recommendations to the individual boards.
4. Mr. Ouellette stated the Economic Development Task Force has decided to extend the Farmers Market through to December; Mr. May and Mr. Connors are credited with this.

Question and Answer Period

1. Chris Wiley asked about the meeting of the Animal Task Force with Department Heads; she wanted to know if the meeting had transpired, if it was successful, was there good attendance? Ms. Wiley stated it is sad that only Department Heads can attend, but she would like to stay on top of this. Mr. King stated yes, there was a meeting and the meeting was successful in terms of identifying that there are no ongoing problems related to farm animals, he would not say there were none with dogs and cats because there always are but there were none with farm animals. Ms. Shufelt stated there was not good attendance. Ms. Shufelt stated before the next meeting, she is going to make sure it is properly communicated because she was disappointed with the poor attendance. Ms. Wiley asked how the meeting was conveyed to the Task Force. Mr. King stated they were all notified of the meeting; some committees were not represented.

Boards/Committees/Commissions Vacancy List

Mr. Valcourt read aloud the vacancy list.

Board Members Suggestions for Future Agenda Discussion / Action – None.

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

1. **Motion** made by Mr. Dutra to approve the request of Police Chief Pelletier to advertise and accept applications for E911 Dispatcher and Reserve Officers. Second by Mr. Valcourt. The Board voted unanimously in favor.

Other Business – None.

7:31 PM – Executive Session

Motion made by Mr. Sullivan to enter into Executive Session pursuant to the provisions of MGL c 30A section 21 to approve Executive Session Minutes of August 21, 2017; to discuss a Highway Department grievance; to discuss the Highway Surveyor's contract; and to discuss L.A.W. negotiations. Second by Mr. Valcourt. 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.

8:40 PM – Open Session

Motion made by Mr. Sullivan to adjourn the Board of Selectmen Meeting. Second by Ms. Shufelt. 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