

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
OCTOBER 30, 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.

*Note: Mr. Dutra arrived at 6:10PM.

Pledge of Allegiance

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

Acknowledgments & Recognitions – None.

Appointments and/or Resignations

1. **Motion** made by Mr. Valcourt to appoint Lt. Paul Holden as Sworn Liquor Licensing Agent to the Board of Selectmen. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Dutra).
2. **Motion** made by Ms. Shufelt to appoint John E. Miller to the Cable Advisory Board. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).
3. **Motion** made by Ms. Shufelt to accept with regrets the resignation of Diane Pelland as Principle Clerk to the Zoning Board of Appeals. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra). **Motion** made by Ms. Shufelt to advertise the position of Principle Clerk for the Zoning Board of Appeals; deadline for applying is until filled. Second by Mr. Sullivan. The Board voted unanimously in favor.
4. **Motion** made by Mr. Sullivan to pass over. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Dutra).
5. **Motion** made by Mr. Sullivan to appoint Timothy Burns as Transfer Station & Recycling Center Monitor. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Dutra). Present: William Harkins (Chairman of the Board of Health) and Timothy Burns.

Joint Meeting with Planning Board – RE: Interview and Appointment to the vacant Planning Board seat. Applicant: Robert Daylor

Planning Board Members present: Jim Whitin, David Cole, Andrew Sousa and Marc DeRego.

Applicant present: Robert Daylor. Mr. Whitin stated Robert Daylor is a professional engineer, land surveyor and land planner; he has been on a prior Planning Board and has served on the MAPC. Mr. Whitin stated we are thankful to have found such a qualified, potential member for the Planning Board to fill the vacancy until the next election. **Motion** made by Mr. Whitin to appoint Robert Daylor to the unexpired seat on the Planning Board. Second by Mr. Valcourt. Discussion ensued. The Boards voted unanimously in favor.

Brad Fish, Veterans Agent – RE: Discussion of FY'19 Budget and Veteran's Day Plans.

Mr. Fish stated there was a little snafu in using the Town Hall Annex Gym for the Veteran's Day Ceremony due to the Farmers Market being held there but he has spoken with the different Veteran's

groups and they decided that rain or shine, they will meet at Beech Grove Cemetery, following with coffee and donuts at the American Legion. Mr. Fish stated he is going to try to get the word out to everybody tomorrow and will have flyers made. Mr. Fish stated for the next three years, for Memorial Day only, he would like use of the Town Hall Annex Gymnasium. Mr. Ouellette stated the Board supported that but Mr. Fish will have to go to the Recreation Commission with his request. In regards to the Veteran's Breakfast, it will be held at the COA on November 9th at 9AM. Mr. Fish stated it is free for any veteran to go but a reservation must be called in. In regards to the Veteran's budget, Mr. Fish stated it is up a little bit because he has 50 clients now, possibly 52 shortly. Mr. Fish stated when he started, there were only 35 clients. Mr. Fish explained that both veterans and spouses, whether married or single (widowed) and making under \$2,020 (single-spouse or veteran) or \$2,700 (married) per month qualify. Mr. Fish stated this is not welfare, and the Veteran's are a proud group and it is tough to get them to come to the office. Mr. Fish stated the State of Massachusetts is one of the few states who does these types of benefits. Mr. Fish stated since September 11th, 456 Westport residents have joined the armed forces. The Board thanked Mr. Fish for coming in and providing an update.

Public Hearings – RE: Requests from National Grid and Verizon for Old Harbor Road, Brayton Point Road and Sodom Road.

Hearings were opened at 6:23PM. Mr. Ouellette stated that due to the aftermath of the storm, Mr. Doherty, Representative from National Grid would not be present.

Old Harbor Road – Mr. Ouellette read the public hearing notice. No abutters were present. Police and Highway recommended no problems with safety issues. **Motion** made by Mr. Dutra to approve. Second by Mr. Valcourt. The Board voted unanimously in favor.

Brayton Point Road – Mr. Ouellette read the public hearing notice. Police and Highway recommended no problems with safety issues. Abutter Charles Findlay, 70 Brayton Point Road asked if this will include removal of the existing cable, which extends approximately 30ft into his property and is attached to a failing tree. **Motion** made by Mr. Sullivan to continue this matter to November 13, 2017 at 6:15PM. Second by Mr. Valcourt. The Board voted unanimously in favor.

Sodom Road – Mr. Ouellette read the public hearing notice. No abutters were present. Police and Highway recommended no problems with safety issues. **Motion** made by Mr. Valcourt to approve. Second by Mr. Dutra. The Board voted unanimously in favor. Hearings are closed at 6:27PM.

Brad Brightman, Treasurer – RE: Accepting of the Bond Bid and Signing of Documents for the new Police Station.

Present: Brad Brightman and Lynne Foster, Unibank Fiscal Advisory Services, Inc.

Mr. Brightman stated this is the general obligation bond for the next 20 years for \$9,349,000 for the new Police Station; this will finish it off. Mr. Brightman stated there was a true interest cost of 2.65.

Ms. Foster stated we did the Moody's conference call for the bond rating for the Town and it was reconfirmed to be a AA3 grade with an upward direction; and with a footnote that they will want to see the Town continue with its conservative budgeting and budget surplus. Ms. Foster stated her take-away from the phone call was that one to two years down the road, there will be positive pressure on the interest on the bond rating. Ms. Foster advised that the Town continue their performance and ask for a credit rating later on. Discussion ensued. The following is the vote taken by the Board of Selectmen.

VOTE OF THE BOARD OF SELECTMEN

Motion made by Mr. Valcourt as the Clerk of the Board of Selectmen of the Town of Westport, Massachusetts (the "Town"), I certify that at a meeting of the board held October 30, 2017, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$9,349,000 General Obligation Police Station Bonds of the Town dated November 8, 2017 (the "Bonds"), to FTN Financial Capital Markets at the price of \$9,677,922.75 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on November 1

of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2018	\$404,000	4.00%	2028	\$485,000	2.75%
2019	405,000	4.00	2029	485,000	3.00
2020	405,000	4.00	2030	480,000	3.00
2021	485,000	4.00	2031	475,000	3.00
2022	485,000	4.00	2032	470,000	3.00
2023	485,000	4.00	2033	470,000	3.00
2024	485,000	2.00	2034	470,000	3.00
2025	485,000	2.50	2035	470,000	3.00
2026	485,000	2.75	2036	470,000	3.25
2027	485,000	2.75	2037	465,000	3.25

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated October 18, 2017, and a final Official Statement dated October 25, 2017 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

And I, Brian Valcourt further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended. Second by Mr. Dutra. The Board voted unanimously in favor.

Virginia Merlier – RE: BOS vote to approve first right of refusal for the Release of Chapter 61A – Drift Road, Assessor's Map 57, Lot 41A.

Mr. King stated Ms. Merlier is taking property out of Chapter 61A which allows the Board of Selectmen to exercise their first right of refusal. Mr. Ouellette stated the Planning Board, Conservation Commission, Agricultural Commission, Board of Assessors, Agricultural/Open Space Preservation Trust Fund Council and Affordable Housing have all signed off. Ms. Merlier stated she is selling a parcel of her land and therefore, she will no longer have the required 5 acres for Ch.61A. Mr. Ouellette stated it is pretty much cut and dry according to the Assessors. **Motion** made by Mr. Dutra to exercise the first right of refusal and approve the release from Ch.61A. Second by Mr. Valcourt. The Board voted unanimously in favor.

State Road Auto Sales, Inc. d/b/a State Road Auto Sales Annex 1 – RE: Request to increase Class II vehicle limit due to dissolution of Motor Vehicle Storage License at 851 State Road.

Mr. Ouellette stated this request is because Storage Licenses are no longer allowed in Town and business owners were given the option, if applicable, to incorporate their storage vehicles into their Class II license. It was noted the parking plan was approved by Mr. Souza (Building/Zoning) and Lt. Ledoux (Fire). Mr. Antonio Almeida was present. It was noted the new limit for the Class II will be 267 vehicles. **Motion** made by Mr. Sullivan to approve. Second by Mr. Valcourt. The Board voted unanimously in favor.

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

Mr. Ankit Patel was present. Mr. Ouellette asked Mr. Patel to explain why he was not making use of his liquor license. Mr. Patel stated this has been his mistake. He has been buying inventory and it has been sitting in his cooler because he had an opportunity to purchase another store across the street. Mr. Patel stated he started working on the other store which was such a mess and it took him a long time to get it up and going. Being busy at the new store put him behind on handling the liquor in the old store. Mr. Valcourt asked Mr. Patel if he had a projected date to get the product out on the shelves. Mr. Patel stated he could have everything all set in about a month. Mr. Patel stated he has already started ordering and it is in his cooler. Discussion ensued. **Motion** made by Mr. Dutra to allow Supreme Gas to utilize his license, with product on the shelves within 30 days and to continue this hearing to November 27, 2017 at 6:30PM. Second by Mr. Sullivan. The Board voted unanimously in favor. *Lt. Holden will be sent out to do an inspection prior to the November 27, 2017 meeting with a report being forwarded to the BOS.

Action Items

1. **Motion** made by Mr. Valcourt to approve the request of the Westport Land Conservation Trust for permission to park at Cherry & Webb Beach on Friday, December 8, 2017 from 7AM to 8:30AM for the “Early Light Walk at Cherry & Webb Beach”. Second by Mr. Dutra. The Board voted unanimously in favor.
2. **Motion** made by Mr. Dutra to approve, per the recommendations received from the Police Department, the placement of 20MPH signs south of 145 Robert Street and that the Westport Police Strategic Traffic Enforcement Supervisor place the traffic speed trailer in that area for several days to educate motorists of the speed limit and their speed. Second by Mr. Valcourt. The Board voted unanimously in favor.
3. **Motion** made by Mr. Sullivan to approve, per recommendations and specific conditions received from the Town Administrator, the Conflict of Interest Disclosure filed by Apryl Oliveira, Highway Department. Second by Mr. Valcourt. The Board voted unanimously in favor.
4. **Motion** made by Mr. Sullivan for “No Comment” at this time by the Board in regards to the MA State Lottery issuing KENO to Supreme Gas and Village Market. Second by Mr. Valcourt. The Board voted unanimously in favor.

5. No comment was rendered by the Board in response to the Planning Board's Site Plan Approval of Helm Realty, LLC and Clean Energy Collaborative. Mr. Ouellette did state to Mr. Hartnett, his only concern was run-off dealing with Helm Realty, LLC.
6. **Motion** made by Ms. Shufelt to ratify the contract agreement with LAW (Labor Advantage for Workers – Local 254) for Town Hall Departments, Library and Cemetery. Second by Mr. Valcourt. The Board voted unanimously in favor.

Licenses – None.

Town Administrator Report

1. Hix Bridge Road bridge – Mr. King stated the work on the bridge is on-going. No action required.
2. Police Station Project – Mr. King stated the exterior walls have been erected and much of the roof on half of the Police Station is in place. No action required.
3. Police Station Financing – Mr. King stated that Moody's has given the Police Station bond issue a rating of AA3; this is a favorable rating and is unchanged since the last bond was issued. Mr. King stated he has provided a report to the Board. No action required.
4. Route 88 – Phase II – Mr. King stated that MADOT has sent an electronic copy of the plans for Phase III of the Route 88 project. Mr. King stated he will have it uploaded to the website. No action required.
5. KP Law Seminar – Mr. King stated that due to changes for the Public Records, Open Meeting Law and Conflict of Interest Regulations, he has made arrangements to have KP Law give a seminar to Town committee members, recording clerks and key public information officers. This seminar is not for the general public. No action required.
6. Westport School Building Project – Mr. King stated the School Committee and Board of Selectmen will be meeting jointly on November 1, 2017 at 6PM at the High School. No action required.
7. Microsoft Office Training – Mr. King stated he has made arrangements with the School Department, for in-service training on Microsoft Office for Town Employees. No action required.
8. FY2019 Municipal Budget – Mr. King stated the Capital Improvements Planning Committee has started to go through the numerous project requests; and Departmental Budget requests were due by October 27th. No action required.

After-Storm Update

Mr. King stated that Highway, Police and Fire answered numerous calls due to trees down, roads closed and the loss of power. Mr. King stated East Beach was washed over but fortunately, the storm did not undermine the road that was recently constructed. Mr. King stated National Grid and Eversource are working diligently to restore power to all the areas that were affected.

***7:15PM** – Mr. King leaves the meeting and does not return.

Discussion Items

Minutes

1. **Motion** made by Ms. Shufelt to approve the Regular Meeting Minutes of October 16, 2017. Second by Mr. Valcourt. The Board of Selectmen voted unanimously in favor.

School Building Committee – RE: Presentation of Project and Discussion of dates for Special Town Meeting and for Town Ballot vote

Present: Dianne Baron, Tracy Priestner, Dan Tavares, Jonathan Levi. Ms. Baron stated this is a lengthy presentation but the School Building Committee wanted to fully update the Board before their joint meeting with the School Committee to vote on what they would like to submit to the MSBA. Ms. Baron stated they will give a power point and they would also like to set a date for Special Town Meeting and for the Ballot Vote. A detailed power point presentation was given. The Board thanked

everyone for the presentation and comments were given. Discussion turned to dates for the Special Town Meeting. Ms. Baron stated the Committee was looking at January 23, 2018 with a backup date of January 30, 2018. As for the Ballot Vote, the primary date would be February 6, 2018 with a backup date of February 13, 2018. Discussion ensued. Mr. Ouellette stated before dates are set, they needed to check with Town Clerk Marlene Samson. Mr. Ouellette stated this matter could be discussed with the School Committee at their joint meeting and in the meantime, he asked Ms. Baron to check with Ms. Samson. Mr. Ouellette stated there may possibly be a vote on Wednesday, November 1, 2017 at the meeting.

Selectmen Liaison Committee Reports – None.

Question and Answer Period – None.

Boards/Committees/Commissions Vacancy List

Mr. Valcourt read the list of vacancies.

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

Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting – None.

Other Business

1. Ms. Shufelt stated she went to the Halloween Party, which was held at the Fire station, it was very nice with everyone having a good time. Check it out next year!
2. Ms. Shufelt stated the Planning Board will be having a public meeting on Wednesday, November 8, 2017 at 6PM at the Town Hall Annex regarding recreational use of marijuana and the zoning and planning regulations. Mr. Ouellette stated that because Westport voted for it, there are still hurdles that applicants must go through, including the Town. Discussion ensued. No votes taken.
3. Mr. Valcourt stated the Police, Fire and Highway did a great job during last night's storm event; and he also wished everyone a Happy & Safe Halloween.
4. Mr. Ouellette wanted to remind everyone that it is hunting season, and asked that everyone please be careful; there has already been a number of accidents in Town involving animals.
5. Mr. Ouellette stated he has received the SRPEDD Study electronically for Route 177 and will be forwarding it to the Board members.

Executive Session – None.

8:31 PM

Motion made by Ms. Shufelt to adjourn the meeting of the Board of Selectmen. 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