

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
FEBRUARY 05, 2018**

Members Present: Steven J. Ouellette, Chairman
Shana M. Shufelt, Vice Chair
R. Michael Sullivan
Brian T. Valcourt, Clerk
Also present: Timothy J. King, Town Administrator
Members Absent: Craig J. Dutra

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.

Acknowledgments & Recognitions – None.

Appointments and/or Resignations – None.

Christopher Jusseaume – RE: Request for “Relocation of Initial Aquaculture Sites” in the West Branch of the River and Request for “Approval of Application”.

Present: Christopher Jusseaume, Christopher Leonard, Director of Marine Services and John Borden, Shellfish Advisory Committee. Mr. Jusseaume stated he was looking for BOS support in moving the process along because he has spoken with Mr. Leonard and the Shellfish Advisory on his proposal. Mr. Jusseaume stated he and his father each have a one-acre site in the West Branch of the River for oyster farming. Mr. Jusseaume stated he is having problems with his existing site, mainly the depth of the water for keeping the oysters submerged; it is problematic and costly. Mr. Jusseaume stated he has had no problems for the last two years, but with this last freeze, he had a very prominent loss. Mr. Jusseaume stated he will over-winter his oysters by taking them out of the river but to be a year round business, he needs an area where he can grow market-sized oysters in the water; you can't store and sell, you have to grow. Mr. Jusseaume stated his goal here tonight is two fold, (1) to get into a little deeper water and (2) to keep my business growing. Mr. Jusseaume stated the original plan has two additional sites left near him but the sites are no longer State-approved. Mr. Jusseaume stated he would like the BOS to request from the State a resurvey for new areas so he can make his area a little bigger. Mr. Leonard explained that with Mr. Jusseaume's two sites, there is a lot of sand moving around and the site is no longer under water; with a catastrophic freeze, there is loss. Mr. Leonard stated he would like to transfer Mr. Jusseaume into an area where the shellfish will be submerged. Mr. Leonard stated we could transfer the two sites, which are high and dry to deeper water or possibly by turning his two sites into four sites. Mr. Leonard stated at this time, we do have two people on the waiting list and the way the current structure of the regulations are, you can't have more than one-acre in the River. Mr. Leonard stated he would suggest moving Mr. Jusseaume to the head of the waiting list and consider this a transfer. Mr. Leonard stated he was not sure if the existing site should be moved by advancing the boundary or scrapping those two sites altogether because they are high and dry and moving them to sites 1 & 2. Mr. Leonard stated this is for the Shellfish Advisory, the Board of Selectmen and myself to discuss. Mr. Leonard reminded everyone that anything that is done with the original footprint of these sites was set forth by the State and are going to have to be resurveyed by the State; we can't just bump

his boundary by 60ft and hope for the best. Mr. Leonard stated he is going to do his due diligence, once a decision is made by the Shellfish Advisory Committee and the Board of Selectmen and go to the State because a resurvey is going to have to be done. Mr. Leonard explained at this time, there are no available aquaculture sites; surveys done by the State are only good for two years. Discussion ensued. **Motion** made by Mr. Valcourt for the BOS to look favorably on a transfer, to have the State do a resurvey, and to have the Shellfish Advisory Committee come forward with a recommendation on the Rules & Regulations. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

Christine Chisholm, APR Regional Planner – RE: Pending Russell Agricultural Preservation Restriction (APR) project.

Present: Christine Chisholm and Rob Russell, APR applicant. Ms. Chisholm stated we are trying to close on the Russell Family's parcel on Hix Bridge Road under an APR. Ms. Chisholm stated as part of this, funding is received from the NRCS/USDA and they are requiring us to put \$140,000 (which came from CPA) towards this project and they are asking that the Town sign on as an entity on their application, which requires confirmation of the DUNS number of the Town and a signature. Mr. Valcourt questioned the Town being an easement holder. Ms. Chisholm stated the easement means the Town will be a co-holder on the document; the only part the Town would play, is if a waiver or special permit is required for a non-agriculture event on the property or if there is a request for a release; the Town would be asked to voice their opinion on it. Ms. Chisholm stated there will be no public access on this property. Ms. Chisholm stated the Town does not have to be a co-holder, it is your choice; a lot of towns look for something in return for putting money towards this. Mr. King stated by signing on, if something was to be done with the property, the Board would be notified and then it is up to the Board whether they want to hold a public hearing, etc., as opposed to having nothing to do with it. Mr. Ouellette asked for the record, there is no liability for the Town; Ms. Chisholm stated that is correct. **Motion** made by Mr. Valcourt to sign on to the APR as co-holder. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

Action Items

1. **Motion** made by Ms. Shufelt to approve the posting of the Special Town Election warrant for February 27, 2018. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).
2. **Motion** made by Ms. Shufelt to approve the request of the WES/MAC PTO for use of the Westport Middle School for the Tough Kid Challenge on June 9, 2018 (setup) and June 10, 2018 (event) with the recommendation of the Police Department. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Dutra).
3. **Motion** made by Ms. Shufelt to approve, as amended, the 2018 Board of Selectmen Meeting Schedule. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Dutra).
4. **Motion** made by Ms. Shufelt to approve the request of the Highway Surveyor to allow deficit spending in the Snow & Ice Budget in the amount of \$75,000. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Dutra).
5. The Board reviewed the Annual Town Meeting warrant articles with Mr. King giving a summary on each. Mr. King stated Articles 1-11 were standard articles relating to the Municipal Budget. Mr. Ouellette stated the draft warrant does not have monetary figures. Mr. King stated that is because he does not an approved budget. Ms. Shufelt stated we have to have the budget figures by February 20th when we have to give the budget to the FinCom, so on the 20th, we have to finalize the warrant. Mr. King stated the Board has to forward the budget to the FinCom and then they will fill in the dollar amounts on their articles. Ms. Shufelt stated Articles 1 & 2 are the BOS's. Discussion ensued regarding the articles and the certification of the Town's Free Cash. Ms. Shufelt stated the time line for getting the financial related articles to the Finance Committee is February 20th. Mr. King stated the BOS have to have a budget to the FinCom by the 20th. Ms. Shufelt asked when the BOS have to finalize the warrant with the dollar amounts. Mr. King stated by March 10th. Ms.

Shufelt stated she is concerned about the Free Cash because at this time, we don't have a figure, yet we have an article that will be using Free Cash. Mr. King stated estimated Free Cash is around \$1.2million. Discussion ensued as to why the Free Cash has not been certified; Mr. King stated the Board could speak with the Treasurer tonight on that matter. Mr. King stated that Article 12 is a proposed article to establish a Reserve Fund for accrued liabilities for compensable absences for persons leaving the Town's employ; Article 14 seeks more money for the Septic Program; Article 15 will be deleted; Articles 17 & 18 will be deleted from the warrant and consider as Capital Improvement Projects; Article 19 is a request from the Planning Board to the State Revolving Loan Fund for a Targeted-Integrated Water Resource Management Plan; Article 20 is to change the Treasurer position from elected to appointed; Article 21 is a request from the Board of Health relating to setback requirements for enhanced septic systems; Article 22 is requested by the Historical Commission; Article 23 is requested by the Energy Committee to accept the Stretch Energy Code; Article 24 is a Bylaw that would prohibit Recreational Marijuana Facilities in Town; Article 25 is a Zoning Bylaw that would prohibit Recreational Marijuana Facilities in Town; Articles 26 to 29 are Zoning Bylaw amendments by regulating, not prohibiting Recreational Marijuana; Article 30 extends the Recreational Marijuana Moratorium until December 31, 2018; Article 31 is a general Personnel Bylaw amendment; Article 32 is a Petition Article to accept a public way; Article 33 is a Petition Article for Special Legislation for a Package Store Liquor License; and Article 34 is a standard article related to the transfer of Free Cash to the Stabilization Fund. The Board requested that the Historical Commission (Article 22), Board of Health (Article 21) and Energy Committee (Article 23) be invited to the next meeting to speak on their respective articles; along with an invitation being extended to the Westport Point Neighborhood Association. Mr. Sullivan explained Article 24. Input was received from Wayne Sunderland, Jon Alden and Anne Barnes. Ms. Shufelt noted that Article 31 may be removed because there may not be a resolution before the final date. Mr. Ouellette also noted that there is another article coming from the Planning Board. No votes were taken.

6. This item was addressed the same time as Item #5. Mr. King stated this item will be on the warrant.

Licenses

1. **Motion** made by Mr. Valcourt to petition the General Court for passage of Special Legislation for a Package Store License, as voted at Special Election, for R&C Market, Inc., 151 State Road. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

Town Administrator Report

1. Bristol Aggie Building Project: Mr. King stated Bristol Aggie has a new MSBA \$104million project; there is an advisory committee comprised of a representative from each town that will be voting on this on Thursday, February 8th. Ms. Shufelt stated the Bristol Aggie project is getting pretty good matching funds from the State but our school building proposal is a debt exclusion article, which is excluded from the operating budget, while Bristol Aggie will be a Per-Pupil Expenditure; the project will increase the enrollment so the debt starts out as \$5,000 per student in year one and goes down as students increase but the next practical effect to Westport is about \$150,000 more per year than what we currently have, which is \$75,000 and that would have to come out of our operating budget; she is very concerned of the impact on the Town's operating budget. Mr. King stated Mr. Dutra is the member who will be voting but the Board may want to reconsider especially if Mr. Dutra is unable to make it. Mr. Valcourt stated he would make himself available for the meeting if the Board wanted. Mr. King stated if the Board is concerned, the Board may want to consider inviting Bristol Aggie in to discuss this project. Discussion ensued. Ms. Shufelt asked what budget year would this impact; Mr. King replied we don't know. The Board felt that they were too ill-informed to be able to vote properly. No actions were taken.
2. Diman Regional Vocational School – MSBA Building Project: Mr. King stated that Diman has

been invited into the eligibility phase by MSBA for a substantial project. The Board requested that Paul Jennings, Diman Rep be invited to their next meeting to discuss this.

3. Large Scale Solar Project – Horseneck Road: Mr. King stated that CEC has withdrawn their application at the Planning Board. Mr. Ouellette asked Mr. King to check to see if they were still active in Boston. Discussion ensued. No actions were taken.
4. Police Station Construction: Mr. King stated the contractors are continuing to work on the interior walls and the subs are installing the rough plumbing and electrical. The well was fracked and is now generating 12-15 gallons per minute; this is deemed sufficient for the needs of the Police Department; also, the HVAC units have been installed in the attic area. Mr. King stated the project is about 60% completed and on budget; we have a net of minus \$30 in change orders. No action was required.
5. LED Streetlight Project: Mr. King stated the consultant's inventory of the streetlights in Town have found 40 lights that are not on our utility records; the Board will need to review the list and determine whether to add them to the Town's inventory. Mr. King stated we are not paying for them on a monthly basis. Mr. King stated that Jim Hartnett did a preliminary review of the list and identified several that the Town should not assume responsibility for and a few that should be added. Mr. Hartnett has assigned a priority # to each light listed (1-3, high to low). Discussion ensued. Mr. King asked if the Board wanted a Police recommendation; Mr. Ouellette stated we can ask for one. Mr. Ouellette stated once he reviews the list, he will get back to Mr. King. No actions were taken.
6. Animal Control – Monthly Report: Mr. King stated he has provided the Board with Ms. Lambert's monthly report.
7. Reimbursement for State Owned Land (SOL): Mr. King stated the FY'19 Governor's Budget (as shown on our Cherry Sheet) showed a significant decrease in the proposed appropriation from \$838,058 to 607,656, which is a decrease of over \$231,000 for State-Owned Land. Mr. King stated this has significant implications on the FY'19 Municipal Budget. Mr. King stated he did inquire with Senator Rodrigues's Office the reason for the decrease. Mr. King stated that Senator Rodrigues did some research and was provided an answer from the DOR, which was provided in your packets. Mr. Sullivan stated he spoke with Senator Rodrigues and was told the property values have decreased on State-owned Land due to a different valuation process. Mr. Sullivan asked if the Board could see the list, so we can see how much everyone got last year and what they are getting this year. Discussion ensued regarding the response received from the Department of Revenue. Mr. Sullivan requested Mr. King to get the list.

Discussion Items

Discussion of the FY'19 Municipal Budget: Ms. Shufelt stated her primary concern, if she was reading correctly, is that we are \$213,000 out of balance. Mr. King stated that is correct. Ms. Shufelt stated we have expenditures of \$213,000 in excess of revenue and asked Mr. King where the difference came from because we were in balance. Mr. King stated when we reduced the revenues/growth and estimated revenues, it also reduced the amount that would be assigned to the School Department. Ms. Shufelt stated \$200,000 was shared with the two groups, that is why we are not feeling the full impact; Mr. King stated that was correct. Ms. Shufelt asked if the School has approved their budget yet; Mr. King stated not to his knowledge. Ms. Shufelt stated we are way more out of balance from what she has seen with the last School Committee meeting. Ms. Shufelt stated the 2018 Operating Budget was only balanced when we used Free Cash; Mr. King stated we only used \$20,000. Ms. Shufelt stated if we were to keep the current line items as proposed, we would still require for our portion of the budget, \$200,000 from other source. Mr. King stated it would require us to reduce the budget further by another \$108,000 on the School side and \$96,000 on the Town side; using the 54/46 formula. Ms. Shufelt stated, in this budget, the Public Health Director has been bumped up, there is still no Town Nurse, and not included yet are the requested

positions for Police, Fire and Highway. Mr. King stated that is correct. Ms. Shufelt asked Mr. King if he was asking for some kind of direction from the Board. Mr. King stated that he needed a little more time because he has what looks like preliminary numbers for health insurance; he needs to plug those back into the budget and see what impact that has. Ms. Shufelt asked if they were favorable to the budget; Mr. King stated he believed so because we changed the plans that we would be operating under, resulting in a savings for the Town for FY'19. Mr. King stated the only item he will be missing is the Diman Assessment but as soon as he knows a good estimate of that assessment, adjustments can be made. Mr. Valcourt asked if this has taken into account, any free cash; Mr. King stated no. Ms. Shufelt stated it is highly recommended that we do not use free cash. Mr. King stated he was confident, we would be able to take care of this deficit without relying on free cash. Ms. Shufelt asked Mr. King, if we want to add those other positions, we are going to have to find something to cut; Mr. King stated yes. Mr. Valcourt asked what free cash would be used for. Mr. King stated he would be recommending it's use for funding Capital Improvements, for funding the 2-3 items on the warrant articles (one-time items only). Ms. Shufelt stated that the funding of OPEB could also be from free cash. Mr. Sullivan stated he would suggest, that Mr. King put together a list of changes to the budget which might be helpful going forward. Mr. King stated the budget also has a 2% increase built-in for all employees; collective bargaining, police and fire. No action or votes were taken; review of proposed budget only at this time.

Minutes

1. **Motion** made by Mr. Valcourt to approve the Regular Meeting Minutes of January 22, 2018. Second by Mr. Sullivan. The Board voted 3 in favor, 1-abstention (Shufelt) and 1-absent (Dutra).
2. **Motion** made by Mr. Valcourt to approve the Special Meeting Minutes of January 23, 2018. Second by Mr. Sullivan. The Board voted 3 in favor, 1-abstention (Shufelt) and 1-absent (Dutra).

Selectmen Liaison Committee Reports

1. Ms. Shufelt stated at the Animal Action Committee meeting we looked at the job description of the Animal Control Officer. Ms. Shufelt stated the job description was a pretty fair representation of what is wanted; the big issue that was debated, was whether the ACO should continue under the Board of Selectmen or under the Board of Health. Ms. Shufelt stated no decision was made; but one member of the committee who is a member of the Board of Health, stated they would not be receptive to that idea. Ms. Shufelt stated we are going to look at this position more; some feel it should pay more and reclassified. Ms. Shufelt stated for the next meeting, (1) the creation of a different committee, one that deals with animal welfare and (2) a couple of members of the Animal Action Committee approached her and asked if a couple of its' members (from the public) could participate in the Department Head Meetings. Ms. Shufelt stated she was putting it out to the Board; she was sure they would be able to ensure confidentiality. Mr. Sullivan stated on the Animal Action Committee, some of the members are Department Heads, so they can attend but the citizen representatives on that committee are not allowed. Mr. Sullivan stated we have the Animal Action Committee so people can have a voice, but a Town Department Head meeting is a private meeting of sorts, kind of like a business meeting of our Department Heads. Mr. Sullivan stated there is an overlap on the Animal Action Committee (with Department Heads) and he was sure they could share with the rest of the Committee. Discussion ensued. Mr. Sullivan stated it was not a good idea to have non-employees attending a Department Head Meeting due to private information and discussions. Mr. King agreed with Mr. Sullivan.
2. Mr. Valcourt stated at a recent meeting of the Water Resources Management Committee (WRMC), it was voted to ask the BOS to invite the Board of Health, WRMC, Planning Board, Conservation Commission, Fishermen's Association and Buzzards Bay Action Committee to attend a joint meeting with the BOS for a discussion on how to re-form the WRMC to make it more effective. Mr. Valcourt explained the makeup and the representation on the current committee and stated it is

not working with this current configuration. Mr. Valcourt would like to see this on a future agenda with all the stakeholders attending to discuss the committee makeup. Mr. Ouellette asked Mr. Valcourt to send an email to Ms. Pelland with all the stakeholders who should attend the meeting and a punch list of items to be discussed.

3. Mr. Ouellette stated he was thinking about reforming the Route 6 Task Force because of concerns of what is coming; it seems the Medical Marijuana is more palatable because we already have a couple of businesses interested in that area. Mr. Ouellette stated we have a lot of build up coming on Route 6 and stormwater is part of Route 6; there are still areas that flood out. Mr. Ouellette also stated that Rep. Schmid found a \$40million grant for the Bike Path but it is going to expire in two weeks; so the Committee may not be able to go for grant money on that. Mr. Ouellette stated that White's is amiable to using the rail trail up to Davis Road; the rail is active with Mid City from a certain point. Mr. Ouellette stated that Route 6 is a hot spot and we will have to keep up on it, especially with traffic issues.

Question and Answer Period – None.

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 – None.

Other Business – None.

8:43 PM Executive Session

Motion made by Ms. Shufelt to enter into Executive Session pursuant to the provisions of MGL c 30A section 21 to approve Executive Session Minutes of January 22, 2018 and January 23, 2018; and to discuss a personnel matter and litigation matter. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

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

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

9:50 PM Open Session

Motion made by Ms. Shufelt to adjourn the Board of Selectmen Meeting. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

Adjournment.

Respectfully submitted,



Diane Pelland

Administrative Asst/Confidential Clerk to the Board of Selectmen

APPROVED:



Brian T. Valcourt, Clerk