

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
APRIL 2, 2018**

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

Also Present: Timothy J. King, Town Administrator

Chairman Ouellette opened the meeting at 6:05 p.m. with a salute to the flag and publicly announced under M.G.L. Chapter 30A, Section 20(e) that the meeting was being recorded.

Acknowledgement & Recognitions:

Chairman Ouellette reminded residents that the Town Election was Tuesday, April 10th. Selectman Sullivan spoke about the question on the election ballot to prohibit non-medical marijuana sales in Town. He explained that a “yes” vote would prohibit and a “no” vote would allow.

Chairman Ouellette noted that it was the last official Selectmen’s meeting for Selectman Craig Dutra and Selectman Michael Sullivan. The remaining members of the Board wished them well in their future endeavors.

Other Business:

Meeting with the Board of Selectmen was Bill and Cynthia Anderson of 783 Gifford Road. The Andersons gave the Board a packet which included 2 plans showing the contours and elevations of the Westport Elementary School and several photos showing drainage coming from the Elementary School towards their property. The Andersons reported that it was major drainage that was impacting their property and house. They said they also had concerns regarding the building of the new school and the additional drainage. Cynthia Anderson reviewed the information given to the Selectmen. Chairman Ouellette noted that it was drain off from the school that had been going on for 40 years. Bill Anderson responded that they wanted the Town to stop draining on their property and the damage that has been going on right now, they wanted it remediated. Mr. King suggested that the Town School Building Committee ask their engineer to take a look at the existing stormwater drainage from the Elementary School and see if there is a way to tie it into the proposed stormwater infrastructure that will be constructed for the new school. Selectman Shufelt stated that she would support that and made a motion that the Board of Selectmen make that recommendation to the School Town Building Committee to request that the engineering team make recommendations that would affect the water drainage all over the site. Selectman Valcourt seconded the motion, which was voted unanimously.

Appointments and/or Resignations:

1). Selectman Shufelt made a motion to appoint Lucy Tabit to the position of Administrative Assistant/Confidential Clerk to the Board of Selectmen and approve the employment agreement with Ms. Tabit. The motion, which was seconded by Selectman Dutra, was approved with Selectmen Ouellette, Shufelt, Dutra and Sullivan voting yes and Selectman Valcourt abstaining. Selectman Shufelt then made a motion to authorize the posting of the now vacant Assistant Town Planner II position (Ms. Tabit's previous job at the Planning Board). The motion was seconded by Selectman Valcourt. Jim Whitin, Chairman of the Planning Board, told the Selectmen that the Planning Board, at their next meeting, would have to decide which of the 2 positions would be filled (the non-union Assistant Town Planner or the Assistant Town Planner II, which is in the union). The motion was unanimously approved.

2). Selectman Sullivan made a motion to reappoint Brad Fish as the Town's Veterans Service Agent. Selectman Shufelt seconded the motion – voted unanimously.

James Hartnett RE: Culvert Replacement Grant Application:

Present were Planning Board Chairman Jim Whitin and Assistant Town Administrator for Planning James Hartnett. Mr. Whitin explained that Mr. Hartnett had prepared the grant application and the request was for \$60,500 from the Department of Fish & Game Division of Ecological Restoration and that there would be no required match from the Town. The grant money would be used for data collection, design and permitting of a new culvert at Snell Creek on Drift Road because the culvert is partially collapsed and in need of repair. On a motion by Selectman Dutra, which was seconded by Selectman Valcourt, the voted voted unanimously to approve the grant application.

Action Items:

5). Selectman Shufelt made a motion to notify James Hartnett, the Assistant Town Administrator for Planning, that the Selectmen would be renewing his employment agreement. The motion was seconded by Selectman Valcourt and was voted unanimously.

"A" Auto Sales, 644 State Road - Hearing RE: Noncompliance and Violation of the Used Vehicle Warranty Law:

The hearing opened at 6:40 p.m. Meeting with the Board was Paul Albergaria, the manager of "A" Auto Sales. He is also the owner of the property. Mr. Albergaria informed the Board that the problem had been fixed and that the yellow "Used Vehicle Warranty Law" notices were now displayed on the dashboards of the used vehicles for sale as required by law. He told them that previously he had placed the notices on the seats of the used vehicles. There was a brief discussion on the issue. The hearing closed at 6:43 p.m.

Fereira's Auto Body & Sales, 85 Forge Road - Hearing RE: Noncompliance and Violation of the Used Vehicle Warranty Law:

The hearing was opened at 6:44 p.m. In attendance was Carlos Ferreira, owner and manager of the used car lot. Mr. Ferreira admitted to the Board that in all the years he had been in business (over 25) he had never displayed the yellow "Used Vehicle Warranty Law" notices. He informed them that he was now in compliance. Selectman Shufelt told Mr. Ferreira to stay on top of it and he agreed. The hearing was closed at 6:46 p.m.

Constance Gee, Beach Committee - RE: Discussion of a Proposal Requesting an Expenditure for Dune Plantings at Knubble Beach:

Meeting with the Selectmen was Constance Gee. She noted that the Highway Department had finished installing the wooden railings on Beach Avenue. She told the Board that she would like to use \$2,500 of the Beach Committee's FY'17 \$15,000 surplus beach revenue for plantings to stabilize the dunes. Ms. Gee continued by saying that Mr. King told her that she could only plant in the Town's right-of-way and that she could not use the money from the Beach Committee. Selectman Shufelt suggested the possibility of finding the money in the Highway Department for the plantings. Ms. Gee stated if the money was available that there would be enough volunteers to do the plantings. After more discussion on the matter, Selectman Dutra made a motion directing Mr. King to work with the Highway Department to see if there are funds available to do the plantings. The motion was seconded by Selectman Valcourt and was voted unanimously.

Christopher Gonsalves, Highway Surveyor - RE: Award of Contract for the New Fuel Management & Tank Monitoring System to Dependable Petroleum and Request for Deficit Spending in Snow & Ice Budget:

Mr. Gonsalves was not in attendance. On a motion by Selectman Sullivan, seconded by Selectman Valcourt, the Board voted unanimously to approve and sign the \$47,500 contract with Dependable Petroleum for a new fuel management and tank monitoring system for the Town's fleet of vehicles. Selectman Sullivan then made a motion to approve the request from the Highway Surveyor to deficit spend an additional \$26,500 in the Snow & Ice budget. Selectman Valcourt seconded the motion – voted unanimously.

Action Items Continued:

- 1). On a motion by Selectman Valcourt, which was seconded by Selectman Shufelt, the Board voted unanimously to send a letter to the Board of Assessors requesting that they review and release any excess "Overlay Reserve Funds".
- 2). Selectman Sullivan made a motion to accept the donations made to the Council on Aging in the amount of \$1,946.00. The motion was seconded by Selectman Valcourt and was voted unanimously.
- 3). Selectman Shufelt made a motion to approve and sign the contract with Boston Freightliner to provide the Transfer Station with a 66,000 lb. GVW heavy/severe duty (SD114 or equivalent) truck of the newest model year complete with 22' roll-off hoist and to have the Board of Health work with the Board of Selectmen on the disposition of the old truck. Selectman Sullivan seconded the motion – voted unanimously.

Question & Answer Period:

There were no questions for the Board.

Town Administrator Report:

1). Selectman Sullivan made a motion directing Mr. King to notify those affected by the proposed revision of coastal barriers by the U.S. Department of the Interior, Fish & Wildlife Service. The motion was seconded by Selectman Dutra and was voted unanimously.

Discussion Items:

1). Committee Communication Policy - Selectman Shufelt asked if the Board wanted to consider putting this policy in place for all committees under the control of the Board of Selectmen. They reviewed the proposed new policy. Selectman Shufelt made a motion to adopt the Committee Communication Policy. Selectman Sullivan seconded the motion for discussion. He noted that the Selectmen would have 2 new board members in two weeks and it might be better to wait and that they were better off dealing with the few problems the Board had with the committees. After more discussion, Selectman Shufelt withdrew her motion and Selectman Sullivan withdrew his second. It was agreed that the proposed policy would be circulated to the committees for their input and concerns.

Department Communication Policy – Selectman Shufelt reviewed the proposed new policy that all departments under the jurisdiction of the Board of Selectmen would have to follow. There was brief discussion with the Selectmen agreeing to add “and the chair of the Board of Selectmen” at the end of the sentence “Communication between the Board of Selectmen and the Department should be conducted through the Town Administrator”. On a motion by Selectman Shufelt, which was seconded by Selectman Sullivan, the Board voted unanimously to approve the new policy and its amendment and to forward to all the departments under their jurisdiction.

2). T.A Evaluation - Selectman Shufelt reviewed the evaluation of the Town Administrator done by the Board of Selectmen during their 3/19/18 Executive Session. Overall, the Selectmen rated Mr. King as satisfactory. She noted that the Town Administrator is in the middle of his contract so nothing would be done.

Minutes:

1). Selectman Sullivan made a motion to approve the 11/27/17 regular Meeting Minutes. The motion, which was seconded by Selectman Valcourt, was approved with Selectmen Ouellette, Shufelt, Sullivan and Valcourt voting yes and Selectman Dutra abstaining.

2). On a motion by Selectman Sullivan, which was seconded by Selectman Shufelt, the Board voted unanimously to approve the 1/8/18 Regular Meeting Minutes.

3). Chairman Ouellette requested that the 3/19/18 Regular Meeting Minutes be amended to add "Sherman" after Susan Medeiros in the 2nd paragraph on page 5. Selectman Valcourt made a motion to approve the minutes as amended. The motion was seconded by Selectman Shufelt and was approved with Selectmen Ouellette, Shufelt, Dutra and Valcourt voting yes and Selectman Sullivan abstaining.

Board Member Suggestions for Future Agenda Discussion/Action:

Selectman Valcourt asked if the Board would bring in Clinton Heggerty to recognize his achievement of obtaining the Eagle Scout Award. He mentioned that Clinton's project consisted of building a canopy over the BBQ pit at the Westport Fairgrounds.

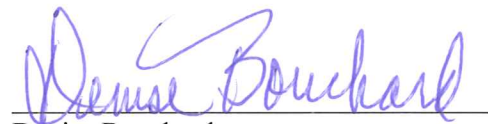
Executive Session - pursuant to the provisions of M.G.L. Chapter 30A, Section 21 (a) to approve the Executive Session Minutes of March 19, 2018; and (3) to discuss legal matter (Pereira v. Levesque) (Town of Westport v. Richard Medeiros, et. al.) - Chair declares that an open meeting may have a detrimental effect on the litigating position of the public body; and (1) to discuss a personnel matter:

On a roll call vote, Selectman Shufelt made a motion to go into executive session at 8:07 p.m. The motion was seconded by Selectman Sullivan. The vote was unanimous with Selectmen Ouellette, Shufelt, Dutra, Sullivan and Valcourt all voting yes.

Open Session & Adjournment:


On a motion by Selectman Shufelt, which was seconded by Selectman Valcourt, the Board voted unanimously on a roll call vote to return to open session and adjourn the meeting at 8:50 p.m.

Respectfully submitted,



Denise Bouchard
Secretary to the Board of Selectmen

APPROVED: _____



Brian T. Valcourt, Clerk

Attachments to Agenda for Members of the Board of Selectmen:

Other Business

Packet from Bill & Cynthia Anderson which included 2 plans showing the contours and elevations of the Westport Elementary School and several photos showing drainage coming from the Elementary School towards their property.

Appointments and/or Resignations

1. 3-year employment agreement between the Town and Lucy Tabit
2. Brad Fish 3-year appointment certificate

6:05 p.m. Culvert replacement grant application

6:15 p.m. Hearing notices for non-compliance and violation of the Used Vehicle Warranty Law:

- a. "A" Auto Sales, 644 State Road
- b. Ferreira's Auto Body & Sales, 85 Forge Road

6:30 p.m. Emails from Constance Gee & Sean Leach regarding the proposed dune plantings.

6:45 p.m. Contract with Dependable Petroleum for a new fuel management & tank monitoring system & memo from Highway Surveyor Chris Gonsalves requesting permission to deficit spend an additional \$26,500 in the Snow & Ice budget.

Action Items

1. Email from Assessor Robert Grillo regarding the release of Overlay Reserve Funds.
2. Request from the Council on Aging to accept several donations.
3. Contract with Boston Freightliner for a new Transfer Station roll-off truck.
4. Draft Annual Town Meeting Warrant.

Town Administrator Report

Item #1. Two letters from the U.S. Department of the Interior, Fish & Wildlife Service, regarding the proposed revised boundaries for 148 parcels & memo from Assistant Town Administrator for Planning, Jim Hartnett pertaining to the coastal barrier resources system mapping.

Item #2. Email from Pamela Haznar from MassDOT regarding the Route 88 project.

Item # 3. Notice & check from Charter Communications for Community TV activities.

Item # 4. Letter from Fire Chief Brian Legendre regarding a retirement and new appointments.

Item # 5. Email from Good Energy showing the Town's energy aggregation rate.

Item # 6. Update of the OPEB actuarial valuation for the FY'17 Town audit from Sherman Actuarial.

Item # 7. Letter from the Division of Marine Fisheries approving the extension of scallop season.

Item # 8. Approval from DEP for the \$150,000 planning project request from the Town.

Item # 9. Update from KP Law regarding the new Mass Employee Safety Law.

Item # 10. Senior Center monthly report.

Item # 11. Marine Services monthly report.

Minutes

1. November 27, 2017 Regular Meeting Minutes
2. March 19, 2018 Regular Meeting Minutes
3. January 8, 2018 Regular Meeting Minutes

Executive Session

March 19, 2018 Executive Session Minutes