

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY
APRIL 30, 2018**

Members Present: Ms. Shufelt M. Shufelt, Chairman
Steven J. Ouellette, Vice Chair
Brian T. Valcourt, Clerk
Ann E. Boxler
Richard T. Brewer

Also Present: Timothy King, Town Administrator

Select Board Chair Shufelt 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 is being recorded.

1. Acknowledgments & Recognitions

- a. Charlene Wood remembrance ceremony - May 18, 2018 at noon, at Town Hall. Mr. Ouellette has sent out invitations to past selectmen. **Motion** by Mr. Ouellette to name the meeting room as the Charlene R. Wood Community meeting room. Second by Mr. Valcourt. The Board voted 5 in favor.
- b. Citation Presentation to Deputy Chief Allen "Sam" Manley Jr. Retirement from the Fire Department. Citation read and awarded, Chief Legendre offered his congratulations and accepted the citation on behalf of Deputy Chief Manley who was unable to attend.
- c. Fire Department Appointments – Introduction of new Deputy Chief Daniel Baldwin & new Lieutenant Darren Nunes (promoted as of 4/8). Appointment and promotion were acknowledged by Chief Legendre and the Board.

2. Discussion Items

- a. Approval of shellfish Relay Contract and request to extend scallop season– Chris Leonard, Director of Marine Services and John Borden, Chairman of the Shellfish committee were present and explained there was only one bid received for the Relay. **Motion** by Ouellette to approve and award the Relay Contract to F/V Ocean Rancher. Second by Mr. Valcourt. The Board voted 5 in favor.
Ms. Shufelt asked if it was approved by the shellfish advisory. Mr. Leonard stated that it was. **Motion** by Ouellette to approve the extension to May 31, 2018. Second by Mr. Valcourt. The Board voted 5 in favor.
Mr. Leonard also noted that the float at Hix Bridge is awaiting the commercial operator to install it.
- b. Westport Land Conservation Trust on the acquisition of the Wood Farm south lot – Ross Moran and Steve Sloan.
Mr. Moran noted they have been working on purchasing the Wood parcel and are continuing with fundraising. They have approached the Agricultural Open Space Preservation Trust and

they approved the land for purchase on 1/24/18. They need to have their vote ratified by the FINCOM and the BOS. They won't see the FinCom until later next month. Mr. Valcourt stated that the one issue is if this was not budgeted. Mr. King stated that this would need to wait for FY19 so that short term borrowing can occur. **Motion** by Mr. Valcourt to approve the purchase contingent on availability of funds in the amount of \$75,000 after July 1, 2018 in FY19. Seconded by Mr. Ouellette. The Board voted 5 in favor.

- c. Water Resource Management Committee (WRMC) – discussion including Planning Board, Board of Health and WRMC.

Chair of the WRMC, Mr. May, Bill Harkins, Chair of the Board of Health (BOH) and member Phil Weinberg, Chair of the Planning Board, James Whitin and Town Planner, Jim Hartnett were present. Mr. Valcourt gave a summary of the WRMC committee's activity since its creation in 2011 and he feels that the WMRC has done its job and given recommendations but he feels everything they are doing is regulated by the BOH and the Planning Board and he feels it should be looked at and dissolved. Mr. May stated that his view of the committee is different - the committee looks at everything under the purview of the BOH. The group acted in an advisory capacity to the BOH and he feels this committee should not be dissolved as the duties fall under the responsibilities of the BOH. Mr. May read his memo into the record. He suggested downsizing from 9 to 7 members. Ms. Shufelt asked what issues should be looked at. He noted that these would be sewer, stormwater and denitrification

This committee had agreed to put forward a draft by-law as of December 2017. Mr. Harkins spoke on behalf of the BOH, he agreed with Mr. May and did not feel the WRMC should be dissolved but if so, it should be replaced by another body to look at issues such as stormwater and making recommendations to the BOS. Mr. Whitin stated that at its inception the WRMC was somewhat political and dysfunctional for many months. He offered that the Planning Board is willing and able to help, but the Planning Board had no opinion of keeping or disbanding the committee. The Planning Board recently recommended entering into a contract using a state grant and requested Community Preservation Committee (CPC) funds, which would look into an Integrated Water Resources Management Plan. If the WRMC is disbanded, they will be in the middle of this plan report. The plan's report would look at the results. He feels that at that time, the BOS should pick from different groups in town that could pick particular issues.

The role of the Planning Board is generally for division of land and site plan review and yet all have a component for storm water mitigation. Mr. Hartnett was present to discuss the MS4 permit portion. There are a lot of components and it has been manageable over the last few years. The new requirements will require hiring consultants. There was discussion over the grant and the Planning Board's role.

Tom Schmitt, member of the WRMC since its inception and also a member of the Westport River Watershed Alliance (WRWA) stated that the complexity of all discussions serve as reasons to consider not dissolving the committee. The river is the largest economic drive. The issue is complex and needs to be organizationally addressed as there are various responsibilities. He suggested reorganizing to take all of this into account. Their charge is in the Selectmen's minutes of 2012. Mr. Schmitt stated there was no instruction on how that committee was to interact with other committees and entities. What is the role of the WRMC should be and how it's supposed to act with other boards and committees needs clarity.

Mr. Valcourt stated that some of the members are professionally capable. He would prefer industry professionals be involved and the newly formed committee(s).

Ms. Shufelt asked about the difficulty the WRMC has had in retaining quorums. Mr. May stated that with 9 members there was a need for a minimum of 5 members for a quorum but it was difficult to assemble that minimum number of members.

Mr. Brewer asked who requested to abolish WRMC. Ms. Shufelt noted there were problems getting precinct representatives. Mr. Valcourt also felt it should be dissolved. He felt the WRMC have too many responsibilities because it was targeted at political individuals that were not amenable to a prior Board of Selectmen. All the problems were thrown at this committee and they did an admirable job, but professionals are what is needed now. The Planning Board has also put forward the Municipal Vulnerability Program (MVP) loan which is up for vote at Town Meeting. Ms. Shufelt thought that the BOS may have over stepped their role.

David Cole, former chair of the Estuaries Committee, stated the WRMC replaced the Estuaries Committee. He hopes this committee can make recommendations how to go forward as a result of the plan being approved at ATM. In the past year a new Planning Board member who is professionally qualified, will be a key person to determine which firm is qualified to go forward; he is also linked to other resources that can be used; this is now within the town structure. Bob Daylor, the new Planning Board member, has experience on water resource planning and recommended that there not be dissolution but that the committee be suspended, so that there is an entity to form and make recommendations. He said there ought not to be the parallel activity.

Phil Weinberg a member of the BOH, Conservation Commission and WRMC - has seen the need for coordination among the board or authority and that the committee was able to provide a function and to get everyone together to make recommendations. He has been fairly proactive and he developed the de-nitrification plan for the By-Laws and he felt that there needs to be someone responsible for doing the coordination.

Mr. Valcourt noted the CPA funds are going to be used to vet the public's input and this will take a year to complete. Having two entities do this is counter intuitive. Once complete, a new group could be put back together that can implement the plan scheduled through the Request for Proposal (RFP). Once there is direction then all can be allocated.

Motion by Mr. Valcourt to dissolve the committee as of June 30, 2018 and revisit creating another at a future time without a specific deadline and be able to go by the recommendations of the study once complete. Mr. Ouellette felt that there are water issues that need to be looked at. Ms. Shufelt asked how would they deal with issues in the interim.

Mr. Whitin stated that other issues need to be looked at in the interim like signing the agreement with Fall River. Mr. May stated that the BOH will need help in the interim and the WRMC would be able to help. Mr. Ouellette noted that in the 1-mile stretch starting at Whites's Restaurant, there is a lot of development being planned and the MS4 permit is also going to address discharge stormwater off Route 6. Mr. Within stated that there needs to be time for the report to come to fruition a year from now. Then there will be clear ideas and then an individual committee or committees could be formed to take direction based on that report.

Seconded by Ouellette. The Board voted 5 in favor.

d. Westport Food Pantry:

- 1). Request to hold a yard sale at the former Middle School on June 2, 2018.

The yard sale would be a fund raiser to purchase food for the food pantry. The hours would be from - 8:30 - 2pm. Mr. King recommended a police detail and to work with Dharma Voyage to agree on areas to be used as they would also be using the Middle School parking area.

Motion by Mr. Ouellette. Seconded by Mr. Brewer. The Board voted 5 in favor.

- 2). Request to utilize a town building for the food pantry once the Middle School is no longer available. – Reverend John Costa.

Pastor John had suggested the old Police Station, once it is vacated. Ms. Shufelt asked Mr. King to look into it. Mr. King noted that there hasn't been a committee to look at the space by other town offices on what could be needed. Pastor John described they currently use 3 rooms at the Middle School and that they also use refrigeration all to care for 150 families that take home 7-10 bags of groceries weekly. He said when the demolition plans for the Middle School came about, he suggested using the vacated police station with Mr. King. Pastor John stated that they would bring their own equipment with them. There was a question if moving the pantry to the vacated police station would trigger the change of use and if there are implications on the building codes. The members would need an opinion from Mr. Souza. Ms. Shufelt stated that the Board was not in a position to recommend that building at this time. The Council on Aging has no space at all. Mr. Valcourt asked anyone in town to come forward to try and accommodate. Ms. Shufelt asked Mr. Souza to look at the PD building when the PD moves out.

3. Appointments and/or Resignations

- a. Council on Aging: Appointment of Irene Buck to Board for the Council on Aging **MOTION** by Ouellette to appoint Irene Buck. Second by Valcourt. The Board voted 5 in favor.
Appointment of John Bettencourt as Van Driver: **Motion** by Mr. Ouellette to appoint, second by Mr. Brewer. The Board voted 5 in favor.
- b. Appointment of Nancy Rioux to the Education Improvement Fund as the School Committee representative. **Motion** by Mr. Ouellette Second by Mr. Brewer. The Board voted 5 in favor.
- c. Re-appointment of Jim Hartnett as the Town's Representative to Joint Transportation Planning Group (JPTG). **Motion** by Mr. Ouellette to re-appoint Mr. Hartnett. Second by Mr. Brewer. The Board voted 5 in favor.
- d. General announcement that the unfilled elected seat for Fish Commissioner is open and available to interested individuals by sending a letter in to the BOS for a 1-yr appointment.

4. Action Items.

- a. Highway Department: Request to post a job opening for a Special Equipment Operator. **Motion** by Mr. Ouellette to post the position. Second by Mr. Valcourt. The Board voted 5 in favor.
- b. Request by Dharma Voyage to use the Middle School parking lot from 2-4pm on 6/2/18 for a launch ceremony at the Head of Westport for a School Department student-built boat. Cynthia Jeffrey and Marilyn Packard-Luther were present to describe the full credit boat building course at the Westport High School. The student constructed 25-foot dory will be launched. There may be a conflict with the food pantry yard sale.

- Motion** by Mr. Ouellette to approve conditional on coordination with the Food Pantry yard sale request. Second by Valcourt. The Board voted 5 in favor.
- c. Board of Selectmen review Town Meeting Warrant Articles and Deferred Recommendations:
- ARTICLE 4 – To appropriate a sum of money to defray the Town’s expenses for FY’19. BOS Recommendation: DEFERRED. Budget was reviewed and compared for differences between Finance Committee (FinCom) proposed budget and the Selectmen’s budget. Ms. Shufelt felt that the Selectmen should not change the FinCom budget because they have made their recommendations. Other members were in support due to many citizens who want the town nurse funded as it is a used resource. **Motion** by Mr. Valcourt to support Article 4 as presented by the FinCom except for the nurse’s position. Second by Ms. Boxler. Mr. Valcourt *withdrew* his motion and Ms. Boxler withdrew her second. **Motion** by Mr. Valcourt to recommend approval of the FinCom budget with the exception of the addition of \$33,325 to human services of the BOH budget to restore the position of the Town nurse with funds to come from the stabilization fund. Second by Mr. Brewer. The Board voted 3 in favor with Mr. Ouellette and Ms. Shufelt opposed.
 - ARTICLE 5 – To appropriate a sum of money for the cost of various capital expenditures. BOS Recommendation: **Motion** by Mr. Valcourt in favor to recommend. Second by Mr. Brewer. The Board voted 5 in favor.
 - ARTICLE 31 – To accept the layout of Wildberry Way as a public way sponsored by the residents of the way. Planning Board Chair, Mr. Whitin was present and stated that the abutter has committed to making the repairs to his drainage that flows over a portion of the way. Selectmen. BOS Recommendation: **Motion** by Mr. Valcourt to pass over. Second by Ouellette. The Board voted 5 in favor.
 - ARTICLE 32 – Petition to accept the layout of Wildberry Way as a public way. Mr. Valcourt expressed concerns based on not seeing the final results of the needed road repair. Mr. Whitin stated the Planner and the ConCom agent both reviewed this location. The overflow is what is being addressed by the abutter. BOS Recommendation: **Motion** by Mr. Valcourt to make no recommendation. Second by Ouellette. The Board voted 5 in favor.
 - ARTICLE 34 – To discontinue the area of Adamsville Road abutting Assessor’s Map 81, lots 19, 19E and 1 and to convey the fee in the abandoned and discontinued areas of said roadways to owners of Map 81, lots 19, 19E and 1. Petitioner Jeff Fitton request to address the Board; Recommendations from Town Counsel and Planning Board.

The Board had deferred making a recommendation awaiting opinions from the Planning Board and Town Counsel and now Mr. Fitton. Mr. Fitton addressed the Board regarding the reasons he felt it should be abandoned. Jim Whitin Chair of the Planning Board stated they met over 2 meetings and discussed with Town Counsel and the Planning Board voted 4-0 for passage of this article. He also noted that if abandoned or discontinued, the question remains who owns the land between the roads. The rights may fall back to the lands to the north and would mean they would lose the right to any frontage on a road. The question then remains if the Town would have to put the sliver of land out to bid. He stated that 50 years ago the Town should have maintained this and the Town has some responsibility to help them do this; there is a lot of case law like this in Massachusetts. Mr. Fitton

understands these aspects. Mr. Whitin stated that if this passes at Town Meeting, they can ask Town Counsel how to make it happen. Mr. Fitton would work with the moderator to make the change to the motion. Discussion ensued by Brian Valcourt about hesitance of approving, and there is still question on where the ownership would lie.

Motion by Mr. Ouellette to make no recommendation.

Ms. Shufelt asked Mr. King to revise Article 34 with Town Counsel for Annual Town Meeting for an opinion prior to the Town Meeting.

Mr. King also stated there is no reference to the easement. The Town would have to put the easement on the land, but how can the town transfer the easement if there is none conveyed. Ouellette suggested asking legal what to do to help them.

Second by Mr. Valcourt. The Board voted 5 in favor.

- ARTICLE 35 – To appropriate funds to the Stabilization Fund.

BOS Recommendation: **Motion** by Ms. Boxler to recommend in favor, less the amount for funding for the town nurse position. Second by Mr. Valcourt. The Board voted 5 in favor.

d. Open Meeting Law Complaints.

Mr. King provided a summary of the complaints: i.e. Listing each donation to the COA and listing all the articles in the warrant are not required as determined by legal counsel. The other complaint dealt with listing the person's name in Executive Session which is not required because of privacy issues. A list of documents issued at each meeting need to be listed at the end of the agenda and the 3/19/18 meeting minutes are amended as such. **Motion** by Mr. Valcourt to approve letters addressing the Open Meeting Law Complaints as drafted by Town Counsel addressed to the Attorney General. Seconded by Mr. Brewer. The Board voted 5 in favor.

5. Licenses

Approval of the following One-Day Wine & Malt Liquor Licenses for Weatherlow Farms:

- a) Thursday Suppers – Thursday, July 5th & 26th, August 23rd & September 27th from 5:00 to 8:00 pm.
- b) Field to Barn Dinners – Sunday, July 15th, August 12th & September 16th from 4:30 to 7:30 pm.
- c) Floral Workshops – Thursday, May 10th & June 14th from 6:00 to 8:00 pm, Saturday, December 1st and Sunday December 2nd from 2:00 to 5:00 pm.

Ryan Wagner of Weatherlow Farms and Ralph Souza were present. Ms. Shufelt read the permit requests. Mr. Souza stated that the BOH needs to sign off on the kitchen; he can extend the temporary occupancy permit until then - expected this week - the hood will be tested on Friday by Building Department and the Fire Department & Board of Health will sign off.

Wine & Malt permits before the BOS.

Mr. Valcourt stated they have never awarded 11 licenses all at once and it is not his recommendation because this is in a residential neighborhood. Ms. Shufelt asked why the applicant is requesting permission for all of them at one time. Mr. Wagner stated that they have had a few events last year and he is making plans for the year. He's been forthcoming by disclosing all of them. Mr. Brewer stated this is part of a business plan and it is apparent they

have plans for the summer; there is no reasons not to submit this. Mr. Valcourt thought revoking permits later after the fact, would be a legal issue

Motion by Mr. Valcourt to approve the following events May 10, June 14 and July 5, 15, & 26. Second by Ouellette. Mr. Wagner stated they have marketing times that he needs to advertise the events ahead of time. The remainder of requests will be determined at the July 9th Board of Selectmen meeting. The Board voted 5 in favor.

6. Town Administrator Report. Mr. King provided the following:

Item #1 – ALICE Training

All Town Hall and Annex employees attended a two-hour training for dealing with armed intruders presented by Sgt. Couto from the Police Department. The session was recorded and it should be available for viewing.

Item #2 – Chapter 90 Projects

Chapter 90 Road Resurfacing is out to bid. The bid opening is May 17, 2018.

Item #3 – Finance Committee Pre-Town Meeting Public Meeting

The Finance Committee held a Pre-Town Meeting Public Meeting at the High School Media Center on Saturday, April 28, at 9 AM.

Item #4 – New School Bond Anticipation Note - BAN

The Bond Rating Conference Call was held this past Wednesday. The Moody's representative had a number of wide ranging questions related to the financial health of the town government and the local economy. One topic that receive a number of questions is how the Town is dealing with the OPEB liability and if we have a long-range funding plan.

Item #5 – Marine Services Monthly Report

Attached is Chris Leonard's Monthly Report. Noted

Item # 6 Veteran's Monthly Report

Attached is Brad Fish's Monthly Report. Noted.

Item # 7 – Cemetery Monthly Report

Attached is Bruce Graves Monthly Report. Noted.

Mr. Ouellette asked for a report on Hix Bridge and Rt 88 at each meeting.

7. Minutes

- a. March 19, 2018 Amended Regular Meeting. **Motion** by Mr. Valcourt approve. Second by Mr. Ouellette. The Board voted 3-2 in favor. Selectmen Boxler & Brewer abstained.
- b. April 2, 2018 Regular Meeting. **Motion** by Mr. Valcourt approve. Second by Mr. Ouellette. The Board voted 3-2 in favor. Selectmen Boxler & Brewer abstained.
- c. April 17, 2018 Regular Meeting. **Motion** by Mr. Ouellette approve. Second by Mr. Brewer. The Board voted 5 in favor.

8. Selectmen Liaison Committee Reports

Ms. Shufelt stated that the Animal Actin Committee is scheduled to meet Monday May 7, 2018 and she feels the committee should not continue; she asked the Board to think about if they feel it should or not and to let her know before then.

9. Question and Answer Period

None.

10. Boards/Committees/Commissions Vacancy List

Ms. Boxler read the vacancies to the listening audience:

Board of Appeals – 2 vacancies (1 Regular & 1 Associate)
Capital Improvements Planning Committee – 2 vacancies (Business & Construction Reps)
Educational Fund Committee – 1 vacancy
Fish Commissioner - 1 vacancy
Historical Commission Alternate– 1 vacancy
Open Space Committee – 1 vacancy (At-Large)
Personnel Board – 2 vacancies
Recreation Commission – 1 vacancy
Westport Economic Development Task Force – 1 vacancy

11. Board Members Suggestions for Future Agenda Discussion / Action

Mr. Ouellette noted that Horseneck Beach is hiring and to ask the Beach Committee if life guards should be advertised; the Welcome to Westport sign at the cemetery needs repair and to inquire with the garden club.

Mr. Valcourt questioned if the Hix Bridge permitting could be streamlined; he noted that the potholes on 177 need to be addressed.

Ms. Boxler read an e-mail from Sandra Hayes on the amount of trash along the roads; she acknowledged her note, but not sure how to proceed. Our Highway has some responsibility for our roadways.

Ms. Shufelt reminded the listening audience of the Annual Town Meeting tomorrow and to come vote.

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

None.

13. Other Business

None.

14. Executive Session – pursuant to the provisions of MGL c 30A section 21(a)

On a roll call vote, Selectman Ouellette made a motion to enter into executive session at 9:00 p.m. The motion was seconded by Selectman Valcourt. The vote was unanimous with Selectmen Shufelt, Ouellette, Valcourt, Brewer and Boxler all voting aye.

Adjournment:

On a motion by Selectman Ouellette, 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 9:15 p.m.

Respectfully submitted,


Lucy Tabit
Administrative Assistant/
Confidential Clerk

APPROVED:


Ann E. Boxler, Clerk, Select Board Member

Attachments to Agenda of 4/30/18:

- Town Administrator recommendations to the Agenda items
- E-mail dtd 4/25/18 regarding Charlene Wood's passing
- Copy of the citation awarded to Allen Manley, Jr.

- Letter from the Fire Department dtd 3-7-18 with promotions
 - Letter from the Director of Marine Services requesting approval of the 2018 quahog relay and scallop season extension
 - Bid quote from the F/V Ocean Rancher
 - List of people expressing interest in the Relay
 - Town of Westport Agreement with the F/V Ocean Rancher
 - E-mail from S Sloan dtd 4/24/18 regarding the Wood property
 - E-mail from Mr. Valcourt dtd 4/24/18 requesting to place the Water Resource Management Committee on the agenda.
 - Recommendation from Town Administrator on the dissolution of the Water Resource Management Committee
 - Memo from Maury May, Chair of the Water Resource Management Committee
 - Letter from Pastor John dtd 4-12-18 requesting permission to hold a yard sale and another location for the Westport Food Pantry
 - Request from Irene Buck dtd 4-18-18 to be appointed to the Council on Aging.
 - Request from Beverly Bisch dtd 4-25-18 to appoint a van driver
 - Letter from School Superintendant dtd 4-18-18 to appoint Nancy Rioux
 - E-mail from J Hartnett dtd 4-19-18 requesting to be reappointed to JPTG
 - E-mail from Town Clerk dtd 4-19-18
 - E-mail from Highway Dept dtd 4-25-18 to post the position of special highway operator
 - E-mail from Dharma voyage dtd 4-13-18 to be placed on the agenda
 - Draft recommendations for Annual Town Meeting
 - E-mail from Mr. Fitton dtd 4-25-18 requesting to be placed on the 4/30 agenda
 - Letter dtd 4-24-18 from Planning Board Chair regarding Adamsville Road
 - E-mail from Town Counsel dtd 4-25-18 Westport Article 34
 - Annual Town Meeting Warrant with FinCom recommendations
 - Draft letter to the AG re OML Complaints and copy of complaints
 - Weatherlow farms: Building Fire & Police recommendations for events
 - Town Administrator's report
 - Draft Minutes as amended 3-19-18
 - Draft Minutes 4-2-18 Regular meeting
 - Draft Minutes 4-2-18 Executive Session
-