

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY – July 23, 2018**

Members Present: Ms. Shana M. Shufelt, Chairman
Steven J. Ouellette, Vice Chair
Brian T. Valcourt, Clerk
Ann E. Boxler
Richard W. Brewer
Timothy King, Town Administrator

Select Board Chair Shufelt called the 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: The meeting commenced with the Pledge of Allegiance. Ms. Shufelt asked for a moment of silence to acknowledge the recent passing of resident Selena Howard who had served on Town committees.

Chair's Announcement – The chair announced that under the provisions of MGL Chapter 30A, section 20(f), the meeting was being recorded by community cable television. The website EverythingWestport.com was also recording the meeting.

Taken out of turn was Item 11:

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

This time sensitive request was received on Friday July 20, 2018, after the posting of the agenda:

Request by Chief Police to appoint Officer Bryan McCarthy as Sergeant.

Present were Chief Pelletier and Officer Brian McCarthy a 15-year veteran to be promoted to sergeant.

Motion by Mr. Ouellette to approve. Second by Mr. Valcourt. The Board voted 5-0 in favor.

1. Acknowledgements & Recognitions

Ms. Shufelt announced that the assessment for the Horseneck Beach land which was reduced by approximately \$200,000 this fiscal year, without notice to the Town. It was reinstated with the help of Representative Schmid and Senator Rodrigues. Next fiscal year, the state will reduce the assessment by this amount, giving the Town one-year notification.

2. Licenses

6:05 p.m.

a. Public Hearing

Pursuant to MGL Ch 138 s12, Request by Paquachuck Inc. for approval of an All-Alcohol Liquor Club License for 2056 Main Road.

Present were Brenda Figuerido and her Attorney, Dorothy Tongue. The attorney explained the history of the building being a ship chandelier, sail loft, a restaurant and other uses over the years. It is currently a Bed and Breakfast (B&B). She asked the board to consider that the owner lives on site and will be on site for the operation of the facility. Attorney Tongue stated that there is a FAST Septic system and water is tested annually as required by the Board of Health. Ms. Tongue acknowledged that parking is a hot topic. The application is for a year round club license. The hours would be 4pm-10pm with a late Sunday morning/early afternoon brunch option for serving. She said the property is on the water, taxes are high and the B&B is not enough to sustain the cost of

maintain the building. The added income from the license would allow her to keep and continue to afford maintenance, taxes and living in the building.

Ms. Shufelt stated that the Building Inspector/Zoning Board of Appeals need to address certain questions.

Ralph Sousa, Building Inspector/Zoning Enforcement Officer, stated that there is an amended decision from 2011 by the Zoning Board of Appeals (ZBA) which stipulated what conditions must be met. In his opinion, this request should go before the ZBA before it comes to this board. Attorney Tongue stated that this operation has had an expanded use under a legal variance and has weighed more precedence for having a non-conforming use. This property has a variance for non-conforming activity whereas a nearby property that was recently granted a seasonal liquor license, was granted the license without having to go to the ZBA.

This B&B property already has had a victualler's license for several years and this request is not the kind of expansion of a non-conforming use that would require the ZBA to make a decision.

Mr. Brewer asked Mr. Souza about the ZBA. Mr. Souza stated that in his opinion it is an extension of a non-conforming use.

Mr. Valcourt stated that going from the status of a B&B to a restaurant will increase flow and that would indicate needing a larger system including a larger well for serving more people and as such, he would defer to the Board of Health.

The Director of Public Health, Matthew Armendo stated that the current system is approved for service of continental breakfast in the Inn. Ms. Figuerido stated that the system is designed for 18 people for a full flow. At best, she has ever had 3-persons staying at the Bed & Breakfast regularly.

Mr. Valcourt stated that the increase in number of bar patrons to fill the proposed 41 seats is not the same capacity as a B&B for 18 persons. There is a conventional system and Ms. Figuerido stated that she would consider getting a tight tank if allowable and a water tank.

Ms. Tongue felt it was unfair to question the applicant who has a septic system and well. There will be no full use as a restaurant but rather a limited bar. There will not be a full service restaurant.

Ms. Shufelt asked the applicant to outline the control of the safe passage of patrons from the establishment to the public ways just outside the doors. Ms. Tongue stated that it is the intention of the applicant to train employees and to employ safe procedures with regards to patrons departing the premises.

Mr. Brewer asked if it were the applicant's intention to set the structure of the establishment as a club. Ms. Figuerido stated she would have up to 200 members in a private club and stressed that there would never be 200 people at one time.

Mr. Sousa was asked by Mr. Valcourt if this were placed anywhere else in Town, if the applicant would need to go before the ZBA. Mr. Souza stated that his opinion is that it is an expansion of a non-conforming use. Mr. Valcourt stated the septic would have an increase in flow and a change in

use. Ms. Shufelt stated that the Fire Department is also not recommending approval for public safety issues.

Henry Swan of 1958 Main Road stated he does not oppose this proposal and feels it would provide cohesion to the neighborhood and feels that the comments about the septic system are over blown.

Susann Carter Peck of 2041 Main Road stated that she was in opposition to the oyster bar license granted two weeks ago and still has safety concerns but feels that it's unfair not to grant this license to the Paquachuck Inn as a limited club. She stated that there were no questions of the tight tank at the oyster bar. She is in favor of approval.

Jonathan Paull 2048 Main Road was at the last hearing and was in favor of commercial activities along the waterfront and is confused and is curious that the last application sailed through and this application has issues being raised.

Nancy Paull also of 2048 Main Road is in favor. She said it would be a club and the owner can take memberships away if necessary. The oyster bar was a private residence and never a bar. The Paquachuck has had a history of serving food and drink. Mr. Valcourt reiterated that the septic system will have added flow. Ms. Paull asked if a port-a-Jon were ok to be installed. Mr. Valcourt would support that.

Maury May stated that as a neighbor, he supports this.

David Harding a resident of the Point remembers the long history of enjoying the Paquachuck Inn. He noted the need to support small businesses in town, and that the board should consider the applicant, who has been considerate to the neighbors for many years.

Bill Hunt 2039 Main Road and a member of the neighborhood association supports this application.

Ms. Shufelt stated that the parking is a problem but that should not prohibit a legal establishment from conducting their business, the parking is a town issue.

Mr. Brewer stated that the Board has the ability to discontinue any license. The applicants, both the one before the Board and the one two weeks prior, are both upright citizens of good character. He also noted that he is a resident of the neighborhood. He supports commercial activity with control and safety. If these can be resolved, and nothing significant is unresolved, he feels there is nothing to keep this application from going forward; the license should be awarded. If things do not go well, the licenses do not have to be renewed, he added.

Ms. Figuerido stated that not only does she live in the Inn but also if there were too many people she would not compromise her own system and would rent a port-a-jon, if necessary.

Motion by Mr. Brewer to approve the year round Club Liquor License. Second by Ms. Boxler. The Board voted 3-2 in favor with Mr. Ouellette and Mr. Valcourt voting nay.

3. Discussion Items

6:10 p.m.

- a. Discussion regarding Westport Campgrounds.

Ms. Shufelt stated that in light of the newspaper articles that have circulated and a supposed petition that is being circulated, is it warranted to explore what this opportunity is. She stated that the petition and newspaper were mixing the issues of this property and the adjacent new school building property. She stated that the school building committee is not considering the campground property. The group that normally vets open space, open space/historic preservation would be the Community Preservation Committee but there are limitations as to its use under that. She asked what the Board would like to do to look at this property's potential use. The Board could create a committee; task an employee; or allow the school building committee to evaluate it. Mr. Ouellette suggested a 7-member committee with the Town Administrator, Mr. King, a School Building Committee member and five at-large members to sit on the committee. Mr. Valcourt stated he felt some CPC funds could be used. If Mr. Costa wants to retire in the next 4-5 years, perhaps the land could be phased so that a small portion could be used at a time for different uses. The committee would look at these options and where the funding would come from.

Motion by Mr. Ouellette to create a Campground Evaluation Committee composed of five voting at-large members and including the Town Administrator and a School Building Committee member as non-voting members. Second by Mr. Valcourt. Discussion followed.

Cynthia Anderson suggested having residents on this and to open meetings to the residents in the area where they can have more of a voice. Ms. Shufelt stated that the committee is not to evaluate it as a part of the school it is to evaluate possible uses of that particular parcel. She stated this committee has no control over the school building committee.

Tony Viveiros, chair of the school committee, rose in support of the property that could provide fields in the future because as it stands, the students in the new school would have to be bused to the current fields at the High School.

Joseph Ingoldsby said that the reason the petition is being circulated was that the residents care and there are close to 100 signatures supporting it. His hope is that the town sees this as a great opportunity even though plans for the new school were already submitted. He said it makes sense for a practical solution for the school and the town.

Veronica Beaulieu at 316 Old County Road requested to be appointed to serve on this committee.

The Board voted 5-0 in favor.

b. Discussion with Roselli Clark & Associates on the Fiscal 2017 Audit Report.

Present were Brad Brightman, Town Treasurer, and the Finance Committee (FinCom) Chair Gary Carreiro and Anthony Roselli, the Town Auditor. Mr. Roselli stated that his review has noted the disorganization since 2005. The Treasurer came in with no experience along with the assistant. He recommended bringing in a consultant who will work with the employees in an educational way and not as an account temporary worker. He suggested a company out of Bourne. He stated that if this is not addressed, we would be dealing with the some issues again next year. There needs to be better continuity and communication with the Accountant's office. The Town needs to bring the resources in to fix the department.

Ms. Shufelt outlined some of the highlights. Mr. Roselli stated the town has seen a good increase of prosperity reflected in excise and real estate taxes collected. Equity did not increase because free cash was used. The more this happens though, the lower the equity will fall. He noted "Other Post-

Employment Benefits" (OPEB) - are in good standing which is what the employees are funding. Last year's Bartholomew managed last year's market well and the fund grew.

Ms. Shufelt stated that there was scrutiny from the Department of Revenue (DOR) for not having certified free cash because of reconciliation. This also causes a backup in the accountant's office from completing the Schedule A and that can withhold state aid if it's not submitted by March. This would raise the risk of the Town and audits would go from 25% to 50% occurrences. Bank reconciliation is important also due to cyber theft. Reconciliation allows the Treasurer to see what the balance is after revenue and expenses are accounted for.

Ms. Shufelt asked Mr. Brightman why they are behind by 13 months. Mr. Brightman had hired an account temporary worker to get caught up after which Mary Sullivan was hired and it was felt that between Ms. Sullivan and himself, they would be able to catch up and maintain. Mr. Roselli suggested using an intern to input the data and then have the consultant to work with the data from a municipal standpoint. They are short an employee at the time and Ms. Shufelt asked if there were a need for an employee. Mr. Brightman stated that a former Principal Clerk has agreed to come, assist, and be paid overtime in addition to her full time position in a different department.

Mr. Carreiro stated he was concerned at the information of there being over 40 accounts. It was explained that the majority are in managed funds. Mr. Carreiro recommends bringing someone in and upgrading to new technology. He also noted this is going to cost but it is the only solution at this point. Discussion ensued over the fact that hiring a consultant should have been budgeted in FY19. Ms. Shufelt suggested starting the process of finding a consultant alongside finding funds for the consultant should be done together. Mr. Baron felt that the eventual consultant would need to report back as to how the process is going.

Mr. Roselli discussed the pension payment. The County would give 2% back if paid at one time instead of payments being made in installments. The County would credit the town. The Town has been doing well with saving money, but it is the reporting process that needs work. Reporting to the accountant before the books are closed needs to happen.

Mr. Roselli discussed the need for electronic spreadsheets going forward, unlike the system used by the prior treasurer who controlled everything.

Mr. Brightman stated that Harpers is being used and there is currently no bridge to Softright. Mr. Roselli stated that there is a bridge and the Town should look into that to save some time. He said to consider ACH payments whenever possible. Harpers is useful to track compensated absences.

Retirees who pay the town for a portion of insurance coverage and are now up to date after being behind for 8 months.

He recommended the town go forward.

Mr. Brewer asked how Westport compares with other Towns. There is a website devoted to that based on the OPEB.

There was discussion on the importance of having an audit committee largely used in other communities, accepted at a Town Meeting and composed of a Selectboard member, a Finance

Committee member, a School Committee member and 2 at-large members appointed by the three-seated members.

Karen Raus, Vice Chair of Finance Committee supports the use of a consultant. She would like to have the consultant write down guidelines for policy and procedures in addition to a quarterly report to the Selectboard and the Finance Committee.

Ms. Shufelt asked how many communities have an elected Treasurer and how many are combined Collector-Treasurer. There are less than 5% elected Treasurers and 95% communities with a combined Collector-Treasurer, said Mr. Roselli.

For the next agenda, Mr. King will prepare a consultant draft scope of services for approval by the members.

- c. Discussion requested by the Board of Health to update tobacco regulations to include all municipal owned beaches, parks and playgrounds.

Present were Maury May, Vice-Chair of the Board of Health, Philip Weinberg member of the Board and Public Health Director, Matthew Armendo. Mr. Armendo is proposing a ban on the town owned beaches, parks and playgrounds. Signage and receptacles would be made available. The policing would be enforced by personnel in place. The Board is looking for any input so the Board of Health can make their vote at their next meeting. Members unanimously supported the ban in public places.

- d. Discussion by the Board of Health for farm animal locations.

Mr. Armendo stated that the Board of Health stated they are trying to move forward but it is hard to do so without any data. He is asking for a list of addresses, with type and number of animals. Mr. King suggested this was a good idea so that law enforcement can respond and suggested the Animal Control Officer submit one. Ms. Shufelt stated that the state will not release any information because it has to do with an aspect of homeland security. They suggested making it proprietary. Raymond Raposa, chair of the Agricultural Commission, stated that he knows that the ACO is not willing to give out names and addresses but perhaps she would be willing to share information she has knowledge of, like how many and what types of animals there are.

Mr. Valcourt felt there is an overprotection of farms by the state. The Board of Health only regulates equine and swine. Discussion ensued over obtaining information from the state, which is becoming electronic soon.

Motion by Mr. Ouellette for Mr. King to direct the ACO to create a list of locations and list of animals only to be shared with Board of Health, Board of Selectmen and the Police Department by September 1, 2018. Second by Mr. Valcourt. The Board voted 5-0 in favor.

Ms. Shufelt stated that she cautioned that the list is supportive of the effort but it is not to be considered an animal registry.

Constance Gee stated that there are many other towns that have animal registries and that the town would be able to manage it.

Cathy Feininger is supportive of the list but without inspection, there are no teeth. Inspections have to part of the animal registry.

Chris Wiley of Forge Road is in support of a registry. She said that it is known that there are about 120 properties on the barn books. She asked why Mr. May of the Board of Health remarked that his department would want the Animal Control Officer funds and personnel. Mr. May stated there is no funding to support anyone to perform inspections. Ms. Wiley suggested there could be some revenue from an animal registry and the Town just hired four Assistant Animal Control Officers.

As an aside, Mr. Armendo requested that the BOH be included in future license application reviews.

6:30 p.m.

4. Action Items

- a. Request for approval of a wedding ceremony at Knubble Beach on August 4, 2018.
Angela Vandal and her fiancée were present to request parking for four cars for one hour at Knubble Beach to allow a wedding ceremony and photography session.
Mr. Valcourt stated that there are very limited parking spaces and supported the Police Department's suggestion to shuttle persons to the site and not park there. No vote was taken to use the parking spaces. It was recommended they shuttle to the beach and ask the Land Trust for permission to use their beach land as a courtesy.
- b. Accept donations for \$700 for repair of the Welcome to Westport sign on Hix Bridge Road. Lucille Chase was able to raise \$700 in donations to cover the cost of repairing the welcome sign. Ms. Chase is requesting the Board accept the donations so the repairs can begin.
Motion by Mr. Ouellette to accept. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- c. Highway Department requests:
 - 1). Endorse close out of 2016 Roadway Improvement Project. **Motion** by Mr. Ouellette to accept. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
 - 2). Request Approval to hire 3 seasonal workers. **Motion** by Mr. Valcourt to approve the hire of 3 seasonal workers. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
 - 3). Request approval for purchase of new forestry truck.
Motion by Mr. Ouellette to approve. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

5. Appointments and/or Resignations

- a. Request from Laura Bennett for appointment to the Westport Cultural Council (6-year term).
Motion by Mr. Ouellette to approve. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- b. Request from Excel Recycling LLC. to reappoint Charlene Garcia and Scott Smith as Public Weighers (1-year Term). **Motion** by Mr. Ouellette to approve. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- c. Request from James W. Coyne for reappointment to the Economic Development Task Force (1-year Term). **Motion** by Mr. Ouellette to approve. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

6. Town Administrator Report

Mr. King gave his report.

7. **Minutes**

June 25, 2018. **Motion** by Mr. Ouellette to approve. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

July 9, 2018. **Motion** by Mr. Ouellette to approve. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

8. **Selectmen Liaison Committee Reports**

Mr. Brewer reported that he attended the Bristol County Commissioners meeting as the Selectman's representative. He received the budget at the annual meeting he attended. He noted that the Finance Committee is interested in the information regarding Bristol Aggie that he would provide. Mr. Brewer also stated that he is also working with Mr. Valcourt and the Planning Board regarding the nitrates issue. This subcommittee will be working with a consultant.

Mr. Ouellette has attended the Southern Massachusetts Metropolitan Planning Organization meeting but had nothing new to report.

Mr. Valcourt has nothing new to report. The subject of water resources was brought up and he stated that such a committee would be an advisory committee going forward for now. He stated the town needs to look at what to do to revamp water resources and it would be good to have a public hearing to discuss the makeup of the committee with persons that have scientific backgrounds and understanding of the issues. This should be a future agenda item and other departments as the Board of Health and the Planning Board are to be invited. The members agreed to have this placed on an October meeting agenda to discuss and decide upon what course of action to take.

Ms. Boxler reported that Council on Aging is fifty-thousand dollars short for this fiscal year with nothing left in the daycare fund. They will have to cut twenty-five thousand dollars next year and they plan to discuss with the Selectboard, a split, because they can't afford to operate the projects.

Ms. Shufelt has a design document to go to School Building Association. The Middle School abatement is scheduled for September-October with demolition in November-January. She noted on August 2, 2018 at 6:30pm there will be a meeting of the Library Trustees at the library where some important discussion regarding the school building project is expected.

9. **Boards/Committees/Commissions Vacancy List**

The members dispensed with reading of the list but asked the listening audience to please volunteer.

****Committee members with terms that ended in June should advise if they wish to continue****

Agricultural Commission Alternate – 1 vacancy

Agricultural/Open Space Preservation Trust Fund Council – 2 vacancies (Agricultural Commission and Capital Improvement Planning Committee "CIPC")

Board of Appeals – 2 vacancies (1 Regular & 1 Associate)

Capital Improvements Planning Committee – 2 vacancies (Business & Construction Reps)

Community Preservation Committee – 1 vacancy (Conservation Rep)

Educational Fund Committee – 1 vacancy

Fence Viewers – 1 vacancy

Fish Commissioner - 1 vacancy

Historical Commission – 1 vacancy

Open Space Committee – 4 vacancies (1-At-Large; 1 Recreation, 1 Westport River Watershed Alliance Rep and 1 Disabilities Committee)

Personnel Board – 2 vacancies
Recreation Commission – 1 vacancy
Tax Incentive Program Committee (1 vacancy – Westport Economic Development Task Force Rep)
Westport Citizen’s Betterment Committee – 1 vacancy
Westport Cultural Council – 1 Vacancies
Westport Economic Development Task Force – 1 vacancy

10. Board Members Suggestions for Future Agenda Discussion / Action.

None.

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

This item was taken up as the first order of business. See above.

12. Question & Answers.

None.

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

- a). Discuss the discipline of an employee (1).
- b). Approve Executive Session Minutes of June 25, 2018 and July 9, 2018.

An Executive Session was not needed because item a). was no longer required and item b). was tabled to a future executive session.

Adjournment

Motion by Mr. Ouellette to adjourn at 9:15pm. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

Respectfully submitted,



Lucy Tabit Administrative Assistant/
Confidential Clerk

APPROVED: _____



Ann E. Boxler, Clerk, Select Board Member

Attachments to Agenda of 7/23/18:

- 2a Map of Paquachuck parcel –Mapgeo.
- 2a Police Department Recommendation.
- 2a Plan showing Public Right Of Way.
- 2a1 Paquachuck plans.
- 2a2 Paquachuck application.
- 2a3a Building Inspector Recommendation.
- 2a3b Building Inspection certificate – capacity.
- 2a3c Paquachuck Inn Zoning Decision summaries.
- 2a3c Zoning decisions on Paquachuck Inn 2002 and 2001.

2a4 Fire Department Recommendation Paquachuck.
3a Westport Campground news articles.
3b Roselli 2017 Audit.
3c BOH smoking ban public lands proposal.
3d BOH Animal Registry request.
4a Knubble wedding Police Recommendation.
4b1 Welcome sign Hix Bridge at Cemetery.
4b2 Sign info from Lucy Chase.
4c1 Highway 2016 Roadway closeout.
4c2 Highway request to hire 3 seasonal workers.
4c3 Highway request for forestry truck.
5a WCC Appointment L Bennett.
5b Excel Weighers appointment request.
5c Coyne Economic Development Task Force appointment request.
6 Town Administrator report.
7a BOS Minutes 062518 Draft.
7b BOS Minutes 070918 Draft.
11 Police Department Request for appointment of Sgt. McCarthy.