

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY – August 20, 2018**

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

Also Present: 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

1. **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 video recording.

2. **Licenses**  
**6:05 p.m.**

- a. Request by R & C Market Inc. for approval of a Sales of Wine & Malt Beverages (not to be drunk on premises) located at 151 State Road. Police recommendation received.  
Mr. Chitas was present. The Chair reviewed the application and police recommendation. This license was created by special legislation at town meeting this year. **Motion** by Mr. Valcourt to approve. Mr. Brewer seconded the motion. There were no further questions from the Board and Ms. Shufelt opened comments to the audience.

Attorney Nicolas Gomes was present on behalf of Star Market located at 875 Sanford Road and asked to disapprove this request. He noted that the Board would be allowing an additional license in an already flooded market of liquor stores. There are three other locations in close proximity to the new applicant: Briere's on Sanford Road, Supreme Gas, across the street and Cumberland Farms on Route 6. Mr. Gomes pointed out to the Board the recent decisions that fit the market by virtue of the areas the applicants were located in. This application is yet another wine and malt application and his client opposes it because it does not comport with public good or public safety.

The applicant stated that he is catering to the Portuguese market and would have different products such as Portuguese wines and beers. He stated he does not want to be a package store. Mr. Valcourt stated that this market would be bringing products to an underserved market in this area instead of travelling to New Bedford and Fall River.

Mr. Brewer asked the attorney in light of it's location on Route 6 and that Route 6 is heavily trafficked, does this mitigate the concerns of his client. Mr. Gomes stated no, because there are interested small business owners whose property would be devalued by the addition of an additional liquor store. Daniel Silvia, a town resident was present and felt that the town does not need another liquor store but rather a food service establishment serving chicken.

There were no further comments from the audience or the Board.

The Board voted 5-0 in favor.

**6:10 p.m.**

- b. Request by Windmill Motorcycles Inc. for approval of a Class II License to sell motor vehicles at 51 Hix Bridge Road. Favorable Police recommendation received. Mr. Valcourt recused himself as Mr. Goes is one of his clients but offered that his relationship has always been respectable. Mr. Goes was present to state that he would have used classic cars and motorcycles in an indoor showroom. No comments from the public or abutters were offered. **Motion** by Mr. Ouellette to approve. Seconded by Mr. Brewer. The vote was 4-0 in favor with Mr. Valcourt abstaining.

**6:15 p.m.**

- c. Request by Norwest Auto Sales and Repair currently at 1052 State Road for approval to move location to 276-280 State Road. Police recommendation received.  
The property owner, Mrs. Paquette was present and indicated that she was in favor of this approval. Mr. Plourde has been operating at another location and is moving the business to the new location. Wayne Medeiros and Dominick Plourde arrived later to discuss their application before the board. There were no abutters present. The Board read the favorable comments from Town departments and had heard favorably from the landlord. **Motion** by Mr. Ouellette to approve, Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

**6:20 p.m.**

**3. Discussion Items**

- a. Report on Beech Grove Cemetery Expansion by David Potter P.E., Pare Corp.  
Mr. Potter, with Pare Engineering, is contracted to manage the Beech Grove Cemetery expansion project, which is about 95% complete. The hydro seeding is planned for next week. There is limited drainage on the site. Mr. Potter explained the configuration of the pipes. There was an existing pipe on the north site and a basin was added. The natural soils contain stones. SumCo was contracted to perform soil screening to 6 feet in depth. A few test pits were excavated and it was at that point that some of the stones were found to be 6 inches in diameter. The screening is done to two inch sized material. Observations indicated that there was removal of some stones, which would corroborate what the Highway Department employee had stated at the last meeting. The lower section had more stones. The percentage of gravel cobble and stone were listed in the reports. The work that the Highway Department did was useful in getting a better price for the contract, a cost savings for the Town. Mr. Potter stated that 35 loads of oversized material has been removed and the Highway surveyor asked to leave some of the material on site for future use to include quite a bit of oversized stone. Mr. Ouellette asked if there were going to be a summary at the end of the project. Mr. Potter stated that it is a lump sum contract and once grass is established that will be the end of their obligation.
- b. Discussion on restarting the Long Term Building Committee.  
The Chair acknowledged that the Police station on Main Road has been vacated and there are now plans to vacate the current High School in the next three years. Ms. Shufelt stated that Senator Rodriques was able to procure funds associated with the reuse of the high school, thanks to Mr. Ouellette. She hopes to get the committee restarted especially for the high school portion since there is some funding available. The current committee is comprised of three members and there are presently no meetings planned. Mr. King suggested this committee be expanded with broader representation. Mr. King serves



as Technical assistance for the committee. Mr. King will request a meeting be planned to talk about the old Police Department building and High School , what their recommendation would be to the town and if they need more members from what areas.

c. Discussion on Beach Avenue management.

William Underwood of 690 River Road was present to discuss the guardrails installed at Beach Avenue. He was taking issue with the length of time issues take to be addressed. For example, the time it took to remove the graffiti from the point of rocks. He also discussed the time it took to install the mobi mats and that these should have been put in place for handicapped access at the end of Beach Avenue earlier in the summer. He understands that the weather and other factors may delay the placement, but there are none in place at this time. Ms. Shufelt stated that the contract with the Land Trust was signed some time ago and the mats should have already been in place. Mr. King noted that Mr. Moran from the Land Trust was to coordinate with the Highway Department for their placement. With regards to the Knubble graffiti, that is Federal Land.

Mr. Underwood proposed, to prevent lack of management in the overall Beach Ave area, that the Select Board appoint a non-government committee that would be allowed to advise and inform the Board and have policy that would go into effect automatically in case of short notice such as hurricanes and other natural disasters. He proposed this committee be comprised of representatives from abutting property owners, Conservation Commission, Disability Commission and any other individuals that can participate in this advisory committee.

In order for the different groups to convene, he suggests an independent non-appointed group to consult and advise the Board from time to time for the express purpose in issues relating to Beach Avenue

Ms. Shufelt noted that during her time on this Board, there has been no problem getting input from the community around Beach Avenue. People have had a large voice already. She asked what would be advising on. She is not aware of another proposal out there. Mr. Underwood stated not as this time, but he suggested having this committee in place, should there be a need as in the recent graffiti, mobi mats and also for consideration of long term environmental consequences to the abutters of any work the Town performs on the road.

He feels that past work has not been in compliance with environmental laws. The installation of the guardrails had its issues and could have been avoided, if there were a committee in place. He asked if the Select Board would be willing to take input from this committee and allow that committee to be recognized as an advisory committee to the Board.

Mr. Valcourt also noted there is no shortage of advice to the BOS and prior issues did get taken care of. He feels the BOS has been receptive to all the concerns especially since Beach Ave. is a public way. He also noted that no one complained when it was closed to the public and sand was moved to replenish the dunes. Only after the public was given access, did most of the complaints begin. He felt the Board has done more than what was required by law. He feels the Town is doing what it should be doing and encouraged them to create their own neighborhood association. Mr. Underwood stated that not all the voices in the community agree especially since he is interested in a long-term plan and he feels it would be more effective if the group were more official. There is no group now giving advice to the BOS for this road that requires a little more management effort. As a member of the Beach Committee, he noted that the committee does not have purview over on town roads, especially Beach Ave.

Mr. Brewer asked if there was a history of appointing ad-hoc committees. The Board has appointed ad-hoc committees, but the committee would have to have a scope and some purpose. Mr. Underwood would like to see all stakeholders represented.

Constance Gee of River Road opined an ad-hoc committee a good idea. She and Mr. Underwood are both on the Beach Committee which is comprised of five members. As member of the Beach Committee she is frustrated that the Beach Committee has no say over the graffiti, the road and other issues.

In anticipation of any problems, she wants to see a plan in place.

She said that she is frustrated because she and Mr. Underwood are often voted against on the Beach committee when making any input because it's a road or a beach when the rest of the committee choses to have say over it. Even though they are just two people on the Beach Committee, one will not get agreement from the rest. She would like all the stake-holders to come together.

Mr. Valcourt agreed there should be a long term and disaster plan and would support an ad-hoc or non-governmental committee. Mr. Valcourt would like to meet with Mr. Underwood to include Conservation.

Mr. Underwood said he could approach the interested groups and ask if they want to participate and narrow down the scope.

**6:25 p.m.**

**4. Action Items**

**a. Pokanoket Bear Clan request to park on Beach Ave.**

Walgamum Gamamum (Ms. Richere Gosselin) of the Bear Clan Tribe was present along with other members of the Tribe to request parking on Beach Ave. so they may access the beach for healing and other tribal needs. This is not for a specific event. For other local non-profit groups, Mr. King stated that the town has provided placard to be displayed in the vehicle which were paid for. Mr King recommended the Board authorize 2-placards at no cost for the calendar year because the summer has passed and re-visit the request next year. Ms. Shufelt stated that if there were to be any ceremony, they can ask for permission for that specific event. Walgamum Gamamum stated that she wants to access the beach at any time she wants; she grew up on River Road and her father and grandfather were both Micmac and finds it insulting that she would have to pay for access to areas that are of their ancestors. She stated she carries a bag to pick up trash and has respect for the land. She also quoted the Jay Treaty which provides for crossing of borders for natives. She said her people have a right to the beach and they respect the land, the water and air and is only asking for the right for any Pokanoket to access the beach. She would like the permission for access with out expiration.

Ms. Shufelt stated that there is limited parking in there.

Mr. Ouellette stated that he would like to know what exactly spells out what gives them the right to be there. Ms. Shufelt preferred to discuss the issue as another group that is interested in parking there.

**Motion** by Mr. Valcourt to allow 2 placards at no charge the remainder of the year and it is not vehicle specific. Seconded by Ms. Boxler.



Discussion ensued.

Superior Chief Sagamore Po Wauipi Neimpaug of the aboriginal nations of America representing 6,000 Indians on the east coast from 26 nations. They do not fall under US Laws, and this land is already in his trust because he has the superior trust because he was here first. He said he would write a letter to the Board tomorrow. He said that the Board was in violation of the Jay Treaty and asked the Board to tell their Counsel he would respond by letter stating all the facts. He said since the case Salazar vs. Cachieri, states cannot put land in trust. Only the US Government can put the land in trust. The Chief continued to describe his relation to Massasoit 10 generations and directly to King Philip. He said that no one in his family gave up title to this land and that they have aboriginal rights to all this land. He will provide the Book number that this land is recorded in tribal trust. In common law of US law they have the right to access their lands and there were no federally recognized tribes when the treaty was signed. He said that once a tribe is federally recognized, they are no longer an aboriginal tribe and that is why they have not sought Federal recognition.

Mr. Valcourt explained that there is no limitation for anyone to be at the beach. The issue is limited parking on a narrow road. Access is free to everyone. There was no further discussion.

The Board voted 4-1 in favor. With Mr. Ouellette opposed.

- b. Westport Agricultural Commission (AgCom) request that the BOS accept a gift donation of \$1,705 from BayCoast Bank for the purpose of printing of new AgCom brochures. Lee Tripp and Raymond Raposa were present to explain the grant. AgCom has run out of brochures and information in the brochure has been updated. **Motion** by Mr. Ouellette to approve acceptance of the donation. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- c. Approval of a Road Use request received from South Coast Bikeway Alliance, first ever “Pedal for the Path” ride fundraiser from 12pm-2pm on Sunday September 16, 2018. Favorable Police recommendation was received. Monica Faria and Gail Hartnett Rodrigues were present to describe the route and the purpose of the event for this non-profit organization. Discussion ensued over the requirement of having a police detail. **Motion** by Mr. Ouellette to approve with police recommendation of having detail. Seconded by Mr. Valcourt. The Board voted 5-0 in favor. Ms. Faria detailed their program noting there is some rail funding being used and discussion ensued.
- d. Approval of a Road Use request received from Buzzards Bay Triathlon Cycling from 9am-12pm on September 16, 2018. No one was present for this application. Police recommendation received. Motion by Mr. Valcourt to approve with police recommendations. Second by Ms. Boxler. The Board voted 5-0 in favor.
- e. Approval Request from the Building Department to hire Samuel Ferreira as a Per-Diem Plumbing and Gas Inspector. Ralph Souza, Building Inspector was present to request this for the purpose of having a backup to the two inspectors. **Motion** by Ms. Boxler to approve. Seconded by Mr. Brewer. The Board voted 3-0-2 in favor. Mr. Ouellette and Mr. Valcourt abstained.
- f. Adopt Animal Removal Policy.  
Ms. Shufelt stated there has been confusion on whom to call in town when animal carcasses or wounded animals are found on the road. Mr. King stated he has had input from the Police Department (PD),

Director of Public Health, Fire Department and the Animal Control Officer (ACO). The policy addresses two-areas: private vs. public property and wildlife vs. domestic and a separate category for animals suspected of being rabid. The Town is not responsible for removal of dead or live, wild or domestic animals on property. There is a list of "Problem Animal Control" persons that can be hired to remove these animals.

For public ways, the Animal Control Officer will pick up smaller mammals; some may be suspected of having rabies and the ACO will take care of that. Large animals such as deer in the public way will be removed by the Highway Department.

Discussion ensued. Mr. Brewer suggested that the policy be clearer as to who to call first if there is a suspicion of a rabid animal. In the case of the unknown, Ms. Shufelt stated that the Police Department is equipped to direct the call appropriately. Mr. King suggested that the PD and ACO both come in to discuss.

**Motion** by Mr. Valcourt to approve the policy with changes discussed. Second by Mr. Brewer. The Board voted 5-0 in favor

#### 5. Appointments and/or Resignations

- a. Accept resignation from Jessica Janson, Assistant Animal Control Officer. **Motion** by Mr. Valcourt to accept. Second by Mr. Brewer. The Board voted 5-0 in favor
- b. Accept resignation from David Aguiar, Member of the Soil Conservation Commission. **Motion** by Mr. Ouellette to accept the resignation and send a letter of appreciation. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- c. Request by Jake McGuigan and Peter N. Defusco for appointment to the Soil Conservation Board and Conservation Commission (One open seat for a 3-year term). Ms. Shufelt stated that Mr. McGuigan has written in to apply for the opening. Mr. Defusco was originally told that the matter would be heard on September 17 and he could not make it for this evening due to a conflict. Ms. Shufelt stated that the Chair of the ConCom has asked to fill the position as soon as possible.  
Mr. Valcourt asked that since the resignation was just accepted that there were 30 days to wait.  
Mr. Joncas, ConCom Chair stated that they sent the resignation was submitted in some time ago on July 20. The issue was that the public needs to be notified by accepting the resignation.  
To be consistent, the board deferred any appointments to September 17, 2018.
- d. Appointment of Wendy Goldberg, Veronica Beaulieu and Timothy J. King, Town Administrator to the Campground Evaluation Committee (Five seats for a 1-year term). **Motion** by Mr. Ouellette to appoint the aforementioned. Second by Ms. Boxler. The Board voted 5-0 in favor.
- e. Request to appoint the following Finance Committee members as designated: Karen Powell to the ADA Transition Plan Committee (1-year Term); Thomas Schmitt to the Capital Improvement Planning Committee (1-year Term) Charles H. Baron to both the Energy Committee (1-year Term) and the Tax Incentive Program Committee (1-year Term). **Motion** by Mr. Ouellette to appoint the aforementioned. Second by Mr. Valcourt. The Board voted 5-0 in favor.
- f. Appointment of Democratic Poll Workers: Shirley Desrosier; Cynthia Rodrigues; Geraldine Fortier; Mary Wetherell; Claudette Bisson; Theresa Wilkinson; Almerinda Tenchara; Emil Fuller; Merlin



Toupin; Constance Taber; Barbara Marcotte; Wilfred St. Michel; Mary Freitas. **Motion** by Mr. Ouellette to appoint the aforementioned. Second by Mr. Valcourt. The Board voted 5-0 in favor.

- g. Appointment of Seth Lewis to the Agricultural Commission as an Alternate Member (1-year term). **Motion** by Mr. Ouellette to appoint the aforementioned. Second by Mr. Valcourt. The Board voted 5-0 in favor.
- h. Appointment of Gary Reese, School Superintendent appointed to the Educational Fund Committee (2-year term) and the ADA Transition Plan Committee (1-year term) and the Town School Building Committee (no expiration). **Motion** by Mr. Ouellette to appoint the aforementioned. Second by Mr. Valcourt. The Board voted 5-0 in favor.
- i. Appointment of Antonio Viveiros from the School Committee to the Capital Improvement Planning Committee (1 year-term). **Motion** by Mr. Ouellette to appoint the aforementioned. Second by Mr. Valcourt. The Board voted 5-0 in favor.
- j. Appointment of Theresa Provencal to the Capital Improvement Planning Committee (1 year-term). **Motion** by Mr. Ouellette to appoint. Second by Mr. Brewer. The Board voted 5-0 in favor.
- k. Appointment of Christopher Gonsalves to the Safety Regulation Board (1-year term). **Motion** by Mr. Ouellette to appoint. Second by Mr. Brewer. The Board voted 5-0 in favor.
- l. **Appointment of two Selectboard members to:** ADA Transition Plan Committee (1-year term). **Motion** by Mr. Ouellette to nominate Mr. Brewer. Second by Ms. Shufelt. The Board voted 4-1 in favor with Mr. Brewer abstaining.

6. **Town Administrator Report**

Mr. King provided his report.

7. **Minutes**

August 6, 2018

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

8. **Selectmen Liaison Committee Reports**

Mr. Brewer – had nothing to report.

Mr. Ouellette noted that the Cable Advisory Committee is meeting again and there is a Regional transportation meeting tomorrow.

Mr. Valcourt noted that the group for septic denitrification group will be meeting on Thursday and has nothing to report at this time.

Ms. Boxler had nothing to report.

Ms. Shufelt met with Diane Baron and Gary Reese in Boston with School Building Authority. There will be an abutter meeting planned at the library on August 23, 2018.

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

See list on website.

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

None.

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

Cynthia Anderson from Gifford Road explained that she and her husband are taxpaying residents with a small farm with rescue animals and they have had foster children for years. They purchased their home paying 18,000 in back taxes.

She learned last year that her property was going to be part of the new school plan and she feels she was given the run around to discuss it. She found out that there is direct drainage from the elementary school on her property. Every time there is a storm, there is major flooding and drainage coming down the hill.

She said she had tried to get answers and she was told it's a school problem or school building committee issue and then a Selectmen issue. She said her husband spoke with the school superintendent with no result and that she was told her item was on the agenda, but then it was taken off because she has retained an attorney. She said that its going to cost her a lot of money for retaining an attorney. She wants to know who will take care of this. It is not a problem that will go away. She was sent a letter from the architect Jonathan Levi proposing the engineers look into it two months ago and there hasn't been a response.

Ms. Shufelt stated that the Town received an estimate for that portion but there is no funding source. She stated that Ms. Anderson should assume that the Town will take no action at this time. Ms. Shufelt specified that the area within the scope of the school building is being looked at. The pipes from the elementary school would be the topic for a study, however there is no funding source for the study at this time. She stated that the Board will need to consult with Town Counsel to advise if it is prudent to look at that request moving forward. There is no clear funding source for any remediation. The Board will need to consult Town Counsel on what the course of action should be and if it is prudent to have a public discussion when there is possible litigation pending.

Ms. Shufelt stated that the Board does not know what action they can take until they consult Town Counsel.

**12. Question & Answers.**

None.

**13. Executive Session –**

At 8:22 p.m., **Motion** by Mr. Ouellette to convene into executive session, pursuant to the provisions of MGL c 30A section 21(a) to:

a). Discuss strategy with respect to collective bargaining regarding Highway Department, AFSME and Town Hall Unit Local Advantage for Workers Union (LAW 256) (3).

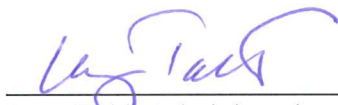
b). Approve Executive Session Minutes of August 6, 2018.

Second by Mr. Valcourt. The Board voted 5-0 in favor by roll call vote.

**Adjournment**

The Board voted unanimously to adjourn the regular meeting 8:42 p.m.

Respectfully submitted,



Lucy Tabit Administrative Assistant/  
Confidential Clerk

APPROVED:



Ann E. Boxler, Clerk, Select Board Member



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Attachments to Agenda of 8/20/18:

- 2a 151 State Rd - R & C Market application.
- 2b 61 Hix Bridge - Windmill Cycles application.
- 2c 280 State Rd - Norwest Auto application.
- 3b Long Term Building email.
- 3c Beach Ave., Underwood email.
- 4a Pokanoket 2018 Bear Clan Mother request.
- 4b BayCoast Bank donation letter
- 4c Road Use Application - So Coast Bike Way fundraiser application.
- 4d Road Use Application - Buzzards Bay Triathlon application.
- 4e Building Department Request.
- 4f Animal removal draft policy.
- 5a AACO Resignation.
- 5b CONCOM AGUIAR Resignation letter.
- 5c letters from McGuigan and DeFusco for CONCOM.
- 5d Campground Evaluation Committee letters of Interest.
- 5e Finance Committee Appointees.
- 5f Democratic poll workers nominees.
- 5g Seth Lewis request.
- 5h Superintendent email request.
- 5i Appointment request for Mr. Viveiros to the Capital Improvement Planning Committee as School Committee Rep.
- 6a Town Administrator Report.
- 7 BOS 080618 draft minutes.