

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY – October 1, 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 6:02 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

Chair's Announcement – The Vice-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.

1. Acknowledgments & Recognitions

Ms. Shufelt recognized the passing of Clinton Boulds a long time employee of the Highway Department. On October 2, 2018 there is a meeting at the High School to open communication and get more people involved with the school project. On Wednesday October 3, 2018 there is a public meeting on the Integrated Water Resource Management Plan at 6:30 pm at the Town Hall annex.

6:05 p.m.

2. Action Items

- a. Request from the Director of Marine Services to approve Scallop Season opening on October 13, 2018.
Marine Services Director, Christopher Leonard and John Borden, Chair of the Shellfish Committee were present to request the Selectman's annual approval for opening of scallop season. There is no expectation for a bumper crop as there was last year.
Motion by Mr. Ouellette to approve. Second by Mr. Valcourt. The Board voted 5-0, in favor.
Mr. Leonard invited the listening audience to October 14, 2018 Shellstock at the Westport Brewery for a concert fundraiser for shellfish stock. It begins at 1pm and ends at 3:30pm with musical entertainment. They were able to raise over \$27,000 last year.
- b. Request from the Westport Land Conservation Trust for approval of conservation restrictions on Wood Lot South Main Road (2.4 acres) and the St. Vincent De Paul Lot (21 acres) on Adamsville Road.
Ross Moran, Executive Director of the Westport Land Conservation Trust was present to request the Board approve the final 21 + acres for a conservation restriction of the St. Vincent property and the Wood lot on Main road. He explained the documents have been fully vetted and approved by the various town committees and the state.

Motion by Mr. Ouellette to approve both properties for a conservation restriction. Second by Mr. Valcourt. The Board voted 5-0, in favor.

- c. Request from the United Methodist Church for use of the Point Cemetery on Main Road. Ms. Shufelt, as a member of this congregation, recused herself. Pastor Kate Gallup asked to use the cemetery walls on Main and Drift Roads of the Point cemetery to display carved lighted jack-o-lanterns for their Fall Festival on October 27, 2018. The Church is partnering with Boy Scout Troop 63 for this community event. The carved jack-o-lanterns would remain on the walls from October 27 through October 31 with battery operated candles. **Motion** by Ms. Boxler to approve. Second by Mr. Valcourt. The Board voted 4-0, in favor with Ms. Shufelt abstaining.

- d. Approval of Westport Landfill Land Lease with Ameresco. Approval of Solar Pilot with Ameresco. Mr. Cleo Tagliodorus from Ameresco was present as well as Walter Barnes, Chair of the Energy Committee. Mr. King reviewed the proposal process. The project is now before the Board after the state reviewed the program for solar projects. The lease will provide the Town \$16,000 per year and the solar pilot will be an additional 16,500 per quarter for a total of over \$600K over a 20-year period. Mr. Brewer also a member of the Energy Committee is in support of this project. He stated that the way the solar credits work, if the State goes through with the current rates the Town will benefit \$651,000 over 20 years. However if the State changes the smart program Blocks, the \$651K (Block 1) over 20 years could be reduced to \$450K (Block 5) over 20 years based on solar credits in Blocks 1-5. Mr. Barnes noted that even if the PILOTs were in Block 5, it still would be a greater rate than most of the PILOTs under the "Smart Program". Mr. Brewer stated that the PILOT is very generous at \$16,500, even if they only can get into Block 5. He feels this is a good deal based on the program information. Mr. Brewer stated that Mr. Tagliodorus provided the Energy Committee a list where Ameresco demonstrates the same project on 10 other landfills. He said that he also looked up their financials and said they have a healthy balance sheet and would be around a while. Steve Medeiros asked if only the top of the landfill would be used or also some of the slope. Mr. Tagliodorus stated some of the slopes would be used as well.

Motion by Mr. Ouellette to approve the lease and the pilot. Second by Mr. Brewer. The Board voted 5-0, in favor.

6:10 p.m.

3. Appointments and/or Resignations

- a. Request from Kimberly Beaulieu for appointment to the Campground Evaluation Committee (1-year term). Her Aunt Veronica Beaulieu encouraged her to apply. **Motion** by Mr. Ouellette to approve. Second by Ms. Boxler. The Board voted 5-0, in favor.
- b. Request for appointment of Elizabeth Edwards as Senior Clerk for Assessor's Office. Steven Medeiros was before the Board with Ms. Edwards who introduced herself. **Motion** by Ms. Boxler to approve. Second by Mr. Ouellette. The Board voted 5-0, in favor.
- Request for appointment of Ms. Dana C. Stewart – Recreation Director. Recreation Chair, Renee Dufour was present and described the process briefly with a decision to hire Ms. Stewart. **Motion** by Mr. Valcourt to approve. Second by Mr. Brewer. The Board voted 5-0, in favor.
- Request from Police Chief Pelletier to appoint retiring (as of 10/2/18) Detective -Sergeant Antonio Cestodio as a reserve officer. **Motion** by Mr. Valcourt to approve. Second by Mr. Ouellette. The Board voted 5-0, in favor.

Request from Police Chief Pelletier to appoint Douglas Hood Jr. as a full-time Patrol Officer, effective September 22, 2018. **Motion** by Mr. Ouellette to approve. Second by Mr. Brewer. The Board voted 5-0, in favor.

- e. Accept resignation of Joan Steadman, Planning Board Recording Clerk.

Motion by Mr. Ouellette to accept the resignation and post the open position. Second by Mr. Valcourt. The Board voted 5-0, in favor.

- f. Accept resignation of Brian Perry, Agricultural Commission and request from Chair of Agricultural Commission to appoint Thomas Barrett to the Agricultural Commission as a Full Member (3-year term) from being an Alternate Member (1-year term).

Motion by Mr. Ouellette to accept the resignation. Second by Mr. Brewer. The Board voted 5-0, in favor.

Motion by Mr. Ouellette to approve appointment of Mr. Barrett as a regular member and to post the Alternate position as open. Second by Ms. Boxler. The Board voted 5-0, in favor.

6:15 p.m.

4. **Licenses**

Continued from September 17, 2018: Request by **Top Quality Auto Sales** for approval of Class II License to sell used vehicles and a Repair License at 935 State Road Westport. Manager Joumana Chedid and her interpreter, John Barbour, were present.

The applicant submitted a letter and information of the dismissal of litigation as reported from the police report. Mr. Valcourt cautioned the applicants that the Town wants to fully vet the report as there were issues with the very same land owner they are leasing from. Mr. Barbour stated that Ms. Chedid has been running a legitimate business in Taunton without any issues. The application had the name of her husband, Jean Chedid, which will need to be resubmitted and corrected.

Motion by Mr. Valcourt to continue the hearing to October 15, 2018 at 6:15pm pending resubmittal of the application with correct names. Second by Mr. Ouellette. The Board voted 5-0, in favor.

6:20 p.m.

5. **Discussion Items**

- a. Request from Averyl Andrade for support on submission of a town by-law for a Craft Cannabis Co-Op. Ms. Andrade addressed the Board members and discussed the benefits of a Cannabis committee. She suggested an organizational cannabis committee to assist in formulating a zoning by-law for the benefit of Westport Farmers for next Town Meeting. Ms. Andrade stated she would be addressing the Planning Board next week and will continue to meet with the Agricultural Commission. She stressed the urgency to address this now in order to make it to next Town Meeting. Mr. Ouellette was concerned that this would enable people who are running an illegal business in town. **Motion** by Ms. Boxler to approve a Craft Cannabis Cooperative Committee with an end date of June 30, 2019 composed of five at-large members, with one being from the farming community, a representative from the of Select Board, a member of the Agricultural Commission, and a member of the Planning Board and the Economic Development Task Force.

Motion by Ms. Boxler to form a Craft Cannabis Cooperative Committee with members as above. Second by Mr. Valcourt. The Board voted 5-0, in favor.

Chris Wiley rose in support of the town farmers and in support of the potential revenue.

Motion by Mr. Ouellette to appoint Mr. Valcourt. Second by Ms. Boxler. The Board voted 4-0, in favor with Mr. Valcourt abstaining.

b. Animal Site Registry discussion.

Ms. Shufelt asked the members if they felt the Board of Health should be left to continue the process as the regulatory body for the registry. Chairmen of the Board of Health (BOH) and the Agricultural Commission (AgCom) were present. The question is should the select Board allow the process continue.

Mr. Raposa, Chair of the Agricultural Commission voted to define a plot/tenant farm as having 2 or more tenants/animal owners. The Agricultural Commission has discussed this with the BOH. The BOH would like to inspect the properties. Because Agricultural Commission meets once a month, there has not been any movement. The form he drafted for a volunteer animal registry submitted is based on his farm, which is listed in the barn books for a site registration and is not the same as the plot and tenant farm regulation being discussed.

Constance Gee of River Road stated that she was at the meeting last week and one of the BOH members said that there are only a handful of tenant/plot farms. She asked if Mr. Raposa had an idea of how many there were. Mr. Rapoza stated that the Animal Control Officer (ACO) would have that information. She said that it looks like there are only 1-2 farms that this applies to and that based on Mr. Raposa's proposal it is volunteer only. She said this is not proactive and looks like the absolute minimum they are doing.

Mr. Rapoza stated that his estimate is that there are 500 locations with livestock, and 95% have not been a problem. The first step is for people to volunteer their information and submit it.

Bill Harkins chair of the Board of Health stated that they are in the process of having meetings to decide what the Board will do. They have come to a consensus that the problems lie with tenant farms and the Board voted to draft a tenant/plot farm regulation and it is currently in the works. The other aspect is the registry: he does not need a regulation for a registry. The BOH will follow the process. Initially they needed to see what information could be garnered from a form such as what is being proposed by Agricultural Commission. The information will be confidential to boards in town and to the Animal Control Department under the Select Board. The registry belongs with the person who knows where the animals are and this registry needs to reside with the Board of Selectmen or possibly with the Board of Health in the future.

Ms. Shufelt reiterated the Board of Health is creating a regulation for a tenant farm regulation. She said that Mr. Harkins has been critical of the Select Board.

The Select Board and The Board of Health are open to moving forward in informal communication to conclude with a formal product,

The second part would be to work on a registry; or a keeping of animals policy which is under the regulatory entity of the Board of Health. As they are formulating this registry is it something the Board of Health would take over as it would be related to human health.

Mr. Harkins recommended the Select Board talk with the Animal Control Officer and see how she would like to proceed. The Board of Health is looking at helping the Agricultural Commission developing the draft form.

Mr. Weinberg clarified what is happening with the tenant farm: the draft being worked on s based on the other animals and regulations the Board of Health regulates which have performance standards as in the permitting process. The Board of Health is ready to take on the responsibility to implement that. As for the registry of animals, currently they do not have the resources for keeping

records of all the animals in town in addition to the barn book. The real issue is enforcement, which ought to lie with the Board of Health, but they do not have the resources as in funding for personnel. One question is should it be obligatory or voluntary. Discussion ensued.

Another issue is deciding under what department should the duties of the Animal Inspector be. Historically, these have been with the Board of Health and are currently with the Select Board. The question is who is best suited to have all the information and if it is the Board of Health, does it have the resources to find out what's not in the barn book.

The Barn book is for the Animal Control Officer where the animals are already. Any swine or equine have a permitting process. The other animals are not permitted and the barn book is state regulated; the town has to petition the state for access to that information. Discussion ensued.

Mr. Brewer stated that our goals are that we need to be vigilant of animal abuse. He said the Board of health needs to come up with their role and quickly and how a registry fits is something else. He stated that if the information exists, departments need to know it instantaneously. The issue is where the problems should reside – he feels the Board of Health could take this on and would like to see the pace quicken.

Ms. Gee wanted to correct a misstatement that Mr. Harkins made repeatedly. The phrase she quoted was: "Everyone agrees that the tenant farms cause all the problem". She said it's not just the tenant farms. There are a number of prominent farmers that have issues it's a broader issue other than tenant farms. There are approximately 115 barn book inspections that are done but Mr. Raposa stated that there are 300-500 farms with livestock in town. She said that the state's information is the Barn book and that is only a third of what is out there. Barn Book information is not readily available to the town.

Chris Wiley stated that the animal site registry is a state law that is not being enforced. She asked how the Animal Control Officer would help the Board of Health if they were under the Board of Health. Mr. Harkins did not know how that would work at this time.

Ms. Shufelt will ask the Animal Control Officer for an update of the Barn Books inspections which have begun. Mr. Valcourt felt that for public safety it is necessary to have info if there are animals on site. Discussion ensued. Mr. Weinberg stated that what he is hearing is helpful. If the Board of Health did anything, it would be limited to identifying sites, what animals and obliging people to fill out the form. Mr. Valcourt stated that it needs to have enforcement with warnings and fines.

Town meeting by-laws articles are harder to effectuate and Ms. Shufelt is more in favor with a regulation. She suggested the process be allowed to go forward and start with an animal site registry and to give the Board of Health time to finish their process and report back to the BOS at the end of October, especially if a by-law would need to be proposed. Ms. Shufelt suggested that if the Board of Health needs the Select Board to commit to something, there can be a MOU drafted between departments. Mr. Valcourt stated that if we need this to be effective, we need to find more money for Animal Control; this work is currently not being done and will require paperwork for proper administration and enforcement. Ms. Shufelt also wanted to look at the Animal Control Officer position closely and ask the Animal Control Officer to talk about her department and what she will need for that dept. The Select Board will put together a list of questions. Mr. Valcourt suggested looking at the former Police station building for the Animal Control. Mr. King stated that he is in the process of organizing the Town Building Committee.

c. Potential Town Meeting Articles discussion.

Ms. Shufelt noted the following:

- Action on a possible Site registry.
- Possible Recall By-law of elected officials. This was vetted through Town Counsel and should be put on the agenda next time to discuss if the BOS would support it. It was a petition article submitted two year ago.
- Denitrification By-law. Mr. Valcourt will gather the info to distribute.

6. Town Administrator Report

Mr. King gave his report. He noted that the Town Planner, Mr. Hartnett, completed the MS4 application in a timely manner and it was submitted. State Alcohol permitting as approved the two liquor licenses at the Point; the Request For Proposals for the Treasurer's office was edited and published. Ms. Shufelt met with Garry Carreiro, Mr. King, Town Treasurer and Assistant Treasurer. They discussed the need for the budget reconciliation to be taken care of first which would address some of the questions of process in the Treasurer's office. Proposals are due October 16, 2018 and Selectboard approval is expected for October 29th; FY2020 budgets have gone out to the departments for response; the Campground Committee will be meeting in October; the Westport River Watershed Alliance (WRWA) had a contractor that broke through the concrete floor and detected strong odor and work was stopped. No one anticipated that the soil needed remediation and there is a question in the lease on who should have say over it. Ms. Shufelt stated that the BOS should have a liaison to be helpful for the Landing Commission to work with. Ms. Shufelt is willing to do that if no one else is able to. She or Mr. Valcourt will be the liaisons; The LED project: the CREE Company was chosen for this. Mr. Ouellette asked to see the materials. Mr. Barnes stated that the Town is under a deadline. Mr. Ouellette requested to see the LED light lumens and type. Newburyport and Charlestown RI have these types of lights. Mr. Barnes has spoken with the Town Manager and they are happy with their LED lights. He will bring an example to the next meeting.

7. Minutes

September 4, 2018 & 17, 2018

Motion by Ms. Boxler to approve the September 4, 2018 minutes. Second by Mr. Ouellette. The Board voted 4-0, in favor. Ms. Shufelt abstained because she was absent at that meeting.

Motion by Ms. Boxler to approve the minutes of September 17, 2018 correcting the vote on the appointment of Mr. McGuigan as 4-1 in favor with Mr. Valcourt opposed. Second by Mr. Ouellette. The Board voted 5-0, in favor.

8. Selectmen Liaison Committee Reports

Mr. Brewer stated that the Energy Committee discussed the LED street lights and asked if the BOS need to approve anything further. He said the LED project is moving forward. He stated that the Green Communities application is also part of the process. Mr. Brewer stated that the Capital Improvements Planning Committee is meeting later this week. The Campground committee started meeting last week.

Mr. Ouellette noted he had forwarded the plan of the Marine Technology Corridor as provided by Southeastern Regional Planning and Economic Development District (SRPEDD). He thought that the old High School could be looked at for use in this matter.

He stated that the Economic Development task Force has been low in members and he is hoping more people come forward to volunteer on this committee. He noted Mr. May would be leaving.

Mr. Valcourt noted the first meeting on Wednesday at 6:30 pm at the Annex for the Integrated water Resource Management Plan. No other meetings to report on.

Ms. Boxler did not make Council On Aging and had nothing to report. Affordable Housing did not have a quorum. She noted a development that is trying to go through that financially is having problems making the affordable housing units where they are losing money on them. The issue needs to go back to the Planning Board and the developer will need to determine how they will build the two 2 affordable lots.

Ms. Shufelt stated the old Middle School abatement and demo was awarded to the lowest bidder. On Thursday, the School Building Committee will be meeting with the Library Board of Trustees to review the plans and the list of changes the Trustees wanted to see. She has met with Treasurer and Landing Commission.

Mr. Ouellette asked for a list regarding water bill collection and overdue bills need to be done now before the holidays. He asked for copies of all overdue water bills over \$500. Mr. King noted they get this added to their property taxes.

9. Boards/Committees/Commissions Vacancy List

Noted.

10. Board Members Suggestions for Future Agenda Discussion / Action

Ms. Shufelt asked that Mr. King speak to the Animal Control Officer and possible talk with her in the next few meetings.

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

Mr. Valcourt was made aware of an issue concerning an employee that is in litigation with the town and would like to discuss it in executive session.

12. Question & Answers.

None.

13. Executive Session – At 8:40 p.m., Mr. Brewer motioned to enter into Executive Session, and not resume the regular meeting, pursuant to the provisions of MGL c 30A section 21(a) to discuss:

- a). Discuss strategy with respect to potential litigation - Gifford Road Complaint (3)
- b). Approve Executive Session Minutes of August 20, 2018 & September 4, 2018.

Seconded by Mr. Ouellette. Members unanimously voted by roll-call vote 5-0.

Adjournment

Members unanimously voted to adjourn the regular meeting at 9:08 p.m.

Respectfully submitted,



Lucy Tabit Administrative Assistant/
Confidential Clerk

APPROVED: _____



Ann E. Boxler, Clerk, Select Board Member

Attachments to Agenda of 10/1/18:

- 2a Request for scallop season opening.
- 2b1 Land Trust information on the Conservation Restriction s
- 2b2 Wood property Conservation Restriction.
- 2b3 St Vincent De Paul Conservation Restriction.
- 2c Fall Festival Proposal 2018.
- 2d Hix Bridge Solar Lease and pilot agreement.
- 3a Kim Beaulieu request for Camp Evaluation Committee.
- 3b Elizabeth Edwards Resume.
- 3c Dana Stewart Resume.
- 3d Resignation of Cestodio and appointment request as reserve officer.
- 3e Appointment request of Douglas Hood.
- 3f Resignation of Planning Board recording Clerk J Steadman.
- 3g Perry resignation and Barrett appointment.
- 4a1 Top Quality Auto Sales response letter.
- 4a2 Top Quality Auto Sales dismissal order.
- 4a3 Paul Holden Letter.
- 4a4 Top Quality Auto application.
- 5a Cannabis co-op info.
- 5b Animal site registry info.
- 6 Town Administrator Report.
- 7a Board of Selectmen Minutes 090418 DRAFT
- 7b Board of Selectmen 091718 DRAFT