

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
TUESDAY – November 13, 2018**

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

Select Board Chair, Ms. 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

**Chair's Announcement** – The Chair announced that under the provisions of MGL Chapter 30A, section 20(f), the meeting was being recorded.

**1. Acknowledgments & Recognitions**

None.

**2. Action Items**

- a. Request from Fernand Lavoie to name Alberta Brook at 179 Robert Street.  
Ms. Shufelt introduced the Lavoies' and noted the Federal Geologic Service was consulted and that this is a local naming. Abutters and neighborhood associations were notified. Representative Schmid provided a letter of support. Ms. Shufelt read the proclamation for this ceremonial naming of Alberta Brook.

**Motion** by Mr. Ouellette to approve the naming of the unnamed geographical feature.  
Second by Mr. Valcourt. The vote was 5-0 in favor.  
Congratulatory gestures were exchanged.

- b. Long Term Building Committee recommendation regarding the former Police Station.  
Mr. Don Davidson, Chair of the Committee was before the board and summarized the poor quality of the building and the conclusion was a recommendation to demolish it.

**Motion** by Mr. Ouellette for Mr. King to look at getting an estimate to demolish and to see if there are hazardous materials. Second by Mr. Valcourt. The Board voted 5-0 in favor.

Mr. Ouellette asked Mr. King to look into mounting flags on the poles for the next 4<sup>th</sup> of July parade.

- c. Revisit forming a committee for a site plan of the terminus of Main Road at Westport Point.  
Preliminary committee.  
Mr. King looked into the area and provided a summary of preliminary work required for survey work.

Ms. Slade looked into using Community Preservation Act funding and she looked at the MACRs and the info is very sketchy. She spoke with the Westport Historical Commission who thought this was a good idea and the funds could be requested at the Annual Town Meeting through CPA funds. Mr. King suggested that a preliminary working committee will be composed of Town Administrator, Town Planner, Marine Services Director, Conservation agent, Lt John Bell, a CPC member and Historical Commission member.

**Motion** by Mr. Ouellette to form the working group as noted above. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

- d. Request approval to increase clerical hours of certain departments: Conservation Commission and Building Department.

**Motion** by Mr. Ouellette to support the increase for the two department clerks based on funds available in their budgets. Seconded by Mr. Valcourt. The Board voted 5- in favor

- e. Request permission to install elevation benchmarks on town property marshes by the Buzzards Bay National Estuary Program and the Buzzards Bay Coalition.

The benchmark proposed would be located on the marsh on Town property known as the Town Farm on Drift Road. This benchmark would be for the monitoring the salt marshes and the changes. The data will be used by the Town as well in regards to management of the river.

**Motion** by Mr. Valcourt to permit the placement of the benchmark. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

- f. Request to accept a donation of \$1,000 to the Animal Control Account.

**Motion** by Mr. Ouellette to approve and send a letter of thanks. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

- g. Request from the Planning Board for comments on a site plan application for the Westport Co-located Middle and High School.

Mr. Valcourt commented that he was not able to follow all the data. He asked for a copy of the paperwork. He noted that the septic will be a denitrification system and will be held to 10PPM vs standard Title-V 25PPM, thus lowering the impact on the site.

No action by the Board.

Mrs. Anderson asked if the bid for the tennis court had come in yet. The Board did not know the answer and indicated that what was before the Board was a request for comment on the site plan application. She also asked about the proximity of the project to her property line. Mr. Valcourt stated that is a standard setback. Ms. Anderson asked further questions and the Chair explained that the Board is only able to consider the item before them due to the open meeting law. The best place to have her questions addressed would be the Planning Board.

Mr. Sunderland suggested she refer to the Planning Board.

### 3. **Licenses**

Request approval of amendments to liquor licenses for a change in Manager and Officers for the Acoaxet Club, Inc. (annual all liquor) and for the Acoaxet Club Inc. d/b/a THE PRO SHOP (seasonal wine and malt).

Mr. Brewer is an officer of the Board of Directors and recused himself.

This request is a usual standard request which was precipitated by the election of a new manager and new board members.

**Motion** by Mr. Ouellette to approve. Seconded by Mr. Valcourt. The Board voted 4-0-1 in favor with Mr. Brewer abstaining.

**4. Appointments and/or Resignations**

- a. Request from Garrett Stuck for appointment as alternate to the Historical Commission (3-year term).

**Motion** by Mr. Brewer to approve. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

- b. Request from Cynthia Brown for appointment to the Tax Incentive Program Committee (1-year term; and revisit request for appointment to the Westport Economic Development Task Force (1-year term).

**Motion** by Mr. Valcourt to approve. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

- c. Request from Carol Mann, Jill Harris, and Averyl Andrade for appointment to the Craft Cannabis Co-op Committee (1-year term).

Ms. Mann addressed the Board and she is also on the Agricultural Commission. She is interested in being on this committee to make sure it is regulated.

**Motion** by Mr. Valcourt to appoint Ms. Mann. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

Jill Harris was not able to make it to the meeting

Averyl Andrade stated she owns a small farm in Westport and feels she is knowledgeable of the cannabis control regulations. Ms. Andrade was the person to bring the request for this committee to the Board.

Ms. Shufelt was conflicted about Ms. Harris and Ms. Andrade. Ms. Andrade stated this is a time sensitive matter because it cannot get on the next town meeting if not addressed. If what she proposed is approved, host agreements will bring in needed funds. She is a New Bedford resident and has owned her farm in Westport and cannot afford to lease land and live in Westport.

She stated that she is seeing the clerk magistrate and there are no present charges at this time and she also said this applies to Jill Harris. She said they are bringing up charges that are misdemeanors. She said that if what she is supporting through this co-op would not benefit her farm directly.

Ms. Valcourt was in support for appointment to a non-resident.

Ms. Shufelt stated that she is uncomfortable until the issue with the magistrate is resolved; Mr. Ouellette also felt the same way.

Mr. May, former manager of the Westport Farmers market, attested to her character and entrepreneurship and supported her nomination to this committee.

Members were reluctant to appoint until her legal status was resolved.

Mr. Valcourt stated that it may not make it into the next ATM but there is a lot of work that needs to be done.

She asked if the Board of Health could replace the Economic Development Task Force position. No action taken.

- d. Accept resignation from Wendy H. Goldberg as Trustee of the Westport Free Public Library. **Motion** by Mr. Ouellette to accept the resignation and to meet with the Library Trustees to appoint jointly with the BOS. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

## 5. Discussion Items

- a. Discussion/Update on Special Town Meeting Warrant for December 4, 2018.  
Nothing new to report.
- b. Discussion with Board of Health about the Animal Control and Animal Inspector positions.  
Matt Armendo, Director of Public Health and members of the Board, Bill Harkins, Maury May and Phil Weinstein were present. Mr. Armendo provided a slide presentation to illustrate the additional full time agent who would be the Animal Inspector and funding to support the Animal Control Officer plus a part time clerk to support these positions. He projected figures showing income and the expanded and updated fee schedule, providing more funds for these proposed positions. The Animal Control position would move under the oversight of the Board of Health. The position under the Board of Health would have clear office hours and not be on-call only.

Ms. Shufelt asked to discuss the part time clerk. He stated that there would be a clerk needed for the part time position to deal with paperwork, filing of paperwork and phones.

Mr. Brewer asked if this would strengthen the animal registry and prevent animal abuse in general. Mr. Harkins, Chair, agreed whole heartedly that having the responsibilities all under one department, with oversight, makes more sense. He stressed that the department would need support and the proper tools in order for this to succeed especially faced with the impending retirement of one of their agents.

Ms. Shufelt stated she likes the proposal and is worried about the ability of getting the fees approved. Mr. Harkins stated that they scheduled a meeting with the Finance Committee to discuss the same in the coming weeks. Discussion ensued.

Ms. Lambert, the current Animal Control Officer was present. She stated she did not see this information until now and would have liked to look at the proposal. She would regret having any funding removed for the benefit of the Board of Health department and not the Animal Control. Ms. Shufelt noted that there was mention of there being a contract and possibly increasing the budget and removing some of the responsibilities. She sees the benefit for an organizational structure being proposed. There would be more flexibility in a larger department along with more supervision.



The job description would have to be reviewed by the Personnel board in light of the reduction of duties and the position being framed within the Board of Health. For Contract employees, there is no need to go to the Personnel Board.

Mr. Valcourt stated he understands that this position needs to have more funding for it to be more effective.

Ms. Boxler asked if the new full time agent would be the Animal Inspector. The agent will perform all the other duties of the agent in addition to Animal Inspector. The Department already has 2 part-time agents over 70 years old who will need to have their positions filled in the next year or so.

Mr. Brewer was not clear of the financial implications and looks forward to the Finance Committee presentation after December 11.

Public comment was then allowed.

Constance Gee asked about the position of a new agent with clarification that the new agent would be the Animal Inspector. There would also be an Animal Control Officer plus clerical support.

Mr. Armendo stated that the position could only work if it were not "on call". Ms. Gee asked if the funds are for the new field agent and clerk, and will this have enough hours to address the animal issues. She asked if they are asking the public to pay for Board of Health needs and will it make the situation better. Mr. Armendo stated that there would be a better situation.

Mr. May stated that there is a Keeping of Animals regulation. Cynthia Jeffries asked if the registry would be part of it. The registry would be part of it according to Mr. May.

Mr. Weinberg noted the combination of the Animal Inspector and need for a registry would assist to expand oversight and tracking. The registry would not need to go to Town Meeting; it would simply be a regulation by the Board of Health.

Ray Raposa, on a personal note, supports the Board of Health taking over the animal issues.

Mr. Brewer asked what the group expects of the Board of Selectmen.

Mr. Armendo asked for the Board of Selectmen support and to move forward with the Finance Committee to get their support and then move on from there.

Mr. Harkins stated that he cannot guarantee what happens 10 years from now but putting this plan into play is the best solution to make it better.

Mr. Ouellette and Mr. Valcourt had concerns but this is a great step forward and can be built on.

Mr. Harkins asked when could this happen. Ms. Shufelt noted that if all boards support it, it would go through at ATM. Budget review is at this time and it should be included in the budget.

**Motion** by Mr. Ouellette to support the concept. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

Mr. King asked that the job descriptions need to be modified and put together for the health agent who is an Animal Inspector.

Ms. Lambert asked how this would affect her as she receives a stipend of \$1,500 for the barn books as the Animal Inspector. There would need to be time to discuss with the current Animal Control officer.

**6. Town Administrator Report**

Mr. King noted that he has been meeting with departments regarding their budgets. Ms. Shufelt noted that she would look into information passed to her from the last ATM to help the budget process.

The Clerk reported 60% of the registered voters, voted this last election. The Clerk also noted that some of the machines are failing. She is to submit a request through the Capital Improvement Committee.

At the last meeting, the Board had received a complaint about the intersection of Rt 177 and Rt 6. There are plans showing installation of a full signal once the developer completes a certain phase.

**7. Minutes**

None.

**8. Selectmen Liaison Committee Reports**

Ms. Shufelt and Mr. Ouellette attended the Veteran's ceremony services.

Mr. Valcourt, Ms. Boxler and Mr. Brewer had nothing to report.

Ms. Boxler asked if the Board was on task to do something with the recall article. Mr. Valcourt was involved in crafting a proper version for the town.

The library Trustees met with the School Building Committee and agreed on the landscaping. The 60% design was submitted to the School Building Committee for approval.

**Motion** by Mr. Ouellette to drop the meeting of December 10th. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

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

As noted on the web page.

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

Mr. Brewer stated at the last meeting there was discussion of funding additional fire department personnel. Since the grant would eventually no longer be available, he feels that the town should seek funding now so that it is permanent. The item is to be placed on the next agenda.

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

None.

## **12. Question & Answers,**

Mr. Sunderland stated that there has been a lot of discussion about legalizing marijuana. There was an article in the paper that he recommended the Board read and he will provide a copy.

## **Adjournment**

Members unanimously voted to adjourn the regular meeting at 8:21 p.m.

Respectfully submitted,

  
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Lucy Taber Administrative Assistant/  
Confidential Clerk

APPROVED: \_\_\_\_\_

  
Ann E. Boxler, Clerk, Select Board Member

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Attachments to Agenda of 11/13/18;

- 2a. Alberta Brook Proclamation
- 2c. Point committee site plan
- 2d. Conservation Clerk and Building Clerk memos
- 2e. Study request
- 2f. Animal Control department donation
- 2g. Site plan
- 3. Acoaxet Club request
- 4a. Request to appoint G. Stuck
- 4b. Request from Cynthia Brown
- 4c. Request from Andrade and Harriss.
- 5a. 12-4-18 Special Town Meeting warrant.
- 5b. Board of Health presentation.
- 6a. TA Report.