

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
DECEMBER 14, 2015**

Members Present: Craig J. Dutra, Chairman
R. Michael Sullivan, Vice Chairman
Richard M. Spirlet
Antone C. Vieira Jr.
Steve Ouellette, Clerk

Also Present: Timothy J. King, Town Administrator

Chairman Dutra called the Board of Selectmen meeting to order at 6:00 P.M. in the Westport Town Hall, 816 Main Road, Westport, MA with the reciting of the Pledge of Allegiance by all present.

Pledge of Allegiance

Chairman's Announcement - Under MGL Chapter 30A, section 20(e) – Meeting being recorded.

Public and Board Member Comment

At this time, Chairman Dutra called for a Moment of Silence recognizing the passing of Isabelle MacDonald, who was very involved in Town politics and was an Assessor for many years; also, the passing of Sgt. Luke Carreiro, a resident who was serving at Fort Bragg, North Carolina.

Acknowledgments & Recognitions - None.

Town Administrator Report

Energy Aggregation: Mr. King stated the project is well under way; ConEd Solutions has sent out letters under the Town's letterhead advising residents about the favorable electric rate that has been obtained at .0945 per kilowatt hour. Customers who do not want to participate have the opportunity to opt-out as provided by MGL ch. 164, section 134. Mr. King stated there has been many phone calls to the office due to some confusion, so we have put the information on the Town's website. At this time, Gary Mauk, former Selectman and former member/Chairman of the Finance Committee. Mr. Mauk disclosed the fact that he does engineering design and sales consultation on solar projects for a large solar company, primarily for residential and small scale commercial market areas. Mr. Mauk stated he did not believe the Board had adequate information regarding the energy aggregation and that is why they passed this. Mr. Mauk stated the Board had the option to make this an opt-in or opt-out program. Mr. Mauk stated when the Board sent this out as an opt-out, automatically, some 5,000+ people's private business dealings with the electric company was changed; this affected not just private but commercial also. Mr. Mauk stated this has effected not just people in Westport, but people who have Westport addresses but live in Dartmouth. Mr. Mauk stated the reason the opt-out was chosen is because the sales people know that 80-90% of the customers will do nothing; they either don't understand it or don't know about it and they are stuck. Mr. Mauk stated who knows if the price is good because rates are always changing. Mr. Mauk continued to explain a third party agreement. Mr. Mauk stated this was a scam, not enough homework was done on it and we should get out of it. Mr. Mauk stated that everyone will have to pay attention to their bills. Mr. Mauk stated he was asking the Board to rescind their action; he did not believe that any third party should have access to the Town's seal and operate their business under the guise of the Selectmen's Office. Mr. Mauk questioned what the finders fee was and who got the finders fee for 5,000 new customers. Mr. Mauk stated he

recommends strongly that this action be rescinded because this is going to adversely affect a lot of people. Mr. Sullivan stated that one of Mr. Mauk's customers rate went from 9.8¢ to 15.9¢; and asked Mr. Mauk if that was because their contract ran out? Mr. Mauk stated their agreement ran out and they were not paying attention. Mr. Sullivan stated at the very least, the one thing the Board has learned from Mr. Mauk, is that towards the end of our 2-year contract, maybe at least 6 months prior to, we should look at the rate to make sure that does not happen; we should see what is being offered for renewal. Mr. Mauk stated that everyone was signed up, now people have to sign themselves out. Mr. Sullivan asked Mr. King, of the 22 communities, was Westport unique in this? Mr. King stated no, as a matter of fact, according to State law for an energy aggregation project, it had to be an opt-out provision. Mr. Sullivan suggested the Board pass along Mr. Mauk's opinions and concerns to the Energy Committee to be vetted. Mr. Mauk stated the law provides for opt-in or opt-out. Mr. Dutra stated that in his opinion, we received adequate information and he appreciated Mr. Mauk's input. Mr. Dutra asked what the pleasure of the Board was on this matter. **Motion** made by Mr. Sullivan to take Mr. Mauk's concerns and forward them to Mr. Connors of the Energy Committee and request for any comments on this. Second Mr. Ouellette. The Board voted unanimously in favor.

Route 6 & 177 Project: Mr. King stated the State will continue to work if the weather remains favorable and the asphalt plants remain open; work will continue to possibly the first or second weeks of January; the traffic patterns on Route 6 and 177 will remain as existing through the winter and will restart late March or early April, at that time, full construction will begin of the eastbound traffic lanes on Route 6. Mr. King stated he has provided the Board with a copy of the email received from Mr. DeRoche, Sr. Hwy. Engineer. Mr. King also stated this information will be placed on the website.

Town Office Roof: Mr. King stated Ed Brum went up into the attic and found the source of the leak for the Town Hall roof; it appears to be the flashing and the first couple of rows of shingles. Mr. King stated no warranty would be applicable. Mr. King stated Mr. Brum will put together a list of the cost to repair. Mr. Dutra stated that if we have a winter this year comparable to last year we will have more problems; if we do this sooner than later, we can approach the CPC for funding because this is a historic building. Mr. King stated CPC was approached last week. Mr. Vieira stated he had a question on no warranty because we just spent over \$200,000 on the roof and they replaced all the flashing around the chimney and put in new slate shingles; why wouldn't there be a warranty. Mr. King stated his understanding is there was a one-year warranty on the roof but because it is a slate roof, the warranty would not extend beyond that date. Mr. Dutra asked this be referred to Town Counsel. Mr. King stated he will do that. Discussion ensued. Mr. Sullivan stated he had the same concerns as Mr. Vieira about the warranty.

Annual Town Meeting Warrant Articles: Mr. King stated the BOS has to submit a budget to the FinCom by February 20th and a completed ATM warrant to the FinCom by March 10th. Mr. King stated information necessary for FinCom recommendations has to be furnished four weeks before the ATM, so he is suggesting that the Board require warrant articles to be submitted to the BOS no later than Friday, February 5th. **Motion** made by Mr. Sullivan that all warrant articles be submitted no later than February 5, 2016. Second by Mr. Ouellette. The Board voted unanimously in favor.

Quahog Seeding Area Now Open: Mr. King informed the BOS that the Division of Marine Fisheries has opened for fishing the area seeded last April, 2015 with quahogs relayed from the Taunton River; the area is from the southern abutment of the Route 88 Bridge to the "No Shellfishing" sign on the marsh at the eastern entrance to Horseneck Channel. No action required; informational only.

Time & Attendance Software Project: Mr. King stated the time recording devices have been installed in the Town Hall and Annex. Mr. King stated an email was received from the Treasurer regarding the timing of the implementation because they are busy working on the Affordable Care Act and being ADA ready/compliant for the Town's IRS filing. Mr. Spirlet stated this is nothing more than a push-back or the fact that people don't want to do this; there have been more excuses to not get this done.

Mr. Spirlet stated the BOS voted 5-0 to get this done; how much training is needed to learn how to punch in a number. Mr. Spirlet stated that when the company came down to present the system, they said it would require little or no training; once the system is implemented according to the representative, it is automatic. Mr. Spirlet stated it is up to the Chair or Vice Chair to make sure this gets done by a date certain. Mr. Spirlet stated he was willing to meet per Mr. Sullivan's request only if someone from Harper's is present. **Motion** made by Mr. Spirlet to have the time attendance system implemented by the 1st full pay period in January. Second by Mr. Sullivan. The Board voted unanimously in favor.

Landfill Solar Project: Mr. King stated the Landfill Solar Project has gone back out to bid; proposals are due to the Town by January 5, 2016. Informational only. No votes taken.

New Town Website: Mr. King stated the Town's website is coming along; on 12/16/15, Virtual Town Hall will be meeting with individuals regarding their web page; training will take place on 2/17/16 & 2/18/16; the new website is schedule to go live on 2/26/16. Informational only. No votes taken.

Electric and Gas Rate for Town and School Buildings: Mr. King stated the Energy Committee approved the bids submitted for electricity and gas for the Town and School buildings. Mr. King stated that by waiting an additional week for the Energy Committee to approve it has resulted in a small decrease in both rates which is favorable to the Town. Mr. King provided the Board with the rate sheets. These new contracts will be added on to the end of the old contracts as they expire. Informational only. No votes taken.

Maintenance Specialist – Town Hall: Mr. King stated this position has been posted and he has provided the Board with the job description. Informational only. No votes taken.

Route 88 Project – Drainage Concerns: Mr. King provided a letter from MA DOT regarding the flooding problem at the Route 6 and 88 interchange. Informational only. No votes were taken.

Community Television: Mr. King provided the Board with a copy of John Rezendes monthly report for November. Mr. King stated the Hix Bridge Fire Station can now preempt programming and broadcast live during emergencies. Informational only. No votes taken.

Beverly Bisch, COA Director – RE: Appointment of P/T Outreach Worker (Cynthia Kinnane) and Van Drivers (Roger Fortier & William Conlon).

Present: Beverly Bisch, Cynthia Kinnane, Roger Fortier and William Conlon. Ms. Bisch introduced all the appointees. Ms. Bisch stated the ARAW Executive Director and the current Outreach Workers, along with herself interviewed the two candidates for the position of Outreach Worker and Ms. Kinnane was the unanimous candidate. Ms. Kinnane has professional experience working in the Human Services field as well as personal experience in working with the elderly. **Motion** made by Mr. Sullivan to appoint Cynthia Kinnane as a part-time (19.75 hr/wk) Outreach Worker. Second by Mr. Vieira. The Board voted unanimously in favor. Ms. Bisch stated she was requesting appointment also of Roger Fortier and William Conlon as Van Drivers; both candidates have great work references and experience dealing with the public and are Westport residents; they have both agreed to work one 8-9 hour day each and will be on call for vacations, sickness, etc. Mr. Ouellette stated for the record, he was a reference for Mr. Conlon. **Motion** made by Mr. Spirlet to appoint Roger Fortier and William Conlon as part-time Van Drivers for the COA. Second by Mr. Vieira. The Board voted unanimously in favor.

Public Hearing – RE: An application request from Redden, Inc. d/b/a Carvalho's Bargain Motors, 935 State Road – Mark Esposito, Mgr. to increase the vehicle limits of a Class II License (to 75 vehicles) and a Repair License (to 15 vehicles). The increase of vehicle limit is due to an additional parcel of land being leased at 2 Russell Street. The properties are shown on Assessor's Map 26, Lot 1-6 and Map 27, Lot 73-72.

The public hearing was opened at 6:21 PM with Chairman Dutra reading the Public Hearing Notice.

Present: Mark Esposito. Abutters present: James & Elizabeth Riley, 14 Russell Street; Paula Gendreau, 927 State Road. Mr. Esposito explained that he has been at this location since 2009; presently, he is licensed for 25 vehicles (which is a total of all vehicles on the lot for sale, repair, customers, etc.) but his business has outgrown the space; he has managed to secure a lease for an abutting parcel on Russell Street which will be adequate for expansion. Mr. Riley stated he is concerned there will be parking on Russell Street along the border line; he stated he owns a 34 ft. mobile home and he can't come around the corner now and will have to be backing up onto Route 6, which is dangerous. If they start parking along Russell Street, he will have to get permission from the car lot to get his mobile home out of his own yard. Mr. Riley showed the Board where his house is located on Russell Street on the plan that was presented. Mr. Riley stated he takes his mobile home out often, last year, as many as 10 weeks. Mr. Riley stated he was looking for no parking along Russell Street. Mr. Esposito stated he understood the concerns of parking but they have only been parking along Russell Street the last couple of months but the cars that were parked on the street were legally registered vehicles; that is why if this is approved for expansion onto the new lot, the parking won't happen again. Mr. Riley stated it is just common sense, that as soon as cars are placed on the lot, there will be parking by people who are looking at the cars. Mr. King suggested that the Board condition this by requesting a recommendation from the Police Department in regards to parking. Mr. Vieira stated a ruling from the public safety may help here because the Fire Department may have issues and require no parking on that side of the street. Paula Gendreau stated for her it is a security issue; also, there is a big blaring sign blinking at her; when she opens her house door, she is going to have cars right there for sale. Ms. Gendreau stated she is a nurse and comes home at 9, 10 & 11 o'clock at night to find cars with their high beams on in the parking lot looking at cars. Discussion ensued. Mr. Esposito stated he is closed on Sundays and is willing to accommodate everyone; whatever it takes to co-exist; he is even thinking about installing a fence. Mr. Ouellette stated perhaps a row of trees along the neighbor's property line. Mr. Vieira asked that Mr. Esposito talk with his neighbors and work with public safety on this. Mr. Spirlet noted that if there is no parking, it will apply for the neighbors also, not the just the car lot. **Motion** made by Mr. Vieira to approve the application subject to the recommendation of the Safety Officer (Lt. Bell) and the offer by the licensee to put a fence up between the properties. Second by Mr. Sullivan. The Board voted unanimously in favor. As verification, the license will be held until the Police recommendation is received. The hearing is closed at 6:35 PM.

Dennis Galvam, Eversource Community Relations Mgr. - RE: Discussion of Private Pole Letter Notifications.

Present: John Daly, Eversource. A discussion ensued regarding the private pole letters that were sent out to customers. Mr. Vieira stated the Board is looking for verification of those letters sent out. Mr. Daly stated there are a number of residents on private lines and a number of them do not know that; so, come a storm and a pole goes down, a call is placed to Eversource, which is expected, our crew goes out only to find out the pole is private, and being a private system, we can't make the repairs because it is not our equipment; we then refer the customer to hire a private contractor and this is shocking to the resident. Mr. Daly stated that is why we sent out letters trying to notify the customer that they are on a private system and what their options are: remain private or turn over the line to Eversource to own and maintain. Mr. Daly stated that on record, there is about 420 customers on private lines. Mr. Spirlet stated his understanding was the first pole in was maintained by Eversource and then anything beyond would be private; is this still the same. Mr. Daly stated there really is no policy because some of these poles are so old; in some cases, we could own but then five more are private. Mr. Daly stated our biggest thing is access; and there are many different scenarios. Mr. Sullivan asked how Eversource would assume responsibility for the poles and what are the advantages and disadvantages. Mr. Daly stated the biggest advantage is owner maintained; we own, we repair at no cost but to assume

ownership, it must be up to current standards and there needs to be access and there is a tax liability charge; he was not sure of the dollar value but it is a one-time deal at 25-26% value of the system. Mr. Daly stated that some systems may already meet the standards, so it would just be a matter of putting a dollar-value on it and figuring the tax liability. Discussion ensued regarding dollar-value. Mr. Vieira stated that in the past, the power company always repaired up to the power source; what if power is lost, how is this repaired if Eversource won't do it. Mr. Daly stated if power is lost, a call should be put into Eversource so we can trouble shoot to see if it is ours; there is no procedure or policy where we actually test wires or cables but in most cases, we are able to determine what the issue is and refer it back to our main customer care unit; they then contact the customer and tell them that a private electrical contractor has to deal with the power line to the meter. Mr. Vieira stated so, an electrical contractor will deal with the power line before it gets to the meter; Mr. Daly stated that was correct. Mr. Vieira questioned where the liability of Eversource was. Mr. Daly stated Eversource would make sure where the demarcation point of the private system was first and then we would cut the power so the electrical contractor would not be working on a live wire. Seeing no more questions at this time, Mr. King stated to Mr. Daly that a few weeks ago, the Town sent a letter to Eversource for a street light evaluation and asked what the status of that letter was. Mr. Daly stated he has spoken with Charlie Tavares and Dennis Galvam and the evaluation should be done after the first of the year, possibly the first or second week in January; at this time, the Legal Department is reviewing it. As a last thing, Mr. Daly presented a series of letters that were sent out (follow-up and informational). Mr. Spirlet asked if there was a number that a resident could call to see if they were affected by this. Mr. Daly stated yes, it is 1-888-633-3797 (Monday – Friday from 7:45AM to 4:45PM); to contact Mr. Daly directly, call 781-441-3206. Mr. Sullivan stated it would be helpful to have a one-paragraph explanation from Mr. Daly for residents on the options of assuming ownership. Mr. Daly agreed. The Board thanked Mr. Daly for coming in.

Public Hearing – RE: Unregistered Motor Vehicles violation at 28 Osborne Street – Jeffrey P & Tammy Oliver.

Present: Jeffrey & Tammy Oliver. No abutters were present. Mr. King stated that numerous complaints were received regarding unregistered vehicles at 28 Osborne Street. Mr. King asked why the vehicles have not been removed after the Town's notifications. Mr. Oliver stated the vehicles have been removed; there are two there now and they are registered. Mr. King asked if any of the removed vehicles will be returning; Mr. Oliver stated no and if they do, they will be registered. Mr. Dutra stated the bylaw allows for no more than one unregistered vehicle on the property. Mr. Oliver stated he had one and his son had one and they were fixing them up. Ms. Pelland stated there is an option, according to the bylaw, if more than one unregistered vehicle is desired, the resident can make application to the Board for a special permit. Mr. King stated the last thing the Board wants to do is to follow up with court action and having to issue fines. Mr. Oliver stated he understood and would make sure it is cleaned up. Mr. King stated he will have the property re-inspected before the next BOS Meeting. Mr. Spirlet stated today is Monday, so by the end of the week, it should be cleaned out. Mr. Oliver agreed. Mr. Vieira noted the dates of the letters that were sent as follow-up to the inspections and stated the Board was looking for some cooperation on this. Ms. Oliver stated that the vehicles were registered, they just did not have the plates on the vehicles. Mr. Sullivan questioned if they were registered but no plates attached? Mr. King stated they don't have to have the plates as long as they have them registered. Mr. Dutra stated there is no motion, but there is the understanding that the property will be in compliance before the re-inspection in the next couple of weeks. The Board thanked the Olivers for coming in.

William A. Flanagan, Esq. – RE: Request for a Letter of Non-Opposition for application to Department of Public Health.

Present: Attorney William Flanagan representing the non-profit group, Hope Heal Health, Inc. with headquarters in Scituate, MA; along with Atty. Flanagan were Christopher Roy-Director of Cultivation and John Rogue-CEO; not present were Edward Roy-Director of Security and John Ferrie-Chief Operating Officer.

Mr. Dutra stated this is in regards to a medical marijuana dispensing facility, as well as a manufacturing facility; we have all read about proposals in many communities for this as well; and we also have our Town Bylaw regarding the siting of these facilities in the Town of Westport. Mr. Dutra stated this will be informational and discussion of what we can and can't do, or should do, in regards to this request.

Mr. Dutra stated the BOS is not the actual regulatory board, we can issue a letter of where we stand on this but the actual decisions are made by other Town boards.

Attorney Flanagan stated they were before the Board seeking a letter of non-opposition from the Select Board; the letter would allow Hope Heal Health, Inc. to continue with their application to the Department of Health in the process of siting a medicinal marijuana facility. Attorney Flanagan gave examples of other towns similar to Westport who are working with non-profits to open these types of facilities. Attorney Flanagan stated what we want to do in Westport is build a facility to cultivate and grow marijuana and make products infused with marijuana and also a dispensary. Attorney Flanagan stated different types of marijuana plants are used to help many patients diagnosed with cancer, ALS, pain management and even diabetes; some are used for depression and anti-inflammatory conditions and seizures. Attorney Flanagan stated that smoking is not the trend, it is more vaporization, edibles, lotions or oils. Attorney Flanagan continued with his presentation of how a facility works (growing, cultivation and dispensing). Attorney Flanagan noted that his client wants to partner with UMass on this. Attorney Flanagan stated the facility would follow the Town Bylaw and be no larger than 10,000 sq.ft. and will have to go before the Planning Board for site plan review for a location along Route 6; and also there will be opportunity for public input. Attorney Flanagan stated the team of Hope Heal Health want to have several public hearings because they do not want to be in a community that does not want this type of industry. Attorney Flanagan stated what this would mean economically for Westport is that in year one, we will build a new facility within the allowed zone, hiring with local preference, of tradesmen (HVAC, Construction, Bricklayers, etc) and possibly hiring up to 40 full-time permanent positions and by years 3-5, the employment will grow up to 75-100 jobs (all with Town resident/veteran preference). These jobs will have an average salary of around \$40,000 with benefits and for anyone with a GED up to a PhD. Attorney Flanagan stated according to State Law, we need a host community agreement. This is a non-profit entity; 1-3% of the gross annual sales will go back to the Town (this is negotiated), at this time, annual gross sales are estimated for year one at \$1-3million; years 2-3 at \$5million and years 5+ at \$10million; plus any additional monies up to 1% also being given to the Town for repairs, youth activities, public safety, etc. Attorney Flanagan stated this creates an opportunity for jobs, gives revenue back to the Town and provides a very secured facility, more tighter than a bank or pharmacy. Attorney Flanagan stated at the State level, the application has been filed with the DPH, which was reviewed and approved; the DPH has reviewed the Team Management and that has been approved; now within the next 30-45 days, we are expecting the DPH to request a proposed site location and we would like to come to Westport because we feel it is needed here and there is an opportunity here; once that site is submitted to the DPH, they come down, view the site and security and make sure that all is met at the local and state level for compliance and then the host agreement is reviewed; then, a determination is made whether the DPH will issue the license. Attorney Flanagan stated there will be site plan review and an approval needed from the BOS and even though all this is done, it does not guarantee that the State will approve us. Attorney Flanagan stated he did not see any red flags for disqualification. Attorney Flanagan again stated this is to help sick people with

cancer, multiple sclerosis, bad car accident injuries, veterans with PTSD, seizures and addictions; there are studies that show medicinal marijuana reduces opioid use and the taboo of marijuana is being eradicated; there are also no reported overdoses with marijuana. In ending, Attorney Flanagan stated the request tonight was for a letter of non-opposition.

Mr. Vieira stated he thought the letter of non-opposition was going to be for Fall River, not Westport because there is nothing on our agenda that talks about Westport; a good presentation was given but the feeling was this was going to be housed in Fall River. Mr. King stated the letter given to the BOS Office was very sketchy. Mr. Vieira stated that personally, he was not in support of this but he did not believe a letter could be given tonight because it was not on the agenda properly. Mr. Vieira stated he also had concerns about addiction; if we were going to have something on our agenda, he would like to have input from the Police Chief, Public Safety folks, CVS Pharmacy, the Apothecary, folks like this. Mr. Vieira stated he had trouble wrapping his head around the economics of this; he understood having to make money but at what cost. Mr. Ouellette stated he would bring this to the Economic Development Task Force but obviously, he shares Mr. Vieira's concerns. Mr. Dutra stated he would like to take a look at the model that Fall River has developed, similar to what Mr. Vieira has suggested. Mr. Dutra stated he agrees with both his colleagues, that this Board is not in a position tonight to vote on anything. Mr. Dutra stated to Attorney Flanagan, that if he wanted to vet this further, he would need input from the Public Safety people, our Business Development people, the Planning Board and any public board that needs to be involved; along with public input. Mr. Vieira stated there is also another distinction (sales) and he was not sure that is available in Fall River which is manufacturing only. Attorney Flanagan stated that according to State Law, there can be no outright ban of cultivation; currently, there is no zone in Fall River for a dispensary; Westport however, has created a zone. Mr. Sullivan stated he seconds Mr. Vieira's concerns and there is a lot to consider and personally, he didn't believe any good comes from these types of things. Mr. Dutra stated we can table this matter for now, forward it to the Economic Development Task Force for further recommendations. Mr. Spirlet stated his past experience for over 36 years, which included dealing with the first methadone clinic and heroin, etc., he has lived it and worked with it so he has a real hard time to put his arms around something like this; as for the manufacturing (not so much a problem) but why not have it shipped to a pharmacy rather than dispensing also (this is where he has a real problem). Discussion ensued.

Motion made by Mr. Vieira to table this matter. Second by Mr. Spirlet. The Board voted unanimously in favor. Attorney Flanagan stated in moving forward, would the Board recommend the letter be resubmitted. Mr. Dutra suggested that a letter to the BOS with a cc: to the Economic Development be submitted. Mr. King stated he could submit a letter to be on a future agenda and once that information is received, it will be forwarded to the appropriate departments. Mr. Dutra stated that he has been casually following Fall River (which is premature) & Freetown. Discussion ensued. Mr. Sullivan questioned if Brookline, Fairhaven, Wareham, etc were all non-profits. Attorney Flanagan stated yes; in June 2015 Salem was fully approved. Mr. Dutra stated there will be five per county. Mr. Roy stated there are currently seventeen approved facilities in MA. Mr. Vieira asked when mentioning facilities, are you talking about dispensaries also. Mr. Roy stated yes; it can be a dispensary or a cultivation center or it can be combined. Mr. Sullivan asked why this has been handled with dispensaries and not a legal pharmacy. Attorney Flanagan stated because it is still considered by the Federal Government as a Class 1 illegal drug; there are different laws regarding medicinal and recreational; health care does not cover this as a prescription. Mr. Sullivan asked what the impact be on the business model if this were to be legalized. Attorney Flanagan referred to Colorado where there is both medicinal and recreational. Attorney Flanagan stated he would like to rescind this letter but continue communications in moving forward. Mr. Dutra stated we have moved to table this matter; we will wait to receive correspondence from the applicant, at which time, we will forward it to the public safety and licensing authorities for input. The Board thanked the applicants for coming in.

Christopher Leonard, Acting Harbormaster – RE: Approval of Amendment to the MOU to move the rain gauge from 187 Drift Road to 408 Old County Road.

Present: Christopher Leonard. Mr. Dutra stated this was for an MOU amendment to move the rain gauge from 187 Drift Road to 408 Old County Road with the rain gauge at 54 Hix Bridge Road remaining in place. Mr. Leonard stated this would essentially move the gauge from Gary Sherman's house to the Library. **Motion** made by Mr. Vieira to approve the amendment to the MOU on the recommendation of Christopher Leonard. Second by Mr. Sullivan. The Board voted unanimously in favor.

Christopher Gonsalves, Hwy. Surveyor – RE: Appointment of Clerk/Dispatcher – Apryl Oliveira.

Present: Christopher Gonsalves and Apryl Oliveira. Mr. Gonsalves stated there were fifteen applications received (some were Town residents) and six applicants were interviewed. Mr. Gonsalves stated that Ms. Maynard will stay on for a little bit to work with Ms. Oliveira. **Motion** made by Mr. Vieira to move on the recommendation of the Town Administrator and Highway Surveyor to appoint Apryl Oliveira as the Clerk/Dispatcher for the Highway Department, effective Monday, December 21, 2015. Second by Mr. Sullivan. Discussion ensued. The Board voted unanimously in favor.

Action Items – Licenses

Prior to approving licenses, discussion ensued regarding the approval process. Mr. Dutra stated he was looking for a blanket policy to treat all licensees equal. **Motion** made by Mr. Vieira to approve all licenses, holding those with compliance issues and to review those licenses in 30 days if compliance is not met. Second by Mr. Spirlet. The Board voted unanimously in favor.

1. **Motion** made by Mr. Sullivan to approve the list of 2016 Liquor Licenses renewals. Second by Mr. Ouellette. The Board voted unanimously in favor. (see attached list)
2. **Motion** made by Mr. Vieira to approve the list of 2016 Common Victualler, Innholders, Entertainment & Automated Amusement Devices Licenses renewals. Second by Mr. Spirlet. The Board voted unanimously in favor. (see attached list) Mr. Dutra noted correspondence received from Attorney Bobrowski regarding the Entertainment License for Westport Rivers, Inc.
3. **Motion** made by Mr. Ouellette to approve the list of 2016 Motor Vehicle Licenses (Class I, II, III, Storage, Repair). Second by Mr. Vieira. The Board voted unanimously in favor. (see attached list)
4. **Motion** made by Mr. Ouellette to approve the population estimate (10,000) for Seasonal Licenses for 2016. Second by Mr. Sullivan. The Board voted unanimously in favor.
5. **Motion** made by Mr. Vieira to approve the Annual Liquor License Report for 2015 to the ABCC. Second by Mr. Sullivan. The Board voted unanimously in favor.
6. **Motion** made by Mr. Vieira to approve the request for New Officer/Director and for reconsideration to resubmit a Change of Manager for the Westport Club, Inc. to the ABCC. Second by Mr. Sullivan. The Board voted unanimously in favor.
7. **Motion** made by Mr. Spirlet to approve a Common Victualler License for the Hampton Inn. Second by Mr. Ouellette. The Board voted unanimously in favor.

Action Items – Other

8. **Motion** made by Mr. Ouellette to approve the request for closure of one hour by the Town Hall and Town Hall Employees on December 21st to hold their annual potluck lunch with the condition that this is publicly posted on each building. Second by Mr. Sullivan. The Board voted unanimously in favor.
9. Mr. King explained the agreement and the cost sharing. Mr. King stated this agreement must be signed in order to get the funds released. Discussion ensued. **Motion** made by Mr. Vieira to

approve the agreement with MADOT for the Hix Bridge Restoration Feasibility Study. Second by Mr. Sullivan. The Board voted unanimously in favor.

10. Mr. King stated that Town Counsel was confident that with new verbiage, this bylaw can pass. Mr. Sullivan stated rather than carte blanche be given to Town Counsel, we should either put this off or empower the Chairman to work with Town Counsel on this. Mr. Vieira noted that Town Counsel billed us while working with the Attorney General. Mr. Dutra stated his concern is that this was such a divided vote at Town Meeting; if we move forward, research is needed from the Attorney General on the wording. Mr. Vieira stated that the wording using "No Trespassing" gives the bylaw more teeth. **Motion** made by Mr. Sullivan to assign the Chairman to work with Town Counsel and the petitioner to find the most effective and efficient article. Second by Mr. Ouellette. The Board voted unanimously in favor.
11. **Motion** made by Mr. Ouellette to allow the Town Legislators to file legislation on the Town's behalf related to Firefighter Lopes. Second by Mr. Sullivan. The Board voted unanimously in favor.
12. **Motion** made by Mr. Vieira to approve Amendment #1 in the amount of \$16,225 of the Police Station Designer Feasibility Contract for surveying and soil tests. Second by Mr. Sullivan. The Board voted unanimously in favor.
13. **Motion** made by Mr. Ouellette to accept the donation made to the COA in the amount of \$83 from the Second Half Bridge Club Players. Second by Mr. Sullivan. The Board voted unanimously in favor.
14. **Motion** made by Mr. Vieira to approve the DEP Consent Agreement for Beach Avenue with one amendment (page 4 – correct: alternation to alteration-per Mr. Sullivan). Second by Mr. Sullivan. The Board voted unanimously in favor. Mr. King will check the logistics of the road width mentioned in the agreement.

One-Day Liquor Licenses – None.

Appointments and/or Resignations

Present: Christopher Leonard and John Borden. Mr. King stated he has conducted interviews of the two candidates; as have the Shellfish and Harbor Advisory Committees. Mr. King stated the Shellfish and Harbor Advisory may disagreed with me but his recommendation is to appoint Christopher Leonard as Director of Marine Services.

Motion made by Mr. Vieira to move on the recommendation of the Town Administrator for Christopher Leonard as Director of Marine Services. Second by Mr. Sullivan. Discussion ensued.

Mr. Sullivan asked Mr. King why would there be disagreement. Mr. Borden stated we wrote a letter to the BOS recommending a change in the salary because under the Personnel Bylaw, a new hire starts at 90%, so both Shellfish and Harbor Advisory respectfully request this be overridden by the BOS and start Mr. Leonard at \$75,000. Mr. Borden stated the position has become much more complex and Mr. Leonard has done police training, EMT training, Mariner training; he has prepared himself for this job and the Town is lucky to have him and we should pay him. Mr. Borden stated on further matters, at some point, the BOS will have to figure out how the two budgets (Shellfish and Harbor) will interact. Mr. Sullivan suggested that the 90% request be discussed following the vote that is presently on the floor. Mr. Ouellette asked why the BOS did not have the other applicants information; only Mr. Leonard's resume. Discussion ensued. Mr. Spirlet stated he had no problem supporting Mr. Leonard. Mr. Spirlet stated his dilemma is who does Mr. Leonard report to. Mr. Spirlet stated he did not want Mr. Leonard to report to the BOS or to the Town Administrator. Mr. Spirlet stated he wanted Mr. Leonard to report to the Police Chief; the reason why, is because everything has been changed around; one of the things is that he is special police officer potentially carrying a firearm; and all law enforcement on the Harbor. Mr. Spirlet stated this is critical because we have just changed the whole dynamics of the

position. Mr. Spirlet stated the liability is all together different and it is a condition of his employment, that he maintains his special (reserve) police officer, and his firearms certification and whatever the CMR's are for this position. Mr. Spirlet stated the BOS and the Town Administrator are not keeping up with this; whereas the Police Chief does, such as with the Animal Control Officer. Mr. Spirlet stated the responsibilities should not come back to this Board or the Town Administrator. Mr. Spirlet stated he wanted to cover the Town and Mr. Leonard and that is the only way he would support this. Mr. Spirlet stated he spoke with the Police Chief and Mr. Leonard, who was made aware of why he was speaking with the Police Chief; the issue is because he wants this under the umbrella of the law enforcement to protect the Town and Mr. Leonard. Mr. Borden stated that may well work out in the future but there is line that needs to be crossed as to who has final jurisdiction over this position. Mr. King stated he will meet with the Police Chief and Mr. Leonard and come back to the BOS with a recommendation. Mr. Dutra stated for the interim, we will keep the appointment and it will remain under the BOS/TA until further information/recommendation comes back from the Police Chief and the two committees. Mr. Borden stated that subject did come up about jurisdiction; the advisory boards felt it should remain the same because a lot of his certifications are state-mandated. Mr. Sullivan stated with a change in the organization, we should have done something before now; we might consider that some aspects of the responsibilities are a dotted line to the Police Chief, but Mr. Sullivan stated he agreed with the Chairman. **Vote taken: 4 in favor; 1-opposed (Spirlet).**

Mr. Borden stated in addition to recommending Mr. Leonard, the Harbor and Shellfish Advisory Committees are respectfully requesting that the BOS establish \$75,000 as the starting salary because the position has become more complex.

Motion made by Mr. Vieira to put the salary at \$75,000. Second by Mr. Sullivan. Discussion ensued. Mr. Vieira stated Mr. Leonard has done a good job with both positions; we are paying under what we would pay for the two positions; we are lucky to have him and \$75,000 is under the going rate. Mr. Ouellette stated he could not go for the \$75,000; he would go with the 90% that is already agreed to; Mr. Ouellette stated Mr. Leonard is a qualified candidate. Mr. Dutra stated he did not agree with the 90% because we lose a lot of qualified people and we almost always overrule ourselves. Discussion ensued. This item will be on the next agenda with the Personnel Board weighing in on it. **Vote taken: 4 in favor; 1-opposed (Ouellette).**

Discussion Items

1. Mr. Dutra stated a discussion was held regarding Energy Aggregation when Mr. Mauk was present at the beginning of the meeting. Mr. Vieira stated that Mr. King did check with the State and that is the process that had to be followed by the Town; we did not have an option to opt-in, we could only do an opt-out but anyone can opt-out at anytime with no penalties. Discussion ensued – no votes taken.
2. Mr. Sullivan stated that Mr. King, Chris Gonsalves and himself visited the MADOT in Taunton to discuss the deteriorating condition of the Hix Bridge Road bridge. Mr. Sullivan submitted a report to the BOS regarding that visit and briefly summarized the report. Mr. Sullivan stated the bridge has been tested, there are no safety concerns and the bridge is structurally sound. The bridge is only 10 years old but has deterioration of the outer 3" of the 4' diameter, which goes down to the reinforcements; the lifespan is supposed to be 50 years, so this does not speak well to the life of the bridge. Mr. Sullivan stated the Town's concern is that it will need repairs soon and the question for us is whose responsibility is this; are we going to have to pay using Chapter 90 funds or is this the DOT's responsibility. There was no implicit warranty. Mr. Sullivan stated the 6 or 7 individuals they met with were very well versed in this matter; it is on their radar to be fixed; it is not going to be fixed right away however, because there are a lot worse problems out there in the State; they have actually hired a second engineering firm to look at how to fix our problem, which seems to be

unique. Mr. Sullivan stated the Board can invite them down in the next month or two if there are any questions or discussions but the public can rest assured, this is not good but it is not a safety issue. Mr. Sullivan stated we need to stay on this because when the State begins to fix this, we want to have our ducks in a row. Mr. Ouellette asked Mr. Sullivan if the subject of removing the debris came up. Mr. Sullivan stated Mr. King did bring up the two projects: the bridge and the river restoration but there was nothing specific. Mr. Wayne Sunderland stated he reviewed Mr. Sullivan's comments as he was asked to do by Mr. Sullivan. Mr. Sunderland said that in 2012, there is a 21-page MADOT report and the pictures don't show anything getting better; this bridge has been flawed from the beginning; there is also a 6-page report, if the Board is interested. Mr. Sunderland stated the Board should read both because this really needs to be addressed; the surface cracks are getting deeper. Mr. Sullivan noted to Mr. Sunderland, that he has a 195-page report on the testing of the columns which he will forward to him for review. Mr. Vieira stated he was comfortable with the report from Mr. Sullivan and suggested that it be part of the minutes because it contained layman's terms. Mr. Sullivan stated there is one change needed on the Phase 2 – they used vibratory equipment on the southern piling; Mr. Sullivan will submit a corrected report.

Minutes

1. **Motion** made by Mr. Vieira to approve the Regular Meeting Minutes of November 30, 2015 with amendments. Second by Mr. Ouellette. The Board voted unanimously in favor.
Amendments: page 2 – delete “decided” and insert “suggested” and page 4 – delete “had an easement” and insert “of roadway that would revert to the abutting landowners, would”.

Question and Answer Period – None.

Board Members Suggestions for Future Agenda Discussion / Action – None.

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

1. **Motion** made by Mr. Spirlet to allow the request of the Fire Department for use of the Town Hall rear parking lot on Saturday, December 19th from 4-6PM because Santa would be arriving at Lees Market via Fire Truck. Second by Mr. Ouellette. The Board voted unanimously in favor.

Other Business

1. Mr. Vieira stated there is reports of people (possibly homeless) camping periodically on property located off Route 88 near the Route 6 exit ramp (which is probably State property) and it seems to be getting bigger each year; Mr. Vieira was not sure of the liability. Mr. King stated he will have the Police Department look into this.
2. Mr. Ouellette noted the Christmas decorations in front of the Town Hall; he thanked everyone involved and for the donations from Lees Market.
3. The potential BOS Meeting schedule will be presented at the next meeting for approval.
4. Mr. Spirlet wished everyone a Happy Holiday season.

8:54 PM Executive Session

Motion made by Mr. Ouellette to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to approve Executive Session Minutes of November 30, 2015; Strategy with Respect to Collective Bargaining – Police, Fire, LAW and Discussion of a Personnel Matter. Second by Mr. Spirlet. The Board voted unanimously in favor.

Roll Call Vote: Mr. Ouellette-aye. Mr. Spirlet-aye. Mr. Vieira-aye. Mr. Sullivan-aye. Mr. Dutra-aye.

Mr. Dutra announced the Board would return to Open Session following the Executive Session in order to adjourn.

9:17 PM Open Session

Motion made by Mr. Ouellette to adjourn the Board of Selectmen Meeting. Second by Mr. Spirlet.
The Board voted unanimously in favor.

Adjournment.

Respectfully submitted,

Diane Pelland
Administrative Asst/Confidential Clerk to the Board of Selectmen

APPROVED: _____
Steven J. Ouellette, Clerk