

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY
MAY 31, 2016**

Members Present: R. Michael Sullivan, Chairman
Craig J. Dutra, Vice Chairman
Antone C. Vieira Jr.
Shana M. Shufelt, Clerk
Also Present: Timothy J. King, Town Administrator
Members Absent: Steven J. Ouellette

Chairman Sullivan 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.

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

Public and Board Member Comment

Acknowledgments & Recognitions

At this time, the Board called for a Moment of Silence for the passing of former Selectman and Highway Dept employee, John A. Taylor (obit read by Mr. Vieira) and the passing of former Selectman Romeo Fortin (obit read by Ms. Shufelt).

Appointments and/or Resignations

1. **Motion** made by Ms. Shufelt to appoint the following as Democratic Poll Workers as submitted by the Democratic Town Committee: Precinct A: Helen Beaulieu, Claudette Bisson, Shirley Desrosiers; Precinct B: Elmira Beals, Geraldine Fortier, Alberta Lavoie; Precinct C: Mary Wetherell, Louise Amaral, Theresa Wilkinson; Precinct D: Almerinda Tenchara, Emil Fuller, Merline Toupin; and Precinct E: Constance Taber, Barbara Marcott; also appointed were Extra Poll Workers: Cynthia Rodrigues, Carol Ann Almeida, Wilfred St. Michel, Mary Freitas and Ashley Chasse. Second by Mr. Vieira. The Board voted 3 in favor, 2-absent (Ouellette, Dutra).
2. **Motion** made by Mr. Vieira to accept with regrets the resignation of Marie L. Fontaine from the Westport Cultural Council effective June 1, 2016 and to send a letter of thanks. Second by Ms. Shufelt. The Board voted 3 in favor, 2-absent (Ouellette, Dutra).

Note: Mr. Dutra arrived at 6:15 PM during the presentation by the Highway Dept.

Andrew Sousa, Highway Department – RE: Coastal Zone Management Grant for Stormwater Quality Monitoring Program.

Andrew Sousa was present. He stated he worked with the Highway Department on this grant proposal for a Stormwater Quality Monitoring Program. Mr. Sousa stated he has provided the Board with the information and hopefully have had time to review the proposal. The Highway Department currently maintains the stormwater/sewer in Town and have been actively been searching for funds for the operation and maintenance; one component of the operation and maintenance of the stormwater/sewer is stormwater quality monitoring. Mr. Sousa stated that with the MS4 General Permit, there is a requirement to rank and prioritize stormwater discharges. The grant award is between \$25,000 and \$35,000; there is a 33% match of which the match will be in-kind services provided by the Westport Highway Dept. Mr. Sousa stated there is a signed letter from the Highway Surveyor committing to such match. Mr. Sullivan stated we apply for this money and if we get it, (the 2/3's), we will use our manpower to supplement that money which can be used for materials; will it also be used for labor.

Mr. Sousa stated a small amount (\$2,000) goes to labor and equipment and the rest goes towards professional analysis and water samples. Mr. Sullivan stated the whole effort would be to take water quality samples of all our known priority sites, on a periodic basis, to develop enough information to propose a solution, in an effort to obtain more money for this. Mr. Sousa stated that pretty much sums it up. Mr. Sousa stated that once the program is started, it can continue for years in order to monitor the entire Town but for now, it will focus on the priority areas. Mr. Vieira stated this is a funding source for stormwater that the WRMC was looking for. Mr. Vieira asked Mr. Sousa if he was working with other groups in Town and private funding groups as well such as the Watershed; is that part of the grant application. Mr. Sousa stated he is working with a lot of folks and he has learned a lot from the National Estuaries, Buzzards Bay Action Committee and the Watershed Alliance. Mr. Vieira asked what the plan was for testing; who would be doing the testing. Mr. Sousa stated the sampling will be done by a volunteer corp; Mr. Sousa stated he will also be doing grab sampling; through the operation and maintenance of the stormwater drains, we have been able to locate the discharges and been able to use the data that has been taken from the Estuaries Program. Mr. King stated this is a good start toward the MS4 requirements; it will give a database to show where our priorities are. Mr. Sousa stated he is a member of the WRMC but there has been no time to setup a regular scheduled meeting to discuss this; an email has been sent to the WRMC Vice Chair on this. Mr. Harkins, Chair of the WRMC stated that Mr. Sousa has reported this to the Vice Chairman and himself and we support the grant application and the Watershed Alliance is in support as well. Mr. Sullivan stated as in the past there have been issues with matching grants, how do we monitor the match so we don't under/over the match and are in a position where under, we have to pay, with over not being too much of a concern. Mr. Sousa stated a large part of the money is sampling and the smaller part is the actual time the Highway dedicates. Ms. Shufelt stated she would suggest time tracking so we can accurately track the time that is spent doing this. Mr. King stated on a monthly basis, a report could be submitted documenting the progress on the grant, any particular problems that are being run into and the tracking of the number of hours (in-kind services) used by the Highway Department. Mr. Vieira stated the Accountant's Office needs to track this either by commitments or purchase orders, payrolls, bills, etc. as we do our other grants; there needs to be a grant officer. Mr. King stated there will be volunteers also, so a monthly report would document, including the number of hours by the volunteers could be applied to the grant activities. Mr. Sousa stated he is comfortable with being transparent on this; the over match is not the problem, as for the under match, there is a minimum number of hours for Highway Dept. employees and a minimum for a pickup truck. Mr. Sullivan asked Mr. Sousa to work with the Town Administrator and Town Accountant on this. Mr. Sousa stated that Ms. Oliveira, Highway Clerk is willing to help keep track of this on an Excel file. Mr. Dutra stated the Highway Dept. should submit a tracking system to the Town Administrator; it is not a matter of comfortable but the use of a tracking system. Mr. Sousa stated he will make sure they stay within the \$3,000 Administrative match. Mr. Sullivan stated to Mr. Sousa, nice job on this. **Motion** made by Ms. Shufelt to approve the grant application. Second by Mr. Vieira. The Board voted 4 in favor, 1-absent (Ouellette).

Public Hearing – RE: An application request from Cumberland Farms of Massachusetts, Inc. d/b/a Cumberland Farms No. 2234 located at 596 State Road, Westport, MA for a Package Store Liquor License for the sale of Wines & Malt Beverages.

The public hearing was opened at 6:27 PM with the reading of the Public Hearing Notice. Attorney William Manganiello (representing the petitioner), Cynthia Proulx (Manager), Michael Hutchinson (Corp. Manager) and Jim Carpenter (Store Manager) were present. Attorney Manganiello gave a brief background of Cumberland Farms; the store located at 596 State Road has been remodeled as a concept store. Attorney Manganiello stated there is a complete monitoring system that has been installed for better control of store products. Attorney Manganiello stated that all store employees are required to have TIPS Training in addition to in-house corporate training, which is very stringent in regards to compliance with all sales of alcohol. Attorney Manganiello stated his client was asking for approval at the local level based on Cumberland Farms' track record. Ms. Pelland stated the application is

complete and has met all application requirements; one letter was received from an abutter, who is away in Florida, that abutter is in opposition to this application. Chairman Sullivan, at this time, read the letter received from Muriel Amaral-Boardman. Mr. Sullivan asked if they had been to the Planning Board in respect to the layout for parking and traffic issues and use. Mr. Hutchinson stated no, that was all handled when we initially got our building permit for the renovation of the store; since our application we did not need to go to Planning because we were not physically changing the building or the exterior. Mr. Sullivan stated this is not considered a change of use; Mr. Hutchinson stated that is correct. Mr. Sullivan stated there was a point made about liquor stores within 2.5 miles but we can't regulate which business gets a license. Mr. Sullivan asked about litter control. Mr. Carpenter stated as for litter control, trash is monitored every day and the parking lot is checked daily. Mr. Carpenter stated this is the first he has heard of a trash problem; we try every day to police any trash that is out there, we have provided trash containers for that purpose. Attorney Manganiello stated that due to that comment, we will instruct our landscaping company to make an extra effort. Discussion ensued regarding hours of business; training and monitoring of sales. Ms. Shufelt asked if there is a certain number of licenses that we are allowed in Town because she stated she has heard the argument that there are liquor stores in Town already. Ms. Pelland explained the number of licenses allowed in the Town is based upon the population and that number is set by the MA ABCC. Chairman Sullivan called for anyone who wished to speak. Mr. Vieira stated the State has regulated the hours of sales; this is an issue with him personally and he was not in favor of the Sunday sales at all; we do have some vacant licenses in the Town, and this is not a bad thing because it allows for competition in a neighborhood of two or three, it is out of our control. Mr. Vieira stated that all he would ask is that Cumberland Farms continues to be a good business and to deal with any issues that develop on the spot. Ms. Shufelt stated that when she moved to MA in 1996, she was surprised, moving from a state where combined convenience/package stores were prevalent, and that MA did not have that at all, so it may be that a combined gas station selling alcohol is relatively new to MA; why does she not see more of this, is it a recent phenomenon. Attorney Manganiello stated any one entity can only hold seven licenses in the State of MA, this will be our seventh. Mr. Dutra stated in RI, MA and CT, the blue laws made no sense, personally, he does not have a problem with this as long as the establishments are regulated and well-run; we should not be limiting consumer choices; we have been somewhat inconsistent in awarding and not awarding in congested areas and we do not have a pattern that is consistent on this; but we don't decide where a license goes, it is not our job, we make sure they adhere to the regulations set forth by the State. Mr. Sullivan stated that Cumberland Farms is a convenience store/gas station, which is a little bit different than a liquor store; does this require additional diligence so minors are not served. Mr. Hutchinson stated that is part of the TIPS program but in addition, Cumberland Farms has their own in-house training in regards to the sale of alcohol, plus a point of sale on the cash register for when items such as liquor are scanned, alerts the cashier if an ID is required; Cumberland Farms also does their own in-house sting operations such as the local Police Dept and the MA ABCC and the stores are aware of this. Garish Patel, owner of 787 State Road, State Road Package Store, stated we have five licenses in a 2.5 mile radius; what is the greed of this corporation; due to the economy, other businesses are not surviving; he was against the issuance of a liquor license and he opposed the application; how many licenses are needed in this area. Mr. Sullivan stated that denying a license due to other businesses in the area will not stand up in court. Mr. Patel stated the past owner was denied but now they are being allowed. Mr. Vieira stated everyone is treated the same way during the application process; if it was his way, he would not issue any licenses but it is not his call and not Mr. Patel's call; this is a free market and we must let it take its place; the State law requires how many we can have based on our population; Cumberland Farms has a good record since being in Town, so it is not the job of the Board of Selectmen to discriminate and evaluate the business of every individual; if there are any problems, our Police and Public Safety will handle it; Mr. Vieira stated he understood Mr. Patel's opposition but there is no other action for this Board, if the process was followed properly. Discussion ensued regarding hours of operation. Mr. Vieira asked Mr. King if there was any correspondence from the Police Dept. Mr. King stated there has been no correspondence. Ms. Pelland stated that liquor

license applications do not normally get sent to the Police Dept. **Motion** made by Ms. Shufelt to approve the license for a Package Store Wine & Malt Liquor License to Cumberland Farms with the hours of operation subject to State & Town regulations. Second by Mr. Vieira. The Board voted 4 in favor, 1-absent (Ouellette). The public hearing is closed at 6:50 PM.

Public Hearing – RE: An application request from Robert A. Camara, Jr. - Rob's Auto Care, Inc., located at 500 Adamsville Road for a Class II Motor Vehicle License for the sale of used vehicles. Total vehicles requested: 12. The property is shown on Assessor's Map 81, Lot 12A.

The applicant was not present. The Board voted to continue the hearing with the applicant being notified of the new date and time. **Motion** made by Mr. Dutra to continue the hearing to Monday, June 13, 2016 – with a time to be determined. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Ouellette).

David Palmer – RE: Fourth of July Parade.

David Palmer and Anne Boxler were present. Mr. Palmer stated the 4th of July Parade is scheduled for Monday, July 4th beginning at 10:00 AM and ending at approximately 12 Noon. The parade steps off at Main & Hix Bridge Roads and ends at the Westport High School. No walkers are to walk beyond Charlotte White Road; they will have to have transportation to the High School. Mr. Palmer stated the most expensive cost is the Police Details. Mr. Palmer was hoping for next year, some of the cost can be absorbed by the Town; now, it is funded by donations. The parade is done by all volunteers and it does bring business to the Town. Mr. Palmer stated they have port-o-johns ready and have secured the necessary insurance. Mr. Palmer stated this year's Grand Marshall is Edmond Beaulieu. Mr. Sullivan asked what is the approximate cost to hold the parade. Mr. Palmer stated \$3,000; money from local businesses and whatever else is needed we put in. Mr. Palmer stated that businesses are giving less this year. Mr. Palmer stated that contributions can be sent to: WFJPC, Inc., 248 Sodom Road, Westport, MA; also, any pre-registration can be done by email (davefixit7@hotmail.com) or phone call (508-636-2180). Mr. Dutra stated we almost lost the parade a couple of years ago; we should look at a baseline for supporting this event in 2017, perhaps in our next budget; we don't want to lose this great tradition. Mr. Sullivan asked Mr. Palmer to come back to the BOS on Monday, June 27, 2016 for an update on the status of the parade. Mr. Sullivan asked Mr. Palmer to contact the BOS Office and work with Ms. Pelland to get the information on the Town's website.

Christopher Leonard, Marine Services Director – RE: Request to advertise the position of Deputy Director of Marine Services.

Christopher Leonard and John Borden (Shellfish & Harbor Advisory) were present. Mr. Leonard stated he is looking to advertise the position of Deputy Director of Marine Services. Mr. Leonard stated right now, he is covering the Harbormaster position, Shellfish Constable and Boat Ramp along with the biggest feature in Town, the Westport River; we need people who can respond in an emergency. The position is full-time and for twelve months a year at a cost of \$38,000. The FY'17 budget is \$188,938. and there is zero impact on the this budget. Discussion ensued. **Motion** made by Mr. Dutra to approve the advertising of the position and to move forward in the hiring process. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Ouellette).

Action Items

1. **Motion** made by Mr. Dutra to set the date of August 2, 2016 for the Special Town Election to vote on the Police Station question. Second by Mr. Vieira. The Board voted 4 in favor, 1-absent (Ouellette).
2. **Motion** made by Mr. Vieira to approve the request of Don Ferry & Karen Kkluchko for the exchanging marriage vows at the Knubble on Saturday, August 27, 2016 under the recommendation of the Town Administrator and to seek input from the Beach Committee. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Ouellette).

3. **Motion** made by Mr. Dutra to accept the recommendation from the Police Dept. of not placing “Children Playing” signs on Steven Avenue as requested by Elizabeth Ann Petrillo; but to direct Ms. Petrillo to contact the Police Dept. in regards to the “yard signs” which state, “Go Slow, Children Playing” that are offered by the Police Dept. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Ouellette).
4. Donald Wach and Robert Lafleur (applicants) were present. Mr. Wach explained they would like to have their mobile food truck located at 336 State Road and have permission from the owner of Kartway to park there on Thursday, Saturday and Sunday, basically from 11AM to 5PM. They own the original recipes from Macray's Seafood (when they were open many years ago on Route 6). Jim Whiting, Planning Board voiced concern over parking issues in conjunction with Kartway. Mr. Vieira stated he spoke with the Building Commissioner, who liked the location of the truck and the Board of Health were very supportive of this also; and Mr. Vieira felt that Economic Development will be happy with this proposal too. Mr. Vieira asked the applicant if the meals tax applied to mobile foods. Mr. Wach stated he was pretty sure it did because when he pays the state, they then forward the required amount to the Town. **Motion** made by Ms. Shufelt to approve of the Common Victualler License for Macray's Seafood II, Inc. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Ouellette).
5. **Motion** made by Mr. Dutra to table the approval of an agreement with Tibbetts Engineering for Engineering Services for various streets in Westport (Job No. P17227) based on the recommendation of the Town Administrator (This being a sole-source procurement, some areas of the scope of services are insufficiently specific, the contract cost is not fixed and the costs have not been vetted). Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Ouellette). Mr. Sullivan asked Mr. King to poll other towns as to what they pay.
6. **Motion** made by Mr. Dutra to approve the request from Buzzards Bay Coalition to update the existing informational signs at various waterfront locations in Town; and to share the information with the Landing Commission. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Ouellette).
7. **End of Year Budget Transfer Requests:**
Motion made by Mr. Dutra to approve \$4,000 from Board of Selectmen (Professional Services) to Board of Selectmen (Personal Services). Second by Mr. Vieira. The Board voted 4 in favor, 1-absent (Ouellette).
Motion made by Mr. Dutra to approve \$1,500 from Water Enterprise (General Expenses) to Water Enterprise (Personal Services). Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Ouellette).
Motion made by Mr. Dutra to approve \$1,000 from Library (General Expenses) to Library (Personal Services). Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Ouellette).
Motion made by Ms. Shufelt to approve \$15,000 from Highway (Personnel Services/Non-clerical) to Highway (Equipment Repair & Maintenance). Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Ouellette). Mr. Vieira questioned when the last inventory was done. Mr. King stated it is done annually; last one was last July. Mr. Sullivan explained the new process. It was requested that a column for the condition of the equipment be added and a column that explains what has happened to the equipment if disposed of.
Motion made by Mr. Dutra to approve \$5,000 from Recreation (General Expenses) to Street Lights (General Expenses). Second by Mr. Vieira. The Board voted 4 in favor, 1-absent (Ouellette).
8. **Motion** made by Mr. Dutra to accept the donations made to the Council on Aging in the amount of \$187.00 (\$37 from Second Half-Bridge and \$150 from Westport Point Neighborhood Association). Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Ouellette).
9. **Motion** made by Ms. Shufelt to allow the parking of five (5) vehicles by UMass Dartmouth-Fine Arts Department at the Hix Bridge Boat Landing on June 2, 2016 between the hours of 9AM and 2PM in order for a class to do open air painting. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Ouellette).

10. Mr. King explained the request for BOS approval of wage/salary increases for Town-Non-Union Employees. Discussion ensued regarding health insurance rate options and it was asked that the Town Administrator look into this matter. **Motion** made by Mr. Dutra to approve a 2% wage increase for Town-Non-Union Employees per Town Administrator recommendation, effective July 1, 2016. Second by Mr. Vieira. The Board voted 4 in favor, 1-absent (Ouellette).

Discussion Items

1. Mr. Vieira stated he would like to get clarity on the parking at the Head of Westport and what we have control of and not have control of; he has spoken with the Building Inspector for his opinion on parking assignments; the Landing Commission has an opinion on this and it is their right to control it; and he has done some research by going to the Office of Affairs for state regulations relating to public landings in MA; he has researched MGL Chapter 21A, Section 11B and 320CMR 2.0 parking regulations. Mr. Vieira stated in terms of questions, under 320, there is a question of whether there should be parking on a public landing and how it affects access to the public landing. Mr. Vieira stated he did not want to debate this tonight, but here have been a number of meetings regarding a parking plan that is in place now but he could not find a parking plan on file; if there is not one in place, it should be the Board's position on how to deal with, as it relates to, a public situation, whether it be the schools, town buildings, and as it relates to landing sites. Mr. Vieira stated Mr. King can check Winthrop, Salem, all of Cape Cod, Brewster, Marblehead, Beverly, South Boston and Lynn; there is concerns in terms of what we do at a public landing. Mr. Vieira stated there are different models out there. Mr. Vieira stated the Board should take a position on public access as it relates to public landings. Mr. Vieira stated we should take a position, even before we deal with the Watershed down there, in terms of how we deal with businesses parking on public property, in particular, a public landing. Mr. Vieira also stated this is an environmentally sensitive area. Mr. Sullivan asked Mr. Vieira if his concern was of the legality of allowing commercial businesses or non-profits parking there. Mr. Vieira stated it is concern of what is being allowed down there, is it policy of the Town and how do we enforce what is happening as a safety standpoint and an environmental standpoint. Mr. Sullivan stated we are not challenging right now. Mr. Vieira stated he does not want to challenge but rather to come to a consensus. Discussion ensued. Mr. Dutra stated that he understood the Planning Board did approve a parking plan; he did not want to start throwing things around until we know what is the policy that we have developed for the Town; the understanding was, the Planning Board had developed a parking plan that has been reviewed and approved by the Landing Commission; it was in respect to one particular site but it included the kayak store as well as the overflow of residual parking from the general store. Ms. Shufelt stated she was a little confused about what the Board of Selectmen are weighing in on; her understanding, after her questions regarding the Hix Bridge Landing a few weeks ago, was that the bulk of the parking at Hix Bridge is actually under control of the BOS, with a portion of that under the Landing Commission; her understanding (talking of this area) is actually under control of the Landing Commission, so she would like some clarification because she did not believe the BOS have anything to do with this area; possibly we have something to do with parking on the street; she stated she was confused on the type of clarification being sought by the BOS on this area when it appears to her that it is under the purview of the Landing Commission. Discussion again ensued. Mr. Whitin, Planning Board Chairman, stated the Planning Board went through multi-meeting process for site plan review with two applicants: The Town of Westport through the Landing Commission and the Westport River Watershed Alliance; after a lot of discussion, we came up with a plan that was finally approved, showing 25 spaces on the improved part and 6 spaces on the kayak shop spot for a total of 31 spaces; there has to be one parking spaces per every 200 sq.ft. of building, which would require 28 parking spaces, so we are 3 parking spaces over the minimum; we can have more than the minimum. Mr. Whitin stated what this does, it rearranges some of the runoff from the parking area into the created wetlands where it will be cleaned before it goes into the river; as it is now, there is no mitigation before it enters the river. Discussion again ensued. Mr. Sullivan

stated to Mr. Tripp that a question has come up about the appropriate use of these properties; would it be prudent to seek a written opinion from legal counsel as to our current use of those properties, current practices and also our proposed use; the question has become, is there any legal issues we need to be concerned about. Mr. Carl Tripp, Landing Commission Chairman, stated it never hurts to look into these issues; but as far as some of the questions tonight, such as conducting business on town landings, etc., the kayak shop is what we are talking about because they are conducting business down there; however, they are conducting business on land they lease from the Town; they park on leased land. Mr. Tripp stated it is always good to get an opinion but the kayak shop has leased from the Town for a very long time; as for the Watershed, they lease land under the building also, we have tried to put as much parking on the leased land as possible; there is somewhat a trade off of parking between the leased land and the part that is public; they have more assigned parking spaces so we are not giving them extra parking spaces. Mr. Tripp stated as far as activities, they are not problematic because they are happening on leased land. Mr. Sullivan asked if the Landing Commission would be upset if a legal opinion was sought. Mr. Tripp stated it is always a good idea; we are walking on new territory here; we have an approved parking plan and it is his estimation that it will make this area so much better just by having assigned parking spaces. Mr. Tripp stated the abutters are saying that big utility trucks are coming in and leaving their engines running while they are getting coffee across the street; that won't be a problem anymore because they won't be able to park on that property; with assigned parking, trucks won't be able to go in there except for public safety vehicles. Mr. Tripp stated we have assigned spaces for handicap and boat drop-off; we have had conversations with the kayak shop as we have developed this whole thing; we have spoke with the general store to have them work with their deliveries so no trailer trucks park there. Mr. Tripp stated the future plan is that once we have direction here, we will go to the Town and ask if we can use the Middle School or the Library and there is a spot on Drift Road that can be used. Mr. Tripp stated as we all know, the busy part of this season will be around 3 or 4 weekends; it all boils down to what works down there and what works for the neighbors. Mr. Tripp stated there are things we have no control over such as a successful general store across the street, the Church and cars zipping by from UMass Dartmouth; these are issues but not by the Landing Commission or the Watershed, it is a combination of all this stuff happening. Mr. Tripp stated we would appreciate any opinions on this but we owe it to the people at the Head and we owe it to our tenants, who we collect money from every year; we have a responsibility to them to put that money back into the landing. Ms. Shufelt stated that she would like to see a bullet list or a clear set of questions that the BOS would like Town Counsel to address because we are talking about current and proposed uses. Discussion ensued. **Motion** made by Mr. Dutra to seek Town Counsel opinion on the legality of what is being done currently and what is being proposed at the Head of Westport and to include the Planning Board's developed parking plan and a copy of the lease agreements. Second by Ms. Shufelt. Discussion ensued. The Board voted 4 in favor, 1-absent (Ouellette). Mr. Sullivan asked Mr. Whitin if they were done; Mr. Whitin stated yes, nothing was appealable until a building permit is issued. Mr. Sullivan asked if the plan needed to go to the Conservation Commission; David Emilita stated he is working with the Alliance on the permitting for the Watershed process and yes, they have to go to Conservation for review of the application; there have been two ConCom Staff reviews of the site plan approved by the Planning Board already and there will be a formal meeting to review. Mr. Sullivan stated that after all is done, it will come to the BOS; we have not directly endorsed this yet. Mr. Vieira stated what he was looking for is for the BOS to take some leadership, which predates these applications, in regards to the upcoming events over the next few weekends. Mr. Dutra stated he objected to this because we discussed this at last meeting and approved the parking per recommendation of the Safety Officer and took into consideration experience from the prior year's events, the availability of off-site parking and the availability of shuttling people and traffic; the organizer of this event took all this into consideration; there is nothing before us, from either the Police, Fire, Highway Dept. or the Watershed that has any problems with the parking plan that we approved at last meeting. Mr. Sullivan stated what he had in mind was to set in motion,

those things that need to be addressed. Discussion again ensued regarding what items were to be discussed in the future. No vote was taken – item to be discussed on July 11th Agenda.

2. Discussion ensued regarding the deadline for items to be placed on the BOS Agenda. It was decided that the submission for any item on the agenda had to be by Wednesday (midnight) prior to the Thursday morning meeting of the Chair and Vice Chair to set the agenda.

Vacation Carry-over Requests

1. **Motion** made by Mr. Vieira to approve a vacation carry-over request from Deborah Bissonnette (Bldg Dept) for 19 ¾ hrs. to be used by September 1, 2016. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Ouellette).
2. **Motion** made by Mr. Vieira to approve a vacation carry-over request from Lucy Tabit (Planning Board) for 5 vacation days. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Ouellette).
3. At this time, Mr. King presented a Vacation Carryover Policy to the Board for approval. Mr. King explained the policy and the Board agreed. **Motion** made by Mr. Dutra to approve the Vacation Carryover Policy as presented by the Town Administrator and for it to be effective immediately. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Ouellette).

Liquor Licenses – None. Mr. Vieira asked if a list of all available liquor licenses could be provided to the Board, along with a list of those currently granted.

Town Administrator Report

1. Cemetery Department – Memorial Day: Mr. King stated the workers at the Cemetery Department (Mark Roy, Steve Souza and Kyle Desrosiers) should be commended on the tremendous job in getting ready the many Westport Cemeteries for Memorial Day Weekend. Mr. Vieira stated in regards to the Cemetery, he has directed some people to contact Mr. King regarding foundations and a delay in getting them in. Mr. King stated he spoke with them today and all the foundations for the rest of the stones will be in by next week. Also recognized were the Boy's & Girl's Scouts for helping place flags graveside.
2. Fair Labor Standard Act Rule Change: Mr. King stated there has been a change in the FLSA (Fair Labor Standard Act) in regards to when overtime has to be paid; salaried employees who are not eligible for overtime are referred to as “exempt” employees; there will be new rules defining an “exempt” employee under the FLSA. Mr. King stated the change that will impact the Town is the salary test that defines an exempt employee as one making no less than \$50,440 per year. Mr. King provided the Board with an article that describes the rule changes. Mr. King will review the list of employees and will work with the Personnel Board on this.
3. MIA Table Ceremony: Mr. King stated the Veteran's Agent and several Veteran's Organizations held a moving ceremony in the Town Hall, 2nd floor, dedicating the MIA Table for missing in action veterans.
4. Cul-de-Sacs: Mr. King stated there was a public meeting in regards to the seven cul-de-sacs that were removed last year; all abutters to those streets were invited and approximately ten property owners attended. Mr. King stated that several property owners shared their opinions in writing or by phone message. Chris Gonsalves and Jim Hartnett will be reviewing a couple of streets where residents were strongly in favor of restoring the islands (Miss Rachel Trail and Windrush Lane). Mr. King stated there will also be a follow-up note with abutters who didn't respond in any way, in order to find out their preference. Wayne Sunderland provided a copy of the MGL to Mr. King for his review. Mr. Vieira questioned Miss Rachel Trail due to size. Mr. King stated it is being addressed.
5. Westport School Feasibility Study: Mr. King stated he has provided the Board with the OPM's Monthly Report on the Project status. Mr. Vieira asked if the Middle School grass will be cut; Mr. King stated it will be cut this week before the activities this weekend.
6. Westport Streetlight LED Project: Mr. King stated he has received the cost valuation for the

purchase of the existing streetlights from Eversource; the price is \$1.00. Mr. King stated he has provided the Board with material on this. Mr. King stated he is still waiting on a response from National Grid; he will be following up with them with the Energy Committee. Mr. King explained the alternative of owning as opposed to renting the lights.

7. Insurance Service Office (ISO) – Fire Safety: Mr. King stated that periodically, ISO reviewed the effectiveness of Fire Departments; much the same as they do for municipal building code enforcement departments; the management audit will provide some guidance for improving local building code enforcement; we have received a letter advising us that they will be coming back again for another review.
8. Hix Bridge: Mr. King stated he has provided the Board with an email from Shane Sousa, MADOT regarding the status of the Hix Bridge Repair Study.
9. COA Director's Report: Mr. King stated he has provided a copy of the COA Director's Monthly Report.
10. Community Television Report for April, 2016: Mr. King stated he has provided a copy of John Rezendes' Monthly Report.

Minutes – None.

Selectmen Liaison Committee Reports – None.

Question and Answer Period

1. Kristie Furrow - “Parking & Policing of Public Safety at the Head of Westport”. Ms. Furrow spoke on the access to her property; during the last two weekends, access was blocked entirely and now that she and her husband are not there, it is chaos. Ms. Furrow stated there are public safety issues here now and it is not even the busy season. Ms. Furrow presented pictures to the Board of the parking and a copy of the state code according to the Fire Department in regards to the signage needed for no parking. Mr. Carl Tripp, Landing Commissioner stated he would recommend putting in a couple of no parking signs along the fence, the problem is we have no enforcement so he would ask the BOS to give notice to the Police Department on these occasions when there is an overflow of traffic down there because we do not want anyone not having access to their home or to not feel safe there. Mr. Tripp stated we can go ahead and put the signs up this week. Mr. Dutra stated the signs should say, no parking – tow zone. Mr. Sullivan stated parking tickets should be issued because we will not be towing, especially large trucks. Ms. Shufelt asked who will be putting up the signs, will it be the Highway Department. Mr. Vieira stated he assumed the Highway Dept. can put up the signs, so he asked that Mr. King contact the Highway Department. Mr. Sullivan asked that the Police Department be contacted in regards to the ticketing, especially with this weekend coming. Mr. Tripp stated he would contact the Highway Dept. in the morning to get the signs up for this weekend. Ms. Furrow thanked the Board for their help.
2. Jon Alden - “Can the Planning Board require parking spaces to satisfy a commercial building requirements on Town-owned land”. The Board stated that Town Counsel will be addressing this question and we should have an answer for next meeting.

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

Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting – None.

Other Business

1. Ms. Shufelt wished the 8th grade class “safe travels” on their class trip to Washington beginning tomorrow morning at 5:30 AM; also, the 8th grade class will be putting on the West Fest at the High School on June 11th – check it out.
2. Mr. Vieira thanked the Board members and Town Administrator (who drove about 6 hours in the

rain to be with us) for their participation in the Memorial Day ceremonies; it was moving to see all the Board members participate in not the best of weather; a lot of people in Town commented on this and how it was nice to see the Board united on this occasion.

3. Mr. Dutra commended the Veterans Agent, Brad Fish for a crisp, tight program which was on target, moving and hit all the right topics; recognized also, was Mr. Lino Rego for a very efficient job; the event was very moving and enjoyable. Mr. King stated he also wanted to commend VA Fish on making the best call in such weather and making sure that a lot of people were not inconvenienced. Mr. Sullivan stated he agreed with all comments previously mentioned regarding the Memorial Day ceremonies; excellent job.
4. Mr. Harkins, WRMC, stated he submitted a request today to the BOS regarding Noquochoke Village. Mr. Harkins stated the BOH submitted a request to the Planning Board to request the builders to do a ground-water discharge plan for the site on the basis of a number of abutters complaining about the whole project in general but specifically the septic system and well. Mr. Harkins stated that in addition to the BOH submitting a request, he personally submitted a request because the WRMC failed to submit a request. Mr. Harkins stated that he feels strongly to the fact, that in addition to the BOH and the abutters, we are under orders from the DEP to clean up the rivers in Town and any discharge into that river increases nitrogen loading, which is in direct violation. Mr. Sullivan asked Mr. Harkins if he was seeking BOS intervention. Mr. Harkins stated he was asking the BOS to consider this in future items coming up and for it to be on record that there are issues that need to be thought out before new septic systems are put in. Mr. Harkins stated he appreciates the fact that they have agreed to put in a system that greatly reduces the nitrogen but anything above zero is an increase and we are under orders to decrease. Mr. Sullivan thanked Mr. Harkins.
5. Mr. Sullivan asked that the Planning Board's presentation for the Master Plan be scheduled on a BOS Agenda in the future. Mr. Sullivan asked Mr. King to contact the Planning Board.

9:12 PM Executive Session – Motion made by Mr. Dutra to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (2) to discuss strategy with respect to collective bargaining, and (1) to approve Executive Session Minutes of May 2, 2016. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Ouellette).

Roll Call Vote: Mr. Dutra-aye. Ms. Shufelt-aye. Mr. Vieira-aye. Mr. Sullivan-aye.

Mr. Sullivan announced the Board would return to Open Session in order to adjourn.

9:45 PM – Open Session

Motion made by Ms. Shufelt to adjourn the Board of Selectmen Meeting. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Ouellette).

Adjournment.

Respectfully submitted,

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

APPROVED: _____
Shana M. Shufelt, Clerk