

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
NOVEMBER 14, 2016**

Members Present: R. Michael Sullivan, Chairman
Craig J. Dutra, Vice Chairman
Steven J. Ouellette
Antone C. Vieira Jr.
Shana M. Shufelt, Clerk

Also Present: Timothy J. King, Town Administrator

Chairman Sullivan called the Board of Selectmen meeting to order at 6:08 P.M. in the Westport Town Hall, 2nd floor meeting room, 816 Main Road, Westport, MA.

Pledge of Allegiance

Chairman's Announcement

Under MGL Chapter 30A, section 20(f) – Meeting being recorded.

Public and/or Board Member Comments

Mr. Sullivan announced that the meeting tonight is being taped, we have no image, only audio for those people at home watching.

Acknowledgments & Recognitions

1. A Citation was presented to Geraldine Millham recognizing her accomplishment of receiving the K. Julie McCarthy Community Spirit Award. Citations were also presented by Senator Rodrigues's and Representative Schmid's Offices by Kelly Andrade. Ms. Millham was present.
2. A Citation was presented to Honorio P. Carnivel recognizing his 100th birthday. The citation will be accepted by Mrs. McCarthy to be given to Mr. Carnivel at an event honoring him.
3. A Certificate of Appreciation was presented to Lino & Janet Rego recognizing their contributions and dedication to the Town of Westport. Mr. & Mrs. Rego were present.

Appointments and/or Resignations

None.

Joseph Ingoldsby – RE: Proposal to MA DOT in regards to enhancing the local commute along Route 6

Mr. Ingoldsby was not present – this matter was held on.

Action Items

1. **Motion** made by Mr. Dutra to award the bid for tree removal to Nadeau Tree Service in the amount of \$10,800. Second by Ms. Shufelt. The Board voted unanimously in favor.
2. **Motion** made by Mr. Ouellette to approve the 2017 Class I Motor Vehicle License renewals as presented. Second by Mr. Dutra. The Board voted unanimously in favor.
*see attached list.
Motion made by Mr. Vieira to approve the 2017 Class II MV License renewals as presented – holding on F&R Auto Sales. Second by Mr. Ouellette. The Board voted unanimously in favor.
*see attached list.
Motion made by Mr. Ouellette to postpone the renewal of F&R Auto Sales Class II License pending the outcome of the Attorney Generals Office report. Second by Mr. Dutra. The Board voted unanimously in favor.

Motion made by Mr. Vieira to approve the 2017 Class III MV License renewals as presented.

Second by Mr. Dutra. The Board voted unanimously in favor.

*see attached list.

Motion made by Mr. Vieira to approve the 2017 Repair License renewals as presented. Second by Mr. Dutra. The Board voted unanimously in favor.

*see attached list.

Motion made by Mr. Ouellette to approve the 2017 Storage License renewals as presented. Second by Mr. Vieira. The Board voted unanimously in favor.

*see attached list.

3. **Motion** made by Mr. Dutra to approve the 2017 Common Victualler License renewals as presented. Second by Mr. Ouellette. The Board voted unanimously in favor. *see attached list.

Motion made by Mr. Ouellette to approve the 2017 Innholders License renewals as presented.

Second by Ms. Shufelt. The Board voted unanimously in favor. *see attached list.

Motion made by Mr. Dutra to approve the 2017 Entertainment License renewals as presented.

Second by Mr. Ouellette. The Board voted unanimously in favor. *see attached list.

Motion made by Mr. Ouellette to approve the 2017 Automated Amusement License renewals as presented. Second by Ms. Shufelt. The Board voted unanimously in favor. *see attached list.

4. Mr. King explained the PILOT Agreement with BWC Bass River, LLC for solar. Discussion ensued. This matter will be held on for two weeks, in which time, Mr. King will look at two other towns (Dartmouth and Freetown) which do not have PILOT Agreements, in order to bring back a comparison to the Board.

Liquor Licenses

None.

Town Administrator Report

1. Mr. King explained his guidance that was given to Department Heads in regards to budget preparation for FY '18. No action taken – informational only.
2. Mr. King stated there will be a meeting of the Capital Improvements Planning Committee next Wednesday. No action taken – informational only.
3. No action taken – informational only.
4. No action taken – informational only.
5. Due to an issue with the recording and broadcasting of the BOS Meeting, Mr. King will have Mr. Rezendes in to talk about a resolution.
6. No action taken – informational only.
7. No action taken – informational only.
8. Mr. Vieira stated he will be attending the ribbon cutting of CEC for the Cuff Slocum Solar Farm at 703 Old County Road on November 17th at 2PM. No action taken – informational only.
9. Mr. King updated the Board in regards to the Bell Bouy at the entrance of the Westport River; progress has been made with the Coast Guard on this issue and Mr. Leonard will continue to monitor and report to the BOS. No action taken – informational only.

Discussion Items

1. Discussion of possible Livestock Bylaw and Regulations:

Ms. Shufelt stated that a group of town officials has formed to discuss what has transpired; do we need to formalize this group; do we need to put proposals together for ATM articles; and is the working committee prepared to come forward with their proposals. Mr. King stated we are trying to get everyone on the same page because this matter consists of a wide range of departments and individuals. Mr. King stated our original course was, are there any other sites; our second course, what the limitation of the groups for enforcements were and the need to setup referrals from one department to another; our third course, is that we never knew when someone decided to have livestock on their

property. Mr. King stated we have been meeting regularly, including a scheduled meeting for this week; if Ms. Shufelt would like, he can share the agenda and information that is being shared by the various department representatives. Mr. Dutra stated this is a working group; no different than a meeting of department heads; there is no appointment needed at this point but if the Board wants to go forward, then we need to officially appoint individuals. Ms. Shufelt stated maybe we need public forums; she is just worried about missing any deadline for Annual Town Meeting; even though she did not believe there is time at this point or even if there is a need to go to Town Meeting. Mr. Sullivan stated our immediate concern was the animals; we need to make sure we have our arms wrapped around this and that there are no other situations in Town that need to be identified; as for the re-establishment of the tenant farm; there is none at this time; we need an investigation of what could have been done better. Mr. Sullivan asked do we need additional powers, we will know when the investigation is done. Mr. Vieira stated this is time sensitive; it is way overdue having regulations with the Board of Health; the authority is with the Board of Health; we can convene with the Board of Health because these regulations are "best practices" and can be implemented within 30 days. Ms. Shufelt stated she believed these regulations were from Dartmouth but the Board of Health could possibly use them. **Motion** made by Mr. Vieira to have the Board of Selectmen and the Board of Health meet about regulations under MGL Ch. 111, Sections 31, 122 and 143; extending the invitation to the AgCom as well. No second was received. Mr. King stated not to take away from the Board of Health but have the Board of Selectmen given guidance to be taken back to the working group, allowing their input and then coming back with something acceptable to the BOS and the BOH. Mr. Sullivan stated we may just need to define the "problem". Mr. Vieira stated we need to take action on this; we can solve this problem with supervision and identifying the problems; we have the laws here under Ch. 111. Mr. Dutra stated the Board of Health has powers that we have not fully recognized but he likes this approach; bring this to a group and the Board of Health, using Town Meeting may be onerous; we need to pursue an aggressive strategy and we need to note that Dartmouth regulations were used and we need to have discussions. Discussion ensued. **Motion** made by Mr. Dutra to establish a committee to look into the problems; the committee should consist of the following representatives: Board of Selectmen (1), Town Administrator, Board of Health (1), Conservation Commission (1), Building Dept (1-Ralph Souza), Agricultural Commission (2), Animal Control Officer (1-Donna Lambert), Animal Inspector (1), Police Dept (1) and to solicit for At-large members (2) = Total 12 members; term will be for one year. The name of the committee for now will be Animal Action Committee. Second by Mr. Ouellette. The Board voted unanimously in favor. **Motion** made by Mr. Vieira to meet with the Board of Health in a joint meeting to discuss the Board of Health regulations and a short-term planning for the Barn Books; invitation is to be extended to the Agricultural Commission also; the date of the meeting should be Tuesday, November 29, 2016 at 6:00 PM. Second by Mr. Dutra. The Board voted unanimously in favor.

Bernadette Appleyard stated in regards to the tenant farmer, don't limit it to that only, encompass anyone who has animals. Bob Alves stated in using the Dartmouth regulations, we could slide in tenant farms because he also spoke with Fred Ponte and all animals need to be inspected no matter how many a person owns; we need to get the word out. Mr. Sullivan stated we need a census on all livestock locations, so the State knows if there is a quarantine issued; pets are not part of this. Bob Alves also stated that he has goats and chickens, which need to be censused; as for tenant farms, there are a lot of farms in Town that rent out their fields such as the Ferry Farm for growing. Mr. Sullivan noted that tenant farms can be agricultural or livestock. Constance Gee thanked the BOS for moving quickly on this; and noted that this is one subject that brought this Town together. Ms. Shufelt stated she would like to volunteer as the BOS Rep. **Motion** made by Mr. Vieira to appoint Shana Shufelt to the Animal Action Committee. Second by Mr. Dutra. The Board voted unanimously in favor.

Minutes

None.

Selectmen Liaison Committee Reports

Question and Answer Period

Donna Parrillo asked about the Pedro Farm as another tenant farm situation with five sick animals; the Board of Health ordered a certified letter to this Pedro Farm. Mr. Sullivan stated we have a copy of the report from the Animal Control Officer and Animal Inspector. Mr. Vieira requested a copy of the report. Mr. Sullivan stated they are working on this particular situation. Constance Gee stated the BOS knew about this? Mr. Dutra stated he learned about another tenant farm only five minutes ago. Mr. Sullivan stated we were under the assumption that it was a single owner farm; we need a report from the Board of Health on what action they are taking; and we are talking about people, businesses and the need to do this in a good way. Mr. King stated he will get the information out to all of the Board members and he will get clarification from the Board of Health on the Pedro Farm.

Boards/Committees/Commissions Vacancy List

Ms. Shufelt read the list of vacant positions for anyone interested in being appointed to serve.

Board Members Suggestions for Future Agenda Discussion / Action

1. Segway Regulations need to be discussed with the Commission on Disability; invite the COD to a future meeting.
2. Need to discuss with Sean Leach and the Beach Committee posts on Beach Avenue; invite all to a meeting sometime in December or January.

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

Presentation by Peter Wu, Engineer regarding repair of the Hix Bridge Road Bridge. Present: Shane Souza, MADOT and Peter Wu, Consultant to MADOT. Mr. Sullivan stated a meeting was held at the MADOT in Taunton with their team, along with himself, Mr. King and Mr. Gonsalves regarding the premature deterioration of the Hix Bridge pilings; it is cosmetic at this time but it will have an effect in the future; the State has stepped up and will be doing a repair on the columns that are in place. Mr. Sullivan stated they were asked if the Town was prepared to be the owners of this bridge. Mr. Souza stated the Town does own the bridge; MADOT is proposing to do the repairs with an epoxy grout that will last the next 50 years; typically, the State does not do repair work but there were flaws during the construction. Mr. Souza then explained the repair procedure that would be used. Mr. Vieira asked if Mr. Souza and Mr. Wu were the engineers; clerks of the works? Mr. Souza stated yes and we have been trying to work with MADOT. Mr. Vieira asked if this was built to spec. Mr. Souza stated yes but the specs were flawed. Mr. Souza then explained what was done and stated no repairs have been done since the original construction. Discussion ensued. Mr. Souza stated this is a one-time repair. Mr. Sullivan asked how long the construction would take, what would the impact be and if road closures were going to be necessary and if they were confident this is the best method going forward. Mr. Souza stated it will begin in mid to late March and completed before Memorial Day; there will be no detours but there may be some intermittent lane closures; most of the work will be done by barge below the bridge. Mr. Wu stated this is not new technology; a diver is used to do inspection, we clean up the columns, apply the epoxy grout, use galvanized steel; this is done in a short period of time. Ms. Shufelt asked if they looked at any alternatives. Mr. Wu stated we looked at four alternatives and came to the conclusion this was the alternative to be used. Mr. Sullivan stated Mr. King would like a peer review by Tibbetts of the proposal. Wayne Sunderland stated the problem goes back quite awhile; the concrete was either a poor mix and/or used in too cold weather. Mr. Sunderland presented pictures that showed quite a depth of deterioration and he also presented pictures of deterioration of the abutments, which were not mentioned in the report. Mr. Sunderland stated the materials used in 2005 were inferior; this needs to be fixed, along with other problems, while the State is doing the repairs. Discussed ensued. Mr. Sullivan stated he would like to follow the Town Administrator's recommendation for a peer review. Mr. Souza stated the State was looking at a three-month turn-around; with one month to solicit

bids. **Motion** made by Mr. Vieira to have a peer review done by Tibbetts Engineering, and to include the abutments issues. Second by Mr. Ouellette. The Board voted unanimously in favor.

Other Business

1. Ms. Shufelt stated it was a great Veteran's Day Ceremony.
2. Mr. Ouellette asked for an updated on the Rte 177/88 project and to place the status on the website.
3. Mr. Vieira stated there was a complaint about a dog bite on Drift Road; it was referred to the Animal Control Officer; three people have been bitten so far. Mr. King stated he will hold an informal meeting with all involved parties for a possible resolution.

8:36 PM Executive Session

Motion made by Mr. Ouellette to enter into Executive Session pursuant to the provisions of GL c 30A section 21(a), ¶2 to conduct contract negotiations with non-union personnel, the Town Administrator; and ¶3 to discuss ongoing situation at American Legion Highway. Second by Mr. Dutra. The Board voted unanimously in favor.

Roll Call Vote: Mr. Ouellette-aye. 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.

9:30 PM

Motion made by Mr. Ouellette to adjourn the Board of Selectmen meeting. Second by Ms. Shufelt. The Board voted unanimously in favor.

Adjournment.

Respectfully submitted,

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

APPROVED: Shana M. Shufelt, Clerk