

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
NOVEMBER 28, 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 – None.

Acknowledgments & Recognitions – None.

Appointments and/or Resignations

1. **Motion** made by Mr. Vieira to appoint to the Animal Action Committee as AgCom Representatives Jay Tripp and Shirley Robbins and Edward Ferreira as Alternate Rep. Second by Ms. Shufelt. The Board voted 4 in favor, 1-astention (Dutra). Present: Jay Tripp, Shirley Robbins, Ed Ferreira.
2. **Motion** made by Mr. Vieira to appoint to the Animal Action Committee as At-large Members Donna Parrillo and Chris Wiley. Second by Mr. Dutra. The Board voted unanimously in favor. Present: Donna Parrillo and Chris Wiley. *The 30-day posting notice of the positions was waived due to the situation.

Public Hearing – RE: An application request from HOC Ventures, Inc. d/b/a House of Cars, located at 276-280 State Road for a Class II Motor Vehicle License for the sale of used vehicles (request of 42 vehicles); and an application request for a Repair License for the repair of vehicles (request of 9 vehicles). The property is shown on Assessor's Map 3, Lot 144D.

The public hearing was opened at 6:22 PM. Present: Attorney Gregg Brilhante (representing applicant) and John Aguiar (applicant). No abutters were present. Attorney Brilhante presented the application request. Mr. Ouellette asked that a spill kit be on hand; and mentioned the fact that the property is surrounded by wetlands. Attorney Brilhante stated his client will not be imposing on the wetlands. The requested hours of operation: Monday – Saturday 7AM to 7PM and Sunday 11AM – 5PM.

Motion made by Mr. Ouellette to approve the Class II license for HOC Ventures, Inc. d/b/a House of Cars. Second by Ms. Shufelt. The Board voted unanimously in favor. **Motion** made by Mr. Dutra to approve a Repair License for HOC Ventures, Inc. d/b/a House of Cars. Second by Ms. Shufelt. The Board voted unanimously in favor. The public hearing is closed at 6:25 PM.

Public Hearing – RE: An application request from Westport Club, Inc., 904 Main Road for an Entertainment License; and Change of Manager, Rebecca M. Haines.

The public hearing was opened at 6:26 PM. Present: Rebecca M. Haines and Edith Camara (representing Westport Club, Inc.). No abutters were present. Ms. Haines explained the Club's request for a Change of Manager and for an Entertainment License; the entertainment consists of a pool table, jukebox, TV, darts and live entertainment of small acoustic musicians. Mr. Vieira stated that he was

speaking on behalf of at least five neighbors, who could not be present due to health issues, their sensitivity to sound; sound can be a difficult thing and the in the past history of the Club, things have spilled over to the outside. Mr. Vieira asked that a good relationship with the neighbors be kept; he is not asking for any restrictions on the Entertainment License but he would like the minutes to reflect this request. Mr. Sullivan asked that the music be kept inside and to make sure that the deck door is closed at 9PM. Ms. Haines stated the music is not very loud, it is a couple of guys but she will make sure to be mindful of the neighbors. **Motion** made by Ms. Shufelt to approve the request for an Entertainment License for the Westport Club, Inc. Second by Mr. Ouellette. The Board voted unanimously in favor. **Motion** made by Ms. Shufelt to approve the Change of Manager request for the Westport Club, Inc. as Rebecca Haines. Second by Mr. Ouellette. The Board voted unanimously in favor. The public hearing is closed at 6:33 PM.

Jim Whitin, Planning Board – RE: Request for consideration of authorizing remote participation for public bodies in the Town of Westport as permitted under 940 CMR 29.

Present: Jim Whitin. Mr. Sullivan stated that State legislature does permits remote access with rules and regulations. Mr. Dutra clarified that a quorum of any Board, Committee or Commission must be present in order to allow remote access of a member. Mr. Whitin stated the Planning Board, for special permit to be granted, must have a super majority (4/5's vote) and if only 4 are present, then it must have a 100% positive vote. Mr. Whitin explained that multiple meetings are held for some applications and if one member misses a meeting they have to catch up by listening to an audio tape or reading the minutes and signing off to that fact; people are away at some point so we need to be able to meet deadlines. Mr. Whitin stated he did not see how this could be abused and then reviewed the requirements needed for remote participation; if it is abused, the BOS could always withdraw the use. Mr. Sullivan stated in his opinion, in general, people on boards need to be present; we should give serious consideration on this; public hearings will require rules and regulations, which need to be in place. Mr. Sullivan suggested a public hearing be held on this matter before the BOS make a decision. Ms. Shufelt stated that she spends 4-6 hours on remote access for her work; but you do need audible equipment in order to participate. Mr. Whitin stated the Planning Board does not have phones but we all have I-Pads and we do have a projector in our room so we can connect to it for a test. Mr. Sullivan stated the Chairperson has to make the determination for remote participation before the meeting. Mr. Dutra agreed that a public hearing should be held on this; it is becoming common practice in the business world. Mr. Vieira stated the technology is there but he won't support it because you can't be a part of the meeting; the Zoning Board would love to have this due to a need for a super majority; it was done with the Commission on Disability and it was difficult to communicate; decisions have to made by the Planning Board, ZBA, etc. and transparency is important to everyone. Mr. Whitin stated that if the Planning Board is one member short, the applicant is offered the option to continue but if we have remote access, it would help. Mr. Rob Alves stated the Commission on Disability was allowed to try this with a conference phone at the Annex and it does not work well; and our IT personnel is not around when we need help; to do this, we will have to step up our technology. **Motion** made by Mr. Dutra to accept the Chairman's recommendation and hold a public hearing at the next BOS meeting, inviting all Boards, Committees and Commissions; and he recommends it be done quickly. Second by Mr. Ouellette. The Board voted unanimously in favor.

Brad Brightman, Treasurer – RE: Appointment of Principle Clerk in the Treasurer's Office – Diane Galvao.

Present: Brad Brightman and Diane Galvao. Mr. Brightman stated there were eighty-three applicants, of which he interviewed five. Ms. Galvao has the skills and the credentials to do the job and he is recommending her for appointment. Ms. Galvao stated she has experience working in various offices since she was 18 years old; she is familiar with payroll, etc. **Motion** made by Mr. Dutra to accept the recommendation of Mr. Brightman and appoint Diane Galvao as Principle Clerk in the Treasurer's Office. Second by Mr. Vieira. The Board voted unanimously in favor.

Action Items

1. **Motion** made by Mr. Dutra to award to the highest bidders (as presented), various surplus equipment that was auctioned on Municibid. Second by Ms. Shufelt. The Board voted unanimously in favor. *See attached list.
2. A lengthy discussion took place. **Motion** made by Ms. Shufelt to approve the PILOT Agreement for BWC Bass River, LLC (solar). Second by Mr. Dutra. The Board voted 4 in favor, 1-opposed (Vieira).
3. **Motion** made by Mr. Dutra to accept donations made to the Council on Aging (\$4,598). Second by Ms. Shufelt. The Board voted unanimously in favor. **Motion** made by Mr. Ouellette to accept donations made to the Commission on Disability (\$1,000). Second by Ms. Shufelt. The Board voted unanimously in favor. **Motion** made by Mr. Dutra to accept the donation made to the Recreation Commission (\$500). Second by Ms. Shufelt. The Board voted unanimously in favor.
4. **Motion** made by Mr. Dutra to approve of the Agreement with Forever Paws Animal Shelter for the boarding fees of dogs, cats and small animals. Second by Ms. Shufelt. The Board voted unanimously in favor.
5. Present: Pastor John Costa. **Motion** made by Mr. Vieira to approve of the Agreement with Lighthouse Assembly of God for the rental of the Westport Middle School-kitchen area for the Food Pantry. Second by Mr. Dutra. The Board voted unanimously in favor.
6. **Motion** made by Mr. Vieira to move the Town of Westport Zoning Bylaw proposed zoning amendments to the Planning Board for public hearings. Second by Mr. Dutra. The Board voted unanimously in favor.

Liquor Licenses – None.

Town Administrator Report

1. DLS Overlay and Overlay Surplus: informational only; no votes taken.
2. Westport Free Public Library – Plan of Service: informational only; no votes taken.
3. Animal Inspectors and Assistant Animal Control Officer: informational only; no votes taken.
4. Hix Bridge Road Bridge: discussion ensued regarding peer review to include the abutments; informational only; no votes taken.
5. Town Hall Maintenance: discussion ensued regarding quotes and possible use of CPA funds; also lighting of the handicap parking area; informational only; no votes taken.
6. Senior Center Newspaper Article: informational only; no votes taken.
7. COA Director's Report: informational only; no votes taken.
8. Veteran's Services Report: informational only; no votes taken.
9. Westport Harbor WH Buoy: informational only; no votes taken.

Discussion Items – None.

Minutes – None.

Selectmen Liaison Committee Reports – None.

Question and Answer Period

1. Jennifer Mello stated the meeting of the Board of Selectmen and Board of Health to discuss Mr. Vieira's plan scheduled for Tuesday, 11-29-16 was canceled, will that be rescheduled? Mr. Sullivan stated there is an Executive Session tomorrow and we will be meeting with the Board of Health at a later date to review Mr. Vieira's proposed regulations.
2. Jennifer Mello asked if the Board of Selectmen will be appointing 1 or 2 additional people as Assistant Animal Inspectors to help Donna Lambert, as she is also the ACO? Mr. King stated our

Animal Inspector has resigned but we have advertised and will be interviewing for an Animal Inspector. Mr. Sullivan stated Mr. Ponte has stepped down due to other Town duties. Mr. Sullivan explained the ongoing inspections.

3. Wayne Sunderland asked where the Board of Selectmen will meet with the Board of Health due to any capacity issues, such as what is happening here tonight. Mr. Sullivan stated when we schedule a meeting, then we will decide where to meet.

Boards/Committees/Commissions Vacancy List

Ms. Shufelt read aloud the list of vacant positions for appointment; noting a correction under Personnel Board – it should be two vacancies.

Board Members Suggestions for Future Agenda Discussion / Action

1. Ms. Shufelt mention public hearings in regards to any action the BOS needed to take in regards to bylaws. Mr. King stated he expects the Board of Health will have proposed bylaws and the Board of Selectmen will need to check on personnel policies.
2. Ms. Shufelt asked about public consumption due to the passing of recreational marijuana; how is the Board going to react. Mr. Vieira stated this Board should take a position on holding on at least 12 months to see how this plays out at the State level. Mr. Sullivan asked Mr. King to check with Town Counsel on this matter and see what steps will be needed.

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

Other Business

1. Mr. Ouellette asked that Mr. King stay on top of the Town Meeting warrant and requested a list of the time-line dates needed.
2. Mr. Ouellette stated that anyone interested in reinstating streetlights should contact him via the Selectmen's Office.
3. Mr. Ouellette asked that the Highway Department give a heads-up regarding any road work or road closures so the information can be put on the website; also, he noticed the Transfer Station closure notice and asked if more open time can be given around the holidays. Mr. King stated he will talk to the Dr. Colletti-BOH; Mr. Ouellette also asked that the holiday hours be posted on the website, cable scroll and posted at the Transfer Station.

7:48 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; ¶6 to discuss potential litigation with Reinhardt Associates, Inc. Second by Ms. Shufelt. The Board voted unanimously in favor.

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

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

9:07 PM Open Session

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