

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY  
DECEMBER 12, 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 6:00 P.M. in the Westport Town Hall, 2<sup>nd</sup> 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.

**Question and Answer Period**

1. Jennifer Mello: Update regarding the inability to access the Medeiros property; is this now a contempt of court injunction? Mr. King stated the injunction has two components; the tenant farmers all agreed to no animals on site and removal of all personal property; they must turnover their keys by the end of this week. Mr. King then explained what happened at the on-site. Mr. Sullivan explained that the injunction was won on Wednesday, so by 12/16/16, most of the properties must comply and the remaining must comply by 12/30/16.
2. Barbara Pontolilo: At the Board of Health meeting, two weeks ago, Attorney Benson addressed the BOH and they did not have any counsel present, why? Mr. Sullivan explained that the Board of Health has been working with Town Counsel; but this question will be deferred to the Board of Health.
3. Phyllis Adams stated she thought the injunction was for access to be able to inspect. Mr. Dutra explained what had transpired. Mr. Sullivan stated the injunction gives a definite time-line of 12/16/16 and 12/30/16. Mr. Pontolilo stated the Board of Health should have had legal counsel present at their meeting because Attorney Benson (Richard Medeiros' counsel) dictated the meeting. Mr. Sullivan stated we are happy with the outcome in court (injunction) but he is disappointed in the fact that we had employees wasting their time.

**Appointments and/or Resignations**

1. **Motion** made by Ms. Shufelt to appoint William Harkins as Board of Health Rep. to the Animal Action Committee. Second by Mr. Dutra. The Board voted unanimously in favor. \*William Harkins was present.
2. **Motion** made by Mr. Ouellette to appoint Beth Easterly to the Council on Aging Board. Second by Ms. Shufelt. The Board voted unanimously in favor. \*Beth Easterly was present.
3. **Motion** made by Mr. Ouellette to appoint Peter M. Borden as an Associate Member to the Board of Appeals. Second by Ms. Shufelt. The Board voted unanimously in favor. \*Peter Borden was present.
4. **Motion** made by Mr. Ouellette to appoint Sgt. Tony Cestodio as Police Rep. to the Animal Action Committee. Second by Ms. Shufelt. The Board voted unanimously in favor.  
**Motion** made by Ms. Shufelt to reduce the number of membership to the Animal Action Committee to eleven (11). Second by Mr. Dutra. The Board voted unanimously in favor.

### **Public Hearing – RE: Fee increase requests from the Fire Department**

The public hearing was opened at 6:21 PM with the reading of the Hearing Notice. Fire Chief Legendre was present. Chief Legendre explained the fee increase request stating there have been no increases since 2011. Discussion ensued. It was determined that the “Immediate/Not Scheduled Inspection” would be renamed “Immediate/Expedited Inspection” and the fee would be \$50.00 plus the permit fee. Discussion ensued. No public input was received. **Motion** made by Ms. Shufelt to approve with amendment the fee increases request with an effective date of January 1, 2017. Second by Mr. Ouellette. The Board voted unanimously in favor. The hearing is closed at 6:45 PM.

### **Public Hearing – RE: Tax Classification Hearing for FY'17**

The public hearing was opened at 6:45 PM with the reading of the Hearing Notice. Assessors Steve Medeiros and Robert Grillo were present. Mr. Medeiros explained that Westport has a single rate; 93% comes from residential and 7% comes from businesses in Town and having a split rate would put a huge burden on the small business owner. They were looking at a small increase from \$7.91 to \$7.98 equaling .07 per thousand. Discussion ensued. No public input was received. **Motion** made by Mr. Dutra to accept the recommendation of the Board of Assessor's on the tax rate and the single rate classification. Second by Mr. Ouellette. The Board voted unanimously in favor. The hearing is closed at 6:54 PM.

### **Public Hearing – RE: Remote Access for Participation of Public Bodies in the Town of Westport for Public Meetings**

The public hearing was opened at 6:55 PM. Jim Whitin, Planning Board Chair, Robert Alves, Commission on Disability and Jane Loos, Historical Commission were present. Mr. Whitin explained why the Planning Board was requesting remote access; the problem was not so much with the Planning Board but for the applicant, whereas special permits require a 4/5's vote. Mr. Dutra stated the Board could pass this as bare-bones and always make adjustments as needed. Ms. Shufelt stated there should be a specific policy that the Board votes on; we should adopt the regulations and it should be available to all boards, committees and commissions. Mr. Dutra agreed the Board should vote to offer it to all. Mr. Sullivan stated we should have individual groups ask for this permission. Mr. Vieira stated we need to monitor this and provide leadership. Mr. Sullivan stated we should start out with guidance. Mr. Alves stated the Commission on Disability has been discriminated against; we are allowed to use this but we don't have the technology to use it; he has spoken with Mr. King personally on this; this Board voted over a year ago to allow this for the COD; it is frustrating to have our request for technology unfilled. Mr. Alves stated personally, members, whether elected or appointed, should attend meetings. Mr. Sullivan asked Mr. Alves to send an email to himself and Mr. King on this matter. Ms. Shufelt stated she had a concern over the ability to have the technology; we need to be able to acquire this technology. Mr. Vieira stated we have a speaker phone, the technology is there, we have used it; his only concern is the BOS need to have control of this. Mr. Whitin stated the telephone port in the meeting room at the Annex does not work. Ms. Shufelt stated the law requires audible technology; but the number of meetings and the number of people participating remotely are not addressed. Ms. Loos stated the Historical Commission needs to have drawings visible; so technology is very important. Ms. Loos also asked the Board if there was a policy to having meetings televised and if there is something the BOS can do to facilitate this; also, are there Boards that don't allow being televised. Mr. Sullivan stated there should be no boards not televised; Cable Access tries to film all committee meetings but he will mention the need for rotation. Ms. Loos stated that several BOH meetings were not filmed. When questioned on this matter, Mr. Horkey (filmer) stated that Valerie Bain puts the schedule together but any board can request to be filmed at any time. Mr. Dutra asked Mr. King to have John Rezendes and Valerie Bain come to a meeting to establish film protocol. Mr. Vieira stated that at least three times a year, boards should be filmed; the Cable Advisory Board is trying to handle this by using students to film because they were short-handed; the Board of Assessor's actually turns on the camera themselves. Mr. Sullivan stated he would like to see boards, committees and commissions come forward with their request for remote access; and he would like to consider a very specific policy. Mr. Vieira stated he

would like to know if other Boards respond to this. **Motion** made by Mr. Dutra to accept 920 CMR 29.00; particularly 29.10 – Remote Participation, with the understanding that all boards, committees and commissions have a legal quorum before allowing remote participants and that it be subject to adoption by the individual boards, committees and commissions. Second by Mr. Ouellette. The Board voted 3 in favor, 2-opposed (Vieira, Sullivan).

### **Action Items**

1. **Motion** made by Mr. Dutra to approve as requested, ten parking permits for the New England Wild Flower Society to conduct a Natural Community Field Trip to Cherry & Webb property on April 8, 2017 and one permit for a pre-date inspection by Patricia Swain. Second by Ms. Shufelt. The Board voted unanimously in favor.
2. No vote was needed on a grant received from the Ronald Desrosiers Memorial Fund for a 2<sup>nd</sup> flag pole at the Town Hall to be used for lowering to half-staff in honor of deceased Town employees and Town officials, which was applied for by Denise Bouchard. A 3<sup>rd</sup> flag pole will be worked on.
3. Mr. Sullivan read into the record, the Notice of Proposed Acquisition (Dept. of Agriculture's APR Project name: Russell 5, Robert J., II and Carol L., Project ID# 16B02). The Confirmation of Notice was posted and published announcing publicly as required. The Certificate of Notice was signed by the Board to be returned. **Motion** made by Mr. Dutra to agree to a Reduction of Notice Period from 120 days to 60 days to expedite the process. Second by Ms. Shufelt. The Board voted unanimously in favor. \*Robert Russell was present.
4. Discussion ensued on this matter. **Motion** made by Mr. Dutra to defer this matter (Request from BOH -for posting of Sr. Health Agent position) for two weeks. Second by Ms. Shufelt. The Board voted unanimously in favor.

### **Liquor Licenses**

**Motion** made by Mr. Dutra to approve the annual renewals of Liquor Licenses for 2017 as submitted. Second by Mr. Ouellette. The Board voted unanimously in favor. \*see attached list.

### **Town Administrator Report**

1. 465 American Legion Highway: Informational only – no vote taken.
2. Coast Guard – RE: Westport WH Buoy: Informational only – no vote taken.
3. Charter Fee Changes: Informational only – no vote taken.
4. Town Hall and Annex Closure – 1hour: Informational only – no vote taken. Mr. Ouellette asked that the closure be posted immediately on the doors and the website and cable scroll.
5. Energy Aggregation & Electricity Rate Projections: Informational only – no vote taken. Mr. King stated nothing will change in the billing but anyone can opt out at anytime.
6. Marine Services Director's Report: Informational only – no vote taken.
7. Community Television Director's Report: Informational only – no vote taken.

**Discussion Items** – None.

### **Minutes**

**Motion** made by Ms. Shufelt to approve with amendment the Regular Meeting Minutes of October 31, 2016. Second by Mr. Vieira. The Board voted unanimously in favor. \*Amendment: Action #5 – vote was 2 in favor, 3-opposed.

**Motion** made by Ms. Shufelt to approve the Regular Meeting Minutes of November 14, 2016 as presented. Second by Mr. Vieira. The Board voted unanimously in favor.

**Selectmen Liaison Committee Reports** – None.

### **Question and Answer Period** - 2<sup>nd</sup> sheet

1. Constance Gee: Follow-up on possible Town action regarding the Medeiros property between now

and the December 30<sup>th</sup> date? Ms. Gee stated she did not understand what was said earlier about the injunction; what happened and why. Mr. Sullivan gave a detailed explanation regarding the injunction and was followed up by Attorney Blake, K&P – Town Counsel as to the what happened and why. Phyllis Adams stated she has been watching Facebook and speaking with others at Lees; we need more communication with the Town. Mr. Sullivan stated some areas are out of our jurisdiction; and he asked that anyone with questions, should direct them to the BOS Office, so they will get the correct answers. Discussion ensued. Mr. King stated this Board is committed to cleaning up the site; the legal process is difficult and slow; this Board has been determined to reach the right decisions because they do not want any missteps.

2. Chris Wiley: Court follow-up question – Inspections were not canceled by the court, can't we take them directly back to court for non-compliance? Mr. Sullivan stated there was not a court order, it was a continuance to 12/16/16.

### **Boards/Committees/Commissions Vacancy List**

Mr. Dutra read aloud the remaining vacant positions for anyone interested in serving.

### **Board Members Suggestions for Future Agenda Discussion / Action**

1. Mr. Ouellette asked for an updated on the Budget.
2. Ms. Shufelt reminded everyone, whether any action was needed to consider a Marijuana Moratorium.
3. Mr. Vieira stated the BOS needed to post a joint meeting with the School Building Committee and School Committee for Wednesday, December 21, 2016 to be able to vote on the preferred design option; staff to check with the School Department on the time and place.

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

### **Other Business**

1. Mr. Ouellette mentioned the Boy Scout Troop #3 decorated the trees in front of the Town Hall this past weekend; he will also be speaking with someone about the Town Hall sign falling down and seeing what repair can be done. Mr. Ouellette wished everyone a Merry Christmas.
2. Mr. King reminded everyone that the Council on Aging on Wednesday, December 14<sup>th</sup> from 6-8pm will be celebrating their 20<sup>th</sup> Anniversary of the Building.

### **8:34 PM Executive Session**

**Motion** made by Mr. Ouellette to enter into Executive Session pursuant to the provisions of GL c 30A section 21 (a) to approve Executive Session Minutes of October 31, 2016 and November 14, 2016; ¶3 to discuss ongoing situation at American Legion Highway and Pine Hill Road; ¶1 to discuss with the Board of Health next phase of investigation/litigation; and ¶2 to conduct contract negotiations with non-union personnel, Town Administrator. 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.

### **10:46 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