

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
JANUARY 9, 2017**

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

Vice Chairman Dutra called the Board of Selectmen meeting to order at 6:03 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

Mr. Vieira acknowledged the passing of Rita Lafrance (White's Restaurant) and Gary Jennings (active coach in youth sports in Westport).

Appointments and/or Resignations

1. **Motion** made by Mr. Vieira to appoint Robin Ann Smith to the Westport Cultural Council. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan). Present: Ms. Smith.
2. **Motion** made by Ms. Shufelt to accept the resignation of Kylie Ouellette as Full-time Dispatcher and appoint Ms. Ouellette as a Part-time Dispatcher. Second by Mr. Vieira. The Board voted 3 in favor, 1-abstention (Ouellette), 1-absent (Sullivan).
Motion made by Ms. Shufelt to approve the request of Chief Pelletier to go through the necessary steps to fill the vacancy of the Full-time Dispatcher. Second by Mr. Vieira. The Board voted 4 in favor, 1-absent (Sullivan).
3. **Motion** made by Ms. Shufelt to appoint Lindsey Bamford, Jenna Correia, Elizabeth Corsi and Jessica Carvalho as Assistant Animal Control Officers and to nominate them as Animal Inspectors to the State. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan). Present: ACO Donna Lambert and Jenna Correia and Jessica Carvalho.
4. **Motion** made by Ms. Shufelt to appoint Marlene Samson (Town Clerk) as Principle Records Access Officer, and Timothy King, Police Chief Keith Pelletier, Fire Chief Brian Legendre, Town Accountant Theresa Provencal, Town Planner/Asst. Town Administrator for Special Projects Jim Hartnett and Conservation Commission Agenda Chris Capone as Secondary Records Access Officers. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).
5. **Motion** made by Ms. Shufelt to appoint Deborah Camara as Part-time Volunteer Coordinator for the COA. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

Westport Affordable Housing Trust – RE: Review of recent revisions to the Home Opportunity Purchase Program (HOPP).

Present: Leonardi Aray and Elizabeth Collins. Mr. Aray gave the Board three updates:

1. HOPP Program (Home Ownership Purchase Program) recent revisions. The grant is up to \$125,000 and if there is more than one applicant, it will constitute a lottery. Mr. Aray explained the breakdown requirements of family/income; permanent deed restrictions and the fact that the house needs to be in decent shape.
2. The Westport Cre-Hab Housing Rehabilitation Grants for Westport Homeowners. This is another

rehab program similar to the last program; the BOS signed an agreement with the Trust after the Town Meeting; people apply for the grant, which is up to \$125,000 for moderate repairs; there is a deed restriction for 15 years; and in the meantime, if sold, the house must sell as an affordable unit.

3. Noquochoke Village. Mr. Aray stated we will be closing in March with TCB (The Community Builders); the financing is in place; we are working on the permitting with MA Housing and the investors; construction is planned for April; we are working with DEP and WLCT on the leach field and open space.
4. Habitat for Humanity has expanded to Westport, creating an opportunity for small housing; anyone can contact our office on all of these programs; we are advertising this in the newspapers and on the website.

Mr. Vieira questioned the well and septic for Noquochoke Village. Mr. Aray stated last year, the DEP approved an Alternative System; as long as an easement is in place with the WLCT. The pressure results for the water wells were positive so TCB is working with DEP. Mr. Vieira questioned if the systems would be on the Quinn parcel away from the campus; Mr. Aray stated yes. Ms. Collins stated they were very proud of the septic system (0 nitrogen release). Ms. Collins stated in regards to the HOPP in Westport program, the income limits are a concern; we should contact our Senator and Representative because the levels are so low, how can anyone manage it even with our program; she stated she did not like the limits. Mr. Dutra stated this will be a challenge. Mr. Aray stated we will manage it; this time, we have 2-3 bedrooms, so it may work this time. Ms. Collins stated many times, the BOS have mentioned "home ownership" but with these limits, she could not see it. Mr. Dutra stated we need to increase our affordable housing; this is the challenge. Ms. Collins stated we need to make people understand that affordable housing is a good thing, not a bad thing. The Board thanked the AHT for coming in with the updates. Mr. Ouellette mentioned that the Housing did a good job keeping the sidewalks clear from the recent snow storm.

F&R Auto Sales, Francis Correiro – RE: Consider request for a provisional Class II Motor Vehicle License to be located at 1052 State Road.

Present: Attorney Thomas Hallal, Francis Correiro and Nelson Martinez.

Mr. Dutra asked for a summary of what has transpired since the last meeting. Mr. King stated at the last BOS Meeting, the request to renew the Class II License for F&R Auto was denied by the Board, essentially stating they were no longer allowed to maintain, keep or sell vehicles from this property; and at the same time, the Board did leave the door open for Mr. Correiro to submit information to address all the concerns addressed by the Board, with the possibility of consideration being given for a 30-day provisional license. Mr. King stated that information has been submitted from F&R for the Board's review. Mr. King stated, the other thing that has occurred is the Attorney General's Office has submitted a letter, in which they expressed that they have been requested to submit a letter of support for F&R getting their license but that they declined to do so; the Attorney General stated that since they filed enforcement action in September, 2016 against F&R Auto, Francis Correiro, they have not seen a reform of F&R Auto's business practices that would warrant such a letter of endorsement. Mr. King then reviewed the highlights of the AG's Letter, stating that the AG's enforcement action against F&R is still ongoing. Mr. King stated his recommendation is that the public would not be well-served by the BOS issuing a license to F&R Auto. Ms. Shufelt asked Mr. Correiro to tell the Board, how is Westport better off with you, as a licensed auto dealer, than we are without you; what is in Westport's best interest to renew the license. Mr. Correiro stated he was a good taxpayer and he thinks he is innocent before proven guilty. Mr. Correiro stated the letter from the AG states a problem that has been taken care of; people are calling the AG rather than contacting us first. Mr. Correiro stated they are picking on me; the Attorney General is suing me, so of course you won't get a great report on me. Mr. Correiro stated since the lawsuit was filed, he has been doing a great job over at the lot; he is running a clean ship, everything is perfect and anyone who does business with me, gets a perfect vehicle and they are happy. Attorney Hallal referred to a CT purchaser in 2016 where the truck passed inspection in CT and the consumer was happy, so he was not sure what files the AG are referring to. Attorney Hallal stated

that used cars breakdown and fail inspections; it is what happens after that which is important; that is why there are warranties. Mr. Dutra stated the warranty is the law and it is a law to ensure that car dealers sell cars that can pass inspection and when they flunk inspection then the dealer has failed in their effort to sell a serviceable car. Ms. Shufelt stated, respectfully, her question that she asked had nothing to do with the AG's letter or anything to do with the complaints; specifically asked was, how is Westport better served with you than without you; why is it in Westport's best interest to renew this license. Mr. Correiro stated that in the past month, he has sold five vehicles to people in Westport and he don't see them complaining. Mr. Vieira asked Attorney Hallal his business address; Attorney Hallal responded 209 Bedford Street, Fall River, MA. Mr. Vieira stated you have a copy of the Attorney General's letter; Attorney Hallal stated yes, late this afternoon but Mr. King emailed it to me also. Mr. Vieira asked if he had a chance to look at the letter; Attorney Hallal stated yes. Mr. Vieira referred to page 2, paragraph 4, and stated without reading them all, that is the trouble piece for him; at last meeting, you asked to be judged from September 1st on; you should read that part. Mr. Vieira stated he was trying to give the benefit of doubt but when he sees this from the Attorney General's Office, it is difficult to do that. Mr. Vieira stated in terms of a business model, it sounds like you are trying to get on track but it would be a lot easier to come back before the Board with a clean bill from the Attorney General. Attorney Hallal stated you must understand, it is an adversarial situation but he does not fault the AG's Office, so he disagrees with the letter. Mr. Vieira stated the list on the Attorney General's letter needed to be paid attention to and addressed. Discussion ensued. The Board took no further action on this matter.

Action Items

1. **Motion** made by Ms. Shufelt to accept a \$1,000 donation (donor wishes to remain anonymous) to the Commission on Disability. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).
2. **Motion** made by Mr. Ouellette to move the request of the Town Clerk to place the Board of Health vacancy for the one-year unexpired term (Colletti) on the upcoming Town Election Ballot. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).
3. **Motion** made by Mr. Ouellette to approve the request of the Back Eddy Restaurant to close from January 2, 2017 until March 24, 2017 for annual maintenance and repairs. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).
4. **Motion** made by Mr. Ouellette to approve the Release of Lien for Document #98669 – Recapture Agreement. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).
5. **Motion** made by Mr. Vieira to approve contract extensions with Direct Energy for the electricity for 24 months and gas for 12 months for municipal buildings, per recommendation of the Town Administrator. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).
6. **Motion** made by Mr. Ouellette to table this matter (Director of Public Health job description) until a full Board of Selectmen is present and the attendance of the Board of Health; material is to be cc'd to the Personnel Board. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).
7. **Motion** made by Mr. Vieira to approve the Request for Transfer from the Reserve Fund in the amount of \$25,000 for the Legal Budget. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).

Licenses

Motion made by Mr. Ouellette to approve the Annual Liquor License Report for 2016 to the ABCC. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).

Town Administrator Report

1. Annual Town Meeting: Mr. King stated he is working on removing articles from the warrant and incorporating them into the budget; in two weeks, the Board will receive a draft warrant. No action needed.
2. Lemon Law Audit: Mr. King stated he has included the findings of the State Audit of car dealers

- for compliance with the MA laws. No action needed.
3. FY18 Municipal & School Budgets: Mr. King stated he will give a presentation at the next BOS Meeting. No action needed.
 4. Free Cash: Mr. King stated that Free Cash has been certified at \$1.3+million. No action needed.
 5. FY 18 Capital Improvement Budget: Mr. King stated the committee is still talking about funding sources. No action needed.
 6. Community TV Director's Report: No action needed.

Discussion Items – None.

Minutes – None.

Selectmen Liaison Committee Reports

1. Ms. Shufelt stated the Animal Action Committee would be meeting next Tuesday, January 17, 2017 at 6:00 PM in the Westport Town Hall.
2. Mr. Ouellette stated that Economic Development is still working out some of the App issues; and if anyone is interested in Lemonade Stand Day to contact the BOS office; he will discuss this next week.

Question and Answer Period

1. Kathy Feininger asked for an update on tenant farm; any indication of trial dates; also, what happened to the update section that was running on the Town's website and can/will it come back. Mr. Dutra stated there is nothing new to update; as for the website, the information is still there.
2. Jon Alden asked will the new part-time Assistant ACO's be required to be Municipal Animal Inspectors as is the case with our Chief ACO Donna Lambert. Mr. Dutra stated yes to Mr. Alden's questions, it was part of their appointment this evening.

Boards/Committees/Commissions Vacancy List

Mr. Ouellette ready the vacancies available.

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 – None.

7:07 PM Executive Session

Motion made by Ms. Shufelt to enter into Executive Session pursuant to the provisions of GL c 30A section 21 (a) (paragraph 3) to discuss strategy with respect to litigation (Higgins Open Meeting Law Complaint) as declared by the Chair that Open Session would have a detrimental effect on the public body's position. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

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

Mr. Dutra announced the Board would not return to Open Session; they would adjourn from Executive Session.

Adjournment.

Respectfully submitted,

Diane Pelland

Administrative Asst/Confidential Clerk to the Board of Selectmen

APPROVED: Shana M. Shufelt, Clerk