

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY  
JANUARY 23, 2017**

**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**

**Acknowledgments & Recognitions**

Mr. Vieira mentioned the passing of Jane Young (Library employee), Robert Carroll (owner of Bayside Restaurant and a member on many Town committees), Robert Maltais (former Building Inspector), Virginia Robertson (RN who was very involved in Town) and Kendall Tripp (resident who was very involved in Town).

**Appointments and/or Resignations**

1. **Motion** made by Mr. Ouellette to accept with regrets the resignation of James W. Coyne, Jr. from the Community Preservation Committee and to send a letter of thanks. Second by Mr. Dutra. The Board voted unanimously in favor. Mr. Coyne was not present.
2. **Motion** made by Mr. Vieira to appoint John E. Miller to the Cable Advisory Board. Second by Mr. Dutra. The Board voted unanimously in favor. Mr. Miller was not present.

**Board of Health - RE: Discussion of Public Health Director position.**

Present: BOH Chairman William Harkins, Vice Chair Karl Santos and Member John Colletti. Mr. Sullivan stated we are continuing tonight the discussion of the proposed Public Health Director, which will be the replacement of our former Sr. Health Agent. Mr. Sullivan stated there has been back and forth on the job description and most has been settled. Mr. Dutra stated there is one sticking item. At this time, the job description was reviewed by both Boards. Mr. Harkins stated we have no problems with the job description which has minor changes suggested by the Town Administrator except for the Supervision. Mr. Sullivan stated he had a couple of items before returning to the Supervision paragraph; page 1, under Position Purpose, insert “and” between “developing, implementing”; page 2, 5<sup>th</sup> paragraph, change “Inspector” to “Inspectors” and after “initiatives”, insert “as well as other animal health condition issues as required”; under Education and Experience, insert “one or more of these areas” before Public Health, and insert “Animal Science” and delete “both” and insert “and/or”; under Special Requirements, insert “or” and delete “/”. Discussion ensued regarding the background the applicant should have. Ms. Shufelt stated she wanted to make sure that this person would be able to perform inspections. Mr. Harkins stated that person would only do inspections if the agent was not able to or unavailable to. Ms. Shufelt questioned if that would put a staffing burden on the department because previously, the person who was in a similar role was doing a significant number of inspections; do we worry about conflict if we are reducing our capacity to perform inspections, are we

supplementing in another way. Mr. Harkins stated we are not reducing because if we have that much coming in and the agent is busy doing other things, then the Director will go out. Mr. Dutra stated are you referring to assistant agents; Mr. Harkins stated yes. Discussion ensued. Ms. Shufelt then asked, if this was being adequately funded. Discussion again ensued. Mr. Sullivan stated the only part to discuss is the Supervision section. Mr. Harkins stated he removed “and under the administrative direction of the Board of Selectmen or their designee” because it was never in the job description and it would cause more conflicts in the management of this person. Mr. Harkins stated he did not feel it would work; the Board of Health has always run this department and sees no need to make that change; if there are any questions, there is no reason the BOS can't come to the BOH and work out the differences. Discussion ensued. Mr. King stated it is not the purpose to interfere with the Board of Health's promulgation of health policies and the Director to implement them; the Director reports to the Board of Health for day-to-day activities; the Director would report to the Town Administrator on administrative items, as part of a higher hierarchy, ultimately reporting to the Board of Selectmen. Mr. King stated his interactions with the Director would truly be administrative only, leaving the day-to-day activities to the Board of Health. Mr. Sullivan stated that if this arrangement were to pose conflicts, it can be looked at in the future. Mr. Vieira suggested as a way of a compromise, would be for the Director to work under the policy direction of the BOH on day-to-day operations. Mr. Dutra stated we start with under the policy direction of the BOH and the administrative direction under the Town Administrator. Mr. Dutra stated some of the problems we had in the past six months with the BOH was a lack of clarity and accountability in the terms of the differences of policy and administration; we were lucky it did not get into the area of collective bargaining and rights of employees; over the last 5-6 years, we have clearly had the opportunity to delineate the policy and accountability, whether appointed or elected, where there is staff working for them and the administrative responsibilities under the BOS can be delegated to the Town Administrator. Mr. Dutra stated if we have a problem, it really should come to us because ultimately, we are going to be held accountable; if someone sues the Town or files a grievance, that costs the Town money, it is not the Board that that person works for that has to show responsibility, it is the BOS. Discussion again ensued. Mr. Dutra questioned what the problem with the proposed language was. Mr. Harkins stated a lack of communication and cohesiveness is what led to the problems they are having; he would prefer not to have the language inserted and let it remain as it is; if not, may be the BOH needs to go back and decide if we want to have a Sr. Board of Health Agent again instead of a Director. Again, discussion ensued. (BOS vote) **Motion** made by Mr. Vieira to accept the Director of Public Health job description with the insertion of “and under the Town-wide administrative direction of the Town Administrator” under Supervision, along with some other grammatical changes. Second by Mr. Dutra. The Board voted unanimously in favor. (BOH vote) **Motion** by Mr. Colletti to accept the revised Director of Public Health job description. Second by Mr. Santos. The Board voted unanimously in favor.

At this time, Mr. Sullivan stated the Board of Health item for Executive Session is not on the agenda and will be posted for the next meeting. The BOS thanked the BOH for attending.

**Shellfish Advisory Committee and Christopher Leonard, Director of Marine Services – RE: Requested changes to the Shellfish & Scallop Rules and Regulations.**

Present: Christopher Leonard, Director of Marine Services – John Borden, Chairman and Ronald Savaria, Shellfish Advisory Committee. Mr. Leonard stated we are before the Board tonight for three things (1) Approval of increased fees; (2) some changes to the Rules and Regulations; and (3) hygrading (culling) of shellfish. Mr. Leonard explained the fee structure showing Westport on the low end or below average against other towns that were surveyed. The Shellfish Advisory Committee voted to recommend the increase of some of the fees for family and commercial licenses.

Approval of Fee Increases: **Motion** made by Mr. Dutra to adopt the recommendation from the Shellfish Advisory Committee for the following fee increases (see below), to be effective January 1, 2018, with the exception of Bay Scallops, which are renewed for October 1<sup>st</sup> through March 31<sup>st</sup>. Second by Mr. Vieira. The Board voted unanimously in favor.

Fourteen Day Citizen's Family Shellfish Permit	from \$ 50.00 to \$100.00 (Non-Resident)
Non-Resident Family Scallop Permit	from \$125.00 to \$250.00
Non-Resident Family Shellfish Permit	from \$100.00 to \$200.00
Resident Family Scallop Permit	from \$ 25.00 to \$ 50.00
Resident Family Shellfish Permit	from \$ 25.00 to \$ 35.00
Scallop Fisherman's License	from \$150.00 to \$300.00
Shellfish Fisherman's License	from \$100.00 to \$200.00
Special Shellfish Fisherman's License	from \$ 30.00 to \$ 60.00 (Students Commercial)
Duplicate	from \$ 5.00 to \$ 10.00

Mr. Sullivan asked what the revenues were. Mr. Leonard stated for 2016 - \$21,230, which is down from 2015 - \$22,365. Mr. Leonard stated the highest amount of licenses sold are resident/family licenses; and the commercial permits have gone up by 16 (2016 – 69 permits). Mr. Sullivan asked what was spent on the Shellfish Enterprise. Mr. Leonard stated the Shellfish Department for FY'16 (when it was pulled apart from the Marine Services Department) ran a budget of \$92,000. Mr. Sullivan asked what the sources of funding were besides the fees. Mr. Leonard stated in addition to these fees, there are the aquaculture fees; total earnings would be \$30,000 and the rest from the general fund.

Addendum to the Shellfish & Scallop Regulations – Harvest Limit changes (Derby Fishing): Mr. Leonard explained the changes to the Shellfish & Scallop Regulations. This item will be brought back with a better clarification of the changes.

Hygrading: Mr. Leonard explained what is happening with commercial fishermen who go into the open relay areas, are picking over their catch (keeping the small shellfish which is worth more) and throwing certain sized (big quahogs) shellfish back into the water that is below 45°. Those shellfish don't dig themselves back in at that temperature, they sit on top, causing them to die. Mr. Leonard requested a motion to end this practice, because it is going against all the hard work and all the donated money used specifically for this. Discussion ensued. **Motion** made by Mr. Dutra to prohibit hygrading of harvested shellfish from November 1<sup>st</sup> to April 30<sup>th</sup> effective immediately as recommended by the Shellfish Advisory Committee. Second by Mr. Vieira. The Board voted unanimously in favor.

**Attorney Luke Travis & Steve Sloan - RE: Request for a Board of Selectmen vote to release Ch. 61A – Estate of Mary Elizabeth Rulon, 122 Blossom Road – Portion of Map 1, Lot 10.**

Present: Attorney Luke Travis (representing Rulon Estate) and Steve Sloan (presenting WLCT). Mr. Sullivan stated this property is under Ch.61A and the estate wants to dispense with the property located at 122 Blossom Road. Mr. Sullivan stated due to Ch.61A, the Town has the first right of refusal; the estate has a buyer; and the Town has a request from the WLCT because they believe this property is a good candidate for Open Space/Agricultural Preservation purchase, using a couple of funding sources. Mr. Sullivan stated the Town needs to decide whether to pass over on it's first right of refusal or to transfer it's right of refusal to a 3<sup>rd</sup> party (WLCT). Mr. Sloan stated the WLCT have met with the Agricultural Open Space Preservation Trust Fund Council and they have approved the transfer of \$150,000 to acquire an Agricultural Preservation Restriction and to make a request to the BOS for assignment to the WLCT. Mr. Sloan stated the plan is to step into the shoes of the buyer; we have already spoken to Attorney Travis on this agreement to perform in the necessary time frame. The WLCT would then sell an Agricultural Preservation Restriction to the Town and at the same time, we would sell the property to an agricultural buyer, someone to acquire the property and carry on farming in the Town; and we would put the APR on the entire 32 +/- acres with a buildable component so someone could actually move to the farm, farm it and have residence on it. Mr. Sloan stated we have funds available to be able to close on this right now without having to do any fund-raising or use of any CPC funds. Discussion ensued. Mr. Dutra stated his concern is if the WLCT can't close by the end of February 28<sup>th</sup>, the Town loses its right and the sale of the property takes place with no input from the Town; there has to be some conditioning in place. Attorney Travis stated the time frame for this is the

end of February and it will close without the BOS vote. Mr. Sloan stated if the Town does assign, they would enter into an agreement. Attorney Travis stated, at that time we could negotiate. Discussion again ensued. Mr. Vieira stated once we assign, it is up to the WLCT to sell it; it will be their responsibility; the Town will benefit because some of it will be back on the tax rolls; if you look at the history, this is a lot less of a financial debt for the Town; the WLCT has looked at this a lot differently than they have in the past. Mr. Sullivan stated as long as it is no cost to the Town. Discussion again. **Motion** made by Mr. Ouellette to transfer the Town's first right of refusal to the Westport Land Conservation Trust, along the lines of the proposal presented to the BOS tonight. Second by Ms. Shufelt. The Board voted unanimously in favor.

**John Rezendes, Community Cable TV Director – RE: Programming Issues and Resolutions.**

Present: John Rezendes, Director. Mr. Rezendes stated there have been issues over the past year which can be broken down into two categories: technical issues and human error. Mr. Rezendes reviewed a flow chart of how broadcasting is done, stating that more than half of the technical issues are due to the fact that High Def has to go through Black Magic boxes to convert to Standard Def. Mr. Rezendes stated he has purchased equipment to replace the HD on Channel 190 (Government); he is just waiting for Ms. Bain to return from vacation because it requires two people to work on it at the same time. He has been using this same black box at the school and he has had only one problem so far. Mr. Rezendes stated he has also spoken with Keith Novo (IT Director) for help in trying to resolve some of this using a V-LAN to replace the pipeline. Mr. Rezendes then reviewed the list of programming issues that have occurred either by technical issue, supplier issue or human error. Mr. Sullivan asked if there was a checklist being used so we don't make the same mistakes twice. Mr. Rezendes stated yes, we are using it but there is no excuse for programming. Mr. Rezendes stated we are doing pretty good with what we have. Discussion ensued regarding HD. Mr. Vieira stated he thought there was talk about hiring students. Mr. Rezendes stated we have had volunteers and we are now looking to see if we can get them paid. Mr. Rezendes stated he was disappointed when all three channels went off the air and when he started calling Charter, the only answer he received was they would repair it tomorrow. Mr. Vieira stated that if he is not getting results, Mr. Rezendes should contact the Town Administrator, who should do a follow-up. Mr. Ouellette mentioned that one of the good things about having the office on Rte. 177 was that the techs could go there and fill up their repair vans with what they needed to get the job done immediately; now they have to go to Worcester for their supplies. Mr. Vieira stated that anyone can call our office in regards to repairs and we can contact Charter to get it referred. Ms. Shufelt stated she did appreciate the Vimeo content, there is a lot information on this site; she would like to see something done with the search of it. Mr. Rezendes stated tonight, will make the 350<sup>th</sup> video for this year. The Board thanked Mr. Rezendes for all his efforts.

**Timothy King, Town Administrator - RE: Presentation of the Town Administrator's FY'18 Municipal Budget.**

Mr. King gave an overview of the FY'18 Budget Initiatives: OPEB Trust Fund contribution is being increased from \$150,000 to \$250,000; Capital Improvements are funded with \$200,000 and General Fund Revenues are up from \$100,000 from FY'17; the Snow & Ice Funding is increased \$150,000 to \$200,000. Other new initiatives are \$20,000 seed budget for Recreation Department; the proposal of the creation of a professional assessing position in the Assessing Department which will replace the position of Sharon Potter, Office Manager, when she retires; the funding of the position of Director of Public Health in lieu of a Sr. Health Agent; proposal of stipend revision for three Boards and the reduction of money-related Town Meeting articles that are incorporated into the budget. Mr. King stated as an overview summary, the total operating budget is \$38,054,193 with revenues and budget offsets at \$38,051,602. showing a budget deficit of about \$2,600. Mr. King stated he has broken down the revenue in detail. The total revenue increase is \$1,089,556 – the source is property taxes at \$922,710 and local receipts of \$156,876 of which tax receipts are \$175,000 of which \$75,000 is an increase in auto excise and another \$80,000 is solar PILOTS; where money is being spent are General Government has a 7% increase; Public Safety has a 3% increase; Schools has a 3% increase; Public

Works has a 5% increase; Human Services has a 3% increase; and a 13% increase in culture and recreation; a 5% decrease in Debt Service; 5% increase in Pension and Insurance and no change in assessments. Mr. King stated the large expenditures: Reserve Fund for \$10,000 increase, Information Technology for \$95,000 increase, the new budget for the Middle School is \$41,500, and the Liability Insurance shows a \$15,000 increase, and Public Safety (Police Dept) has a \$97,000 increase and (Fire Dept) has a \$52,612 increase. Mr. King stated the Police Dept increase reflects the contractual agreement and the Fire Dept, part of the increase is due to an anticipated retirement of one of the firefighters. Mr. King stated he is proposing an increase of \$403,289 for the Westport School Dept. Mr. King stated at this point in time, he is only estimating for Diman Regional School increase of \$107,459 (no information has been received from them yet), a \$40,000 increase in the Highway Dept, \$50,000 in Snow & Ice, Council on Aging has a \$11,621 increase, the Library has an increase at \$10,239, Recreation at \$20,000 start up funds, Pensions (Bristol County Retirement) is good because last year we were at \$125,000 and the year before \$250,000 and he is anticipating less than a \$50,000 increase, Health and Life Insurance increase is \$235,000. Mr. King stated the Capital Improvements (use of funds) will be for replacement of motor vehicles, repairs to school buildings, senior center parking lot expansion, fiber optics cable installation, fuel pump replacement, school dept. account/payroll software (total of \$1,384,195); the source of funding will be borrowing, general fund revenues, ambulance receipts, cable tv receipts, overlay reserve transfer and free cash (total of \$1,484,195). Mr. Sullivan asked if Mr. King could request an excel workbook from the School Dept. like last year, without any employee information; this will be sent along with his workbook to all the Board Members to formulate a discussion based on what the Board member wants to talk about; send those topics to Mr. King so he put them together. Mr. Sullivan asked what the time-line was for the BOS's review and approval. Mr. King stated the Board has about a month left; Mr. Sullivan stated that is two more BOS Meetings. Mr. King stated the Board could hold special meetings and he would identify the departments who will want to speak with the BOS to make an argument for their budgets. Discussion ensued including stipends. **Motion** made by Mr. Dutra to accept the recommendations of the Chairman to put the stipends back in the budget (same rate as last year) with the understanding that the BOS will convene a working group to study the issue. Second by Mr. Ouellette. Discussion again ensued regarding bringing in certain departments. Motion and Second were withdrawn. It was decided to hold a BOS Special Meeting on Tuesday, January 31, 2017 at 6:00 PM in the Town Hall to deal with the various department budgets; this being the first of possibly three meetings. \*A budget calendar from the Finance Committee was requested.

### **Action Items**

1. **Motion** made by Mr. Dutra to approve a request by Cynthia V. Scheller, 1530 Drift Road per Police recommendation, that a "Stop Sign Ahead" sign be placed on Drift Road in the area of 967; and a "Stop Sign Warning" sign be placed on Hixbridge Road in the area of 225. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. **Motion** made by Mr. Dutra to approve the assignment of the agreement for Payment in Lieu of Taxes from Westport Power Associates, Inc. to Westport MA 2, LLC. Second by Ms. Shufelt. The Board voted 4 in favor, 1-opposed (Vieira).

**Licenses** – None.

**Town Administrator Report** – No actions were required or taken.

**Free Cash** – Mr. King stated The Division of Local Services certified Free Cash at \$1,342,338. Also certified were retained earnings for the Enterprise Funds as follows; Water \$249,881, Harbor \$95,773, Beach \$112,132.

**Lemon Law Sticker Audit** – Mr. King stated the Office of Consumer Affairs and Business Regulation recently conducted more audits of dealerships in Westport. Mr. King provided the Board with a letter and table of information.

**Eversource – Rate Increase** – Mr. King stated that Eversource is requesting a rate increase for its

customers for the distribution only. For residential customers the increase would add 7% to their monthly bill.

DOER Electricity Projection Report – Mr. King provided a report from DOER about electricity projections statewide. Mr. Sullivan stated he is liaison to the Energy Committee and they are considering recommending to the BOS that as a Town we adopt the requirements of the Green Communities Act.

Municibid – Mr. King stated the sale of surplus town equipment netted the Town \$21,101.

Veteran's Services Director's Report – Mr. King provided a copy of the monthly report.

COA Director's Report – Mr. King provided a copy of the monthly report.

Marine Services Director's Report – Mr. King provided a copy of the monthly report.

## **Discussion Items**

### **Minutes**

**Motion** made by Mr. Dutra to approve the Special Meeting Minutes of December 21, 2016. Second by Mr. Ouellette. The Board voted unanimously in favor.

**Motion** made by Mr. Dutra to approve the Regular Meeting Minutes of December 28, 2016. Second by Mr. Ouellette. The Board voted unanimously in favor.

**Motion** made by Mr. Dutra to approve the Regular Meeting Minutes of January 9, 2017. Second by Mr. Ouellette. The Board voted 4 in favor, 1-abstention (Sullivan).

### **Selectmen Liaison Committee Reports**

**Animal Action Committee:** Ms. Shufelt stated she included in the packets, the materials that were used at their meeting; the next meeting will be February 13<sup>th</sup> and the topic will be to have people talk about where they believe there is a need for a regulation or guidance or things that may be missing.

Mr. Sullivan updated the Board regarding correspondence with Rep. Schmid as to whether there were any recommendations that could be addressed at the State level, unfortunately, the legislation filing deadline was last week but this is a project that can be tweaked, and they can use placeholders. Mr. Sullivan stated we have provided some recommendations but we look forward to the AAC to add to that list. Ms. Shufelt stated there will be no recommendations for this cycle because there is just not enough time. Discussion ensued regarding the landlord having a list such as their tenant farmers names. Mr. Vieira stated he was not looking for another regulation but we do need to take some responsibilities such as having tenant farms registered; he suggested the BOS, when they meet with the BOH, may want to consider a warrant article for a regulation. Ms. Shufelt stated there won't be a recommendation from the AAC unless the BOS want to vet one out. Ms. Shufelt stated there is no time frame needed for BOH regulations; it does not have to go to Town Meeting.

**Economic Development Task Force:** Mr. Ouellette stated the Farmers Market did very well; we are concerned over the Trump cuts to the budget that the Governor is watching; and there is concern over Trump cutting. Mr. Ouellette stated this could heavily affect our state.

**COA Liaison:** Mr. Sullivan mentioned again the matching donation of \$45,000 for the COA parking lot expansion. Mr. Sullivan stated in the next few weeks, they will be recognized for this donation.

**Agricultural Open Space Preservation Trust Fund Council:** Mr. Vieira stated we are working to try to get some land back on the tax rolls and open to the public.

**School Building Committee:** Mr. Dutra stated as a result of meeting with the State last week, we are taking another deeper look if we can go into the model school program; there is a limit number of choices but if we can find a school that we can clone that building on our site, we are eligible to

obtain another 5% in state reimbursement. We have at least another month or so and go to the MSBA without a concrete proposal for site development.

### **Question and Answer Period**

1. Bob Alves asked: why hasn't the site plan and approval from DEP and National Estuaries been on the BOS Agenda. Mr. Sullivan stated this is about Beach Avenue and it will be a future agenda within 2-4 weeks. Mr. Alves stated winter has been mild, so people with mobility issues want to be able to use it. Discussion ensued.
2. Scott Boyd – Highway Steward asked: we are wondering the status of getting on Executive Session about a work related issue. Mr. Sullivan stated this was a Highway issue and will be dealt with offline.

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

Mr. Dutra read aloud the current vacancies.

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

1. Beach Avenue.
2. Marijuana Legalization – specific to Town Employees.
3. Demolish of house on Mt. Pleasant Street.

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

None.

### **Other Business**

Mr. Ouellette stated the Building Inspector has sent the property owner of Mt. Pleasant Street (house burnt out by the fire) a Notice to Demolish.

### **8:55 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 discuss the contract of the Town Administrator; LAW Collective Bargaining; and to approve Executive Session Minutes of 12-28-16 and 01-09-17. Second by Mr. Dutra. The Board voted unanimously in favor.

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

Mr. Sullivan announced the Board would not return to Open Session; adjournment would be from Executive Session.

### **Adjournment.**

Respectfully submitted,

Diane Pelland

Administrative Asst/Confidential Clerk to the Board of Selectmen

**APPROVED:** Shana M. Shufelt, Clerk