

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
MAY 1, 2017**

Members Present: Steven J. Ouellette, Chairman
Shana M. Shufelt, Vice Chair
Craig J. Dutra
R. Michael Sullivan
Brian T. Valcourt, Clerk
Also Present: Timothy J. King, Town Administrator

Chairman Ouellette called the Board of Selectmen meeting to order at 6:05 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

Kathy Feininger asked the following questions (1) Now that the ACO is under the purview of the BOS, once her reports are filed with Mr. King, what is the procedure for the reviewing and following up on those reports? and (2) Even more specifically, now that the ACO is under the purview of BOS, what is the system for piggery and equine complaints that require the involvement of the BOH? Mr. King stated that whenever a complaint involves equine or a piggery and the Animal Inspector/ACO is aware, an email is sent to the Board of Health, with a cc being sent to my mail. Mr. King stated he then follows up with the BOH Chair. Ms. Feininger stated the final question is now that the ACO is under your purview, do you have a plan for ensuring that the ACO follows through the necessary steps to gain access to these properties? Mr. King stated all property owners have a right to their property and they can designate who is allowed on their property and who is not. Mr. King stated whether there is an incident and a referral by the MA DAR or the Town, an official will go out, visit them and speak with the owner requesting permission to enter the property; if that permission is denied, an assessment is done of whether there was sufficient evidence to justify the complaint; if there is enough evidence; or, if it was a referral by a State Agency, then it is up to the State to get the administrative warrant; if it is a local referral and we feel it is serious enough, we will get the warrant ourselves. Mr. King stated we also at the same time, try to see if there are other Town regulatory bodies who have complaints sufficient enough to allow them to have access without a warrant.

Constance Gee stated supposedly we have three new animal inspectors. Mr. King stated they are Assistant Animal Control Officers and Animal Inspectors. Ms. Gee stated, we don't have any money in the budget to pay them, is that correct? Mr. King stated there was money in the budget to pay them until recently; these are new hires for which we did not have any plans for in FY'17, so we are going to take the necessary steps. Ms. Gee stated the budget is \$5,000 and we don't have it; we pay our ACO \$29,000/year; how are we supposed to take the Town seriously in terms of its declaration on the problem of animal abuse if we don't have the funding. Mr. King stated that the Animal Inspector, which is also the Animal Control Officer is fully funded; the plan all along is to use the Assistants to fill in on a part-time basis during the times when the ACO is generally not available or needs time off. Ms. Gee stated the understanding is that the ACO is available 24/7, can we get funding to pay people real money. Ms. Gee stated she was going to speak on this at Town Meeting.

Acknowledgments & Recognitions - None.

Appointments and/or Resignations

1. These appointments will be held until a response is received from Antone Vieira as to whether he would like to continue to serve.
2. Mr. Valcourt stated he did not realize the WRMC vacancy was not held open for 30 days, so he would like to have his appointment vacated and to advertise the position for another 30 days.
Motion made by Mr. Dutra to rescind Mr. Valcourt's appointment to the Water Resource Management Committee-Precinct A. Second by Mr. Valcourt. The Board voted unanimously in favor.
3. **Motion** made by Mr. Dutra to appoint Jarrod Levesque as Full-time Police Officer. Second by Mr. Valcourt. The Board voted unanimously in favor. Mr. Levesque was not present.

Maury May & James Hartnett – RE: Fall River Water/Sewer Agreements.

Mr. May stated there is a sewer hookup exclusively from Fall River to the White's properties. This arrangement goes back to the '80's and they are in the middle of renewing that contract. In the process of renewing, Terry Sullivan of Fall River contacted Mr. Hartnett and asked if there was any interest by the Town, in extending that sewer line in that section of Westport. Mr. May stated Mr. Sullivan was invited to the March Water Resource Committee meeting; of which Mr. Sullivan attended and made a proposal to the Town of Westport. Mr. Hartnett stated there are two things Mr. Sullivan is looking at (1) to renegotiate the expired sewer agreement and to see if the Town would agree to extending the line. Mr. Hartnett stated we don't have to install it but at a minimum it would good to know we could do this in the future; (2) regarding the water agreements, Fall River has already negotiated agreements with Tiverton and Freetown, it is a different agreement which may have some benefits for Westport. Mr. Hartnett stated we are looking into this more, so for tonight, we are looking for direction from the BOS in going forward with this and in working with the Town Administrator and the Water Resource Management Committee to get deeper into these agreements and to see what benefits there would be for the Town. Discussion ensued. Mr. Whitin, Planning Board stated he agreed with most of what has been said and he does agree that we need to look closely at zoning for the eventuality of getting sewer in that area; we will want to do it in a way that promotes economic development while not severely impacting residential areas, which are also in the commercial area and all the residential areas that abut this area. Mr. Whitin stated it would be a boom to the western area of Route 6, which is part of the Narrows Redevelopment area, the middle part to be mixed use and the eastern part would be a village with each of those parts benefiting from water and sewer. Mr. Whitin stated he was in favor of having the Town be the contracting party with the City of Fall River as the Sewer Commission of Westport and to have it go through the Town rather than a private entity. Mr. King stated a Feasibility Study should be done first. Discussion again ensued. **Motion** made by Mr. Sullivan (in regards to water) to encourage Mr. May and Mr. Hartnett to pursue looking into the water for potential discounts and come back to the Board of Selectmen with recommendations. Second by Mr. Dutra. The Board voted unanimously in favor. **Motion** made by Mr. Valcourt (in regards to sewer) to encourage the Water Resource Management Committee to pursue development options of a possible tie-in with Fall River for sewer and to come back to the Board with a proposed time-line and consensus to go to the public with it. Second by Mr. Dutra. The Board voted unanimously in favor.

Public Hearing – RE: An application request from Deborah Attardo for the transfer of a six month Seasonal Trailer Permit to locate a trailer at 118 East Beach Road, Westport, MA for recreational purposes. The property is shown on Assessor's Map 76A, Lot 53.

The public hearing was opened at 6:40pm with the Mr. Ouellette reading the notice. Present: Deborah Attardo. No abutters were present. Mr. Valcourt stated no permanent sheds are allowed, they must be portable and they can't remain after the season is over. Ms. Attardo stated we don't have any shed there now but she understood. **Motion** made by Mr. Sullivan to approve the request contingent upon the

fact that the Board of Health has approved the use of the septic. Second by Ms. Shufelt. Discussion: Mr. Sullivan questioned the septic on the sketch but the application says trailer is self-contained. Ms. Attardo stated she does not have a trailer presently but the septic is approved and she will be using it. Ms. Pelland explained the process with the Board of Health in regards to septic. The Board voted unanimously in favor. The hearing is closed at 6:45pm.

Sean Leach – RE: approval of amended MA Audubon Coastal Waterbird Management Agreement.

Present: Sean Leach. Mr. Leach explained the purpose behind the MA Audubon Agreement. Mr. Leach stated there has been an issue for the last two years with Beach Avenue; in the Consent Order to the Town, under Section 3 of the Disposition Order, Part E there is a section that the respondent has to file a request to the National Heritage, Endangered Species and NEHP in a form acceptable to the NEHP for approval of maintenance, grading, storm damage repair, etc. Mr. Leach stated essentially, we need approval from National Heritage for any work we may want to do there and it has to be performed to their specifications. Mr. Leach stated they are looking for a qualified monitor agreement and they want Cherry & Webb Beach included with Beach Avenue. Mr. Sullivan stated about three weeks ago, he got a call expressing concern over this, so it was considered under the “48” hour rule and the Board approved the part of the contract for Cherry & Webb, so tonight we are only considering Beach Avenue. **Motion** made by Mr. Valcourt to approve the Beach Avenue portion of the agreement. Second by Ms. Shufelt. The Board voted unanimously in favor. Mr. Sullivan questioned a time line for work to be done on Beach Avenue. Mr. Leach stated nothing can be done at this time, as of April 1st no work can be done between Town Avenue and the Knubble on Beach Avenue as far as Town maintenance because we missed the deadline. If there are no birds present or nesting up to July 1st, we could possibly do work under National Heritage. Mr. Leach stated that is a tentative date. Mr. Leach explained the bird nesting situation. The Town can't do anything for the last 600ft from Town Avenue on. Mr. Leach stated where we have an Order of Conditions for the first portion, unless there is a bird found there, work can be done. Mr. King stated he would check with Mr. Gonsalves tomorrow. Constance Gee stated she understood the Town could not go and clear the last 600ft of Beach Avenue from Town Avenue to the point of rocks, unless a guardrail is installed so the Town's bulldozers don't ruin the dunes. Mr. Sullivan explained that the installation of the guardrail won't happen until at least July 1, with no bird activity but for the first 2/3's of the road there is no restriction on the maintenance. Ms. Gee stated there is a lot of disturbance and traffic down there, cars are still driving on the dunes; at the very least, could the last 600ft be closed to traffic until the guardrail is installed. Discussion ensued. **Motion** made by Mr. Sullivan to request the Beach Committee to meet, discuss and forward recommendations to the BOS on how to maintain the last 600ft. from now and until July 1. Second by Ms. Shufelt. The Board voted unanimously in favor. Mr. Leach asked that the approved contract be submitted as soon as possible and to have the contract reviewed by the Highway Department.

Action Items

1. Ms. Shufelt stated she supported the FinCom recommended budget and shared a few highlights of it. Discussion ensued regarding funding of the MS4 Stormwater Permit; it was agreed that Mr. King and Mr. Hartnett would get together to put a plan together. **Motion** made by Mr. Dutra to approve the Budget as recommended by the Finance Committee. Second by Ms. Shufelt. The Board voted unanimously in favor.
2. The following votes were taken by the Board in regards to the ATM Warrant articles, after each article was discussed:
Motion made by Ms. Shufelt for the BOS to take favorable action on Article 25. Second by Mr. Sullivan. The Board voted unanimously in favor.
Motion made by Mr. Valcourt to support Article 21. Second by Ms. Shufelt. The Board voted unanimously in favor.

Motion made by Ms. Shufelt to support Articles 23 & 24. Second by Mr. Valcourt. The Board voted unanimously in favor.

Motion made by Ms. Shufelt to support Article 6. Second by Mr. Valcourt. The Board voted unanimously in favor.

Motion made by Mr. Dutra to pass over Article 15. Second by Ms. Shufelt. The Board voted unanimously in favor. Followup actions: the creation of a committee as recommended by the Town Administrator and to put a target date to this item.

The Board took no action/vote regarding Articles 17, 18, 19 and 20.

Motion made by Ms. Shufelt to support/recommend Article 26. Second by Mr. Sullivan. The Board voted 3 in favor, 2-opposed (Ouellette, Valcourt).

Motion made by Ms. Shufelt to not support/recommend Article 31. Second by Mr. Sullivan. The Board voted unanimously in favor.

Motion made by Mr. Dutra to not support/recommend Article 34. Second by Mr. Valcourt. The Board voted unanimously in favor.

Motion made by Mr. Dutra to not support/recommend Article 35 in its present form. Second by Mr. Valcourt. The Board voted unanimously in favor. A Board member will be ready to address this if there is any discussion at Town Meeting.

Motion made by Mr. Valcourt to not support Article 36 as presented. Second by Mr. Sullivan. The Board voted unanimously in favor.

3. **Motion** made by Mr. Dutra to approve the request from the WES MAC PTO for use of the Middle School to host the Tough Kid Challenge on June 3rd (setup) and June 4th (event & breakdown) and to approve additional parking at the Elementary School. Second by Ms. Shufelt. The Board voted unanimously in favor. Mr. King stated he received an email request for use of the outside water spigot at the Middle School; he was not comfortable with the water quality at the Middle School for this event. Mr. King stated they can use the water at the Library or the Elementary School. Mr. Fitton stated he would make arrangements to do so.
4. **Motion** made by Mr. Valcourt to approve the road race request from the Cystic Fibrosis Foundation for their Bicycle Ride on Saturday, September 16, 2017 per Police recommendation. Second by Mr. Sullivan. The Board voted unanimously in favor.
5. **Motion** made by Ms. Shufelt to approve the request of Dharma Voyage and the Westport Community Schools for use of the Middle School parking lot for the launching of the student-built boats at the Town Landing on June 3, 2017 per Police recommendation. Second by Mr. Sullivan. The Board voted unanimously in favor.
6. Present: James Whitin and Jim Hartnett – Planning Board. Mr. Whitin stated the Committee put forward an extraordinary effort on the Master Plan and one of the things that must be done is to keep the Master Plan up to date. Mr. Whitin stated it has been one year since the completion of the Master Plan in 2016 and the Planning Board wants to keep the Master Plan up to date because this needs to be a living document. Mr. Whitin stated that everyone needs to look it over and send in their comments to the Planning Board. Mr. Hartnett stated the Master Plan is available on the website for viewing. Mr. Whitin stated that between now and the summer, they would ask everyone to submit their comments. No votes/actions were taken.
7. **Motion** made by Ms. Shufelt to approve of a request letter to the Board of Assessor's for Release of the Overlay Reserve Funds in the amount of \$779,429.02. Second by Mr. Valcourt. The Board voted unanimously in favor.
8. **Motion** made by Mr. Dutra to approve the road race request from the Westport Fair Committee for their "Run for the Fair 5K" on Sunday, July 9, 2017 per Police recommendation. Second by Mr. Sullivan. The Board voted unanimously in favor.
9. **Motion** made by Mr. Dutra to approve the contract with Liberty Cedar, Inc. for the Maple/Linden Grove cemetery fencing. Second by Mr. Valcourt. The Board voted unanimously in favor.

10. **Motion** made by Mr. Valcourt to approve the contract with The Plaster Craftsmen for the Town Hall Annex gymnasium plaster repairs. Second by Mr. Dutra. The Board voted unanimously in favor.
11. **Motion** made by Mr. Dutra to form a five-person committee for the Bike/Walking Path Committee with all members being At-Large. Second by Ms. Shufelt. The Board voted unanimously in favor. This information will be placed on the website.

Licenses – None.

Town Administrator Report

1. OPEB Actuarial Valuation Report: Informational only. No actions or votes were required.
2. Health Insurance Enrollment: Mr. Sullivan asked for a breakdown of the calculation of the summary lines. Mr. Valcourt requested that in addition to what Mr. Sullivan is asking for, to include the expected or average number of people who will no longer be on the plans.
3. Finance Committee Final FY'18 Budget recommendations: Already addressed earlier in the meeting.
4. Senior Center Director's Monthly Report: Informational only. No actions or votes were required.
5. Charter Channel Additions: Informational only. No actions or votes were required.
6. Town Hall Elevator: Mr. King explained that the elevator continues to break down. Mr. Ouellette asked if Mr. King had any recommendations. Mr. King stated the elevator maintenance personnel are recommending replacement. Discussion ensued. No actions or votes were required.
7. Head of Westport Traffic Study: Informational only. No actions or votes were required.

Discussion Items – None.

Minutes – None.

Selectmen Liaison Committee Reports – None.

Question and Answer Period – None.

Boards/Committees/Commissions Vacancy List

Mr. Valcourt read a loud the list of vacancies: Board of Appeals – 1 Vacancy; Fence Viewer – 1 Vacancy; Long-Term Planning Town Building Evaluation Committee – 1 Vacancy; Personnel Board – 3 Vacancies; Recreation Commission – 1 Vacancy; Westport Agricultural Commission – 1 Vacancy Water Resource Management Committee – 1 Vacancy (Precinct A); and the newly formed Bike/Walking Path Committee – 5 Vacancies.

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

1. Ms. Shufelt reminded everyone of the Annual Town Meeting, tomorrow night (05/02/17) at the Westport High School, beginning at 7:00 PM.

8:21PM Executive Session

Motion made by Mr. Valcourt to enter into Executive Session pursuant to the provisions of MGL c 30A section 21(a) – (2) to discuss strategy with respect to collective bargaining; and PEC negotiations (Health Insurance). Second by Ms. Shufelt. The Board voted unanimously in favor.

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

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

8:45PM

Motion made by Mr. Dutra 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: _____
Brian T. Valcourt, Clerk