

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
MAY 15, 2017**

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

Chairman Ouellette called the Board of Selectmen meeting to order at 6:00 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. Valcourt to appoint as Westport Democratic Poll Workers: Helen Beaulieu, Claudette Bisson, Shirley Desrosiers, Elmira Beal, Geraldine Fortier, Alberta Lavoie, Mary Wetherell, Louise Amaral, Theresa Wilkinson, Almerinda Tenchara, Emil Fuller, Merline Toupin, Constance Taber, Barbara Marcott; and as Extra Poll Workers: Cynthia Rodrigues, Carol Ann Almeida, Wilfred St. Michel, Mary Freitas and Ashley Chasse. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Dutra).
2. **Motion** made by Mr. Sullivan to appoint Brian Valcourt as BOS Rep to the Agricultural Open Space Preservation Trust Fund Council. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Dutra).
Motion made by Mr. Sullivan to appoint Mr. Ouellette as BOS Rep to the Cable Advisory Board. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Dutra).
Motion made by Ms. Shufelt to appoint Michael Sullivan as BOS Rep to Capital Improvements Planning Committee. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Dutra).
Motion made by Mr. Sullivan to appoint Antone Vieira to the Diman 5-Year Strategic Planning Committee, Middle School Transition Committee and the Town School Building Committee. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Dutra).
3. **Motion** made by Mr. Sullivan to appoint Steven Ouellette as BOS Rep to the SRPEDD Commission as Member for 2017-2018. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Dutra).
4. **Motion** made by Mr. Valcourt to appoint Debra Moore and Susan Maynard as Seasonal Workers to the Tax Collector's Office. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Dutra).
5. **Motion** made by Mr. Sullivan to accept with regrets the resignation of Robert Alves from the Highway Department and to send a letter of thanks. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Dutra). **Motion** made by Mr. Sullivan to post the vacant Highway position effective immediately for 30 days consideration. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Dutra).

Beach Committee – RE: Recommendations for Beach Avenue's last 600ft for the time period prior to July 1, 2017.

Tim St. Michel, Chairman of the Beach Committee was present. Mr. St. Michel stated the Beach Committee met last week and have voted to remain a Beach Committee; for the last three years we have spent a lot of time on that road, becoming a Road Committee instead of a Beach Committee. Mr. St. Michel stated with the beaches opening next month, we just want to concentrate on being a Beach Committee. Mr. Sullivan stated he was the one who asked the Beach Committee to consider the question and he is disappointed. Mr. Sullivan stated we sell beach passes for \$30.00 and on that pass, Beach Avenue is listed. Mr. Sullivan stated he was not asking for a decision on this but only a recommendation from people who have in-depth knowledge and have taken a very strong stance in the past about what we should do with that road; it was only a recommendation and we did not get one. Mr. St. Michel stated for the last three years we have only been asked about Beach Avenue, never about the beach. Mr. Ouellette stated for clarification, he always asked about the beach specifically on how it was going to be cleaned, the use of restrooms, etc.. Mr. St. Michel stated that is correct. A lengthy discussion ensued regarding the road and the Beach Committee's involvement. Mr. St. Michel stated he only wanted to open this for people with handicap and mobility issues; it is up to the Board of Selectmen to make road decisions; for three years this has been bounced around, the job of the Beach Committee is to make sure people have a safe environment to go to the beach. Ms. Shufelt stated she recalled the BOS voted to proceed with a plan developed by Sean Leach and the Board already decided on this path but we can't do anything until July 1st. Ms. Shufelt asked if there was some decision that she was not remembering. Mr. Sullivan stated we are trying to decide what to do in the interim because it was suggested that we close the road. Mr. Leach stated if there are birds nesting there that section of the road has to be closed; if there are no birds nesting there, it is an option, because we can't build or maintain it, to close the road or leave it the way it is. Mr. Leach stated that July 1st is the magic date depending on whether there is any known birds nesting on the beach. Ms. Shufelt stated so the decision it to leave it as is until we can start the project or do we take some measure to close off the road. Mr. Sullivan stated we don't have to make a decision, it has been suggested we take a course of action. Mr. Sullivan suggested that before the Board even considers that course of action, we would seek advice from our most expert body in this subject, that being the Beach Committee. Ms. Shufelt stated the Beach Committee is declining to make a recommendation. Mr. Leach stated personally, he would like the road open but it may not be travel-able by most vehicles at this moment. At this time, Constance Gee stated the road is not passable, especially by anyone wanting to get to the handicap spaces; there has been incredible damage and erosion to the area. Ms. Gee presented a series of photos depicting the damage and erosion, suggesting the Board should close the road until a decision can be made of what to do with the road. Ms. Gee stated this is not about keeping people out, it is about protecting the area. Following the presentation, Tom Hancock stated he assumed the pictures were of the worse case scenario but two years ago, the people of this Town voted to keep open that public road; there should be an effort by the BOS to keep that road open, there should be some moral obligation by the Board to support the Town residents vote to keep this road open to the Knubble. Mr. Valcourt stated the Board did vote to keep the road open to the end with the final plan to install guardrails to protect the dunes; we have to take steps in order to do this; as long as there are no pipin plovers we can do that work but until such time, we have people going down there with bad and deliberate intent and it will not stop until July 1st and by that time, there will be no dunes left, so we have to put some barrier in place temporarily to stop the damage to the last 600ft. Discussion ensued with input being received from Sean Mullaney, Jim Whitin and Wayne Sunderland; and with a letter being presented by Mr. Mullaney to the Board regarding some thoughts on the proposed plan for Beach Avenue that has been approved by National Heritage.

Motion made by Mr. Sullivan that the Highway Department put up appropriate signage “Road Maintenance has been discontinued due to State regulations” and “Pass at Own Risk”; only Handicap parking allowed past the point of Towne Avenue; and for Police presence to enforce parking and prevent vandalism. Second by Ms. Shufelt. The Board voted 2 in favor, 2-opposed (Ouellette, Valcourt). (Motion defeated).

Motion made by Mr. Valcourt to temporarily close the last 600ft until July 1st by use of boulders until the work can commence in the area and to immediately open once the work is completed. Second by Mr. Ouellette. Discussion again ensued. The Board voted 2 in favor, 2-opposed (Sullivan, Shufelt). (Motion defeated).

Motion made by Mr. Sullivan for the installation of two sets of signs “Pass at Own Risk” and “Road Maintenance has been discontinued due to State regulations”; only Handicap parking allowed pass the point of Towne Avenue; and to engage the Police Chief to enforce parking and increase police presence in the interim. Second by Mr. Valcourt. The Board voted 3 in favor, 1-opposed (Shufelt).

Carol Borden, Tax Collector – RE: Summary of outstanding taxes.

Mr. Ouellette stated he has asked Ms. Borden to come in and give the Board a summary of the taxes. Ms. Borden reviewed the Financial Summary Breakdown. Ms. Borden stated there is \$297,610.12 in outstanding excise tax; of course, that figure has changed because more has come in and the figure is closer to \$200,000. Ms. Borden stated this goes back to 1998; she keeps them on the books making it easier for when someone comes in to pay a bill from 20 years ago. Discussion ensued. Ms. Borden stated all state registries are beginning to communicate with each other and sooner or later, it does catch up with the person. Ms. Borden stated she just sent out delinquent bills for FY'16 (had about 19 bills and are down to 10) for \$16,000. Ms. Borden stated for real estate, she has about 968 outstanding bills (\$1.1 million); demands are due to go out. Ms. Borden stated between now and June 30th more will come in. Ms. Borden stated this is pretty typical of what goes on. Mr. Ouellette stated this was just an update and thanked Ms. Borden for coming in.

Discussion - RE: Animal Action Committee requests.

Ms. Shufelt stated she was Chair of the Animal Action Committee. They have had six meetings (one organizational meeting and five meetings each with different topics). The Committee's goal is to make recommendations to our Boards; so what she is bringing to the Board tonight is just where the committee is at, at this time. Ms. Shufelt stated most of us have a consensus direction that we want to go in but now we need input from our respective boards. Ms. Shufelt stated the major thing the Committee feels is necessary in the Town is an Animal Site Registry in order to understand where these sites are and not for registering specific animals except where we are already doing so, such as dogs, swine and equine; we want it to apply to all locations with animals so it does not matter who owns the property or if it is a tenant situation. We have a Town bylaw regulating dogs and there are Board of Health Regulations for swine and equine permits. We want to make sure of who is responsible for the care of the animals; we have agreed that the property owner should not be absolved of responsibility but the property owner can elect to say that other people have primary responsibility for the animals. We want the Site Registry process to have specific language that allows health inspections of the animals without a specific complaint. There maybe a minimal fee; we are not sure. We also talked about the process of when the Animal Control Officer finds non-compliant properties to go ahead and register them on the spot. The biggest question right now, for which we are looking for guidance on is, should this be pursued as a bylaw (such as for the dogs) or as a BOH regulation? Ms. Shufelt stated that a BOH regulation requires less action but it does require public hearings; while a bylaw has to be drafted legally and moved on. Discussion ensued regarding the State barn book inspections and the fact that the State does not share their information with the Town unless there is a public health concern because the State don't want the property owner worrying over getting cited locally; the State also does routine dairy inspections and that information is not shared. Ms. Shufelt stated that when our Animal Control Officer, who is also an Animal Inspector for the State, is out doing state inspections, she can only report to the State; but while at her vehicle, she can change hats and go back to the property as an Animal Control Officer, thus being able to create her own database; this practice is done in other Towns. Ms. Shufelt stated the information is however inconsistent; we really need to encourage the citizenry to come forward. Ms. Shufelt stated that Dartmouth is doing exactly what she just described. Ms. Shufelt stated she believed we should get the attention of the State in regards to what they know about our animals. Ms. Shufelt stated there is a gap between State and Local communications. Ms.

Shufelt stated there should be training for Animal Inspectors. Ms. Shufelt stated one of the biggest things now, would be to have a meeting with these other state agencies so that we can talk through these problems, especially in communications; we also have Town interdepartmental communication problems, there has been improvement but we have to make sure it continues. Ms. Shufelt stated she was not asking the Board to take any action on HB441, it is controversial and the Committee has backed away from it. Ms. Shufelt stated tonight, she just wanted to give the Board an update; also, she was looking for direction on whether to pursue a bylaw or a regulation. Mr. Sullivan stated we should move towards a Registry but first we should engage the State. Discussion ensued.

Motion made by Mr. Sullivan to give permission to Ms. Shufelt to reach out to Senator Rodrigues and Representative Schmid to host a meeting to talk about how we get access to the State data, how we get more training to be required for Animal Inspectors and to have a policies and procedures for communications between State and Municipal Government. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Dutra). Ms. Shufelt stated the next meeting of the AAC is June 19, 2017 and one of the topics on the agenda is whether to continue the committee because the appointments are through June 30th, so it will be a good time to revisit whether the committee has outlived it's useful life and between now and then, one of the things to be talked about on June 19th is if we don't have an AAC, we want to make sure we are formalizing this task force or department head meeting so we can assure the public of what kind of reporting they will get out of that committee. Ms. Shufelt would like to defer action on the AAC until the June 26th BOS meeting. Ms. Gee asked Ms. Shufelt if the committee was sticking to their formal endorsement of HB441. Ms. Shufelt stated it can be re-addressed at the next meeting.

Discussion – RE: Budget/Town Meeting Process.

Ms. Shufelt stated she and Mr. Sullivan met with Finance Committee members and the Town Moderator to discuss the budget process and concerns the parties had with the Selectmen and the budget process this year. Ms. Shufelt stated we came up with some recommendations (see attached) which Ms. Shufelt reviewed with the Board. Ms. Shufelt stated the Finance Committee would like a Memorandum of Understanding with the Board of Selectmen to make sure we are exercising self-discipline next year. Mr. Sullivan stated he was in agreement with this but he would like to make an addition to this but because of not having a full board tonight, he would ask Ms. Shufelt to bring Mr. Dutra up to speed in order for the Board to have a full discussion at the next meeting and before an MOU is drawn up. Mr. Sullivan stated the only recommendation he had, which was not talked about that day, was that after sitting through Town Meeting, a particular resident had a lot of questions about the Capital items which were very good questions and some of us at the Board level were not fluent on these items to be able to answer those questions. Mr. Sullivan stated he would suggest for the next Town Meeting a detailed narrative on each of the items we have decided to move forward with and an explanation on how we came about that decision; and we need to agree on that document before Town Meeting. Discussion ensued. Ms. Shufelt stated she would meet with Mr. Dutra and if any Board member has any other input to please communicate it to her. Ms. Shufelt stated she will draft this in a Letter of Understanding format. Mr. Ouellette stated in his opinion, March 10th was going to be very tight; it is not even the end of snow season and we don't have a lot of numbers in, but we can try. Mr. Sullivan stated we can still mess with the budget but we were going to acknowledge that everything after the March 10th date was a post-final budget discussion. Mr. Ouellette stated one of the points of moving Town Meeting back to May was to get better numbers so we could squeeze as much as we could possible; now we are going backwards again. Mr. Ouellette said we can try and give it our best effort. Ms. Shufelt stated we specifically have a mechanism to change it after March 10th. Ms. Shufelt stated we can make it a one-year trial period. Mr. King stated the item in #1 should be a joint meeting with the Finance Committee. Mr. Ouellette stated we will have a joint meeting with everybody and he was almost thinking of having a “mock” Town Meeting with Mr. Fors. Mr. King stated this way, everyone will start off on the same footing with the initial revenue numbers. No votes were taken.

Planning Board (David Cole & Jim Whitin) – RE: BOS endorsement of Municipal Vulnerability Preparedness Grant Program and Coastal Resilience Grant Program.

Mr. Cole, Mr. Whitin and Mr. Hartnett were present. Mr. Whitin stated we are asking the BOS to sign these two grant applications. Mr. Whitin stated the MVP grant is intended to help communities assess their vulnerability and develop strategies for dealing with the potential effects of climate change; no Town funds are needed; the State will come down and help us determine where our vulnerabilities are but we must commit to them, help from our local people like Mr. Hartnett and anyone from any other board that has issues. Mr. Whitin stated the second related grant is the Coastal Resilience Grant that would provide financial and technical assistance to communities to implement coastal resilience and climate change adaptation efforts; there is a 25% local match, which can be either cash or work in-kind service; the cash will be by donations or additional in-kind services; this will help us to plan for the future after identifying our vulnerabilities. Mr. Whitin stated we may have to do some zoning changes and use best management practices; this will also help to protect our infrastructure due to sea level rise; these plans can be implemented over the next 20 years or so. Mr. Whitin stated we have letters of support from the Watershed Alliance, Planning Board and Conservation Commission.

Motion made by Mr. Valcourt to support both grant applications with a letter of support. Second by Ms. Shufelt. Discussion: Mr. Sullivan stated the applications seem general at this point is that because they don't expect more, it is more of a cookie cutter kind of grant. Mr. Whitin stated with the first grant, the State will basically determine where we will go; in the second one, we are going to have to do a budget and lay out a plan, which will be worked on by Mr. Hartnett. Discussion ensued regarding the Coastal Resilience Grant with Mr. Cole giving a background. Mr. Whitin stated this is a \$60,000 grant (\$45,000 from the State and \$15,000 from the Town or related entities in Town by cash donation and/or in-kind service). The Board voted 4 in favor, 1-absent (Dutra).

Discussion – RE: Bridge Street Stop Sign.

Lt. John Bell and Christopher Gonsalves were present. Mr. Sullivan explained how a street (stop) sign was placed on his street, which he had never seen in the ten years of living there and he thought to himself that there is a process for approval of signs by the BOS. Mr. Sullivan stated he spoke with Mr. Gonsalves about the sign and was told it was a replacement sign. Mr. Sullivan stated he asked Ms. Pelland to do some research on this and it was found that twice this street sign was denied for placement due to incompatibility with MA Traffic code; there were also memos regarding replacement of signs due to defacing which were approved. Mr. Sullivan stated he finally figured out what happened; there was never a stop sign where this sign is now, there was however a sign very close to the sign now, that was tipped back and it was for the people leaving the auxiliary parking lot for the Back Eddy and he thought what happened is that the wrong sign got replaced. Mr. Sullivan stated he has sympathy for the people going back and forth on Bridge Street. Mr. Sullivan stated he is okay with the street sign but he just wants things to go through the process of approval by the Board. Mr. Sullivan requested that this get re-examined because obviously you can't just take the sign down, it would cause an unsafe condition. Mr. Sullivan asked Lt. Bell to take another look and see if there is a way to justify it's existence and you may want one placed where it was originally for those people leaving the parking lot. Mr. Ouellette stated for the record, the original recommendation was from Detective Majewski.

At this time, Mr. Ouellette asked Lt. Bell to make an announcement regarding the upcoming golf tournament in memory of Sgt. Dan Sullivan for June 12th at the Acoaxet Club. Mr. Ouellette presented Lt. Bell with \$100. for the sponsoring of a hole by the Board of Selectmen. Lt. Bell stated anyone interested in the tournament should contact the Police Station.

Westport Land Conservation Trust – RE: Request to allow the Highway Department to work with WLCT to complete a site clean-up at the Noquochoke Village Open Space parcel.

Brendan Buckliss and Jennifer DuBois were present. Mr. Buckliss explained the request to allow the Highway Department to work with the WLCT to clean-up the property. Mr. Buckliss stated he has spoken with Mr. Gonsalves who is willing to provide assistance on the Noquochoke Open Space

parcel. Mr. King recommended approval of this request. **Motion** made by Mr. Valcourt to allow the Highway Department to work with the WLCT on clean-up at the Noquochoke Village Open Space parcel. Second by Ms. Shufelt. Discussion ensued. The Board voted 4 in favor, 1-absent (Dutra).

Action Items

1. **Motion** made by Ms. Shufelt to approve of the contract with M. O'Connor Contracting, Inc. to furnish all labor and materials for the construction of the new Police Station in the amount of \$8,350,000 which includes the bid alternates. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Dutra).

Licenses

1. **Motion** made by Mr. Sullivan to approve a One-Day Liquor License (Beer & Wine) to New England Race Events, LLC for the Horseneck Half-Marathon on Sunday, May 21, 2017. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Dutra).

Town Administrator Report

1. Memorial Day Activities: Informational only – no action required.
2. US EPA Westport River Approved TMDL for Nitrogen: Mr. King stated the Town can now begin to develop a plan to work on this. Mr. Jon Alden asked what authority in Town was going to evaluate the report and come up with suggestions of what to do about the total daily load. Mr. King stated the Board of Selectmen will make those decisions. Mr. Valcourt stated there will be discussions about this; there are some very specific numbers for our targets and there are ways to reach those numbers; this will involve the Board of Health, Conservation Commission, Water Resources Management Committee, Planning Board, etc., there will be a lot of players involved. Discussion ensued. No votes were taken.
3. Emergency Bridge Deck Repairs I-195: Informational only – no action required.
4. Verizon Valuation Settlement: Informational only – no action required.
5. Charter Communications: Informational only – no action required.
6. DLS – Budget Issues: Informational only – no action required.
7. Complaints – Website: Informational only – no action required.
8. Microsoft Office: Informational only – no action required.
9. Marine Services: Informational only – no action required.

Discussion Items – None.

Minutes

1. **Motion** made by Ms. Shufelt to approve with amendment the Regular Meeting Minutes of April 18, 2017. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Dutra). *Amendment: page 3 – change \$500,00 to \$500,000.
2. **Motion** made by Ms. Shufelt to approve the Regular Meeting Minutes of May 1, 2017 as presented. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Dutra).
3. **Motion** made by Ms. Shufelt to approve the Special ATM Meeting Minutes of May 2, 2017 as presented. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

Selectmen Liaison Committee Reports – none.

Question and Answer Period

1. Wayne Sunderland asked: When (if ever) does the magical repair work begin at Hix Bridge, today is May 15, 2017. Mr. King stated it will begin in mid-June.

Board Members Suggestions for Future Agenda Discussion / Action

1. Mr. Sullivan stated for a future meeting, we need to address and form a DPW committee.

2. Mr. Valcourt stated he would like to get proceedings going on the recall; contacting KP Law for different examples of bylaws that other Towns have. Mr. Ouellette stated that he has already sent out a message on this.

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

Other Business

1. Mr. Sullivan reminded everyone of the Memorial Day Celebration on May 29th, the parade begins at 10AM at Town Hall and the procession to various sites in Town begins at 8AM at the VFW then to the American Legion, Latessa Square, Fontaine Bridge and the finally the Point on Main Road. Mr. Ouellette reminded everyone, there will be ceremonial gun shots at those locations.
2. Mr. Sullivan stated that correspondence was received from the Lighthouse Assembly of God, who is handling the food pantry in Town at the Middle School, has a fundraiser coming up on June 23rd at the Holy Ghost Club from 5:30 to 7:30PM.
3. Mr. Ouellette mentioned the chevron signs, located on the bend of Route 88 before entering Route 195 need to be replaced again, maybe with the kind that have lights; they are damaged once again.
4. Mr. Ouellette stated there are issues again with car lots; he has talked with Mr. King, so he can try to work things out with them. Mr. Ouellette stated this maybe an agenda item in the future.
5. Mr. Valcourt stated that recently Adamsville Road has been repaved; but around the catch basins, the tar does not look like it was done properly, it is a mess and rough. Ms. Shufelt stated do we know when Charlotte White will be done; what is the plan for finishing it. Mr. King stated they are going back, reviewing the work and making a punch list with the engineer to finish. Mr. Valcourt asked that Adamsville Road be put on the review list.

8:45 PM Executive Session

Motion made by Ms. Shufelt to enter into Executive Session pursuant to the provisions of MGL c 30A section 21(a) to discuss negotiation strategy with respect to the Highway Surveyor's contract; and to discuss collective bargaining with LAW and AFSCME (Highway Unit); and to approve Executive Session Minutes of April 18, 2017 and May 1, 2017. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

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

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

9:15 PM Open Session

Motion made by Ms. Shufelt to adjourn the Board of Selectmen's Meeting. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

Adjournment.

Respectfully submitted,

Diane Pelland
Administrative Asst/Confidential Clerk to the Board of Selectmen

APPROVED: _____
Brian T. Valcourt, Clerk