

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
OCTOBER 02, 2017**

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

Also present: Timothy J. King, Town Administrator
Attorney David Jenkins, KP Law-Town Counsel

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

At this time, Chairman Ouellette asked that everyone remain standing and join in a Moment of Silence for the horrible tragedy that has taken place in Las Vegas.

Chairman's Announcement – Under MGL Chapter 30A, section 20(f) – Meeting being recorded.

Public and/or Board Member Comments

1. Chris Wiley- Join the Conversation Westport and Kathy Feininger-Stop the Insanity Westport were before the Board and again asking why animal abuse in Westport was not being viewed as a serious issue by the Board. Ms. Wiley and Ms. Feininger asked questions regarding the recent animal abuse case and why no one from the Board went to court to support the Police or ACO. Discussion ensued. No votes or actions were taken.

Acknowledgments & Recognitions

1. The Board of Selectmen presented Firefighter Brian Souza (who was accompanied by his wife Janet) with an Official Citation recognizing his retirement after 30 years of service to the Town of Westport. Also presenting a citation were Senator Rodrigues and State Representative Schmid.

Appointments and/or Resignations

1. **Motion** made by Mr. Valcourt to accept the resignation of Zackary Shay as Police Officer from the Westport Police Department and to send a letter of thanks. Second by Mr. Dutra. The Board voted unanimously in favor. Mr. Ouellette asked that either Mr. King or Mr. Hartnett conduct exiting interviews.

Public Hearings – RE: Application renewal requests of Shellfish Aquaculture Licenses filed in the Selectmen's Office on September 5, 2017 for the following: Kerian Fennelly, 117 Cross Road, Westport, MA – Westport River, East Branch Site #1 (one acre site); Kristin M. Fennelly, 117 Cross Road, Westport, MA – Westport River, East Branch Site #2 (one acre site); and John P. Fennelly, 658 Old Harbor Road, Westport, MA – Westport River, East Branch Site #3 (.73 acre site). The public hearing was opened at 6:29PM. Mr. Ouellette read the public hearing notice aloud. Present: Christopher Leonard, John Borden and Kerian Fennelly. No abutters were present. Mr. Leonard stated these three licenses which are up for renewal, are for active sites which are very prosperous; the applicants have current bonds and possess liability insurance and the applicants are in good standing. Mr. Leonard stated these are one-acre sites located inside of the Westport River; the Town currently has a total of 80 acres of aquaculture. Mr. Borden stated the Shellfish Advisory

Committee met on August 21, 2017 to discuss the renewal of the Shellfish Aquaculture Licenses for these three sites, they met all the criteria, so the Committee voted to recommend approval.

Motion made by Mr. Valcourt to approve renewal of the Shellfish Aquaculture Licenses for Kerian, Kristin and John Fennelly for sites 1, 2 & 3 – located in the East Branch of the Westport River. Second by Mr. Dutra. The Board voted unanimously in favor. The hearing is closed at 6:32PM.

Public Hearing – RE: An application request from Star Port Corp d/b/a Star Country Store & Deli, 526 Sanford Road, Westport, MA for a Transfer of Stock and Change of Manager – Chetan B. Patel. The public hearing was opened at 6:33PM. Mr. Ouellette read the public hearing notice aloud. Present: Attorney Matthew Porter (representing Star Port Corp) and Chetan B. Patel (applicant). Abutters present: Kevin Danis, 527 Sanford Road and Louis Carreiro, 535 Sanford Road. Attorney Porter presented the application request for the transfer of stock, change of manager and corporate officers stating Mr. Patel will be the new owner/manager of Star Country Store. Attorney Porter stated that Mr. Patel has experience, currently he owns a business in Dartmouth where there have been no problems; there will be no major changes with the store. Mr. Ouellette asked if Mr. Patel was aware of the issues that were at this location before with some of the neighbors and that it was agreed there would be no signage near the road or signs all over the place; Mr. Ouellette stated we are trying to maintain the neighborhood. Attorney Porter stated this is a new group of ownership and we can work with Ms. Pelland on this issue. Mr. Danis stated his issue is not personal it is with the store; initially, it was supposed to be 18% liquor, now it is like a liquor mart. Mr. Danis stated with the prior owners, shades were removed from the lighting and there is lighted signage in the window and beer cases are stacked in the window. Mr. Danis stated he was only asking that the new owners conform with the agreement from the Zoning Board. Ms. Shufelt questioned where the conditions were from. Ms. Pelland stated it was a zoning decision. Mr. Carreiro submitted a copy of the zoning decision; he agrees with what Mr. Danis has said; the main concern is that the decision is followed. Mr. Carreiro stated this matter was brought before the court; there is no compliance right now with the signage. Discussion ensued. Ralph Souza, ZEO was present and stated he will visit the store, review the decision and what is displayed with the new owners once they have taken possession of the business. Mr. Sullivan asked the applicant to communicate to the Selectmen's Office that once they have reviewed the Zoning Decision, whether they are in agreement with compliance of the decision.

Motion made by Mr. Dutra to approve the license transfer subject to the previous restrictions imposed by the Zoning Board of Appeals ruling of September 29, 2011. Second by Ms. Shufelt. The Board voted unanimously in favor. The hearing is closed at 6:45PM.

Public Hearing – RE: An application request from Richard Mendes – Mendes Auto Repair, located at 130 Plymouth Boulevard, Westport, MA for a Repair License vehicle limit increase. Requested increase will be from 2 vehicles to 8 vehicles. The public hearing was opened at 6:46PM. Mr. Ouellette read the public hearing notice aloud. Present: Mr. & Mrs. Richard Mendes and Ralph Souza. Abutters present: Sotiris Pavlis, 129 Plymouth Boulevard and Leonard Reis, 126 Plymouth Boulevard. Mr. Mendes stated the business has been there since 1972 and he has been running it for the last fourteen years. Mr. Mendes stated he was looking to increase the number of vehicles for repair because this is the type of business where vehicles breakdown and need to be repaired as soon as possible. Mr. Pavlis stated he has lived across the street since 1994 and has known the family personally to be hardworking people who are very respectful; the property is very clean; and he has no problem with this request. Mr. Reis stated he has lived there for 30 years and he is contesting this because his father for the last few years never worked in that garage and he held a full-time job; it is up to the applicant to prove this to the Town.

Motion made by Mr. Dutra to approve the license request as presented. Second by Ms. Shufelt. The Board voted unanimously in favor. The hearing is closed at 6:50PM.

Ralph Souza, Building Commissioner/Zoning Enforcement Officer – RE: Status of Building Dept. and legal issues (burned houses, etc.).

Mr. Ouellette stated that periodically, the Board invites Department Heads in to give an update on their Department and any ongoing issues.

Legal Issues: Mr. Souza stated he is getting movement on Mt. Pleasant and 201-203 Davis Road. Mr. Souza stated he has been in contact with the bank that holds the mortgage and the company that is taking control of Davis Road (New England Homes, LLC), they have cleaned up the property but they were not allowed in the building because the floor is burnt right out. Mr. Souza stated the mortgage company is in the process of obtaining estimates for demolition. Mr. Souza stated he has sent two certified letters for 9 Mt. Pleasant Street – the person taking care of this has been in contact and stated they are looking at demolition within 20 days; so far, no demo permit has been pulled; 20 days ends next Friday, October 13, 2017, if he does not receive any more communication he will continue to send emails and play phone-tag for a status, but, if he feels he is not getting anywhere, then he will file in court. Mr. Dutra asked about the status of Forge Road. Mr. Souza the house on Forge, McCray's and 3&5 Bergeron Road are linked to the fire that is going around; Forge Road is being looked at by the insurance company now and it is listed for sale but he is going to have to fix it and change out the insulation and sheet rock. Mr. Souza stated with Hix Bridge Road, he received an email about the father being in the hospital but they are going to move it because the season is over and the diner is closed; again, if it is not moved, it will be Housing Court in Fall River.

Building Permits: Mr. Souza stated since January, there has been 860 applications for building permits; 110 of those are for new houses which includes Noquochoke Village, the rest are the usual permits for roofing, windows, etc. Mr. Souza stated last year's total was 1,000. Mr. Souza stated the permits are being issued on time, even though some people are upset but he does have 30 days to review the application.

Office staffing: Mr. Ouellette stated to Mr. Souza, they would like to get him some help. Mr. King stated his thought would be to amend the Revolving Account to accommodate for an Assistant. Mr. Valcourt reminded everyone that the Building Department makes the Town money; so far, \$240,000 this year. Mr. Souza stated he would like to have Nelia Williams bumped up as an Administrative Assistant for the simple reason, so she can issue simple permits like roofing using my stamp; she would not issue any permits that involve any plan review; it is simple permits like removing and replacing windows or doors, etc. Mr. Souza stated he wanted to adjust Ms. Williams' pay also. Mr. Ouellette asked Mr. Souza to communicate with Mr. King because we are trying to do things in a timely manner on the budgets with FinCom; he can also also work with Ms. Shufelt, who is good with numbers. Mr. Souza stated he will work with however the Town wants to work on getting him an Assistant, the position is 40hrs. and it was voted in 10 years ago by Town Meeting. Mr. Ouellette asked Mr. Souza to submit a written proposal to make sure the Board knows what they are looking at by way of numbers. The Board thanked Mr. Souza for coming in.

Tim St. Michel and Sean Leach, Beach Committee – RE: Discussion of complete makeover of East Beach.

Tim St. Michel and Sean Leach presented a concept of a makeover for East Beach created by the Beach Committee. Mr. Leach stated there is two problems with East Beach (a) there is no handicap access (this applies to any of our beaches) and (b) East Beach has become a non-friendly user beach and we are very limited on what can be done there. Mr. Leach stated there has been many requests to do something with this beach; the plan is strictly concept. Mr. Leach stated if you are heading east on East Beach Road, the road should go straight, not zig-zag because it is a hazard for both vehicular and pedestrian traffic. The problem with straightening out the road is one lot is private ownership. The owner has been approached and is amiable to a land swap. If we are able to move the road north, as far as possible, it will make for a more gradual curve and we will be able to create a graveled parking lot and fence it off with a gate, which will allow for a secure facility and we will be able to lock it up, similar to Cherry & Webb Beach. Mr. Leach stated a lot of permits will be required (DEP, Coastal Zone Management, etc.) because we will have to create a habitat area. We will need a new layout of

the road. We could possibly use CPC funds, grants from FEMA, Beach funds, etc. We could use mobility mats for handicap accessibility and implement beach nourishment. Mr. Leach stated public hearings will be held in order to get public input. Mr. Leach stated with this new area, it will be able to handle the spill over from Cherry & Webb; and people will still be required to get a beach pass. Mr. St. Michel stated we have Cherry & Webb under control, it is time to take back East Beach; he would like to see lighting there at night and security cameras just like Cherry & Webb. A lengthy discussion ensued regarding the proposed concept. **Motion** made by Mr. Sullivan to support the idea of the Beach Committee and for them to work with the landowner to try to maximize the Town's contiguous land area. Second by Mr. Dutra. Discussion: Ms. Shufelt stated she wanted to point out that this isn't really a plan we are supporting, it is a direction from the Board that the Beach Committee continue pursuing the concept plan. The Board voted unanimously in favor. Mr. Valcourt asked Mr. Leach about the work stop on Beach Avenue; when will we be able to continue with that. Mr. Leach stated he was just waiting to hear from National Heritage; the final plan was submitted about a month ago and we should hear by the end of this month. The Board thanked Mr. St. Michel and Mr. Leach.

Action Items

1. Mr. Ouellette read aloud an invitation received from Christopher Leonard, Director of Marine Services for attendance at a fundraiser "Shellstock" at the Westport Rivers Vineyard and Winery on Sunday, October 15, 2017 from 1:00 to 3:30PM to benefit the Shellfish Propagation Gift Fund. No action required-no votes needed.
2. **Motion** made by Mr. Dutra to approve of the agreement with Rhode Island Truck Center, LLC for the supply and delivery of a 2018 (41,000 lb.) GVW Truck with Dump/Spread Body and Plow for the Highway Department. (\$136,674.00) Second by Mr. Valcourt. The Board voted unanimously in favor.

Licenses

1. **Motion** made by Mr. Valcourt to approve Common Victualler Licenses for:
 - A. Westport United Congregational Church, 500 American Legion Highway.
 - B. Westport Jr/Sr High School, 19 Main Road
 - C. Westport Elementary School, 380 Old County Road
 - D. Alice A. Macomber Primary School, 154 Gifford RoadSecond by Mr. Dutra. The Board voted unanimously in favor.

Town Administrator Report

1. Hix Bridge Road bridge: Mr. King stated the work on the Hix Bridge Road bridge is ongoing. Mr. King stated a request has been received from MADOT to extend the hours of operation so they can begin work at 6:00AM and continue to 4:00PM during the next two months. Mr. Ouellette stated a copy of the Town's Noise Bylaw has been provided to the Board members. Mr. King stated that technically, they are exempt from the bylaw. Discussion ensued. **Motion** made by Mr. Sullivan to approve the request for expanded hours of operation (6AM to 4PM) for the duration of the project, possibly the next two months. Second by Mr. Dutra. The Board voted unanimously in favor. Mr. Sullivan asked Mr. King to notify the abutters of the approved work hours.
2. Police Station Project: Mr. King provided the Board with a report from the Town's OPM on the status of the station construction; he stated the project is on schedule and on budget. No action was required.
3. Thomas E. Pettet Memorial Causeway: Mr. King provided a picture of the granite monument at the entrance of the Thomas E. Pettet Memorial Causeway to Gooseberry Island; the re-dedication was for the only Westport municipal employee ever killed in the line of duty. No action was required.
4. Route 88 – Phase II: Mr. King stated the State is beginning Phase II of the Route 88 paving project; this section will be from Old County Road to Drift Road. Mr. Ouellette stated he spoke with Fire Chief Legendre, Senator Rodrigues and Rep. Schmid about getting actuators for our emergency vehicles to have the ability to change the traffic lights all along Route 88; all surrounding

communities have it; he thought this was included in the project but it is not. Ms. Shufelt asked if someone from the Town was attending the pre-construction conference on October 4th. Mr. King stated he will be asking Jim Hartnett to attend. Mr. Ouellette asked Mr. King to alert Mr. Gonsalves also because it would be nice if he were there too. Mr. Ouellette asked Mr. King to alert the Board if no one is attending. No action was required.

5. Eversource Solar Rate Proposal: Mr. King stated that Eversource has come up with a proposal that would affect net metering credits; the Town has two power purchase agreements, two projects, affected by this proposal. Mr. King explained the concern is the reduction of the value to the Town. Discussion ensued. **Motion** made by Mr. Dutra to oppose the regulations proposal per the Town Administrator's recommendation. Second by Mr. Valcourt. The Board voted unanimously in favor.
6. Time & Attendance Implementation: Mr. King stated the time and attendance is being utilized by all employees; there will be a training session with Harper's next week. Mr. Sullivan asked if the old time clocks are now obsolete and no one is using them; Mr. King stated that is correct. No action was required.
7. FY'19 Budget Preparation: Mr. King stated he has met and briefed Department Heads and distributed forms for the preparation of the FY'19 Municipal Budget. Ms. Shufelt questioned why no Board member was at the meeting; Mr. King stated it just slip his memory. Ms. Shufelt asked if the guidance given was based on what the Board had given as guidance; Mr. King stated yes. No action was required.
8. Massachusetts Solar Energy "SMART" Program: Mr. King provided the Board with an update from KP Law regarding the State's revised Solar Energy Program. No action was required.
9. Massachusetts Pregnant Workers Fairness Act: Mr. King provided the Board with an update from KP Law regarding the new law related to pregnant workers and new mothers. No action was required.

Discussion Items – None.

Minutes

1. **Motion** made by Mr. Valcourt to approve with amendment the Regular Meeting Minutes of September 18, 2017. Second by Mr. Dutra. The Board voted unanimously in favor. *Amendment: page 3-under TA Report - #1, change pile-on to piles.

Selectmen Liaison Committee Reports

1. Ms. Shufelt stated the Animal Action Committee met last Monday, the result of that meeting was the AAC turned over the proposed Registry Regulations to the Board of Health; with the recommendation that the BOH pursue finalization of the regulations (which the BOH agreed to do). Ms. Shufelt stated the next meeting of the AAC is Monday, October 23, 2017 and the topic will be whether the BOS should have some policies for communications between various groups (departments/committees/boards/commissions) and/or the Board. Ms. Shufelt stated one of the problems is a lack of constant communications between groups.
2. Ms. Shufelt stated the High School Re-Use Committee is meeting tomorrow, Tuesday, October 3, 2017 at 6PM in the Town Hall to look at what other information we may need.
3. Mr. Valcourt stated the Water Resources Management Committee will be meeting on Wednesday, October 4, 2017 at 6PM in the Town Hall; there will be a discussion of the reconfiguring of the committee because we feel that someone from Planning should be involved among other concerns; following that meeting the WRMC will update the Board.
4. Mr. Ouellette asked if the Board would be meeting with the School Building Committee. Ms. Shufelt stated the facade will be red brick with a white entrance way; they are finalizing the bid for flooring which includes linoleum, which is a little more expensive but cheaper to maintain; they are wrapping up all the final little decisions; and in early November, there will be a meeting with the Board to go over the final proposal.

Question and Answer Period – None.

Boards/Committees/Commissions Vacancy List

Mr. Valcourt read the list of 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 – None.

7:38 PM Executive Session

Motion made by Ms. Shufelt to enter into Executive Session pursuant to the provisions of MGL c 30A section 21 to approve Executive Session Minutes of June 26, 2017 and September 18, 2017; (1) to discuss the reputation and character of an employee; and to discuss LAW negotiations; and to discuss Highway Surveyor's contract; and to discuss Highway Dept. grievance. Second by Mr. Sullivan. The Board voted unanimously in favor.

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

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

8:38 PM Open Session

Motion made by Mr. Dutra to adjourn the Board of Selectmen's Meeting. Second by Mr. Sullivan. 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