

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY  
OCTOBER 16, 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

Chairman Ouellette 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.

**Acknowledgments & Recognitions** - None.

**Appointments and/or Resignations**

1. **Motion** made by Mr. Sullivan to accept with regrets the resignation of Robert Alves from the Westport Water Resources Management Committee as Precinct C Representative and to send a letter of thanks. Second by Mr. Valcourt. The Board voted unanimously in favor.
2. **Motion** made by Mr. Sullivan to accept with regrets the resignation of Gary Simmons from the Zoning Board of Appeals and to send a letter of thanks. Second by Mr. Valcourt. The Board voted unanimously in favor.
3. **Motion** made by Ms. Shufelt to appoint Durre Kidwai to the Recreation Commission. Second by Mr. Valcourt. The Board voted unanimously in favor. Ms. Kidwai was present.

**State Road Auto Sales, Inc. d/b/a State Road Auto Sales Annex 1 – RE: Request to increase Class II vehicle limit due to dissolution of Motor Vehicle Storage License at 851 State Road.**

6:37PM – No representative from State Road Auto Sales was present. **Motion** made by Mr. Valcourt to pass over and carry this matter to the next meeting on October 30, 2017. Second by Ms. Shufelt. The Board voted unanimously in favor.

**Board of Health – RE: Introduction of candidate for Public Health Director – Matthew Brennan.**

William Harkins, Maury May, Philip Weinberg (BOH members) and Matthew Brennan were present. Mr. Harkins stated the BOH has made a decision for filling the position of Public Health Director and are before the BOS tonight to present the candidate, Matthew Brennan for Public Health Director. Mr. Harkins stated we have been searching for almost a year. There were several candidates that came before the BOH but declined the position when they learned of the \$75,000 salary, which was voted by Town Meeting; the candidates did not find the salary sufficient enough to meet their needs. Mr. Harkins stated he spoke with the Town Administrator about whether to seek additional funds or revert back to a Health Agent, which did not appear to be the wishes of the Board of Selectmen. Mr. Harkins stated we now have a candidate and sufficient funds in our budget to meet the \$80,000 we offered to him for the remainder of FY'18; and we are looking to increase the line item for the Director to \$85,000 for next fiscal year ('19); and we will be going before the Finance Committee regarding this. Mr. Ouellette stated also, Town Meeting has to give you the money. Mr. Ouellette stated he did touch briefly with Mr. Harkins on this, but people want the Town Nurse back and either way, we will be getting a Town Nurse back, is that correct? Is everyone for that? Mr. Harkins stated his Board would

like to get a Town Nurse back and tonight he would like to get the process started for filling that position. Mr. Ouellette stated it is not on the agenda, so we can talk about that tonight. Mr. Dutra asked if the BOS could authorize posting the job? Mr. Harkins stated we have not posted yet, although there is a need for it. Mr. Sullivan stated if Mr. Brennan were to come on as the Director, it would be best to let him get his feet wet, and assess that department's needs before we fill the position. Mr. Dutra stated this is one of those jobs adopted at Town Meeting, so this maybe the time we can change the job description. Mr. Dutra stated he would be in favor of expediting because we may have to stand on the process if we are finding that your recommendation is so different than what we have. Ms. Shufelt stated the candidate has an exceptional resume and he certainly meets the qualifications. Ms. Shufelt stated she had no problem with Mr. Brennan as the candidate for this position. Ms. Shufelt asked the BOH members about salary, how will you fund this for FY'19 at \$85,000 which is substantially more than the 2% we have been giving? Ms. Shufelt also asked what will be cut or changed to fit within the guidelines for budgeting? Ms. Shufelt stated another concern is that there are other equivalent positions in Town that are not paid at this rate; there are a couple positions that are paid higher but there are equivalent-type positions like the Tax Collector, Treasurer, Highway Surveyor, COA Director, Library Director and Town Clerk with none of them making this kind of salary. Ms. Shufelt stated her concern was the impact of approving a salary like this, for a very desirable candidate, when it seems like we are out of line with what we are paying everyone else. Mr. May stated the BOH received about 35 resumes with three qualified candidates. Mr. May stated we interviewed all of three qualified candidates and all three refused the position. Mr. May stated it is the market rate. Mr. May stated were budgeted at \$75,000 by Town Meeting, now we are before the BOS and will go before the Finance Committee for the rest to meet the \$85,000. Mr. Harkins stated we will be looking carefully at our budget to see where we can cut, and if we can, we surely will. Mr. Valcourt stated almost every position mentioned by Ms. Shufelt is elected and others are just by job experience. Mr. Valcourt stated this position requires a certain amount of experience and education; this salary is justifiable. Discussion ensued regarding the position and salary. Mr. King stated we will be creating an employment agreement, subject to Town Meeting and this will go before the Personnel Board. At this time, Mr. Brennan gave a description of his background and why he wanted to work in Westport. **Motion** made by Ms. Shufelt to approve of Michael Brennan as the Public Health Director. Second by Mr. Sullivan. The Board voted unanimously in favor.

**Maury May and Amy Lawton – RE: Westport of the Worlds trip.**

Maury May, Clint and Amy Lawton were present and spoke on their trip to Westport, Ireland for the Westport of the Worlds Convention. Mr. May stated there were 17 people present, which included 4 from Westport, MA. Ms. Lawton gave a brief summary of what she experienced in Westport, Ireland. Mr. May stated to the BOS, this may be something for Westport to consider in the future. The Board thanked they for representing the Town of Westport, MA.

**Harbor Advisory Committee & Christopher Leonard, Director of Marine Services – RE: Request for approval of the Permits and Waterways Use Fees for the 2018 Boating Season.**

Christopher Leonard and John Azevedo were present to discuss the Permits and Waterways Use Fees for the 2018 Boating Season. Mr. Azevedo stated the Private Mooring Permit will remain at \$15.00 per year and the Waterways Use Fee will remain at \$4.00 per foot; the only change will be the Commercial Mooring Permit being increased from \$40.00 per year to \$60.00 per year. Discussion ensued.

**Motion** made by Ms. Shufelt to approve the 2018 Permit and Waterways Use Fees as recommended by the Harbor Advisory Committee. Second by Mr. Valcourt. The Board voted unanimously in favor.

**Shellfish Advisory Committee & Christopher Leonard, Director of Marine Services – RE: Request for approval of the proposed Shellfish Harvest limits.**

Christopher Leonard and John Borden were present to discuss the proposed Shellfish Harvest Limits changing from bushels to baskets. Public Input was received from David Grace, 74 Reed Road, who wanted to see the regulations stay using bushels, instead of basket measurements. Speaking in favor of

this proposal was Kenneth “Skip” Manchester and Ron Savaria, members of the Shellfish Advisory Committee. Discussion ensued regarding the dilemma of the difference in the Regulations and what is printed on the actual license in regards to “harvest” limits and the enforcement of the Shellfish Department.

**Motion** made by Mr. Dutra to accept the recommendation of the Shellfish Advisory Committee to use the “basket” measurements for harvest limits, to take effect for the 2018 Season. Second by Mr. Valcourt. The Board voted unanimously in favor.

**Jennifer McMahon, Tough Kids Challenge – RE: Request for approval to place a 10'x40' metal storage unit on the Westport Middle School grounds to store the Tough Kids Challenge course equipment for their annual events.**

Ms. McMahon stated they would like to continue the Tough Kids Challenge event at the Westport Middle School, which has been very successful in the past. Ms. McMahon stated right now, the equipment for the event is stored inside of the Westport Middle School, which makes it easier to set up for the event. Ms. McMahon stated we have been told by Lt. Ledoux, WFD that it can't stay inside the building for safety reasons. Ms. McMahon stated we would like to place a storage container onsite, possibly near the tennis courts. Mr. Valcourt stated Lt. Ledoux is the person who stated they could not keep the equipment inside, perhaps, he could give a recommendation on where to place it so it does not interfere with any safety equipment. Discussion ensued. **Motion** made by Mr. Valcourt to authorize Mr. King to work with Ms. McMahon to locate a proper location onsite. Second by Ms. Shufelt. The Board voted unanimously in favor.

**Recreation Commission – RE: Discussion of needed repairs at the Town Hall Annex.**

Renee Dufour and Tim Gillespie were present. Mr. Gillespie stated the Recreation Commission and the Community Preservation Fund have done a lot of work on the Town Hall Annex Gymnasium. Mr. Gillespie stated we have done some serious revitalization on the gym, including plastering, new ceiling, patches around the beams and new painting. Mr. Gillespie stated we have yet to do the floors. Mr. Gillespie stated we are making a place where we will want to start doing stuff again. Mr. Gillespie explained that there is an air conditioning problem in the gym because the condensing unit is missing. Mr. Gillespie stated it is not a major expense to make this space usable and comfortable for everyone to use. Mr. Gillespie stated he would like to do some research on who knows enough about this stuff to evaluate the state of the system as it is now, if the three remaining condensing units will actually work, and if we can get in another one to replace the one that is missing. Mr. Gillespie stated this would be an important improvement by returning that space to a useful space. Mr. Gillespie stated the Recreation Commission is requesting that the Selectmen support our efforts to at least move forward in finding out what needs to happen in order to reinvigorate the air conditioning system, and to come up with some kind of budget for what it will take. Mr. Gillespie stated the Recreation Commission does not have the money to do it, it is a Town expense. Mr. Valcourt asked if this type of thing would qualify under the CPA? Mr. Gillespie stated no. Mr. Gillespie stated the other component of this space is the boys bathroom, which has one out of two urinals that don't work and one out of two sinks that don't work. Mr. Gillespie stated we also have the Farmers Market that will be in gym this winter and people will be using this facility; it is an embarrassment to have this for the public to use. Mr. Gillespie stated we would want to move forward on this immediately. Mr. Gillespie stated there was also an issue with a leak in the Board of Health that was dripping down onto the stage but that has been repaired. Mr. Gillespie stated this will be a great space again; we have gotten rid of the silly-looking storage area. Mr. King stated the bathroom repairs are in the works now; he will check with the Town Hall custodian who has been working on that.

**Motion** made by Mr. Valcourt to support going forward in getting the money to evaluate and repair the air conditioning system. Second by Mr. Dutra. Discussion: Mr. Sullivan asked to get quotes. Mr. Dutra stated we should have something on the warrant for Capital Improvements and then to Town Meeting for action. Mr. Sullivan asked Mr. King to get an item on the Capital Improvements list. Ms. Shufelt asked for clarification on the motion but she did support the project. Mr. Dutra stated the motion is to

support the feasibility study, getting quotes with the idea of putting something either in the Capital budget for next year or on the warrant for Town Meeting. Mr. Dutra stated this will have to come back to the Board at a later date because we are not giving blanket endorsement until we know what it is going to cost. The Board voted unanimously in favor.

### **Action Items**

1. **Motion** made by Mr. Valcourt to approve the contract for the supply & delivery of screened sand to G. Lopes Construction (\$13.78 per ton). Second by Ms. Shufelt. The Board voted 4 in favor, 1-abstention (Dutra). Highway Surveyor Gonsalves was present. Mr. Sullivan requested that Mr. Gonsalves check with 3 or 4 neighboring towns to see what they are paying.
2. **Motion** made by Mr. Dutra to approve the License Agreements with the Westport Boys & Westport Girls Basketball Leagues for the use of the Westport Middle School Gymnasium. Second by Mr. Valcourt. The Board voted unanimously in favor.
3. **Motion** made by Ms. Shufelt to accept the donation of \$1,000 to the Animal Gift Fund and to send a letter of thanks to Van Sloun Foundation. Second by Mr. Dutra. The Board voted unanimously in favor.
4. **Motion** made by Mr. Dutra to approve the request of the Greater Westport Food Pantry to place a container for storage of cardboard/pallets to be returned to the Greater Boston Food Bank at the Westport Middle School and to authorize the Town Administrator to work on the location of placement at the same time as placement of a container requested by the Tough Kids Challenge. Second by Ms. Shufelt. The Board voted unanimously in favor.
5. **Motion** made by Ms. Shufelt to approve the contract for the Senior Center Parking Lot Expansion Project to Century Paving & Construction Company (\$118,260 – base bid and alternate 1). Second by Mr. Sullivan. The Board voted unanimously in favor. COA Director Bisch was present.
6. **Motion** made by Ms. Shufelt to accept donations made to the Council on Aging in the amount of \$4,680.40. Second by Mr. Sullivan. The Board voted unanimously in favor.
7. **Motion** made by Ms. Shufelt to approve the contract for removal of dangerous trees to Nadeau Tree Service, LLC (not to exceed \$24,500). Second by Mr. Valcourt. The Board voted unanimously in favor. Highway Surveyor Gonsalves was present. Mr. Sullivan questioned the source of funding. Mr. Gonsalves stated it will come out of the Highway Dept. Budget.
8. **Motion** made by Mr. Dutra to invite the license holder (Supreme Gas, 174 State Road) to the next Board of Selectmen Meeting to discuss complaints of non-utilization of their liquor license. Second by Ms. Shufelt. The Board voted unanimously in favor.
9. Ms. Gee stated the group “Stop the Insanity” was here to request action for the Animal Abuse Unit within the Special Victims unit of the Bristol County District Attorney's Office and to request support of House Bill 852, to establish an Animal Abuse Registry in Massachusetts. Discussion ensued. **Motion** made by Mr. Dutra to petition the District Attorney for an Animal Abuse Unit within their Special Victims Unit. Second by Mr. Valcourt. The Board voted unanimously in favor.

**Licenses** – None.

### **Town Administrator Report**

1. Hix Bridge Road bridge – Mr. King stated the work on the bridge is ongoing. No action was required.
2. Police Station Project – Mr. King stated the exterior walls for the Police Station have been created; they have also started installing the roof trusses. No action was required.
3. Veteran's Day Ceremony – Mr. King stated an invitation has been extended to the Board for the Veteran's Day Ceremony on Saturday, November 11, 2017; the ceremony will begin at 10AM at Beech Grove Cemetery. No action was required. Mr. Ouellette noted that VA Fish will be in at the next BOS Meeting.
4. Route 88 – Phase II – Mr. King provided the Board with a report from Police Sgt. Chris Dunn regarding the pre-construction meeting for the Route 88 Phase II Paving Project. No action was

required.

5. Open Meeting Law Regulations – Mr. King stated that new Open Meeting Law regulations came into effect on October 6<sup>th</sup>; he has provided the Board with a summary of the changes. Mr. Ouellette asked Mr. King to see if K&P Law could come and give a training session on the changes.
6. Westport School Building Project – Mr. King provided the Board with copies of the power-point presentation given to the Finance Committee and CIPC by the School Building Committee. No action was required.
7. Animal Control Monthly Report – Mr. King provided the Board with Ms. Lambert's monthly report. No action was required.
8. Senior Center Monthly Report – Mr. King provided the Board with Ms. Bisch's monthly report. No action was required.
9. Marine Services Monthly Report – Mr. King provided the Board with Mr. Leonard's monthly report. No action was required.
10. Beach Avenue – Mr. King stated the Division of Fisheries and Wildlife has approved the Beach Avenue Management Plan; he has provided a copy of their letter. No action was required. Ms. Gee, resident, requested a copy of the letter.

### **Discussion Items**

Preliminary recommendation for the High School Re-Use (Shufelt). Ms. Shufelt stated the High School Re-Use Committee was formed to look at the potential re-use of the building. Ms. Shufelt stated this will be for when the new school project is approved. Ms. Shufelt stated the High School will no longer be available for primary educational purposes, so the Committee was looking for recommendations from this Board, the School Committee and Town residents. Ms. Shufelt stated the MSBA filing includes a preliminary recommendation of our Boards about what we would do with the vacated site. Ms. Shufelt stated the Committee met and brainstormed a number of ideas and the ideas clustered around (1) reuse for Town Offices, (2) using it for Special Education or some kind of Charter School or other educational service, (3) some sort of Housing option, either affordable or senior, (4) Recreational uses, or (5) just leave the property vacant. Ms. Shufelt stated one of the challenges is that with any of the re-purposing of the building will likely require some amount of investment for renovation; and we don't know the dollar amount because that will depend on the use. Ms. Shufelt stated the Committee deemed it unlikely that the Town would be willing to support a significant financial investment in the building to renovate it. Ms. Shufelt stated the best we could come up, without having a lot of proposals on the table and in the short-term, is that the Committee would recommend that we would explore, considering the building as excess capacity, the sale to an appropriate buyer and that any proceeds from the sale should be used to offset the cost of the bond-offering. Ms. Shufelt stated that in keeping it vacant, it would still require routine maintenance, which would come out of the Town's budget and it would only delay the fact that the Town has to do something; which is what is happening with the Middle School now. Ms. Shufelt stated that one thing which may worry everyone, is that if we sell the building, the area is zoned residential/agricultural; the eminent domain that took over in 1948 stated school and school purposes. Ms. Shufelt stated we would want to limit the zoning so we could sell to an educational facility or health care facility but definitely not a big box store or manufacturing company. Ms. Shufelt stated we need to start getting the idea out there, that we want to turnover the property to some other entity, sell it or evaluate proposals for a private partnership with another agency, who can then find the funding to do the renovations. Ms. Shufelt stated her recommendation to the MSBA would that we are considering it as surplus capacity and that we do not intend to use it for Town purposes and that we would intend to find a suitable buyer. Ms. Shufelt stated her questions for the Board of Selectmen are (1) do you support that recommendation or (2) if the Board can clarify for her, specific information that could be attained before November 1<sup>st</sup>, that would help make a better decision. Discussion ensued. Mr. Sullivan stated we should be on record as declaring this building as excess capacity, should we build a new school. No votes were taken.

### **Minutes**

1. **Motion** made by Ms. Shufelt to approve the Regular Meeting Minutes of June 26, 2017. Second by Mr. Sullivan. The Board voted 4 in favor, 1-abstention (Dutra).
2. **Motion** made by Mr. Sullivan to approve the Regular Meeting Minutes of October 2, 2017. Second by Ms. Shufelt. The Board voted unanimously in favor.

**Selectmen Liaison Committee Reports** – None.

**Question and Answer Period** – None.

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

Mr. Valcourt reviewed 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**

1. Mr. King stated Verizon New England and Eversource are proposing to install underground facilities to the new Police Station at 54 Hix Bridge Road and are seeking approval of the license agreement to do so. **Motion** made by Ms. Shufelt to approve the License Agreement. Second by Mr. Sullivan. The Board voted unanimously in favor. Mr. Sullivan requested that the Town Administrator follow up with the Project Manager on why this request came in so late.

### **Other Business**

1. Ms. Shufelt stated the Fire and Police Departments will be holding a Halloween Party on Sunday, October 29, 2017 from 4-7PM at Fire Station #1. Ms. Shufelt stated it was a great event last year and will be this year. There will be a magic show, face painting and refreshments.
2. Mr. Ouellette stated the Westport Historical Society will be hosting a Spooky Spirits event on Saturday, October 28, 2017 from 10AM to 3PM at the Handy House. All are invited to come in costume.

### **8:32 PM Executive Session**

**Motion** made by Mr. Valcourt to enter into Executive Session pursuant to the provisions of MGL c 30A section 21 to approval Executive Session Minutes of October 2, 2017; and to discuss a grievance by AFSCME Council 93 (Highway Dept); to discuss Highway Surveyor contract. Second by Mr. Dutra. The Board voted unanimously in favor.

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

Mr. Ouellette announced the Board would adjourn from Executive Session and not return to Open Session.

### **9:20 PM**

**Adjournment.**

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

**APPROVED:** Brian T. Valcourt, Clerk