

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
MARCH 19, 2018* amended see page 8**

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

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 is being recorded.

Acknowledgments & Recognitions

1. Mr. Ouellette recognized the efforts of the Highway, Police, Dispatchers and Fire Departments, again through another storm; it was noted that a cake was made and delivered to the Highway Department as a token of appreciation for the work they have done. Mr. Ouellette stated we appreciate all their hard work. Mr. Ouellette stated it looks like another coastal storm is on the way for Wednesday into Thursday.
2. Mr. Valcourt made a quick announcement regarding a Rock & Roll to the Rescue fundraiser for the West Place Animal Sanctuary being hosted by Stop the Insanity Group on Saturday, March 24, 2018 from 6-11PM at Sandy Woods Center for the Arts, Tiverton, RI; there will be music by several bands, food and a cash bar. Mr. Valcourt stated this is for a wonderful cause.

Appointments and/or Resignations

1. **Motion** made by Mr. Valcourt to accept with regrets the resignation of Beth Easterly from the Council on Aging Board and to send a letter of thanks. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).
2. **Motion** made by Mr. Dutra to nominate Lindsey Bamford, Jessica Janson and Donna Lambert as Inspector of Animals to the DAR – Division of Animal Health. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Sullivan).
3. **Motion** made by Ms. Shufelt to appoint Jeremy K. Rioux as a Seasonal Cemetery worker. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Sullivan). *Present: Bruce Graves and Jeremy Rioux.

Sean Lafrance & Charlie Fellows – RE: Discussion of (A) Lease Agreement with Railroad and (B) Water Agreement with Fall River.

Mr. Lafrance and Mr. Fellows presented their proposal for the construction of a four-story, 90-room Towne Place Suites by Marriott with proposed 128 parking spaces, adjacent to the existing Hampton Inn. Mr. Lafrance stated between the properties we own there is a railroad track and they have been talking to MADOT because of the potential relocation of White's parking to land adjacent to Route 6. Mr. Lafrance explained this is an extended stay property geared towards travelers who will be staying 2-3 days, there are kitchenettes in every room, it has a pool and fitness center; all the common amenities that come with a limited service hotel. We are tentatively thinking of moving our offices,

which are above White's to the ground floor of this new hotel. The total square footage of the building is 55,540 sq.ft., the footprint of the hotel is 13,720 sq.ft. The proposed location sits over our existing parking for White's. The main entrance will face Rte. 195 and back entrance will be facing Rte. 6. Mr. Fellows stated we are in negotiations with the State to acquire the rail; more than likely we will not be able to purchase the land but we may be able to lease it from them. Mr. Ouellette stated he did speak with Mr. Lafrance's father over that area because it might be the route for the bike path. Mr. Fellows stated we are not opposed to a bike path; and we have even thought of putting bridges over the railroad track so people could access the hotel; the area is an eyesore so we intend on cleaning it up; the State does not want anything permanent on it. Mr. Ouellette mentioned the possibility of security cameras looking down the railroad tracks, and that the Town is willing to work with the Lafrances on that. Mr. Fellows stated in regards to the water/sewer agreements, they have talked to Fall River about the sewer and there is capacity for a 90-room hotel, so we have a tentative sewer agreement with Terry Sullivan of the Sewer Department. Mr. Lafrance stated at one point, Mr. Hartnett approached us as to whether Westport could tie-into our pump station because we own our pump station, which we would be up to doing and he believed that Fall River would like that too; Fall River's intention is to treat the sewer like they do the water. Mr. Fellows stated eventually that is something that can be possibly worked into this proposal. Mr. Ouellette stated that is something we have been tossing around, especially with all the buildup; there maybe some facilities interested in this. Discussion again ensued. Mr. Valcourt stated that businesses have expressed interest in tying in and doing something to help defray the cost. Mr. Lafrance stated we are looking to the next step with permitting in the next six months and breaking ground in a year from now; but at this time, we just wanted to present our proposal to the Board of Selectmen first. Mr. Ouellette stated the Town would like to be involved. David Cole, co-editor of the Master Plan, stated this proposal is in line with projections and planning of the Master Plan in terms of commercial development and water/wastewater treatment development; this is appreciated. Mr. Ouellette cited no opposition from the Board on this proposal. The Board thanked Mr. Lafrance and Mr. Fellows for coming in.

Public Hearing – RE: An application request from First Hot Line Auto Sales, Inc. for a Class II Motor Vehicle License to sell used vehicles at 237 State Road, Westport, MA. Manager – Hatem M. Elrifai. Requested vehicle limit of “for sale” vehicles is 43.

The public hearing was opened at 6:23 PM. Present: Hatem Elrifai, applicant and Attorney Robert Perry, representing the applicant. No abutters were present. Attorney Perry presented his client's request for a Class II License to be located in Westport. Attorney Perry stated his client has a used car lot in Fairhaven and is licensed for 14 vehicles; it is a nice operation with high quality used cars but he is looking for expansion and Westport seems ideal; he is looking for a 43 vehicle license. Ms. Shufelt stated it was her understanding that Mr. Elrifai was rude and belligerent with the office clerk and given that our office clerk represents this Board, from whom you are seeking a license from, how can you assure me that this is not how you treat your customers, if this is how you treated the Licensing Board. Mr. Elrifai stated he did not believe he was rude to the clerk; Mr. King gave him the application and he brought it back, complete. Mr. Ouellette stated we have public information, court documents which show abusive in nature; the Town just got rid of dealers that were bullies and abusive in nature, which made international news and we don't want that again in Westport. Attorney Perry stated he was surprised that someone found Mr. Elrifai abusive because he has heard people praising him over and over again at his present location. Attorney Perry explained that the assault charges against his client were from a competitor; the other was with his wife; he has no criminal record; he is quite a gentleman. Ms. Shufelt asked Mr. Elrifai to explain a recent customer complaint and how it was dealt with. Mr. Elrifai stated with any customer complaint, he resolves it; he fixes the car or returns their money or takes the car back; he makes everybody happy. Attorney Perry stated there has only been one complaint in all these years that he is aware of and it was resolved. Mr. Valcourt stated we have three complaints from the AG's Office, one of which complained that a car which was purchased, was not

what it was supposed to be, and it was not resolved. Mr. Elrifai stated he fixed their cars and made them happy and he also returned their money. Mr. Ouellette questioned the fact that Mr. Elrifai lived in Falmouth and asked what would happen if there was a problem at the business; how much time would it take to come from Falmouth to Westport. Attorney Perry stated his client just purchased a house in Fairhaven, so there won't be any issue. Mr. Elrifai stated he is going to have a manager, who lives in Tiverton, working for him at the business. Mr. Valcourt stated he was very troubled by this application and explained his concerns over the way Mr. Elrifai was rude and intimidating towards the licensing clerk; he was concerned over the number of criminal complaints and the complaints received from the AG's Office. Mr. Valcourt stated we have never received this many complaints against an applicant seeking a new license; we have received them on existing licenses and this Board pulled those licenses, but never new applicants; he was not in favor of voting to approve a license because this is not the type of business the Board wants in Town. Ms. Shufelt stated we have three from the AG's Office and the criminal complaints. Ms. Shufelt stated to Mr. Elrifai she was not inclined to vote for this either but she was offering him a chance to explain why she should overlook the previous complaints and the Board's own observations and grant a license here in Westport. Mr. Elrifai stated he runs a successful business for almost 11 years now and if anybody has a problem or issue he resolves them. Mr. Elrifai stated there been only three complaints and he has resolved them. Mr. Elrifai stated he apologized if they believed he was rude because he asked a question. Mr. Elrifai stated he has respect for the Board and any customer. Mr. Elrifai stated he is an honest and professional businessman. Mr. Elrifai asked the Board to trust his word. Mr. Elrifai asked the Board to try him with a license, he has already had a lot of expense with the building he is going to be leasing, he spent money on the license application; if there is any issue, the Board can suspend his license. Mr. Ouellette called for any more input from the Board; receiving none, Mr. Ouellette called for action from the Board. No action was received. No license was issued. The public hearing was closed at 6:34 PM.

Public Hearing – RE: An application request from Compton Clambake, LLC for an Annual Restaurant Wine & Malt Liquor License to be located at 140 Charlotte White Road Ext, Westport, MA – Sara L. Oliveira, Manager.

The public hearing was opened at 6:35 PM. Present: Sara and Jason Oliveira. Abutters present: Jeffrey Bolton, 135 Charlotte White Road Ext. Mr. Ouellette asked if this was the site of the old Grum's Restaurant that they were moving their business into; Ms. Oliveira stated yes. Mr. Valcourt asked if there was an existing license at this site. Mr. King stated no but there is one available. Ms. Pelland stated there was a license with the prior owners to Grum's (Virginia's) but that license was turned back when they sold the business and Grum's never applied for one. Ms. Oliveira stated she has been in business since 2001. Mr. King stated there is one small issue and it was when the Zoning Board approved that site for a liquor license, the special permit was made specific to the owners, not the location. Mr. King stated the Board can approve this license subject to the applicant going to the Zoning Board to request a finding that would allow liquor to be served at this location. Mr. King stated he would recommend this to the Board; in the meantime, if approved here, all would be forwarded to the ABCC while application is made to the ZBA. Ms. Shufelt asked if liquor was going to be served on site because she was of the understanding that they were a catering company. Ms. Oliveira stated we are going to be serving food and beverage on-site. Mr. Ouellette called for any abutter input. Mr. Bolton stated he lives across the street from the proposed restaurant, they are good people and he likes them a lot. Mr. Bolton asked if the applicant would be able to expand this to a bigger restaurant and can liquor be served outside. Mr. Gerald Coutinho, ZBA Vice Chairman stated they could expand, however, they could not expand without first going to the ZBA for an expansion or change of use. Mr. Coutinho stated in 1975, the prior owners were allowed to sell on a take-out basis and to sell beer & wine but the special permit that was issued to the Spooners was limited only to those owners. Mr. Coutinho stated what the new owners need is a Finding by the ZBA and to get rid of the special permit being specific to the prior owners because according to the courts, a special permit is to the location,

not the owners of the location. Mr. Coutinho stated zoning is to protect the neighbors by sometimes adding certain conditions such as hours, lighting, etc. **Motion** made by Ms. Shufelt to approve a liquor license to Compton Clambake, LLC subject to zoning board approval. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Sullivan). The public hearing is closed at 6:41 PM.

Public Hearing – RE: A Notice of Intent to sell and/or convert to some other use, land classified as agricultural land and taxed under the provisions of Chapter 61A of the General Laws; Board of Selectmen's Right of First Refusal. Property is located on Main Road (west side: 2.48 acres) on Assessors Map 77, Lot 12C. Owner of record: James W. Wood.

The public hearing was opened at 6:42 PM. Present: Stephen Sloan, WLCT. Mr. Ouellette stated this was the property that was at the last meeting. Mr. Sloan explained the proposal for preserving the property. Mr. Sloan stated there was discussion at the last meeting due to this matter being a Public Hearing rather than an Action Item, there was confusion and under Chapter 61, there is a lot of detail, so essentially the Town has the right to act or assign, but if the Town's option is assigned, it has to be a Public Hearing. Mr. Sloan also noted, that aside from making assignment to the WLCT, according to the statute, written notice must be provided to the landowner of the assignment and that assignment must be recorded at the Registry of Deeds. Mr. King stated the Board needs to vote to transfer the option to the non-profit. Ms. Shufelt noted for the record, the Board received support for this transfer from the Agricultural/Open Space Preservation Trust Fund Council, Westport Agricultural Commission and the Planning Board. **Motion** made by Mr. Valcourt to transfer the First Right of Refusal option to the Westport Land Conservation Trust and that notification of such transfer is sent to the property owner and that the notification is recorded. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Sullivan). The public hearing is closed at 6:45 PM.

Action Items

1. **Motion** made by Mr. Valcourt to approve the Road Race request from the Westport Fishermen's Association for their 14th Annual "Run for the Water" on Saturday, May 5, 2018 per Police Dept. recommendation. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).
2. **Motion** made by Mr. Valcourt to approve the Road Race request from the Coalition for Buzzards Bay for their 12th Annual "Watershed Ride" on Sunday, September 30, 2018 per Police Dept. recommendation. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).
3. **Motion** made by Mr. Valcourt to award the bid and approve of the agreement with D.L. Floor Refinishing for the rehabilitation to the floor and stage area of the Westport Town Hall Annex gymnasium in the amount of \$15,600. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Sullivan).
4. **Motion** made by Mr. Valcourt to approve the contract with S.W. Cole / Tibbetts Engineering Corp for engineering services for the upcoming Chapter 90 project and upcoming Chapter 90 Project #1-Town's Roadway Paving Improvements. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).
5. **Motion** made by Mr. Valcourt to approve the agreement for Coastal Waterbird Management for Cherry & Webb (\$4,630) and Beach Avenue (\$2,795). Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).
6. **Motion** made by Ms. Shufelt to approve the warrant for the Annual Town Election on April 10, 2018. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Sullivan).
7. **Motion** made by Ms. Shufelt to approve the request of the Westport Police Department to use the Westport Middle School to allow for co-operative active training with Dartmouth, Freetown, Berkley and Acushnet Police Departments on Mondays beginning on April 9, 2018 and ending on June 25, 2018. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Sullivan). This will be placed on the homepage of the Town's website so the public is well informed. Mr. Ouellette asked Mr. King to do a Press Release right before this is to take place. Mr. Valcourt stated this is for

overall training, public buildings, schools, etc. Ms. Shufelt stated no live ammunition is used; and in speaking with Police Officers, this is a very powerful tool.

8. Ms. Shufelt stated we looked at our emergency response to active shooter situations and decided as a Board to speak with the Police Chief on getting recommendations for training and/or implementing any new procedures for Town Hall & Town Hall Annex employees, so it has been recommended to hold a 2-hour training session for the employees on how to deal with such situations; it will include classroom instruction and drills. Ms. Shufelt stated she was supportive of this. **Motion** made by Mr. Valcourt to approve a 2-hour closing of the Town Hall and Town Hall Annex for Active Shooter Training, with the dates to be determined. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).
9. Mr. Valcourt stated they should wait for a full board to make recommendations. Ms. Shufelt questioned Article 2, it was missing which line items these requests were going to and where from; when will we get that? Mr. King stated he will send it to the members tonight; and the Finance Committee Chair already has that information. *Annual Town Meeting warrant article recommendations were passed over until next meeting.

At this time, Mr. Ouellette stated he was contacted by Susan Medeiros Sherman, 871 Sodom Road, who has a replica of the Boston Post Cane and she has offered to donate it to the Town. Ms. Medeiros Sherman stated she was donating to the Board, a replica of the Boston Post Cane, which was purchased for her Aunt Mary, who passed away on March 4, 2018 at the age of 97. Ms. Medeiros Sherman stated her aunt always wanted to be the recipient of the Boston Post Cane, so our family went and purchased one for her. Ms. Medeiros Sherman stated the family thought the Town might like the cane, the Board can do with it as they please, perhaps the Board may want to give it to a man and a woman at the same time or keep it as a spare. Ms. Medeiros Sherman stated it does need to be engraved. The Board thanked the Medeiros Sherman Family for their donation.

Licenses

1. **Motion** made by Mr. Dutra to pre-approve the 2018 Seasonal Trailer Permit renewals per the recommendation of Ms. Pelland, that all proper documentation is submitted with the renewal application. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Sullivan).
2. **Motion** made by Mr. Valcourt to set up hearings for “A” Auto Sales and Ferreira's Auto Body due to non-compliance of the Used Vehicle Warranty Law; and to send letters to those businesses that are partially compliant to make an effort to come into compliance; and to send letters to those businesses commending them on 100% compliance. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).
3. **Motion** made by Mr. Valcourt to approve the application and permit forms for Storage of Unregistered Motor Vehicles; this is for residential use only, not commercial use; this coincides with the Town's Bylaw. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Sullivan).

Town Administrator Report

1. Nor'easters – Mr. King stated Westport and MA have experienced three Nor'easters in less than three weeks; these storms have taxed our Police, Fire and Highway employees but they have responded extremely well. Mr. King provided the Board with an update from KP Law on “Emergency Powers of Municipalities”.
2. Route 177 SRPEDD Safety Study – Mr. King stated Mr. Ouellette, himself and SRPEDD staff met on Monday to discuss the completed Safety Study of Route 177. Mr. King stated there are additional areas that need more data including Robert St. and Tickle Rd. intersection; in addition to issues like speeding, passing zones, curb cuts and new housing development that will have impacts on safety. Mr. King stated bicycle/pedestrian safety, additional street lighting and lack of reflectors on utility poles are all potential improvements that could be implemented; and MADOT will be

contacted to look at warrants for additional traffic signals at key intersections.

3. Free Cash for FY 2018 – Mr. King stated the DOR has notified the Town that Free Cash has been certified in the amount of \$1,293,689.
4. Fire Department Retirement and Appointments – Mr. King stated Deputy Chief Manley is retiring as of April 14, 2018 and Lt. Daniel Baldwin will be replacing him; also, FF/Paramedic Darren Nunes will be replacing Lt. Baldwin.
5. John Reed Road – Mr. King stated this road is the responsibility of MA DCR; it continues to deteriorate but it is his understanding that MADOT is including a resurfacing for Phase 3 of the Route 88 project.
6. Westport Police Station – Mr. King stated the station is now 60% complete, is on-schedule and on-budget.
7. Wildberry Way – Mr. King stated that key Town staff members have met and discussed the problems on Wildberry Way; Town Planner Hartnett and Highway Surveyor Gonsalves are going to meet with the abutting property owner to discuss measures to address the stormwater runoff problem. Mr. King stated once this is addressed, the road can be accepted.
8. Veteran's Services – Mr. King provided the Board with a copy of Mr. Fish's monthly report.

Discussion Items – None.

Minutes

1. **Motion** made by Ms. Shufelt to approve the Regular Meeting Minutes of March 5, 2018 as presented. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Sullivan)

Selectmen Liaison Committee Reports

1. Ms. Shufelt stated she attended a meeting at the MSBA last Friday for moving the approval of Modulares 6, 7 & 8 from the MSBA. Ms. Shufelt stated there is a School Building Committee on Thursday, March 22, 2018, where we will be signing all the agreements with the MSBA and then talk will begin on the abatement work; they will be trying to figure out how to do the bulk of the abatement work of the Middle School before the new school year starts. Ms. Shufelt stated it does look like it may overlap to when school starts, so planning will be underway for that.
2. Ms. Shufelt stated the Animal Action Committee will be meeting Monday, March 26, 2018; if any of the Board members have any topics that they would like to be brought to this meeting, Ms. Shufelt asked they be forwarded to her. She will be posting the agenda on Wednesday. Mr. Ouellette stated he has had two family members complain about the slow response of the Animal Control Officer. Ms. Shufelt stated we can maybe find a way to talk about this, but we can't talk about the ACO job description. Constance Gee asked if this would be the last meeting of the AAC. Ms. Shufelt stated that has not been determined yet but it is an agenda item.
3. Mr. Valcourt stated in regards to the Superintendent Search Committee, he received his packet this morning and there are some really great candidates; he will be reviewing the applications.
4. Mr. Valcourt stated the WRMC will be meeting on Wednesday, March 21, 2018 at 6:30 PM. Mr. Ouellette stated we will need to look at this committee, especially with the development coming on Route 6 and after hearing the proposal tonight. Mr. Ouellette stated at this time, it maybe best to wait for the new Board after the Town Election. Mr. Dutra stated changing the constitution of the committee should be discussed. Discussion ensued. No action was taken at this time.

Question and Answer Period – None.

Boards/Committees/Commissions Vacancy List

Mr. Ouellette read aloud the current 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.

7:18 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 conduct the Town Administrator Evaluation; to approve Executive Session Minutes of February 20, 2018 and March 5, 2018; and vote to release Executive Session Minutes of 2017. Second by Mr. Valcourt. The Board voted 4 in favor, 1-absent (Sullivan).

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

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

8:35 PM Open Session

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

Adjournment.

Respectfully submitted,



Lucy R. Tabit
Administrative Assistant and
Confidential Clerk to the Board of Selectmen

APPROVED:



Brian T. Valcourt, Clerk

4/30/18 * Amended to include page 8: a list of attachments accompanying the agenda.

Attachments to 3-19-18 meeting Agenda:

- Town Administrator recommendations on agenda items
- LaFrance request to be place on agenda

Public Hearings:

- Hearing notice and application for Ch61A Wood
- Hearing notice and application for Compton Clambake
- Hearing notice and application for First Hotline Auto Sales

Action Items:

- Police recommendation: Race for the Water and related applications and map
- Police recommendation: Coalition for Buzzards' Bay Watershed Ride and related applications and map
- TOW Agreement with DL Floor Refinishing for the Gym floor at Annex
- Ch 90 Engineering Service Approval
- Mass Audubon Coastal Waterbird Management Agreement
- Warrant for Annual Election
- Police Department request to use Middle School for Training
- Police Department training for ALICE
- Draft Town Meeting Warrant as of 3/12/18

Appointments

- Resignation from Beth Easterly
- Nomination of Jessica Janson as Inspector of Animals
- Appointment of Jeremy Rioux to summer cemetery work

Licences

- East Beach Trailer Permit preparation
- State Inspection Car Lots in Westport
- Storage of unregistered Motor Vehicles