

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
TUESDAY – September 4, 2018**

Members Present: Steven J. Ouellette, Vice Chair  
Brian T. Valcourt, Clerk  
Ann E. Boxler  
Richard W. Brewer  
Also Present: Timothy King, Town Administrator  
  
Absent: Shana M. Shufelt, Chair

Select Board Vice-Chair Ouellette called the meeting to order at 6:02 P.M. in the Westport Town Hall, 2nd floor meeting room, 816 Main Road, Westport, MA.

**Pledge of Allegiance:** The meeting commenced with the Pledge of Allegiance and the Chair reminded the listening audience that the polls were open until 8pm for voting in the Primaries.

**Chair's Announcement** – The Vice-Chair announced that under the provisions of MGL Chapter 30A, section 20(f), the meeting was being recorded by community cable television. The Website Everythingwestport.com was also video recording.

Mr. Ouellette gave thanks to public safety, fire and police for a very busy weekend.

Mr. Ouellette also noted that the Westport Free Public Library is having its annual Book Sale from September 8-15, 2018 and will continue during library hours.

**1. Acknowledgments & Recognitions**

None.

**2. Licenses**

None.

**6:05 p.m.**

**3. Action Items**

- a. Rulon Farm on Blossom Road; Agricultural Preservation Restriction (APR)- Westport Land Conservation Trust. Ross Moran, Executive Director of the Westport Land Conservation Trust was present. They have purchased the land with the intention to sell it with a future landowner for farming purposes. They have a potential buyer and the State has approved the APR. No further questions. Members will endorse the document at the conclusion of the meeting.
- b. Westport River Watershed Alliance request for approval of the Annual Beach Clean-up Day on September 22, 2018 from 10-12pm and the Fall Recycle Day on October 3, 2018, 9-11am. Tom Schmitt the President of the Westport River Watershed Alliance was present to explain how the volunteers clean the beaches and man the recyclable day. This will be the second recyclable program this calendar year held in the back of Town Hall. **Motion** by Mr. Valcourt to approve. Second by Mr. Brewer. **The Board voted 4-0 in favor.**
- c. Planning Board request for comment on a 3-lot subdivision "Whitski Way" Map 85, Lot 12.

No comment from the members.

- d. Approval of a land lease agreement for a large-scale solar array on top of the closed landfill with Ameresco.

Mr. Gary Mauk of Westport was present to request the Board not vote in favor.. He stated that he has obtained the bid documents through a FOIA request. He said that the Board should take it under advisement, as it may not be a good deal. He recounted that there were programs called SRECs in 2016 and the called SMART in 2018. Only three companies responded after the July 2015 Request for Proposals was issued. After this RFP was issued, there was a second RFP issued in December 2015 and only one company, Ameresco, responded. Mr. Mauk does not know why the second RFP was issued. He said that more than 2 years later, Ameresco, is presented with a contract. Mr. Mauk alleged that PMC – Power Management Company was not paid by the Town for facilitating the RFP and distributing the RFP to various companies, nor have they requested payment. He said there has been no communication from January 2016 through June 2018. He asked why after they were awarded the contract in 2016 did it take them 2 years to respond; to him it does not make any sense why PMC doing this work for Westport.

Mr. Mauk also stated that from his observation, the array is smaller than what it was 2 years ago. He said the plan that Ameresco filed with the Planning Board this year is 100 KW smaller than when the plan was first presented. At the time two years ago, it was the SREC Program and he noted that the program ended. He also noted that Ameresco proposed a one-time payment of \$16K for only one year. Mr. Mauk noted all the other pilot programs have an annual payment with an escalation clause. He recommended that the Board familiarize themselves with what is in the paperwork. He noted that in the Ameresco proposal, PMC would be paid .10 cents per watt. He feels it is not, in general, in the town's best interest.

Mr. Brewer stated that Mr. Mauk may not be aware of the Energy Committee met last Monday night and looked into the contract. They wanted Mr. King to come to the next meeting on September 24 and then report to the BOS.

Mr. Valcourt said he was not aware that there was a contract for signature. Mr. Valcourt was concerned that there was a reduction of 100KW and there was no escalation clause.

Mr. Mauk stated he looked at the design for their proposal on the landfill and does not have a problem with it technically. He has an issue with PMC having been back loaded for a fee.

Mr. King stated that in 2009 there was interest to install a solar project on the landfill and Town meeting authorized the town to go forward. In 2010, the project was not fulfilled. By 2011 the Energy Committee found renewed interest. At the time the Town was using Power Management for going out to bid for the Town's electricity and they offered to prepare the RFP for the solar landfill project. Their fee would be paid by the developer based on the size of the system. The bid went out in Fall of 2015 and when PMC prepared the RFP, there was a flaw in the state statute quoted. Four proposals were rejected and the RFP went out again to the first responders who submitted proposals. Only Ameresco responded to the second RFP. The proposal from Ameresco provided for \$16K/year rent for 20 years as well as paying a pilot of \$16,575 per year for 20 years with no escalators. The pilot is not scaled to the size of the array to be constructed on site.

Other solar pilots are earning less in comparison. In January 2016 the Board voted to award the project to Ameresco in the form of a land lease, which is what the Board has before them. Over the last 1.5-2 years, there have been Ameresco representatives who explained they are still interested in



the project and were waiting for the SMART to replace SRECs in order for it to be beneficial to both them and the Town. When that occurred, Ameresco let the Town know and the amount \$16K per year and the \$16,575 for the pilot. Over the last 2 years, there have been significant changes in the Board and in the energy Committee. In good faith, Amaresco has filed with the Planning Board and they have negotiated with our Town Counsel, reworked the land lease, and are eager to move forward.

Mr. Brewer stated that there is no contract that has been signed; it is a draft land lease. He also noted \$23K payment in lieu of taxes and \$16k the first year to the Town. Mr. Brewer noted that he met with Mr. King and an Ameresco representative. This contract is a good deal for the town as the size is much smaller than other pilots assessed at \$10K per KW. This project is just under .7KW for \$16K - almost double what others are paying. He did note the lease payment and the pilot add up to \$650K over 20 years.

Mr. Mauk stated that he has no record of any documentation of correspondence to the Town and that there was nothing provided through the FOIA request.

**Motion** by Mr. Valcourt to hold until the Energy Committee meets later this month. Second by Ms. Boxler. The Board voted 4-0 in favor.

- e. Endorse Chapter 90 Engineering Service contract approval for Phase 2.  
Mr. King reviewed the material and recommends approval. **Motion** by Mr. Valcourt to approve. Second by Mr. Brewer. The Board voted 4-0 in favor.
- f. Endorse Chapter 90 Time Extension Notice Phase 1.  
**Motion** by Mr. Valcourt to approve. Second by Ms. Boxler. The Board voted 4-0 in favor.
- g. Approve and endorse Motor Fuel Contract.  
**Motion** by Mr. Valcourt to approve. Second by Ms. Boxler. The Board voted 4-0 in favor.
- h. Accept donation in the amount of \$4,007.00 for the Council on Aging.  
**Motion** by Mr. Brewer to approve. Second by Ms. Boxler. The Board voted 4-0 in favor.
- i. Request from the MacFadyen/Rosiello family for permission to park 10-15 cars on Howland Road on September 9, 2018 for a family event at their residence.  
**Motion** by Mr. Valcourt to approve. Second by Ms. Boxler. The Board voted 4-0 in favor.
- j. Request for Release from Chapter 61A - Hugh E. McGovern & George R. McGovern 0 Sodom Road – 62,356.34 sq.ft. (approx. 1.4 acres) Map 60, Lot 1 – a portion of this parcel, shown as Lot 4 on ANR Plan Book 165 and Page 104 dated October 15, 2007 and revised through April 16, 2010, sheet two of four recorded with the Bristol County (S.D.) Registry of Deeds. All other departments have recommended release. **Motion** by Ms. Boxler to approve release. Second by Mr. Valcourt. The Board voted 4-0 in favor.
- k. Appointment of Principal Clerk, Treasurer's office.  
The candidate had not been fully vetted before meeting the 48 hour posting requirement; this item will be placed on the next agenda.
- l. Approval of an amendment to the Energy Aggregation Agreement with Public Power.

Negotiations with Public Power will raise the electricity rate from 10.12 to 10.43/KW. A majority of the towns have approved this change. **Motion** by Mr. Brewer to approve. Second by Ms. Boxler. The Board voted 4-0 in favor.

**6:15 p.m.**

**4. Appointments and/or Resignations**

- a. Appointment of Mitchel Aho, High School Principal, to the Town School Building Committee (no expiration). **Motion** by Mr. Brewer to approve. Second by Mr. Valcourt. The Board voted 4-0 in favor.
- b. Appointment of Nancy Rioux, School Committee Representative, to the Long Term Planning Town Building Evaluation Committee (3-year term). **Motion** by Mr. Brewer to approve. Second by Ms. Boxler. The Board voted 4-0 in favor.
- c. Appointment of Nancy Stanton-Cross, School Committee Representative and Joseph Ingoldsby (at-large) to the Campground Evaluation Committee (1-year term). **Motion** by Mr. Brewer to approve. Second by Mr. Valcourt. The Board voted 4-0 in favor.
- d. Appointment of Michael Walden to the Westport Historical Commission (3-year term). **Motion** by Mr. Valcourt to approve. Second by Mr. Brewer. The Board voted 4-0 in favor.
- e. Reappointment to the ADA Transition Plan Committee of Commission on Disability Members: Brian Gallagher, Anders Newcomer and Stanley Cornwall (1-year term). **Motion** by Mr. Valcourt to approve. Second by Ms. Boxler. The Board voted 4-0 in favor.

**5. Discussion Items**

None.

**6. Town Administrator Report**

Mr. King provided his report.

**7. Minutes**

August 20, 2018. Not available.

**8. Selectmen Liaison Committee Reports**

Mr. Brewer did not have anything to report at this time.

Mr. Valcourt stated that, in his participation in the SRF Grant meeting, the lead is a good well rounded consultant from Paré with a productive scope of work and good knowledge.

Ms. Boxler stated that the Council on Aging consider their parking lot complete. The Council plans to come and talk to the Board about their finances.

Mr. King stated that Zoning Board is asking people to come forward and volunteer on their committee.

Mr. Ouellette noted that a former Westport teacher, Bill Napolitano will be recognized by the DEP on September 12, 2018 at 10am at Faneuil Hall for his work in environmental protection in the south coast.

**9. Committees/Commissions Vacancy List**

As noted on the website.



# **10. Board Members Suggestions for Future Agenda Discussion / Action**

Mr. Brewer noted that the Westport Point Neighborhood Association is concerned with the traffic and parking at the Point. They requested that Mr. Brewed propose to the Chair they come before the Board and make a presentation in the near future.

# **11. Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting**

# **12. Question & Answers.**

Mr. Sunderland brought to the attention of the Board that there is a tree in the front that obstructs traffic, as the limbs are low and into the roadway line of sight.

# **13. Executive Session – At 7:05pm, Mr. Valcourt motioned to enter into Executive Session pursuant to the provisions of MGL c 30A section 21(a) to:**

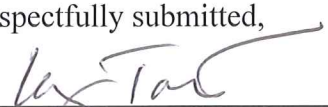
- a). Discuss strategy with respect to collective bargaining regarding Highway Department, AFSME and Town Hall Unit Local Advantage for Workers Union (LAW 256) (3).
- b). Discuss strategy with respect to potential litigation Energy Aggregation(3).
- c). Discuss strategy with respect to potential litigation - Anderson Claim/Gifford Road(3).
- d). Approve Executive Session Minutes of August 20, 2018. Not available.

Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call vote.

## **Adjournment**

Members unanimously voted to adjourn the regular meeting at 7:30 p.m.

Respectfully submitted,

  
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Lucy Tabit Administrative Assistant/  
Confidential Clerk

**APPROVED:**

  
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Ann E. Boxler, Clerk, Select Board Member

## Attachments to Agenda of 9/04/18:

- 3a Rulon APR 8/5/18.
- 3b Westport River Watershed Alliance 2018 letter to BOS & Beach Committee.
- 3c Planning Board Request for Review of Whitski Way.
- 3d Ameresco info.
- 3e Ch90 Engineering Services Phase 2.
- 3f Ch90 Improvement Time Extension Notice Phase 1.
- 3g Motor fuels Information.
- 3h Council On Aging Donations 8/28/18.
- 3i Howland Road Parking request.
- 3j Release Ch61A land McGovern.
- 4a Appointment of Mitchel Aho.
- 4b-c Appointments of Nancy Rioux and Nancy Stanton-Cross.
- 4c Appointment of Joseph Ingoldsby to Campground Evaluation Committee.
- 4d Appointment of Michael Walden to Historical Commission.
- 4e ADA Transition Plan reappointments.
- 6 Town Administrator Report.