

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY – November 26, 2018**

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

Brian T. Valcourt was absent

Select Board Chair, Ms. Shufelt called the meeting to order at 5:30 p.m. in the Westport Town Hall, 2nd floor meeting room, 816 Main Road, Westport, MA.

1. **Executive Session - Motion** by Mr. Brewer to enter into Executive Session at 5:30 p.m. and resume into regular session at its conclusion pursuant to the provisions of MGL c 30A section 21(a) to discuss:
  - a). Chair declares an open meeting will have a detrimental effect on the negotiating position of the public body: to consider the lease of real estate at the Head Landing.(6)
  - b). Approve Executive Session Minutes of October 15, 2018.

Seconded by Mr. Ouellette. Members unanimously voted 4-0 in favor by roll-call vote to enter into executive session. Mr. Valcourt was absent.

**At 6:04 p.m. The Board resumed the regular session.**

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

**Pledge of Allegiance.**

2. **Acknowledgments & Recognitions**

The Chair reminded the public of the Special Town Meeting on December 4<sup>th</sup> 2018.

3. **Action Items**

- a. Request from the Highway Department to endorse contract for roadway line painting in the amount not to exceed \$24,500.

**Motion** by Mr. Ouellette to approve. Second by Mr. Brewer. The vote was 4-0 in favor. Mr. Valcourt was absent.

Mr. Goncalves will return on December 17 to discuss mailboxes.

4. **Discussion Items**

- a. Discussion on the Head Landing Lease with the Landing Commission and the Westport River Watershed Alliance.

Landing Commissioners Jeff Bull, Chair, Tony Millham, Vice Chair, Sacha Sullivan and Tom Schmitt from the Westport River Watershed Alliance (WRWA) were before the Selectmen.

WRWA and Landing Commission have come to an agreement just this evening for the ongoing remediation of hazardous materials that may be found during construction.

Mr. Bull stated that going ahead at this point makes it necessary for the Selectmen, Landing Commission and WRWA to be in agreement.

Mr. Bull noted that there is a current Phase V remediation program through DEP that has been in effect for many years. There are some hot spots with no danger to abutting wells that now need to be handled properly. There are associated expenses associated with filings and cleanup.

Mr. Millham stated that the Board would need to approve a draft agreement that commits the town to paying 50% in remediation during construction that the WRWA plans for the building. There is no upper limit and the current estimate is between \$12,000-\$21,000. He made it clear that it is an open-ended issue due to the environmental issues and the cost could be more. Mr. Schmitt stated that they WRWA would cover the upfront cost, he realizes there are risks but Campbell Engineering knows this site from their previous work experience at this site. The Fire Department provided information as to where the tank is buried.

Ms. Shufelt stated that the agreement she has states that WRWA agreed to pay the upfront construction and environmental costs and 50% reimbursement of the costs by some method in the future. The Building Inspector has been given the ok to allow the construction to go ahead. The final details of the lease would still need to be worked out.

Ms. Shufelt stated her concern was that this does not cap an amount and the Board is not authorized to commit the Town to funding, town meeting does that.

Mr. Bull stated that the Commission has spoken about a stop limit amount. They have negotiated an amount. The Landing Commission has a small trust fund that could be used to pay for a small portion of the cleanup. They are hoping to place an article on the Annual Town Meeting warrant and there may a possibility for reimbursement through the Seaport grant.

Mr. Brewer stated regarding the prospect of unlimited liability for the town and is for WRWA, having a cap of some sort, then jointly all would agree to stop. He suggested thinking of that to limit further costs. Mr. Schmitt was amenable to that. Mr. Bull encourages the WRWA to dig in other spots they need to early on, that would help identify issues of going forward or not.

Ms. Shufelt stated it could be brought to Town Meeting but cannot guarantee the results. Mr. Bull stated that the Commission is contractually obligated to clean this but if the trust fund is exhausted, DEP will expect to be paid, regardless.

Mr. Millham wanted to reiterate that bear in mind it may make it harder to negotiate the new terms for the new lease; negotiations for the 30-year lease will transfer negotiations to the Selectmen. Town Counsel's reservations are that granting this agreement will make it more difficult to negotiate the terms of surrender for a 30-year lease. The terms of the lease means what happens to that building at the end of that lease: does the town get it; does the town pay for it; there are set procedures for coming to terms with a commercial lease. The WRWA is about to invest quite a bit and more value goes into that building and that will make terms of surrender more difficult for the Town to negotiate as the WRWA will have an increasing value. If the agreement goes ahead, it may be more difficult to come to terms with the WRWA over time.



The request is for the Board to sponsor an article with a \$25K cap at next annual town meeting.

**Motion** by Mr. Ouellette to support sponsoring an article in the amount not to exceed \$25K, as our 50% payment, for construction related upfront environmental costs and construction related increase in future Phase V related costs. Seconded by Mr. Brewer. The vote was 4-0 in favor. Mr. Valcourt was absent.

It was noted that the Landing Commission will be improving the Adamsville Landing at no cost to the Town. The Commission will return after the holidays to make a presentation.

b. Fire and Police Staff Increase Financing.

Mr. Brewer stated that he looked into staffing increases. He said that both the Finance Committee and the Board of selectmen should discuss this and that it would be important to pursue if it ultimately must go to Town Meeting. The objective is to try and figure out at what level the public safety staffing should be. Mr. Brewer suggested a joint group to look at this in detail. Members discussed forming a Public Safety Staffing Committee to include the town Administrator, a Selectman; a Finance Committee member, the Fire Chief and the police Chief.

**Motion** by Mr. Ouellette to appoint Mr. Brewer as the Select Board representative to the Public Safety Staffing Committee. Second by Ms. Boxler. The vote was 4-0 in favor. Mr. Valcourt was absent.

c. Budget Process Discussion.

Ms. Shufelt covered the process outlining the milestones to get through the budget process. The Select Board would be making a recommendation to the Finance Committee rather than making changes to department budgets. Ms. Shufelt will send the process outline to the Finance Committee. Mr. Brewer felt there was a lot of duplication. Discussion ensued.

5. **Appointments and/or Resignations**

- a. Request from the Highway Department to hire Jonathan Abrantes as a mechanic. **Motion** by Mr. Ouellette to approve. Seconded by Mr. Brewer. The vote was 4-0 in favor. Mr. Valcourt was absent.
- b. Request to appoint Marc De Rego to the Craft Cannabis Co-op Committee as the member of the Planning Board Representative. **Motion** by Mr. Ouellette to appoint De Rego. Second by Mr. Brewer. The vote was 4-0 in favor. Mr. Valcourt was absent.
- c. Request to appoint Philip Weinberg to the Craft Cannabis Co-op Committee as the member of the Board of Health Representative. There is some state guidance that may overlap with the Board of Health and therefore, Mr. Weinberg cannot be the BOH representative.  
**Motion** by Mr. Ouellette to appoint Mr. Weinberg as an at large member. Second by Mr. Brewer. The vote was 4-0 in favor. Mr. Valcourt was absent.

6. **Licenses**

None.

7. **Town Administrator Report**

The Town Administrator gave his report.

Mr. Ouellette asked Mr. King to look into the actuators on Route 88 that are not working.

8. **Minutes**

Members adjourned before this item was taken up. Tabled to the next meeting.

9. **Selectmen Liaison Committee Reports**

Ms. Boxler stated that the Council on Aging is having an issue with a retaining wall and how it will be fixed. Mr. King has put in a call to Potter Funeral Home and he will go there to take a look at it.

Of note, Ms. Shufelt stated:

- the Middle school will be coming down in the next month.
- the Planning Board will have a site plan hearing for the new school tomorrow.

Mr. Brewer asked who would be present at the Special Town Meeting. The Accountant and Treasurer will be present. The Finance committee will provide a presentation for Dec 4<sup>th</sup>.

The Selectmen discussed posting at 6pm for December 4. There will be no meeting on December 10<sup>th</sup>. There will be a meeting on December 17<sup>th</sup>, 2018 and then January 7<sup>th</sup>, 2019.

10. **Boards/Committees/Commissions.** - Vacancy list on line.

11. **Board Members Suggestions for Future Agenda Discussion / Action.**

None.

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

None.

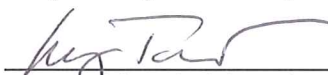
13. **Question & Answers.**

None.

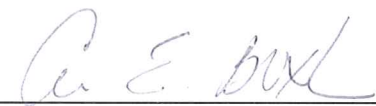
**Adjournment**

Members unanimously voted to adjourn the regular meeting at 8:30 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

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**Attachments to Agenda of 11/26/18:**

- 1 Landing information.
- 3a Line painting contract.
- 4c Budget Process Discussion information.
- 5a Request to appoint J. Abrantes.
- 7 TA Report 112118.
- 8 Draft Minutes from 110618, 101518 and 102918.