

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY – January 7, 2019**

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

Select Board Chair, Ms. Shufelt called the meeting to order at 6:00 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

**Chair's Announcement** – The Chair announced that under the provisions of MGL Chapter 30A, section 20(f), the meeting was being recorded.

**1. Acknowledgments & Recognitions.** None.

**6:05 p.m.**

**1. Licenses.**

**Public Hearing:** Request approval for Marguerite's Restaurant for the transfer of ownership of an Annual Restaurant Wine & Malt Alcohol License, located at 778 Main Road, Westport, MA – Russell Goyette, Manager. Russell Goyette was before the Board. Abutters were notified. A favorable police recommendation was received. No further questions from the members. **Motion** by Mr. Ouellette to approve. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

**6:10 p.m.**

**2. Appointments and/or Resignations.**

- a. Request for appointment of Jaqueline White to the Agricultural Commission as an Alternate. **Motion** by Mr. Ouellette to approve. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- b. Request to appoint Gail Hartnett to the SouthCoast Bike Ways Alliance as the Westport Representative. Keith MacDonald was before the Board. He explained what the Alliance is working to coordinate all surrounding towns and is represented by SRPEDD and the Alliance is also part of the East Coast Greenway. The Alliance is working on a bike path from Fall River through to New Bedford. Westport is part of the route. **Motion** by Mr. Ouellette to appoint Ms. Hartnett as the primary and Mr. MacDonald as the alternative. Seconded by Ms. Boxler. The Board voted 5-0 in favor.
- c. Request to appoint Keith MacDonald to the SouthCoast Bike Ways Alliance as the Westport Representative, Alternate. See 3b above

**6:15 p.m.**

**3. Action Items.**

- a. Marine Services Director request to restrict commercial fishing on federal holidays. John Azevedo, John Borden and Chris Leonard were present before the Board. Mr. Leonard explained the need to limit fishing to exclude holidays because fish would be held over until another business day: holding shellfish overnight or in a refrigerator is not permissible by the state and the Director wants to make sure the shellfish is not contaminated. He has heard from shellfish dealers that have complained. The Town will need to comply with state regulations and have shellfish be transferred to dealer immediately.

Change of By-Law: Mr. Leonard requested to comply with State regulations and change the by-law so that there would be no relays or commercial fishing on holidays. This would not affect family licenses.

**Motion** by Mr. Ouellette to approve the change to the by-law. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

- b. Marine Services Director request to raise the water ways user fee to \$4.50 per foot vs \$4.00 per foot. Chris Leonard was before the Board to explain that the fee applies to boats in Westport waters remaining longer than 2 weeks. The change would add an additional \$11,000 to the budget. At this time their budget is very close to level funded with no buffer for unexpected expenses that would impact public health and safety. This increase would provide such a buffer.

**Motion** by Mr. Valcourt to approve the increase. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

- c. Request to approve Career Incentive for Town Planner James K. Hartnett. **Motion** by Mr. Ouellette to approve. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- d. Approval of Seasonal Plow Drivers Jay Correia, Nathan Ferreira and Joseph J. De Mello. **Motion** by Mr. Ouellette to approve the hires. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- e. Request from the Affordable Housing Trust to endorse deeds for land conveyed to the Trust at 2017 Annual Town Meeting. Tabled for additional information from the Housing Trust.
- f. Request to accept donations to the Council on Aging through December 28, 2018 in the amount of \$1,320.88. **Motion** by Mr. Ouellette to accept. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- g. Wastewater Treatment Agreement between the Town and Fall River, MA. Mr. King explained the purpose. **Motion** by Mr. Ouellette to approve. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- h. Request from Planning Board for comments on Site Plan Application for Westport Route 88 Solar 1, LLC c/o Soltage, LLC for a 4.5 mW solar energy system off Sullivan Drive. Mr. Ouellette recused himself and spoke as a property member. Mr. Ouellette stated that this is at the end of a private Road and the concern is that his mother and sister live there and their concern



is the traffic during construction and asked the board to keep this in mind going forward. No comment by the Board.

- i. Authorize use of \$9K for the Westport Elementary School Storm water Remediation Feasibility Study. Mr. King stated that he has been in touch with the engineer that is doing the cost study for the school. The funds can be used for a feasibility study. The \$9k would be shifted to the engineering work and would be billed separately than the school building. Ms. Shufelt stated that the Board does not have to take action, but she felt strongly that there be action taken for the voters. Mr. Brewer asked if it had to be used now or can it be used later for something not done later on. He thought there might be a use needed later on.

The appropriation can be spent, held and spent later for the purpose or it can be swept. Mr. King stated that at the end of the fiscal year, it would become free cash if not spent.

**Motion** by Ms. Shufelt to authorize use of appropriated funds for the engineering efforts for the drainage.

Ms. Anderson stated that there was a prior letter from the Architect, Mr. Levi that the estimate would cost \$8K. She asked about the plan. The Board was not aware of the plan, but offered that the school building committee will be meeting on it next.

Seconded by Mr. Valcourt. The board voted 5-0 in favor.

- j. Annual Town Meeting:

- 1) Consider adding a place-holder for an article to the ATM Warrant for a Craft Cannabis Co-Op By-law. Mr. Valcourt gave a summary of the intent of the by-law allowing farmers to cultivate marijuana in a co-op. They are taking direction from the MA Cannabis Commission. There will be a need for a Town By-law to create it, secondly a zoning article to regulate it.

Ray Raposa, Chairman of the AgCom asked if this will benefit farmers in this town and he asked for assurance in future meetings if this is the case.

**Motion** by Mr. Valcourt to add a place holder on the warrant. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

- 2) Consider adding a place holder for an article to the ATM Warrant to exempt a Craft Cannabis Co-Op By-law from the current prohibition.

**Motion** by Mr. Valcourt to add a placeholder on the Warrant for the related articles. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

- 3) Consider referring a Craft Cannabis Co-op zoning article to the Planning Board.

**Motion** by Mr. Valcourt to refer this to the Planning Board for action and inclusion on the annual town meeting warrant. Second by Ms. Boxler. The Board voted 5-0 in favor. Mr. Weinberg asked for an early consultation with Town Counsel.

- 4) Consider adding an article to the ATM Warrant to seek funding for the drainage remediation determined by the feasibility study in case it is not included in the School Building Committee

construction. Ms. Shufelt stated that at the December 19, 2018 Planning Board meeting, the plans were not yet included. The School Committee added this onto the add alternate list and it is not a sure thing. In the meantime, Ms. Shufelt stated that there is no way to know what the cost is or what the school committee will do. She suggested putting a placeholder on the warrant now. She noted that the architect estimated \$150-200k for the project, but that is not firm. There is no apparent source for a \$150K item at this time, or plan.

**Motion** by Mr. Ouellette to put a placeholder on the Warrant to fund the drainage remediation. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

- 5) Consider adding an article to the ATM Warrant to authorize the Board of Selectmen to enter into easements related to the drainage remediation. Easements have to be negotiated. An easement is a type of property taking. This article would authorize the Board to negotiate with abutters. The Board does not have the right to accept or give up property rights. This article would give the Board permission to negotiate.

**Motion** by Mr. Ouellette to add a placeholder on the Warrant permitting the Board to negotiate easements relative to the drainage remediation. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

- 6) Consider adding an article to the ATM Warrant to accept Chapter 13 of the Acts of 2014 that Authorizes the Selectmen with the consent of and in consultation with the Landing Commission, to Lease the Head Landing for up to 30 years for certain purposes.

A few years ago, the Landing Commission, requested that Town Meeting approve the leasing of the Town Landing at the Head of Westport for a period of up to 30 years. The authorization is now needed from Town meeting.

**Motion** by Mr. Ouellette to add a placeholder on the Warrant. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

#### 4. **Discussion Items.**

- a. Update on Treasurer's Consultant work. Mr. Brewer gave a summary about the commencement of the inquiry. The work has started and moving forward. The committee will ask the consultant directly with the participation of the Treasurer. Ms. Shufelt wanted to make sure that the consultant meets and speaks with the group. Chris Wiley of Forge Road asked why didn't the contract read so that the Board had a direct oversight with regards to the consultant. Mr. King stated that the Board does have oversight.
- b. Camping Grounds Update. The completed appraisal is expected in the next week. Mr. King will schedule a meeting once received.
- c. Diman Regional Vocational High School non-renewal of Superintendent – consider review and any action based on matter brought to BOS's attention. Mr. Gagnon of 510 Adamsville Road was before the Board to request if the Board should take any action for the non-renewal of the Diman Superintendent. He asked if the Board could review the matter. Mr. Aubin has been an administrator for 30 years. He asked that if anyone who had an opinion, to give the elected representative to the Diman School Committee for Westport, Mr. Jennings.  
Mr. Brewer asked what is the Board's authority over the matter: it is an employee and employer matter with regard to Mr. Aubin. Mr. Jennings's regional and elected position lapses in 2020.



Mr. Ouellette stated that he spoke with both Mr. Aubin and Mr. Jennings and knows that there were no improprieties.

d. FY20 Budget.

- Board of Health Budget Discussion.

Director of Public Health, Mathew Armendo, Chair of the Board of Health (BOH), William Harkins and Member Phil Weinberg were present for discussion. The budget was submitted and revised to include \$650 for Medicare certification. With regards to staffing, the revised fees effective with the new year are expected to cover the proposed part time agent position. The Board looked at a part time agent instead and the clerical staff is tied to the Animal Control Officer (ACO) budget. There would need to be an article that amends the current by-law so that the ACO would report to the Board of Health vs. the BOS.

The staffing can be done as long as they are able to get the funding for the staffing. Mr. Valcourt asked the Board of Health why dumpsters were being charged. Any personnel changes need to be approved by the Personnel Board and an article reserved on the warrant for town meeting. Mr. Armendo stated he has discussed the change with the current ACO.

Ms. Shufelt stated that at a prior meeting, the BOH was looking at a "Keeping of Animals" By-law. Mr. Harkins stated that is still the plan if the ACO department moves over and would include the tenant farm regulation. The Board is awaiting AgCom feedback on the Tenant Farm regulation.

Donna Lambert, Animal Control Officer, asked if the BOH is altering the position to an hourly position. In her opinion it needs to go to the Personnel Board. Reclassification of schedule in the personnel By-law would need to be changed by the Personnel Board. Last year at this time, the ACO requested the position be placed in the LAW union unit. Mr. King will meet with the BOH and the ACO and provide an amended budget to the Board. Mr. Brewer asked if the Board needs to provide any comment to the Finance Committee before the Board of Health meets with them in the coming weeks. Ms. Shufelt supports the current approach and suggested the Board votes to support the BOH.

Chris Wiley asked when will the public know if the ACO will be moved to the BOH. It was explained that the personnel by-law change requires a Town Meeting vote. Ms. Wiley was not satisfied with the process and does not see any solid resolution with any of the proposed changes. Mr. Harkins stated the process over the last few years clearly shows that the Board is making sure the problem will not happen again. Ms. Constance Gee felt that both departments are committed to reorganizing the structure for the oversight of animal welfare.

Mr. King recommends the Board supports the BOH budget projections.

**Motion** by Mr. Ouellette to support the BOH budget with the ACO position and new structure in the department. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

Mr. Valcourt asked if the BOH changed the storm water regulation. The board of Health has not and offered information on the by-law that has been on the books.

With regards to the budget, Mr. King will incorporate the school budget into his handout and resend it again..

Mr. King recommended inviting the School department in for discussion.

5. **Town Administrator Report.**

Mr. King provided his report.

The ACO noted that the Barn Book Inspections are complete and 20 of 140 entrants no longer have animals.

6. **Minutes.**

None.

7. **Selectmen Liaison Committee Reports.**

Ms. Boxler has not had any COA meetings. She noted that the Affordable Housing Trust is still awaiting signature on the deeds.

Mr. Valcourt noted that the Craft Cannabis Co-op Committee meeting first met on January 2 and they are moving forward. They plan to meet every 2 weeks on Thursday evenings at 6pm. The next meeting is this week.

Ms. Shufelt asked Mr. Valcourt to provide an update on the consultant for the Water Resource Management.

Mr. Ouellette is working with SRPEDD for the point parking and possibly applying for an environmental grant. He also noted the open Assistant Planner position at the Planning Board and he is working with Planning on merging that position with Economic Development.

Mr. Brewer stated that the Public Safety Personnel Committee met and are moving forward. He also noted that at a meeting of Bristol County Commissioners there was discussion about Diman and Bristol Aggie.

Ms. Shufelt stated that the Planning Board has approved the school site plan with conditions. The Library Trustees have also agreed to the revised plan for the tennis courts.

Ms. Shufelt met with AFSME today but there was not enough time to place it on the agenda and will put it on the next agenda.

8. **Boards/Committees/Commissions Vacancy List.** See listing on the web page.

9. **Board Members Suggestions for Future Agenda Discussion / Action. None.**

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

Ms. Lambert noted that there has been a first confirmed incidence of rabies.

11. **Question & Answers.** None.

**Adjournment**

Members unanimously voted to adjourn the regular meeting at 8:24 p.m.

Respectfully submitted,



Lucy Tabit Administrative Assistant/  
Confidential Clerk

APPROVED:



Ann E. Boxler, Clerk, Select Board Member

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**Attachments to Agenda of 01/07/19:**

2 Application for Maguerites application.

3a J White request.

3b-c appointments to bikeways.

4a Commercial fishing restriction request.

4b Waterways fee increase approval.

4c Hartnett career incentive.

4d Seasonal plow drivers.

4e AHT request.

4f COA donation.

4g Waste water agreement.

4h Planning Board request Rt 88 Solar.

4i drainage article.

4j6 30 yr lease info.

5b camping grounds update..

5d TA Budget 12-31-18..

6 TA report with attachments

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