



**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY- February 4, 2019**

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

Select Board Chair, Ms. Shufelt 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

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.

2. **Appointments and/or Resignations**

Request from Chief Pelletier to appoint a Police Department representative, Stg. Christopher Dunn, to the Craft Cannabis Co-op Committee in place of the un-filled Economic Development Task Force (EDTF) seat. Members were in agreement to appoint Sgt. Dunn in place of an EDTF representative.

Motion by Mr. Ouellette to appoint Sgt. Dunn. Second by Mr. Brewer. The Board voted 3-1 in favor. Mr. Valcourt voted nay and Ms. Boxler had not yet arrived.

3. **Action Items**

a. Request to accept a donation from Maura Donovan of \$100 for the Animal Control gift account. **Motion** by Mr. Ouellette to accept the donation and to issue a thank you letter. Second by Mr. Valcourt. The Board voted 4-0 in favor. Ms. Boxler had not yet arrived.

b. Requests from the Planning Board for comments on the following applications:

- a site plan entitled "Westport, MA Old Pine Hill Road Solar" for a Large Scale Solar Energy System located at 136 Old Pine Hill Road Assessor's Map 43, Lot 29.
- a definitive subdivision plan entitled "Definitive Plan Rita Lane (Extension)" for property located at the north end of existing Rita Lane Assessor's Map 42, Lots 1 and 3M.
- a preliminary subdivision plan entitled "Preliminary Plan of Ferry Drive Subdivision Westport, MA" located at 136 Old Pine Hill Road, Assessors' Map 43, Lot 29, proposing two lots.

Motion by Mr. Ouellette to return with no comment. Second by Mr. Valcourt. The Board voted 4-0. Ms. Boxler had not yet arrived.

- c. Consider adopting a policy for the Approval of Warrants for Payment of Payrolls and Bills. **Motion** by Mr. Ouellette to adopt the policy. Second by Mr. Valcourt. The Board voted 4-0 in favor. Ms. Boxler had not yet arrived.
Motion by Mr. Valcourt to assign Mr. Brewer as the primary signatory and Mr. Ouellette the secondary signatory. Second by Ms. Shufelt. The Board voted 4-0 in favor. Ms. Boxler had not yet arrived.
- d. Consider adopting a policy for Fuel Efficient Vehicles as part of Green Communities. **Motion** by Mr. Ouellette to adopt the policy. Second by Mr. Valcourt. The Board voted 4-0 in favor. Ms. Boxler had not yet arrived.
- e. Consider adopting a policy for Complete Streets. **Motion** by Mr. Ouellette to adopt a policy. Second by Mr. Valcourt. The Board voted 4-0 in favor. Ms. Boxler had not yet arrived.
- f. Proposed amendments to the Westport Financial Policies Related to Purchasing. **Motion** by Mr. Brewer to accept. Second by Mr. Valcourt. The Board voted 4-0 in favor. Ms. Boxler had not yet arrived.
- g. Annual Town Meeting:
 - 1) Consider Beach Committee proposal for Town By-laws for Town Beach Protection Article. Sean Leach and Tim St. Michel were before the Board to discuss the issue of cobble, plants and natural materials taken from the beaches. The Beach Committee felt it was easier to enforce as a Town By-law and that is why they made such a proposal. Mr. Leach asked to fine the persons for any losses. Mr. Valcourt noted there is no progression in fines and that if it was a second or third event the fee should increase according to the Board. The request is to place this on the warrant. Ms. Shufelt asked that if there any further changes to advise as soon as possible as the deadline is today. **Motion** by Mr. Ouellette to approve conditional on there be a scaled fine. Second by Mr. Brewer. The Board voted 4-0 in favor. Ms. Boxler had not yet arrived.
 - 2) Ms. Shufelt asked Mr. Brewer if the safety personnel committee were also looking to put a placeholder. **Motion** by Mr. Brewer to put a place holder on the warrant for safety personnel. Second by Mr. Ouellette. The Board voted 4-0 in favor. Ms. Boxler had not yet arrived.
 - 3) Any other potential articles. None – Ms. Shufelt stated that she would like to organize the warrant with financials in one area but with the potential of possible continuation of continuing the Town Meeting.
 - 4) Petition article submitted by Chris Wiley requesting a vote of no confidence of the Treasurer
 - 5) Ms. Shufelt noted there has been a petition for an amendment to the personnel bylaws which would effect non-union personnel. She requested that the petitioners attend a future meeting to discuss with the Board.

4. **Discussion Items**

- a. Adamsville Landing discussion. Mr. Leach from SITEC, Inc. was present and explained the planned improvements to the Landing. These improvements are funded by a fine collected by the State in another area in town. The improvement to the landing would include site layout and organization. The improvement is to improve public access to the landing. There is no cost to the Town for the improvements on Town land. The fine was levied against a resident for constructing an unlicensed structure blocking public access to the water in another part of Town. The fine is destined to be used for public access such as at the landing. Jeff Bull, Chair of the Landing

Commission, specified that the Adamsville Landing is not a boat ramp, it is for car top kayaks and canoes.

- b. Zoning Board Appeals Chair discussion regarding Clerk's proposed office space. Roger Menard, Chair of the Zoning Board of Appeals (ZBA) explained that the Board has finally hired a clerk and that the location of that position has been placed at the Annex. He explained that the position would be better served if it were to be placed at the Town Hall where the clerk will access the Town Clerk, the Assessors and the historic files kept there. The ZBA will have the clerk modernize the files so they are accessible. The clerk works a couple hours a day for a couple of days a week and Mr. Menard said that using the space in Town Hall where the Animal Control Officer is currently in the smaller meeting room would not interfere with the use of that room. Ms. Shufelt was under the impression that the clerk would work with the Building Inspector. Mr. Menard stated that she would not, as there is nothing needed from that department. The Animal Control Officer is planning to be moved to the Annex leaving the space available at the Town Hall.

At 6:50 pm Ms. Boxler arrived. Mr. Brewer felt that the conference room should be just that but that may be a conversation for another time. Mr. Valcourt was in favor of allowing the clerk operate out of the conference room in the Town Hall. Ms. Shufelt stated on another note, that the Police Department meeting room is good for other committees to use. The members would speak to the two chiefs about using their spaces. **Motion** by Mr. Valcourt to allow the ZBA clerk to use the meeting room at Town Hall. Second by Mr. Brewer. The Board voted 5-0 in favor.

- c. Craft Cannabis Co-op Committee (CCCC) update. Mr. Weinberg addressed the Board regarding the steps required to make an exception to the prohibition; a new zoning by-law to regulate a new by-law; and a series of revisions to the existing zoning by-laws and amendments to the table of uses. The draft the Board received was from prior to the last CCCC meeting. The Planning Board will need the final draft by February 12th in order to schedule statutory public hearings within the required timeline.

Mr. Valcourt noted that the Committee was considering if other crops could be grown and if Chapter 61A status would be changed. The discussion turned to the status of Chapter 61A status. Cultivation would not be classified as agriculture thus being subject to more oversight. Discussion ensued over the various nuances that would need to be addressed. The Committee is still working with the Planning Board to bring this forward.

Mr. Brewer did not have any questions at this time. Mr. Valcourt noted that much of the content was previously used in the recreational article that was voted down last year. Mr. Weinberg discussed this with Town Counsel to ensure that the town is not too restrictive based on the Cannabis Control Commission (CCC) guidance. Most of the work in Westport is for siting and licensing. The state CCC will come in for all other aspects of this operation, monitoring everything from seed to product. He noted that there is a provision for no pesticides.

Mr. Valcourt stated the purpose of this is for cultivation and for sales to a distributor outside of town.

- h. Westport Farmer's Market discussion.

Averyl Andrade from Healthy Futures Farm and Ben Wolback from Skinny Dip Farm were present. The farmer's market has operated about 8 years now. The Economic Development Task Force (EDTF) has elected not to pursue it at this time because there is less interest in enrollment and two of the EDTF members have retired from the committee. Ms. Andrade spoke in support of

having a market and offered her assistance. Mr. Wolbach stated that because the EDTF sponsored the market there was a special rate for vendors and also the EDTF was on site to manage traffic. He noted that if the fees increase and there is an additional requirement for police detail each week, the farmer's may not be able to continue. The Town Hall Annex has been the location that the farmers have done the best at. Mr. Wolbach on behalf of the farmer's who have participated and would like to continue asked the Town to stay invested in it.

The farmer's market participants proposed a committee to oversee the running of the market. Steve Connors, who was once involved agreed to be part of the committee but could not be on site every Saturday. Mr. Wolbach stated that he and his wife would be on site each week and would be willing take that role. They would like to use the same space at the same cost.

Major expenses were getting to high. Mr. May took this on as a volunteer and negotiated with the Recreation Commission, Police and Board of Health for lower fees. That committee was there as the responsible town entity. There needs to be a committee or group in charge. Select Board members are in favor of a farmers market.

Ms. Andrade noted that there are grants available and suggested making it a destination market. She noted that moving markets to different locations is not advisable because there is a loss of approximately 25% of customers.

Ms. Gee stated that the market was more vital at the Town Farm and suggested making each week a little more interesting for shoppers.

Jim Coyne noted that the Recreation Commission had wanted \$100 per day and he negotiated for \$50 for the indoor market during the winter months. He offered to help and noted that any organized business is required to have a certificate of insurance for being on town property and farmers were exempt. He suggested that the participants could also buy group insurance.

Mr. Wolbach stated that he proposes the committee be comprised of himself and his wife, Ms. Andrade, and Mr. Connors. The Board suggested they form a committee and choose a chair.

Mr. Raposa, Chair of the Agricultural Commission suggested they come to the next Agricultural Commission meeting to discuss about how they can help.

Motion by Mr. Valcourt to form a 5-member committee with at least 3-farmers and a 2 at-large participants in order to administer and conduct the day-to-day business at the farmer's market in effect until June 2020. Seconded by Ms. Shufelt. Discussion ensued. She noted that appointments would happen no sooner than March 4th and asked to clarify what are the conflicts were with Recreation; how will they get bookings; and how will they be addressing police detail. It was noted that peak summer hours begin 2nd Sat of June to the end of September

Chris Wiley asked why the EDTF will not support the willing farmers to manage the market every week.

Mr. Brewer asked why the group could not manage it as a private group. He suggested to let them do it.

Mr. Valcourt withdrew his motion
Ms. Shufelt withdrew her second

Motion by Mr. Valcourt to support the concept. Second by Mr. Brewer. The Board voted 5-0 in favor.

i. Camping Grounds update.

Mr. Brewer updated the members indicating that the 3-member committee should have a fourth member representing the School Department. Discussion ensued. **Motion** by Mr. Brewer to appoint Nancy Stanton Cross. Seconded by Mr. Valcourt. The Board vote 5-0 in favor.

Negotiations begin tomorrow and it is not an open meeting. The results would be brought back to the Committee. Mr. Valcourt indicated his support for this land purchase. Mr. Whitin, Planning Board Chair asked if it were possible to use the Agricultural Open Space vehicle for an education component with excluded debt up to a maximum.

j. Treasurer's Consultant work update.

Karen Raus, Vice-Chair of the Finance Committee was present. Mr. Brewer gave an update stating so far it is going well and they are frequently in touch with the consultant. Mr. King stated that the reconciliations have been completed through October 2017 thus far as the initial reconciliation in order to proceed to look at FY19. The reconciliation is first done, then the auditor looks at it and finally the Division of Local Services reviews it.

Ms. Raus stated that there are 2 elements identified: catching up is one and she is not confident it will be finished by March 15th. The second is the training of the treasurer. When she had a meeting with the treasurer two weeks ago, and asked him what he had learned, he told her that he had no answer. She asked how will he operate the office and he had no answer. She asked what is the plan to run the department and how would he be able to back up payroll. He said he did not have a response. The committee asked for a training plan in writing for the next committee meeting. She is concerned that the Treasurer is not going to learn what he needs to run the office before the consultant's work is finished.

Ms. Boxler asked if there were any glaring issues. Ms. Raus stated that the consultant's priority is to get the task done and the result will be known in mid-March. She is concerned to go another month without a training plan. The person needs to acknowledge where he needs training. The Treasurer needs to identify where the training needs to be done. Members asked to have the treasurer attend the next Selectman's meeting on February 19th to provide a training plan and to discuss concerns.

Cindy Brown noted the importance of the books being in order so as to allow the Town to look favorable for its bond ratings.

k. FY2020 Budget.

- 1) Budget amendment request from the Planning Board to fund the Assistant Planner position. Chair, Jim Whitin and Town Planner Jim Hartnett were present. The Chair explained that the department has re-evaluated their role. The Planner is tasked with the MS-4 permitting, the

Integrated Water Resource Management, The School Building Committee and the Seaport Grant. They have received 7 new solar array application and are looking a recodifying the zoning articles and review a steady stream of Approval Not Required plans, a serious application that is coming for Medical Marijuana plus writing grants for other departments and other economic development issues. Mr. Whitin stated that 9 years ago they had an assistant planner position that was not funded and clerk's position was created as the assistant Town Planner II position to allow for some clerical work. Ms. Shufelt asked about revenues. Mr. Harnett stated that there is grant funding and then administration of the funding. There are more grants available but no time or personnel to seek them out. Mr. Valcourt spoke in favor of the position. Mr. Ouellette noted that there are locations along Route 6 that need attention. There are more developments that need attention. There is an area that could bring in jobs, revenue and tax. An assistant planner can do the day to day business allowing the Planner to focus his attention to these other matters and take some of that burden off of him.

Ms. Shufelt felt that it is needed. The only concern is how to balance the budget with all the departments that need things especially since there is no revenue to support it. She asked where would the money be moved from. The discussion then turned to the budget as submitted by Mr. King. The members then reviewed the budget. The school amount has been reduced from what requested. A positive change is the charter school tuition has been reduced.

Mr. King noted the non-clerical health agent increased line items for animal control. The salaries for the Veteran's Service Officer was increased to \$50,360 representing the mean from comparable towns plus 2%; its \$5K more than recommended. The draft budget does not include the \$25k requested by the Planning Board. The Council on Aging is a concern because the requested amount is \$250K and Mr. King is recommending \$216k. Members of Board discussed hiving a balanced budget by February 19 in order to provide it on time to the Finance Committee. Mr. King stated that its not known yet if the work is still going forward for DIMAN Regional Vocational High School. Mr. Valcourt had concerns for the school increase; children are leaving our schools and attendance is down because they are going to other schools. He recommended a 40/60 split. The Board suggested adding the \$25k to the Planning Board and \$10k for professional services to the Selectman's budget. Ms. Boxler stated the Council on Aging has nothing left from the grant pool. She suggested directing \$18K to them.

There is no regional assessment yet and the balanced budget may not work. Discussion ensued. The Budget is to be finalized by February 19th.

5. **Licenses.** None.

6. **Town Administrator Report**

Mr. King provided his report. He noted that the cost for soil remediation at the Heard of Westport was less than anticipated lessening the amount that was planned to be requested at Town Meeting. Mr. Brewer asked if the Beach Committee was still carrying a large surplus over \$100K in the enterprise fund. Discussion ensued.

7. **Minutes**

January 7, 2019

Motion by Ms. Boxler to approve as amended. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

8. Selectmen Liaison Committee Reports.

Ms. Boxler stated she attended the Affordable Housing Trust meeting and the Trustees requested they receive the Chapter 61A reviews earlier.

Mr. Ouellette asked for the status of street lights. Mr. King noted that the Town is working on purchase with Eversource. He also asked about Route 177 and if there would be an interim Veteran's Service Officer.

Mr. Brewer asked about one fire fighter being budgeted but it was not in the Administrator's recommendation. He noted he attended the Bristol County Commissioners meeting but there was no quorum in February. Mr. Ouellette asked for a copy of that budget.

Ms. Shufelt attended the School Building Committee (SBC) meeting and noted the bid documents are being constructed. The Planning Board gave a site plan approval conditional that the drainage has to be part of the plan; the SBC made the drainage an add-alternate well after the base alternates and walking track was included in the current estimated budget – but was not including the budgeted bid.

9. Boards/Committees/Commissions Vacancy List. See current list of openings listed on the website.

10. Board Members Suggestions for Future Agenda Discussion / Action. None.

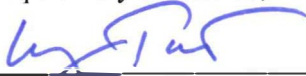
11. Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting.
None.

12. Question & Answers. None.

Adjournment

Motion by Mr. Ouellette to adjourn at 9:19 p.m. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

Respectfully submitted,



Lucy Tabit Administrative Assistant/
Confidential Clerk

APPROVED:



Ann E. Boxler, Clerk, Select Board Member

Attachments to Agenda of 1/22/19:

2 Craft Cannabis Appointment
3a Animal Control donation
3b-1 Old Pine Hill Solar Form M-1
3b-1 Old Pine Hill Solar PLAN
3b-2 Rita Lane Extension Form M-1
3b-2 Rita Lane Extension Plans
3b-3 Ferry Drive Form M-1
3b-3 Ferry Drive PLANS
3c Approval of bills and payroll policy
3d Fuel Efficient Vehicle

3e Complete Streets Policy
3f Financial Policies
3g-1 Annual Town Meeting Beach Committee
By-Law Revision
4a Adamsville Landing Plan
4b Zoning Board of Appeals request
4c Craft Marijuana Co-op draft Bylaws
4d Farmers Market information
4e Camping Grounds information
4f Budget update draft

4f Planning Board budget
6 Town Administrator Report.
7 Minutes.