

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
JULY 27, 2015**

Members Present: Craig J. Dutra, Chairman
R. Michael Sullivan, Vice Chairman
Richard M. Spirlet
Absent: Antone C. Vieira Jr.
Steve Ouellette, Clerk
Timothy J. King, Town Administrator

Chairman Dutra called the Board of Selectmen meeting to order at 6:00 P.M. in the Westport Town Hall, 816 Main Road, Westport, MA with the reciting of the Pledge of Allegiance by all present.

Pledge of Allegiance

Chairman's Announcement - Under MGL Chapter 30A, section 20(e) – Meeting being recorded.

Public and Board Member Comment – None.

Acknowledgments & Recognitions

The Board presented Mr. Warren Messier with a Citation recognizing his many years of service to the Town on various Boards, Committees and Commissions and as an advisor to many building committees. Mr. Messier stated he will still be around to continue to serve but it has been pleasure for the last 50 years.

Town Administrator Report

Mr. Dutra reviewed Mr. King's Town Administrator Report in his absence. No actions or votes were taken on any of the following items; these were informational only.

FY 2016 State Budget - The FY 2016 State Budget has been adopted and signed by Governor Baker. Attached is an MMA analysis of the budget. Also attached is the Cherry Sheet Budget Report for Westport. We did modestly better on the revenue side from FY 15 (+\$100,000) but Cherry Sheet assessments and charges were up (+\$50,000).

MS4 - Attached is an educational sheet from EPA describing the regulatory changes in MS4 and the new impacts on towns such as Westport.

Knubble Beach Sand Dune Project Update - Attached is the monthly update from Buzzards Bay Coalition and the minutes from meetings held by CLE engineering.

Landfill Solar Project RFP - Power Management has completed the RFP documents for this and the project is out for bid. Mr. Spirlet stated that people were asking what happened to the prior project; it was not any fault of the Town's, it was the electric company who took so long in telling us what it was going to cost to get hooked up and by that time, we had a deal with another company. Mr. Spirlet stated he was glad this company is going forward with the new project because the Town is going to make out better with this project.

Time & Attendance Software - Attached is Keith Novo's evaluation report of the two sites for the new time clocks at the Fire Station and COA. The time clock has been installed at the COA.

Town Hall Electrical Problems - The recent hot and humid weather increased the use of air conditioners in Town Hall. We have had frequent outages on the second floor caused by the overloads. Bill

Plamondon will be installing some new breakers in the second floor panel. This will address the problem. Bill also installed the new outside lights on the rear of town hall.

Solar Farm - Another solar farm has been proposed for 703 Old County Road by Clean Energy Collective. A copy of the plan is attached. It is before the Planning Board at this time. This is a community solar project. Mr. Spirlet stated that people were asking what happened to the prior project; it was not on the Town's end, it was the electric company who took too long to get hooked up; so the Town, is going to make out with this project better.

COA – Grant Report - Attached is Bev Bisch's six month report to the Association for the Relief of Aged Women. The COA receives grants from ARAW for the outreach and transportation programs.

Community Preservation Committee – Public Informational Hearing - The CPC is holding a meeting to encourage public input for new projects at 7:30 PM on Thursday, September 10, 2015. A copy of their notice is attached.

Cultural Council - Attached is an announcement for upcoming activities sponsored by the Westport Cultural Council.

Public Hearing – RE: Application requests from Kerian and Kristin Fennelly, 117 Cross Road, Westport, MA for private shellfish grant/aquaculture licenses on two 25-acre oyster farms in the following proposed area: southeast corner Gooseberry.

The public hearing was opened at 6:06 PM. Present: Kerian and Kristin Fennelly. No abutters were present. Mr. Dutra stated that all paperwork seemed in order. Mr. Fennelly stated we started this project last year because we wanted to expand our current oyster business, which is a two-acre oyster business in the River. We have been in business for five years with our current location. Mr. Fennelly stated he spoke with Shellfish Constable Gary Sherman and the Shellfish Advisory Committee to expand into Buzzards Bay. We came before the BOS for approval to go from a 10 to 25 acre parcel and the BOS approved it. The reason for the larger parcel is bigger project, bigger costs due to larger storms; we have worked with several companies who have deep water experience and techniques from Iceland, so we are hoping to bring that knowledge to Westport to successfully farm off of East Beach/Gooseberry. Mr. Spirlet stated this is a different location in addition to your current location; the new location is for adults? Mr. Fennelly stated yes, in the River there are juveniles which do not do good in the open ocean; we are going to grow them up to a certain size and winter them over in the River and then move them to the ocean. We will still sell from our River farm; there are differences between the tastes and sizes of a River oyster and an ocean oyster; so we will be selling two types of oysters and hopefully employ more people. Mr. Fennelly stated that this will be a 10 year build-out. Mr. Sullivan questioned the location and how it would be recognized by people in respect to navigation. Mr. Fennelly stated navigation will be recognized by buoys above the system. There will be 160 buoys per 25 acre site, with a max of 320. The buoys suspend the oysters; it will be similar to channel marker; small boats up to 30 ft., kayaks and paddle boards can safely pass over; boats around 50 ft. with a deeper draft will have a problem; our oyster lines are about 5 ft below the water. The site will be marked with flashing lights at the surface per order of the Coast Guard and Army Corps of Engineers. Mr. Sullivan stated that it will be clearly marked for all using the boat ramp. Mr. Fennelly stated yes. Mr. Spirlet questioned the anchoring of this. Mr. Fennelly stated the anchors are 13 ft. long with large corkscrew bottoms, capable of holding 50-tons with 150-ton max. Mr. Fennelly stated this is ocean farming, which is much heavier than river farming, so they are having a 40-50 ft. lobster boat being converted to farm the site. **Motion** made by Mr. Spirlet to approve this request. Second by Mr. Sullivan. The Board voted 3 in favor, 2-absent (Vieira, Ouellette). The public hearing is closed at 6:14 PM.

Public Hearing – RE: An application request from Christopher M. Jusseaume, 1384 Drift Road, Westport, MA for a private shellfish grant/aquaculture license on a one-acre site located in the west branch of the Westport River, Site #4, for oysters.

The public hearing was opened at 6:15PM. Present: Christopher Jusseaume. No abutters were present. Mr. Jusseaume stated this is a one-acre site on the West Branch of the River; this is the beginning stages of oyster farming. The site is located over sand-flats, so some of the oysters will be submerged and some will be visible during low tide. Mr. Jusseaume stated it has taken almost one year to get all the approvals. He stated that Kerian Fennelly has been very helpful to him and he will continue to look to him for guidance. Mr. Jusseaume stated that oysters are good for filtering the River water; this is a win/win situation. Mr. Jusseaume stated the oysters can be left in the River over the winter. The site will be marked properly. Mr. Spirlet questioned if any theft has occurred. Mr. Jusseaume stated he was not aware of any but that question could be better answered by Mr. Fennelly who has been doing this for a while. **Motion** made by Mr. Sullivan to approve this request. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Vieira, Ouellette). The public hearing is closed at 6:18 PM.

Public Hearing – RE: An application request from Michel A. Jusseaume, 33 Fallon Drive, Westport, MA for a private shellfish grant/aquaculture license on a one-acre site located in the west branch of the Westport River, Site #3, for oysters.

The public hearing was opened at 6:19 PM. Present: Michel A. Jusseaume. No abutters were present. Mr. Jusseaume stated the plan is basically the same as his son Christopher's. Mr. Jusseaume stated for most of his career, he has worked indoors, now in his retirement years the whole idea behind this is to be outside, enjoy the River and spend some time with his son. Mr. Jusseaume stated his one-acre site will be side-by-side with his son's site. Mr. Dutra questioned whether this was approved by the Shellfish Advisory Committee. John Borden, Shellfish Advisory Committee stated that Christopher and Michel Jusseaume have both been before the Shellfish Advisory Committee and received approval. **Motion** made by Mr. Sullivan to approve this request. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Vieira, Ouellette). The public hearing is closed at 6:18 PM.

Westport River Watershed Alliance, Betsy White – RE: Discussion of a grant application to EPA to study the Angeline Brook.

Betsy White, WRWA Advocacy Director was present. Ms. White stated that a Southeastern New England Coastal Watershed Restoration grant has been applied for but not received yet by the WRWA; this is part of the EPA's Community Health Program; this is a federal grant. Ms. White stated this was a collaboration between Westport River Watershed Alliance, the Coastal Systems Program at Umass Dartmouth and Westport Agricultural Commission. This grant basically resembles the Bread & Cheese Brook Study recently completed; this study will refine the nitrogen loads from the larger MEP Report. This study is specific to the Angeline Brook, which contributes 25% of the nitrogen load to the Westport River; 45% of this subwatershed is agricultural so what this grant will do, is allow us to work with the agricultural community to refine the numbers from the land use, as well as, refine the rest of the agricultural numbers throughout Town allowing us to get a really good grasp of the accurate numbers of our contribution. Ms. White stated the Westport River Watershed Alliance will be the liaison between the Westport Agricultural Commission and the Coastal Systems Program and any other state or federal agencies that are involved. We will be working with the agricultural community to see what the nitrogen load is and to come up with strategies. The Westport Agricultural Commission has written a letter supporting this. Ms. White stated she wanted to let the BOS know that this was in the works; Ms. White stated we should know by or in October. Discussion ensued what process would take place. Mr. Sullivan asked if Ms. White would engage the Westport Water Resource Management

Committee in this. Ms. White stated that she would prefer to speak with the WRMC after she finds out whether the grant is going to be awarded but in the meantime, she will make them aware of the fact that it has been applied for. Mr. Spirlet questioned if there would be any in-kind service by any department in Town. Ms. White stated no, this is at no cost to the Town; any kind of service will be coming from UMass Dartmouth. Mr. Spirlet asked if anyone from the Town had to sign off on the grant. Ms. White stated the Westport Agricultural Commission sign the grant application only; they did not sign off on the grant itself. Mr. Spirlet stated he did not know if they had the authority to do that. Ms. White stated they did not sign off, they submitted a letter of support only. Mr. Dutra stated this grant is from the Watershed Alliance to the EPA. Ms. White stated it is from the Coastal Systems Program to UMass Dartmouth and it supports the work being done with the AgCom and the agricultural community. Mr. Dutra stated we are not the applicant. Mr. Spirlet stated he agreed with Mr. Sullivan in regards to the WRMC. Mr. Spirlet stated this Board voted five years ago to have the WRMC be the eyes and ears of the Town on these types of things, technically, even though we are not doing any in-kind service, it is still basically working on Town property. Ms. White stated this will all be done on private property. Ms. White stated she appreciated where Mr. Spirlet was coming from, the reason why this was not brought forward is because it is just an application; when we receive notice, I will be contacting the BOS. Mr. Dutra stated it almost sets a bad precedent to have organizations who are applying on behalf of private entities to do work for private entities to contact the Town. Mr. Spirlet agreed but they did need the AgCom. Mr. Dutra stated we are getting briefed on this and the most appropriate commission in Town has been contacted. The BOS thanked Ms. White for the information.

Joe's Bar & Grill – RE: Noise Complaints.

Present: Jose Calheta and Dion Calheta. Mr. Dutra stated we are having a discussion tonight because we have received some complaints from abutters concerning a number of noise complaints; one was investigated by our Police Dept specific to noise after hours and the TV on the deck. Mr. Dutra stated, the Board allowed the business to open the deck but to stop serving alcohol by 9PM. Dion Calheta stated we are not serving on the deck because we don't have our license yet. Jose Calheta stated they agreed to turn down the volume after 9PM. Mr. Dutra stated the abutters are saying the noise is not abating after 9PM. Jose Calheta stated it is only people talking and mingling, not the TV. Mr. Spirlet stated there is a complaint about horseshoes; is the horseshoe pit located between the building and the neighbor's house. Jose Calheta stated we have a line of 10 ft. bushes and the horseshoe pit along that, which no one uses it anymore, so we are thinking of eliminating it. Mr. Dutra stated if it is being underutilized, it makes sense to remove it away from the property line. Mr. Calheta stated he was thinking about removing it in the fall because with the sod it would be too late for this year; the pit was not doing us any good. Mr. Sullivan stated that is not the problem; Mr. Dutra stated it was part of the complaint. Mr. Sullivan stated the complainant may be mistaken about what they doing but they may be in the area of the horseshoe pit. Jose Calheta stated we have our BBQ pit out there. Mr. Spirlet stated the complaint says some nights they are playing horseshoes until closing. Jose Calheta stated no, that has not been happening for a long, long time. Jose Calheta stated as a matter of fact, we are not going to have any more horseshoes. Mr. Spirlet stated it is not only the horseshoes but the talking. Jose Calheta stated as of the last meeting, he is willing to shut the voices down by 9PM as talked about but people go outside for a smoke, mingle and talk. Mr. Spirlet stated maybe put up signs to keep the noise down. Dion Calheta stated if we relocate the people, we need to stay out of the front, what are we going to do. Jose Calheta stated we have addressed the sound with high trees; you can't hear anything. Jose Calheta stated the place next door has had live music out there, special events and BYOB events on their deck; that had nothing to do with us. Jose Calheta stated he even found booze bottles out in the parking lot. Mr. Spirlet stated that is something we need to look into. Jose Calheta stated he does things the right way, so when people try to get me on little things, he is upset. Mr. Dutra

stated being mindful of the fact that the police report was not through direct observation, it was only with a third party, it is important of us to make you aware of it so you can respond to it. Mr. Spirlet stated he would like to send a letter to the neighbor to attend the next meeting to explain that there is nothing on the deck, the same as Joe's. Jose Calheta stated he was not here to throw anyone under the bus, but it is someone else making the noise and he was getting blamed for it. Mr. Dutra stated we could ask the Police Department to do an on-site and to have the Police respond directly to the site once a complaint comes into the station. Mr. Dutra stated we may need to look at police details in the future. Mr. Sullivan stated we will need to get clarification from the Police Dept. as to who was involved here. Mr. Sullivan asked Mr. Calheta to do whatever he could to be mindful of this particular neighbor and all the rest of the neighbors. Dion Calheta stated we have cameras all over, we can see everything; so, if anyone wants to see prior video we have it. Jose Calheta stated on busy nights, we have a door man, who can watch everything also. The Board thanked the Calheta's for coming in.

Town Beach Committee – RE: Discussion of Beach Pass Policy and issuance of Beach Passes.

Present: Town Beach Committee members - Tim St. Michel, Sean Leach, Milicent Throop, Jeff Bull and Town Clerk's Office Marlene Samson and Bernadette Oliver. Mr. St. Michel explained the need to do something with the Beach Pass Policy. Mr. St. Michel stated we have sold 3,000 passes for this year alone; the increase could be due to the rise in cost of the pass for Horseneck Beach. Mr. St. Michel stated the Town Clerk's Office is on the front line when issuing beach passes. We have such limited parking at Cherry & Webb; on a good day, with people parking close, we could maybe get 100-120 vehicles in. Mr. St. Michel explained a recent day, July 5th, when he was down there as a Volunteer Parking Clerk; he stated he turned into a Parking Lot attendant because Cherry & Webb Lane was loaded with people complaining they could not park. Mr. St. Michel stated his personal opinion was beach passes should be for full-time residents only. Mr. St. Michel stated when obtaining a beach pass, the person must have their registration but they should also have their licenses and be on the census in Town; all others should not be able to get a beach pass. Ms. Samson stated right now, the policy calls for a full-time resident or taxpayer of the Town but we also run into a problem with Trusts. Ms. Samson stated it is still July and we still have August to go but we are already up to 3,100 passes today; a beach pass does not guarantee a parking space. Mr. Spirlet stated maybe, a tax bill and a registration should be required. Mr. Leach stated he has seen what the Clerk's Office and the Parking Clerk go through; the problem happens when you lease a vehicle, the registration is in the lease company's name. Mr. Leach stated a possible solution is an application process to see if a person qualifies; raising the fee for non-residential; or limiting the number of passes per household; and another problem is a renter; we need to take the pressure off the Clerk's Office. Discussion ensued regarding the problems and possible solutions. Mr. Sullivan asked if there was a beach pass policy now. Ms. Samson stated yes, but it is very limited; it states more of what a person can do and can't do. Mr. Dutra stated we need a written draft policy. Ms. Samson stated she would like to see the Boards work together for the 2016 season; remember, a pass is required year-round from January to December. Mr. Dutra stated a draft beach pass policy should be worked on by the Beach Committee and the Town Clerk's Office and then come back to the BOS in four weeks or by October. Discussion continued regarding some solutions such as parking and shuttling from the Town Hall parking lot, a possible parking lot attendant, public safety issues from Route 88, fees and enforcement. **Motion** made by Mr. Sullivan to ask the Town Beach Committee to work with the Town Clerk's Office to come back with recommendations for qualifications for a beach pass, comments on deterrents, plans for additional parking, and a specific request to the State for traffic enforcement. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Ouellette, Vieira). Mr. Dutra stated he would like to have a meeting prior to the next season with Rep.

Schmid and Sen. Rodrigues, along with the Police and Fire Chiefs to speak about the Trust Fund monies for traffic enforcement/public safety.

Action Items

1. **Motion** made by Mr. Spirlet to approve the license agreement for use of and parking permits at Hix Bridge Landing for Dharma Voyage, Inc. - Rowing Club. Second by Mr. Sullivan. The Board voted 3 in favor, 2-absent (Vieira, Ouellette). The Board noted this was the same request as last year and no problems have occurred.
2. **Motion** made by Mr. Spirlet to approve the Board of Selectmen Meeting Schedule for August through December, 2015. Second by Mr. Sullivan. The Board voted 3 in favor, 2-absent (Vieira, Ouellette).
3. **Motion** made by Mr. Spirlet to pass over on the Road Race Request from Ashley Ramunno; the applicant is to contact the Police Chief to work out a plan and then come back to the BOS. Second by Mr. Sullivan. The Board voted 3 in favor, 2-absent (Vieira, Ouellette).
4. **Motion** made by Mr. Spirlet to pass over the Road Race Request for Narragansett Bay Wheelmen; applicant is working with Police Chief to come up with a new plan. Second by Mr. Sullivan. The Board voted 3 in favor, 2-absent (Vieira, Ouellette).
5. **Motion** made by Mr. Sullivan to pass over the request for approval of Proposal for Professional Survey & Engineering Services for Charlotte White Road by Tibbetts Engineering Corp. pending a recommendation from the Town Administrator. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Vieira, Ouellette).

One Day Liquor Licenses

1. **Motion** made by Mr. Sullivan to approve a One Day Liquor License for Westport Historical Society – All Alcohol Permit – Fundraiser Event on Saturday, September 5, 2015 from 5-9PM at Sampson Farm, 222 Old Bedford Road. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Ouellette, Vieira).
2. **Motion** made by Mr. Sullivan to approve a One Day Liquor License for Holy Ghost Club – All Alcohol Permit – Veteran's Family Day on Saturday, August 1, 2015 from 12PM – 4PM at Holy Ghost Club, 179 Sodom Road. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Ouellette, Vieira).
3. **Motion** made by Mr. Sullivan to approve a One Day Liquor License for Holy Ghost Club – All Alcohol Permit – Reunion on Saturday, August 8, 2015 from 11AM – 6PM at Holy Ghost Club, 179 Sodom Road. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Ouellette, Vieira).
4. **Motion** made by Mr. Sullivan to approve a One Day Liquor License for Holy Ghost Club – All Alcohol Permit – Reunion on Saturday, August 15, 2015 from 2PM – 8PM at Holy Ghost Club, 179 Sodom Road. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Ouellette, Vieira).
5. **Motion** made by Mr. Sullivan to approve a One Day Liquor License for Holy Ghost Club – All Alcohol Permit – Clamboil on Sunday, August 23, 2015 from 11AM – 6PM at Holy Ghost Club, 179 Sodom Road. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Ouellette, Vieira).
6. **Motion** made by Mr. Sullivan to approve a One Day Liquor License for Holy Ghost Club – All Alcohol Permit – Clambake on Saturday, August 29, 2015 from 1PM – 7PM at Holy Ghost Club, 179 Sodom Road. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Ouellette, Vieira).

Appointments and/or Resignations

1. **Motion** made by Mr. Sullivan to accept with regrets the resignation of James Robeson from the Harbor Advisory Committee. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Ouellette, Vieira).

Selectmen Liaison Committee Reports – None.

Question and Answer Period

1. Peter Brown, Vice President of the Westport Soccer League stated the League will be having an official flag raising and ribbon cutting to celebrate their 25th Anniversary and are inviting everyone. The ceremony will take place on Saturday, August 29, 2015 at 11:00 AM at the Russell Davis Fields, 914 Sanford Road. Mr. Spirlet requested this information be placed on the website.

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

1. Mr. Sullivan mentioned there will be a Veteran's Appreciation Day on Saturday, August 1, 2015 from 11AM to 5PM at the Holy Ghost grounds. This is a great opportunity for veterans and everyone; it is a great event to attend with a classic car show, raffles and live music. Mr. Spirlet stated it is being sponsored by the American Legion and Vietnam Veterans' Association and this is a good way to support the Veterans.
2. Mr. Sullivan mentioned that James Coyne spearheaded a project with private citizens using private funding for a new sign at the Town Hall Annex with all the departments listed; this is something we try to find funding for in our budgets but Mr. Coyne took the lead. Mr. Coyne will be trying to get a photo-op of all those involved to be placed in the newspaper.

Executive Session – None.

7:35 PM

Motion made by Mr. Sullivan to adjourn the Board of Selectmen meeting. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Ouellette, Vieira).

Adjournment.

Respectfully submitted,

Diane Pelland
Administrative Asst/Confidential Clerk to the Board of Selectmen

APPROVED: _____
Steven J. Ouellette, Clerk