



**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY- March 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 6:00 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.

**2. Action Items**

- a. Request for Release from Chapter 61A - Pedro L & Maria M. Teixeira - a parcel at the terminus of Sullivan Lane, Map 31, Lot 5 & 6A, (approximately 43 acres), recorded with the Bristol County (S.D.) Registry of Deeds, Book 1802 and Page 835.

The proposal is for a lease of the land. The Agricultural Commission did not recommend releasing because the town is losing too much farm land in the north. The Affordable Housing Trust requested to consult with the owner. Mr. Ouellette and his mother stated it was a big concern. They were concerned about being so close to her property. Mrs. Rego stated that the land was for sale for several years. Ray Raposa stated that the leasing for solar panels will not save the grape vines on that land. Mr. Raposa stated he attended a recent state meeting that indicated that the state is concerned with farmland in the state being discontinued. Mr. Ouellette stated that he will recuse himself as it's his family's land. The other committees recommended its release from Chapter 61A.

**Motion** by Mr. Valcourt to release Second by Ms. Shufelt. The vote was 3-1-1 and passed; Ms. Boxler voted against; Mr. Ouellette was recused.

- b. Request to accept and vote approval of the Clean Water Trust \$500,000 Bond for the septic betterment program.  
Brad Brightman, Treasurer was before the Board to explain the paperwork. Mr. Valcourt explained that the program is to assist home owners in obtaining a low interest loan for septic systems needing repair. Ms. Shufelt read the 6 provisions of the note as listed on the bond into the record. **Motion** by Mr. Valcourt to approve. Seconded by Ms. Boxler. The vote was 5-0 in favor. Mr. Brightman also notified the Board of the new requirements for leases whereby SEC Rule 15C-12 require any leases be notified to the SEC.
- c. Authorize advertising for a part time Board of Health Agent.  
Mr. Armendo, Director of Public Health and Mr. Harkins, Chair of the Board of Health were present requesting permission to advertise for a part time agent. The intent would be to hire now, with support of the revenue coming into the department. Ms. Shufelt asked how they would pay the new position between now and July 1. The Board agreed with the position because the part time person would be used. There is no clear path for funding that position Ms. Shufelt suggested they hire a contractor. Mr. King had suggested that this may be a way to move forward. There is no funding or line item for an additional contract agent. A possibility could be to get a reserve fund transfer, per Mr. King. The estimate is needed roughly to the end of the fiscal year. Discussion ensued. **Motion** by Mr. Valcourt to amend Article 2 to add funding from Health Insurance to Board of Health Personnel services \$6K. Second by Mr. Ouellette. The Board voted 5-0 in favor.
- d. Request from interim Tax Collector to fill the vacant position appointing Carrie Fontaine as the Assistant Tax Collector. Susan Brayton introduced Carrie Fontaine.  
**Motion** by Mr. Ouellette to appoint Carrie Fontaine to the Assistant Tax Collector position. Second by Mr. Valcourt. The Board voted 5-0 in favor.
- e. Request from interim Tax Collector to post in house the vacant Principle Clerk position and advertise if not filled by any current bargaining unit Town employees.  
**Motion** by Mr. Valcourt to post the vacant position. Second by Mr. Brewer. The Board voted 5-0 in favor.
- f. Authorize approval of Seasonal Liquor License Renewals for The Acoaxet Club dba The Pro Shop; Village Pizza; and Bay Breeze Inc./Westport Sea Farms with conditions.  
**Motion** by Mr. Valcourt to approve a Seasonal Liquor License Renewals for The Acoaxet Club/The Pro-shop. Second by Mr. Ouellette. The Board voted 5-0 in favor.  
**Motion** by Mr. Valcourt to approve a Seasonal Liquor License Renewals for Village Pizza. Second by Mr. Ouellette. The Board voted 5-0 in favor.  
**Motion** by Mr. Valcourt to approve a Seasonal Liquor License Renewals for Bay Breeze. Second by Mr. Ouellette. The Board voted 5-0 in favor.
- g. Discuss proposed warrant article for creation of an Audit Committee.  
Ms. Shufelt stated that she intended to place this on the warrant. **Motion** by Mr. Ouellette to add this to the warrant. Second by Mr. Valcourt. The Board voted 5-0 in favor.
- h. Request approval of the Town By-law and Zoning By-law amendments for the Craft Cannabis/Marijuana Co-op Town Meeting Warrant Article rescinding the prior version and to refer the Zoning By-law revised amendment to the Planning Board for action.

Mr. Weinberg read his summary regarding the articles that resulted from the Craft Cannabis Co-op Committee work. Each component deals with a separate portion of the by-laws and zoning by-law and that is why there are 7 articles addressing amendments. Discussion ensued. Mr. Brewer asked what if the Town By-law is voted in favor, and the zoning by-laws are voted down. Mr. Valcourt suggested voting on the zoning articles first and Town by-laws after. The Board discussed there not being any zoning in place, then a host agreement could not be effectuated due to the lack of zoning.

**Motion** by Mr. Valcourt to add the proposed revised cannabis by-laws and zoning bylaws to the Warrant and to refer the Zoning by-laws to the Planning Board for action. Second by Mr. Brewer. The Board voted 5-0 in favor.

i. Finalize Town Meeting Warrant.

Solar By-law amendments: **Motion** by Mr. Ouellette to add the revised solar bylaws to the Warrant and to refer to the Planning Board for action. Second by Mr. Valcourt. The Board voted 5-0 in favor.

The Campground Committee needs to work out the source of funding. **Motion** by Mr. Valcourt with expend not to exceed \$895k. Second by Mr. Ouellette. The Board voted 5-0 in favor.

Article 14 is removed and Mr. Leonard is requested to discuss it.

The Special Town Meeting includes 2 articles: to enter into easements with abutters and secondly to fund the remediation. **Motion** by Mr. Valcourt to close the Special Town Meeting warrant. Second by Mr. Ouellette. The Board voted 5-0 in favor.

**3. Discussion Items**

a. Treasurer's Consultant work update.

Mr. Brewer stated that the committee is on monitoring the consultant's work and he is on track. The Consultant told the treasurer that he had reconciled through May 2018. The Consultant's preliminary report is due for March 18.

b. FY2020 Budget.

The budget is as was previously discussed; no further discussion.

c. Camping Grounds Update.

Mr. Brewer stated that the Camping Grounds Committee has discussed funding sources as included debt needing a vote. Ms. Shufelt suggested that the Committee will need to work with the Finance Committee to work out the source of funding.

d. Craft Cannabis Co-op Committee update.

Mr. Valcourt stated that Mr. Weinberg covered most of the topic. Mr. Ouellette asked if the Federal Government allows marijuana co-ops. Mr. Valcourt stated that this falls under the State's Rights Issues and they have stepped back pending a review. Mr. Ouellette was concerned of federal grants not allowing APR land to remain in Chapter 61A.

e. Annual Town Meeting Petition article discussion.

Article 30 - Petition article:

Nicole Botelho, the petitioner was before the Board. The current president of the Local Law 256 Union stated that this particular clause was placed in the Personnel by-laws in 2012. She stated that the clause allows the non-union personnel to have what the union personnel receive through their efforts of negotiations. She said that there had been nothing vetted by the Selectmen that non-union personnel should get the same benefits. She said the selectmen should vote to allow the non-union personnel any benefits and not allow them to receive any as stipulated in Personnel By-laws. She is asking to take that clause out of the Personnel By-laws and she is not asking to take anything away from anyone.

Mr. Valcourt pointed out that there are only a few non union personnel that would be affected by removal of this from the by-laws. By removing this section, he noted, it would allow the Selectmen to give more by a vote. Ms Botelho said they have more vacation days and higher salaries.

Mr. King stated that if this is deleted, and if the Board wanted to increase the benefits of the non-union personnel through a Town Meeting, it would only be able to be revisited at a subsequent town meeting.

The Board will take a position closer to Town meeting. A non-union employee would be adversely impacted by removing that clause. The non- union personnel will not receive any increases year to year in line with what the union personnel receive. Should this pass at ATM, the Board would look at the overall personnel by-laws.

Article 31 – Petition Article - requesting a vote of no confidence of the Treasurer.

Heidi Correia and Chris Wiley were present. The purpose of this petition is to have an alternative. After the consultant finishes his work, the Town is still left with a Treasurer who cannot do his job. The situation can deteriorate quickly. The position should be appointed and not elected. A vote of no confidence has no legal standing, but the petitioners want to show that there is concern and that people can still have a say over the situation.

Mr. Brewer noted that Town Meeting will have already voted to either keep it elected or not elected. Ms. Wiley stated this petition is to keep the pressure on the individual. She says that the people are unhappy with the additional money it cost the town for the consultant. If he had a vote of no confidence that would hinder his re-election if not appointed. The petitioners recommend the Board take a vote of no confidence. Mr. Brewer suggested they work with the moderator to word the motion correctly. Mr. Valcourt stated that the situation is dire and certification of free cash is important to run the town and that symbolically what they are asking is to have a vote. Ms. Correia hopes this will keep him from running.

4. **Appointments and/or Resignations.** None.

5. **Licenses.**

6. **Town Administrator Report**

Mr. King gave his report

7. **Minutes.**

None.

8. **Bill Warrant and Payroll report to the Board**

Mr. Brewer stated he has endorsed it.

9. **Selectmen Liaison Committee Reports**



Ann Boxler stated the Housing Trust met last Wednesday and discussed developing the other Chapter 61A properties.

Mr. Ouellette noted the death of Billy Almeida from a crash on Route 88. He is pushing to resurface Route 177 and will keep the Board updated.

Mr. Brewer noted that Public Safety meets tomorrow and the Energy Committee next Monday to discuss the Green Communities application.

Ms. Shufelt reminded that Recreation Commission is having an Open House at the Annex Gym on March 23. The members asked the information about absentee ballots for the April 9 Election be placed on the website. New School: bids due April 10 through an electronic system with bid award on April 24.

**10. Boards/Committees/Commissions Vacancy List.**

See website.

**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**

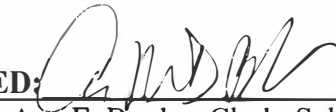
**Motion** by Mr. Ouellette to adjourn at 7:53 p.m. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

Respectfully submitted,



Lucy Tabit Administrative Assistant/  
Confidential Clerk

APPROVED:



Ann E. Boxler, Clerk, Select Board Member

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**Attachments to Agenda of 3/4/19:**

- 2a Chapter 61A Teixeira request to release.
- 2b Septic Betterment loan papers
- 2c Board of Health request
- 2d-e Collector request
- 2f Seasonal Liquor License Renewals - PD Rec
- 2g Audit Committee
- 2h-1 Summary Of Proposed cannabis Articles
- 2h Final Cannabis Revisions to By Laws.
- 2i 5-9-19 ATM Articles Index
- 2i Town Meeting Warrant 6th Draft
- 6 Town Administrator's Report.