



**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY- September 16, 2019**

Members Present: Shana M. Shufelt, Chair
Brian T. Valcourt, Vice Chair, arrived at 6:15 p.m.
Ann E. Boxler, Clerk
Steven J. Ouellette
Richard W. Brewer

Also Present: Timothy King, Town Administrator

Select Board Chair, Ms. Shufelt called the meeting to order at 6:02 pm 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 is recorded.

1. Acknowledgments & Recognitions.

- a. Request by James Coyne to approve a proclamation for Ataxia Awareness Day on September 25, 2019. Mr. Coyne explained what Ataxia was and it does not receive much Federal funding for research. He is involved with local fundraising for research at Massachusetts General Hospital. There is no treatment or cure but there are means to make the person comfortable. **Motion** by Mr. Ouellette proclaim September 25th Ataxia Awareness Day. Seconded by Mr. Brewer. The vote was 4-0 in favor. Mr. Valcourt had not arrived yet.
- b. Ms. Shufelt stated that a judgement in the civil portion of the Medeiros case was delivered. She read the conditions that prohibited any keeping of animals unless approved by the Board of Selectmen; no standing water; the removal of structures and other conditions by a date certain.

6:05 p.m.

2. Appointments and/or Resignations.

- a. Appointment of Dawn Fontes as Assessor's office Senior Clerk. Steve Medeiros, Chair of the Board of Assessors and Sue-Ann McDermott, Assessor were present. **Motion** by Mr. Ouellette to approve. Seconded by Ms. Boxler. The Board voted 4-0 in favor. Mr. Valcourt had not yet arrived.
- b. Appointment of BOH Agent Joseph Reis as Animal Inspector. **Motion** by Mr. Ouellette to nominate Mr. Reis as Animal Inspector. Seconded by Mr. Brewer. The Board voted 4-0 in favor. Mr. Valcourt had not yet arrived.
- c. Appointment of Roland Dumas as part time custodian for the Library. Ms. Branco, Librarian was present to introduce the part time custodian. **Motion** by Mr. Ouellette to approve his appointment. Seconded by Mr. Brewer. The Board voted 4-0 in favor. Mr. Valcourt had not yet arrived.

- d. Appointment of John Medeiros as part time custodian for the Council on Aging. **Motion** by Mr. Ouellette to approve his appointment. Seconded by Mr. Brewer. The Board voted 4-0 in favor. Mr. Valcourt had not yet arrived.

Note: Mr. Valcourt arrived at this time 6:15 p.m.

- e. Agricultural Commission Alternate: Raymond Elias (1-year term). Mr. Elias was before the Board to discuss his interest to serve and noted his experience as a farmer in town for many years. **Motion** by Mr. Ouellette to approve. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- f. Zoning Board of Appeals Associate Member: Raymond Elias (1-year term). Mr. Elias explained his qualifications for this appointment. **Motion** by Mr. Ouellette to approve. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- g. Post Principal Assessor Position. Assessor's Sue Ann McDermott and Steve Medeiros explained that the department wanted to have their clerk in place and then move on to filling this position. There is a part time person working now and the new position will be full time. **Motion** by Mr. Ouellette to approve posting. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

6:10 p.m.

3. Licenses/Permits.

- a. Request from Paul Przystarz for a Common Victualler's License for Plan It One, Inc./ Planet Eats d/b/a Planet Eats Westport located at 1097 State Road. Pending full application. Mr. Paul Przystarz and Michael Glassman were before the Board and explained the pre-prepared food choices for "grab and go" or "pre order on line". Food is prepared off site in Fairhaven and delivered to this location. **Motion** by Mr. Ouellette to approve the license. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- b. Holy Ghost Club of Westport Inc. 179 Sodom Road: request approval for 2, one-day Liquor Licenses for all alcoholic beverages on Friday September 27 from 5-10 pm and Saturday, October 12, 2019 from 11am-7pm. **Motion** by Mr. Ouellette to approve conditional on police recommendations. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- b. Approval of Town of Westport 2020 license renewals for liquor, common victualler, inn holders, entertainment, automated amusements and motor vehicles conditional on there being no related issues. See attached list. The Chair read the list as attached at the end of these minutes and held 5 of them for discussion as follow:
 - 1). S&K Auto Sales. The landowner, Eve Leach was notified to attend this meeting but not present. Ms. Leach's taxes are in arrears to include the current year, 2 years of real estate taxes are in tax title and mooring fees are in two years in arrears. The tenants, owners of S&K Auto Sales, Steve and Kelly, were present and stated they have paid their rent for 18 years and do not want to be held hostage by the owner's tax delinquency. The Board directed Mr. King to meet informally with the owner to resolve the delinquent taxes. **Motion** by Mr. Ouellette to authorize Mr. King to work with the landowner to resolve the tax issue. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
 - 2). State Auto Sales – On hold for further information.
 - 3). Marguerite's – On hold for further information.
 - 4). Westport Rivers Winery – Entertainment License. Abutter, Mr. Howe of 27 Horseneck Road, presented his issue. He lives about 200 yards from the winery that has outdoor events. The

noise from June-September on Fridays or Saturdays is very loud. He asked the Board consider attaching conditions to the permit to comply with the DEP levels for sound. There is no oversight. He explained that if he is home, and it is really loud, he would call Mr. Russell and tell him it is loud and then Mr. Russell would apologize and turn it down.

Mr. Russell stated that the DEP regulation limits the amount sound but it carries an exception for a licensed facility or a parade, and the farm is licensed. He has done the following over the years: they have not turned up the sound; they do not allow more than 300 cars in; they stop at 8pm; no more local bands; no drummers, only two musicians at a time with acoustics; they've moved the stage; acquired their own sound system and are working on getting more directional speakers to be able to turn the sound down more; they've planted a 15 foot high hedge row; they do not do weddings; they are closed Sundays. The sunset music series runs 15 evenings a year and hopes the Board would allow the license renewal. Mr. Brewer asked if his sound engineer has spoken to Mr. Howe; he said yes. Mr. Ouellette asked when they started this. Mr. Russell stated about 2006. Ms. Shufelt stated that it is evident that the winery has been trying to comply. **Motion** by Ms. Shufelt for the Administrator to advise if conditions could be placed on a license and to consult with Town Counsel. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

- 5). Harbor Inn – Innkeepers License and Common Victualler. Hold until the BOH is awaiting the owner to get back to them regarding septic issues.

6:15 p.m.

4. Action Items.

- a. Request from Evan Donnelly to place “Speed Limit” or “Slow Curve” signs near 93-101 River Rd. The Police Department recommended cleaning the sides of the road and the Highway complied and installed chevrons to indicate a curve.
- b. Proposal to install veteran parking signs at Town Hall and Town Hall Annex. Veteran’s Agent, Carol Freitas was before the Board and noted the number of parking spaces available in general. She proposed designating a parking space and having a sign erected to allow one veteran parking place at each building. Mr. Brewer asked if the Administrator had any issues. He was concerned about having this for anyone instead of just disabled veterans and also how to enforce parking violations. Ms. Freitas specified these parking designations would be for all veterans. Constance Gee from River Road questioned the need for more designated parking and felt it was unnecessary. Veteran, Ray Elias supported the parking designations. **Motion** by Mr. Ouellette to approve. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- c. Director of Marine Services request to approve **Scallop Season** opening on October 12, 2019. **Motion** by Mr. Valcourt to approve. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- d. Request from Planning Board for comment on a Definitive Subdivision plan entitled “Cornell Hill Definitive Subdivision Plan of Land in Westport, MA” dated July 25, 2019 proposing a 3-lot subdivision, 4.6 total acreage. The Board took no action and had no comments.
- e. Request for Release from Chapter 61A – Maria A. Carvalho Life Estate – 270 Horseneck Road, Map 46, Lot 4 known as Lot 1 on (approximately 5.5 acres), lien recorded with the Bristol County (S.D.) Registry of Deeds, Book 8062 Page 204. All polled departments unanimously responded to release the lot from Ch61A. **Motion** by Mr. Ouellette to release. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

- f. Approve Select Board 2019 meeting Calendar.
Motion by Mr. Ouellette to remove November 30 and change December to 7 and 21. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- g. Approve and endorse the contract for the 2019 Roadway Improvement Project with J.H. Lynch.
Motion by Mr. Valcourt to approve. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- h. Approve and endorse notice of intent to proceed for 2018/19 Paving Improvements and Beech Grove Cemetery Roadways.
Motion by Mr. Valcourt to approve. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

5. Discussion Items.

- a. Council on Aging staffing request.

Beverly Bisch, Director of the COA was present. The Support Day Care Program has taken 20% of the Director's, Clerk's and maintenance worker salary to fund the program. She is proposing someone at entry Level-I at one pay rate and a higher rate for a second person as a Level-2. The members reviewed the job descriptions in place of the Personnel Board which is not staffed at this time. The additional funding would come from Bristol County Elders and can be sustained. Ms. Shufelt requested more information on comparable wages and other employees at these rates. Ms. Bisch stated that there is no one paid this low amount working for the town. Mr. Brewer asked if she had discussed this with the FinCom. She has provided this information to the FinCom rep. There is no increment from the Town as it is generated from the revolving fund and they have always spent below the \$150K revolving account ceiling. Mr. Valcourt was supportive in that it was within their budget. To summarize the director is proposing:

Change the current position to the Level-I aide carrying additional responsibilities at the minimum wage rate;

Adding a Level-II aide position, which carries more responsibilities;

Set Level-II salary at \$1.25/hour more than the Level-I position.

Motion by Mr. Valcourt to approve. Seconded by Mr. Brewer. Ms. Boxler was concerned if this would affect other employees. Mr. King has not looked at how many people would be impacted. After discussion, members preferred to table to the next meeting. Mr. Valcourt withdrew his motion and Mr. Brewer withdrew his second.

Ms. Shufelt asked for information for comparable salaries and the impact with regards wages for other employees and the Town. Ms. Bisch stated that these salaries are the lowest.

Motion by Mr. Ouellette to approve the Level-I and Level-II descriptions and not to include salary designation at this time. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

Ms. Bisch updated the members of the events happening at the COA.

- b. Beach Avenue guardrail request update.

Mr. King noted that the no-parking sign was moved and then stolen. The Highway Department will install another. Town Counsel suggested that the town could ask DEP, without litigation, for completion of the guardrail leaving a gap for the landowner to park/access his property.

Mr. Brewer asked if the Town could withstand a legal challenge, in consideration of the legal opinion given. Mr. King explained that the filing may take a year starting with filing a modification with DEP.

Motion by Mr. Valcourt to direct Mr. King to file with DEP. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

Ms. Gee stated that the original plan placed the guardrail in front of the properties to protect the dunes and feels it should be placed there. She asked that the Highway Department maintain the road because drivers go around the huge puddle and the road should be kept in good repair so that the dune is not eroded.

c. Treasurer's search process.

Ms. Shufelt felt that there is a need for a job description. Mr. King suggested that a working group to review the job description. A Select Board member should not participate, as they will be appointing the candidate. Mr. Valcourt suggested the same process used for the Superintendent would work better. Mr. Brewer was concerned with timing so that the April deadline and having a process in place helps especially since the situation can change rapidly. Ms. Boxler asked if there would be some restructuring of offices and personnel that the working group would need to look at. Discussion ensued.

6. Town Administrator Report.

Mr. King gave an overview of his report to include the strategy for the school Bond Anticipation Note; the sale of surplus; Hix Bridge area river dredging; Charter Communication rate increases, MMA Convention; Adult Ed through the school and Recreation programs, WRWA River Center; Electronic Recycling Day and monthly reports.

7. Minutes.

None.

8. Bill Warrant and Payroll report to the Board.

Noted and in order.

9. Selectmen Liaison Committee Reports.

Ms. Boxler had nothing to report.

Mr. Valcourt offered construction oversight for Bristol Aggie.

Mr. Ouellette reported on Cable; SRPEDD; and his concern for vehicular safety on Route 177.

Mr. Brewer reported on the Audit committee's first meeting and next in October. One of their first assignment is the management letter and meeting with departments; Eric Kinsherf will report on the Treasurer's office mid-October with a final report to the Board; Bristol Aggie groundbreaking is on Friday and Mr. Brewer will attend.

Mr. Brewer stated that the normal pattern by DOR review is shaping up nicely for 2019 fairly on time. The auditor can then audit book; Town accountant can complete her work so schedule a can be filed in a timely manner so the Town can have free cash certified earlier this year.

Ms. Shufelt noted the School Building Committee will be meeting this week and the groundbreaking ceremony for the new school is scheduled for October 8, 2019 at 9:30 am.

10. Boards/Committees/Commissions Vacancy List.

Noted as listed on the 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.

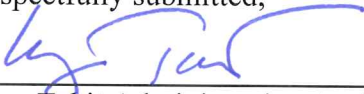
13. Question & Answers.

None.

Adjournment

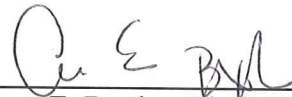
Motion by Mr. Ouellette to adjourn the regular session at 8:14 p.m. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

Respectfully submitted,



Lucy Tabit Administrative Assistant/
Confidential Clerk

APPROVED:



Ann E. Boxler, Clerk, Select Board Member

Attachments to Agenda of 9/16/19:

1 Ataxia request	4c 2019 scallop season opening
2a Fontes Assessors	4d Planning Board plan review for Cornell Hill
2b Reis AI	4e ch61a release Carvalho
2c Dumas Library	4f 2020 Selectman Calendar
2d Medeiros	4g Full Notice to Bidders
2e and f Raymond Elias requests	4h Notice to proceed roads and cemetery 9-9-19
3a Plan It Eats common vic lic	5a COA request
3b Holy Ghost two 1-day reqs	5b Beach Ave.
3c License renewals	6 TA Report
4a Evan Donnely sign request	8 Bill Warrant
4b Veterans parking space proposal	

2020 Annual Renewal of Licenses issued in Westport

Class I – Motor Vehicle	Garage/Service Station – Repair	Package Store – All Alcohol	
JP Trailer Manufacturing	Adamsville Garage	Briere's Inc.	Handy Hill Enterprises
Class III – Motor Vehicle	Advanced Motor Sales & Service	Lees Supermarket	Harry's Country Store, Inc.
Bernier's Quality Body Works	Amaral Bus/Truck Sales & Service	S&H Supreme Liquor, Inc.	Holiday Lanes
Lantie Salvage, Inc.	Barry's Mobile Automotive	Supreme Gas	Holy Ghost Club of Westport, Inc.
Mid-City Scrap Iron, Inc.	Beaulieu's Garage	Westport Market	Honey Dew Donuts
Robert J. Desmarais	Bernier's Quality Body Works	Westport Wine & Spirits	Kathy's Coffee Shop & Creamery
Thad's Auto Salvage, Inc.	Carvalho's Bargain Motors, Inc.	Package Store – Wine & Malt	Kozy Nook Restaurant
Class II – Motor Vehicle	Charlie's Auto	Harry's Country Store	Lees Supermarket – Grocery
"A" Auto Sales	Distinctive Auto Body	Star Country Store	Lees Supermarket – Liquor Store
Advanced Motors Sales & Service	East Coast RV & Auto Repair	Pine Hill Gas and Convenience	Lickety Splits Ice Cream & More
Amaral Bus/Truck Sales & Service	Ferreira's Auto Body & Sales	Cumberland Farms No. 2234	Marguerite's Restaurant
AutoPlus Motorcars	Five Star Collision, Inc.	Restaurant – All Alcohol	Mediterranean Cafe & Pizzeria
Beaulieu's Garage	Four Square Village Garage	Bittersweet Restaurant	Nick's Homemade Pizza
Bernier's Quality Body Works	G. Souza's Hillside Motors, Inc.	Holiday Lanes	Noquochoke Hall Association
Charlie's Auto	Genie Auto Repair	Kozy Nook Restaurant	Olympia Pizza
Customer First Auto Group, Inc.	Glenwood Auto Detailing	Oriental Pearl Restaurant	Oriental Pearl Restaurant
Dan's Auto Sales	Hart Auto Body	Portas da Cidade	Our Lady of Grace Church
Distinctive Auto Body	Henry's Diesel Performance Plus Inc.	Ten Cousin's Brick Oven	Paquachuck Inn Bed & Breakfast
Ferreira's Auto Body & Sales	Integrated Street Performance	The Back Eddy	Paradise Hill Farm
Ferreira's Auto Sales & Marine Annex	J.B.S. Towing Services Corp.	The Bayside Restaurant	Partners Village Store
Ferrine's Sales & Service	Joe's Auto Repair	The Westporter	Perry's Bakery, Inc.
Frank E. Brayton, Jr. Auto Sales/Serv.	John Soares Village Garage, Inc.	Westport Club, Inc.	Pine Hill Gas & Convenience, Inc.
G & S Used Auto Sales	Lou's Custom Exhaust	White's Restaurant	Portas da Cidade
G. Souza Hillside Motors, Inc.	Macomber's Garage	Restaurant – Wine & Malt	Ray's Kettle Korn – Res. Kitchen
Glenwood Auto Sales	Magic Jeannie	Marguerite's Restaurant	Revolution Lobster
Greenwood Park Motors, Inc.	Martin's Auto Repair	Compton Clambake, LLC	St. John the Baptist Church
Hart Auto Sales	Mendes Auto Repair	Bay-Breeze Inc.	Seaside Cafe
Henry's Diesel Performance Plus, Inc.	Mid Town Motorsports, Inc.	Village Pizza	Star Country Store & Deli
Hometown Motors	Norwest Auto Sales, Inc.	Pouring Permits – Farmers Series	S&H Supreme Liquor
Horseneck Auto Sales, Inc.	Nu-Way Auto	Buzzards Bay Brewing, Inc.	Supreme Gas
J.B.S. Towing Services Corp.	Omo Ola Auto Sales	Westport Rivers, Inc.	TKO Fitness & Nutrition
	R & R Auto Body		Ten Cousin's Brick Oven
	Rob's Auto Care, Inc.	Veterans Club	
JK & Son's Auto Sales, Inc.	Rogers Automotive, Inc.	WA&R Ouellette Post #8502	The Back Eddy
J & L Pond View Auto Sales Corp.	Rte. 6 Gas	Innholders	The Bayside Restaurant
John Soares Village Garage, Inc.	State Road Auto Sales Annex 1	Acoaxet Club, Inc.	The Harbor Inn
Leclair's Auto Sales	Thad's Auto Salvage, Inc.	The Harbor Inn	The Head Town Landing Ctry Store
Messier Motors	Top Quality Auto Sales	Paquachuck Inn Bed & Breakfast	The Montessori School of the Angels
Mid Town Motorsports	Westport Auto Center	Hampton Inn	The Westporter Plantation & Cookery
Mike's Auto	Westport Auto Clinic	Common Victuallers	Village Market
Norwest Auto Sales, Inc.	Westport Tire, Inc.	Acoaxet Club, Inc.	Village Pizza
Nu-Way Auto Sales	Whaling City Transit, Inc.	Acoaxet Club, Inc. d/b/a Pro Shop	WA&R Ouellette Post #8502
Omo Ola Auto Sales			Weatherlow Farms, LLC
Prestige Auto Mart, Inc.			
RJM Motors	Wilfrid's Garage, Inc.	Alice A. Macomber Primary School	Westport Club, Inc.
R & R Auto Body & Sales	Windmill Cycles	American Legion #145	Westport Council on Aging
Rob's Auto Care, Inc.	Entertainment	Baker's Beach Snack Bar, LLC	Westport Country Day School
S & K Auto Sales	Acoaxet Club, Inc.	Barri Throop/Res. Kitchen	Westport Elementary School
SoMa Imports, Inc.	Bittersweet Restaurant	Bittersweet Restaurant, Inc.	Westport Fair, Inc.
State Road Auto Sales, Inc.	Buzzards Bay Brewing, Inc.	Briere's, Inc.	Westport Gas
State Road Auto Sales, Inc. Annex 1	Holiday Lanes	Buzzards Bay Brewing, Inc.	Westport Jr/Sr High School
Tech Auto World, LLC	Holy Ghost Club	CVS Pharmacy # 7140	Westport Lobster Co.
Top Quality Auto Sales	Oriental Pearl Restaurant	Chef Jeff's, Inc.	Westport Market
Thad's Auto Salvage, Inc.	Portas da Cidade	Common Ground Coffee	Westport Meats
3D Auto Sales Inc	Ten Cousin's Brick Oven	Compton Clambakes/Catering	Westport Monthly Mtg. Of Friends
Westport Auto Center	The Back Eddy	Cumberland Farms, Inc. #2234	Westport Wine & Spirits
Westport Auto & RV Center	WA&R Ouellette Post #8502	Cumberland Farms, Inc. #2273	Westport Rivers, Inc.
Windmill Cycles	Westport Rivers, Inc.	Dunkin Donuts	Westport United Congregational Ch.
Automated Amusement Devices	Westport Club, Inc.	Fall River Rod & Gun Club	Wpt. Pt. United Methodist Church
Holiday Lanes	White's Restaurant	Gene's Meat Market	Whites Restaurant – Wicked Kickin
Oriental Pearl Restaurant	Club – All Alcohol	Gooseberry Natural Foods	Wingate's Cakes
	Acoaxet Club, Inc.	Gray's Daily Grind	Bay-Breeze Inc
	Holy Ghost Club of Westport, Inc.	Hampton Inn	Plan It Eats, LLC
	Paquachuck Inn, Inc.		