



**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY- October 28, 2019**

Members Present: Shana M. Shufelt, Chair
 Brian T. Valcourt, Vice Chair
 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 6:01 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 was being recorded.

1. Acknowledgments & Recognitions.

None.

2. Appointments and/or Resignations

- a. Bike Walking Path Committee: Mark A. Hosley (1-year term).

Motion by Mr. Ouellette to appoint. Seconded by Mr. Brewer. The Board Voted 5-0 in favor.

- b. Accept resignation of Edward Ferreira from the Agricultural Commission.

Motion by Mr. Valcourt to accept and send a letter of thanks. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

3. Discussion Items

- a. Entertainment license discussion.

Robert Russell was before the Board per his request to renew his yearly entertainment license in conjunction with the renewal of the Winery's Farmer's Pouring License. Abutter, Mr. Howe has not been able to enjoy being at home because of the summer weekend concert series loudness. Mr. Russell submitted a list of measures he has taken to reduce the sound Mr. Howe can hear and is not opposed to continue to do so. He provided decibels readings from a sound post on Mr. Howe's property showing that they do not exceed the limits. He cited 310CMR stating that under agri-tourism they would be exempt from restrictions but he said he has and will continue to work with Mr. Howe to make it better. They have limited attendance by selling only a certain number of tickets, disallowed any drums, changed the direction of the speakers and other measures to help accommodate the abutter. Discussion ensued.

Motion by Mr. Valcourt to issue the entertainment license. Seconded by Mr. Brewer.

Mr. Howe, a direct abutter, does not object to the activities at the winery, but he said, there are unintended consequences: it is intrusive to their family every Friday and Saturday night in the summer. He asked that the board attach a condition to the license for the winery to make a good faith promise that they continue to work cooperatively and not be intrusive to the neighbors.

Ms. Shufelt encouraged Mr. Russell to continue in these efforts and did not feel these efforts should be within the conditions of the license.

Mr. Valcourt sees they have done a lot to mitigate and will continue in good faith and there is a history of trying to mitigate.

No further discussion. The Board voted 5-0 in favor.

b. Eric Kinsherb, Treasurer's office final report.

The consultant hired by the town to resolve the issues in the Treasurer's office gave his presentation of the final report. The project began December 5 2018. The status is that the cash reconciliation is up to date; the statement of indebtedness is complete; Sept 2019 is reconciled and up to date. Since the last time he updated the Board, the office and staff have stepped up to the plate and have really made the progress needed.

Mr. Brewer asked if the office is sustainable. Mr. Kinsherb stated that the working group was a good mechanism to help get things done and it should continue.

Mr. Ouellette asked if they addressed the Tax-title accounts and Mr. Kinsherb stated they had not.

Mr. Brightman stated that all is reconciled through to today with the general ledger. He passed Treasurer's certification through the Massachusetts Treasurers Association.

Karen Raus, Vice-Chair of the Finance Committee spoke in support of the Treasurer and sees the work that was accomplished.

c. Complete Streets – Bike Walking Path Committee.

The Board had approved the Complete Streets policy on February 4, 2019. This will now be submitted to the state for grant eligibility.

d. Discussion on Camping Ground/tennis courts funding options.

Mr. Valcourt stated the Camping Ground committee met and quickly realized they needed more information on the current infrastructure and topography. Once they receive such plans from Mr. Leach they will be able to determine what the land can tolerate and if they will need to go to Town meeting for an appropriation to fund the study for that site. In the interim, the committee requested the Board approve a placeholder on the Town Meeting warrant. Ms. Stanton Cross asked the Board if they prefer to include the tennis courts in the camping ground. Ms. Shufelt suggested looking to the School Building Committee. The construction crew is already clearing the land to place the courts in the same area they were in. Ms. Stanton Cross stated that it is preferred that the scope is narrowed down before they try to fund a study. Mr. Jeff Wade also noted that there are some unknowns: if 5 courts are enough or how many fields are possibly needed etc. and that does not include a community center. It will be clearer once this information is summarized. In the meantime, they first need to understand what the land - topography and area can be used for.

Mr. King suggested the current Study for High School reuse by the Long Term Building Committee could include the land as part of the components that would summarize the reuse of the high school property and possibly see if the study could include the camping grounds.

Ms. Stewart, Recreation Director announced the Town's Recreation Winter program is coming out soon. After-school programming has been most successful.

e. Discussion on collection of delinquent taxes.

Mr. Brightman stated the town needs to go after these funds and explained the process which lapsed prior to his taking on the job. Currently, there are 76 properties in tax title with a value of just over \$600k with the last auction taking place in 2012. He stated that there are 14 properties in the queue for land of low value and these total \$22K and need recertification. The Tax Collector has 133 properties that have not been paid. By the time the delinquent properties are advertised to go into tax title, that number drops to 20. Mr. Brightman suggested issuing a letter in November to property owners that are in tax title, and to ask them to enter into a payment plan. Mr. Ouellette suggested the names be posted on the website just after the holidays.

4. Action Items

a. Planning Board request to post Assistant Planner Position.

Members of the Planning Board present were Chair James Whitin, Vice-Chair Robert Daylor, member William Sheahan and Town Planner Jim Hartnett.

The position was created over 12 years ago and the department needs help and is seeking to refill this vacant non-union position. The department has funding beginning January 1, 2020. Mr. King suggested designating an hourly rate or salary and OT compensation. The position is listed as Group 2, clerical, 40-35 hours per week in the Personnel bylaws. Mr. King stated that the threshold for exempt positions have changed and to refer to personnel board and that he will be meeting with the LAW Union to discuss any impact to the union listed position of Assistant Planner II. Ms. Shufelt hesitant to accept a job description that is this old without looking at it.

Based on this, the Planning Board will meet with the Personnel Board to review and make any changes and return.

b. Planning Board request to approve Phase II Integrated Water Resource Management Plan (IWRMP) contract with Kleinfelder Northeast.

Mr. Whitin stated that the Town is in receipt of a \$50K earmark for the IWRMP along route 6. The Town has already conducted a Narrows Corridor Redevelopment Study. Economic Development looked into the benefits to the Town in the SRPEDD study. Mr. Daylor elaborated on the benefits to the Town. This would give the Town a plan of what is needed and how it could be managed; the hotel pumping stations and viabilities is one aspect. He noted they already have a proposal from a qualified firm and the Planning Board is seeking support of it from the Board. Discussion ensued. He noted that the plan is not for this coming year, but for the future.

Motion by Mr. Valcourt to approve the scope of work contract. Seconded by Mr. Ouellette.

Mr. Brewer asked if there is competition for these funds and if it is truly earmarked for this scope or for the sewer study only. Mr. Whitin explained that the Senator pledged this earmark for Westport. Mr. Hartnett stated it was not earmarked for sewer only; the write up was general so as to include the north area of Westport.

The Board voted 5-0 in favor.

The Planning Board noted that the Water Resources Plan public hearing is scheduled for November 13, 2019.

- c. Planning Board request for comments on Definitive Subdivision Plan for proposed West Street, a private cul-de-sac, creating 2-lots south of Sullivan Drive.

Mr. Ouellette asked for clarification from the Planning Board. Mr. Whittin explained that a solar array for that location was approved. The applicant filed a subdivision plan to preserve their rights under the prior version solar by-law. The subdivision plan was filed after the adoption of the new solar by-law. No further comments.

The Planning Board noted that it is working on the recodification of the zoning by-laws (ZBL) which since their adoption have been “added” to without re-writes since 1920. The zoning by-laws are being edited making it more readable without changing the intent. The Planning Board will conduct a public meeting to present the newly rewritten ZBL on November 7, 2019 at 6pm at the Westport Free Public Library. A two-thirds majority is needed at Town meeting to approve. Mr. Whittin encouraged questions from the public now rather than at Town Meeting, so that any changes can be incorporated prior to then.

The draft will be available by the end of the week on the website.

- d. Request from Library Director to approve tuition reimbursement for Library Principal Clerk, Amy Medeiros, Fall Semester.

Motion by Mr. Ouellette to approve conditional that all the requirements are met. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

- e. Treasurer request to approve and endorse School \$8MM Bond Anticipation Note.

Mr. Brightman was before the Board and noted the interest rate was reduced to 1.37% due to a premium received. Ms. Boxler read the voting language into the record.

Motion by Mr. Ouellette to approve the read statement. Seconded by Mr. Valcourt. The Board voted 5-0 in favor. Members endorsed the paperwork.

- f. Request from the Harbor Advisory Committee to amend the Waterways Rules and Regulations. Director of Marine Services, Chris Leonard was present to request a public hearing for the proposed amendments. He noted that at this time, personal watercraft and water skiing were lumped into one section. The amendment separates these. The last item is to eliminate winter moorings in area B of the river. Mr. Valcourt asked if there any provisions for people who live on their boats. Mr. Leonard stated there are not but there are some who use the private boat yard and are not a concern at this time.

Motion by Mr. Ouellette to move forward and schedule the public hearing. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

Mr. Leonard updated the Board on the progress for the new harbormaster boat.

Mr. Leonard noted that ShellStock 2019 raised \$22K this year for the shellfish gift fund.

- g. Request from Town Clerk to vote to discontinue the use of the Accu-vote Voting Units and to use the Image Cast Voting Units. The Accu-vote units are now obsolete.

Motion by Mr. Ouellette to discontinue the use of the Accu-vote Voting Units and to use the Image Cast Voting Units. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

5. Licenses

None.

6. Town Administrator Report

Mr. King gave his report to the members. He noted that the Veterans Service Officer, Treasurer and the Tax Collector have been certified for their titles.

7. Minutes

None.

8. Bill Warrant and Payroll report to the Board.

Noted.

9. Selectmen Liaison Committee Reports

Ms. Boxler updated the members on the Council on Aging and the Affordable Housing Trust.

Mr. Valcourt noted that the Camping Ground committee is meeting next week. He noted a veterans fundraiser on the upcoming calendar. Mr. Valcourt attended the Westport Hall of Fame ceremony and noted the amount of amazing town athletes over the years.

Mr. Ouellette attended the Bike/Walking Path Committee and the Cable Advisory Committee meetings. He could not attend SPREDD because of the conflict with the Bike meeting. He noted Senator Rodrigues proposed \$150K for improvements at 177 and Tickle road.

Mr. Brewer stated that the Audit Committee will meet 11/4. CIPC is moving along. The Treasurer/Consultant Ad Hoc Committee has finished its work and will be replaced by monthly meetings with financial department heads.

Ms. Shufelt stated that she was not at the WRWA opening, but Mr. Ouellette and Mr. Brewer were. Yesterday the Fire Department had a Halloween Party for children.

She attended a meeting with Senator Markey on Saturday with Fall River as the topic. Affordable housing was a concern as the commuter rail has the potential to drive prices up and the elderly out.

She also noted the Veteran's Day activities begin at 10 am on December 11th for ceremony at the Beech Grove Cemetery.

10. Boards/Committees/Commissions Vacancy List

Noted.

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.

Cynthia Anderson of Gifford Road was before the Board. She said her neighborhood was disappointed that the clear cutting of the trees happened today. She stated she received a letter Saturday from Mr. King stating she is not permitted to enter the work area. She also stated that the property line was not as she was told. In the letter from Mr. King, the tree cutting would not happen until spring. She also said she was on her own property and was told by the work crew it was too dangerous for her to be on her property as there was a blade swinging and trees being cut down.

Ms. Shufelt stated that at the last BOS meeting there were concerned citizens. The next evening, at the School Building Committee (SBC) meeting, there was a vote on the area not impacted by the utility work, to not cut provided that the cost to do so later did not exceed \$15k. The SBC felt the cost would not exceed \$15k. They asked Catalano for an estimate and it came back with \$24K. She asked if there was a way to reduce the cost and there was not. They had asked Agostini about it as well.

Ms. Anderson said she will remain on her own property despite being told she needs to leave for safety. She collected signatures on a petition to place the tennis courts at the camping ground. Putting extra parking and hard surfaces back in the camping ground, will add to the flooding. She asked why the Board does not consider any of this.


Mr. Valcourt said there is no plan for the camping ground at this time that is why there is a committee. Any plans will take time to explore for the future.

Mr. Anderson is disappointed by the disrespect she is getting from the Selectmen, the Administrator and the SBC. The BOS were hired to take care of the people of the town and are not doing their job.


Adjournment

Motion by Mr. Ouellette to adjourn at 8:23 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:

- 2a Hosley bike committee request
- 2b Ferreira resignation
- 3a WRW and Howe Letters
- 3b1 Treasurer's Project - Final Report
- 4a PB Assistant Planner Position
- 4b PB Grant – Kleinfelder
- 4c West St PLAN Rte 88 Subdivision
- 4d Lib Dir Req - tuition reimbursement fall 2019
- 4f 10-23-19 Waterway Rules & Regs Changes
- 4g Town Clerk request
- 6 TA Report