



**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
TUESDAY- November 12, 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 6:00 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**

The Chair recognized the passing of Eileen Martin who served the Town as a former Treasurer.

**2. Licenses**

a. Request approval of amendments to liquor licenses for a change of Officers for the Acoaxet Club, Inc. (annual all liquor) and for the Acoaxet Club Inc. d/b/a The Pro Shop (seasonal wine and malt). Holly Cummings was present and explained that this is a routine change of officers that happens each year and the Board votes to approve the change each year. **Motion** by Mr. Valcourt to approve. Seconded by Mr. Ouellette. The Board Voted 5-0 in favor.

b. Request approval of amendment to liquor licenses for a change of manager's name for the Westport Club, Inc. (annual all liquor). Rebecca Haines Mosher married and changed name to Mosher.

**Motion** by Mr. Valcourt to approve. Seconded by Mr. Ouellette. The Board Voted 5-0 in favor.

c. **Public Hearing** – Continued from 9/30/19 & 10/15/19 - Marguerite's Inc. initiate cancellation of annual wine and malt liquor license. The Board took no action.

**d. Public Hearing**

Pursuant to MGL Ch 138 s12, Request by Valerie Hawes for Marguerites of Westport, LLC located at 778 Main Road, for approval of a transfer of a Section-12 Annual Restaurant Wine and Malt Liquor License.

Ms. Valerie Hawes was present and started that she purchased the business and the license was a condition of sale. She has submitted a full application and a the Board received a favorable Police report.

**Motion** by Mr. Valcourt to approve. Seconded by Mr. Ouellette. The Board Voted 5-0 in favor.

**Motion** by Mr. Valcourt to close both public hearings relating to Marguerite's. Seconded by Mr. Ouellette. The Board Voted 5-0 in favor.

**e. Public Hearing**

Pursuant to Federal Telecommunications Act of 1966 and Massachusetts General Laws Chapter 166, on the petition of New Cingular Wireless PCS, LLC (AT&T), request permission to locate, construct and maintain telecommunications wires and wireless attachment and appurtenances, including fiber optic cable(s) remote nodes and pole top antenna to be attached to a Eversource utility pole #4/2, located upon, along and under the public way within the Town of Westport near Assessor's Map 76, Lot 77 as substantially shown on the AT&T plans for 50 John Reed Road, titled "Small Cell-CRAN" filed with petition dated 10/16/19.

Michael Dolan, Esq. on behalf of AT&T was present and explained the proposal for the small cell antenna to address growing need in an area identified needing high data demand for reliable coverage. This small facility is instead of a large tower and antenna. He noted the antenna adds 3 feet to the top of an existing telephone pole and a round canister mounted on the side of the pole.

Mr. Brewer asked why would this be needed in a lesser populated area. Mr. Dolan stated that it is not a heavily concentrated area for structures, but there is a high consumer request. Mr. Valcourt asked the strength of the signal, micro wave and wattage. Mr. Dolan stated the packet included the reviewing physicist's report and added that the FCC has control over emissions. He noted that the RF emissions are less than 1% of the FCC RF emissions allowance. This will have a fraction of what is allowed by the FCC. The wattage output is 88 watts.

Mr. James Connor, the abutter to the pole at 75 John Reed Road questioned why it is placed there and not at the state campground across the way. He does not want the radiation 70 feet from his bedroom.

Mr. Dolan stated that the utilities have identified this pole as an available pole based on many factors to provide coverage over their FCC license.

Mr. Connor said it belongs in the campground.

Ms. Shufelt asked if the campground site was evaluated. Mr. Dolan does not know if it was evaluated. Danielle Freign, of Empire Telecom stated the company chose the pole because the pole is owned by Eversource as being in a public right of way. She understands they chose this pole to address beach goers.

Mr. Connor explained Section 6409 that summarized that once an antenna is up on a pole, they can expand it. Mr. Dolan said it is not true. It's not accurate to say that the pole can be expanded. The utility owns the pole and it could not support an expansion of it. He said 6409 is regarding a mono pole.

Mr. Valcourt stated that the pole is in the town right of way and any changes must go before the Board. The pole is about 30 feet high and being increased by 10% it will only put out 80 watts and any modifications must be asked of the Board of Selectmen because it is in the public way.



Mr. Phillas of Warren stated that a state or local government may not deny such a request under federal law.

Mr. Dolan stated 6409 would not allow a carrier to expand this pole antenna automatically. There are some rights afforded to FCC carriers but regardless, they must seek proper approval before having a building permit issued.

Douglas Davis, an abutter, asked if there is fiber optic. Mr. Dolan stated that it may be connected aerially. He asked how much it weighed. Mr. Dolan stated that there will be a small fiber optic line that will run back to the network. Discussion ensued.

Dave Corrivault also an abutter stated that to put that cell site near the neighbors is changing the rural character of Westport just to give seasonal visitors and he strongly objects to it.

Mr. Davis also asked if once it's on the pole, will it need to go higher?

John Rodriques, resident about 150 feet away, stated he is a year round resident and there is a small amount of people that are there in the winter and this is all to provide coverage for seasonal persons. He asked that this be tabled and some more research should be done. He does not have the information needed to understand. He asked for more information. Mr. Dolan explained the FCC regulates radio frequencies and they had an expert who determined that the emission levels compared to FCC limits per various differences. The RF represents only 1%, well below the FCC limit. Mr. Rodriques said that is a one sided report and he wants to see the negative side.

Mr. Valcourt noted that his degree is in molecular biology and said each time one uses a cell phone, it exposes a person 100 times more than the level on the pole.

Mr. Corrivault asked if there are limited persons who will benefit and there has not been a need over the last 50 years, why would the town be willing to grant this with neighbors being against it.

**Motion** by Mr. Valcourt to approve conditional on that the pole cannot exceed the size of the equipment. Seconded by Mr. Ouellette. The Board Voted 5-0 in favor.

### **3. Action Items**

a. Approve and endorse pilot agreements for:

- 1). 202 Pine Hill Road, 4 MW, Assessor's Map 41, Lot 4.
- 2). 0 Brookwood Drive Solar, 7.1MW, Assessor's Map 70 Lots 15, 16, 16b, 16d & Map 69 Lot 5.
- 3). 978 Solar Development LLC, 4MW, Assessor's Map 46 Lot 8, Division Rd.
- 4). Old Pine Hill Solar LLC, 2.5MW, Assessor's Map 43, Lot 29, 136 Old Pine Hill Road.

Members discussed the projects. The benefit to the town over time is \$250K per year.

Three out of the 4 have been permitted so far.

**Motion** by Mr. Valcourt to approve all four pilot agreements as listed above. Seconded by Mr. Ouellette. The Board Voted 5-0 in favor.

b. Approve and endorse 1-year warrantee period for Town Roadway Paving Improvements for 2018.

**Motion** by Mr. Valcourt to approve. Seconded by Mr. Brewer. The Board Voted 5-0 in favor.

### **4. Appointments and/or Resignations**

Resignation of Edmund Thadeu from the Council on Aging.

**Motion** by Mr. Ouellette to accept with regrets. Seconded by Mr. Brewer. The Board Voted 5-0 in favor.

**5. Discussion Items**

None.

**6. Administrator Report**

Mr. King provided his report with no issues.

Mr. Ouellette asked that abutters to the old police station be notified of the demolition.

**7. Minutes.**

None.

**8. Bill Warrant**

Noted.

**9. Selectmen Liaison Committee Reports**

Mr. Brewer stated that there is significant progress in the Treasurer's office based on auditor, Tony Roselli's review. There are a number of investment earnings that have been remedied and the statement of indebtedness is on time this year. Mr. Roselli has most of the field work done. Going forward, the Audit Committee sees that there is good progress.

Mr. Ouellette stated his concern over the 60MPH sign after the Fontaine Bridge when the rest of Rt.88 is 55MPH. He said that Cable Advisory Committee is working on several issues.

Mr. Valcourt discussed the Camping Ground Committee meeting and reviewed the layout of the parcel and accommodating sports fields. He noted the Energy Committee will be meeting in December.

Mr. Brewer asked if the Town needs to do anything for the purchase of the campground. Mr. King stated that Town Attorney and owner attorney will be on target for a January closing.

Ms. Boxler stated Council on Aging is working on their budget and the Affordable Housing Trust is scheduled to go before CPC in December.

Ms. Shufelt stated the School Building Committee received trade bids \$3million under budget. The remaining subs for drywall and masonry are not in yet. She noted the contractors plan to do the foundation work and are involved moving soil from one part of the site to another but DEP prohibited that. SBC authorized purchase of fill NTE \$500K and looking to work with DEP to allow some of the excavation by 20<sup>th</sup>; the final budget should be in for the bids.

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

As noted 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**

The Energy Reduction plan came in for approval after the 48-hour minimum time for posting and it has a due date of this week and could not be placed on the next agenda.

Mr. Valcourt asked if it could be modified, he wanted to know if it was obligatory to carry out the audits on the old high school. It is not. Mr. Ouellette stated that once the plan is filed, the Town will be eligible for additional grant funding. **Motion** by Mr. Valcourt to approve. Seconded by Mr. Ouellette. The Board Voted 5-0 in favor.

Mr. Brewer asked about the October 1 deadline. Mr. King stated that the deadline was extended and the Board will not be meeting again before the extended deadline.

**13. Question & Answers.**

None.

**14. Executive Session** – **Motion** by Mr. Ouellette to enter into Executive Session at 7:29 pm pursuant to the provisions of MGL c 30A section 21(a), Chair declares an open meeting will have a detrimental effect to conduct strategy sessions in preparation for negotiations with non-union personnel (2). Second by Mr. Valcourt. The Board voted 5-0 in favor.

**Roll Call Vote:** Shufelt, Aye. Valcourt, Aye. Ouellette, Aye. Boxler, Aye. Brewer, Aye.


Mr. Ouellette announced the Board would return to Open Session following Executive Session in order to adjourn, with no business to be conducted.


**7:42 pm Open Session**

**Adjournment**

**Motion** by Mr. Ouellette to adjourn the regular session at 7:42 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

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**Attachments to Agenda of 11/12/19:**

- 1 Eileen Martin Obituary
- 2a Acoaxet Club and Pro shop annual chg. of officers
- 2b Haines Mosher
- 2d Marguerites application
- 2e Grant of location Application Packet
- 3a Four PILOT Agreements
- 3b Roadway Paving Letter
- 4 Ed Thadeu resignation COA
- 6 TA REPORT
- 8 Bill Warrant
- 12 Criterion #3-Westport Energy Reduction Plan