



**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY – December 2, 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

2. Licenses

a. Public Hearing: Tax Classification Hearing

Pursuant to MGL Ch. 40, Section 56, discussion with Assessors for the percentage of local tax levy to be borne by each class of property for the fiscal year 2020.

Steve Medeiros and Sharon Potter were before the Board. They informed the Board of the new growth statistics. They requested to remain with a single tax rate based on the remainder of the information pending from other departments. Once the rate is set, the new tax bill issued December 31 will indicate that rate. There will be an increase this year and next year, a larger increase is anticipated due to the large bond item.

MOTION by Mr. Valcourt to approve a single tax rate. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

b. Public Hearing

Proposed amendment to the Town of Westport By-Laws Article XLV Waterways Regulations, Section 4506, sub paragraphs “C. Water Skiing”; “D. Personal Watercraft and Water Skiing” and including a new rule for “Winter Mooring in Area B” as follows:

- C. Water Skiing - As herein before permitted is subject to the provisions of the Chapter 90 B General Laws of the Commonwealth of Massachusetts and to the further restriction that there shall be no water skiing, within four hundred (400) feet of bathers, divers, piers, wharves, floats, moored boats or

any shore, or within a marked channel. "Water-skiing" shall include towing or manipulation of a wake board, knee board, tube, surfboard or other similar devices behind a motorboat. No water skiing activity shall occur between the hours of sunset and sunrise.

D. Personal Watercraft - As herein before permitted is subject to the provisions of the Chapter 90 B General Laws of the Commonwealth of Massachusetts and to the further restriction that there shall be no personal watercraft operation within four hundred (400) feet of bathers, divers, piers, wharves, floats, moored boats or any shore unless at "headway speed". Personal Watercraft shall include all jet skis, motor propelled surfboards or water bikes. No personal watercraft operation shall occur between the hours of sunset and sunrise.

N. Winter Mooring in Area B – No Boat shall remain on its mooring in area B between the dates of December 21st and March 21st.

Chris Leonard, Marine Services Director presented the proposed changes to the Board. There were no further comments from the Board or the public.

MOTION by Mr. Valcourt to approve the amendments as proposed. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

Mr. Leonard updated the Board with Department activities and the putting of the river to bed for the winter.

c. Review and Endorse the Annual Liquor License Report for 2019 and 2020 Estimated Seasonal Population.

MOTION by Mr. Valcourt to approve. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

d. **License Renewal open items:**

1). **NU WAY Auto 837 State Road.** Class II License: seeking an increase from 40 cars to 71 cars. Owners, Carl and Tina Medeiros were before the Board. Mr. Ouellette had questions which had been answered. A representative from the abutting American Legion Hall was present and expressed their support.

MOTION by Mr. Valcourt to approve the increase to 71 vehicles. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

2). **S&K Auto Sales.** Class II Licensee renewal discussion. Steve & Kelly Medeiros were present. They explained that the land owner may be upset that the issue of her taxes in arrears was brought up a few meetings ago and that this is her way to show her being upset with the tenants. It has happened before about 2 years ago. The Chair noted that the Town is in receipt of the eviction letter and therefore cannot renew their license based on that and on the owner's taxes being in arrears. Ms. Medeiros explained that the landlord's lease renews every January 11 and asked for an extension to that date in 2020. She said that the owner's taxes being in arrears is effecting their livelihood. They have paid all fees relating to their business and owe nothing. Ms. Shufelt was not

comfortable knowing that the eviction notice was served and she would not authorize issuance of a license knowing this. The rest of the members also felt the same. Ms. Medeiros stated that they have tried to contact the owner by phone and left her a letter asking how they can help her in any way. She knows that the owner has picked up that letter and is hoping to make an arrangement with her. Members asked the Medeiros to provide a list of actions they want from the Board and continued this issue to December 16, 2019 at 6:15pm.

3. Action Items

- a. Request by the Narragansett Bay Wheelmen for approval of the use of roadways for September 13, 2020 ride. There were no issues from their 2019 ride. The safety officer did not issue a recommendation at this time as it is too early to know if there will be road issues on September 13; The applicant wants to lock in the date for next year. No action was taken: tabled until the Police Department can make recommendations. The date is to be penciled in and reserved.
- b. Request by Westport Land Conservation Trust for approval of a conservation restriction for a parcel total area of 19.65 acres located at Assessor's Map 70, Lots 10 and 10C on Adamsville Road. Ross Moran Executive Director of the Westport Land Conservation Trust explained the parcel and the conservation restriction that requires Selectman's approval with no cost to the Town. The restriction is being donated through private donations from persons who support the Land Trust. Mr. Brewer asked if all these properties will become burdensome. Mr. Moran stated that the ownership will remain with the owner and they will hold the restriction. He noted they are reviewing farmlands to help protect the farms.
MOTION by Mr. Valcourt to approve the conservation restriction as requested. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- c. Buzzards Bay Coalition – Approval of Lyons Brook Reserve CR (50 acres, Drift Road)". Allen Decker was present and described the conservation restriction that the WLCT will hold. The town would need to render their approval and there is no cost to the town.
MOTION by Mr. Valcourt to approve the conservation restriction as requested. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- d. Buzzards Bay Coalition – Approval of Lyons Brook Forest Buffer CR (5 acres, Sisson Hill Lane)". Allen Decker was present and described the conservation restriction that the WLCT will hold. The town would need to render their approval and there is no cost to the town.
MOTION by Mr. Valcourt to approve the conservation restriction as requested. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

Cynthia Anderson said she has called Mr. Decker and never received a call back. Her concern is the runoff, and unfiltered water and the effects to the river and her property.

- e. Request from the Board of Health to fund a warrant article for household hazardous waste collection.
MOTION by Mr. Valcourt to approve placing an article on the Town Meeting warrant for up to \$25k pending a funding source. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- f. Request by CPC to endorse grant agreements for the Westport Historical Society historic preservation projects approved at Town Meeting for the Bell School and the Handy House; Westport United Youth Soccer (WUYS) and Westport Youth Athletic Association (WYAA) recreation projects. Betty Slade stated for private or semi-private approved projects, a grant

agreement is required. These are grant agreements between the applicants and the Board. **MOTION** by Mr. Valcourt to approve and endorse the grant agreements. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

- g. Request to decorate in front of Town Hall for the holidays.
Mr. Ouellette asked to decorate out in front of Town Hall.
MOTION by Mr. Brewer to approve. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- h. Request to close Town offices for one hour on December 19 for the annual pot-luck lunch.
MOTION by Mr. Valcourt to approve. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- i. Request from Planning Board for comments on Special Permit Plan for a Medical Marijuana Cultivation & Distribution Facility located at 248 State Road. Members were concerned over safety and traffic. The Board had no comments for the Planning Board.

4. Discussion Items

- a. Consider changing “Board of Selectmen” to “Select Board” and “Chairman” to “Chair” in the Town’s General By-laws and Zoning By-laws. Mr. Ouellette has asked to make this change based on the number of women that have been elected. Changing it would be gender neutral and a sign of respect. He stated that over 85 other communities have changed over and “Selectman” is a remnant of the 1600’s. **MOTION** by Mr. Valcourt to approve and sponsor an article on the next warrant and to also include Vice Chair in addition to Chair. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- b. Request for support of warrant article from cable advisory committee for the purchase of Chromebooks for Westport Schools. Nancy Stanton Cross from the cable commission was present. She discussed the purchase of a Chrome Books lease to start next year for grades 9-11. She noted that the question was put to Town Counsel. There has not been a reply yet. Mr. Ouellette stated that this has been used before and he supported the project with the understanding that it was permissible. The School Committee and Cable Advisory Committee have both endorsed this project. The question is a funding source. **MOTION** by Mr. Valcourt to approve and support this as an article for Town Meeting conditional on the funding source. Seconded by Mr. Ouellette. The Board voted 5-0 in favor. This would be a separate article.

5. Appointments and/or Resignations

- a. Resignation by Lee Tripp from the Agricultural Commission.
MOTION by Mr. Valcourt to accept with regrets. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- b. Request from COA Director to appoint the following as Aides to the Supportive Day Program: Level I: Cheryl Moniz; Level II: Nancy McGuinness, Diane Finucci, and Deborah Camara.
MOTION by Mr. Valcourt to approve appointments. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- c. Request appointment of Seth Lewis to Agricultural Commission as a regular member from alternate (3-year term). **MOTION** by Mr. Brewer to approve. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

6. Town Administrator Report

Mr. King read through his report.

7. Minutes

None at this time.

8. Bill Warrant

Noted, all in order.

9. Selectmen Liaison Committee Reports

Ms. Boxler noted that the COA will be having their holiday open hours.

Mr. Valcourt noted that the Camping Ground Committee had Mr. Leach to discuss the engineering and estimates no more than \$10k for engineering. Working on the RFP at this time. Should not be more than 3-4 fields due to wetlands.

He stated the energy committee looked over the Green Communities application and will be looking at it closely with the new year.

Mr. Ouellette stated that he attended SRPEDD meetings and he continues to ask for assistance for Route 177 and for the Narrows at Route 6. He complimented public safety for their work this past week.

Mr. Brewer has not had an audit committee meeting yet. Mr. Brightman asked him to attend a treasurer's meeting coming up.

Ms. Shufelt stated the School Committee is working on the surveys of surrounding property lines; well issues being worked on; non-trade bids are being anticipated.

The Chair reminded the listening audience of the following upcoming events:

- Council on Aging (COA) Holiday Open House, 75 Reed Road on December 12 from 4-6pm.;
- Westport Land Conservation Trust (WLCT) 2nd Annual tree lighting at Westport Woods 573 Adamsville Road on December 12 at 5pm.;
- Westport River Watershed Alliance (WRWA) Holiday Open House at the River Center at 493 Old County Road on December 5 from 4-6 pm.

10. Boards/Committees/Commissions Vacancy List

Noted.

11. Board Members Suggestions for Future Agenda Discussion / Action

Mr. Brewer brought up the abandoned diners on Hix Bridge Road. Ms. Shufelt asked for a status report from the Building Commissioner for the January meeting.

12. Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting

None.

13. Question & Answers.

Cynthia Anderson was before the Board to discuss the new school site runoff, removal of trees and easement. She stated that because of all the clearing that has occurred water is draining on to her property and that there were no hay bales put in place. She asked what is being done to remediate this runoff. Ms. Shufelt responded with the actions taken and the contractor was ordered to make corrective action and was cited in violation by the Conservation Agent. Mr. Anderson stated that the hay bales are not in place anymore. Mr. Valcourt stated that there are waddles that are used as well and often it takes a rain event to verify their placement. Ms. Anderson was asked to curb her anger and the

Chair explained the answers she was looking for and asked her not to disrupt a public meeting in such a way.

Adjournment

Motion by Mr. Ouellette to adjourn 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

Attachments to Agenda of 12/02/19:

- 2a Tax Classification Hearing Ad
- 2b Waterways regs amendment Ad
- 2c Liq lic annual report
- 2d1 Nu Way Hearing Notice
- 2d2 1016 State Road documents
- 3a Narragansett Bay Wheelmen request
- 3b Maeder conservation restriction
- 3c d Lyons Brook Conservation restriction
- 3e BOH Haz Waste
- 3f CPC Grant agreements
- 3h pot luck request
- 3i Med MJ facility 248 Rt 6 PLAN
- 4a BOS title
- 4b Chrome books
- 5a Lee Tripp resignation AGCOM
- 5b COA Request
- 5c Seth Lewis appointment
- 6 TA Report and attachments
- 8 Bill warrant