



**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
Tuesday January 21, 2020**

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 5:46 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. Discussion Items

- a. Interview of Town Treasurer Candidate, Michael Fitzpatrick. Mr. Fitzpatrick introduced himself. A Somerset resident, Mr. Fitzpatrick explained his experience that would be of value to the Town. Members asked questions pertaining to his experience relating to the Town Treasurer duties.
- b. Discussion with Tony Roselli, Town Auditor.
Mr. Roselli summarized the past year's issues with reconciliations; by the end of 2019 the majority of the problems had been resolved after a several years of disorganization. He stated that the Audit Committee has been the driver of late and had worked very well with Department heads. He went through and discussed control issues and noted there were no material weaknesses. He noted the Town is subject to SEC disclosures with regards to material leases for anything after February 2019. He suggested improvements for the Tax Collector's office and combining the positions of Treasurer and Tax Collector as is done in many towns. The School will also have their data available. Health Insurance should be reconciled. He suggested closing out the old withholding account and starting from zero. He suggested sharing a grant manager with other towns. Procurement is good some years and not others and suggested reminding Department heads about proper procedures. Karen Raus of the Audit Committee and the FinCom did not have anything to add but was thankful for Mr. Roselli being part of the process. Mr. King stated that Mr. Roselli was responsible for introducing Eric Kinshurf who was very helpful in resolving the issues of the last few years.

Town Counsel discussions:

- c. Special Town Meeting Petition Article amendments to the Right to Farm By-law.
Petitioners Sheri Mahoney and Sam Mundel were present. Town Counsel, Jeff Blake, was also present. The petitioners summarized the change brought forth in the Right-to Farm By-law. They stated no changes are made to the state authority except that the farmers do not seek to register, license or seek a permit for any livestock. The census they discussed would be at no fee and managed

by the Agricultural Commission. The final point would be to change the perimeter required to be a farm from 5+ acres to no minimum. Ms. Mahoney stated they feel the Barn Book program works and do not feel it necessary the Board of Health require an animal Registry in addition to that. Attorney Blake responded to questions posed by the Chair from the last meeting. Discussion ensued. Ronald Laprise also posed questions. Tanja Ryden also posed questions to Town Counsel. Phil Weinberg, Chair of the Board of Health offered his opinion on the registry and the key purposes of it and the Barn Book; The Board of Health has received registrations for locations that have never been inspected and identified places that were not permitted by the BOH for swine and equine. Donna Amaral, as a nurse rose in favor of the health and wellbeing of all people and animals and asked what the farmer's fears and concerns are if the amendments are not passed. Ms. Mahoney stated that the farmers' rights are being stepped on and this is a right to farm community. Although there is a right to farm, there is now a registry requiring registering all animals. She said there is already a Barn Book and now in addition to that, the Board of Health (BOH) requires another registry. Donna Perrillo clarified that according to the Massachusetts Association of Health Boards publication, page 13, clarifies what the BOH's are supposed to do and a registry is included.

Ron Laprise addressed Ms. Amaral giving an example that he can't just show up and inspect her job – and does not expect the BOH to just show up and perform an inspection. Jon Alden asked if this passed at Special Town meeting does it require going to a ballot. Mr. Mundel is not trying to limit Town's access to data. Farmers are highly overregulated and he doesn't want to lose farms, some have since gone away because of the registry. After comment, the Board took opinion from Town Counsel as was submitted with questions from the Chair. In conclusion, Ms. Shufelt stated that the Board will make a recommendation on the amendments for Special Town Meeting at the next posted Board of Selectman's meeting.

d. Special Town Meeting Petition Article amendments to the Town By-laws and Town Zoning By-laws for inclusion of Recreational Marijuana.

Brian Corey Jr. and his client and petitioner, Diego Bernal were before the Board. The intent is to allow recreational marijuana alongside of medical marijuana. Non-medical marijuana is highly regulated and security is quite a substantial part of any operation. The petitioner requested that article 5 & 6 be swapped for proper sequence. Town Counsel had no concerns swapping the articles at this time. **Motion** by Mr. Valcourt to switch the order of Articles 5 & 6 on the warrant. Seconded by Mr. Brewer. The Board voted 5-0 in favor. Members discussed timing for referring zoning articles to the Planning Board which had been done at the prior meeting allowing sufficient time for the zoning articles to be noticed and heard in a public hearing. Ms. Shufelt stated that the Board would make any recommendations at the next posted Board of Selectman's meeting.

e. Agricultural Open Space Trust Fund request to support Annual Town Meeting Warrant article to borrow \$1.5MM for open space, recreation, conservation, agricultural preservation and protection of environmental resource areas.

David Cole was present and discussed the need to be in a position going forward to bring the request to town meeting to be able to provide additional funding that would be used carefully. Ross Moran from the Westport Land Conservation Trust was also present – the idea was to provide the Town the opportunity to participate in funding projects for land preservation. This borrowing mechanism has helped make things happen. Some CPA funds were used but are not reflected here. The funding comes from borrowing, after approval by the BOS through the Town Treasurer through excluded debt. **Motion** by Mr. Valcourt to place the request on the ATM warrant. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

3. Appointments and/or Resignations

Request from Jean-Francois Paquin for appointment to the Audit Committee (3-year at large).

Motion by Mr. Valcourt to appoint. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

4. Action Items

a. Ch61A Release 570 River Road, Map 87, Lot 87 Meader.

Motion by Mr. Ouellette to release. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

b. Ch61A Release 574 River Road, Map 87, Lot 87A Meader.

Motion by Mr. Ouellette to release. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

c. Zoning By-law recodification amendments: Request from Planning Board return the proposed zoning amendments so Planning Board can hold a public hearing for consideration and input.

Motion by Mr. Valcourt to refer the proposed zoning amendments back to the Planning Board. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

d. Request from Planning Board for comments on site plan for 5-Star Collision replacing a 4,204 sq.ft. building with an 8,000 sq.ft. building at 683A & 683B American Legion Highway.

Mr. Ouellette was concerned on impact to the wetlands. **Motion** by Mr. Ouellette to send comments with concerns over wetlands to the Planning Board. 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 Board to include the sharps kiosk donated to the nurses office at the Town Hall Annex. Tanja Ryden, Vice-Chair of the Board of Health requested a joint letter of thanks be issued to Prima care for the donation. **Motion** by Mr. Valcourt to send a letter. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

7. Minutes

January 6, 2020 and January 13, 2020

Motion by Ms. Boxler to approve. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

8. Bill Warrant

All in order.

9. Selectmen Liaison Committee Reports

10. Boards/Committees/Commissions Vacancy List

Mr. Brewer noted the Audit Committee will be meeting.

Mr. Ouellette met at SRPEDD today and is making sure that 177 is in the queue for design.

Mr. Valcourt met with CIPC and Agricultural Open Space Trust Fund Council where they signed off on a few Chapter 61A release requests. He stated that the Trust will be asking to fund another article for borrowing \$1.5MM at the next Town meeting.

Ms. Boxler stated COA met and a topic was an outlet for buses.

Ms. Shufelt gave an update regarding the school construction.

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.

14. Executive Session – **Motion** by Mr. Ouellette to enter into executive session at 8:50pm and adjourn the regular session at its conclusion pursuant to the provisions of MGL c 30A section 21(a), Chair declares an open meeting will have a detrimental effect to:

- a. discuss strategy with respect to pending litigation on the Medeiros Farm (3).
- b. discuss strategy with respect to pending litigation on violation of the Clean Water Act (3).
- c. discuss strategy with respect to collective bargaining AFSME, WPFPA Local 1802 Firefighters Union, Town Hall unit Local Law 254 (3).
- d. approve Executive Session Minutes.

Seconded by Mr. Brewer. The Board Voted 5-0 in favor.

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

Adjournment

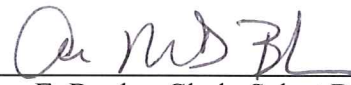
Motion by Mr. Ouellette to adjourn the regular meeting at 8:35p.m. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

Respectfully submitted,



Lucy Tabit Administrative Assistant/
Confidential Clerk

APPROVED:



Ann E. Boxler, Clerk, Select Board Member

Attachments to Agenda of 1/21/20:

- 2a M Fitzpatrick letter
- 2b Westport Mgmt letter
- 2c Right to Farm petition
- 2d Recreational Marijuana petition
- 2e Ag Open Space Trust Fund memo
- 4a Chapter 61A Meader M87 L87
- 4b Chapter 61A Meader lot 87A
- 4c Zoning By-Laws 2020 Recodification
- 4d 19-0016SPA PLAN
- 6 TA report 012120
- 7a BOS minutes 010620
- 7b BOS minutes 011320
- 8 Bill warrant 011520