



**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
Monday February 3, 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

- a. Recognition of George A. Salvador.
Beverly Bisch, Director of the Council of Aging (COA) and Mr. Steven Schwartz, Executor for the Estate of George A. Salvador. In a touching meeting before the Board, Mr. Salvador was lauded by many people who knew him. Mr. Salvador was a poet and he shared these with many. On February 19, 2020 at 11:30 the Council on Aging will host a luncheon for his students to reminisce on his life. Tony Vieira spoke about Mr. Salvador, introducing past students in the audience and describing his life in South Dartmouth and his teaching at the Westport High School. He is also known for writing the book, Black Yankee, the history of Paul Cuffee. Martin Costa also spoke kindly of Mr. Salvador as a member of the poetry group at the COA and his personal involvement as a dear friend. Representative Paul Schmid also spoke of his personal experience with Mr. Salvador's family creamery in South Dartmouth. He also thanked Ms. Bisch for an outstanding job at the Council of Aging and the wonderful programs offered. Mr. Valcourt spoke briefly on how Mr. Salvador encouraged him during grade school and how special his teaching was to many students including himself. Attorney Schwartz then addressed the Board.
- b. Accept donation to Council on Aging in the name of George A. Salvador. The generous donation was requested to be a separate account for the betterment and other improvements to the Council on aging. Attorney Schwartz presented a check for \$100,000 to the Board of Selectmen.
MOTION by Mr. Valcourt to accept the donation with the terms as designated by the Executor. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

2. Licenses

- a. Request from Lucy Resendes for a Common Victualler's License for Lexi-Lu's Place located at 1133 American Legion Highway. Ms. Resendes introduced herself and her daughter Lexi and explained they will be reopening the facility that was previously known as Chef Jeff's for Breakfast

and Lunch. **MOTION** by Mr. Valcourt to approve the request for a Common Victualler License. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

- b. Request from the Westport Point Church to waive the Common Victualler license fee.
MOTION by Mr. Ouellette to pass over because there was no one here to speak on it. Seconded by Mr. Brewer. The Board voted 4-1-0 in favor. Ms. Shufelt abstained. This topic can be brought up again at another meeting as long as there is a proponent to discuss the issue

3. **Appointments and/or Resignations**

- a. Request re-appointment of Turner K. Ryan, officer in good standing, to Full-time Police Officer effective 2-5-20.
MOTION by Mr. Valcourt to re-appoint Mr. Ryan. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- b. Accept resignation from Rosemary Melli from the Cultural Council.
MOTION by Mr. Ouellette to accept the resignation with regrets. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- c. Request from Planning Board for a Selectman member to serve on the Municipal Vulnerability Plan for East Beach Corridor Steering Committee.
MOTION by Mr. Ouellette to assign Mr. Valcourt. Seconded by Mr. Brewer. The Board voted 4-1-0. Mr. Valcourt abstained and accepted the appointment.

4. **Discussion Items**

- a. **Public Hearing:** Pursuant to MGL Ch44, s7, consider authorizing an appropriation for the Agricultural Open Space Preservation Trust Fund of \$500,000 through borrowing for the purchase of a Conservation Restriction from the Westport Land Conservation Trust for the Santos Farm located at 1309 Main Road Assessor's Map 82, Lots 10 & 25 and 0 Cornell Road Assessor's Map 82, Lots 38, 35 & 32.
Ross Moran, Executive Director of the Westport Land Conservation Trust and Steve Sloan, Land acquisition specialist were present. Mr. Moran stated that this iconic Westport farm contains 125 acres that will be purchased and protected of which 80 acres would be resold to a future farmer with a Conservation Restriction. The Santos family have been stewards of over 200 acres throughout town and are interested that this be preserved as an agricultural resource, open space and cold water fisheries preservation. The family no longer wishes to farm this land and are happy to see the land being used for the same purpose. The overall cost for the purchase is \$4.25 million. Funding includes \$3.1 million from private philanthropy, \$500K from Community Preservation Funds, and Massachusetts Department of Fish & Game. Mr. Sloan spoke of the structure of the deal and the Conservation Restriction and sale. Revenue sources were reviewed. They are seeking the BOS endorsement. Members were supportive of the project.
MOTION by Mr. Valcourt to approve the request for \$500K in borrowing. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- b. Approve proposal for cash management software – Zobrio.
Mr. King stated that the consultant who helped reconcile the Treasurer's office recommended this software. The cost is \$18K for installation the first year and \$12K for subsequent years, and is built into the department's budget.
MOTION by Mr. Valcourt to expend funds from FY20 Professional Services for this purchase. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

- c. Board of Selectmen recommendations for Special Town Meeting Warrant Articles.
Article 1 – Unpaid prior fiscal year bills. **MOTION** by Mr. Ouellette to recommend. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

Article 2 – Moving funding between line items. **MOTION** by Mr. Ouellette to recommend. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

Article 3 – Right to Farm amendments as printed in the STM warrant.

Petitioners Sherri Mahoney and Sam Mundel proposed changes to the posted warrant Article. They provided a letter from their counsel with the changes.

They are not looking to change inspection procedures but do not want the Board of Health as part of the process. The intent is not to exclude any zoning enforcement.

Modification 1: there shall be no requirement to register except tenant farms.

Ms. Mahoney read the amendments and requested the BOS vote in favor as it represents the farming community.

Mr. Brewer asked about the conformity to local rules and regulations and

Mr. Mundel said the right to farm is the starting position, it's in the Mass Constitution and there can't be a right that then requires registering and obtaining approval. The town should be supportive, said Ms. Mahoney.

Mr. Ouellette noted the RTF was so newcomers would not complain on existing farms, animals and odors.

No further questions from the Board.

Mr. Valcourt asked if permission is required for inspection in the animal registry. Mr. Weinberg who was present stated that the piggery regulations date to 1964 and equine to 1972 and the registry does not set any rules or conditions.

Mr. Ouellette asked if town representatives are going on a property without permission. Mr. Weinberg stated the primary purpose is to address the missing sites and new locations that come along. There are no inspections that the BOH would conduct other than the Barn Inspections. The Barn book inspector would ask for permission to enter.

The registry does not have any provision to inspect.

He said that the 4th amendment rules says anyone can refuse entry on to anyone's property

Mr. Valcourt stated that it clearly does not impede farming activities. It is merely a census to know what animals, where and how many. There is also a connection to funding from the legislature for the amount of animals and farms. He said it also gives the BOH a better understanding on how nitrogen reaches water supplies.

MOTION by Mr. Valcourt to make no recommendation. Seconded by Mr. Ouellette.

Ms. Shufelt did not agree with this motion. Mr. Ouellette stated that he is undecided but noted that there are incidents. Patrick McBride asked for a no fee volunteer registration form. Mr. Ouellette noted if they had to register, they may be better neighbors. Constance

Gee asked the Board to make a recommendation because the Town looks to the Board for guidance.

Mr. Weinberg opined to the currently drafted petition and not if the BOS wants to take a position. The petition as currently written obviously impacts the BOH and the way that it is written, it bans all town entities and would impact enforcement of any regulations. There is potential for adverse impacts to the town and its finances. He sees the by-law to protect people who farm for a living; he sees the amendments to address the nuisance issues. He thinks it's the wrong way to go and offered to work with the farmers. The petition as written will lead to more conflict as the petition does not prevent people from placing a pig farm next door.

Mr. Brewer asked what is the solution. Mr. Weinberg stated that the Board would want to solve the problems and could be dealt with through implementation. There are 100+ sites that have never been inspected and the goal was to get sites registered and into the barn book. He said they started to work with the farm community.

Bill Battles stated that the first meeting with 500 farmer in attendance, the chair stated that in a discussion about entering on the property, that they would have the police escort them on.

Ronald Laprise stated that Mr. Weinberg is not being straight forward. The BOH voted 3-0 to institute a registry.

Raymond Raposa stated it does not matter if the BOS votes. He would, as a member of AgCom has a good working relationship with Mr. Armendo, and will continue to assist. If he does an inspection, he would be honest and has called out farmers for issues.

Sam Mundel agrees with Mr. Raposa and Town Meeting is the right place for this discussion. He said that the by-law is not only protection from town agencies and bad neighbors, but the registry is redundant and he is offended as he participates in the Barn Book inspections.

Ms. Shufelt stated that the first draft of the KOA covered quite a bit of ground. She said that the registry is pared down and significant changes were made from the first draft. Mr. Mundel felt that much of the first draft was muted. But he thinks that a large consensus feels that this is only a "first step".

Sherri Mahoney said that what Town Counsel pointed out were taken into account and changes are made. She stated that they did in fact meet with the BOH and they voted to push their version through with much opposition and they have asked to rescind that regulation. People felt they had not been heard.

The Board vote 3-2 in favor with Mr. Brewer and Ms. Shufelt opposed.

AMENDMENTS to posted warrant article: the petitioners have sent this to Moderator Fors,

Articles 4 – 10 Marijuana Articles:

MOTION by Mr. Valcourt to not make any recommendation. Seconded by Mr. Ouellette.

Discussion ensued over not having enough time to consider these articles. Ms. Shufelt felt the BOS should not recommend these as there has not been enough time to vet these through Town Counsel and the Planning Board, which will have their public hearing later this week.

The vote was 2-3 with Ms. Shufelt, Mr. Ouellette and Mr. Brewer opposed. The Motion did not carry.

MOTION by Ms. Boxer to recommend against the passage of these articles. Seconded by Mr. Brewer. The vote was 4-1 in favor.

d. Discussion of FY20-21 Municipal Budget.

Mr. King noted changes from State Aid and budget deficits in this latest draft. FinCom is concerned over the \$200K in one-time revenues from invested bond funds interest. The total deficit after the adjustment of excluded debt is \$489K. Mr. King proposed a budget to remove several items as discussed. Members discussed at length, changes to personnel and other items as suggested by Mr. King in an effort to balance the budget. Discussion ensued.

e. Discussion of Treasurer candidate finalists.

After recommendations were given to the Town Administrator, Mr. Fitzpatrick is the preferred candidate. Mr. King will approach the candidate to see if there is interest.

MOTION by Mr. Boxler for Mr. King to begin negotiations with the preferred candidate, Mr. Fitzpatrick and if no agreement is made to then enter into an agreement with the second candidate, Mr. Efthimiades. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

Mr. Brewer wanted to make it clear that the two candidates were both very good. Any agreement will be subject to the BOS approval. Mr. King described the process and discussion ensued.

5. Action Items

a. Ch61A Release Sodom Road, Map 60, Lot 1A McGovern.

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

b. Ch61A Release 0 River Road, Map 87, Lot 87b Meader.

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

c. Ch61A Release 572 River Road, Map 87, Lot 87e Meader.

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

d. Request from Cable Coordinator to dispose of equipment on Municibid.

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

e. Annual Town Meeting Warrant Article requests:

- 1). Household Hazardous Waste Collection Event. The cost would be approximately \$25K and Mr. Weinberg asked that funding come from Free Cash. **MOTION** by Mr. Ouellette to approve place on the warrant. Seconded by Mr. Valcourt. The Board voted 5-0 in favor. Mr. Valcourt stated that this is a very important service for people and the Town should try to make it work. Mr. Alden asked why not have the hazardous waste people come down to Westport.

- 2). Chrome Books, School Department. School Superintendent, Gary Reese, spoke to the Board about this request. The Board was in favor but was not sure where funding would come from and opined it will most likely come from Free Cash. **MOTION** by Mr. Valcourt to place on the Annual Town Meeting Warrant. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- 3). Assessing Office software.
Mr. King to let the Board know what was left over from Prior Articles.
MOTION from Ms. Boxler to approve. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- 4). Revaluation Board of Assessors. Mr. King noted there will be a re-valuation by the Assessors this year.
- 5). Road Layouts by petition. There will be approximately 6 road acceptances on the warrant. A public hearing is scheduled in March.

PLACE HOLDER ARTICLES

- Place holder for change in just hotel/motel Tax; not the short term rental tax.
Ms. Shufelt asked to have Counsel provide clarity on commercial and private rates . Motion by Mr. Valcourt to place on the warrant. Seconded by Mr. Ouellette. The Board voted 4-1 in favor with Mr. Brewer voting opposed.
- Marijuana tax placeholder. Motion by Mr. Ouellette to place on the warrant. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- Petition Articles for Marijuana – will be placed on warrant.

6. **Town Administrator Report**

Mr. King gave his report: the old Police station has been removed; FEMA flood maps are final and effective 7/8/2020; \$66K supplemental Ch90 Funds are expected; early Cherry Sheet numbers provided; the elevator is operating after many days in disrepair and a proposal for upgrade is expected. Mr. King noted that there is a work station set up at the Annex for the employees unable to climb stairs while elevator is out of service

7. **Minutes**

January 21, 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**

Mr. Ouellette gave his report to include SRPEDD meetings; notes from the Massachusetts Municipal Association conference and that he is being considered as the Regional Liaison.

Ms. Shufelt had not attended any meetings but noted the School Building Committee is meeting Wednesday this week.

Mr. Valcourt noted that the Agricultural Open Space Preservation Trust Fund Council voted to approve borrowing for the Santos farm in the amount of \$500K. He noted the Marijuana issues in Fall River vs. Town of Westport. He is looking forward to the East Beach study.

Ms. Boxler stated the Affordable Housing Trust was at the Montessori School property that is for sale but it is unaffordable at the current price. The Trust is also looking forward to the feasibility study of former High School on Main Road.

10. Boards/Committees/Commissions Vacancy List

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.

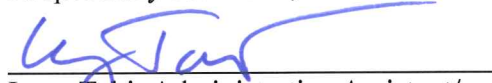
13. Question & Answers.

None.

Adjournment

Motion by Mr. Ouellette to adjourn the regular meeting at 9:24p.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 02/03/2020:

- 1a George Salvador recognition
- 2a Lexi-Lu's request for Common Victualler
- 2b Point Church request
- 3a Turner appointment letter
- 3b Melli resignation
- 3c Planning request for Steering Committee
- 4a Westport Land Trust Letter Santos Farm
- 4b Zobrio proposal
- 4c Special Town Meeting Warrant 2-11-20
- 4d FY20-21 budget
- 5a Ch61A release McGovern M60 L1A
- 5b Ch61A release Meader Lots B F D
- 5c Ch61A release Meader Lot 87e
- 5d Cable disposal of equipment
- 5e Annual Town Meeting article requests
- 6 Town Administrator Report 020320
- 7 BOS minutes 012120
- 8 Bill warrant 012920