

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
MARCH 21, 2016**

Members Present: Craig J. Dutra, Chairman
Richard M. Spirlet
Antone C. Vieira Jr.
Steve Ouellette, Clerk

Also Present: James Hartnett, Assistant Town Administrator for Planning

Absent: R. Michael Sullivan, Vice Chairman
Timothy J. King, Town Administrator

Chairman Dutra called the Board of Selectmen meeting to order at 6:00 P.M. in the Westport Town Hall, 816 Main Road, Westport, MA with the reciting of the Pledge of Allegiance by all present.

Pledge of Allegiance

Chairman's Announcement - Under MGL Chapter 30A, section 20(f) – Meeting being recorded.

Public and Board Member Comment – None.

Acknowledgments & Recognitions

The Board presented a Citation, read by Mr. Vieira, to the Westport Junior Basketball League in recognition of it's 38th Anniversary and to all those who have dedicated their time, given donations and contributed by their support. Mr. Bill Baraby and Mr. Tom Hancock were present to accept the citation.

Appointments and/or Resignations

Mr. Dutra noted that a letter was received from David Hicks withdrawing his request for appointment to the COA Board at this time.

1. **Motion** made by Mr. Vieira to appoint Edmund Thadeu to the Council on Aging Board. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan). Mr. Thadeu was present. He gave a brief background of his time with the COA and what he would like to see for the future in the COA.
2. **Motion** made by Mr. Ouellette to appoint Treasurer Brad Brightman as the SMHG Representative. Second by Mr. Vieira. The Board voted 4 in favor, 1-absent (Sullivan).

Public Hearing – RE: The acceptance of road layouts for Cortney Drive and Devol Avenue.

The public hearing was opened at 6:15 PM. Mr. Dutra read the Public Hearing Notice aloud. Comments were received from the Highway Department, Planning Board and Conservation Commission. Jim Whitin, Planning Board member stated the Planning Board met on March 8, 2016, reviewed the two streets (Cortney Drive and Devol Avenue) and are giving the following non-binding recommendations for Cortney Drive and Devol Avenue – The Planning Board recommends acceptance based on the Layout Plan entitled “Roadway Layout Plan of Land for Phases I & II Briggs Landing in Westport, MA” dated January 4, 2013 provided the punch list items noted in the report from Tibbetts Engineering (dated March 7, 2016) are completed prior to Town Meeting. Mr. Whitin stated there is plenty of time until Town Meeting to address the punch list. The punch list consisted of Cortney Drive (westside planted strip has tire rut damage in need of repairs; stormwater basin vegetation needs maintenance cutting/removal of cuttings; street sign and stop sign are installed at the Tickle Road intersection; and Tickle Road catch basins including outfall along Tickle Road should be cleaned of accumulated sediments – and – Devol Avenue, street sign is installed at Cortney Drive intersection; clean catch basins of accumulated sediment; repair any grass shoulder rutting area; and replace any missing street name signs. Mr. Whitin stated the Conservation and Highway concerns are all addressed

in the Tibbetts Report but on the Highway list, “all old construction equipment and materials need to be removed from the left side shoulder of Cortney Drive (concern for fuel and hydraulic leaks)”, Mr. Whitin stated this request is beyond the Planning Board and ZBA's scope and the equipment is not part of this acceptance proposal. No input was received from abutters. Mr. Rami Itani, Briggs Landing developer submitted a letter to the BOS authorizing the Town to access all of the remaining private ways in the Briggs Landing subdivision with any of its municipal vehicles (including but not limited to emergency vehicles or vehicles of its Highway Dept) for the purposes of using said ways as a turn-around within or as an exit from the subdivision; and Briggs Landing will not hold the Town liable for any damages to the roadways caused by the use of the roads. Mr. Itani stated that Briggs Landing is willing to work with the Town in good faith. Mr. Vieira stated the letter helps but it should be reviewed by Town Counsel. **Motion** made by Mr. Vieira to move acceptance of Cortney Drive and Devol Avenue Road Layouts for Town Meeting on the recommendation of the Planning Board with confirmation of the Highway Department and the Conservation Commission. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan). The hearing is closed at 6:25 PM.

Betsy White, WRWA – RE: Request for support letters regarding a SENP for Coastal Watershed Restoration Grant Proposal for Cockeast Pond.

Ms. White stated the grant is being written primarily by UMass Dartmouth and the WRWA is partnering with them. This grant is for quantifying the potential for oyster aquaculture and the impacts on estuarine nitrogen related water quality for the Cockeast Pond and the East Branch of the Westport River. Ms. White explained this will serve to see if the Cockeast Pond can support shellfish; reduce the nitrogen load; collection of data on this new method is to be used as a management tool; the oysters can be used to bring back the shellfish; will tie-in with the rubbish removal for the River; and act as a classroom for students on how to collect data. Ms. White stated she has contacted Chris Leonard, Director of Marine Services, and would like to get the Division of Marine Fisheries and the Fishermen's Association involved. Mr. White stated she has brought this grant proposal to the Water Resources Management Committee and they are very supportive. Mr. Spirlet asked if there was any in-kind service or cash that needed to be provided by the Town; Ms. White stated no, nothing is required from the Town, there is no match and it will only be a benefit for the Town. Mr. Vieira asked if the depth of the Cockeast Pond will be looked at; Ms. White stated yes and went on to explain and how it would all tie-in with the study of the Cockeast Pond. **Motion** made by Mr. Vieira to approve a letter of support as requested. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

Acoaxet Club, Inc. d/b/a Pro Shop – RE: An application request for Change of Manager - Richard S. Borden, II.

Ms. Pelland explained this request is for the Pro Shop (seasonal license), the Annual license was already changed to Mr. Borden. **Motion** made by Mr. Ouellette to approve the request for Change of Manager to Richard S. Borden, II for the Acoaxet Club d/b/a Pro Shop. Second by Mr. Vieira. The Board voted 4 in favor, 1-absent (Sullivan).

Beverly Bisch, COA Director – RE: Appointment of Outreach Worker – Susan Sharpe; and permission to post the position of Volunteer Coordinator.

Ms. Bisch stated this position was advertised in the East Bay/Shorelines Newspaper and on the Town's website. Application deadline was for 03-02-16. Ms. Bisch stated that nine applications were received; seven individuals had human service experience and five were interviewed. Ms. Bisch stated the consensus of the interviewing committee was Susan Sharpe would be the best fit to the Outreach Department; Ms. Sharpe has been a Volunteer Coordinator with the COA since 2013 and has been an exemplary employee, committing over 100 volunteer corps with increased hours and in addition, she is taking on the task of editing the WCOA's monthly newsletter (Evergreen). Mr. Vieira asked if any of the applicants were Westport residents; Ms. Bisch stated only one. Mr. Spirlet stated that Ms. Sharpe is

always at the COA; the only negative is that she is a non-resident. Ms. Sharpe stated she was a Westport resident and has just recently moved. **Motion** made by Mr. Ouellette to appoint Susan Sharpe as a Part-Time Outreach Worker for the COA. Second by Mr. Vieira. The Board voted 4 in favor, 1-absent (Sullivan).

Ms. Bisch also requested permission to post and hire into the Volunteer Coordinator position, which was vacated by Susan Sharpe; this position is funded by the ARAW and Formula Grant; it is part-time at 19.75 hrs/wk. Mr. Vieira asked Ms. Bisch if she could advertise this position in anything other than the Shorelines; it needs circulation elsewhere because it is not fair to the Westport residents; he suggested using the Chronicle, Herald News or the Standard Times. **Motion** made by Mr. Ouellette to allow the request. Second by Mr. Vieira. The Board voted 4 in favor, 1-absent (Sullivan).

Christopher Leonard, Director of Marine Services – RE: Approval of Contract for the Relay of Contaminated Quahog – Bruce Ingham F/V Ocean Rancher.

Mr. Leonard was not present. Mr. Dutra stated this was pretty routine and Mr. Ouellette read the letter from Mr. Leonard. **Motion** made by Mr. Ouellette to approve the contract for the relay of contaminated quahogs with Bruce Ingham, Captain of the F/V Ocean Rancher. Second by Mr. Vieira. The Board voted 4 in favor, 1-absent (Sullivan).

Action Items

1. Mr. Dutra acknowledge the WRWA's annual field studies with Westport Community Schools to begin on May 25 and continue to June 14th at the Let at Emma Tripp Landing, Head of Westport and Westport Town Farm. No action required.
2. **Motion** made by Mr. Ouellette to approve of the road race request from Northeast Race Management for the Westport Half Marathon on Sunday, September 25, 2016 with the Police recommendations. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).
3. Mr. Dutra stated the “Emergency Regulation reducing Fees for Copies” was provided by Town Counsel Kopelman & Paige. Mr. Dutra stated this is to be circulated to all Town Departments and the various departments will have to change any signage that is displayed in their departments to reflect this new regulation. **Motion** made by Mr. Vieira to circulate the new regulation for copy fees and to have the various departments replace any old signage. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan). Mr. Dutra stated this matter will have to be revisited in the future.
4. **Motion** made by Mr. Ouellette to accept the donations made to the COA in the amount of \$317.00. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).

Liquor Licenses

Motion made by Mr. Ouellette to approve the seasonal liquor license renewals and the Common Victualler Licenses for Acoaxet Club d/b/a Pro Shop and Village Pizza. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).

Town Administrator Report – None.

Discussion Items – None.

Selectmen Liaison Committee Reports – None.

Question and Answer Period

1. Wayne Sunderland – stated he wanted to give the BOS a verbal citation regarding the stand they took and acted upon regarding “recreational marijuana”. Mr. Sunderland stated the Board did a great job in voting to oppose the passing of recreational marijuana; the Board saved this Town a lot of problems. Mr. Dutra stated, for those who did not see the last meeting, the Board of Selectmen made two decisions at their last meeting; we voted to ask to explore further any remediation we

might be able to look for with the Rhode Island casino and voted to oppose the referendum question regarding recreational marijuana. Mr. Dutra stated the Board was taken to task for not having a study associated with the recreational marijuana petition, although, we did speak on information we received individually from our State Senator with respect to the work that has been doing since visiting Colorado, which included some benchmarking against other communities. Mr. Dutra stated that today, the Boston Globe and Herald News have both quoted the Senate Chair of the Committee and Senator Rodrigues as coming out against the referendum question but more importantly citing the kind of work and study that the Committee has done. Mr. Dutra stated he has been to several states where there are different variations of this and before this Board can have a sensible conversation about recreational legalization, because it is already decriminalized, we need to implement the medical marijuana program because there is a lot of overlap between the providers and vendors. Mr. Dutra stated that Colorado moved too quickly from one version of this to the other. Mr. Dutra stated that personally, there is a use, a purpose and a need for medical marijuana dispensaries and treatment programs but there is the whole challenge of setting up an infrastructure before going and introducing another substance into legal commerce. Mr. Sunderland stated he also had an article where the MA Hospital Association added their voice opposing recreational marijuana. Mr. Vieira stated he did do some research on this and he did bring it before this Board because medical marijuana was proposed by two different agencies at our meetings; he stated he quoted research to this Board and suggested to the paper that the research was available, so he is a little bit surprised that the newspaper, without getting in contact with anyone, allowed statements to be made without any research and just put it into publication. Mr. Vieira stated he hoped the newspapers, in the best interest of the community, would do some research before publishing; as a former educator and having a doctrine in education at the university level, he is fully aware of some addiction issues associated with some drugs; we talked about this as a Board, so to label this Board and the rest of the committee is unfortunate and disappointing. Mr. Dutra stated to be fair, this was not a column report but a piece written into the paper relying on secondary information. Mr. Vieira stated he was quoting the Governor and State Representative, who asked for local support. Mr. Spirlet stated there is not a Police Department that will support this; no good will come out of this. Mr. Spirlet stated we have pharmaceutical distributors but not manufacturers. Mr. Spirlet stated he will not be supporting this.

Minutes

Motion made by Mr. Ouellette to approve the Regular Meeting Minutes of February 22, 2016 with amendments. Second by Mr. Vieira. The Board voted 3 in favor, 1-abstention (Spirlet), 1-absent (Sullivan). Amendments: page 1-change “the” to “a” under #1; page 2- change “don’t” to “doesn’t”; page 3-change “for” to “with”; page 4- change “can” to “came”; page 6-change “is” to “are” and “has” to “have”; page 7-change “held on” to “to be held in the next couple of weeks” and “to get through” to “a head start”.

Board Members Suggestions for Future Agenda Discussion / Action – None.

Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting – None.

Other Business

1. Mr. Ouellette stated this is his weekly sermon on people driving; there have been some major accidents again and public safety is going like crazy; please be aware out there; there is also, road construction ongoing.
2. Mr. Vieira stated he had a question on Article 28 – the firearms and weapons piece. Mr. Vieira stated he got some calls over the weekend and the issue is that we had two groups last year with

concerns about hunting on personal property. After the decision from the Attorney General, we got both sides together and they agreed that as long as there was written permission given every year and it was posted on a yearly basis, both sides were good to go. Mr. Vieira stated the language came back with a lot of stuff that was supposed to be corrected by the attorney but it is still in here, like trapping, which can't be done in Massachusetts. Mr. Vieira stated we are going to get into an argument at Town Meeting when there is no need to and it will only be due to the language submitted in the article. Mr. Dutra stated we did file with the FinCom and this is a non-financial article; we need to weigh-in with our recommendations on the various articles. Mr. Dutra stated this is something this Board has yet to do, so he suggested that a meeting (with a small agenda like tonight) be scheduled or to hold a special meeting to review and make recommendations. Mr. Vieira stated we should not get the Town Attorney involved, just bring in the parties and we can probably have the wording in about an hour; then give it to the Town Attorney and the Moderator; otherwise, we will be spending a lot of money, like we did last year. The Board asked Jim Hartnett to sit down and work with Tim King on this. Mr. Spirlet asked if it would be feasible that the Town passes a bylaw that says no hunting on any property unless permission is given by the owner; this would eliminate the homeowner from having to put signs all over the place. Mr. Vieira stated it can be washed down simply to personal property rights; assuming that they have already agreed to this, that the hunter must get permission from the landowner, etc. and a posting is done once a year, otherwise, no hunting.

6:57 PM

Motion made by Mr. Ouellette to adjourn the Board of Selectmen Meeting. Second by Mr. Spirlet. The Board voted 4 in favor, absent (Sullivan).

Adjournment.

Respectfully submitted,

Diane Pelland
Administrative Asst/Confidential Clerk to the Board of Selectmen

APPROVED: _____
Steven J. Ouellette, Clerk