

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY
SEPTEMBER 06, 2016**

Members Present: R. Michael Sullivan, Chairman
Craig J. Dutra, Vice Chairman
Steven J. Ouellette
Antone C. Vieira Jr.
Shana M. Shufelt, Clerk

Also Present: Timothy J. King, Town Administrator

Chairman Sullivan called the Board of Selectmen meeting to order at 6:00 P.M. in the Westport Town Hall, 816 Main Road, Westport, MA.

Note: Mr. Dutra arrived at 6:53 PM.

Pledge of Allegiance

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

Public and Board Member Comment – None.

Acknowledgments & Recognitions - None.

Appointments and/or Resignations

1. **Motion** made by Ms. Shufelt to appoint Ruddick C. Lawrence, Jr. as a Regular Member of the Westport Historical Commission. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra). Mr. Lawrence was not present.
2. Present: Jeff Bull and Stanley Cornwall, Chair of the Commission on Disability. Mr. Bull explained he has attended COD meetings in the past and he was asked to give feedback on cost issues and special education requirements because he has 22 years experience in this field; he has worked with various State agencies and has had contracts with multiple corporations around rehabilitation and worked with young people with multiple disabilities; the COD felt there was a need on the Commission to do some work in the area of intellectual and mental handicaps, which he could give useful information on in that area; he is also used to dealing with the State and Federal Government on the often reality of conflicting regulations. Mr. Sullivan stated to Mr. Bull, the 5th member of the BOS was not present, he would be late, so the BOS would be operating as a 4-member Board. Mr. Sullivan stated to Mr. Bull, you know my concern; Mr. Bull stated, Beach Avenue. Mr. Sullivan stated his concern is that there are probably 20 boards and commissions in Town that Mr. Bull could make a huge impact on; the COD is one of those committees that has been involved with Beach Avenue and he is hesitant to appoint somebody or at least cast his vote to appoint somebody who has so vigorously opposed what the BOS wanted to accomplish last year; we just went a summer without being able to utilize to the end of the road because of our missteps last year; we don't know where we are going to go right now but we have to do something differently. Mr. Sullivan stated he needed to put people on these committees who are going to work with the BOS and to make what the BOS has chosen to do, happen in some fashion; how can we do that. Mr. Sullivan asked Mr. Bull if he could speak to his concern. Mr. Bull stated communication, clarity as the process goes along, public meetings and involving the public as much as possible. Mr. Bull stated he has a strong record in both the work he has done with the Master Plan and the Beach Committee and with some of the work that he has been doing on the Landing Commission; and certainly, professionally, in his letter that he submitted to the BOS, it is pretty remarkable the work he did for 22 years was never involved in any litigation. Mr. Bull stated he realized that he and Mr. Sullivan were at odds but he would encourage all as a group, working together whether it is

Beach Avenue or regulations of the Town, to communicate as much as possible. Discussion ensued. Mr. Vieira stated he respected Mr. Sullivan's point of view (he did not agree with it but he respected it) and he respects anyone coming forth to provide public service, that aside, we had a difference of agreement which both sides should be respectful of in going forward; we have a letter from the COD Chairman highlighting Mr. Bulls' distinguished career; Mr. Vieira stated it would be of value to add this to our public service and he would encourage the Board members, regardless of someone's political issues, to consider someone who is willing to give service to the Town; it is not like we have everybody jumping to be on this committee; sometimes, they have trouble making a quorum. Mr. Vieira stated let's recognize that we agree to disagree but move forward. Ms. Shufelt stated she thought Mr. Bull was a great asset to the Town of Westport but she remains reluctant to appoint an elected official as a BOS appointee to a non-elected position. Mr. Ouellette stated personally, he would like to see more people on this; look at the North-end Post Office, people in wheelchairs still can't get in. Mr. Cornwall stated he is the reluctant Chairperson since Ms. Ostroff's departure and he was not the front person on Beach Avenue; the Commission voted the way it did and he supported it. Mr. Cornwall stated he actually sought out Mr. Bull because he has a son, 47 years old, who is mentally disabled and he has been through the whole gamut since the day he was born and there are families in this community that struggle from not knowing what and where and whom to talk to; they need someone to come to. Mr. Cornwall stated he does not have the working knowledge of who to go to in Boston. Mr. Cornwall stated he wants to take a new direction and attitude with a spirit of cooperation, whether it is Beach Avenue or anything else, we can accomplish things; Mr. Bull is needed on the COD due to his knowledge and background; the COD is short on members and there will be a couple of members who are leaving due to other commitments. Mr. Cornwall stated he did not want the COD to go away, so he was asking the BOS to please put things in the past, move forward and work together for the future. **Motion** made by Mr. Vieira to support the recommendation of the COD Chairman and appoint Jeff Bull. No second was received. Discussion ensued. Mr. Sullivan stated to Mr. Bull, even though there was no appointment tonight, he can continue to help the COD on a technical level, attend meetings and assist in anyway; perhaps he can win the hearts and minds of others.

3. **Motion** made by Mr. Ouellette to accept the resignation of George Smith from the Shellfish Advisory Committee and to send a letter of thanks. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Dutra)

Public Hearing – RE: An application request from Supreme Westport Fuel, Inc. d/b/a Supreme Gas located at 174 State Road, Westport, MA for the transfer of an All-Alcohol Package Store Liquor License from Westport Liquors, Inc. at 151 State Road to Supreme Westport Fuel, Inc. d/b/a Supreme Gas located at 174 State Road, Westport, MA – Ankit Patel, Manager.

The public hearing opened at 6:26 PM with the reading of the Public Hearing Notice. Present: Ankit Patel, applicant and Attorney John Williams, 651 Orchard Street, New Bedford, MA representing the applicant. No abutters were present. Mr. Sullivan asked if this was a purchase of the business and transfer of license; Ms. Pelland stated a transfer of the license. Mr. Sullivan asked if the business was changing location; Ms. Pelland stated yes. Attorney Williams stated the business has been sold and is moving across the street. Mr. Ouellette questioned whether this store has been closed for at least a month or two. Attorney Williams stated actually it has been closed due to violations and some other issues with the building; they were in the process of transferring and the current owner is in the process of taking back the building and that was the gap. Attorney Williams stated Mr. Patel has owned Westport Fuel for about six years and will make arrangements to the interior of his business to accommodate the package store part of it. The location is basically across the street and will encompass the same amount of area and same clients. Mr. Sullivan asked the significance of whether the business was closed or not closed. Mr. Ouellette stated in his opinion, how can there be a transfer if the store closed. Attorney Williams stated it is actually a transfer of the license; normally, when a business closes down, there is a period of time to transfer the license; this is no fault of Mr. Patel's, he

purchased a business that could no longer be run at its present location due to the issues of structure and being uninhabitable. Attorney Williams stated it is still a valid license and it is transferable. Mr. Vieira stated he would differ on that; he feels like Mr. Ouellette, there was an interruption, although how long the interruption was is unclear, it seems to be at least 30 days, that is what he was told by neighbors; by admission, there were violations and we should not condone that and allow the transfer to a new location. Mr. Vieira stated he would probably vote in opposition tonight because he would like to see a plan of the new location because this is an ongoing gas station, retail and donut store already; he would like to see how this will play out with a liquor store also. Mr. Vieira stated he was concerned and as a Board, there is a responsibility to make sure that all I's are dotted and T's crossed and he does not see that happening tonight. Attorney Williams stated he does have a plan, he thought it was submitted; and the current license is still held by the prior owner. Mr. Vieira stated it is not active. Attorney Williams stated the ABCC did not take the license back; the Town did not request that the ABCC take the license back. Mr. Vieira asked if the Board was notified of the closing. Ms. Pelland responded no; the Police Department was sent out to verify. Attorney Williams stated that is probably a good reason to transfer the license to Mr. Patel because he is a successful business owner; there was a problem with the former owner, so it is best to get the license out of his hands and into Mr. Patel's. Discussion ensued. Mr. Vieira stated he was not trying to argue about whether they should have a license, he was arguing about the procedure of when we have someone who is in violation of their existing license; these are two separate issues. Mr. Vieira stated also, he is trying to find out where the alcohol is being sold from within the establishment you presently have, it is a little difficult. Mr. Vieira stated that within a two week period, the applicant can come before us and present a plan for alcoholic beverages being sold at a gas station, even with some concerns, we would have a better appreciation of where the applicant is coming from. Mr. Vieira stated regardless of what other communities are doing, the Selectmen in Westport have to sign off on this and take some responsibility for it; just because a previous person had a license that they were not using, disappeared and cleared out the whole shop and then say, well we still have this piece of paper, that was given to us by this Board; well, we are saying you don't have that piece of paper anymore because you weren't using it. Mr. Vieira stated he would like the applicant to come forward with a proposal and the merits of it be evaluated. Attorney Williams stated hypothetically, you are saying this license came back to the Town; Mr. Vieira stated he was not getting into that argument. Attorney Williams stated but hypothetically, if it came back, you have no one else lined up for the license but you have Mr. Patel here and he wants the liquor license. Attorney Williams stated he did not understand. Mr. Vieira stated there is a difference because your client was the only person who had the opportunity to weigh in on that license, as was told by our secretary; so there is a fairness within the community, and it does not mean we would not have given your client preference, there is a way, above board, to deal with this transparently and this process tonight does not deal with that. Attorney Williams stated he believes the Board was entirely within their bounds but he feels confident about it. Ms. Shufelt stated she would like to see in two weeks: a store layout, showing the location of where the liquor will be and what controls will be put in place to keep it out of the hands of minors and shoplifting; and a detailed informational plan for implementing training programs for the employees on the sale of alcoholic beverages. Mr. Sullivan suggested the Board get some guidance from the ABCC and revisit this at the next meeting. **Motion** made by Mr. Vieira to continue to September 19, 2016 at 6:30 PM. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra). Mr. Ouellette did ask Mr. Patel to remove the signage in front of his business advertising furniture sales; the signs are put up on Friday and taken down by Sunday night. Mr. Ouellette stated that Cumberland's had the signs also, he will be talking to them too. The hearing is closed at 6:40 PM.

Christopher Leonard, Director of Marine Services – RE: Proposed project for the deploying and studying of oysters in the Cockeest Pond.

Present: Christopher Leonard and Dr. Brian Howes, SMAST. Mr. Leonard stated they were before the Board with a project for putting oysters in the Cockeest Pond to de-nitrogenize the water. Mr. Leonard said the Marine Services will be the enforcement side and the one placing seeds and rendering any

assistance in moving this project along. Dr. Howes stated this has been a long time in the making; the Westport River Watershed Alliance and SMAST put together a feasibility study for the restoration of Cockeest Pond. We are looking for soft solutions, not big wastewater facilities or pipes, etc. Dr. Howes stated one of the options that seemed popular was placing shellfish in salt water ponds; this type of work has been piloted in Falmouth, Mashpee, Orleans and Barnstable and other places; this seems to be a perfect solution. Dr. Howes stated nothing will happen to impair the herring run; we have consulted with the Division of Marine Fisheries and the Army Corps of Engineers are on-board with this. We have applied to the EPA to see if they can help provide funds (looks like we may get a favorable response to that) and purchased some seed oysters, which are in the upwellers. Mr. Leonard stated we want them to be acclimated to the Westport waters, so they have been in the upwellers for about 3 weeks now. Dr. Howes stated we are here tonight to tell you what is going on and keep you in the loop; we are not asking for money; and also, this would be a wonderful thing for Westport and other communities in Buzzards Bay. Dr. Howes stated this has been a four-year project. We have met with some of the abutters and have had presentations. Mr. Sullivan asked if this was funded by private citizens. Dr. Howes stated the original study was funded by the citizens of Westport through the WRWA and UMass Dartmouth and any ongoing work would be through the EPA; there is no state money involved other than the DMF providing in-kind work. Mr. Sullivan stated the Town has no financial skin in this, so to speak; Dr. Howes stated other than it is Town waters, which we respect. Mr. Sullivan questioned if Cockeest waters was private or Town. Mr. Vieira stated he believed it was Town waters; Dr. Howes stated he will check on that. Mr. Sullivan stated so you are here to keep us in the loop and Mr. Leonard is involved in the deployment of the seed. Dr. Howes stated they will be going before the Conservation Commission looking for a permit. Mr. Sullivan stated this is a four-year experiment, first to see if they will live and secondly, whether they will clean the water. Dr. Howes stated this year will really not do much to the water but the effect will be if they live and then more will be added to the water. Mr. Ouellette stated his only concern is that it is mostly fresh water or well-mixed water because that is what keeps the herring spawning. Dr. Howes stated we have been monitoring with WRWA since 2008; when the new culvert went in around 2010, the salinity went to around nothing or close to nothing, so it is no longer a fresh water pond; part of the problem with the pond's health is that because it is the size of an inlet, the flushing is up and down and it is very difficult for communities to establish themselves because salt kills things; when it goes up, you get one species, when it goes down you get another; part of the solution is stabilizing the community, no matter what it is. Mr. Sullivan questioned the projects on the Cape. Dr. Howes explained the projects; stating that this project is a level above those. Discussion continued regarding years 2, 3, and 4. Mr. Sullivan asked what will be needed. Mr. Leonard stated as the project unfolds, there will be plans presented to the BOS, until then, we will keep the Board updated on the progress. Mr. Vieira stated this is a great project and he supports it 100%; he did request that contact be made with the Westport Fishermen's Association and the neighbors also. Dr. Howes agreed. The Board thanked both gentlemen for coming.

(6:53PM – Mr. Dutra arrives)

Maury May, Economic Development Task Force – RE: 1st Annual Winter Farmer's Market.

Present: Maury May and Steve Connors. Mr. May explained that WEDTF was planning the 1st Annual Winter Farmer's Market; Mr. Connors has handled Farmer's Markets in 2014, so he has experience in this type of thing. We are planning on doing a Winter Farmer's Market on five Saturday mornings from 8:30 AM to 1:00 PM – November 17 & 26 and December 3, 10 and 17, 2016. We would like hold it in the Town Hall Annex basketball court due to traffic and logistics. This way, it will be held indoors and the location is opportunistic. The Annex is an ideal location. Mr. Dutra asked if there was a break between the summer and winter markets. Mr. May stated yes. Mr. Connors stated the summer market ends in the fall around the beginning of October. Mr. May continued to explain the vendors and their products; stating that fall products are different than winter products. Mr. May stated there will be

crafts people also. This presents an opportunity for farmers and crafters. Mr. May stated there have been a couple of issues such as the youth basketball leagues using the community center. Mr. May stated he spoke with Renee Dufour, Chairperson of the Recreation and she stated she has made the basketball leagues aware of the situation. Mr. May stated the youth leagues have monopolized the gym for quite a long time and Recreation wants to expand the use of the gym and get some revenues so they can carry out more renovations. Mr. Sullivan asked if there was a conflict of use. Mr. King stated he wanted to make sure that the leagues, beginning in the late fall, do not use the Annex gym on Saturdays; he wants to make sure an arrangement can be worked out that will be acceptable to everyone; hopefully, the leagues can arrange their schedule to accommodate the Farmer's Market. Mr. Dutra stated we have two options for the basketball: the Annex and the Middle School. Mr. Dutra stated he agreed, there is no reason to lock down a site, so rather than table this matter, he suggested the Board approve it with a condition. **Motion** made by Mr. Dutra to approve subject to the condition that a schedule is coordinated between the two groups. Second by Mr. Vieira. The Board voted unanimously in favor. Mr. May stated he has recruited Senator Rodrigues and Rep. Schmid to the opening of the Farmer's Market.

Action Items

1. Mr. King stated John Rezendes has been working on the Town and School Community Television and his performance over the past year has been excellent based on the evaluation completed by Dr. Dargon and myself. Mr. Rezendes has completed his education certification. Mr. King stated he and Dr. Dargon took a recommendation to the Cable Advisory Board for a salary increase for Mr. Rezendes; the Cable Advisory Board is recommending an increase of \$15,000; his current salary is \$53,550. Mr. Sullivan asked how that fits into area communities. Mr. King stated Mr. Rezendes provided data on similar types of positions; in some cases, it is not apples to apples but Fairhaven (services only for public) is \$55,000; Dartmouth (both areas) \$90,000; New Bedford (one area-governmental) \$63,500; and Plymouth is \$78,000. Mr. King stated we thought that a range of \$10,000 to \$15,000 was reasonable given his education certificate and performance. Ms. Shufelt asked if there was funding for this. Mr. King stated there is sufficient funds in the adopted budget from Town Meeting. Mr. Sullivan asked if this was a Personnel Board position; Mr. King replied no. Mr. Dutra stated it was under the BOS because it was not a Town budget item, it was coming out of the Cable Enterprise Fund. Mr. Ouellette stated he thought only \$100,000 was approved. Mr. King stated they approved \$150,000. Mr. Vieira stated he understood that part of the decision making process of the Cable Committee is because it involves teaching at the school; so in addition to teaching a couple of classes and coordinating the cable access, this position is still underpaid. **Motion** made by Mr. Vieira to support this. Second by Ms. Shufelt. Discussion: Mr. Dutra stated Swansea is a good analogy to us and they just hired a person; Mr. Vieira proposed 2-3 years ago that we start intermingling the School Department resources with the cable to maximize student labor and faculty, they have not done a good job in the last 4-5 years but now we are involving student labor and faculty. Mr. Ouellette stated he was concerned going up 30%; this is nothing against the position or the person but we are a small community compared to others and he was looking at parity across the Town; if this was advertised at this amount from the beginning, he would not have a problem with it. Mr. Vieira stated he was not on the committee last year, but it was his understanding that the committee decided to go in the direction of bringing this closer to the schools, so they took a position of the schools to identify this as a teaching position as well, so it is not a percentage of an increase, it is kind of a first year, of the working year, of what a previous board had decided for a direction and wanted to go. Mr. Vieira stated he has looked at this and thinks it is a steal; what makes this attractive to this person is that he lives in Town; he could possibly make \$20 - \$30,000 more by moving over a couple of Towns. Mr. Dutra stated a key point is that he was not certified for teaching when he was hired; he has gotten certification this past spring and that is a key component of the job; it is not just the administrative part but the instructional part also. Mr. Ouellette stated he thought that was part of the \$53,000; again, he stated

he would not mind a little bit more, but not jumping up that much; Mr. Vieira was correct, we did envision the teaching part. The Board voted 4 in favor, 1-opposed (Ouellette). Valerie Bain, Cable Access Coordinator stated she operates the government channel and public access. Ms. Bain stated that about a month ago, Charter took away a lot of equipment and origination, which has been moved to the High School; during the last month, with the changes, it has been difficult to work and she is going to be needing some equipment to continue the bulletin board on the government channel; she wants to make sure there is money to get the upgrades. Mr. Dutra stated as a point of order, this is not on the agenda tonight and it has not come to the Town Administrator to present to the Board, so he was not in a position to entertain or discuss items that are not before us. Mr. King stated this could be discussed at the next Cable Advisory Board meeting. Ms. Bain stated that with the pay increase, she wanted to make sure there were funds available to cover the upgrades she will be needing (\$10-\$20,000). Mr. Sullivan stated to Ms. Bain, the point was noted and that she should take this up with the Cable Advisory Board. **Motion** made by Mr. Dutra to accept the committee's recommendation, effective retro back to July 1, 2016. Second by Mr. Ouellette. The Board voted 4 in favor, 1-opposed (Ouellette). Mr. Vieira stated he was not voting on this just to increase someone's salary, he was voting on this because the last twelve months, the Cable Advisory Board, which he is a part of, came up with some recommendations for organization and to move this forward and this is part of the organization situation, so, if Ms. Bain just spoke about the situation, it may or may not be appropriate to talk to Mr. Rezendes about it, but this is the direction we wanted to go. Mr. Vieira stated he got a letter today, talking in terms of office staff, that Charter is closing their office here in Town. Mr. Vieira stated we need to talk about this later.

2. Mr. King stated he has provided the Board with a corrected contract for the Police Station Design for review and approval; the most significant change is the increase in the fees, he had omitted the "Special Design Fees" but that has been corrected and added in. Mr. King stated he has also provided a spreadsheet showing the cost proposal comparison between Reinhardt and the recommended designer, Tecton. The difference is almost 25% less than Reinhardt. Mr. Dutra stated this is a little more than we talked about but a lot less than the previous contract. Mr. Sullivan stated to be clear, we were not making the selection based on price; we are changing direction of who will be the design contractor. Mr. King stated correct. **Motion** made by Ms. Shufelt to approve the amended contract. Second by Mr. Dutra. Discussion: Mr. Vieira felt it was well done. The Board voted unanimously in favor.

Liquor Licenses

1. **Motion** made by Mr. Dutra to approve a One-Day All-Alcohol Liquor License for the Holy Ghost Club for a Birthday Party on Sunday, September 11, 2016 from 12PM to 5PM. Second by Mr. Ouellette. The Board voted unanimously in favor.

Town Administrator Report

Head of Westport Traffic Safety and Parking: Mr. King stated there was a public meeting held on August 25th with about 25 residents in attendance. We wanted to hear what the residents had to say about problems in their village area and to listen to their experiences and suggestions for improvements. This is the early stages of this project and many more meetings will be held over the next several months. Mr. Vieira stated he attended this meeting and Mr. King and Lt. Bell did a very good job; there was a lot of good exchange.

Route 88 Phase III: Mr. King stated that MADOT has prepared preliminary design plans for Phase III of the Route 88 project. Mr. King stated that Phase III starts at Drift Road and continues approximately one mile to John Reed Road. There will be public meetings in the future; and Town Officials will be meeting with MADOT on 9/21/16 to go over the project and explain their proposal. Mr. Vieira made a couple of clarifications of the location and asked Mr. King to get a clarification of the roads. Mr. Vieira stated he would like a meeting on Phase I and Phase II also, because all are questionable. Mr. Dutra

stated we should have an overall project update. Mr. Sullivan asked Mr. King to look into getting an overall update on this project.

Fire Station #2 Well Replacement: Mr. King stated he received an updated on the water quality problem at Fire Station #2. Mr. King stated the Fire Chief's recommendation is to install a new well deeper (300+ ft) than the existing well, in order to eliminate the salt contamination that is currently in the existing well. Mr. Sullivan asked where the location of the new well would be; Mr. King stated inside of the island.

Special Legislation Related to Retire Firefighter Steve Lopes: Mr. King stated the Special Legislation related to the retirement of FF Lopes, some of his post retirement medical expenses has been approved by the State Legislature.

Veteran Services Director Monthly Report: Mr. King stated he provided the monthly report of the Veterans' Agent, giving the Board an idea of how many clients are being served.

Head of Westport Grant Application: Mr. King stated the grant application to the Seaport Economic Council for the Head of Westport has been turned down; according to Mr. Hartnett, the application has been kicked forward to next year. Mr. Dutra noted the letter stated they have not been turned down but to apply next year. Mr. King stated there will be no funding in FY'17. Mr. Harkins stated the application can be resubmitted for the year 2018.

IT School Town Cooperation: Mr. King stated that Mr. Novo has arranged for a "network map" of the School Department's IT infrastructure; this is a key component for any organization. Mr. King stated he has provided a memo and a map showing the IT infrastructure.

Forge Pond Dam Project: Mr. King stated that Westport Mills is working on a project to install a fish-way at the Forge Pond dam site; we will be hearing more on this in the future.

Municipal Modernization: Mr. King stated he has provided a copy of the detailed summary "Comprehensive Guide to Municipal Modernization" from the Division of Local Services; it covers a variety of matters and recently passed legislation. Mr. King stated some aspects of this will have a beneficial impact to the Town.

Playground Slide: Mr. Ouellette stated to Mr. King that it was not on his report, but an update was needed on the playground slide because parents are excited about that. Ms. Pelland stated it should be at the installer's by September 9th. Mr. Sullivan asked if the funds have been raised. Mr. King stated we have the money to pay for it; donations from the Westport Police Association and a Reserve Fund transfer. Mr. Dutra stated it has not been presented to us formally but in the media, that the Finance Committee is making noise about not having a budget for the Recreation Commission. Mr. Vieira stated we tried a number of times, but the Finance Committee was instrumental in eliminating it. Mr. Dutra stated we should probably be reactive/proactive in asking them to designate some representatives and have them come to the Board to have conversations in advance of the budget process to talk about Recreation. Mr. Vieira stated the Town Administrator had a budget but it was cut. Mr. Sullivan stated this will be a subject for future discussions.

Discussion Items

1. Special Town Meeting possible date and possible warrant articles.

"Rescind the vote of the Annual Town Meeting (March 19, 1963 – Article 43) granting the Board of Health nominating authority for Animal Inspectors". Mr. Sullivan stated this is something we are taking a look at since the most recent issues at the tenant farm on American Legion Hwy. Mr. Sullivan stated the BOS is the default organization that makes nominations for Animal Inspectors which are actually State positions and State appointed. In 1963, Mr. Sullivan stated the Town took action to put that authority over to the BOH. We recently received some correspondence suggesting the Town take action to put it back to the BOS. Mr. Sullivan stated he did speak with the Chairman of the Board of Health about this and he has no issues with moving over the authority to the BOS, which is only a nominating authority. Mr. Dutra stated he would recommend placing this article on the warrant because MADAR is refusing to allow the BOH to nominate; we are in a situation where either we do this or we find another entity to make nominations and we have to

rescind a Town Meeting vote, which has to be done at Town Meeting. **Motion** made by Mr. Dutra to place this article on the STM Warrant for November 15th. Second by Mr. Ouellette. Discussion: Mr. Vieira stated there should be a process of research before we jump to the conclusion; with what he knows right now, he would support this but we have not even finished the investigation and he would like to at least base it on the investigation. Mr. Vieira stated the other issues, which are similar, if we can talk about that as potential articles, is to see if there is a commitment from the Board to go with it at the November STM or not. Discussion ensued. Mr. Dutra stated his motion seemed premature at this point, so he withdrew his motion and Mr. Ouellette withdrew his second. **Motion** made by Mr. Dutra that based on this Board's discussions, we have a Special Town Meeting in the fall with the date to be determined by this Board. Second by Mr. Ouellette. Discussion ensued: Ms. Shufelt stated she had a conversation with Mr. Cahill to get a sense of how urgent this was; what she learned was the Barn Books are started already in September and due on January 1st; right now, we only have one Animal Inspector in the Town of Westport that is able to do inspections; if, we have a Town Meeting in November, then we can become the nominating authority and we would have the opportunity to nominate someone right after Town Meeting and MADAR will probably approve more quickly; she stated she actually does think there is a need to address this urgently; and she actually separates this from any other article which might be necessary based on the investigation because she believes there will be a lot more stuff that may come out of the investigation in addition to bylaws, and procedures in Town, etc; she does not look at this particular changing of the appointing authority as something that has to wait until the investigation is complete. Ms. Shufelt stated she is willing to approve and recommend it. She does want to wait on recommendation of many of the other topics based on the investigation though. Mr. Vieira stated the BOS should be involved with the inspections that are ongoing and being done by one person and not wait for a STM in November; secondly, with the investigation results, we will be able to form some conclusions and how we want to word anything that addresses this subject for Town Meeting; it may be we work jointly with the BOH or there may be actions taken by the BOH but we won't know until the completion of the investigation. Ms. Shufelt stated we need to work on the language of this because it is confusing to the general public about rescinding a 1963 Town Meeting article/vote; we need to be careful and get the right verbiage (legally) but we also need to make sure we are explaining it clearly to the public why we are doing it this way and what the result will be. Ms. Shufelt stated Mr. Cahill also mentioned that on October 26th, there is a last training session for Animal Inspectors in the region; we need to get our guy(s) there and we can also send people who are not Animal Inspectors yet for this training; we need to look into whether there are people who are interested in this position and people we may be recruiting for this position. Mr. Dutra stated why not post the training opportunity for potential nominees; we should accelerate this because we are in need and perhaps we can expedite this working in collaboration with the BOH and the State knowing we can tidy it up at STM in November. Discussion ensued. Mr. Sullivan called for a vote on having a STM and the date of STM for November 15, 2016: The Board voted 4 in favor, 1-opposed (Vieira). Mr. Vieira stated he was opposed until he knew what the articles would be. Following discussions by the Board, the following votes were taken regarding articles for STM. Public hearings were suggested for these articles. Ms. Shufelt stated the warrant needs to be finalized by October 17th and sent to FinCom; what are the dates for the public hearings. Ms. Shufelt stated if we are going to review the draft warrant on October 3rd which is our regular meeting; we should have the public hearing before that and this hearing should stand on it's own. Possible date to hold public hearing regarding the article for the creation of a DPW – September 26th at 6:00 PM – Town Hall 2nd floor meeting room. Mr. Wayne Sunderland stated this is a major change for the Town; usually STM turnout is small so he would suggest holding this matter to ATM for a major turnout; he also stated that the overseer has to be a civil engineer; he felt the BOS were rushing the dates; the BOS should give everyone a better chance to go over this in a thorough, not-rushed manner. Mr. Dutra stated he thought too much was put on the ATM and some of the items get short-changed because of the budget; this will give it better thought, deliberation

and discussion rather than day two of ATM. Mr. Sunderland stated due to its importance, why not have it at the beginning of the ATM warrant instead of towards the end, where it will get lost in the shuffle.

- A. “Rescind the vote of the Annual Town Meeting (March 19, 1963 – Article 43) granting the Board of Health nominating authority for Animal Inspectors”.
Motion made by Mr. Dutra to place this article on the STM Warrant. Second by Ms. Shufelt.
The Board voted unanimously in favor.
- B. “Authorize the Board of Selectmen to seek legislation creating a Department of Public Works”.
Motion made by Mr. Dutra to place this article on the STM Warrant subject to further discussion. Second by Mr. Ouellette. The Board voted unanimously in favor.
- C. “Transfer the balance of the STM (May 3, 2014-Article 8) for the Middle School PCB Monitoring to the Middle School Transition Expense account. (\$13,130)”
Motion made by Mr. Dutra to place this article on the STM Warrant. Second by Mr. Ouellette.
The Board voted unanimously in favor.
- D. **Motion** made by Mr. Dutra to designate September 28, 2016 as the deadline to submit warrant articles for STM. Second by Ms. Shufelt. The Board voted unanimously in favor.

Mr. Sullivan stated he has one other article for consideration; rescinding our (2012) motion of when we established the Animal Control Officer and moved it from the Board of Health to the Police Dept. Mr. Sullivan stated he would like consideration of rescinding that and bringing it back to the Board of Health because we have a mix of missions that is probably not healthy and this way we can do a better job in this case by having all animal issues associated in one location (BOH). Mr. Dutra stated he supported the effort to do this but his only question is, was this done by this Board or Town Meeting. Mr. Vieira stated he thought it came down to changing the language, done by Governor Patrick in 2012, that the Dog Officer became basically a Cat Officer & Wild Animals, which was accepted by Town Meeting; the only problem we had was that position was wanted by someone who was an elected official of the BOH (conflict of interest). Mr. Sullivan stated we need to check into this. Mr. King stated he will have a recommendation for next meeting. Mr. Vieira stated to check with the Police Chief on this also. Mr. Vieira stated sometimes when an Animal Inspector goes somewhere, they recruit a Police Officer to accompany them for the enforcement part of it; if we put it back to the BOH, there maybe a problem with that; this has been the issue for the last five years. Discussion ensued. This item was held on to be discussed at the next meeting.

Minutes – None.

Selectmen Liaison Committee Reports

- 1. Mr. Vieira mentioned a letter received from Charter Communications regarding the closure the support station located in Westport; the letter outlines how customer service will be handled. Mr. Vieira stated he spoke with Tom Cohan over his concern for customer service if the office as closed and according to Mr. Cohan, there are no locations anymore, what they do is try to get the repair van out the next day to handle problems; the locations were used basically for bill paying, which can be done online. Mr. Vieira stated he will be sharing this with the Cable Advisory Board also. Mr. Ouellette stated he is opposed to this; he wants to keep that location in Town; it is up to the Board or the Cable Advisory Board, if they want to send a letter opposing this. Mr. Ouellette stated when he went to the office, there was no one paying bills and their service tech lives here in Town and can be on-site within an hour or two, plus they do trouble shooting from that office. Mr. Ouellette stated he would like to try to fight to keep them; Mr. Vieira agreed. Mr. Vieira asked Mr. King to look into the contract with Charter. Mr. Sullivan stated he would consider a letter after the Cable Advisory Board meets. Mr. Dutra stated to send a letter that the BOS are not happy and are referring this to the Cable Advisory Board.

2. Ms. Shufelt asked the liaison to the School Building Committee about significant dates coming up. Mr. Vieira stated tomorrow night, and the following two Wednesday's – will be for the research that is being done on transportation, a traffic study, site location work and a public hearing for folks. Mr. Dutra stated we have indicated a site preference at the Middle School site: A-because there is room there for a new school; B-we get the MSBA to pay a portion for PCB removal if we use this site (if we use the High School site, we will be eating the entire cost of removal); and C-a traffic study is very important key to this. Mr. Dutra stated the property at WMS is large and will offer a number of access/egress points. Ms. Shufelt stated the time-line is: September 7 – talking on the subject of transportation, site, etc; September 14-public hearing; and September 21-joint meeting with BOS. Mr. Vieira stated the 21st would be, if ready, to vote on the preferred site. Discussion ensued. No votes taken.

Question and Answer Period – None.

Board Members Suggestions for Future Agenda Discussion / Action

1. Mr. Sullivan asked that with September 11th coming and the commemoration of the new memorial at the Fire Station, he would like to recognize Westport's First Responders in conjunction with that at the BOS meeting of the 19th. The Board agreed.
2. Ms. Shufelt stated she would like to talk about the Town Administrator's contract and review. Mr. Sullivan stated he spoke with the Vice Chairman and they agreed that Ms. Shufelt would be the perfect person to shepard this process along. Ms. Shufelt stated she would take this task on.
3. Mr. Vieira stated he got a call today about Boathouse Row; and at some point, we should have this on an agenda for discussion; but this past weekend, there was a special police detail at Boathouse Row stopping people from going down Boathouse Row, the call came from Michael Carter, a resident, asking why we had a special detail down there and it is his opinion that he should have access to the Charlton Dock. Mr. Sullivan stated it was not the Town that had the special detail, it was the people down there that paid for a special detail as they have done in the past; the detail was supposed to advise people as to what parts were public and what were private; as discussed before, the only part that is open to the public is the wharf on the waterside; so there is public access to a portion of that wharf but there has been some confusion as to the road being private; it has been established that it is private. Mr. Vieira stated the person who called said he was not allowed down there unless he lives there and has property down there. Mr. Vieira stated he would prefer this person come in and discuss it with the Board.

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

1. **Motion** made by Mr. Vieira to approve of the request from Sharon Potter to lift the “No Parking” on Brayton Point Road on Saturday, September 10, 2016 from 11:30AM to 4:00PM to allow for family and friends to attend a funeral collation following the funeral of Mr. Louis E. McBride. Second by Mr. Ouellette. The Board voted unanimously in favor.

Other Business

1. Ms. Shufelt asked everyone to please slow down on the roads and reduce your speed.
2. Mr. Ouellette mentioned a letter of concern from Barbara Hanley regarding the Agricultural Commission memberships having to be active commercial farmers. They are not pushing the issue with this; just want to make the BOS aware. Mr. Vieira wanted to recognize the letter that was sent to Mr. Ouellette from Ms. Hanley, this was discussed at the last meeting but this is somewhat of a unique situation and circumstances; we recognize this is not typical and they may not have fit the criteria but this is not the first time in AgCom's history that we have had some folks who were not day-to-day farmers; this is a serious situation we are trying to address and it might be nice to have people at the table with different points of view and experiences; it would be preferred to have full-time farmers but he did not see the harm and these people were willing to step forward with a

limited background. Mr. Ouellette again stated she was just making the Board aware.

3. Mr. Ouellette stated voting is this Thursday (09-08-16) for the Primary; polls are open from 7AM to 8PM and the schools are closed. Mr. Ouellette read off the names on the ballot.
4. Mr. Ouellette also asked that Mr. King look into the Middle School property having trash on the fields and some inside in the basketball courts.
5. Mr. Sullivan stated possible for the next meeting, a note received from Ryan Mann regarding the St. Vincent dePaul property; he is requesting that we start the process of seeking input as to the best use for this portion of the property. Mr. Vieira suggested the Board does not wait to send this out, it should be sent to the Recreation Commission and the Westport Boys/Girls Basketball Leagues. Mr. Sullivan stated in addition, send this out to all Department Heads and all athletic leagues.

8:27 PM – Executive Session

Motion made by Mr. Ouellette to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to discuss a personnel matter; strategy with respect to Collective Bargaining (Highway); and, strategy with respect to litigation. Second by Mr. Dutra. The Board voted unanimously in favor.

Roll Call Vote: Mr. Ouellette-aye. Ms. Shufelt-aye. Mr. Dutra-aye. Mr. Vieira-aye. Mr. Sullivan-aye.

Mr. Sullivan stated the Board would return to Open Session in order to adjourn.

9:25 PM

Motion made by Mr. Ouellette to adjourn the Board of Selectmen meeting. Second by Mr. Dutra. The Board voted unanimously in favor.

Adjournment.

Respectfully submitted,

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

APPROVED: Shana M. Shufelt, Clerk