

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
OCTOBER 31, 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 5:30 P.M. in the Westport Town Hall, 2nd floor meeting room, 816 Main Road, Westport, MA.

5:31 PM – Executive Session

Motion made by Mr. Ouellette to enter into Executive Session pursuant to the provisions of MGL c. 30A section 21 (a) (2) to conduct contract negotiations with non-union personnel, the Town Administrator; (3) to discuss ongoing situation at American Legion Highway; and to approve Executive Session Minutes of October 17, 2016. Second by Ms. Shufelt. The Board voted 4 in favor, 1-absent (Dutra). **Roll Call Vote:** Mr. Ouellette-aye. Ms. Shufelt-aye. Mr. Vieira-aye. Mr. Sullivan-aye.

*Mr. Dutra arrives at 5:47PM during Executive Session.

Chairman Sullivan announced the Board would return to Open Session in order to continue with the regular meeting of the Board of Selectmen.

6:05 PM – Open Session

Pledge of Allegiance

Chairman's Announcement

Under MGL Chapter 30A, section 20(f) – Meeting being recorded.

Board's Announcement – RE: American Legion Highway – Tenant Farm Update.

Mr. Sullivan made the following statement: Many people have contacted this office over the past 2 weeks regarding the return of tenant farmers and animals to 465 American Legion Highway. This is the property with which we experienced the massive animal neglect situation this past summer. The return of animals is a situation that the Town anticipated, and accordingly, we very quickly gained access to the property and sent out a qualified Animal Inspector along with the Building Inspector to confirm that proper conditions existed for the few animals there at that time. Our inspections determined that the animals are being properly cared for. Recall that the entire site had been released back to the owners by the Attorney General and Police Department several weeks ago and we have limited powers with regard to accessing the property. Note that there is no injunction in place at this time prohibiting the owner from allowing animals back on the property. Further, the Town had no specific complaint about the condition of any of the animals, and therefore our first visits have been with the owner's permission. Nevertheless, we are working with the authority and powers that we do possess. Our Building Inspector has condemned a number of structures on the larger property and ordered them demolished and removed. We are in the sometimes lengthy process of insuring compliance with those orders. All of the several dozen structures were revisited on our October 6th visit as well as on October 19 by our Building Inspector. As a result of these inspections and the lack of progress on the removal of

the buildings, we taking further action to force compliance. Now that animals have returned to the property, we are in the process of obtaining regular, unfettered access to the property to continue these inspections through negotiations with Attorney Benson who represents the property owner. If we are unsuccessful in this endeavor, we will seek alternative authority to gain access so that we can continue to check on the animals or alternatively seek an injunction, very soon, prohibiting the presence of animals until the criminal and civil proceedings related to the events of this summer can be resolved. Regardless of the outcome of these actions, we will be insisting on a comprehensive level of tenant identification and accountability which our animal census responsibilities in fact require. We need no additional powers or bylaws to address this particular aspect of the situation. No doubt some of you have heard that some two animals became loose this weekend. As a result of Police follow up on this incident, tagging and transportation violations were uncovered and these have been properly referred to the Massachusetts Department of Agricultural Resources. This board is engaged on a number of other levels related to this case. The Town Administrator has initiated regular meeting of the BOH, Agriculture Commission, Animal Control Officer, Animal Inspector, Building Inspector, Conservation Commission and the Police and Fire Departments. We are also reviewing the larger set of conditions that has led to what most would agree is the ridiculous situation where the same set of conditions developed not once but twice in six years. We will be considering a number of actions to prevent a further re-occurrences. These include but are not limited to; improving the annual animal census process; hiring a sufficient number of qualified animal inspectors and moving the nominating authority to the Board of Selectman; combining the Animal Inspector and Animal Control Officer positions; moving the Animal Control Officer position from the Police Department to the Selectman's Office; moving the Animal Control nominating authority from the Board of Health to the Board of Selectmen; determining what special considerations and attention should be given to Tenant Farmers; determining what additional regulation or by-laws are necessary to achieve the above. In summary let me just say that while it is disconcerting that the site is being repopulated before we obtain resolution on the most recent case, there are limits to what we can and cannot do. You will find that this board is not interested in taking action for show or political reasons. We will determine the proper course of action and work openly and deliberately to achieve success. In the meantime, rest assured that we will be monitoring and reacting to the course of events even if we do not always discuss those actions publicly.

Mr. Sullivan stated, with that being said, the Board will take a few questions before moving on to the rest of our agenda. Attendees who spoke and/or had questions were: Pam Costa, Constance Gee, Jennifer Mello, John Colletti, Bill Harkins, Chuck Goldberg, Wayne Sunderland, Chris Riley, Laurie Mannerly, Anne McPherson, Kathy Feininger, Carol Mann, Susan Rawlings, James Whitin, Brian Pontolilo. In closing, Mr. Vieira stated he was not aware of what happened in 2010 because he was not on the Board; he has researched the papers and it seemed the District Attorney took the lead back then; as a Board of Selectmen, he would have hoped this would not happen again; you don't try a case in public; we should police our own; we are capable of doing this but not in a public setting. Mr. Vieira stated he is putting pressure on our own Police and Town Administrator; without some action being taken, we can't act; trust in the fact that our Board of Selectmen are united on this.

Public Comments – None.

Acknowledgments & Recognitions – None.

Appointments and/or Resignations

1. **Motion** made by Mr. Ouellette to accept with regrets the resignation of James H. Collins, Jr. from the Historical Commission and to send a letter of thanks; vacancy is to be posted on the website. Second by Ms. Shufelt. The Board voted unanimously in favor.

Public Hearing – RE: An application request from Michael Ramos – Customer First Auto Group, Inc., located at 1052 State Road for the transfer of a Class II Motor Vehicle License for the sale of used vehicles (56 vehicles); and an application request for a Repair License for the repair of vehicles (4 vehicles). The property is shown on Assessor's Map 12, Lot 21B.

The public hearing was opened at 7:07PM with the reading of the Public Hearing Notice. Present: Michael Ramos. No abutters were present. Mr. Sullivan stated at this time, the Board would like to continue this hearing for two weeks in order to obtain more information. **Motion** made by Mr. Dutra to continue the Public Hearing to November 28, 2016 at 6:05PM. Second by Mr. Ouellette. The Board voted unanimously in favor. The hearing is closed at 7:10PM.

Beverly Bisch, COA Director – RE: Request permission to post and hire a Volunteer Coordinator; and for appointment of Denise Pare as Supportive Day Program Aide.

Present: Ms. Bisch and Denise Pare. **Motion** made by Mr. Dutra to appoint Denise Pare as Supportive Day Program Aide. Second by Mr. Ouellette. The Board voted unanimously in favor.

Motion made by Mr. Dutra to allow the posting and hiring of the Volunteer Coordinator position, which was vacated by Ms. Pare. Second by Ms. Shufelt. The Board voted unanimously in favor.

Action Items

1. **Motion** made by Mr. Dutra to accept Lt. Bell's recommendation regarding a request from Katie and Jeremy Silva, 4 Cornell Road for a "Slow or Blind Driveway" sign on the south side of Cornell Road; recommendations: no sign was recommended, but the recommendation of having the Highway Department cut back the brush on Cornell Road just west of the driveway of 4 Cornell Road and along the north side of Cornell Road on the curve, particularly between 15 & 29 Cornell Road. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. **Motion** made by Ms. Shufelt to ratify the Memorandum of Agreement for a one year contract with the Labor Advantage for Workers, Local 254 (LAW Union). Second by Mr. Dutra. The Board voted 4 in favor, 1-abstention (Ouellette).
3. **Motion** made by Mr. Dutra to approve the transfer of oversight of the Animal Control Officer to the Board of Selectmen from the Police Department. Second by Ms. Shufelt. The Board voted unanimously in favor.
Motion made by Mr. Vieira to approve the ACO/AACO (Animal Control Officer and Assistant Animal Control Officer) job descriptions changes (the reporting to and adding of State-Appointed Animal Inspector duties being required). Second by Mr. Dutra. The Board voted unanimously in favor.
Motion made by Ms. Shufelt to refer the job descriptions to the Personnel Board and to authorize the Town Administrator to begin recruitment of additional AACO's (Assistant Animal Control Officers). Second by Mr. Vieira. The Board voted unanimously in favor. Mr. Sullivan requested that research be done with Town Counsel as what happens to the ACO if the Animal Inspector status is lost.
4. **Motion** made by Mr. Dutra to approve the request to hold a surplus auction of Town equipment on Municibid and to place opening bid amounts as \$100 per vehicle, \$50 for large equipment and \$10 for smaller equipment. Second by Mr. Ouellette. The Board voted unanimously in favor.
5. Mr. Vieira gave a report to the Board of Selectmen on MMA Legislation Package for 2017-2018 (Increase Local Option Sales Tax on Meals from 0.75% to 1.5% and to Authorize Cities and Towns to Adopt a Local Option Excise on Motor Fuels) and asked the Board to take a position on these proposals. **Motion** made by Mr. Dutra to support sending the legislation package increases. Second by Mr. Ouellette. The Board voted 2 in favor, 3-opposed (Shufelt, Vieira, Sullivan).
6. Ryan Mann was present and explained the requests from the WLCT and CPC for support of a Partnership Agreement as part of the WLCT Federal Grant Application for the Richmond Pond

Wildlife Sanctuary. Discussion ensued. **Motion** made by Mr. Dutra to approve the partnership. Second by Mr. Ouellette. The Board voted 4 in favor, 1-opposed (Sullivan).

7. No action was taken on the Town Administrator's Review and Contract; matter to be addressed in two weeks.

Liquor Licenses – None.

Town Administrator Report

1. No action taken – FY'18 Budget Calendar.
2. Mr. King is to look at options for the Westport Food Bank to be located in possibly the Westport Middle School a.s.a.p. due to the holidays coming and the loss of their present location.
3. No action taken. Mr. Vieira encouraged the Board to view the property. Mr. Sunderland asked if anyone was looking at housing; Mr. Dutra stated yes, the Affordable Housing Trust.
4. No action taken. Item will be forwarded to the Police Department for recommendations on the changing of speed limits.
5. A letter from Charter regarding their Westport facility will be forwarded to the Cable Advisory Board.
6. No action taken. Any announcement of a meeting will be posted on the Town's website in regards to the Westport Harbor Bell & Light Buoy removal.
7. No action taken – COA Director's Monthly Report.
8. No action taken – CEC renaming of Old County Road Solar Development.
9. No action taken – Mr. Ouellette brought attention to the Federal Highway Administration – Rule change related to the development of a regional Transportation Improvement Planning (TIP) and the problems that could arise.

Discussion Items – None.

Minutes

1. **Motion** made by Mr. Dutra to accept the Special Joint meeting minutes of September 21, 2016 as presented. Second by Mr. Vieira. The Board voted unanimously in favor.
2. **Motion** made by Mr. Dutra to accept the Regular meeting minutes of October 17, 2016 as presented. Second by Mr. Ouellette. The Board voted 4 in favor, 1-abstention (Shufelt).

Selectmen Liaison Committee Reports – None.

Question and Answer Period – None.

Boards/Committees/Commissions Vacancy List

Mr. Sullivan reviewed the list.

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. King stated he had a conversation with Treasurer Brad Brightman regarding the advertising and recruitment of a payroll person for the Treasurer's Office. Mr. King stated that if Mr. Brightman needed additional assistance, he would find it for him. Mr. King stated he has offered to provide whatever assistance is needed and he has offered to get a payroll service (Account Temps) to assist in the interim.
2. Mr. Vieira asked for an estimate of receipts and revenue projections from the Accounting Office and

that they be compared, last year's to this year's.

3. Mr. King stated the Town has received the 1st quarterly payment from the two solar farms (CEC).
4. Ms. Shufelt reminded everyone of the Election on November 8th and of Early Voting option; also, there will be a Veteran's Day Ceremony on November 11th.
5. Mr. Ouellette mentioned the roadway project of Routes 177 & 6 – poles are cut and that Conservation Commission should look at the paving area.

8:17 PM

Motion made by Mr. Ouellette to adjourn the Board of Selectmen meeting. Second by Ms. Shufelt. 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