

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY
APRIL 18, 2017**

Members Present: Steven J. Ouellette, Chairman
Shana M. Shufelt, Vice Chair
Craig J. Dutra
R. Michael Sullivan
Brian T. Valcourt, 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, 2nd floor meeting room, 816 Main Road, Westport, MA.

Pledge of Allegiance

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

Acknowledgments & Recognitions

Mr. Sullivan stated the Town had it's Annual Election last week; the Board would like to welcome back Mr. Ouellette for his sixth term and welcome back Mr. Valcourt, who served from 2008 to 2011. Mr. Sullivan also thanked Mr. Spirlet for entering his name for consideration and for his past service to the Town.

Reorganization of the Board

Motion made by Mr. Dutra to appoint Steven Ouellette as Chairman. Second by Mr. Valcourt.

The Board voted unanimously in favor.

Motion made by Mr. Dutra to appoint Shana Shufelt as Vice Chair. Second by Mr. Valcourt. The Board voted unanimously in favor.

Motion made by Ms. Shufelt to appoint Brian Valcourt as Clerk. Second by Mr. Dutra. The Board voted unanimously in favor.

*Chairman Ouellette conducted the rest of the meeting. Mr. Ouellette thanked Mr. Sullivan and Mr. Dutra for having served as Chair and Vice Chair.

Public and/or Board Member Comments – None.

Appointments and/or Resignations

1. **Motion** made by Mr. Sullivan to appoint Thomas J. Martins, II and Bruce Graves as Cemetery Laborers. Second by Mr. Valcourt. The Board voted unanimously in favor. Mr. Martins and Mr. Graves were present.
2. **Motion** made by Ms. Shufelt to appoint Douglas Hood, Jr. as Full-time Dispatcher for the Police Department. Second by Mr. Dutra. The Board voted unanimously in favor. Mr. Hood was not present.
3. **Motion** made by Ms. Shufelt to appoint Gregory Lavoie as a Seasonal Highway Laborer. Second by Mr. Dutra. The Board voted unanimously in favor. Mr. Lavoie was present.

Public Hearing - RE: An application request of Kevin R. Curt, 550 Orswell Street, Fall River, MA for a six-month Seasonal Trailer Permit to locate a trailer at 121 East Beach Road, Westport, MA for recreational purposes. The property is shown on Assessor's Map 76, Lot 36-37.

The public hearing was opened at 6:09pm with the reading of the Public Hearing notice by Mr. Ouellette. Present: Kevin R. Curt. No abutters were present. Mr. Ouellette asked Mr. Curt if he was aware that this was an environmentally sensitive area; Mr. Curt responded yes. Mr. Valcourt asked where the pumpout record was. Ms. Pelland stated there is no tight tank on the lot requiring such. **Motion** made by Ms. Shufelt to approve a six-month Seasonal Trailer Permit for 121 East Beach Road. Second by Mr. Sullivan. The Board voted unanimously in favor. The public hearing is closed at 6:12pm.

Paul Jennings, Rep & Superintendent Tom Aubin – RE: Discussion of FY2018 Diman Assessment.

Present: Paul Jennings and Tom Aubin. Mr. Sullivan stated we asked Mr. Jennings to be here tonight because the Town received a significant increase on the Diman Assessment. Discussion ensued regarding the number of students and the assessment to the Town. Mr. Jennings noted the increase of students from 108 to 130; 22 additional students. Mr. Sullivan asked Mr. Jennings about the cost per student going down and asked if he could shed some light on this. Mr. Jennings stated the cost per student is around \$9,800 for Westport; the State sets the rate according to the Town's ability to pay; it is not set by the School or School Committee. Mr. Sullivan asked what was the “per” student increase in order to compare to other towns and the State's contribution; Mr. Jennings stated he did not have the cost per student from other communities for tonight. Mr. Aubin stated Westport has never paid more than the minimum contribution but he would be more than happy to provide the requested information for the Board's next meeting. Mr. Sullivan stated he was looking for the rate change per community and per student. Mr. Ouellette stated he was asked by a resident, if an assessment on the difference, could be to the family of the student. Mr. Aubin stated no; it is a public school system of which Westport is a part of. Mr. Sullivan again requested if he could get a comparison chart of the four Towns, the four rates and the State's contribution. Mr. Aubin stated the increase was less than 1% for FY'18. Ms. Shufelt stated she was concerned about the \$216,000, which the Town will need to find; then asked if there has been talk about revisiting the Charter. Mr. Jennings stated there are pros and cons with changing the Charter, right now Westport is at 5.3%, and that may change quite a bit if we go back and look at the population. Mr. Aubin stated roughly 10% of the student body is from Westport. Discussion again ensued. Mr. King asked Mr. Aubin if he knew when the “magic” date for knowing how many students will be taken from Westport was. Mr. Aubin stated by October 1, but there are always fluctuations with late entries, etc. but we have a really decent number by October 1. Mr. King asked if that number could be shared so the budget for the coming year can reflect such. Mr. Aubin stated he would share that with the Town if it would be helpful with coming assessments. The Board thanked both gentlemen for coming in.

FY'18 Budget – RE: Discussion and approval of FY'18 Municipal Budget.

Mr. King stated he provided to the Board an update to the Budget based on adjustments made to reflect the increases in the Operating Budget due to the Diman Assessment, this immediately increases the budget deficit by almost \$100,000, and at the same time, it will make an increase between the School Dept. Budget and what he recommended by an additional \$40,000 to \$50,000 – up to \$210,000+ from the Superintendent's budget. Discussion ensued regarding the assessment and the overall impact. Mr. Sullivan stated there are three items affecting this, one is the \$216,000 hit that was split with the School. Mr. King stated there is a budget for the Shellfish services in the amount of \$61,416 but this is offset by a revenue of \$34,100+ and an appropriation from the Waterways of \$27,316; the third change is the increase in the Professional services of the Assessor's budget in the amount of \$27,048 for one-time expenses for the transitional budget, proposing funding from Free Cash in the amount of \$111,958. Ms. Shufelt stated we are still approximately \$100,000 in the hole; any recommendations. Mr. King stated we could use several different funding sources: Highway – an additional employee (\$45,000), Recreation – new funding (\$20,000), Treasurer – additional employee going from part-time to full-time (\$20,000), Assessors – additional employee (\$75,000) and Capital Improvements (\$183,705) and maybe Snow & Ice (\$25,000). Mr. King stated he would send the Capital Plan to the

Chair & Vice Chair in the morning. Discussion ensued regarding the use of Free Cash and areas of where to cut the budget in order to find \$100,000. Ms. Shufelt stated we have \$1.4million in Free Cash, how is it being spent. Mr. King stated \$500,000-Police Station, \$650,000-Capital Items (fire truck, COA van, police cruisers, transfer station roll-off truck), \$55,000-an article to return monies to the Marine Retained Earnings and \$20,000-Assessors Revaluation. Discussion again ensued. Mr. Dutra questioned, can we sustain extra employees. Mr. Ouellette asked Mr. King for a recommendation. Mr. King recommended postponing the fire truck for a year, but we have to make sure that the Operating budget does not have Operating costs that will carry forward to the next year. Ms. Shufelt asked for a comprehensive list of the Capital items, the reserve amount in the Overlay with a targeted amount; and a detailed list of the Free Cash of how much we have and where it has been allocated. **Motion** made by Mr. Sullivan to have the Town Administrator, Chairman and Vice Chairman work on a specific proposal with the guidance that every effort is made to not use one-time funds for re-occurring expenses and that we look at items that don't have a need right now. Second by Mr. Dutra. The Board voted unanimously in favor.

Maury May & Steve Connors – RE: Summer Farmers Market.

Present: Maury May and Steve Connors. Mr. May explained that the Westport Economic Development Task Force would be taking over the Summer Farmers Market and would like to use the Town Hall Annex south side parking lot for two reasons: the visibility on Main Road and to allow the vendors to be able to park their vehicles behind their canopies/tables making it easier for access to their products. Mr. May stated the market will run for 16 Saturday mornings, with the market being open from 8:30am to 1:00pm. Mr. May stated that due to setup and breakdown, they would require use of the parking lot from 7:00am to 2:00pm. Mr. May stated for the Winter Farmers Market, the Task Force was allowed to display a banner announcing the coming market; the Task Force would like permission to do the same for the Summer Market. Discussion ensued. **Motion** made by Ms. Shufelt to approve the use of the south side of the Town Hall Annex parking lot by the Economic Development Task Force for the Summer Farmers Market and to approve placement of a banner on the chain link fence announcing the Summer Farmers Market. Second by Mr. Sullivan. The Board voted unanimously in favor. On another note, Mr. May notified the Board that the application for the Specialty Crop Grant has been filed.

St. Vincent dePaul Task Force – RE: Update and Discussion of the SVDP Camp Partnership Proposal.

Present: Jennifer Dubois, Executive Director for the Westport Land Conservation Trust. Ms. Dubois stated that she had met with Steve Sloan and he is working with the Task Force on this project. Ms. Dubois then gave an update on the project, the revised proposal and presented a revised map of the property to the Board. A lengthy discussion ensued. This update was informational only with no votes needed at this time. The Board thanked Ms. Dubois from coming in.

David Palmer – RE: Discussion of 4th of July Parade (2017); Police and Highway Details.

Present: David Palmer and Anne Boxler. A discussion ensued regarding the upcoming 4th of July Parade. Mr. Palmer stated last year, when he was before the Board, there was some discussion of the Town helping with the cost of the Police details and the Highway Department setup/breakdown. Mr. King stated he would recommend the same as last year because there are some Police details and there is prep by the Highway Department. Mr. Sullivan asked what the costs were last year. Mr. Palmer stated the Police details came in at \$1,204 and he never got a bill from the Highway Department. **Motion** made by Ms. Shufelt to approve the request to hold the 4th of July Parade. Second by Mr. Valcourt. The Board voted unanimously in favor.

Motion made by Mr. Valcourt that the Town absorb the Police and Highway expenses for the 4th of July Parade. Second by Ms. Shufelt. The Board voted unanimously in favor.

Mr. Palmer will work with Ms. Pelland, BOS Office, to get the information on the Town's website. The Board thanked Mr. Palmer and Ms. Boxler for coming in and all their effort on this parade.

Shirley M. Robbins – RE: Request for a letter of approval for erecting a trailblazing sign.

Present: Shirley M. Robbins. Ms. Robbins explained her request for BOS support of her application to MassHighway for erecting trailblazing signs for Paradise Hill Farm. Ms. Robbins stated that in order to get the signs erected, which show people/visitors/residents where the farm is located, she needs approval from the MA Department of Agricultural Resources and MA Department of Transportation and they will give that approval upon receiving a letter of support from the Town. **Motion** made by Mr. Dutra to approve a letter of support as requested. Second by Ms. Shufelt. The Board voted 4 in favor, 1-abstention (Valcourt).

Action Items

1. **Motion** made by Mr. Dutra to approve of the Road Race request from Westport and Beyond/Erika Hall Memorial 5K/Fun Run for Saturday, June 24, 2017 per Police recommendation. Second by Mr. Sullivan. The Board voted unanimously in favor.
2. **Motion** made by Mr. Valcourt to approve the request of Barbara Smith to place “May is Lyme Disease Awareness Month” at the playgrounds in Central Village and Macomber School. Second by Mr. Dutra. The Board voted unanimously in favor.
3. **Motion** made by Ms. Shufelt to accept the donations made to the Council on Aging in the amount of \$420. Second by Mr. Sullivan. The Board voted unanimously in favor.
4. **Motion** made by Mr. Dutra to approve the banner application request by WES-MAC PTO to place a banner across Main Road for the Tough Kid Challenge, to be displayed May 5th to June 4th. Second by Ms. Shufelt. The Board voted unanimously in favor.
5. **Motion** made by Mr. Dutra to approve the contract for the Relay of Contaminated Quahogs with F/V Ocean Rancher. Second by Ms. Shufelt. The Board voted unanimously in favor.

Licenses

1. **Motion** made by Ms. Shufelt to approve of the revised and newly created Motor Vehicle Licensing applications with an area to be inserted for emergency/after hours contact information. Second by Mr. Sullivan. The Board voted unanimously in favor.

Town Administrator Report

1. Hix Bridge Road Bridge Repairs: Informational only. No actions or votes were required.
2. NPDES PII Small MS4 General Permit for 2017: Informational only. No actions or votes were required.
3. Chapter 90 Local Transportation Aid: Informational only. No actions or votes were required.
4. CTV Director's Report: Informational only. No actions or votes were required.
5. Marine Services Director's Monthly Report: Informational only. No actions or votes were required.
6. Medeiros Farm Costs: Mr. King stated the Board was provided a report showing the Town incurred \$202,406 in expenses. The Town received \$166,967 in grant money from the ASPCA, which left \$35,439 in un-budgeted costs to the Town. Mr. Sullivan stated what is not listed on this summary is \$52,000 in regular Police time (police working there on the Town's time). Ms. Shufelt questioned the amounts (Town, Legal fees & ASPCA grant monies). Discussion ensued. Mr. Wayne Sunderland asked why not assess the excess cost to the property owner who caused all this expense. Mr. Sullivan stated the Town may pursue that action. Chris Wiley, Forge Road asked, presumably, that a lien could be placed against the property (at that time, we did not have an idea of how much this would cost) and to bring a lawsuit against the property owner (because there will be more legal fees), once we are at that point; is this a fair assessment of the situation. Mr. Sullivan stated in addition to your very accurate assumptions, there is a criminal case running parallel with this and sometimes it is beneficial, if you feel confident with the criminal case to wait. Ms. Wiley questioned, so no lien will be put toward the property. Mr. King stated the Town can't put a lien on the property but the Judge in the case can put a lien on the property as the Town pursues civil action. Mr. King stated the Town does not have authority to place encumbrances against someone's

property, the property owner has rights; what the Town can do, as we go through court seeking a judgment for the Town, we can ask the Judge to place a lien on the property for that judgment.

Discussion ensued. No action/vote was taken.

7. Head of Westport Traffic Study: Informational only. No actions or votes were required. Mr. Ouellette asked Mr. King that if any information is received regarding SRPEDD, to please forward a copy to himself and James Whitin. Mr. Ouellette asked for some coordination for the Senior Housing on Route 6. Ms. Shufelt stated there was a powerpoint presentation on the traffic study; is it available. Mr. King stated yes, he received an electronic version which will be emailed out to all the Board members. Ms. Shufelt stated it was a nice presentation, maybe we could get it on the website. Mr. Valcourt also asked if pressure could be put on SRPEDD/SRTA for a bus stop at Noquochoke Village. Mr. Dutra stated there was push back from SRTA so you may have to look to SRPEDD.

Discussion Items

1. Mr. Dutra explained his request to designate the Middle School parking lot as a Public Parking area with signage, similar to what is done for the Town Hall. **Motion** made by Mr. Dutra to approve a Public Parking sign designating the Middle School parking lot for public parking; with the Police Department approving of the appropriate placement of the sign; and with installation to be done by the Highway Department. Second by Mr. Valcourt. The Board voted unanimously in favor.

Minutes

1. **Motion** made by Ms. Shufelt to approve the Regular Meeting Minutes of April 3, 2017. Second by Mr. Dutra. The Board voted 4 in favor, 1-abstention (Valcourt).

Selectmen Liaison Committee Reports

1. Ms. Shufelt stated there was an Animal Action Committee Meeting, which there was something that she wanted to bring back to this Board but it was not in writing yet, so she will be requesting to be placed on the next BOS agenda to talk about the AAC recommendations.

Question and Answer Period – None.

Boards/Committees/Commissions Vacancy List

Ms. Shufelt reviewed the list of positions previously held by former Selectman Vieira for consideration by the present Board for appointment of BOS Representatives; positions are Agricultural Open Space Preservation Trust Fund Council, Diman 5-Year Strategic Planning Committee, Cable Advisory Board, Capital Improvements Planning Committee, Middle School Transition Committee and Town School Building Committee. Ms. Shufelt stated she would like to volunteer to be the BOS Rep to the Town School Building Committee. **Motion** made by Mr. Dutra to appoint Ms. Shufelt to the Town School Building Committee and deferring the rest of the positions to the next meeting. Second by Mr. Sullivan. The Board voted unanimously in favor. Following a discussion, the appointment would stand until research is done for the next BOS Meeting.

Mr. Valcourt read aloud the open vacancies list. Mr. Valcourt stated he would be interested in serving on the Water Resource Management Committee for Precinct A – At Large member. **Motion** made by Mr. Dutra to appoint Brian Valcourt to WRMC-Precinct A. Discussion: Ms. Shufelt stated she could not support this; she felt that Board members should only be appointed to committees where they serve as BOS Representatives. Mr. Valcourt stated he requested this appointment last year but for some reason it was lost. Ms. Shufelt stated she had no problem with Mr. Valcourt, she just felt that Board members should only be serving as BOS Representatives. Mr. Dutra stated we have just broke that by appointing Ms. Shufelt to the Town School Building Committee. Ms. Shufelt stated she thought it was a BOS Representative position. Mr. Dutra stated he was the BOS Rep. and Mr. Vieira was an At-Large member. Discussion ensued. Ms. Shufelt asked for a retraction of the motion to appoint her. **Motion**

was seconded by Mr. Valcourt. The Board voted 3 in favor, 2-opposed (Sullivan, Shufelt).

Board Members Suggestions for Future Agenda Discussion / Action

1. Mr. Ouellette asked that an item be placed on the next agenda for the creation of a Bike/Walk Path Committee.
2. The Selectmen Rep vacancies by former Selectmen Vieira will be researched and address at the next meeting.

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

1. **Motion** made by Mr. Sullivan to approve the Coastal Waterbird Management Agreement with MA Audubon for the monitoring of the presence of and minimizing the disturbance of coastal birds for the Cherry & Webb portion only. Second by Ms. Shufelt. The Board voted unanimously in favor.

Other Business

1. Mr. Valcourt stated that he was happy to be serving the Town of Westport once again.

7:53 PM Executive Session

Motion made by Ms. Shufelt to enter into Executive Session pursuant to the provisions of MGL c 30A section 21(a) – (4) to discuss the deployment of or strategy regarding security personnel or devices; Highway Surveyor contract negotiations; PEC negotiations (Health Insurance); LAW contract negotiations; and to approve Executive Session Minutes of April 3, 2017. Second by Mr. Sullivan. The Board voted unanimously in favor.

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

Chairman Ouellette announced the Board would return to Open Session in order to adjourn.

8:38 PM

Motion made by Ms. Shufelt to adjourn the Board of Selectmen Meeting. Second by Mr. Valcourt. The Board voted unanimously in favor.

Adjournment.

Respectfully submitted,

Diane Pelland

Administrative Asst/Confidential Clerk to the Board of Selectmen

APPROVED: _____

Brian T. Valcourt, Clerk