

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY – October 29, 2018**

Members Present: Shana M. Shufelt, Chair  
Steven J. Ouellette, Vice Chair  
Ann E. Boxler, Clerk  
Brian T. Valcourt  
Richard W. Brewer  
Also Present: Timothy King, Town Administrator

Select Board Chair Shufelt called the meeting to order at 6:03 P.M. in the Westport Town Hall, 2nd floor meeting room, 816 Main Road, Westport, MA.

**Pledge of Allegiance:** The meeting commenced with the Pledge of Allegiance

**Chair's Announcement** – The Chair announced that under the provisions of MGL Chapter 30A, section 20(f), the meeting was being recorded by community cable television. The Website Everythingwestport.com was also video recording.

**1. Acknowledgments & Recognitions**

Ms. Shufelt acknowledged the Boston Red Sox World Champions and that Early Voting has begun and is offered until next Friday.

**6:05 p.m.**

**2. Action Items**

- b. Request support for “SAFER” Grant from Fire Chief Legendre.

Chief Brian Legendre requested the Board to approve his application to the SAFER grant. Funding of the Town’s portion would have to be guaranteed for four years. The grant would pay for 75% of the additional 5-firefighter paramedics. Because these are new positions, the Town has a good chance of receiving this grant. The grant is scheduled to open mid-December. He is requesting a non-binding letter of support. It is premature for the Board to sign a letter of support. The Finance Committee has not discussed this yet. He has submitted his budget with the addition of one person; this would not change for this grant. The Board is supportive.

**Motion** by Mr. Ouellette to approve with the understanding that it is not the final move. Second by Ms. Boxler.

Discussion ensued. Mr. Brewer asked if the funding could be afforded later on and looks forward to the Finance Committee to comment especially in years 3 and 4 and if it could be sustained in the budget. This is a big issue and potentially a costly one. He asked that the Select Board work together with the Fire Department and the Finance Committee to find a way to do this. Ms. Shufelt was concerned about funding year 1 through 3

The Board voted 4-1 in favor with Mr. Brewer voting opposed.

c. Request from Katelyn L'Heureux to park on Beach Ave on June 29, 2019 from 12-4 for a wedding ceremony. Katelyn L'Heureux and Wade Gomes were present to request a temporary parking pass. Since their request Ms. L'Heureux's parents have decided to apply for a beach pass and they will use that vehicle for set-up.

Mr. Valcourt suggested checking with the Land Trust.

**Motion** by Mr. Ouellette to approve one pass. Second by Mr. Valcourt. The Board voted 5-0 in favor.

- d. Endorse Lease with the James Morris Post No. 145 of the American Legion, 489 Sanford Road. The Town's 5-year lease expired last month and this version has a modification to eliminate liquor on premises. There are other options if the Legion were unable to complete a 5-year lease.

**Motion** by Mr. Ouellette to approve. Second by Mr. Valcourt. The Board voted 5-0 in favor.

- e. Request approval for a \$30K transfer request from the Finance Committee to the Legal Expenses account to cover deductibles for three lawsuits.

There are no funds allocated for this at this time. Mr. King stated that he is looking toward the reserve fund to pay for it. Mr. Carreiro, Chair of the Finance Committee stated that the reserve fund is questionable especially in November. He asked if there is a way to budget for these. The Town was recently invoiced for them and the due date is typically within 30 days. Cases are uncertain as to when they would settle. Because it is early in the cycle, legal budget is uncertain. Ms. Shufelt asked if there were other places to move funds from to pay these now. Mr. Brewer asked who the payment is made to. The payment is made to MIIA. Item was tabled for additional information.

- f. Massachusetts State Lottery Commission requests any objection of the game "Keno To Go" being offered to Coaksett Common Convenience Store at 875 State Road. The Board had no objections. No Action taken.

- g. Planning Board request for comment on Map 57, Lot 46 a proposed 2-lot definitive subdivision. No Action taken.

- h. Approve contract with AJ Potter for Screened Sand for Highway Department. The sand is purchased annually through a bid process. AJ Potter was the low bidder. **Motion** by Mr. Ouellette to approve. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

- i. Discussion on Need for a Special Town Meeting  
Gary Carreiro, Chair of the Finance Committee (FinCom) and Karen Raus, Vice-Chair of the Finance Committee were present.

The Chair discussed the bid for the treasurer's office consultant. He said that this is a rather important process for certifying free cash.

Consultant for Treasurer's Office would cost approximately \$65,000

Mr. Carreiro thought a \$30K reserve fund also should be put before Town Meeting.

He stated that the free cash needs to be certified as soon as possible and that the reserve fund should not be tapped into.

Ms. Shufelt asked him to explain what the consultant would be doing. As part of the Treasurer's office, reconciling the bank's cashbook and then reconciling with the Town Accountant. Three years ago, because of the turnover this fell by the wayside. The consultant would catch up and



submit the figures to the Department of Revenue (DOR). The DOR would not look favorably on this status. This issue needs to be resolved to know what free cash is available.

If there is material weakness, the DOR could potentially take over the operations and revenue.

Bank accounts need to be reconciled monthly and in a timely basis because this serves for fraud prevention. Nothing can be validated if there is an issue. The last reconciliation was July 2017, a 15-month period and not acceptable for non-reconciliation. Mr. Carreiro stated that if the consultant just does the work and leaves, this will not help the department and he should stay to finish training staff. Ms. Shufelt asked if there is an alternative to a special town meeting. This matter came to their collective attention over a year ago, and the fix was for a temporary worker to do the work. Proper training was not provided. There needs to be a mechanism to solve the issue. The consultant will hopefully be able to train the Treasurer.

Mr. Brewer asked about the bank reconciliations going back to last year and he asked if any progress was made. Town Treasurer, Brad Brightman stated that there are glitches where they can't close the gap and feels they need the consultant to help get this closed and to move on. He noted that the account temp took 3-months to get up to speed. He said they have gaps they cannot explain from month to month and they need someone with the expertise to recognize where the solution is and to be an educator to instruct the current employees going forward.

Ms. Raus stated that the auditor had stated that this is material weakness in internal control. This is recognized as a worst case scenario at the DOR. The bank accounts could have been hacked during all this time and no one would have known.

Mr. Brightman stated that the auditor has endorsed doing this in the strongest manner.

Ms. Shufelt reached out to the Moderator for a timeline. December 11 or 18 would be the soonest for a Special Town Meeting (STM). The final warrant needs to go to FinCom 4 weeks prior and the warrant needs to be published 2 weeks prior.

The only place this money could come from is the stabilization fund. Which has \$1million and free cash could be used as a revenue anticipation note but that would be more of an expense.

Mr. King stated that at the special town meeting the funding could come from the tax levy in FY19, it resolves the problem and the funds are appropriated. Mr. Carreiro suggested using the funds out of stabilization and replacing it once free cash was certified.

#### Briggs Road Fire Station Roof \$40,000

The project was planned by the Capital Improvements Planning Committee (CIPC) to be funded last year, but the funds were needed for the elevator instead.

Mr. Valcourt stated that he felt that the roof is 5 years past its life and was dismayed that it went this long without attention.

The Finance Committee receives a report from the CIPC. Last year it was a priority. The project did not make the cut the prior year as it was displaced by the elevator repair. The insurance would only cover 3 out of the 6 slopes. The Chief obtained 3 quotes to get an idea of what the project would cost. The contractor who did the Annex roof provided a mid-price quote. He stated that the insurance would replace the insulation to remove mold issues.

Mr. Valcourt commented that he regrets that someone from the building trade was not asked to look at it. Mr. Carreiro suggested adding the \$30k from the MIIA insurance at this point. If the books are not closed by a certain time, the DOR could dock until the process is complete. There is still the risk that free cash is not certified from Annual Town Meeting (ATM); and a bigger risk if ATM does not approve it.

Chris Wiley from Forge Road asked why is this issue for the department still for discussion. She asked why has not anything been done. She asked after the \$65K is approved, what will happen after that. Ms. Shufelt stated that part of the consultant's work would be to fix a certain amount but also oversight for the employees so they can be instructed by that person. Mr. Brightman stated that the last time they had help was like a band aid. This time there would be an education component. Mr. Carreiro stated the consultant would report back to the elect Board.

Mr. Valcourt stated that he is making himself available for the CIPC and FinCom for any project/property in the future. Ms. Shufelt felt that it needs to be justified to the public and also how to explain and convince the public this will not happen again. She is concerned about choosing between a new firefighter and the consultant. Mr. Carreiro stated that the free cash is what the Town will get out of this, but he is concerned about the bank accounts.

Mr. King stated that members of the FinCom were supportive of having an audit committee – and this group could make sure this is being done. If created through ATM and not the Select Board, the committee would be accountable to ATM.

Ms. Shufelt would like Mr. King to work with Town Counsel and authorize her, Steve Ouellette and Mr. King for the soonest date for a STM.

**Motion** by Mr. Ouellette to authorize a STM for financing \$30K for MIIA; Fire Department Roof \$40k and \$65K for the Treasurer's consultant; Legal to come up with options. Seconded by Mr. Brewer.

Discussion ensued. Constance Gee of River Road asked if the elected vs appointed Treasurer would be on the warrant. Ms. Shufelt stated it was already on the ATM Warrant and will now be on the April ballot. Mr. Valcourt suggested that the shingle for the fire station roof be a better quality, and he is available for consultation.

The Board voted 5-0 in favor.

j. Request to Fund Real Estate Appraisal - Westport Campground Evaluation Committee.

Joseph Ingoldsby, Chair of the Committee was before the Board to give the committee's findings. It was noted that Community Preservation Act funds could not be used. One thought would be to lease the land out to a firm that runs campgrounds and have them pay the town rent. Ingoldsby suggested that there be some use for town people instead of the school. The school building committee is not interested in this property. There are many who feel it can be used for recreation. He suggested that the Select Board obtain an appraisal. **Motion** by Mr. Ouellette to approve an appraisal not to exceed \$3K. Second by Mr. Valcourt. The Board voted 5-0 in favor.

6:10 p.m.

3. **Appointments and/or Resignations**



- a. Request from Jill Harris, Louise Rodrigues and Averyl Andrade for appointment to the Craft Cannabis Co-op Committee (1-year term). Consideration for appointments of Ms. Harris and Ms. Andrade are deferred for two weeks. Louise Rodrigues was before the board to express her advocacy of farming and an avid believer of the benefits of cannabis. The product would be a benefit to the Town. She is aware of the restrictions and of the plan that Ms. Andrade was proposing. She would like to help any way she can. **Motion** by Mr. Ouellette to appoint Ms. Rodrigues. Second by Mr. Valcourt. The Board voted 5-0 in favor.
- b. Request from the Agricultural Commission (AgCom) Chair, Raymond Raposa to appoint Thomas Barrett as the AgCom Representative to the Craft Cannabis Co-op Committee (1-year term) and Norman Anderson to the Agricultural Open Space Trust Council as the AgCom Representative (1-year term).  
**Motion** by Mr. Valcourt to appoint Mr. Barrett and Mr. Anderson. Second by Mr. Ouellette. The Board voted 5-0
- c. Request from Cynthia Brown for appointment to the Camp Ground Evaluation Committee (1-year term); Personnel Board (3-year term); and the Westport Economic Development Task Force (1-year term). Ms. Brown is semi-retired and realizes that not all these committees are currently actively meeting.  
**Motion** by Mr. Ouellette to appoint Ms. Brown to the Campground Evaluation Committee and Personnel Board. Second by Mr. Valcourt. The Board voted 5-0 in favor. The members felt that she should wait to see the fate of the Westport Economic Development Task Force before being appointed to it.
- d. Request from Maury May to accept his resignation from the Westport Economic Development Task Force.  
**Motion** by Mr. Valcourt to accept the resignation with a letter of thanks. Second by Mr. Brewer. The Board voted 4-1 with Mr. Ouellette voting nay.

**6:15 p.m.**

**4. Discussion Items**

- a. Agricultural Commission (AgCom ) Chair, Raymond Raposa to discuss the Animal Registry.  
Mr. Raposa was present and he discussed the volunteer animal registry form. After he went back to AgCom to discuss, he felt it was too much to ask the barn book persons to fill out the form. He would like to go back to the AgCom for discussion.

Constance Gee of River Road asked for clarification. At the last Board of Health (BOH) meeting, the registry was not the BOH responsibility because there was not a position that can be used.

AgCom is advising the BOS – the BOS looks to them for guidance and suggestions.  
The BOS has not asked the AgCom to put together a site registry.

Different Boards have asked AgCom for input. There was talk about a possible site registry. The AgCom is not sure they are proposing that. The AgCom has not concluded. The BOH is also asking AgCom for their input. Ms. Shufelt would like to see what progress the BOH has made. The BOS is meeting with the BOH on November 13, 2018 and they will discuss their progress and the keeping of animals.

- b. Animal Control Officer (ACO) discussion and updates.  
ACO, Donna Lambert was present. The BOS Chair sent some topics for her to discuss.

The status of the Barn Inspections:

40 inspections have been completed. The BOS was looking for half of the inspection to be completed by November 1, 2018. With new hires, there have been time restrictions. It has been Ms. Lambert doing inspections and Ms. L. Pimentel doing the inspections. Ms. Lambert lost a family member and that was another cause of her absence. She will change her schedule to work on weekend because most people are working during the weekdays. They do not schedule appointments. She stated that she is not sure how many there will be this year. Currently she is working off of last year's number of 115 locations. She noted that she can be denied access; they need to have consent for access.

Donna Perillo asked if the stipend is the same and how is the assistant is being paid. The stipend is \$1,500 for Ms. Lambert. and the Assistants are paid for on-call hours. Another person asked if the data from the Barn Books would be placed in a computer.

Mr. Jon Alden said he keeps hearing that are 500 farms in Westport and only 115 listed in the Barn Books. He asked how many cases of animal abuse cases have come up since the Medeiros farm. She stated that there are none and that she is working with people to prevent situations from becoming that.

Status of new assistants:

Two of the assistants have completed core-competency training.

Meetings: two are on limited availability; none is available on a regular basis. The information on this job is perishable. Ms. Shufelt asked if they need to look at additional or different staffing. She suggested that the position be on call 24/7 M-F and perhaps full time. The position is currently part time salaried position with coverage responsibilities. The ACO should be full time with some assistants. Ms. Shufelt asked to look at the "on call" arrangement. The areas to look at for review are: employment contract; consider full time; salaried and hourly. Ms. Lambert suggested looking at the whole to review. Discussion ensued moving the department under BOH or somewhere else. Ms. Shufelt asked her where the ACO should lie - where it makes the most sense. She stated that the BOH may not be a bad choice if people call one number it would be better. There is a similarity of issues shared with the BOH.

Chris Wiley of Forge Road asked where is the Animals Control Officers' vehicle going to be parked this winter. She understands, but this going on for quite some time. Ms. Shufelt stated that the garage is a possibility and that Mr. King is to follow up with the Chief. The van could be stored in there. There is some equipment in various places and Ms. Lambert would like to have a place to keep it all. She asked for office space and does not feel that a desk and files in the middle of a meeting room is adequate as some business is confidential.

c. Review Goals.

Members reviewed the goals noting that some of the processes have been started.

Prepare warrant articles for special town meeting.

The next performance review was

June 30 2020 is the end of the contract and an evaluation would be in March 2020

Ms. Shufelt would look into dates for the review

Ms. Shufelt asked if the employees have been given guidance about the Media. Mr. Brewer stated that any activity should be funneled through the Chair so that one person is not expressing their opinion contrary to what the consensus is. Discussion ensued. Ms. Shufelt stated that questions from the press could be addressed to individual members but the answers should be what is



discussed within a meeting. Discussion ensued. Ms. Shufelt asked Mr. Brewer to draft something to address this issue.

Insurance review. Mr. Brewer has begun to review the policies. He suggested meeting 90 days prior to new fiscal year to review.

Members discussed evaluation of Town Counsel. Mr. Brewer is satisfied with the Town Administrator procedure of accessing Town Counsel.

**5. Licenses**

None.

**6. Town Administrator Report**

Mr. King gave his report to the members. He highlighted Elections; he is working on the Energy plan; Diman is building a new sign for the Town hall; the campground committee has held a few meeting.

**7. Minutes**

October 1, 2018

**8. Selectmen Liaison Committee Reports**

Ms. Boxler stated she attended the Housing Office meeting but there was no quorum.

Mr. Valcourt asked to attend the next CIPC and the Town Building committee so that he can assist in evaluating any building projects.

Mr. Ouellette said he had no luck after speaking with SRPEDD regarding the survey work for Main Road at the terminus. He plans to talk to Bill Napolitano next.

Ms. Shufelt stated that Representative Schmid approached her about if they needed anything and that he would be meeting today with the Seniors and with Mr. King,

Mr. Brewer had no news from CIPC; Campground Committee – was heard earlier  
OPEB

Ms. Shufelt attended the Fire station legislative meeting; middle school fencing is up and trailer is up. All non-hazardous materials being remove; hazardous removal later this month; razing in December; some percentage with MSBA; out to bid in January.

**9. Boards/Committees/Commissions Vacancy List**

See website for current vacancies.

**10. Board Members Suggestions for Future Agenda Discussion / Action**

None.

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

None.

**12. Question & Answers.**

It was noted by Mr. Ouellette that there will be a brook naming at the next meeting. Abutters to 179 Robert Street will be notified as well as the Robert Street Association. Anyone interested can come to the next meeting

### Adjournment

The Board voted unanimously to adjourn at 8:17 p.m.

Respectfully submitted,

  
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Lucy Tabit Administrative Assistant/  
Confidential Clerk

APPROVED:

  
\_\_\_\_\_  
Ann E. Boxler, Clerk, Select Board Member

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Attachments to Agenda of 10/29/18:

- 2a SAFER Grant letter
- 2b K LHeureux request
- 2c Legion Post 145 Lease draft
- 2c Request-Westport-Salt-Marsh-Study-Site-BBNEP
- 2d Funds transfer request
- 2e MA Lottery letter
- 2f Planning Request for Comment on M57, 146 2lots
- 2g AJ Potter screened sand contract
- 2h Finance information
- 2i1 Westport Camp Grounds Evaluation Committee- Appraisal Funding Request
- 3a Cannabis Co-op requests
- 3b AGRICULTURAL appointments
- 3c Request for appointments from Cynthia Brown
- 3d Resignation M May
- 4a Agricultural Chair discussion information
- 4b Animal Control Topic
- 4c1 BOS Goals- June 2018
- 4c2 King Goal Setting 2018
- 6 TA Report
- 7 BOS Minutes 100118 DRAFT