

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
WEDNESDAY
DECEMBER 28, 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, 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.

Public and/or Board Member Comments – None.

Acknowledgments & Recognitions

1. COA Director Beverly Bisch announced that Susan Reed, Chair of the Friends of the Westport COA has informed her that their Board has voted to match the \$45,000 for the parking lot expansion at the Senior Center on Reed Road. Ms. Bisch stated this will allow the COA to complete the expanded parking lot project, increasing the number of parking spaces by 28. Mr. Sullivan requested that a Citation be presented to the Friends of the WCOA at a future BOS Meeting.

Appointments and/or Resignations

1. **Motion** made by Mr. Dutra to appoint Nancy Cox as COA Van Driver. Second by Ms. Shufelt. The Board voted unanimously in favor. (Beverly Bisch and Nancy Cox were present).
2. **Motion** made by Ms. Shufelt to appoint Grace Orr as Conservation Commission Rep. to the Animal Action Committee. Second by Mr. Ouellette. The Board voted unanimously in favor.

Public Hearing – RE: Application requests received from S&H Supreme Liquor, Inc., 787 State Road for the transfer of an All Alcohol Package Store Liquor License and a Common Victualler License; Manager of Record – Ankit D. Patel.

The public hearing was opened at 6:13 PM with the reading of the Public Hearing Notice by Mr. Sullivan. Present: Attorney Arthur Frank, representing the applicant and Ankit Patel, applicant. No abutters were present. Attorney Frank presented the application requesting a transfer of the liquor license from State Road Package Store to S&H Supreme Liquor, Inc. at 787 State Road. Attorney Frank stated Mr. Ankit presently runs similar businesses with no problems. Mr. Ankit stated the hours of operation will remain the same. Mr. Sullivan asked if the application was in order; Ms. Pelland stated yes. **Motion** made by Mr. Ouellette to approve the transfer request. Second by Ms. Shufelt. The Board voted unanimously in favor. The public hearing is closed at 6:16 PM.

Holy Ghost Club, Inc. – RE: Application requests for Change of Officers & Directors and a Change of Manager – Joseph Migliori.

Present: Joseph Migliori and Valerie Martin, President of the Holy Ghost Club, Inc. Mr. Sullivan asked if the application was in order; Ms. Pelland stated yes, this application is for a Change of Manager and Change of Officers and Directors only. **Motion** made by Mr. Dutra to approve the application requests of Holy Ghost Club for a Change of Manager (Joseph Migliori) and a Change of Officers/Directors. Second by Mr. Ouellette. The Board voted unanimously in favor.

Westport Club, Inc. - RE: Application request for Change of Officers & Directors.

Present: Rebecca Haines, Manager of the Westport Club, Inc. Mr. Vieira read aloud the names of the new Officers/Directors. Mr. Sullivan asked if the application was in order; Ms. Pelland stated yes, this application is for a Change of Officers and Directors only. **Motion** made by Mr. Dutra to approve the request. Second by Mr. Ouellette. The Board voted unanimously in favor.

Power Management Co. - RE: Extension of Electricity contract.

Present: Dr. Kevin Kelly, Vice President/Owner of Power Management. Dr. Kelly stated he was before the Board to ask them to consider their contract with Direct Energy. Dr. Kelly stated Power Management's role is to keep the Town up to date on the market and now is the time to consider extending the contract. At this time, Dr. Kelly reviewed the Energy Program presentation. Discussion ensued. Mr. Sullivan stated we need to have the Town Administrator, Mr. Connors (Energy Committee) and Dr. Kelly go over the material and make a recommendation to the Board; no decision tonight will be made. Dr. Kelly stated that bids have already gone out. **Motion** made by Mr. Dutra to table this matter until a review is conducted by the Town Administrator and the Energy Committee. Second by Mr. Ouellette. The Board voted unanimously in favor.

James Hartnett – RE: Discussion of St. Vincent DePaul Camp – Potential Uses.

Present: James Hartnett, Jim Whitin, Steve Sloan (WLCT). Mr. Sloan stated there is a Purchase and Sales Agreement in place, which is to be closed on by September, 2017. Mr. Hartnett stated a committee was formed to look over the 20 acres and to come up with ideas for municipal uses. The group consisted of Craig Dutra, Leonardi Aray, Tim Gillespie, Jim Whitin, Chris Capone, Jim Sabra, Bob Grillo, Renee Dufour, William Raus, Beverly Bisch and himself. Mr. Hartnett stated the group met on October 12, November 19 and December 7, 2016; and in addition to the meetings, many of the group members visited the site and inspected the various buildings. Mr. Hartnett stated input was also received from Ralph Souza (Building) and Lt. Ledoux (Fire). Mr. Hartnett then gave a power-point presentation of the parcel and the status of the buildings. Mr. Hartnett stated on the property also, is a common septic system, a common well and with electricity disbursed all over the property, all of which will need upgrading. There are 25-30 lots that can be developed under a traditional subdivision; the caretaker's building is in fairly good shape, the gymnasium is in pretty good shape it is just dirty but the dormitory building is not in good shape and the pool would have to be filled in. Mr. Hartnett stated there are potential municipal uses for Recreation and Open Space, Senior Housing and a portion of the property, maybe, could be used for a Cemetery. We have been working with the Westport Land Conservation Trust on this. Mr. Whitin stated this a golden opportunity for Recreation and Park Land, which the Town needs. Ms. Shufelt questioned the Conservation Restriction, what was being sold to the Town and the GIS in reference to the lots. Mr. Whitin stated there is only one deal and it is with the Catholic Church for the 82 acres; the back parcel is 59.7 acres (\$350,000 Conservation Restriction) and the front parcel is 22 acres – under the WLCT. Discussion ensued. Mr. Vieira stated the AOSTFC might want to look at this because of possible house lots; this could present neighborhood issues; there is a demand for senior housing and there are a lot of negatives with individual homes; AOSTFC is for agriculture and open space. Mr. Dutra stated this is a great opportunity; we have a number of ideas and the committee has done a good job; we understand the need for both subsidized and senior housing but this will be a moving target in the next 12-15 months. Mr. Dutra stated the committee should continue to meet as needed and report back periodically. Mr. Vieira mentioned the need for ATM articles. Mr. Dutra suggested keeping the committee intact and coming back with recommendations. Mr. Sullivan stated the biggest thing is, do we move forward with a proposal or do we have a solid proposal. Ms. Shufelt stated the CR is pretty specific but the committee may come up with more specifics. Mr. Vieira stated the AOSTFC needs specifics; personally he has a problem with Open Space only. Mr. Hartnett stated time-wise, it is extremely difficult to meet and get something done for Town Meeting, there are a lot of moving parts and general ideas; we need specific purposes and figures. Mr. Sloan stated the WLCT secured being able to fund the core piece. Mr. Sullivan asked Mr. Hartnett for a more detailed

time-line. Discussion ensued again. Mr. Sullivan stated that CPC should come in and speak with the BOS and then, at another meeting, we can discuss a more detailed time-line and have more specifics on the multiple pieces. Mr. Ouellette also mentioned a possible use as community farming. The Board thanked those involved and looked forward to the next meeting. No votes or actions were taken.

Board of Health – RE: Discussion of Sr. Health Agent position.

Present: William Harkins, Chairman and Karl Santos, Vice Chairman of the Board of Health. Mr. Sullivan stated this is a follow-up to a previous conversation in which the BOH would like to replace the Sr. Health Agent position and post the job; we will also discuss what will be done differently going forward and what can be done better; and the possibility of combining positions as well. Mr. Sullivan stated we did talk a little bit about the culture, habits and practices that got us into the situation that we find ourselves into for a second time in six years. Mr. Harkins stated we have some draft job descriptions for a Sr. Health Agent and a Director of Public Health; we are looking to see which is the best way to go. Mr. Harkins stated we are looking to add some additional functionality for oversight in the office and for the reporting to the Board for oversight transparency on whatever issues we are dealing with. Mr. Sullivan stated we are looking at a Sr. Health Agent vs. a Director having all the responsibilities and duties that a Sr. Health Agent would have, plus in addition, that person would be more of an Office Manager and liaison to the BOH. Mr. Harkins stated the previous Sr. Health Agent was overseeing the office because everyone else has full-time jobs. Mr. Santos stated we basically had a field agent trying to be a manager so basically, the Director would not be a field person (non-union). Mr. Harkins stated there were two positions before in this department. Discussion ensued regarding the two job descriptions; with the major differences being the supervision and the reporting to the Board. Mr. Dutra stated we are not in a position, based upon what is before us tonight, to move to the other item on our agenda which is approving the posting of the position, because there are so many other questions about union status, additional personnel and what has changed in the descriptions because there are no red-lined changes to compare. Ms. Shufelt asked if the BOH was recommending one position or the other or was the BOH proposing both positions. Mr. Harkins stated we gave both positions because we need discussion within the Board on which direction we should go; we do not have a recommendation as of yet. Mr. King asked what their needs were within the department. Mr. Harkins stated we need a Sr. Health Agent and whoever is in that position also needs to oversee the work being done by the secretaries in the office. Mr. Santos stated that person will need strong management skills for whichever way we go. Mr. Sullivan stated the BOH is leaning towards a more administrative/less field work for the purposes of providing the BOH with better oversight of the office and better lines of communication about what is going wrong and what is going right in the field. Mr. Sullivan asked the BOH members, would this have made any difference six months or six years ago; is this position a fix or are there other things that we need to do differently. Mr. Harkins stated from the time he has been on this Board, this is a move in the right direction and we will make adjustments as we go. Ms. Shufelt stated her concern, which she has expressed, is that part of the problem seems to be the supervision of the Board of Health and the supervision of the employee; so from what she was hearing, is that the BOH is expecting a different type of skill sets to come in. Ms. Shufelt asked how the BOH sees their oversight of this person changing; what are you changing for oversight to make sure you know what is going on in your department and if your employee is doing the position correctly and effectively. Discussion ensued. **Motion** made by Mr. Dutra to table this matter and anticipate a recommendation by the Board of Health at the next BOS meeting to discuss a specific proposal going forward; a concrete recommendation of the staffing; the successful elements of those staffing positions and at that point, if it does involve some bargaining with the Union or some Union engagement, that would be the right time. Second by Mr. Ouellette. Discussion: Mr. Vieira stated he agreed this should be tabled this tonight; but he would like to suggest a couple of things such as the Director of Public Health is the way to go, the office needs better management, and whether it is union or non-union, the Union does not dictate management; the BOH is elected officials and should not be there day in and day out, there should be a management piece; we have not filled that position in years and have tried our best to do without and use Union people to do management work; he would rather see a Director position and

Inspector positions because you may want to have part-time inspectors that specialize in certain needs/areas; also, you need a goals & objectives in place. Ms. Shufelt stated there could be problems with the budget, so whatever you come up with, make sure the line items are there; be mindful of the timing of the budget. Ms. Shufelt asked the BOH what they were doing right now for a Sr. Public Health Agent. Mr. Harkins stated we are reaching out to have someone as interim to fill the gap; we are using agents in the office for inspections and the office staff has been filling in the clerical gap; which leads to another area of how to handle all the overtime of the present staff. Mr. Santos stated the Board is filling in also. Discussion continued. Mr. Sullivan asked for an amendment due to the fact that Mr. King has discussed combining the Health Agent with the Conservation Agent into a Director's position, so he would like the amendment of the Board of Health and the Town Administrator to come back with a recommendation for proposals for staffing; Mr. Dutra agreed to the amendment and Mr. Ouellette seconded the amendment. Mr. Sullivan asked that when the BOH comes back, we need to hear what is going to be done differently from 2010 and 2016. Mr. Ouellette also suggested that a call log for at least serious matters is a good thing; make this a policy for serious calls. Mr. Ouellette also mentioned that within the job description, the BOH should consider increasing the lifting requirement to more than the 10lbs. The Board voted unanimously in favor.

At this time, Mr. Sullivan allowed a couple of questions.

Donna Parillo made a brief statement; she also asked who does the hiring. Mr. Sullivan stated the BOS is the hiring authority. Mr. Vieira stated if it is an elected Board, he was not opposed to them hiring but this should not be part of the Union. Mr. Dutra stated this is not a BOH hiring, just a review, vet and recommendation to the BOS. Ms. Parillo asked if there would be transparency with the final 2 or 3 candidates; Mr. Sullivan stated the interviews were not public, the hiring process is public.

Constance Gee stated she was appreciative of the consideration for a Director of Public Health. She would like an appointed rather than elected Board of Health because of the need for expertise and professionalism. Mr. Vieira stated in relation to the motion, the BOS needs to give more direction, he would like the Board of Health to come back with a Director of Public Health. Mr. Dutra stated his concern is he heard a Public Health Director and he would like the trajectory but he believed there are other options and opportunities such as combining positions. Mr. Vieira stated we can't combine Conservation and Public Health; the makeup of the office may change but we need to consult other communities. Mr. Harkins stated they will have a part-time person in the next couple of weeks and a plan going forward. Ms. Shufelt said she feels that the BOH should have a complete audit; some specifics to show how recommendation will manage the office/person. Mr. King stated he was willing to work with the Board of Health and come back with a recommendation in two weeks.

Action Items

1. **Motion** made by Mr. Dutra to approve the 2017 BOS Meeting Schedule with one amendment (change December 26 to December 27). Second by Mr. Ouellette. The Board voted unanimously in favor.
2. **Motion** made by Mr. Dutra to move Mr. Ouellette as Voting Delegate for MIIA and Mr. King as Alternate for the MIIA Annual Meeting on January 21, 2017. Second by Ms. Shufelt. The Board voted unanimously in favor.
3. **Motion** made by Mr. Ouellette to approve of the transfer of the old Shellfish Department Vehicle to the Fire Department for use by the Fire Prevention Officer. Second by Ms. Shufelt. The Board voted unanimously in favor.
4. Mr. Dutra stated this has already been approved at Town Meeting and by the Board of Selectmen; we now need to execute the agreement according to our Legal Counsel; this is to transfer the money to the Affordable Housing Trust and eventually to The Community Builders. Discussion ensued. **Motion** made by Mr. Ouellette to approve the CPA agreement for the funds appropriated at Town Meeting 2015 for the support of the unrestricted units at Noquochoke Village. Second by Ms. Shufelt. The Board voted 3 in favor; 1-abstention (Sullivan) and 1-opposed (Vieira).

Licenses

Present for F&R Auto Sales: Francis Correiro, Owner / Nelson Martinez, Business Manager / Attorney Thomas Hallal, representing F&R. Mr. Sullivan stated a recommendation has been received from the Town Administrator to not renew the license. Mr. Sullivan then reviewed the TA's memo. Attorney Hallal stated these are just allegations; on December 5th, the Division of Banks and the Office of State Professional Licensure went onsite to F&R and no complaints were filed; the dealership received an A+. Attorney Hallal went on to explain how his client only has allegations against him and how the dealership has changed under the professionalism of Business Manager Nelson Martinez. Attorney Hallal stated that a new checklist is followed for the sale of a vehicle; and that his client for the last 4-5 months, has gone above and beyond to change the dealership's reputation; he does not understand why now that his client is being blind-sided. Attorney Hallal told the Board they were looking at complaints from 2015; his client is now an exemplary businessman who actually tracks down clients to make good on any complaints. Mr. Correiro stated that people were calling the Attorney General's Office instead of contacting him first with any problems. Attorney Hallal stated there were a lot of complaints due to bad publicity over a pizza delivery person; the management style has been held accountable and a lot of things have changed. Mr. Dutra stated we have police reports from 2015 and 2016. Mr. Sullivan stated there is a body of people who are unhappy, a number of complaints and you are not willing to recognize there is a problem. Mr. Martinez stated the business has been changed since he is there; he is now going through everything, including the complaint list. Mr. Correiro stated he is working with the AG's Office on rectifying things. Ms. Shufelt asked Mr. Correiro how he was doing repairs without a Repair License. Mr. Correiro stated he is repairing cars in his garage. Mr. Ouellette stated it took six months to correct problems with a BMW? **Motion** made by Mr. Vieira to deny the renewal of a Class II License for F&R Auto Sales. Second by Mr. Dutra. Discussion ensued: Mr. Vieira stated this is only a partial of the problems; I have been on this Board for five years; our own Police Department has been called to your business at least 20-30 times in a year; as a member of this Board, I can't in good conscience, sign off on a license; there has been no movement on your part; as one member of this Board, I vote to deny. Attorney Hallal ask about a conditional license; an opportunity for Mr. Correiro to prove himself; perhaps a 60-day provisional. Attorney Hallal stated Mr. Correiro needs to earn a living and is willing to serve the public. Mr. Sullivan stated he has not lived in Town for more than ten years and he has heard so many complaints; not just about the business but the poor treatment of customers such as yelling matches and customer confrontations; there is a problem here and denial of this. Mr. Martinez stated he now deals with the customers, not Mr. Correiro. Mr. Ouellette questioned what was done today about the two cars parked on Route 6 in front of the business in the no parking zone; this is just a continuance of problems. Ms. Shufelt stated I am hearing is that a number of complaints were due to a pizza delivery person and from the AG's Office; you say you are reaching out to people but why should you get an extension, you are not giving a reason; why should I give you another sixty days, especially with you doing illegal repairs. Attorney Hallal stated look at the dates of the complaints; this business is doing a complete overhaul with Mr. Martinez handling and making the decisions; the business is turning around; we have five employees and bringing on more. Mr. Correiro stated he had testimonials from past customers. Mr. Vieira stated you are basing everything on the last three months but for the last nine months, things have not been done right. Mr. Sullivan stated one of our inspection reports by the Police and Building Departments show a number of titles that don't show proper transfers or titles being signed over. Mr. Correiro stated there has been no Police for four months, he is trying to make everybody happy and he is more hands on now and there are no more complaints and he is working with the AG's Office on correcting all. Discussion again ensued. The Board voted unanimously in favor. Mr. Sullivan suggested Mr. Correiro to come back on Monday, January 9, 2017 and present in writing a letter from the AG's Office and a new business plan; the Board may consider a provisional license.

Town Administrator Report

1. Hix Bridge Road Bridge MDOT Repair – Peer Review: no action needed.
2. Route 6 and 177 Intersection Project: Discussion ensued. **Motion** made by Ms. Shufelt to refer the

Board's complaint to MADOT (a) poor engineering design, especially if there is runoff from an accident/spill (b) runoff from Dartmouth is effecting Westport residents both as a safety and an environmental concern. Also, the Town of Dartmouth is to be cc'd on the complaint letter. Second by Mr. Ouellette. The Board voted unanimously in favor.

3. Conflict of Interest Law: no action needed.
4. Free Cash – DOL: Mr. King stated he will have this figure next week: no action needed.
5. Verizon Tax Property Tax Appeal Resolution: Mr. King has asked that the amount be kept in Reserves; the State does the valuation of Verizon and tells the Town how much can be assessed. Mr. King stated the impact amount is smaller than the overlay; no action needed.
6. Levy Limit and Tax Rate Recapitulation: no action needed; only to correct the \$100,000 to \$1,000 on Mr. King's report.
7. Veteran's Services Director's Report: no action needed.
8. Council on Aging Director's Report: no action needed.
9. New School – Tax Impact: no action needed.

Discussion Items – None.

Minutes

1. **Motion** made by Ms. Shufelt to approve as presented the Regular Meeting Minutes of November 28, 2016. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. **Motion** made by Ms. Shufelt to approve as presented the Regular Meeting Minutes of December 12, 2016. Second by Mr. Ouellette. The Board voted unanimously in favor.

Selectmen Liaison Committee Reports

1. Ms. Shufelt stated the first meeting of the Animal Action Committee on December 19th went very well; we received a lot of good input and brainstormed what we want to tackle as a group. We came up with a list of 59 items to be looked at. Ms. Shufelt stated the next meeting will have each group give an overview of their roles and what their departments are responsible for. Ms. Shufelt stated the first product will be an understanding of what we have now and agree on and what the different roles of the entities are; following that, we may look at policies and whether there are changes needed.

Question and Answer Period

1. Chris Wiley asked about the grant and injunction. Mr. Sullivan stated as for the grant, we are negotiating back and forth, hopefully settling it in the next couple of weeks. Ms. Wiley asked if all officers has been paid their overtime; Mr. King stated yes. Mr. Sullivan stated mostly all has been paid, it is another piece outside of that, that is being negotiated. Ms. Mello asked how the officers were paid; Mr. Sullivan stated out of the Police Budget. Mr. King stated as for the injunction; any extension will depend on the court. Ms. Wiley asked if the website could be updated between BOS Meeting; Mr. Sullivan stated putting things out there before the BOS get it, puts the Board at a disadvantage.
2. Donna Parrillo asked about the filling of the Sr. Health Agent position and vetting of the Board of Health. This question was addressed at the beginning of the meeting.
3. Jenn Mello asked for an update on 465 American Legion Highway; are all tenants in compliance as of 12/19/16 deadline and the Board of Health visited site on 12/22/16, what was the outcome of that visit. Mr. Sullivan stated all of the (21) tenants and animals are off the site as of December 22, 2016. Ms. Mello asked about the rats and trash; Mr. Sullivan stated both are still there. Ms. Mello asked about the buildings; Mr. Sullivan stated that could take a long time. Mr. Sullivan stated this

is a process, which needs to be a definitive and detail-oriented case to go back to court. Mr. King stated we have to put a plan put together for the garbage that is onsite, while dealing with Mr. Medeiros's attorney.

4. Bernadette Appleyard thanked the Board of Selectmen for giving guidance to the Board of Health.
5. Constance Gee asked how much the Town was in the hole for this. Mr. Sullivan stated we are seeking 100% reimbursement for expenses that we were told would be covered that were above our normal expenses; we have received something less than half. Mr. King estimated the total expenses to be around \$150,000 to \$200,000. Mr. Sullivan stated we will be very public about the costs when said and done.

Boards/Committees/Commissions Vacancy List

Mr. Ouellette reviewed the vacant positions.

Board Members Suggestions for Future Agenda Discussion / Action

1. Mr. Vieira requested that John Rezendes and Valerie Bain be brought into the BOS Meeting of to discuss the ongoing issues with the cable. Mr. Sullivan asked this be placed on the 01-23-17 agenda.

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

Other Business – None.

10:07 PM Executive Session

Motion made by Mr. Ouellette to enter into Executive Session pursuant to the provisions of GL c 30A section 21 (a) to approve Executive Session Minutes of 11-28-16 and 12-12-16. Second by Ms. Shufelt. The Board voted unanimously in favor.

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

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

10:10 PM Open Session

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