



## BOARD OF SELECTMEN REGULAR MEETING MINUTES

Monday, July 25, 2022

Members Present: Shana M. Shufelt, Chair  
Richard W. Brewer, Vice Chair  
Steven J. Ouellette

Member Absent: Ann Boxler  
Brian Valcourt

Also Present: James Hartnett, Town Administrator

### 6:01 p.m. Call To order & Pledge of Allegiance

#### 1. Action Items

- a. Request from Sue Brayton to approve the Bond for the Junior/Senior High School and the Westport Elementary School.  
Ms. Shufelt made a **MOTION** to approve the Vote of the Board of Selectmen as follows, which she read verbatim:

### VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Westport, Massachusetts (the "Town"), certify that at a meeting of the board held July 25, 2022, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: We hereby determine, in accordance with G.L. c.70B, that the cost of the Westport Middle/High School construction authorized by vote of the Town passed on January 23, 2018 (Article 1) and the Westport Elementary School roof replacement project authorized by vote of the Town passed on October 3, 2020 (Article 1) being financed with proceeds of a portion of the Bonds, together with all other bonds and notes of the Town previously issued to pay costs of this project, does not exceed the portion of the total cost of the project that is not being paid by the school facilities grant and we hereby approve the issuance of notes and bonds to finance these projects under G.L. c.70B.

Further Voted: that the sale of the \$8,740,000 General Obligation School Project Loan, Chapter 70B Bonds of the Town dated August 1, 2022 (the "Bonds"), to Fidelity Capital Markets, a division of National Financial Services, at the price of \$9,144,589.07 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on August 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2023	\$160,000	5.00%	2036	\$300,000	5.00%
2024	165,000	5.00	2037	315,000	5.00
2025	175,000	5.00	2038	330,000	5.00
2026	185,000	5.00	2039	345,000	4.00
2027	195,000	5.00	2040	360,000	4.00
2028	200,000	5.00	2042	760,000	4.00
2029	215,000	5.00	2043	295,000	4.00
2030	220,000	5.00	2044	305,000	4.00
2031	235,000	5.00	2045	315,000	4.00
2032	250,000	5.00	2046	330,000	4.00
2033	255,000	5.00	2048	700,000	4.00
2034	270,000	5.00	2050	755,000	4.00
2035	285,000	5.00	2052	820,000	4.00

Further Voted: that the Bonds maturing on August 1, 2042, August 1, 2048, August 1, 2050 and August 1, 2052 (each, a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due August 1, 2042

<u>Date</u>	<u>Principal Amount</u>
August 1, 2041	\$375,000
August 1, 2042 (maturity)	385,000

Term Bond due August 1, 2048

<u>Date</u>	<u>Principal Amount</u>
August 1, 2047	\$345,000
August 1, 2048 (maturity)	355,000

Date

Term Bond due August 1,  
2050

	<u>Principal Amount</u>
August 1, 2049	\$370,000
August 1, 2050 (maturity)	385,000

Term Bond due August 1, 2052

<u>Date</u>	<u>Principal Amount</u>
August 1, 2051	\$400,000
August 1, 2052 (maturity)	420,000

Further Voted: to approve the sale of \$2,500,000 4.00 percent General Obligation School Bond Anticipation Notes of the Town dated August 3, 2022, and payable August 3, 2023 (the "Notes"), to Piper Sandler & Co. at par and accrued interest, if any, plus a premium of \$44,450.

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 12, 2022, and a final Official Statement dated July 19, 2022 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 12, 2022, and a final Official Statement dated July 19, 2022, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a Continuing and Significant Events Disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by



reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Bonds and the Notes (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same

document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Dated: July 25, 2022

Ms. Shufelt's motion was seconded by Mr. Brewer. The Board voted 3-0 in favor.

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

Request from Sally Brayton, 176 Atlantic Ave. for on street parking for an event on Saturday, July 30, 2022 from 4pm – 7pm, for approximately 15 cars.

After a brief discussion with concerns about the timing on a Saturday in the summer.

**MOTION** by Mr. Ouellette to approve the parking request with Police recommendation, seconded by Mr. Brewer, the Board voted 3-0 in favor.

3. **Executive Session** – pursuant to the provisions of MGL c 30A section 21(a), Chair declares an open meeting will have a detrimental effect to:

- a. To discuss strategy relating to litigation known as Municipal Communications II, LLC v. Menard et al., Bristol County Superior Court, Docket No. 2173 CV 00664B and Municipal Communications II, LLC v. Town of Westport, U.S. District Court, District of Massachusetts, C.A. No. 1:21-cv-11561-AK

### **Adjournment**

**MOTION** by Mr. Ouellette at 6:12p.m. to enter into Executive Session for the reasons declared by the Chair, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye and Shufelt aye.

The Board returned to open session and the Chair called for adjournment.

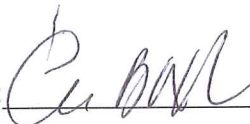
**MOTION** by Mr. Ouellette to adjourn the meeting at 7:22p.m., seconded by Mr. Brewer. The Board voted 4-0 in favor.

Respectfully submitted,



Paula M. Brown  
Administrative Assistant

Approved: \_\_\_\_\_



Ann Boxler, Clerk  
Select Board Member

1 BOS Bond Vote 7-25-2022

KP-#819556-v2-WESP\_Municipal\_Communications\_Agreement\_for\_Judgment\_