



## BOARD OF SELECTMEN REGULAR MEETING MINUTES

Monday, February 21, 2023

Members Present: Shana Shufelt, Chair  
Richard W. Brewer, Vice Chair  
Steven J. Ouellette  
Ann E. Boxler, Clerk

Member Absent: Brian Valcourt

Also Present: James Hartnett, Town Administrator

### **6:00 p.m. Call To order & Pledge of Allegiance**

#### **Acknowledgments & Recognitions**

Ms. Shufelt promoted Senator Michael Rodrigues' Diaper Drive through February 28<sup>th</sup>, a drop off box is located at the Town Hall.

#### **Public Hearings**

**6:05 p.m.** Request from Francis Correiro, Affordable Auto Rentals & Sales, for a Class II, Used Car Dealer License at 1052 State Road, Westport, MA, Total vehicle limit: 52

Applicant was not in attendance, Mr. Brewer noted that the Police Report was not favorable, Mr. Ouellette noted that the applicant isn't in attendance to answer any questions, and there were issues with this applicant in the past.

**MOTION** by Mr. Ouellette to deny the application, seconded by Mr. Brewer. The Board voted 4-0 in favor of the action.

#### **1. Licenses/Permits**

#### **2. Appointments and Resignations**

- a. Request from George Ripley to accept the retirement of Linda Cunha as Assistant Library Director after 19 years of service to the Town of Westport, effective February 24, 2023.

**MOTION** by Mr. Ouellette to accept the resignation and to send an appreciation letter, seconded by Mr. Brewer. The Board voted 4-0 in favor.

- b. Request from the Planning Board to appoint Wendy Nicholas and Christopher Wise to the Climate Resiliency Committee.

Ms. Shufelt noted she is in favor of appointing the new members, however the committee is becoming quite large and with that it is harder to get a quorum for a meeting.

**MOTION** by Mr. Ouellette to appoint Wendy Nicholas and Christopher Wise to the Climate Resiliency Committee, seconded by Mr. Brewer. The Board voted 4-0 in favor.

- c. Request from Cindy Wilson to be appointed to the Recreation Commission.  
Ms. Wilson addressed the Board, stating she has been in town for 4-5 years, was very involved in her previous community. Has been involved in town with Halloween and Easter Activities, she is very interested in serving.  
**MOTION** by Mr. Ouellette to appoint Cindy Wilson to the Recreation Commission, seconded by Mr. Brewer. The Board voted 4-0 in favor.

### 3. **Action Items**

- a. Request to accept the Personnel Board's recommendation regarding the Appeals Board change in classification from Principal Clerk to Zoning Board Administrator including increase in pay and inclusion on the Town Meeting Warrant.  
Mr. Brewer addressed the Board stating this has been through the proper channels, the job description has been set by the Personnel Board, time to go ahead with it.  
**MOTION** by Mr. Brewer to approve the classification and pay increase as of January 25, 2023, temporarily until Town Meeting approval, seconded by Ms. Boxler. The Board voted 4-0 in favor.
- b. Request to accept the Personnel Board's recommendation regarding Council on Aging positions Supportive Day Aid I and II, Supportive Day Assistant Director, Meal Site Manager and Transportation Clerk including increase in pay and inclusion on the Town Meeting Warrant.  
Beverly Bisch, COA Director addressed the Board, clarifying what they are looking for which is Level I Supportive Day \$15/hr, Level II Supportive Day \$15.50/hr, Supportive Day Director \$16.50/hr and Transportation Clerk \$16/hr. This request came about when minimum wage went up to \$15 in January. These positions are grant funded, and she is requesting the increases retroactive to January 1<sup>st</sup>. Ms. Shufelt questioned what Ms. Bisch was looking for at this time, is it just to put on Town Meeting Warrant, Mr. Hartnett clarified that the board needs to approve the temporary increases and then put on Town Meeting Warrant.  
**MOTION** by Ms. Boxler to approve the temporary increases and to add to the town Meeting Warrant, seconded by Mr. Ouellette. The Board voted 4-0 in favor.
- c. Request from the Council on Aging to accept the following donations:  
\$25; Ralph Urban Donation for Best Use, \$100; Best Use From the following In Memory of John Lynch; Christine Boyd, Patricia Rugnery, Donna Lynch, Bill Gifford and Kathy Lynch, \$50; Best Use In Memory of John Lynch Totaling \$575  
**MOTION** by Mr. Ouellette to approve the donations as listed, seconded by Mr. Brewer. The Board voted 4-0 in favor.
- d. Request to use \$30,000 of the Bristol County American Recovery Plan Act funds as a local match for the Buzzards Bay Estuaries Project Grant.  
Mr. Hartnett noted that this request was recommended by the ARPA Review Group.  
**MOTION** by Mr. Ouellette to approve the use of \$30,000 of the Bristol County American Recovery Act Funds as a local match for the Buzzards Bay Estuaries Project Grant, seconded by Mr. Brewer. The Board voted 4-0 in favor.
- e. Request from Seth Lewis to construct a barn at 154 Adamsville Road, in accordance with the Agricultural Preservation Restriction.  
Mr. Hartnett noted this property is under APR Restriction and needs approval for the construction of a barns for equipment and hay. Mr. Ouellette questioned whether it would be used for living space, Mr. Hartnett reiterated equipment and hay.

**MOTION** by Mr. Ouellette to approve the building of the barns, seconded by Mr. Brewer. The Board voted 4-0 in favor.

- f. Review the Open Meeting law Complaint from Patrick Higgins in regards to the January 9, 2023, Meeting Minutes.

Mr. Hartnett addressed the Board stating that Mr. Higgins was correct, and the minutes have been amended to include the attachments, a response to Mr. Higgins has been drafted.

**MOTION** by Mr. Ouellette to direct the Town Administrator to approve the changes, seconded by Mr. Brewer. The Board voted 4-0 in favor.

- g. Request to amend Meeting Minutes, April 11, 2022 through January 23, 2023, by adding the file attachments.

**MOTION** by Mr. Ouellette to amend the above mentioned minutes by adding the attachments, seconded by Mr. Brewer. The Board voted 4-0 in favor.

- h. Review and approve Fiscal Year 2024 Budget and forward to the Finance Committee. The preliminary Town Administrator's budget was presented to the Select Board on December 19, 2022, and discussed again at the February 6, 2023 meeting. The budget included in tonight's meeting packet is essentially the same budget with some minor changes. It should be noted that many of the line items are estimates and subject to change once the state budget is approved.

Free cash was certified today (2/21/23) at \$2,150,487

Turnbacks	\$1,203,247
State Aid	\$ 248,186
Free Cash Prior	\$ 62,718
Local Receipts	<u>\$ 365,332</u>
Sub Total	\$1,879,483

Misc.	<u>\$ 271,004</u>
Total	\$2,150,487

**Possible Free Cash use:**

Warrant Articles	
Old High School	\$150,000
Assessor Reval	\$40,000
Wage Survey	\$30,000
Police Retro	\$100,000
Misc.	\$80,000
<b>TOTAL</b>	<b>\$400,000</b>

CIPC Estimate	\$761,000
Budget Offset	\$650,889 (School Request)
Balance to Stabilization	\$338,598

#### **4. Discussion**

##### **a. Landing Commission – Point Landing**

Jeff Bull from the Landing Commission addressed the Board, stating that at least eight members of the Point Association have been discussing parking and congestion, it has been determined that improvements need to be done to delineate parking, people are used to the area being paved, the Landing Parking area needs to be marked, paving needs to be extended, there is a difference in opinion when it comes to paving and marking parking spaces. Mr. Hartnett suggests a joint meeting with Highway, Landing and Harbor Master and possibly property owners. Mr. Brewer made a point of saying that the Round-About is not the Landing Commission responsibility.

##### **b. Proposition 2 ½ Override Discussion**

Mr. Hartnett Recommends \$3 million dollar override. This should provide level services. Override structure was discussed, at a minimum recommend \$1,000,000/year increase to the tax levy for three years. Appropriate \$750,000 per year to the operating budget. This would extend the override benefits for five years.

Ms Shufelt added that the Board is in agreement with the \$3,000,000 override number, with \$1,000 on this Warrant and \$250, 000 to Stabilization, no action taken, will vote at next meeting.

Mr. Coutinho addressed the boards with a cautionary comment in regards to the Fiscal Stability Group, questioning whether this report should be posted on the Town Website.

Ms. Shufelt answered this group has no official role, it is a private group, and she supports any group who would like to post a report on the Website to do so.

#### **5. Town Administrator Report**

##### **Opioid Settlements**

Massachusetts is participating in Opioid settlements with Teva, Allergan, CVS, Walgreens and Walmart, as with the previous settlement the Town completed and filed the municipal participation package. Information was filed on February 9, 2023.

##### **Southeastern Regional Planning and Economic Development District (SRPEDD)**

SRPEDD completed their 2022 year-end report to the Town of Westport, a copy of the report is included in the files.

##### **Council On Aging Report**

The directors report for the Council on Aging was filed for 2022 by Beverly Bisch, a copy of the report is included in the files.

##### **Housing Authority Board Vacancy**

The vacant position on the Westport Housing Authority has been posted on the website. Interested candidates should submit their letter of interest to the Select Board prior to April 14, 2023. The Select Board will schedule a joint meeting with the Housing Authority and vote to appoint one of the candidates to the fill the vacancy.

### FY24 Budget Information

The latest budget information including information from the Westport Fiscal Stability Group can be viewed on the Town's website at the following link.

<https://www.westport-ma.com/home/urgent-alerts/fy24-budget-information-0>

### **6. Approve Minutes**

#### **a. February 6, 2023**

**MOTION** by Ms. Boxler to approve the February 6, 2023 Meeting Minutes, seconded by Mr. Ouellette. The Board voted 4-0 in favor.

### **7. Report on Bill Warrant**

Ms. Boxler noted the Warrant was in order and signed.

### **8. Selectmen Liaison Committee Reports & Suggestions for Future Agenda Discussion / Action**

Ms. Boxler – nothing to report

Mr. Ouellette – MASS DEP Meeting Thursday at Dartmouth Middle School, wanted to also mention that there have been a number of crashes on local roads and highways.

Mr. Brewer – COA meetings are ongoing, SRTA nothing noteworthy, CIPC has recommended \$761, 000 in Capital Improvements to the Finance Committee, he also noted that this process was helped along with ARPA County Funding, helping with Police Vehicles. Mr. Brewer also added that the Diman Debt Exclusion Questions needs to be addressed at the next meeting, and that Elected Officials hold a lot of latitude with promoting this Debt Exclusion Question.

Ms. Shufelt – Internet Advisory Committee is moving along, School Building is wrapping up, Climate Resiliency Committee is very active but nothing notable at this time.

### **9. Comments and Statements**

Mr. Coutinho addressed the boards with a cautionary comment in regards to the Fiscal Stability Group, questioning whether this report should be posted on the Town Website, this is a private group with public efforts, and this causes muddy waters, not subject to open meeting laws. Ms. Shufelt answered this group has no official role, it is a private group, and she supports any group who would like to post a report on the Website to do so.

### **10. Boards/Committees/Commissions Vacancy List**

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

Request from Chief Pelletier for Police Officer Injured on Duty Status – Executive Session.

**MOTION** by Mr. Ouellette to approve the Injury on Duty Status for Officer Sarah Zeilinski, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Shufelt aye

### **12. 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. Discuss strategy with respect to litigation - McGinn v. the Town of Westport and Majewski.
- b. Discuss strategy with respect to Highway Surveyor Employment Agreement.
- c. Opioid Settlement - discuss strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares: Federal Multidistrict Litigation vs. CVS, Walgreens, Walmart, Teva, and Allergan.
- d. Discuss strategy with respect to litigation – East Beach Improvement Association, Inc. v Town of Westport et al.
- e. To Approve Minutes: January 23, 2023.

f. Request from Chief Pelletier for Police Officer Injured on Duty Status – Executive Session. MOTION by Mr. Ouellette to approve the Injury on Duty Status for Officer Sarah Zeilinski, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Shufelt aye

**MOTION** by Mr. Ouellette at 7:25p.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.

**MOTION** by Mr. Ouellette at 8:01 p.m. to adjourn the open meeting, seconded by Mr. Brewer. The Board voted 4-0 in favor.



Paula M. Brown  
Administrative Assistant

Approved: 

Ann Boxler, Clerk  
Select Board Member

#### File Attachments:

Public Hearing Frances Correiro

2a Linda Cunha Retirement

2b Climate Resiliency Appointments

2c Cindy Wilson Rec. Comm. Interest letter

3a ZBA Personnel Changes

3a1 ZBA Personnel Board Recommendation

3b COA Personnel Changes

3c COA Letter to SB Gifts & Donation January23

3d \$30,000 LET ARPA Request



3e APR Barn Authorization  
3f Patrick Higgins - Open Meeting Law Complaint  
3h-3b Free Cash  
3h-4b 02212023 BOS Budget update  
3h-4b FY 24 BOS Budget Expenses 2-21-23  
3h-4b FY 24 BOS Budget Revenue 2-21-23  
3h-4b Town of Westport Mail - Request for Free Cash  
4a LANDCOMPtLand  
4a Landing Jeff Bull  
4a SEANPtLand  
7a 02062023 Minutes  
12e 01232023 ES Minutes  
COA Directors Report Feb 23