

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
AUGUST 7, 2017**

Members Present: Steven J. Ouellette, Chairman
Shana M. Shufelt, Vice Chair
R. Michael Sullivan
Craig J. Dutra
Brian T. Valcourt, Clerk

Also present: Timothy J. King, Town Administrator

Chairman Ouellette 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.

Executive Session – Mr. Ouellette announced that Executive Session is not needed at this time.

Public and/or Board Member Comments

Mr. Ouellette announced that the 6:05PM Agenda Item – Auditor Tony Roselli, will be delayed by about an hour; Mr. Roselli is stuck in traffic.

Acknowledgments & Recognitions

1. The Board recognized with a Moment of Silence the passing of Jean Louis Clapin, a former member of the Westport Board of Registrar of Voters.
2. **Motion** made by Mr. Dutra to approve a Proclamation recognizing September 16, 2017 as Paul Cuffe Day in Westport. Second by Ms. Shufelt. The Board voted unanimously in favor.

Appointments and/or Resignations

1. **Motion** made by Mr. Sullivan to appoint Monica Faria to the Bike/Walking Path Committee. Second by Mr. Valcourt. The Board voted unanimously in favor.
2. Present: James Mullen and Constance Gee; each spoke on why they wanted to be appointed to the Beach Committee. Tim St. Michel, Chair of the Beach Committee spoke on the makeup of the Beach Committee and recommended Mr. Mullin. **Motion** made by Mr. Sullivan to appoint James Mullin to the Beach Committee. No second was received. Discussion ensued. **Motion** made by Mr. Valcourt to appoint Constance Gee to the Beach Committee. Second by Mr. Dutra. The Board voted unanimously in favor. The Board encouraged Mr. Mullin to reapply when there is a vacancy.
3. **Motion** made by Mr. Dutra to appoint John Bell to the Community Preservation Committee. Second by Mr. Sullivan. The Board voted unanimously in favor.
4. **Motion** made by Mr. Dutra to appoint Steven Ouellette to the Bike/Walking Path Committee. Second by Ms. Shufelt. The Board voted unanimously in favor.
5. **Motion** made by Mr. Sullivan to appoint Shana Shufelt and Craig Dutra as BOS Reps to the High School Re-Use Committee. Second by Mr. Valcourt. The Board voted unanimously in favor.
6. **Motion** made by Ms. Shufelt to appoint Caroline Bolter as a Regular Member of the Historical Commission. Second by Mr. Sullivan. The Board voted unanimously in favor. *Ms. Bolter was present earlier to introduce herself but had to attend a meeting of the Historical Commission.
7. **Motion** made by Ms. Shufelt to accept the resignation of Raymond Larner as Transfer Station Worker. Second by Mr. Valcourt. The Board voted unanimously in favor.

Auditor Anthony Roselli - RE: 2016 Audit and Management Letter.

Present: Anthony Roselli. Also attending were Finance Committee Members Hugh Morton, Charles "Buzzy" Baron, Karen Raus, Gary Carreiro and Town Treasurer Brad Brightman. Mr. Roselli stated without doing the 2017 Audit, he could write the Management Letter today because he knows what he will find and he knows that nothing has been fixed. Mr. Roselli stated it is disappointing to see year after year, the same comments in the Management Letter; yes, one or two get fixed but make they make their way back a couple of years later and then there are those that don't ever get fixed and stay on the Management Letter. We are at the point, where the Town really needs to look at this. There has been change in personnel, particularly in the Treasurer's Office having a new Treasurer, which is a very, very important position. Mr. Roselli stated he has concerns over 2016, 2017 and how it is trending into 2018. Everyone needs to think about what can we do to fix this. Mr. Roselli stated he has received a call from the State because two years ago, the Tax Recap was late including the year before, causing his reports to be late to the State, so they called him and asked if something was going on in Westport. Mr. Roselli stated there was a meeting held with the State and Town; he understands the State will be keeping an eye on Westport and are going to try to help the Town through this process. Mr. Dutra explained that the Board tried to restructure Town government several years to change the position from elected to appointed but there was not a lot of appetite for it on this Board and it failed at Town Meeting. Mr. Dutra agreed with Mr. Roselli and stated we should take a firm unified public stance with respect to the changes that are being recommended. Mr. Roselli stated two of the most critical departments are elected individuals. Mr. Roselli stated he is a firm believer that both of these positions should be appointed, in fact, it should be one appointed position, and elevate the salary to get an extremely qualified individual being the overseer of the entire umbrella of operations, now with those savings, Westport can be brought from 1982 to 2015. The Collector has good records but a lot of it is done the way it was years ago, and when that Collector decides not to be the Collector anymore, the person coming in to fill those shoes will be at a disadvantage; similar to the new Treasurer, there was a lot of things in that department that were not technology advanced. Mr. Roselli stated the ultimate goal is to combine those two positions, making it an appointed position. The questions to be asked are what do we do in the meantime to avoid some major issue and how long will this take. Mr. Roselli stated from his understanding, there have been no reconciliations done for the entire FY'17 and we are already in the second month of FY'18. This puts the Town at a vulnerable position; we don't know of any errors or major problems such as hacking. Mr. Roselli stated he found out the Accountant's Office offered to help the Treasurer's Office, which is a big no-no; there has to be a checks & balances (keeper of the records and poster of the records). Mr. Roselli stated it was allowed for FY'16 in order to get the audit out of the way but it is not allowed for FY'17. The focus on the major issue is the shortage of good financial people. Mr. Roselli stated other Towns (such as Winchendon and Nantucket) who are being successful at this, have set up an Audit Committee, the Committee should meet with the Financial Team every month and review/target the Management Letter & Audit; it should consist of (1) Selectmen, (1) Finance Committee member, (1) School Representative and (2) At-Large members. Mr. Sullivan stated he thought last year, all departments were to provide comments to items that were mentioned in the Management/Audit Letter. Mr. King stated we did receive responses from all departments in the Management Letter except from two (Treasurer & Collector). Discussion ensued. At this time, Mr. Roselli quickly reviewed the Management Letter consisting of Prior Year Comments, Current Year Comments and Departmental Review of the Treasurer's Office. The biggest issue is the lack of reconciliation; it needs to be done; the rest of the letter is housekeeping in order to keep things efficient. Mr. Dutra asked Mr. King to take the responsibility of getting the reconciliation done by someone. Mr. Valcourt stated he was newly back to the Board but he was stumped, here we are ten years later and still talking about the same deficiencies; these positions need to be staffed by professionals. Mr. Sullivan stated he wanted to propose two courses of action. **Motion** made by Mr. Sullivan to have Mr. King assemble the Department comments to the Management Letter, get the responses to Mr. Roselli for his feedback on them; and to have a discussion in a couple of meetings from now, of how we are going to get a formal process in place to get these audit points addressed by every department that is mentioned. Second by Mr. Dutra. The Board voted unanimously in favor.

Motion made by Mr. Sullivan in regards to the Treasurer's Office that before one month goes by, we have someone in that office, that gives regular and initial reports to this office (BOS) on the progress of what has not been done in the Treasurer's Office, and not just the reconciliations, but the monthly, quarterly and annual reports and those that have been done late, so that in the future, we will have a status that shows progress is being made. Second by Mr. Dutra. Discussion ensued. The Board voted unanimously in favor. Mr. Dutra requested the Board be provided with the legal opinion issued by Town Counsel in regards to the Board of Selectmen oversight, approximately nine years ago. Discussion again ensued. At this time, Mr. Baron asked with the State keeping an eye on the Town, could this potentially turn into some form of help; and under Post Employment Benefits, the delay caused the Town to lose its benefits and has moved into a high risk? Mr. Roselli stated because the Town receives money from the Federal Government in excess of \$750,000 the Town has to follow Federal Government mandates and one of those is doing the reports on time; because the reports were not turned in timely, Westport has gone from a low-risk community to a high-risk community, meaning, more audit work on federal grants; the State can't do anything about that to help the Town. Mr. Roselli stated it does cause his oversight to go up now. Mr. Baron asked what kind of help would come from the State and from what department. Mr. Roselli stated there has been two technical reviews of the Town (one in 1994 & one in 2009 or 2010), in looking at the two reports, there is a lot of the same information showing no real progress. Mr. Roselli stated that when he stated assistance, what he really meant was more oversight, questions, meetings and possibly another report, although there may not be another report because nothing has been done; the State is going to start to enforce a lot of things. Mr. Baron asked if the Town should take the initiative and reach out first. Mr. Roselli stated it should come from the Board of Selectmen's Office. Mr. Gary Carreiro stated we all want to get to the same place; he was thinking about a Strategic Planning Committee, where goals are given and those goals are expected to be met, whether that person is elected or appointed; if goals are not met, then assistance should be given; the Finance Committee is willing to help with the Treasurer's Office, we have already reached out to Mr. Brightman. Mr. Carreiro stated people are afraid to lose their job to automation. Mr. Brightman stated it is hindsight but when the Asst. Treasurer left in 2016, he asked if that position could be posted right away but it was not. Mr. Brightman stated he has been overwhelmed by his time in the office just to keep things afloat; he wanted to do tax title and modernize the cash books but it is hard to progress when you are understaffed. Mr. Brightman stated he was totally open to any progress/automation to make the office more efficient because once you get behind, other things suffer. Mr. Brightman stated in the spring, he got some relief when a retiree came in and did data entry. Mr. Brightman stated he could not be working on the daily stuff and trying to plan-out putting BAN's, police bonding, ACA, continuing disclosure documents, etc together. The BOS don't realize all that needs to be done and that time is against us, on top of the turnover in the office and being understaffed for the last three years. Mr. Brightman stated the time frame for applicants for the Asst. Treasurer is now closed and Mr. King will help review the applications for a qualified person. Mr. Morton stated he would hope the focus would not be on getting an appointed Treasurer in the future (even though he supports that idea) because Town Meeting voted against it and it may be a waste of effort; the first priority to focus on is getting a consultant to sort things out, do the reconciliation and get things back on track. Mr. Morton stated as for the improvements, they sound very attractive but that is the second phase, we need at this time, to get back on track (phase one). Mr. Sullivan asked Mr. Brightman if he had a single list of all the items and dates of these items for the office that need to be completed and a schedule of their frequency. Mr. Brightman stated there is no single list; there are the items that must be done daily. Mr. Sullivan stated they must be listed somewhere. Mr. Brightman stated it was not written down before me. Mr. Sullivan stated you need a list; also, it was mentioned that you wanted to be a manager, it was not mentioned that you would be a doer; that is a three-person office, right now, it is a two-person office but there really isn't room in that office for someone to just watch what everybody else is doing. Mr. Brightman stated that is not what he meant, his position has to be hands-on. Ms. Raus stated she is on the FinCom and is also a CPA and she looks forward to all working together on this to make some modifications. Ms. Raus stated there is a very detailed Treasurer's list of all the reporting responsibilities and deadlines that the State requires; she has seen it and read it on the State

site. Mr. Roselli stated it sounds like the Town is going to get on track with the calvary that is coming. The Board thanked Mr. Roselli for his time.

Head of Westport Neighborhood Association – RE: Discussion of concerns of the reopening of the Westport Stone & Sand Corporation, 536 Old County Road.

Mr. Ouellette stated the Board will be very limited to what they can speak on regarding this matter; it is being handled by Mr. Souza, Zoning Enforcement Officer. Representing the Head of Westport Neighborhood Association was Joseph Ingoldsby, 469-471 Old County Road. Mr. Ingoldsby stated that on June 19th, trucks began rolling to and from the Westport Stone & Sand Corporation, which raised questions and concerns of the neighborhood. Mr. Ingoldsby stated this could be an opportunity for Westport to consider the future of this site. Mr. Ingoldsby stated the neighborhood concerns were the re-opening of the quarry without sufficient review, hearings or notification to the abutters; the status of the quarry, whether it has been abandoned due to non-use for more than five years; and questions about the permit being reissued by the Conservation Commission, which is currently under review by the Town's attorney. Mr. Ingoldsby said the Town needs to look at the impact, the quality of our drinking water, traffic monitoring, air pollution and dust control and needs to take a hard look at this now and for the future and for a workable solution for the Town and the Cardi Family. Mr. Ingoldsby stated a while back, the Town could have purchased this property; should the Town purchase this property it could be a park or a conservation area. He also mentioned that the speed limit in the area should be made consistent (25 mph) rather than fluctuating and there is use of jake-breaking. Mr. Ingoldsby stated the Planning Board along with SRPEDD have been taking a hard look at this area. Mr. Ingoldsby presented the Board with a set of plans showing calming suggestions for the area. At this time, Mr. Ouellette called for anyone else with input on this subject. Abutters who spoke were Michael Habib (435 Old County Road), Stephanie Griswold (472 Old County Road), Evelyn Wilbur (436 Old County Road), Sasha Sullivan (494-496 Old County Road), Nancy Mullin (36 Reed Road) and Wayne Sunderland (1371 Drift Road). Items to be researched (1) No Jake Breaking signs at Highway Dept., (2) the strength of the small bridges (at the Head and Forge Pond) and (3) the painting of the road by the Highway Dept. Mr. Ouellette read into the record a letter issued by Mr. Souza, dated 07-26-17 addressed to Westport Stone & Sand Corp ordering a Cease & Desist (see attached). Mr. Ouellette stated the Board will do whatever they can in this situation; right now, SRPEDD is concentrating on the Head area and Route 177; and there is also a new director at SRPEDD Jeffrey Walker, who will be visiting the Board at their next meeting as a meet/greet and to give an update on current projects in Town.

Action Items

1. **Motion** made by Mr. Dutra to approve the Project Acceptance Letter for the Year 2016 Roadway Paving Improvements. Second by Ms. Shufelt. The Board voted unanimously in favor.
2. **Motion** made by Mr. Dutra to approve of the placement location for two flagpoles on the Town Hall front lawn in addition to the existing flagpole (which displays the American Flag) to display the Town and State Flags. Second by Ms. Shufelt. The Board voted unanimously in favor.
3. **Motion** made by Ms. Shufelt to accept donations to the Council on Aging in the cumulative amount of \$2,699.00. Second by Mr. Sullivan. The Board voted unanimously in favor. Ms. Shufelt read aloud the list of donations.
4. **Motion** made by Mr. Valcourt to approve the contract with LePage & Sons Roofing for repairs to the Highway Department roof in the amount of \$20,300. Second by Mr. Dutra. The Board voted unanimously in favor.
5. **Motion** made by Mr. Valcourt to increase the Bike/Walking Path Committee membership from five to seven members. Second by Mr. Dutra. The Board voted unanimously in favor.
6. **Motion** made by Mr. Sullivan to post the position of Transfer Station Worker. Second by Mr. Valcourt. The Board voted unanimously in favor.
7. **Motion** made by Mr. Dutra to accept the Town Administrator's recommendation of not filling the position of Public Health Nurse until the new Director of Public Health conducts an assessment of

the staffing needs of the Health Department. Second by Mr. Valcourt. The Board voted unanimously in favor. The Board requested that Mr. King check with the Board of Health on any gaps that need to be filled in the interim. Mr. King stated he will followup.

Licenses

1. **Motion** made by Mr. Valcourt to approve of the following new Common Victualler Licenses:
 - A. Gooseberry Natural Foods, 1037 Main Road – Elizabeth Kmetz.
 - B. Westport Gas (Gulf Resources, Inc.), 634 American Legion Highway – Richard Carrigg.
 - C. Paradise Hill Farm, 103 Cadmans Neck Road – Shirley Robbins.
 - D. Westport Council on Aging, 75 Reed Road.
 - E. Gray's Daily Grind, 638 Adamsville Road – Mary Mislea.
 - F. Noquochoke Hall Association, 304 Hix Bridge Road – John H. Westgate.
- Second by Mr. Sullivan. The Board voted unanimously in favor.

Town Administrator Report

1. Hixbridge Road Bridge Repairs – Mr. King informed the Board that no work as of yet has been done; he has asked MassDOT for an update. The most recent briefing report was provided to Wayne Sunderland. Informational only, no action required.
2. Town Hall Steps – Mr. King informed the Board that the repairs to the steps are substantially completed. The curing should be done by the end of the week and the railings installed next week. Informational only, no action required.
3. Police Station Construction – Mr. King stated the contractor has started installing the building footings. The concrete slab should be poured this month (August). Informational only, no action required.
4. Zoning Bylaw Amendments – Attorney General Report – Mr. King stated the Attorney General's Office has notified the Westport Town Clerk of the approval of the Zoning Bylaw amendments approved at the May 2, 2017 Annual Town Meeting. Informational only, no action required.
5. Fiber Optic Cable Extension – Mr. King stated Keith Novo, the Town's IT Director had discussed the need for the fiber optic cable extension from Town Hall to the new Police Station. He has also discussed a larger project to all Town property sites north of Town Hall. As directed he has obtained a cost estimate for the larger project. Informational only, no action required.
6. Westport Housing Production Plan – Mr. King informed the Board that the Massachusetts Department of Housing and Community Development has approved the Housing Production Plan. Informational only, no action required.
7. Charter Communication – Rate Changes – Mr. King provided the Board with a letter from Charter Communication advising the Town of rate changes and a copy of their Balance Sheet for Calendar Year 2016. Informational only, no action required.
8. LED Streetlight Project – Mr. King stated that in his last report he discussed the LED Streetlight Project. The Town of Westport was a part of the RFP process recently completed by MAPC to hire a consultant who will perform a complete streetlight audit, prepare cost estimates, do the design and oversee the LED streetlight project. The selected consultant is a firm called Tanko. The cost to the town for the consultant to do all the project work is \$23/light. Just the audit is \$10/light. The Town has approximate 200 lights. Mr. Ouellette mentioned that Route 6 needs lights, it is too dark and hard to see the turn-arounds. Informational only, no action required.
9. Animal Control Officer's – Monthly Report – Mr. King provided the Board with ACO Lambert's Monthly Report. The Board asked Mr. King to request the ACO do her monthly report in a different format; the present format is difficult to understand.
10. E-Permitting – Mr. King stated he asked Asst. Administrator Jim Hartnett to do some research on E-Permitting and has provided the Board with a memo and informational packet. Mr. Ouellette stated this type of system will allow us to see what is going on in the Town by providing a master list of properties and a history. Mr. Sullivan stated he would like to see a Town-wide system with all information being entered from the various departments. Mr. Valcourt stated he read the reviews on

this system and they were not good; his suggestion would be to hire 1-2 people to track all this information instead of relying on a software system. Ms. Shufelt stated she does this for a living and there is a cost associated but you also have to have the correct information and enter it correctly; Westport is in need of this but it is a substantial investment; we need to look at the investment vs. the return; we need to bring various vendors and have them give presentations on what they have to offer.

11. Time & Attendance – Mr. King informed the Board that all the employees have been entered into the system and have been issued passwords; this was confirmed by Stella Farias and Nicole Botelho on Wednesday. Mr. King stated he will be drafting up some policies and protocols for the employees affected. Mr. King stated some employees are easy and some are not so easy, for example: Which hourly employees need to punch in and out for lunch; How does an employee who has multiple pay sources account for hours while working other town jobs such as Minutes Clerks. Mr. King stated there are a number of areas that need to be addressed but once these protocols are drafted and approved we can begin training and implementation. Ms. Nicole Botelho (Asst. Accountant) stated the system still has quite a few bugs; there is some integration between systems but it is not compatible and no testing has been done. Ms. Botelho stated that more research has to be done and manual checking will still need to be done even when the system is implemented. Mr. Sullivan cautioned letting perfection get in the way of implementation; we need to make the changes and then work through it. Informational only, no action required.
12. Evaluations – Mr. King stated he has prepared a draft evaluation document and laid out a written set of procedures. He will begin the formal evaluation process shortly.
13. DPW Process – Mr. King stated he has been recruiting individuals to serve on the Sullivan Commission; Representatives from the Transfer Station, Cemetery, and LAW are agreeable to participating; the Highway employees, not so much. Mr. King stated he met with Scott Boyd and Gary Ferry (Highway Reps) this morning and they don't agree with a DPW and see no need to be on a committee that considers one.

Discussion Items

1. Mr. Ouellette mentioned whether consideration was going to be given to a DPW.
2. Mr. Ouellette mentioned evaluations, this item was addressed in Mr. King's report.

Minutes

1. **Motion** made by Mr. Dutra to approve the Regular Meeting Minutes of February 21, 2017. Second by Ms. Shufelt. The Board voted 4 in favor, 1-abstention (Valcourt).
2. **Motion** made by Mr. Dutra to approve the Regular Meeting Minutes of July 24, 2017. Second by Ms. Shufelt. The Board voted unanimously in favor.

Selectmen Liaison Committee Reports

1. Mr. Ouellette stated that at this time, SRPEDD's new Director will be coming to the next BOS meeting; the Rte. 177 project is still going ahead and a focus is on the Head. Mr. Ouellette asked the Board to let him know if they have any projects in mind.

Question and Answer Period – None.

Boards/Committees/Commissions Vacancy List – There was no reading of the list.

Board Members Suggestions for Future Agenda Discussion / Action

1. Ms. Shufelt stated she would like a refresher mini course on the legal process involving a Cease & Desist that is issued by Mr. Souza. Mr. King stated the Cease & Desist is issued by Ralph Souza; if no compliance, Mr. Souza goes to court to get an Administrative Order; no compliance again, the people are brought to court before a judge on the matter. Ms. Shufelt asked if there was procedural time for these. Mr. Ouellette stated Mr. Souza usually comes before the Board depending on the

matter and the cost of legal. Discussion ensued regarding the time frame from the issuance of the Cease & Desist Order and when action is taken. Mr. Ouellette stated it is usually 15-30 days to allow the party to come into compliance. Mr. Sullivan stated he would not mind hearing the status of open court issues at least once a month. Mr. King stated he will have updates prepared.

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

1. **Motion** made by Mr. Dutra to approve the request of Police Chief Pelletier to offer Douglas Hood and Cody Smith a contingent offer of employment with the Westport Police Department subject to their completion of the Full Time Police Academy, a successful physical and psychological screening, background check and any other training deemed necessary. Second by Mr. Valcourt. The Board voted unanimously in favor.

Other Business

1. Mr. Ouellette announced the 6th Annual 2017 Westport Summer Film Series sponsored by the Westport Cultural Council, to be presented at the Dedee Shattuck Gallery. The documentary films are: Riding My Way Back (08-16-17); The Eagle Huntress (08-23-17); and Dogs on the Inside (08-30-17) – all film series begin at 7PM.

8:50 PM – Executive Session

Motion made by Mr. Dutra to enter into Executive Session pursuant to the provisions of MGL c 30A section 21 to approve Executive Session Minutes of February 21, 2017 and July 24, 2017; and to discuss the Highway Surveyor's contract; and to discuss L.A.W. negotiations; and PEC Retiree Mitigation; and for the Board to adjourn from Executive without returning to Open Session. Second by Mr. Valcourt. The Board voted unanimously in favor.

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

Mr. Ouellette announced the Board will adjourn from Executive Session without returning to Open Session.

Adjournment.

Respectfully submitted,
Diane Pelland
Administrative Asst/Confidential Clerk to the Board of Selectmen

APPROVED: Brian T. Valcourt, Clerk