



**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY- FEBRUARY 19, 2019**

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

Also Present: Timothy King, Town Administrator

Select Board Chair, Ms. Shufelt called the 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: 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.

1. Acknowledgments & Recognitions.

None.

2. Appointments and/or Resignations

- a. Request from Norman Anderson for appointment to the Agricultural Commission (3-year term).
Motion by Mr. Ouellette to appoint Mr. Anderson as a full member of the Agricultural Commission. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- b. Request from Amanda Dean for appointment to the Recreation Commission (3-year term).
Motion by Mr. Valcourt to appoint Ms. Dean to the Recreation Commission. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- c. Request by Chief of Police to appoint Thomas Plourde as Acting Lieutenant.
Motion by Mr. Ouellette to appoint Mr. Plourde as Acting Lieutenant. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

3. Licenses

- a. **Public Hearing:** Request approval for the transfer of ownership of an All Alcohol License for a Retail Package Store, from Westport Wine & Spirits, located at 655 State Road, Westport, MA, to SRI Inc., Manager Vipul Patel.
Attorney Rubin was present with the applicant/owner and manager Virpul Patel.
The attorney stated that the financials are laid out on the application, there is no change in the store. The applicant owns other locations as well. It is an established store. Mr. Ouellette asked that the signs be kept at a minimum, no waving flags and signs that obstruct the line of sight.
Motion by Mr. Ouellette to approve the transfer. Seconded by Ms. Boxler. The Board voted 5-0 in favor.
- b. **Public Hearing:** Request approval for the transfer of ownership of an All Alcohol License for a Retail Package Store, from Albert E. Lees Inc. d/b/a Lees Supermarket, located at 796-802 Main Road, Westport, MA, to Trale Inc., Manager, Mathew Cummings.

Applicant, Tracy Clemens and Manager, Matt Cummings were before the Board. This is an established business in town and has transferred ownership some time ago with the prior owner still maintaining the Liquor License. The prior owner would like to transfer it to the new owners of the market.

Motion by Mr. Ouellette to approve the transfer. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

- c. **Public Hearing:** Request approval for new on-premises Malt & Wine Liquor License for a Section 12 Hotel, from Lafrance Hospitality Corp., d/b/a Hampton Inn, located at 53 Old Bedford Road, Westport, MA, Manager, Frank Lima.

Renee Dufour from Lafrance Hospitality was before the board. She noted that one of the Hilton standards of the brand is to have a shop where customers would purchase a bottle of wine or beer and there is no outside serving.

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

6:10 p.m.

4. Treasurer's Consultant work update.

Brad Brightman was before the Board with Karen Raus, Vice-chair of the Finance Committee and Muriel Kokozka. Mr. Brightman was asked to address the Board regarding what provisions he has made for future duties as a result of the consultant's work. Mr. Brightman provided a self-assessment of the staff and himself as a beginning tool. He added a time-line to document progress in areas for payroll processing and other functions. He read the detailed duties in his management plan and also noted a matrix he has created to list the different functions of the treasurer's office, the frequency with which these processes need attention and documentation of the process. He stated that the staff will have a meeting regularly to review tasks.

Ms. Shufelt stated that the question was related to the consultant work specifically and asked what is the plan for Mr. Brightman for using the consultant's time to train the staff before the contract is over. She asked him to specifically address a training plan. Mr. Brightman stated that the first part was to have the consultant catch up with closing the books.

Mr. Brewer asked when all these will be in place. Mr. Brightman stated that he expects over the next months. He offered to provide a monthly report if the Board so wishes.

Ms. Shufelt asked if the matrix is prioritized. Mr. Brightman stated that he intends to work with the consultant on those. When pressed for which ones, he responded that payroll processing would be a priority. He stated that the ACA forms are also due next (no later than March 1, 2019). He expects to have the septic betterment by the next meeting.

Ms. Raus asked for clarification of the consultant's due dates. The contract was 90 days to complete reconciliations with primary tasks completed by March 5th and a report by April 5th. She said that if the office needs training, time is running out for the March 5th deadline. She asked him to explain the schedule. Mr. Brightman stated that he is confident to be able to get there.

Ms. Shufelt stated that the working group can discuss this as a topic on Friday when they meet.

Ms. Raus asked how, as a treasurer, he will gain and how will he learn the bank reconciliation process. Mr. Brightman stated he is learning the consultant's skills for the benefit of the Town. She said that the consultant has been working with the Assistant Treasurer and Ms. Raus asked why he wasn't looking over her shoulder to learn. She asked how specifically he is being trained. He explained that he would be looking at the umbrella account and sub accounts and each would require reconciliation.

Ms. Kokozka asked why he wasn't involved with the training of the Assistant. She said he needs to know more than what he is saying. How is all of this being tied in with the Town Accountant who cannot prove her accounts because there is no interest posted past January 2018. Mr. Brightman stated that it is being entered, but they want it to be correct. Ms. Kokoszca asked why he doesn't put it through so that a correction could follow and the Accountant could move forward also. Mr. Brightman stated that he spent time with the consultant just today.

Chris Wiley asked if he could assure the public if the Town will not be in the same disaster this year.

5. Action Items

- a. Request from the Dartmouth YMCA to hold a road race on June 8, 2019 from 8:30am-3:00pm.
Maia Shwartz was before the board to request approval for a road race. A favorable Police recommendation was received by the members requiring 2 details for the day. **Motion** by Mr. Ouellette to approve with Police recommendations. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- b. Approval of proprietary School Guard Glass for the Westport Middle and High School.
Ms. Shufelt stated that the product is for protection of forced entry and unfortunately, there is only one vendor and the executive branch is required to approve its use. This was requested by the Police Department as an add alternate to the project. Ms. Shufelt stated that this was significantly more cost effective. **Motion** by Mr. Ouellette to approve use of the School Guard Glass for the new Middle and High School. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- c. Consider amendment to the Travels & Meals Reimbursement Policy to reflect current IRS amounts. Mr. King stated that the dollar amounts in the current policy are outdated and instead of updating the amounts each year, the policy is amended to reflect the IRS standard amounts for breakfast, lunch and dinner and not to exceed the current IRS rules. **Motion** by Mr. Ouellette to approve the updated policy. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- d. Approval of April ballot question to have the elected Treasurer become an appointed Treasurer of the Town. **Motion** by Mr. Brewer to approve but edit to reflect the position and to run this through Town Counsel only with the amendment. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- e. Consider approval of Seasonal Trailer Permits with conditions.
Mr. Valcourt asked if there was a mechanism in place to inspect the tight tanks. Mr. King will ask the Director of Public Health. **Motion** by Mr. Valcourt to approve conditional on all requirements being met. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- f. Request to accept a donation from Joseph & Linda Whal to the Animal Gift Fund for \$100. **Motion** by Mr. Brewer to accept the donation and to send a thank you letter. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- g. Request from the Interim Tax Collector to post the open Assistant Tax Collector position, in house. **Motion** by Mr. Ouellette to post in house and if no applications are received, to advertise out side the bargaining unit. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- h. Annual Town Meeting Updates: finalize input for warrant.
Members looked at the warrant and discussed changes to particular items.
Article 2 – Mr. King will rework it.

Article 12 – Revolving funds: add a new one for Council on Aging out reach.
Article 13 – is duplicative – Mr. King to check and condense into one article.
Article 14 – Assessors’: this would be funded from free cash.
Article 15 Community Preservation Committee will be in to present the projects at a future meeting.
Article 16 Marine Services Director to come in to discuss.
Article 17 – RELOOK/REWRITE the Camping Ground article and asking for funding via debt exclusions.
Article 18 - Remediation at the landing from Free Cash. The number is not to exceed 25K. Mr. King to confirm the amount was below \$25k.
Article 19 – Special legislation needs to accept and allow for a 30 year lease at the Head Landing
Article 20 – Petition for special legislation for a recall election – Ms. Shufelt is willing to put together a presentation for annual town meeting on this.
Article 21 – Place holder for public safety personnel. Mr. Brewer stated that this is not ready at this time and that this article can be eliminated.
Article 22 – Change in the By-law for Animal Control to report to the Board of Health instead of the Board of Selectmen.
Article 23 – Tobacco, Board of Health this is acceptable as submitted.
Article 24 – Beach Committee is tasked to look at a progressive fine.
Article 23-27 Craft Cannabis Committee article still under public hearing review.
Article 28 – Solar By-law amendments. Need language by March 4.
Article 29 – Personnel By-laws. Adding the following: Recreation Director to schedule A, Cable Recording Clerk; moving Animal Control from Selectmen to Board of Health.
Article 30 – Petition article for removal of benefits from non-union members. Board members asked about the persons who would lose benefits.
Article 31- Vote of no confidence – members requested to invite petitioners for discussion.

6. Discussion Items

- a. Westport Summer Farmer’s Market Plan Discussion and appointment of Maury May and Ben Wolbach to the Economic Development Task Force.

Jim Coyne, Maury May and Ben Wolbach were present before the Board.

Mr. May stated that he has been the market manager for the last 2-years and he firmly believes there needs to be an organization to manage this. He suggested that the Economic Development Task Force (EDTF) be allowed to manage it. He also asked the Board to rescind their acceptance of his resignation and to appoint Ben Wolbach to the EDTF. Mr. May said it is a job that takes many hours, which he does not have and that is why he is recommending Ben Walback.

Motion by Mr. Valcourt to appoint Ben Wolbach to the EDTF. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

Motion by Mr. Brewer to appoint Maury May to the EDTF. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

Ms. Shufelt noted the Board’s appreciation in their organizing this.

- b. FY2020 Budget:

- 1) School Superintendent budget discussion.

School Superintendent, Mr. Gary Reis was present along with Mr. Antonio Viveiros, Chair of the School Committee. He presented the School budget at \$18,781,131. He explained that they looked at areas where they could decrease/adjust staffing. Mr. Reis fielded various questions from the Board.

- 2) Council on Aging Director budget discussion.

Ms. Beverly Bisch, Director and Muriel Kokoszca, member of the Council on Aging (COA) were present. Ms. Bisch was thankful for the revised budget and explained the expenses and revenues. She does not want to deplete their reserves. She noted 3 out of 18 staff are paid by the Town and 65% of her budget comes from grants. It is very important to fund the three positions. She noted that she is looking at applying for National Accreditation. Their budget needs approximately \$10k more and Mr. King felt that it may be possible to find that funding.

Mr. King stated Diman Regional and Charter Schools may have an impact.

The estimate in the Town budget could be reduced by \$100K with \$54k diverted to the schools; \$46K dispersed in the town budget with some diverted to the COA. The regional school status is unknown.

Motion by Mr. Ouellette to allocate \$10,671 to the COA. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

Motion by Ms. Valcourt to allocate \$54K to the school. Seconded by Ms. Boxler. The Board voted 4-0-1 in favor. Mr. Ouellette abstained.

Mr. King will defer allocating the remaining \$30K until word is received from the State. The budget can still change.

3) Capital Improvements.

Mr. Brewer discussed the list in Article 5 for items utilizing free cash. Article 6 is also seeking for free cash.

Motion by Mr. Ouellette to place on the warrant. Second by Mr. Valcourt. The board voted 5-0 in favor. Mr. Brewer stated that this depends on free cash. The town cannot act on these if free cash is not certified. In order to spend it in FY20 the deadline is June 30. The cleaner option is to move free cash articles to the end of the warrant and if necessary, recess town meeting and continue to a date and time certain, said Ms. Shufelt. The provisional date is June 18 or the 25th. The drainage remediation at the school and the negotiating of the easement is more complicated and those two articles are in a Special Town Meeting warrant and can be adjourned to a date sensitive to the pending contract. If free cash is not certified by Town meeting, there is a possibility to continue town meeting to take action later.

If free cash is not certified by June 30, there would not be any free cash.

Ms. Shufelt suggested listing this in the articles as free cash or stabilization fund.

The Board will want to take a look at the stabilization fund by March 4th

Motion by Mr. Valcourt to include these two articles for drainage on the STM warrant. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

4) Enterprise Funds Cable TV.

Mr. King provided these in articles 8-11

Motion by Mr. Ouellette to approve the amounts as listed in the draft articles. Second by Mr. Brewer. The Board voted 5-0 in favor.

Article 8 for Marine Services **Motion** by Mr. Ouellette to approve. Second by Mr. Valcourt. The Board voted 5-0 in favor.

Article 9 **Motion** by Mr. Ouellette to approve. Second by Mr. Brewer. The Board voted 5-0 in favor.

Article 10 **Motion** by Mr. Valcourt to approve. Second by Mr. Brewer. The Board voted 5-0 in favor.

c. **Camping Grounds.**

Ms. Shufelt stated that the Board will first meet in executive session and come out to discuss the number. Mr. Brewer stated that the committee has done their work and suggested borrowing a certain amount with anticipation of other funding being available.

d. **Craft Cannabis Co-op Committee update.**

Mr. Valcourt stated that the 3% surcharge cannot be enacted unless it is crafted in a by-law. The first would be to place a by-law and the second work around would be to have the land assessed higher to recuperate that surcharge. There is still a 3% host agreement and impact fee which does not expire as was previously thought. The sales tax is not applicable since retail sales were not accepted by Town meeting. The committee still needs to meet to discuss the order of articles.

Mr. Ray Raposa, Agricultural Commission Chair stated that this will need to be sold to the town and it needs to be good for farmers, which he doesn't think it is; his observation was that cannabis cultivation doesn't even need to be on a farm from his understanding because it needs to be contained in a metal building. There is a problem with cross pollination; he stated that if the Town does not get the tax, there was not enough consideration to the farmers. He suggested getting the retail sales passed or reversed.

Mr. Valcourt stated that the Agricultural Commission took a vote without the knowledge of the Craft Cannabis Co-op Committee. He felt it was deliberate and intentional and a violation of open meeting law. The regulation stated that it must be a Massachusetts farmer. The town can make these more stringent. Mr. Valcourt stated the committee's intention is to keep Westport Farmers in favor and to see what is best for the Town. Discussion ensued. Mr. Raposa stated that the Agricultural Commission is an advisory committee and has offered their advice. Ms. Andrade explained more about the host agreement and the benefit to the town. Remote participation was questioned and members requested this be clarified. Members noted that the final draft is due by March 4.

7. Town Administrator Report

Mr. King provided his report

8. Minutes

January 22, 2019

Motion by Ms. Boxler to accept. Seconded by Mr. Brewer. The Board voted 4-0-1 in favor with Mr. Valcourt abstaining because he was absent.

9. Bill Warrant and Payroll report to the Board.

Mr. Brewer commended the staff for providing the warrant a day early. Mr. Brewer stated that it is a better process and it went smoothly.

10. Selectmen Liaison Committee Reports.

Mr. Brewer stated that the Energy community will be meeting March 11 to discuss the application for Green Communities with the help of the South Eastern Planning and Economic Development District (SRPEDD).

Mr. Ouellette met with the regional SRPEDD and he provided his update.

Mr. Valcourt gave his update previously. He mentioned Route 177 being full of potholes.

Ms. Boxler stated that the Council on Aging (COA) met and gave the same report heard earlier. She will be going to the Affordable Housing Trust meeting next.

Ms. Shufelt stated that the middle school is demolished but the process is now to separate components and progress is moving along with the milder weather. She noted that the new school bid packages will be opened on April 10 to review pre-qualifications. The award will be on April 24th. April Town election is April 9 and May 7 is Annual Town Meeting.

11. Boards/Committees/Commissions Vacancy List.

See website.

12. Board Members Suggestions for Future Agenda Discussion / Action.

None.

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

None.

14. Question & Answers.

Mr. Wayne Sunderland asked about the status of hiring a Veterans Service Officer. Mr. King explained that he will assemble a group of veterans to review the applications and make recommendations to the Board of Selectmen.

15. Executive Session –

Motion by Mr. Ouellette to enter into Executive Session at 9:28 pm and to adjourn the regular session at its conclusion. Seconded by Mr. Brewer. The Board voted 5-0 in favor by roll call vote.

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 collective bargaining – Local LAW(3).
- b. Discuss strategy with respect to litigation - Massachusetts Commission Against Discrimination(3);
- c. Discuss strategy with respect to the acquisition of real property(6);
 - 1). Westport Campground;
 - 2). Westport Elementary School Drainage.
- d. Approve January 22, 2019 Executive Session Minutes.

Adjournment

Regular session was adjourned at 9:50 p.m. on a **motion** by Mr. Brewer Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

Respectfully submitted,



Lucy Tabit Administrative Assistant/
Confidential Clerk

APPROVED: _____



Ann-E. Boxler, Clerk, Select Board Member

Attachments to Agenda of 2/19/19:

- 2a Anderson request.
- 2b Amanda Dean request.
- 2c Police Temporary Duty Assignment.
- 3a Westport Wine & Spirits.

- 3a Police Recommendation - Westport Wine & Spirits.
- 3b Application for 796-802 Main Rd Lees Market.
- 3b Police Recommendation – Lees Market.

3c 53 Old Bedford Rd Lafrance Hospitality.
3c Police Recommendation - Hampton Inn.
5a YMCA road use request.
5b School Guard Glass - Section 08 80 00 -
Security Glazing.
5c Travel reimbursement policy.
5d Ballot Question 2019 Election.
5e Seasonal Trailer Renewal Memo.
5f Animal Control Donation.
5g Request to post Assistant Tax Collector.
5h 5-7-19 Annual Town Meeting Warrant 3rd
Draft 2_15_19.
5h Special Town Meeting Warrant 5_7_19.
6a Westport Farmers Market Information.
6b Budget Information.
6b Capital Improvements.
7 Town Administrator's Report.
8 Minutes 012219 Draft.
9 Bill Warrant 17 021519