

BOARD OF SELECTMEN REGULAR MEETING MINUTES MONDAY- JUNE 10, 2019

Members Present: Shana M. Shufelt, Chair

Brian T. Valcourt, Vice Chair

Ann E. Boxler, Clerk Steven J. Ouellette Richard W. Brewer

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.

<u>Chair's Announcement</u> – The Chair announced that under the provisions of MGL Chapter 30A, section 20(f), the meeting was being recorded.

1. Acknowledgments & Recognitions.

The Chair noted that there will be a ground-breaking and naming ceremony for the Solar array at the Westport Landfill/Transfer Station tomorrow at 4 p.m. Ameresco will be installing the solar panels on the town's land and will be present to make a statement tomorrow.

Also noted was the Grand Opening of Westport Woods (former St. Vincent De Paul property) on Saturday June 15, 2019 from 11 to 2 p.m. The Recreation Department will have a face painting booth and the new brochure of summer programs will be available there.

The Economic Development Task force will open the Westport Farmer's Market on Saturday June 15, 2019 from 9-1 pm at the Town Hall Annex.

The American Legion Post 145 on Sanford Road will hold a Flag Retirement Ceremony on Saturday, June 15 at 12:00 noon.

2. Discussion with Town Auditor, Roselli & Clark and Update on Treasurer's Consultant Work.

Auditor Anthony Roselli, Treasurer Brad Brightman, and CPA Consultant Eric Kinsherf were present. Mr. Roselli reviewed the management letter. The OPEB fund balance was increased \$300,000, a strong financial performance. He cautioned against using as much free cash as has been done in the past. He noted on page 3 that for a third year in a row, there was a material weakness indicated. The last few years the Treasurer's office saw the prior Treasurer retire and a new treasurer with no municipal experience was elected.

Implications of the material weakness: when cash is not reconciled, it impacts all the financial offices. If the Town files after March 31, the Town does not meet SEC bonding requirements and must file a notice of non-compliance. It also affects grants through the federal government and Schedule A for state funding is delayed when cash is not reconciled. This has happened two years in a row, and Mr. Roselli stated that it is imperative that it be corrected. Ms. Shufelt asked what the last monthly

reconciliation was that had been done; Mr. Brightman stated that January was done, but not month-to-month. Mr. Kinsherf offered his review of office operations. He said that through November has been reconciled through the Town Accountant; they are working with the Assistant Treasurer to correct December's figures, as that was reconciled incorrectly.

Ms. Shufelt asked Mr. Roselli what month the Town should be reconciling if the office was functioning properly and he stated that April should be reconciled by now. As of now, the town is five months behind. Mr. Kinsherf recommendations on existing staff was to allow the Treasurer to reconcile cash book; he is capable of doing that. Muriel Kokoszka will be assisting. Based upon his observation, Mr. Kinsherf suggested that the reconciliations cannot be done on the current timeline without overtime.

Mr. Roselli reviewed the remainder of the management letter. He noted that investment income should be increasing in the next fiscal year; unclaimed checks should be declared abandoned and considered as revenue; the Harpers payroll program has a time/attendance module that could be added, and there needs to be a bridge between it and the accountant's office. For the time being, there is duplication of efforts needed to process payroll. Discussion ensued.

Mr. Roselli also stated that there were also some inefficiencies in the Collector's Office. He recommended that de minimus taxes on small amounts of personal property are difficult to collect and remain on the ledger for years; collection requires small claims court filings. The majority of Towns are using de minimus practice to wipe out the outstanding taxes and spread it over the levy.

The Tax Collector's is also still manually entering payments and not using a lock box as the majority of municipalities are doing. He urged looking at the process as it is a time saver, and the compensating balance is taken from the amounts. There are also a lot of old receivable balances and Mr. Roselli urged the collector to assess if these receivable balances are collectable; if not collectable, then a request to the Treasurer to abate the amount should be made.

He stated that in 2015, Governor Baker (previously a Selectman in Swampscott) enacted the Municipal Modernization Act; in 2016, Division of Local Services and DOR both advocated for removing elected positions. The MMA is also proposing to eliminate elected officials at the end of their terms; Mr. Roselli advocated for combining the Treasurer and Collector positions. He noted the staffs could be combined and operations streamlined with the right person appointed.

Mr. Roselli reviewed past year comments. He noted that the School Department's health insurance costs looks high and should be reviewed. He noted that grants revenue continue to decline; it might make sense to share a grants coordinator with a neighboring town. Mr. Valcourt noted that the last term he served, they were working on this idea but it has since fallen by the wayside. The procurement process also needs attention. All contracts are not making it to the Town Accountant, he noted. Mr. Roselli recommended that the Town Accountant refuse payments if contracts are not provided.

Finance Committee Chair Gary Carreiro stated that he has heard many of the same suggestions over the years, and suggested a focus on streamlining efforts such as the lock box, creating more time for the current staff to do necessary work. Mr. King stated that the Planning Board will have funding for an assistant planner to take up some of the administrative work so that the Town Planner could focus more on grant applications.

Mr. Brewer noted that the town is still significantly behind on the reconciliation effort. He stated that the oversight committee is concerned that the reconciliation will not be completed on time, and that is still a big problem. He asked Mr. Roselli about the DOR's policies. Mr. Roselli, stated that the DOR will not certify free cash without his final audit; any delays will push out certification to

Thanksgiving/Christmas and most likely have a domino effect and affect using free cash if not done by August 31.

Ms. Shufelt asked about the decision for Muriel to do work for the Treasurer's office. Mr. Brewer stated that she was part of the oversight committee and had volunteered to help. Ms. Shufelt stated her concern is getting another party involved in a messy situation in that office. Mr. King stated the work being proposed for Muriel is entering the daily collections into the cash book. The committee is concerned about keeping up the cash book daily. The cash book is complete only through January. The accountant has not finished reviewing December and January; her concern is introducing another party into the workplace mix.

Vice-Chair of the Finance Committee Karen Raus stated that in a three week period, things are not being done fast enough; the committee's recommendation is to hire Mr. Kinsherf again to catch up on the work needed to meet the August deadline. If a few weeks go by with Muriel, and there is little or no progress, there will be a need to hire professionals. Mr. Kinsherf stated that a basic skill needed is to be able to use Excel, and the basic skill level is not there. He said the office personnel needs to have the necessary skills.

Ms. Shufelt asked if using the data entry help from Muriel will be enough, or if re-hiring Mr. Kinsherf is advisable. Mr. Kinsherf said that his firm could easily catch up, but the town would still be left with a material weakness. He has left step-by-step instructions for reconciliation work, but not everyone can follow them and do a complete job. Ms. Raus noted that not one month is completely done, and there is not enough time being dedicated to these tasks. She feels completed reconciliations are still at July 2018.

Mr. Carreiro said he has no confidence that the office as staffed can complete the tasks, and he recommended Mr. Kinsherf be contracted to finish out this year's reconciliations. Ms. Shufelt agreed and asked for a quote from Mr. Kinsherf for completing the reconciliation. Mr. Brightman suggested that Muriel be paid to do the data entry so that Mr. Kinsherf is not being paid for clerical work. Ms. Shufelt did not feel it was a good idea to introduce another person to the work process. Mr. Carreiro suggested that Muriel is capable of doing the data entry. Mr. Roselli stated that he received all he needed on the deadline in March and believes Mr. Kinsherf can deliver the reconciliations within the desired time.

6:15 p.m.

3. Licenses/Permits:

- a. Public Hearing. Seasonal Trailer Permit First Time Application of new owner Marcia Pobzeznik Flynn for a six-month seasonal trailer permit for recreational purposes, to locate a trailer at 189 East Beach Road, Assessor's Map 76A, Lot 88.
 Motion by Mr. Valcourt to approve the permit. Seconded by Mr. Ouellette. The Board voted 5-0 in
 - favor.
- **b.** Weatherlow Farms, LLC. at 845 Sodom Road: Request for approval of one-day Liquor Licenses for Wine & Malt beverages at events to be held at 845 Sodom Road for the following dates: July 11, 2019 5:30-9 p.m.; July 21, 2019 5-8:30 p.m.; August 8, 2019 5:30-9 p.m.; August 18, 2019 5-8:30 p.m. and August 22, 2019 5:30-9 p.m. The chair suggested no action on the August 22 date as the original date requested, August 29, had been posted.

Ryan Wagner, owner of Weatherlow Farms, noted that subsequent to the 4/16 meeting the Board wanted to issue only one-day licenses for events at the farm. Ms. Shufelt indicated what Police Department recommendations had been made.

Mr. Valcourt stated that at earlier public hearings, Mr. Coutinho indicated that the Zoning Board of Appeals was addressing uses of the building, not outside events. He stated that the hours requested for events are slowly expanding to later times. Ms. Shufelt cited the 4/16 minutes indicating that the ZBA discussion of the variance request dealt with events inside the barn, and not the farm store; the lawn area where the events took place last year was not discussed by the ZBA.

Mr. Brewer stated that these requests are similar to what was granted last year, and the applicant is seeking licenses for these special events as the Board had requested. He said he was not aware of any incidents; the chair noted no incidents had been reported by police at last year's events. Mr. Wagner indicated that last year's events usually ended at 8:30 p.m., but that 9 p.m. gives more time for people to leave the farm in a proper manner.

Ms. Boxler asked at what the maximum amount of tickets sold would be; Mr. Wagner indicated the Board of Health permits limit events inside the barn to 100 people, and beyond that number portapottys would be required. Ms. Shufelt felt Mr. Wagner is complying with the board's desires, and indicated she is in favor of approval of the licenses. Frank Sherman of Sodom Road stated that only events inside the barn had been approved by the ZBA; he asked what is being approved, inside or outside events. The Chair clarified these requests are for both inside and outside activities.

Motion by Mr. Brewer to approve the dates requested, except the August 29 event. Seconded by Ms. Boxler. The vote was 4-1, with Mr. Valcourt opposed.

c. Weatherlow Farms, LLC. at 845 Sodom Road: request for approval of an Entertainment License for a three-member acoustic ensemble for July 11, 2019, 5:30-9 p.m.; July 21, 2019 5-8:30 p.m.; August 8, 2019 5:30-9 pm., August 18, 2019 5-8:30 p.m.; and August 29, 2019 5:30-9 p.m. Mr. Ouellette asked the abutters if they had any issue with noise from past events, and the Shermans indicated they did not.

Motion by Mr. Ouellette to approve the licenses for all requested dates except August 29. Seconded by Ms. Boxler. The Board voted 4-1 in favor, with Mr. Valcourt opposed.

d. Request from the Coastal Wine Trial for a one-day Farmer's Market License and a one-day Wine & Malt Liquor License for the Wine, Chocolate and Cheese Festival at 200 Pine Hill Road on Saturday, June 15, 2019 from 11-8:30 p.m.

Motion by Mr. Ouellette to approve the licenses with the requirement for a police detail. Second by Mr. Valcourt. The Board voted 5-0 in favor.

6:20 p.m.

4. Action Items

- **a.** Request from Weatherlow Farms LLC for approval of Massachusetts Agricultural Directional Sign to be placed on Route 88 southbound and Hix Bridge Road. Mr. King indicted that MassHighway requires the board's approval as part of the application process.
 - Motion by Mr. Ouellette to approve. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- **b.** Request from Buzzards Bay Coalition for review and approval of two Conservation Restrictions for 24.319 acres and 29.461 acres on the Coffin Family Trust land surrounding Angeline Brook on the westerly side of Main Road, Assessor's Map 82, Lot 5A and recorded in the Bristol County (Southern District) Registry of Deed, Book 4977, Page 154.

Ross Moran, Director of the Westport Land Conservation Trust, and Alan Decker, Director of Land Acquisition for the Buzzards Bay Coalition. Mr. Decker stated that this is a 55 acre parcel of land with critical terrestrial biodiversity – the Land Trust will be purchasing approximately 30 acres of that property, with a second Conservation Restriction to be filed on the remainder of the land, approximately 24 acres. Mr. Moran stated that the 30 acre parcel abuts the current Herb Hadfield preserve and that expanded preserve will now grow to 200 acres; this block of land will also be part of a 500-acre block of conservation restrictions in and around Angeline Brook. He indicated that the family has done a remarkable job keeping the land in forestry. A State grant is supporting the acquisition of this CR, not the town, with the balance of acquisition costs being paid through private grants.

<u>Motion</u> by Mr. Valcourt to approve the first Conservation Restriction requested. Seconded by Mr. Ouellette. The Board voted 5-0 in favor. **Motion** by Mr. Valcourt to approve the second Conservation Restriction. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

c. Request for endorsement of P.J. Keating Change Order #1 and Pay Estimate #3 for Town Roadway Paving Improvements in Fiscal Year 2018.

Motion by Mr. Valcourt to approve the change order and pay estimate. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

d. Request for endorsement of P.J. Keating Payment for HMA Price Adjustment for Town Roadway Paving Improvements in Fiscal Year 2018.

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

5. <u>Discussion Items</u>

a. Creation of an Audit Committee and appointment of a Select Board Representative.

As creation of an Audit Committee was approved at Town Meeting, the Board needs to solicit representatives of the School Committee and the Finance Committee, and appoint two members-at-large. The Chair urged residents interested in serving on the committee as at-large members to submit letters of interest within the next 30 days.

Motion by Mr. Valcourt to appoint Mr. Brewer as the Board's representative. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

b. Recall By-Law Referral for Special Legislation.

Mr. King stated that Town Meeting gave the Board authority to send the petition for special legislation to the Legislature.

Motion by Mr. Valcourt to send the petition to the Legislature. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

c. Dissolve the Craft Cannabis Co-op Committee and the Camping Ground Evaluation Committee.

It was agreed that letters should be sent to members of both committees indicating that they have been dissolved. Ms. Shufelt noted that the Campground Use Committee will be appointed at the June 24 meeting; volunteers for the two at-large seats should send letters of interest as soon as possible.

Motion by Mr. Valcourt to dissolve the two committees. Seconded by Mr. Ouellette. The board voted 5-0 in favor.

6. Appointments and/or Resignations.

Requests for the following re-appointments and first time appointments (where indicated):

a. Town Beach Lifeguards: Evan Audette, Max Tronjano, Julia Vasconcelos, Miranda Howayeck, Sam Tronjano, Sydney Lavoie, Alisha Rego, Nicholas Howayeck and Xander Schenck.

Tim St. Michel, Chair of the Beach Committee, was present and indicated that the lifeguard appointments had been approved by the Beach Committee.

Motion by Mr. Ouellette to make the appointments as indicated. Seconded by Mr. Brewer. The Board voted 5-0 in favor.

b. ADA Transition Plan Committee: Dr. Gary Reese and Michelle Orlando as School Committee representatives (1-year terms).

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

- c. Agricultural Commission: One seat open. Jaqueline White (currently an alternate) (3-year term). Motion by Mr. Valcourt to approve the appointment. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- d. Agricultural Commission alternate: Tina Nowell (1-year term).
 Motion by Mr. Valcourt to approve the appointment. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- **e. Agricultural Open Space Preservation Trust Fund Commission:** Dudley "Trip" Millikin, Jason Powell (ConCom Rep), Kevin Rioux (FinCom Rep), and David Cole (Planning Board Rep) (1-year terms).

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

f. Bike Walking Path Committee: Keith MacDonald, Gail Rodriques, Steve Ouellette, and Bette Low (1-year terms).

Motion by Mr. Valcourt to approve the appointments. Seconded by Ms. Boxler. The Board voted 5-0 in favor.

g. Zoning Board of Appeals: Constance Gee and Barbara Pontolilo (previously an alternate) (5-year terms).

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

- h. Cable Advisory Board: Donald T. Krudys, James LeBelle, Sr.; John E. Miller, Robert Oliveira, Nancy Stanton-Cross and Robert Daylor (Planning Board Rep) (1-year terms).
 Motion by Mr. Valcourt to approve the appointments. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- i. Capital Improvement Planning Committee: Muriel T. Kokoszka and Antonio Viveiros (School Committee representative) (1-year terms).

Motion by Ms. Boxler to approve the appointments. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

- Commission on Disability: Brian Gallagher and Ray Phenix (3-year terms). Motion by Mr. Valcourt to approve the appointments. Seconded by Ms. Boxler. The Board voted 5-0 in favor.
- k. Community Preservation Committee: John J. Bell, Betty Slade, and Dale Weber (1-year at-large terms); and James Watterson (Planning Board Representative, 3-year term).
 Motion by Mr. Valcourt to approve the appointments. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- Conservation Commission: Jason Powell and Philip Weinberg (3-year terms).
 Motion by Mr. Ouellette to approve the appointments. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- m. Council on Aging: Karin Bergeron, Catherine Davis, William Gifford, Marcia Liggin (3-year terms).
 Motion by Mr. Ouellette to approve the appointments. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- n. Energy Committee: Walter Barnes, A. Max Kolenberg (1-year terms).
 Motion by Mr. Ouellette to approve the appointments. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- o. Harbor Advisory Committee: John Azevedo, Milton Adams, John Borden, Edward Carey and Alex Preston (1-year terms).
 Motion by Mr. Ouellette to approve the appointments. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.
- p. Historical Commission: Ruddick Lawrence re-appointment and one open seat: Beverly Schuch (formerly an alternate) (3-year terms).
 Motion by Mr. Valcourt to approve the appointments. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- q. Plumbing and Gas Inspector: Joseph Ferreira (1-year term).
 Motion by Ms. Boxler to approve the appointment. Seconded by Mr. Brewer. The Board voted 3-0-2 to approve, with Mr. Ouellette and Mr. Valcourt abstaining.
- Assistant Plumbing and Gas Inspector: Jason Camara (1-year term).
 Motion by Ms. Boxler to approve the appointment. Seconded by Mr. Brewer. The Board voted 3-0-2 to approve, with Mr. Ouellette and Mr. Valcourt abstaining
- s. Alternate Per-Diem Plumbing and Gas Inspector: Samuel Ferreira (1-year term).
 Motion by Ms. Boxler to approve the appointment. Seconded by Mr. Brewer. The Board voted 3-0-2 to approve, with Mr. Ouellette and Mr. Valcourt abstaining
- t. Shellfish Advisory Committee: John W. Borden, Ronald Savaria, Richard Smith, Dora Atwater-Millikin and Kenneth Manchester (1-year terms).
 Motion by Mr. Valcourt to approve the appointments. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- u. SRPEDD Representative: James T. Whitin (Planning Board), Steven Ouellette (BOS).

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

- v. Town School Building Committee: Nancy Stanton-Cross (no expiration).
 Motion by Mr. Valcourt to approve the appointments. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- w. Westport Cultural Council: Ned Daniels re-appointment for a 2nd, 3-year term); Two open seats request for first time appointments: Ruth Bourns and Rosemary Melli (first of two, 3-year terms). Motion by Mr. Valcourt to approve the appointments. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- x. Tax Incentive Committee: Cynthia Brown and Robert Daylor (Planning Board Rep) (1-year term). Motion by Mr. Ouellette to approve the appointments. Seconded by Mr. Brewer. The Board voted 5-0 in favor.
- westport Economic Development Task Force: Reappointment: Elizabeth Collins; first time appointment of Cynthia Brown (1-year term) and Robert Daylor (Planning Board Rep).
 Motion by Mr. Brewer to approve the appointments. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- z. Assistant Wiring Inspectors: William Plamondon and Dane Winship (1-year terms).
 Motion by Mr. Ouellette to approve the appointments. Seconded by Mr. Brewer. The Board voted in favor 4-0-1 with Mr. Valcourt abstaining.
- **aa. Alternate Per-Diem Wiring Inspector:** Paul Burke (1-year term). **Motion** by Mr. Ouellette to approve the appointments. Seconded by Mr. Brewer. The Board voted in favor 4-0-1 with Mr. Valcourt abstaining.

7. Town Administrator Report

Among the items reported by Mr. King were that the Mobi-Mats at Beach Ave. have been installed; property tax bills were issued; aggregation rate is still lower than the current Eversource rate; the Recreation Department has developed a robust summer program; and the landfill's solar array naming ceremony is on for June 11.

8. Minutes

Motion by Ms. Boxler to approve the minutes of the April 11 & 16 meetings. Seconded by Mr. Ouellette. The Board voted 5-0 in favor.

9. Bill Warrant and Payroll report to the Board

Mr. Brewer reported all was in order.

10. Selectmen Liaison Committee Reports

Ms. Shufelt – SBC will meet on June 19.

Mr. Ouellette – Meetings for Bike Path and Transportation Plan are coming up. Public safety has been busy, with a house fire last weekend and numerous vehicle accidents.

Mr. Valcourt – Noted that the vineyard was hosting an event (Tough Kids Challenge) and there was lots of traffic but no detail officer there for traffic control. He suggested they need to have better traffic control arrangements next year.

11. Boards/Committees/Commissions Vacancy List

As posted on line.

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.

None.

Adjournment

Motion by Mr. Ouellette to adjourn the meeting at 8:16 p.m. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

Respectfully submitted,

Lucy Tabit Administrative Assistant/

Confidential Clerk

APROVED:

Ann E. Boxler, Clerk, Select Board Member

Attachments to Agenda of 6/10/19:

2 mgmt letter

2a Westport Mgmt Ltr 2018

3a 189 East Beach Road

3b Weatherlow one day req

3b Weatherlow PD Recs

3c Weatherlow entertainment request

3d Coastal Wine Trail- One Day License

3d Coastal Wine Trail PD Recs

4a Weatherlow sign approval

4b BBC Angeline Brook Buffer CR 05-28-2019

4c Keating change order

4d Keating price adjustment

5a Audit Committee as passed at ATM

5b Recall Elections

6 Annual Appointment List 2019 FY19-20

6a Lifeguards

6b ADA Committee

6c AgCom requests

6d AgCom Alternate Nowell

6e Ag Open Space Trust

6f Bike Walking path

6g ZBA requests

6h Cable Advisory

6i CIPC

6j COD

6k CPC

61 ConCom

6m COA

6n Energy Committee

60 Harbor Advisory

6p Historical

6q Plumbing & Gas

6r Assistant Plumbing & Gas

6s Alternate Per-Diem Plumbing & Gas Inspector

6t Shellfish Advisory

6u Planning Board appointments

6v School Committee

6w Westport Cultural Council

6x Tax Incentive Committee

6y Westport Economic Development Task Force

6z Assistant Wiring Inspectors

6 aa Alternate Per-Diem Wiring Inspector

7 TA Report

8 Minutes for 6/1 & 6/16

9 Bill Warrant