



**BOARD OF SELECTMEN
REGULAR MEETING MINUTES**

Monday, February 6, 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

6:02 p.m. Call To order & Pledge of Allegiance

Acknowledgments & Recognitions

Tom McGarr was recognized for his many accomplishments within our town and surrounding communities.

Public Hearings

1. Licenses/Permits

- a. Request from Cumberland Farms of Massachusetts, Inc to remove George Fournier as President and Director of the licensee and adding Caroline Taitelbaum as President (who is an existing officer and director) and to remove John Daly as Assistant Treasurer of the licensee and replacing him with Mac Rudnick, along with a request from Cumberland Farms, Inc. (100% shareholder of licensee) to remove George Fournier as Director and adding Caroline Taitelbaum as President (who is an existing officer/director).

Ms. Shufelt questioned if this was just a change of officers, are there any changes to the day to day operations. Tyler Hensler from Upton, Connell & Devlin, LLP addressed the board virtually stating that there are no operational changes, it is strictly a change of officers.

MOTION by Mr. Ouellette to approve the change in Officers, seconded by Mr. Brewer. The Board voted 4-0 in favor.

2. Appointments and Resignations

- a. Request to appoint Michael Yogman to the Climate Resiliency Committee.
MOTION by Mr. Ouellette to appoint Michael Yogman to the Climate Resiliency Committee, seconded by Mr. Brewer. The Board voted 4-0 in favor.

- b. Request from Elizabeth Collins to accept her resignation from the Housing Authority, Affordable Housing Trust Fund, Community Preservation Committee and Economic Development effective immediately.

Ms. Shufelt summarized Ms. Collins volunteer timeline, she has volunteered for over 50 years. Ms. Shufelt added that the Board would like to formally recognize her for her years of service at an upcoming meeting.

MOTION by Mr. Ouellette to regretfully accept Ms. Collins resignation, and to send a letter of appreciation, seconded by Mr. Brewer. The Board voted 4-0 in favor.

3. **Action Items**

- a. Request from the Bristol County Retirement System to allow an additional 2% Cost of Living Adjustment.

Mr. Hartnett addressed the board explaining that The Governor signed Chapter 269 of the Acts of 2022 into law. This act provides the local retirement systems with a local option to increase the Cost of Living Adjustment (COLA) for FY23 up to 5%. 2% of this increase must be approved by 2/3rds of the local Boards of Selectmen and the retirement board. The Bristol County Retirement Board voted to approve the 2%, it should be noted that the additional 2% would only apply to the base amount which is \$18,000 (could possibly be increased to \$20,000) so the maximum liability would be \$400/retiree. Currently 191 employees.

MOTION by Mr. Brewer to approve the additional 2% Cost of Living Adjustment, seconded by Mr. Ouellette. The Board voted 4-0 in favor.

- b. Request from Roger Menard, Chair, Zoning Board of Appeals, with approval of the Personnel Board for the Board of Selectmen to approve the change of Principal Clerk to Zoning Board Administrator with an hourly rate of \$27.00 effective January 25, 2023. On July 1, 2023, the hourly rate will be increased by 2%.

Roger Menard Zoning Board of Appeals along with Cindy Brown (Personnel Board) addressed the Board. Mr. Menard stressed the importance of this position, the members of the ZBA attend meetings and vote, everything else falls upon the clerk, who deals with attorneys and important deadlines, the board is looking to change her position to the Administrator to the Board.

Ms. Shufelt asked how the rate came about, Ms. Brown added this request came to the Personnel Board, it is a Non-Union Part Time Position, and the Personnel By Laws are a little muddy, they looked at the responsibility of the position and compared it to the highest paid Administrative Assistants being the Police and Fire. It is the responsibility of the Personnel Board to approve job description and rate.

Mr. Hartnett stated that the Personnel Board sets the classification, the Board of Selectmen need to approve the change and appointment.

Ms. Shufelt questioned if the FY23 Budget of the ZBA could absorb this increase.

Ms. Brown added that this increase would open Pandora's Box, there are a lot of dedicated employees, and this could cause a ripple effect.

Mr. Brewer questioned the comparable positions and the differences in responsibility, Mr. Hartnett answered not having an immediate department head is the only difference.

Ms. Shufelt added this is a critical position with no supervision.

Mr. Hartnett added this job could be run through the Planning Board or the Building Department.

Mr. Menard added the legal aspects to the job, appeals are paramount.

Ms. Shufelt questions the options.

Mr. Ouellette added that the board would need to bargain in good faith for other valued employees to request higher salaries. He also added that the Economic Development Clerk does not get paid.

Mr. Brewer added that you can't compare this position to the Police and Fire Departments.

Ms. Shufelt suggested adding hours not an increase in salary.

Mr. Ouellette suggested they come back to the Board with back up material.

Mr. Brewer suggested referring back to the Personnel Board, and for the Town Administrator to come up with more information.

Mr. Menard added the ZBA came before the Board of Selectmen, and was referred to the Personnel Board, and now we are back here and you want us to go back to the Personnel Board. Mr. Menard then handed in his Letter of Resignation, effectively immediately.

Nadine Castro addressed the board noting that the job description is comparable to her job description and her salary is \$24.65 an hour. She questioned if salaries can come out of fees charged.

Ms. Shufelt answered that General Fund Fees fund positions, unless changed to revolving fund.

MOTION by Mr. Ouellette to refer back to the Personnel Board, seconded by Mr. Brewer. The Board voted 4-0 in favor.

- c. Request from the Town of Dartmouth to support a comment letter on the proposed Title V changes.

Ms. Shufelt stated that the town has submitted comments on this matter, the board took no action.

- d. Request to sign the agreement for Bernadette Oliver, Temporary Town Clerk, as of February 7, 2023.

Mr. Hartnett addressed the board stating that this was approved at the last meeting, just needed to be signed.

MOTION by Mr. Ouellette to sign the agreement, seconded by Mr. Brewer. The Board voted 4-0 in favor.

- e. Request from the Planning Board for comments and recommendations regarding the application for Special Permit for Independent Living Facility and Site Plan Approval Love Impact Development for Stoneridge: A Private Community at Mello's Way & Chabot St, Map 21 Lot 8A. The applicant proposes 29 single family units with 10 (5 duplex units) on 15 acres of land.

Ms. Shufelt stated that the Board will welcome comments from the public, however this request is strictly from the Planning Board for the Board of Selectmen to comment on, this is not a public hearing. All of these concerns will need to be addressed at the Planning Board Public Hearing.

The following residents addressed their concerns to the Board.

Mark Allard – 12 Crestview Dr, spoke on behalf of the whole community when he submitted an email concerning safety, addressed how dangerous Chabot St. is, he is concerned about the temporary road easement adjacent to Oakridge, and he is concerned about adding to the water issue already present in Oakridge. Being a Social Worker, he is concerned with the "Aging in Place" Residents, with noise being the prominent factor.

David Bork – former president of Oakridge, been involved with Planning Board Meetings for over two years, it would be like driving in England, the crossing pattern.
Tom Larkin – 54 Lighthouse Lane, questioned the acreage, not really 15 acres, when he questioned the Planning Board, he was told nothing was happening. .
Anthony Branco – 29 Cortney Dr., is wondering how this is being proposed, concerned with being surrounded by three developments, drought conditions and stress on the land.
Greg Lima – 66 Lighthouse Lane, concerned with the lack of communication, woke up one morning to construction, he questioned the quality of work being done, and asked about the pipeline and forestry that will be affected.
Charlie Sullivan – 48 Chabot St, shared his concerns about the volume of cars, walkers, children playing and dog walkers

The list below will be forwarded to the Planning Board:

- Water Run Off
- Public Safety
- Traffic
- Environmental Effects
- Sidewalks
- Wells & Septic
- Building Department Burden
- Quality/Quantity of Water
- Pipeline
- Mental Health of “Aging In Place” Residents
- Privacy Buffer
- Work Quality, lack of compliance
- Mello Lane Egress
- Appropriate Use of Bylaw
- Taxing on Town Services
- Lack of Communication
- Noise
- Stress on the Land

Gerry Coutinho also addressed the allegations and number of violations that couldn't be enforced at the hotel on Main Road, due to lack of town resources. Oakridge was approved with improper use of the Independent and Assisted Living By-Law. due to o on town services ex. Building Inspector.

MOTION by Mr. Ouellette to pass the comments on to the Planning Board, seconded by Mr. Brewer. The Board Voted 4-0 in favor.

- f. Request to file notice of election for unexpired Housing Authority Vacancy.
Mr. Hartnett addressed the Board, an announcement needs to be made of the vacancy on the Housing Authority, and papers would need to be returned by February 21, 2023.

4. **Discussion**

6:30 PM

a. Fiscal Stability Group Discussion

Albert Lees addressed the board summarizing the Fiscal Stability Report, It's Time, stating that a year ago a group of 10 private citizens began meeting monthly to address the Fiscal Stability of the Town. He admitted he was "fiscal skeptic" until he took a deep dive into how the town generates revenue, and how Proposition 2 ½ is not keeping up with inflation. We have no choice but to recommend a \$3,000,000 Override to keep departments level funded, and this is only a fix for 3-4 years.

Ms. Shufelt stated how appreciative of all the hard work and time that went into this, and suggested an alternative budget at May Town Meeting with a ballot question at a later date. Mr. Brewer added that the financial future report outlined the problem, now the taxpayers need to be educated,

Ms. Slade addressed the issue by noting that just by sitting at this meeting tonight, she heard the participants present issues with being short staffed and having only one building inspector, and the ZBA fighting to pay a clerk, etc.

Ms. Shufelt added the town is running on a shoestring, and really needs to look at resources, and what the alternatives are, do you want a library, a recreation committee, the transfer station, where are we going to cut.

Donna Amaral, Board of Health stated there is room for improvement, the Board of Health representatives are physically going through files on their own time. An override will help with this process, systems need to be upgraded.

Cindy Brown noted that these Wednesday Morning meetings of the Fiscal Group brought a lot to light, we have many dedicated employees who go over and above, we don't have an Human Resource Department, we have a Part Time Tech Person. She also stated that having the lowest taxes around is nothing to be proud of, she encouraged residents to read the report and support the override, we can't afford not to.

Mr. Lees stated the best discussion is public debate and welcomes opposing positions.

David Cole spoke to the Override, noting that Jack Healy and Dick Brewer spoke of this crisis years ago, as did the Master Plan in 2016 and the update in 2021. The biggest consequences of the Financial Crisis are the Educational System, Staff and Equipment. He reinforced the need for an override.

b. FY24 Budget Discussion

Mr. Hartnett stated that after a review by the Town Accountant, the individual salary line items were adjusted, these changes had little impact on the overall budget. He outlined items to be reviewed by the Board. He added that Free Cash should be certified within the next week, estimated at close to \$2,000,000 and outlined the possible use of Free Cash, he then outlined the final budget timeline, the budget needs to be presented to the Finance Committee by February 21, 2023.

Mr. Brewer suggested getting the Finance Committee, School Department and Board of Selectmen together to address the budget.

Betty Slade noted that the Diman Ballot Question plays a lot into the budget.

Ms. Shufelt added if the Diman Ballot Questions does not pass in April that the \$120,000 would have to come out of the Operational Budget which will be detrimental to the Town.

c. Karen Gonsalves (resident) – New Title 5 Regulations

Ms. Gonsalves addressed the Board, wondering what was going on, how the town was getting the new Title V information out to the residents.

Ms. Shufelt noted that the town is actively addressing this, it has been addressed as part of the Master Plan and through the Infrastructure of the town, we have spoken to the legislature, the Board has made many comments, and the Board of Health has been very proactive.

Mr. Ouellette added there has been a strong presence at local presentations, Jim Whitin, Tanya Ryden and Bob Daylor have been in attendance.

Ms. Gonsalves questioned a Multi Town Court Injunction.

Ms. Shufelt added that the Westport Delegation has done all that we can do.

5. Town Administrator Report

1. SouthCoast Wind Energy

SouthCoast Wind Energy LLC (formerly Mayflower Wind Energy LLC) has filed their Draft Environmental Impact Report (DEIR) for the SouthCoast Wind 1 Project. An electronic version of the DEIR can be viewed or downloaded from the SouthCoast Wind:

Website: [https://southcoastwind.com/documents/\[southcoastwind.com\]](https://southcoastwind.com/documents/[southcoastwind.com])

2. Planning Grants

Michael Burris filed three expressions of interest (EOIs). This is the first step in the State's One Stop Grant Program. The EOIs allow the state agencies to review the requests and recommend funding sources prior to the full applications. The three EOIs filed are:

1. Main Road Placemaking and Streetscape Improvement Plan. Planning Board project. Grant of interest: Rural and Small Town Development Fund.
2. Former Westport High School Reuse/Adaptation. Long Term Building Committee Project. Grant of interest: Underutilized Properties Program.
3. Route 6 Sewer from Fall River to Route 88 (approx.). Grant of interest: Massworks.

While these are not the full grant applications the EOIs still require a significant amount of work and wanted to recognize the efforts of Michael and the Planning Board.

3. Marijuana Law

In August of 2022, *An Act Relative to Equity in the Cannabis Industry* was approved in Massachusetts. It appears that this could have an impact on community impact fees and host agreements. Impact fees must be "reasonably related" to costs the municipality faces as a result of the marijuana business's operation. Some Marijuana facilities are refusing to pay their community impact fee. Currently waiting for guidance from the Cannabis Control Commission on how this impacts local agreements.

4. Select Board Name Change

A request has been made to Senator Michael Rodrigues and Representative Paul Schmid to file legislation on behalf of the Town to change the name of the Westport Board of Selectmen to Select Board.

6. Approve Minutes

a. January 23, 2023

MOTION by Ms. Boxler to approve the minutes, seconded by Mr. Ouellette. The Board voted 4-0 in favor.

7. Report on Bill Warrant

Ms. Boxler noted it was in order and signed.

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

Ms. Boxler – Affordable Housing, Liz Collins Resigned, Jim Sabra volunteered to step up as Chair. Affordable Housing wants to stay on the radar for the old high school property.

Ms. Boxler questioned the Old High School Warrant Article that may be on Town Meeting.

Ms. Shufelt suggested Jim work with the Moderator on this discussion to see if this is permissible.

Mr. Ouellette – SRPEDD moving along, he would like to add the condition of the Town Hall Parking Lot for future discussion.

Mr. Brewer – nothing really to report, CIPC will meet 2/15, he would like to add the Point Landing for future discussion.

Ms. Shufelt – nothing notable, she mentioned that there are lots of vacancies of Town Committees.

9. Comments and Statements

10. Boards/Committees/Commissions Vacancy List

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

MOTION by Mr. Ouellette at 8:34 p.m. to adjourn the open meeting, seconded by Mr. Brewer. The Board voted 4-0 in favor.

Adjournment



Paula M. Brown
Administrative Assistant

Approved: _____



Ann Boxler, Clerk
Select Board Member

- 1a Cumberland Farms
- 2a Michael Yogman - Climate Resiliency
- 2b Liz Collins Resignation
- 3a BCRS cola study with exhibits
- 3a Bristol County Retirement - COLA
- 3a COLA – PERAC
- 3a Cola Email
- 3b Zoning Board Administrator
- 3c 3title_5_watershed_permit_draft_regulations_bbc_final_comments_23-1-30
- 3c Dartmouth Comm of Mass Title V
- 3c MAHB Comments to Proposed NSA Regulation
- 3d Town Clerk 1-27-23

3d Town Clerk
3e Allard Comments – Stoneridge
3e Planning Board - Stoneridge – Comments
4c Goncalves - Title V Discussion
6a 01232023 Minutes
02062023 BOS Budget update
Budget FY24 Budget Calendar – Proposed
Budget FY24 Proposed SC Educational Budget
Budget Timeline
ES KP Law - Opioid Settlement Funds
ES KP Law - Opioid Settlement
Fiscal Stability Summary
FY24 Expenses 2-3-23
FY24 Local Receipts FY22
FY24 Revenues 2-3-23
FY24 TurnbacksFY22