

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY – December 17, 2018**

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

Ms. Shufelt stated that there was a large group of protesters outside and she agreed to allow them to speak a few words. Timothy Gagnon asked the Board to look into what happened at Diman Regional Vocational High School because the superintendent's contract was not renewed. The superintendent has been there for 30 years and the Chair of the School Committee, Mr. Jennings from Westport, did not allow any discussion or comment after the vote not to renew Mr. Aubin's contract. The Select Board will place an item on the next agenda to discuss this.

2. Action Items

a. Request by the Narragansett Bay Wheelmen for approval of the September 8, 2019 ride. The organization has an annual 100 mile bicycle ride and this will be their 47th year. **Motion** by Mr. Ouellette to approve subject to police recommendations. Second by Mr. Brewer the Board voted 4-0. Mr. Valcourt was absent.

b. Marine Services Director request to change the commercial quahog catch limit from 4 to 3 town baskets anticipating lower relay numbers in 2019.

Chris Leonard, Director of Marine Services and John Borden, Chair of the Shellfish advisory. Mr. Leonard is requesting a decrease of one town basket for harvest. In 2019 they were told that they would be getting no relay bushels. He spoke with Mr. Hickey. There are 55 commercial licenses and that times 4 bushels. They are looking to relay 2,500 due to the federal project before us. He asked this be effective January 1, 2019. Shellfish advisory recommends this and also to closing shell fishing during the federal holidays to allow it to be spread out for all.

Motion by Mr. Ouellette to approve the request to reduce the catch limit to 3 baskets. Second by Mr. Brewer the Board voted 4-0. Mr. Valcourt was absent.

Mr. Leonard explained that he would like the Board to approve the federal calendar where dealers are closed on federal holidays. Restricting the catch on federal holidays

will prevent catch from being held over the holiday. This will be placed on the January 7, 2019 agenda.

- c. Assessor's request for certification of Pro-Forma Unused Levy Capacity in lieu of a tax rate.

Steve Medeiros was present as Chair of the Board of Assessor. The tax rate has not yet been set and they will be issuing 3rd quarter preliminary real estate tax bills due to the inability to certify free cash. Gary Carreiro, Chair of the Finance Committee, asked if it is an issue of personnel shortage. He was concerned that the 4th quarter will be the actual bill and it will be considerably larger. Mr. Carreiro stated that people will start getting calls. Mr. King stated that the problem lies with not being able to close the books and not being able to certify free cash

Motion by Ms. Boxler to approve the Assessor's request. Second by Mr. Ouellette. The Board voted 4-0 in favor. Mr. Valcourt was absent.

- d. Request to approve career incentive pay to Bonnie Strebel, Library Principal Clerk for the completion of her Bachelor of Arts Degree.

Sue Branco, Library Director and Library Trustee, Lois Spirlet were present.

In January 2019, Ms. Strebel will have completed 5 years employment with the Town.

Motion by Mr. Ouellette to approve. Second by Mr. Brewer. The Board voted 4-0 in favor. Mr. Valcourt was absent.

- e. Request to approve career incentive pay for Ralph Souza for attaining the qualification of Building Inspector / Building Commissioner.

Motion by Mr. Ouellette to approve. Second by Mr. Brewer. The Board voted 4-0 in favor. Mr. Valcourt was absent.

- f. Endorse contract for the Briggs Road Fire Station roof repair awarded to JJS Construction Co.

The work was put out to bid a month before Special Town Meeting. The bids were received last week. Mr. Ouellette stated that Mr. Valcourt noted the certifications expired on the preferred lowest bidder's documents and requested it be checked.

Motion by Mr. Ouellette to award the contract to JJS Construction provided the expiration date is verified as unexpired. Second by Mr. Brewer. The Board voted 4-0 in favor. Mr. Valcourt was absent.

- g. Request from Town Clerk to approve on the ballot, a one year unexpired term for Collector of Taxes and a two-year unexpired term for Library Trustee.

The unexpired term for Tax Collector was addressed in 3d below. The Board appointed Ms. Brayton as the Interim Tax Collector up to the 2019 election date.

Susan Branco was present with Trustee, Lois Spirlet and candidate Joseph Ingoldsby who is interested in filling the position as Library Trustee. Ms. Spirlet stated that the Library Trustees have taken a vote to approve Mr. Ingoldsby for filling the vacancy on the Board.

Motion by Mr. Ouellette to appoint Mr. Ingoldsby up to the 2019 election. Second by Ms. Boxler. The Board voted 4-0 in favor. Mr. Valcourt was absent.

Both unexpired terms are to be placed on the ballot at election.

- h. Planning Board request for comments for a solar array at 536 Old County Road Map 34, Lot 7, 8 & 52 Westport Sand & Gravel. Mr. Ouellette was concerned with any runoff. No further action.
- i. Request to accept donation of \$100 to the Animal Gift Fund. **Motion** by Mr. Ouellette to accept the donation. Second by Mr. Brewer. The Board voted 4-0 in favor. Mr. Valcourt was absent.
- j. Request from the Affordable Housing Trust to endorse deeds for land conveyed to the Trust at 2017 Annual Town Meeting. Tabled for input from Town Counsel.

3. **Appointments and/or Resignations**

- a. Request of the Police Chief for the following appointments: Full time Officer Alberto Medina Jr. and Reserve Officers: Michael D. Silvia, Andrew Pelletier, Eric Krowel, Sarah Zielinski, Keara Enos and Amy Lynn Smiddy. **Motion** by Mr. Ouellette to approve. Second by Mr. Brewer. The Board voted 4-0 in favor. Mr. Valcourt was absent.
- b. Appointment of Library Trustee in a joint meeting with Library Trustees to fill an unexpired term. This was addressed in item 2g above.
- c. Acceptance of the resignation of Carol Borden, Tax Collector. Ms. Shufelt read a letter addressed to the Tax Collector from the Board on the occasion of her retirement effective January 1, 2019, accepting her resignation.
- d. Appointment of an Interim Tax Collector. Effective January 1, 2019, Ms. Borden requested that Sue Brayton, the assistant collector, would be appointed. The options are to appoint till the next election or to the end of the unexpired term. The Town Clerk has asked to post the vacancy on the April ballot.

Ms. Brayton anticipated running on the April ballot as it has traditionally been done.

Motion by Mr. Ouellette to appoint Ms. Brayton until the next election and to place the vacancy on the next ballot. Second by Mr. Brewer. The Board voted 4-0 in favor. Mr. Valcourt was absent.

- e. Request by Eric Stubbert for appointment as Constable, civil process. Mr. Stubbert has returned to live in Westport and is building his credentials and would like to serve. Mr. Ouellette asked that he look professional when carrying out the duties. **Motion** by Mr. Ouellette to approve. Seconded by Ms. Boxler. The vote was 4-0 in favor. Mr. Valcourt was absent.
- f. Zoning Board of Appeals request to approve hiring Maria Branco as principal clerk. Roger Menard, Chair of the Zoning Board of Appeals and Jerry Coutinho, Vice-Chair were present with the applicant and recommended the hire. **Motion** by Mr. Ouellette to approve. Seconded by Mr. Brewer. The vote was 4-0 in favor. Mr. Valcourt was absent.

g. Request from Averyl Andrade for appointment to the Craft Cannabis Co-op Committee (1-year term). At previous meetings, Ms. Shufelt expressed concern due to pending legal action. Ms. Andrade has been to several state Cannabis Control meetings and solicited information from several non-profits and has learned some important information which would make her a good candidate. It was noted that Ms. Andrade does not live in town but runs a farm in town. **Motion** by Mr. Brewer to appoint Ms. Andrade. Second by Ms. Boxler. The vote was 3-1. With Mr. Ouellette opposed and Mr. Valcourt absent.

h. Appointments to the Public Safety Staffing Committee.
Mr. Brewer would like the Board to move forward and appoint members to this committee; it was previously determined he would be the Board's representative. The Finance Committee has put forward their representative, Hugh Morton, for consideration.

Motion by Mr. Ouellette to appoint Mr. Morton. Seconded by Mr. Brewer. The vote was 4-0 in favor. Mr. Valcourt was absent.

4. **Discussion Items**

a. Presentation by the Town Administrator for the FY 2020 Budget.

Proposing a general fund operating budget of \$44, 983,875.

Pension assessment will be increasing over \$200K: the most substantial thus far; \$481,275 sharing of revenue with school budget. Regional school budget not known yet (not including school projects). Mr. King has met with all department heads. He will have a meeting with all department heads this Wednesday. Mr. King noted that if department requests are honored, the town will be \$316K in deficit and that does not include the regional schools nor the school projects expenses.

Ms. Shufelt stated as part of the budget process, the elected officials can come directly to the BOS but other departments that normally report to the Board need to report to Mr. King for discussion.

Mr. King stated it looks like there is over \$4 million in revenue but it's related to the debt exclusion for the police station and the new school. The levy will be going up \$3 million and will impact the tax rate.

b. Presentation by Town Departments of their FY 2020 Budget Requests:

Council on Aging. Beverly Bisch, Director of the COA and Muriel Kokzkska, treasurer of the Council, were present. The Director provided a handout that displayed graph charts indicating the amount needed to run the center. No staffing changes were made but there was a \$42K cut from the Town and there is an 80/20 split with the grant funds. The SRTA grant ended. They are not renting the venue any longer as it cost more to put a janitor on. They cannot continue to sustain the transportation and other programs. They have spent over \$186K from the revolving account and have nothing left. They need to fund salaries of essential personnel.

Ms. Bisch explained the needs of the elderly that they service and what they are trying to do will not be enough to sustain the services for the elderly.

The request for FY2020 is \$210K for salaries and transportation costs. She noted that staffing, repairs, gas and insurance to name a few, cost \$90K per year to run a van. Food stamps and SNAP will reimburse half the staff's time for their outreach. Last week's open house was at no cost to the center and raised some funds too.

Assessors. Steve Medeiros, Board of Assessors. He noted that the principal clerk is showing signs of wanting to retire after 47 years of service next year. They have decided going to a full time assessor when Ms. Potter retires. They want to keep 3 clerks on and a full time assessor and keep Ms. Potter on as a consultant who wants to make sure the office is running smoothly. Once they get through this re-evaluation, they will want to hire the assessor then. Mr. King stated that he has moved budget funds that should cover their needs.

5. **Licenses**

None.

6. **Town Administrator Report**

Mr. King gave his report.

Chris Wiley asked if free cash will get certified by the March deadline. Ms. Shufelt stated that she is optimistic that this will be completed. Ms. Wiley asked where is the money coming from. The free cash is not normally used to fund items in the budget but rather for onetime expenses rather than operating expenses.

The recommended budget from the Town Administrator is balanced but not as some departments want.

Mr. Carreiro stated that the budget is just a preliminary budget and he recommends a healthy stabilization fund. He suggested the need to make this public and that the Town has a balanced budget, with cuts. He suggested a level funded budget. Vice Chair of the Finance Committee, Karen Raus cautioned about the budget thus far. She said that a number of negative factors will continue to come in to play to include the State reducing the number of funds the Town will receive.

7. **Minutes**

November 13, 2018;

November 26, 2018;

December 4, 2018.

Motion by Ms. Boxler to approve the above as corrected. Second by Mr. Ouellette. The vote was 4-0 in favor. Mr. Valcourt was absent.

8. **Selectmen Liaison Committee Reports**

Mr. Brewer updated the Board on Bristol Aggie. He noted that the superintendant is good to work with.

Mr. Ouellette is looking to SRPEDD for grants for the Point survey. He is still working on the dangerous intersection of Route 177 and Route 6 and obtaining traffic lights.

Mr. Ouellette asked to place the topic of DIMAN's superintendent on the next agenda. Ms. Shufelt asked Mr. Ouellette to speak to Mr. Jennings. The Board will discuss on January 7, 2019. Mr. Ouellette was asked to invite Mr. Jennings to discuss the superintendent if he should happen to speak with him. Mr. Brewer asked what is the Town's authority in this. The Town sends students there. He is uncertain as to what the Board can do and doubted Mr. Jennings would talk to the Board.

Ms. Shufelt attended the Council on Aging open house with Ms. Boxler. She noted the School Building Committee will be meeting again on Wednesday. The School Building Committee will be meeting with the Planning Board to address drainage issues on Thursday. The School Building Committee is tasked with working with the Planning Board for approval of the submitted site plan. Once accomplished, there will be a better idea of what needs to be done. She prefers waiting for the result of these meetings before going forward initiating the study as was approved.

9. Boards/Committees/Commissions Vacancy List

See list on website.

10. Board Members Suggestions for Future Agenda Discussion / Action

None.

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

Recall Article discussion.

Ms. Shufelt provided a presentation and an overview of the procedure. There was discussion on an initial proposal of obtaining 200 registered voters to start the recall process. Once the initial affidavit is submitted, the registrar certifies the names. If so, the nomination papers could be issued. After which, there are 30 days to return the nomination papers with 10% of registered voters.

After discussion, the initial petition should have 1000 vs. 200 signatures. Further discussion reviewed drafted procedures. The incumbent may be placed on the ballot with having to submit a petition. Discussion ensued. Chris Wiley asked to look into why the incumbent should be placed back on the ballot. She felt that the incumbent is who would be replaced and she felt the person should not be placed on the ballot. Ms. Shufelt would look into section 5 if there is a reason for this. This item is to be placed on the January 22 agenda.

12. Question & Answers.

Mr. Sunderland had an article to share with Board regarding community television in question in Dartmouth. Mr. Ouellette has shared that with the members.

13. Executive Session.

Motion by Mr. Brewer to enter into Executive Session at 8:15pm and to adjourn the regular session at its conclusion pursuant to the provisions of MGL c 30A section 21(a) to:

a). Chair declares an open meeting will have a detrimental effect on litigation:

(1). discussion regarding the meeting with Massachusetts Commission Against Discrimination matter.(3);

(2). discussion regarding the Medeiros case.(3);

b). Approve Executive Session Minutes from November 26, 2018.

Seconded by Mr. Ouellette. Members unanimously voted 4-0 in favor by roll-call vote to enter into executive session. Mr. Valcourt was absent.

Adjournment

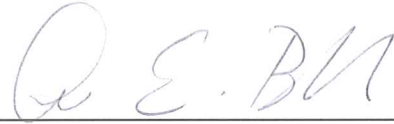
Mr. Ouellette motioned to adjourn the regular session at 8:40 p.m. Seconded by Mr. Brewer. The Board voted 4-0 in favor.

Respectfully submitted,



Lucy Tabit Administrative Assistant/
Confidential Clerk

APPROVED: _____



Ann E. Boxler, Clerk, Select Board Member

Attachments to Agenda of 12/17/18:

- 2a Narragansett Wheelmen request.
- 2b Commercial Quahog Catch Limit Change 2018 letter.
- 2c PRO Forma example.
- 2d Streibel incentive request.
- 2e Souza incentive request.
- 2f1 Bids: fire station roof.
- 2f2 JJS Universal, Briggs station draft Contract.
- 2g Clerk request for ballot.
- 2h1 Form M-1 reply sheet to Planning.
- 2h2 18-009-SPA-LID-SOLAR Plan.
- 2i Donation to Animal gift fund.
- 2j Affordable Housing Trust request.
- 3a Police Chief letter.
- 3b Library Trustee letter.
- 3c Carol Borden resignation.
- 3d Carol Borden request to appoint Sue Brayton.
- 3e Eric Stubbert constable application.
- 3f ZBA Clerk application.
- 3g Andrade request.
- 3h FinCom appointee for public safety staffing committee.
- 4 2020 Budget presentation.
- 6 TA REPORT with attachments.
- 7a BOS Minutes 111318 draft.
- 7b BOS Minutes 112618 draft.
- 7c BOS 12-4-18 STM Minutes draft.
- 11 Draft Recall Special Act.