



SELECT BOARD MEETING MINUTES

Monday, February 26, 2024

Members Present: Richard W. Brewer, Chair
Steven J. Ouellette, Vice Chair
Ann Boxler
Shana Shufelt
Manuel Soares, Clerk

Also present, James Hartnett, Town Administrator

6:00 p.m. Call To order & Pledge of Allegiance

Under MGL Chapter 30A, section 20(f) – this meeting is being recorded.

1. Appointments and Resignations

- a. Request from Chief Dunn to accept the retirement request of Lt. Johnny P. Couto, effective April 1, 2024, and appoint as a Reserve Police Officer effective April 1, 2024.

MOTION by Mr. Ouellette to accept the retirement of Lt. Johnny P. Couto with a letter of appreciation and to appoint as Reserve Officer, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- b. Request from Henry Lanier to be appointed to the Affordable Housing Trust Fund for the term ending June 30, 2024.

MOTION by Ms. Boxler to appoint Henry Lanier to the Affordable Housing Trust Fund, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- c. Request from Kristin Stinson, Town Clerk to appoint the following poll workers effective March 1, 2024 through June 30, 2024:

Democratic: Ann Maguire, Stephen Anderson, Phyllis Michalewich, Diane Maynard, Barbara Marcotte, Claudette Bisson, Carolynn Baker, Merline Toupin, Yvette Leverett, Eileen Moncrief, Dennis Velozo, Stephen McGuinness, Gay Gillespie, Denise Ward, Almerinda Tenchara(Nina), Anne Holterman, Maureen Murphy & Wilfred (Tim) St. Michel

Republican: Amy Lawton, Marilyn Simons, Doris Peacor, Paul Trial, Paul Mann, Carin Wehrmeister, Marjorie Pavao & Evelyn Mercier

Unenrolled: Jean Maguire, Dianne Forti, Beverly Schuch, David Lalima, Denise Toohey, Reginald Deschenes, Patricia Souza, Caroline Cooper, Joan Hopkins, Janet Sharp Kershaw, Carol Borden, Dawn Campbell, Edward Reiss, John Gifford, Maureen Bouris, Peter Campbell, Richard Collette & Beth Kilanowich. Joel Sullivan, Briggs Landing Resident, questioned how to get appointed to the Beach Committee. Mr. Hartnett advised him to send a letter to the Select Board, and the appointments are for three years.

MOTION by Mr. Ouellette to appoint the Poll Workers as listed, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

2. Action Items

- a. Request to approve the proposition 2 ½ debt exclusion ballot question for the April 9, 2024, Town Election.

Mr. Hartnett explained that the Board is required to vote on the ballot question and the wording. Recommend the Board read the question and vote. The amount of the exclusion cannot be added to the question as part of the state requirements.

Ballot Question: Shall the town of Westport be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to engineer, design, and construct a sewerage system in the Route 6 area?

Mr. Soares began discussion stating that the ballot question should include water and sewer and Route 6 Area should be changed to North Westport.

Ms. Shufelt questioned the deadline to change the wording, after a brief discussion it was determined that March 5, 2024 was the deadline.

Ms. Shufelt and Ms. Boxler added their concerns about changing the question to include North Westport, that this is a broad area, and to go back to the voters at another time will be a harder sell.

Joel Sullivan was present to address the Board, he stated that FEMA granted him \$29,000 to replace his septic, he feels this is worth it for the aquifer, also the town could get money back from water bills.

Debra Weaver with WRWA stated it is very much in support of this project it is the beginning of the long journey to improve water quality.

After a lengthy discussion the Ballot Question was revised to read:

Shall the town of Westport be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to engineer, design, and construct water and sewerage systems in the Greater Route 6 area?

MOTION by Mr. Soares to approve the revised ballot question as read, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

- b. Assign Select Board Member(s) to negotiate Town Administrator's Contract.

Mr. Brewer stated that he suggest a sub-committee of two members be formed, Mr. Soares and Ms. Shufelt volunteered.

- c. Request to use \$478,000 of the Bristol County Recovery Plan Act Funds for design and bidding for water and sewer systems for the neighborhood on the south side of Route 6, between Gifford Road and Sylvana Street.

Mr. Hartnett addressed the board, stating that the Town is getting close to the deadline for Bristol County ARPA spending and the balance should be allocated to projects within the next couple of weeks. Mr. Hartnett recommends that the Board vote on the applications for the balance at the next meeting in March. The ARPA review group has discussed allocating \$1,000,000 of ARPA funds for the Route 6 project of which \$311,000 has been allocated.

The request for \$478,000 would be for the design of sewer and water for the Macomber neighborhood. At this time there are no funds identified for construction and the sewer would not be constructed until the Route 6 sewer is completed.

Mr. Soares addressed the Board stating that this area should be referred to as the Macomber Neighborhood instead of the Macomber Loop, it will service 300

systems including the Macomber School which is a non-compliant Title 5 septic system and has a water problem. He believes adding this neighborhood should lower the water rates from Fall River. He questioned Mr. Hartnett in regards to the grant, Mr. Hartnett addressed the board stating the grant was for the original Macomber Loop, Osborn St- Gifford Road to Route 6, and we should receive notice by the end of February. Mr. Soares questioned the amount, Mr. Hartnett answered \$3.6 to \$4 million

Rob Machado questioned whether this would include down to Sylvana St. and Kyle Jacob. Mr. Hartnett answered the grant would be Route 6 from the Terminus which is right near the Housing Authority property going easterly to Washington Street, then Route 6 near CVS down Gifford to the Macomber School, Osborn to Route 6. Mr. Machado also questioned if this would change the Adult Entertainment Zoning, Mr. Hartnett answered that will not change.

Ms. Shufelt questioned whether the \$478,000 is separate from the \$311,000 that we already approved on the chart, Mr. Hartnett answered this is in addition to that \$311,000 and we are getting close to the deadline, he also stated there are a lot of projects we could spend it on, similar to chapter 90 programs you can do any street improvements, emergency vehicles and anything health related, can be tied into the Covid Pandemic.

It's a matter of making a decision fairly quickly. This would leave us with another \$200,000.

MOTION by Mr. Soares to approve \$478,000 of Bristol County ARPA Funds for the design and bidding for the water and sewer systems for the Macomber Neighborhood to the south side of Route 6 between Gifford Road and Osborn Street, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

d. Request from the Council on Aging to accept the following donations totaling \$465

\$10	Paul Canuel	Outreach
\$10	Simone Blanchette	Outreach
\$25	Joanne Bettencourt	In Memory of Elsa Cory
\$50	James Gracia	In Memory of Alice Rezendes
\$100	Linda Eastwood	In Memory of Alice Rezendes
\$100	Kathy Rego	In Memory of Alice Rezendes
\$50	Louann Nygaard	In Memory of Alice Rezendes
\$10	Richard Manchester	Best Use
\$10	Maria Botelho	Outreach
\$100	Norma Reinhard	Yoga Boosters

MOTION by Mr. Ouellette to accept the donations totaling \$465, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

e. East Beach Electrical Permit Fee Clarification.

Mr. Hartnett addressed the Board stating that a few of the properties need to take out an electrical permit to reinstall the telephone pole and service. The town also charges an additional electrical permit when they hook up the trailer. The residents have asked that the board waive the hookup permit fee if they needed an electrical permit for other work. Mr. Hartnett recommends the Board consider waiving the hookup electrical permit fee if an electrical permit was already taken out for the property.

Ms. Shufelt questioned that this isn't open ended and only to those property owners that have to pull additional permits.

Mr. Soares questioned that this is for polls on their property.

Joel Sullivan asked if residents are responsible for the poles on their properties. Mr. Hartnett answered yes.

MOTION by Ms. Shufelt to waive the additional \$100 inspection fee, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

- f. Request from the Planning Board for Select Board comments and recommendations on a Site Plan Approval Low Impact Development application for property located on the southwest of Soules Way, Assessor's Map 57, Lots 19 & 24.

No Comment

3. Discussion

- a. Review Town Meeting Warrant Articles

Mr. Hartnett addressed the Board stating that this is the first draft of the articles, he added that he checked with the FinCom Chair to see if they could be filed on March 12th after the Select Board meeting on the 11th and she was in agreement with that request.

A brief discussion took place on the following articles:

Article 13 – To appropriate funds from the Community Preservation Fund for FY25 for various projects.

Ms. Shufelt requested the CPC come to a future meeting to discuss ongoing projects.

Article 17 – removed, it had to do with the appointment of Sewer Commissioners, Mr. Soares suggested that a 4 member Public Infrastructure Elected Board be formed, with a member from every precinct.

Ms. Shufelt expressed her concern about interest in elected positions here in town

Mr. Soares added that an appointed board would be fine, this board would help to make sure contracts are in place, for instance right now there is no Cable or Water contract in place.

Article 31 – To transfer \$15,000 from the Beach Enterprise Fund for the purpose of purchasing land at Cherry & Webb Beach.

Mr. Hartnett added this would include any legal fees associated with the transaction

Article 35 – To elect a municipal light board which would have the authority to construct, purchase or lease the municipal light plant and maintain and operate the same. Ms. Shufelt put a hold on this article to be discussed in more detail at the next meeting.

- b. Budget Update & Recommendations for Free Cash Allocation

Mr. Hartnett addressed the Board stating that when Karen Raus was entering the budget into her spreadsheet, she picked up on a discrepancy in the cost sharing allocation. Last year before town meeting the Free Cash reduced the amount of Free Cash to be used for paying off the camp ground and this was not reflected in my Calculation. This does not impact the approved budget but it does change the School/Town Percentage for new revenue.

*\$93,497.85 + \$9,175 = \$102,672.85 is being transferred out of Capital Stabilization.
Mr. Ouellette added he would like to see more on the Town Side.

4. Town Administrator Report

Water Enterprise Fund Update

- The final two water meters were recently installed. All meters can now be read remotely and billing has been automated. The new automated system has been in operation for approximately 18 months saving considerable staff time.
- The Town has been meeting with the City of Fall River to reconcile billing from previous years. Hoping to reach final agreement on monthly flushing credits within the next 4-6 weeks.
Mr. Soares noted that these discrepancies are holding up negotiating the new water and sewer agreements.
- Overall operation of the enterprise fund has been uneventful over the last couple of years. Delinquent payments are in line with previous years, current unpaid balance with penalties is \$15,132.54

Route 6 InterBasin Transfer Act

The Town received notice that the Water Resource Commission will consider the Town's application for Route 6 sewer and water on March 14, 2024. The following month on April 11, 2024, a vote on the request is expected. This permit is required because the sewer and water will be transferred from different watersheds once constructed. Because of the number of watershed basins in Westport and Fall River the application was more involved.

New Regulations

The Massachusetts Department of Environmental Protection has published draft regulations related to addressing climate change impact. Changes are proposed for the Waterways & Wetlands Regulations and the Water Quality Certification Regulations. The planning Department, Conservation Agent and Harbor Master have been asked to review.

Westport Dredging

See meeting report from Chris Leonard dated 2-20-24
Mr. Soares requested that Chris Leonard call him.

5. Approve Minutes – no minutes to approve

6. Report on Bill Warrant

Ms. Boxler noted that the warrant was in order and signed, it was bit larger than usual because it included a Diman payment.

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

Soares – Infrastructure, the residents need to know that there will be no Betterment charge for water. The DPH will be in charge of the Water & Sewer District, the Board of Health will no longer have control. Seniors will be deferred with Betterment Charges.

Ouellette – Infrastructure, and Cable, letters have been sent, other communities have had the same problem with Spectrum not returning signed contracts. Going to put in tickets,

until we get answers. Mr. Soares mentioned putting in a complaint with the FCC, Mr. Ouellette added that we need a paper trail.

Brewer – COA has two vacancies on their Board, they have been reaching out and interviewing.

Ouellette – questioned what role the board plays with the Housing Authority

Shufelt – Climate Resiliency, sub-committees to come back with reports. Internet Advisory will meet on Thursday.

Boxler – Affordable Housing will meet on Thursday.

8. Comments and Statements

9. Boards/Committees/Commissions Vacancy List

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

Request to accept the resignation of Library Director, George Ripley and to post the position.

MOTION by Ms. Shufelt to accept George Ripley's Resignation and to post the position, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

11. Executive Session – pursuant to the provisions of MGL c 30A section 21(a), Chair declares an open meeting will have a detrimental effect to:

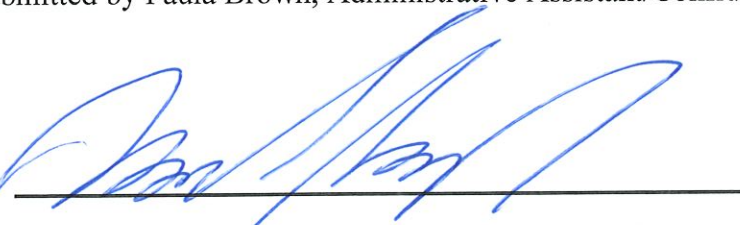
- a. Discuss strategy with respect to litigation Riley vs. Town of Westport

MOTION by Mr. Ouellette to enter Executive Session at 7:48P p.m. for the discussion of the topics listed. Second by Ms. Shufelt. The motion passed on a 5-0 roll call vote: Soares aye; Ouellette aye; Brewer aye; Shufelt aye; and Boxler aye.

MOTION by Mr. Ouellette to adjourn the public meeting at 8:01 p.m., seconded by Ms. Shufelt. The motion passed 5-0. .

Respectfully submitted by Paula Brown, Administrative Assistant/Confidential Clerk

APPROVED:



Manuel Soares, Clerk, Select Board Member

FILE ATTACHMENTS:

1a Couto_reserve_appt
1a Lt.Couto Retirement Letter
1b Lanier - Affordable Housing
1c Town Clerk Poll Worker Appointments
2C ARPA Funding Summary 2-22-24
2C BC ARPA Route 6 Summary
2e Fall River Draft SWD Package 2-20-2024
2e Macomber Neighborhood W&S Fee Estimate
2f COA Donations
2h Planning Board - Soules Way
3a 5-7-24 ATM Warrant 6th Draft
3a 5-7-24 ATM Warrant Articles Index
3b FY 25 Free Cash Allocation
48hr – Ripley
FY25 Budget Master Adjust 2-26-24