



**BOARD OF SELECTMEN  
MINUTES  
REMOTE MEETING**

**MONDAY JANUARY 19, 2020**

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

Also Present: Timothy King, Town Administrator

Select Board Chair, Mr. Brewer, called the remote meeting to order at 6:32 pm after technical difficulties with the remote meeting coordinates.

**Pledge of Allegiance:** The meeting commenced with the Pledge of Allegiance.

**Chair's Announcement** – Under MGL Chapter 30A, section 20(f) – Meeting being recorded.

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Westport Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. The public was invited to join the meeting through the links provided at the time of posting.*

**1. Acknowledgments & Recognitions**

None.

**2. Updates  
**COVID-19****

As of today there have been 1,060 positive cases reported. Two more residents have been hospitalized and no new deaths to report. Westport is still in the “red” or high risk category with household transmission being the main cause of the spread. Mr. Armendo repeated guidance from the Governor.

**6:05pm**

**3. Action Items**

- a. **Public Hearing:** To consider the Notice of Intent to Sell Land dated September 23, 2020, from the attorney for James Pietrzyk, with respect to property described as Assessor's Map 19, Lot 36A, 439 Briggs Road, Westport, MA 02790 under M.G.L. c. 61A, § 14.

Mr. King explained the request for release of land and the need to have a public hearing to consider exercising rights of first refusal. The Planning Board, AgCom, Ag Open Space Committee and the Affordable Housing Trust all recommended exercising the rights of first refusal.

**MOTION** by Mr. Valcourt to exercise right of first refusal. Seconded by Mr. Ouellette.

Discussion ensued.

Spencer Keene is part of Flying Starlings, a non profit, leasing the orchard and they intend to raise funds to keep the land in use for the programs.

Steve Rezendes, potential developer, and town resident, took grave issue with the Town wanting to preserve the land.

Mr. Sloan addressed the Land Trust's own due diligence that are not conditional in any way but part of their process.

Erica Nadeau a participant with Flying Starlings' programs supported the property in its need for a farmer to care of it.

Debbie Rapoza, listing agent for the owner stated that the fruit stand is not included with the farm.

Tony Vieira supported the Town purchasing the land as there are few land areas in the north part of Town that are farm land.

Betty Slade stated that the Master Plan clearly states that residents wanted land to be preserved as much as possible and it is one of the prerogatives of the CPA to preserve land in this way – it is a way to protect farming in Westport and she does not see why its even a question.

Ross Moran from the Westport Land Conservation Trust stated that the Land Trust attended some of the committee meetings and they were invited to address the funding within a period of time.

Ms. Shufelt stated that this proposal has nothing to do with the entity on the land. The town will assign the rights of first refusal to the Land Trust a charitable organization. Mr. Moran has no connection to the other charitable organization on the land. The WLCT would purchase the property and resell it on the market with a Conservation Restriction.

Mr. Valcourt appreciated the many comments and support throughout the town especially from Senator Rodriques and Representative Schmid. This fruit stand was a great part of the community for many years. He said that the Town is fortunate to be able to marshal the support in a short period of time.

**The vote was 5-0 in favor by roll call. Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye

- b. Consider assigning rights of first refusal with respect to property described as Assessor's Map 19, Lot 36A, 439 Briggs Road, Westport, MA 02790 owned by James Pietrzyk, under M.G.L. c. 61A, § 14 to the Westport Land Conservation Trust. Mr. King stated that the WLCT has been a support for the town.

**MOTION** by Mr. Valcourt to assign the Town of Westport's right of first refusal for the property described as Assessor's Map 19, Lot 36A, 439 Briggs Road, Westport, MA 02790, to the Westport Land Conservation Trust, Inc., a Massachusetts non-profit corporation, having an address at 573 Adamsville Road, Westport, MA 02790, subject only to those conditions as contained in the proposed P&S Agreement and as otherwise mandated by M.G.L. c. 61A, § 14, and to authorize the Chair to execute and record all documents necessary to assign said right of first refusal option. Seconded by Mr. Ouellette.

Mr. Sloan explained the process for the Board.

Mr. Vieira stated that the land will remain in farming and will continue to be on the tax rolls as a farm.

**The vote was 5-0 in favor by roll call. Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye

- c. Request to begin process of filling the open, non-union, Deputy Chief of Police position. Chief Pelletier would like to move forward with department accreditation by hiring for this position. If this can not be filled, he would need to negotiate a higher rate with union personnel with 15% differential. He understands that in the best interest of the Town to make this a non-union position.

**MOTION** by Mr. Ouellette to begin the process of posting the position. Seconded by Ms. Boxler. Mr. Pelletier said there was a candidate already in house. Mr. King thought it would be a good idea to post it.

**The vote was 5-0 in favor by roll call. Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye

- d. Request for sanding the parking lot at the Westport Housing Authority during inclement weather. Mr. King stated that previously, on the last snowstorm, the Housing Authority chair, Veronica Beaulieu, asked for the circular driveway to be sanded. The Town is prohibited to sand the private ways of the Housing Authority. Ms. Beaulieu, chair of the HA, said the driveway was sanded for 45 years. It is not Town Property however. In 1968, the Town voted to establish the HA. She is asking this for safety of the residents and for Town employees in the Fire and Police departments. They are an elected Board for the Town, and they are not funded by the Town. The HA is funded by rentals collected and their 20-hour/week custodian does not have the resources. Mr. Ouellette stated that there are many ambulance trips there. Ms. Beaulieu is not asking for special trips by the Highway Department plus, they have stated that they could do this. Mr. King stated the Town is not supposed to do this on private property as per the statute he quoted. The HA has the responsibility. Mr. Valcourt asked if there was a legal mechanism to allow for the sanding to happen as these are elderly and disabled town residents who live there and a safety concern for ambulances that make trips there. Mr. King said the town could accept the provisions of MGL Ch40 § 6d – to expend public funds to sand private ways. Ms. Beaulieu stated the property is owned by the HA but under the jurisdiction of the State.

The Town stopped plowing and sanding 2-3 years ago. She stated that they have someone to plow but no one to sand the circular drive.

Mr. King was also concerned over if the Town sanded and there was a fatality; the Town would be under greater liability.

Mr. Brewer said if they proceeded to Town meeting, there can be storms in the interim.

Mr. King suggested contacting the Highway Department for information on who can provide that sanding service.

Ms. Boxler asked if it has not been done the last 2-3 years, who has? Ms. Beaulieu stated that they have not had anyone to sand even though they tried by advertising it in the paper.

Mr. King asked the Board to table the item to get more information.

**MOTION** by Ms. Boxler to table to the next meeting so Mr. King can help find someone who can sand. Seconded by Ms. Shufelt. **The vote was 5-0 in favor by roll call. Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

- e. Request to authorize the Town (through the Conservation Commission) to submit a Land and Water Conservation Fund grant application to acquire a conservation restriction over the 25 acre parcel known as Angeline Brook Headwaters Land Conservation Project in a portion of Assessors Map 68 Lot 24 and Map 69, Lots 5 & 10G and for the Chair to be authorized to sign the grant application and identifying the Conservation Agent as the contact person for the Town.

Alan Decker from the Buzzards Bay Coalition briefed the Board about keeping this land under a conservation restriction. There would be no cost to the Town. The Land & Water conservation Fund is only open to municipalities; the Coalition will draft the application.

**MOTION** by Ms. Shufelt for the Town (through the Conservation Commission) to submit a Land and Water Conservation Fund grant application to acquire a conservation restriction over the 25 acre parcel and for the Chair to be authorized to sign the grant application and a cover letter identifying Conservation Agent as the contact person for the Town. **The vote was 5-0 in favor by roll call. Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

- f. Request to release Lien Book 7829, Page 195-197.

**MOTION** by Mr. Valcourt to release, Seconded by Mr. Ouellette.

**The vote was 5-0 in favor by roll call. Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

- g. Request to accept donations for the food pantry through the Recreation Department for a combined donated total amount of \$3,348.00; comprised of a total of \$3,288.00 in monetary donations from: Grace G. & Kristen A. Newcomer - \$25; Judith P. Swan - \$100; Laura A. Medeiros (two different checks for \$50 each) - \$100; Alex C. Brown III & Jean M. Brown - \$2,000; Jane P. Leman Rev. Trust / Jane P. Leman - \$100; Joan D. O'Brien - \$100; Hanna H. Bartlett - \$350; Claire Kenney - \$40; Cash from various anonymous donors - \$473 and a total \$60.00 in grocery gift card from the following: LASR Services/Leslie Reilly - \$50 Stop & Shop Gift Card; Anonymous - \$10 Lee's Gift Card.

**MOTION** by Ms. Boxler to accept the donations. Seconded by Ms. Shufelt. **The vote was 5-0 in favor by roll call. Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

The Recreation Director, Dana Stewart was present to provide a brief update.

#### **4. Discussion**

- a. Start the Town Administrator search process. Mr. Brewer noted that an option would be to go through the Massachusetts Municipal Association. He noted that a screening committee is the first step and that the Board of Selectmen could provide oversight but not be on that committee. He asked the Board to weigh in. Ms. Boxler agreed to the Committee idea but her question is timing and if Mr. Brewer knew if there were a better window to search for an Administrator, or has it passed. Mr. Brewer stated that there is always someone looking for a job. Mr. Ouellette preferred to have a Selectman be on the committee to make that decision. He also added that activities right now are slow, but many contracts expire in June. The makeup of the committee should be advisory and does not have to have meetings in the open to help protect confidentiality. Mr. Ouellette

recommended Mike Gagne and Greg Barnes who have prior experience and can help on the subcommittee. Mr. Ouellette will help on the committee also.

b. Drift Road/Kirby Brook Guardrail update.

Mr. King noted that guardrail was just 100 feet and not longer as his report noted. He described the guardrail and its position along Drift Road and the culvert going over Kirby Brook. The report stated that there should be more chevrons and signs advising pedestrians and motorists that they approach a narrow bridge. He said that the options are to do nothing; replace it with a wooden guardrail for the cost of approximately \$20K; replace existing guardrail with a different kind of steel; remove it and not replace it or paint the new guardrail brown or olive green. It is the opinion of the Town Administrator and the Planner to leave it for safety and to paint it and install additional signage.

Mr. Brewer stated he visited the site and was taken aback as to how it did not belong.

Mr. LaLima a neighbor to the guardrail stated that safety can be applied, but not in a vacuum. The Ch90 funding shows there is an absence of a protocol and there is a default. He noted that communities should be included for taking the historical aspect into account. He said there have been no accidents at this site, none. The decision was left with the Highway surveyor and perhaps the Town Administrator. The Town had no real discussion. He cleaned the old stone bridge, was in touch with the Highway department and a week later the guardrail was installed. No one ever told him that the guardrail was going in. This is a safety plus esthetics and not mutually exclusive concepts. The steel backed wood guardrails is an option – he said he was hoping to have an open discussion on what were the options.

Mr. Brewer stated that on December 4, the Board asked Mr. King to consult with public officials.

Mr. McBride an abutter expressed his dismay on this process. He said the issue of Kirby Brook Bridge being unsafe is not even an issue.

Discussion ensued over forming a committee. CH90 funds cannot be used. Taxpayers will have to cover the cost, which means it would have to go to Town meeting. Mr. LaLima stated that he spoke with MassDOT and that there's a process where the town can file an addendum and MassDOT "would probably change the guardrail".

Mr. McBride suggested establishing a committee that looks at the protocols and oversight over guardrails town-wide. Mrs. McBride noted that her children who are runners found themselves in an unsafe situation in between the guardrails.

Ms. Shufelt stated there are good points from both sides and there should be broader participation looking at funding and funding sources. The longer-term approach would be to protect the Highway Department with longer term policies. Mr. King suggested that he and Mr. Hartnett meet with other residents and report back to the Board at the next meeting. They would reach out to the abutters and bring them to the table.

## 5. Appointments and Resignations

a. Request to reappoint Full-Time Police Officer Turner K. Ryan, effective 2-5-21.

Chief Pelletier was also present for this. **MOTION** by Mr. Valcourt approve. Seconded by Mr. Ouellette. **The vote was 5-0 in favor by roll call. Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

b. Campground Development Committee:

School Committee member: TBD; Finance Committee member: Cynthia Brown; Assistant Town Administrator, James K. Hartnett; At Large Members: Jeffrey Wade, Martin Costa and David Cass.

**MOTION** by Mr. Valcourt appoint the above. Seconded by Mr. Ouellette. **The vote was 5-0 in favor by roll call. Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

6. Licenses/Permits.

None.

7. Town Administrator Report

Mr. King provided his report on the FY 22 Municipal budget, the guardrail update on Drift Road by Kirby Brook, The Hix Bridge Dredge, FEMA Flood Plain Insurance Rate Maps, School Zone Signs, Mass Audubon report for bird nesting observations and monthly reports from the Highway Department, Veteran's Services, Cemetery, Marine Services, Senior center and Recreation.

8. Approve Minutes

December 7, 2020; December 21, 2020 and January 4, 2021.

**MOTION** by Ms. Boxler to approve the Minutes. Seconded by Mr. Valcourt. **The vote was 5-0 in favor by roll call. Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

9. Report on Bill Warrant

Noted.

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

Ms. Boxler brought up the Council on Aging meeting and topics discussed.

Mr. Ouellette stated he had no meetings but received many complaints about the Horseneck Landing and non-residents parking there pushing residents out.

Ms. Shufelt stated that the parking issue should be placed on the next agenda. The committee reached a consensus that the parking should be available all year round and not part of the year. The Buzzards Bay Coalition also had concerns for parking near the Lifesaving Station.

She said the School Building Committee is looking at furniture, fixtures and technology now and change orders continue.

Mr. Valcourt stated that he had an Energy Committee meeting earlier this month. Mr. Valcourt also noted he received a disturbing call from a constituent. The lot next to this resident is not a buildable lot and they saw there was a group of people and so volunteered that the lot has never been a buildable lot. The next day the police was sent to this person's house stating that the realtor accused him of willfully sabotaging the sale of the lot. Mr. Valcourt was taken aback and misuse of town resources and intimidation of a resident. He feels it is scary that the police were sent to intimidate this person.

11. Boards/Committees/Commissions Vacancy List

As noted on line and on the posted agenda.

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

None.

13. Comments and Statements.

None.

The Board of Selectmen passed over the executive session as it was not needed.

**14. 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 possible litigation concerning 439 Briggs Road. (3)
- b. approve Executive Session Minutes.

**Adjournment:**

**Motion** by Ms. Boxler to adjourn at 10:14 pm. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

Respectfully submitted,



Lucy Tabit Administrative Assistant/  
Confidential Clerk

**APPROVED:**



Ann E. Boxler, Clerk, Select Board Member

**Attachments to Agenda of 1/19/21:**

3a Packet - Pietrazyk 439 Briggs Road; 3c Deputy Chief; 3d Westport Housing Authority request; 3e RELEASE OF LIEN; 3f List of Monetary Donations for Food Pantry, 1-5-21-1-13-21; 5a T Ryan full time officer reappointment; 5b Campground Development Committee applicants; 8 BOS Minutes DEC 202 & Jan 4, 2021; 9 Bill Warrant 01-13-21.