



**BOARD OF SELECTMEN  
MINUTES  
REMOTE MEETING**

**MONDAY, MARCH 15, 2021**

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 6:01 p.m.

**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**

Mr. Brewer asked the Town Administrator to explain why the scheduled executive session (Agenda Item #14) would not take place this evening. Mr. King explained that the executive session item was included in the posted agenda in error, and the matters listed would be taken up in an executive session planned for the March 29 meeting.

Mr. Brewer noted his attendance at a recent veteran's group ceremony honoring former Selectman and Highway Surveyor Russell Hart. Mr. Ouellette expressed his appreciation for Mr. Hart's many years of service to the town, and Mr. Valcourt added his sentiments in recognition of Mr. Hart's public service over the years.

**2. Updates  
COVID-19**

Mr. Armendo reported 1,388 confirmed cases in town, with no new deaths or hospitalizations of town residents. He indicated that Westport is in the state's Yellow category for the third week in a row. He reported that EMTs provided second dose vaccinations for more than 170 high risk seniors, as well as other housebound residents; BOH data from the state shows 26 percent of residents are partially or fully vaccinated, and 76 percent of seniors 75 and over have received at least one vaccination dose. Mr. Armendo noted that the latest updates of state pandemic guidelines, travel orders, gathering limits and quarantine orders can be found on the mass.gov website. He noted that the state will move to Step 1 of Phase 4 of its pandemic response plan on March 22. While finding vaccination numbers and new case data encouraging, he said the BOH continues to encourage all residents to wear masks, practice social distancing, and continue frequent hand washing even if vaccinated. Mr. Ouellette asked if municipal boards could hold small outdoor meetings under a tent, with the relaxed gathering guidelines; Mr. Armendo said that is permitted if masks are worn and social distancing is maintained.

### 3. **Action Items:**

- a. Request to approve the Ag Open Space Trust Fund Council Recommendation for borrowing \$75K for a 12-acre parcel of land located at 438 Briggs Road, Assessor's Map 19, Lot 36. Mr. King noted that the Board had previously approved the signing of an Agricultural Preservation Restriction for the Pietrzyk property. The Board now has to approve the borrowing of \$75,000 through the existing 2009 debt exclusion bond for the purchase of the conservation restriction. The purchase rights have been assigned to the Westport Land Conservation Trust; director Russ Moran said the \$75,000 purchase of the conservation restriction would help the Trust complete the purchase of the farm and keep it in agricultural use.

**Motion** by Mr. Valcourt to approve the borrowing of \$75,000 for the purchase of the conservation restriction. 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. Request approval of Perry Agricultural Preservation Restriction concerning 35.48 acres located off Sodom Road, Assessor's Map 68, Lot 5B. Mr. King indicated that the property name is incorrect; it should be the Pettey-Silvia Agricultural Preservation Restriction. The corrected agenda item will be addressed at the March 29 meeting.
- c. Accept donations for the food pantry through the Recreation Department for a total of \$455.00 in monetary donations from: Carmen & Linda Maiocco - \$50; Laura A. Medeiros - \$50; Thomas & Lorry Loughman - \$100; Eugenia P. Cummings - \$100; James & Rita O'Brien - \$50; Cash from various anonymous donors - \$105. Recreation Director Dana Stewart expressed her thanks for the continued financial support from the community, and the efforts of many volunteers. She noted that the food pantry distributes packages on Mondays from 9 a.m. to noon at 931 Main Road, and accepts donations at that address on Tuesdays, Wednesdays, and Thursdays from 9 to noon.

**Motion** by Ms. Boxler to accept the \$455.00 in donations listed 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.

- d. Accept donations to the Council on Aging for a total of \$659.00 in monetary donations from: Leonard & Ruth Moniz, 50.00; Beverly Baughan - In memory of Jack Baughan, 50.00; Jennifer Heald, 250.00; Joe & Stella Souza, 50.00; Anonymous, 25.00; Frank & Pat Nenna - In memory of Margaret Pelletier, 200; Anonymous, 19.00; Martha Delmage - In memory of Margaret Pelletier, 15.00.

**Motion** by Ms. Boxler to accept the \$659.00 in donations listed above. 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 set Annual Town Meeting date/day, time & place.

As the Board has decided to postpone the Annual Town Meeting from the traditional May date so that the voters may gather outdoors, a date in early June is being considered. Mr. King suggested the time and date be set at 9 a.m. on Saturday, June 5 at the junior/senior high school. In the event of bad weather, June 19 is the likely alternate date, as high school graduation is scheduled for June 12.

**Motion** by Mr. Valcourt to schedule the Annual Town Meeting at the junior/senior high school for 9 a.m. on Saturday, June 5. 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.

- f. Annual Town Meeting Warrant:

- 1). 6 parcel donation from Kathy Brum
  - parcel 1 0 Pinewood Avenue 10,000 sq.ft. Map 13, Lot 192-195;
  - parcel 2 0 Hemlock Street 16,030 sq.ft Map 13, Lot 76;
  - parcel 3 0 Hemlock Street 11,450 sq.ft Map 13, Lot 77;

parcel 4 0 Hemlock Street 25,480 sq.ft Map 13, Lot 88;  
parcel 5 0 Off State Road 32,000 sq.ft Map 13, Lot 87;  
parcel 6 0 Hillside Avenue 10,000 sq.ft Map 13, Lot 156-159.

The chair read the list of parcels Ms. Brum is offering to donate to the town. Her son, Josh Brum, told the board these were small lots his grandfather had purchased over the years, and now his mother was seeking to dispose of the six parcels. Mr. Ouellette said he was familiar with most of the land, and felt they would be good open space opportunities in dense neighborhoods. Mr. Valcourt noted that most of the parcels have significant wetlands, and would not be buildable lots; he supported the idea of preserving the open space opportunities for those neighborhoods. He pointed out that the town owns abutting land in many cases. Mr. King recommended the article be added to the Town Meeting warrant, and be referred to town boards and committees for review.

**Motion** by Mr. Valcourt to include the donation article on the Annual Town Meeting warrant.

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.

2). Request to review and approve draft articles for inclusion in the Annual Town Meeting Warrant.

The list of 36 draft articles was presented by the Town Administrator, who explained that 29 articles were confirmed and seven inserted as placeholders. Article 1 will seek payment of outstanding bills from previous fiscal years. Article 2 proposes appropriations to supplement Fiscal Year 21 budgets. Article 3 would authorize combining the positions of Tax Collector and Treasurer, making both appointed posts. Article 4 will set the salaries and compensation for elected officials. Article 5 would set the omnibus budget for Fiscal Year 2022. Article 6 will contain the CIPC recommendations for capital expenditures for FY 2022. Article 7 will seek to re-appropriate unspent funds from prior fiscal years. Article 8 would give the Town Treasurer authority for temporary borrowing. Articles 9-12 contain the budgets and appropriations for town Enterprise Funds and Community Cable TV operations. Article 13 seeks the creation of an energy conservation revolving fund. Article 14 would set an annual spending ceiling for the energy conservation revolving fund. Article 15 would make appropriations of Community Preservation Act funds for FY2022. Article 16 from the Board of Assessors seeks \$100,000 for the purchase of a CAMA system, and conversion of the existing system. Article 17 from the Board of Assessors seeks a \$40,000 appropriation for a revaluation effort. Article 18 would appropriate funds for elderly property tax exemptions. Article 19 would ask voters to accept certain provisions of the Mass. General Laws. Article 20 would authorize filing a petition to the state legislature asking that the name of the Board of Selectmen be changed to Select Board in practice and documentation. Articles 21-26 are proposed amendments to zoning bylaws. Article 27 from the Board of Health seeks a \$25,000 appropriation to fund one or more household hazardous waste collection events. Article 28 from the Board of Health asks authority to use \$141,620.21 in septic system repair program loan payments for a new residential septic repair loan program. Article 29 from the Board of Health seeks authority to borrow \$500,000 to fund a residential septic system repair program. Article 30 is a placeholder for an article seeking funds for the design of a sewer line along Route 6. Article 31 is a placeholder for an article seeking to transfer responsibility for the junior/senior high school campus to the Board of Selectmen. Article 32 is a placeholder for an article seeking to transfer responsibility for the new junior/senior high school campus on Old County Road to the Westport School Committee. Article 33 is a placeholder for an article seeking to transfer the Westport Camping Grounds to the Westport School Committee. Article 34 will propose a Stabilization Fund appropriation. Article 35 will propose certain updates and amendments to the Personnel Bylaws. Article 36 is a citizen petition seeking town acceptance of Joanne Way as a public way. Another placeholder is a Planning Board appropriation to a grant fund. The Board should plan on voting its article recommendations to Town Meeting by

**Motion** by Mr. Valcourt to approve the written list of warrant articles as distributed. 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

3). Request to approve closing the Annual Town Meeting Warrant.

There was some discussion of reconsidering the March 15 closing date. Ms. Shufelt noted considerable petition article circulation in the community, but none were filed with the Board. Several objections to extending the closing date were offered.

**Motion** by Ms. Shufelt to close the Annual Town Meeting warrant. 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.

g. 2022 Municipal Budget Approval.

Mr. King indicated that the estimated \$109,000 deficit in the preliminary draft budget had been erased by several minor revisions, including voluntary budget request adjustments by some departments. The town side of the budget is now balanced, but the school department's budget request has not yet been received. He noted that the "balanced" draft budget does not include funding requests for a new Highway Department employee or an Assistant Town Planner. Ms. Shufelt had questions about the revenue projections; Finance Committee Chair Gary Carreiro felt the vehicle excise tax estimate, a major portion of the local revenue figure, was too optimistic and asked for a meeting with the Board to discuss the projections in more detail. Mr. King indicated that tax revenues from the new hotel should help boost the local revenue figures to projected levels. Mr. Brewer felt that the school budget figure had to be settled as soon as possible; Finance Committee members participating in the virtual meeting agreed it is necessary for an effective budget review. Mr. Brewer indicated that budget discussions would continue at a later date.

h. Approve professional services for Drift Road Guardrail.

Mr. King provided an estimate of \$3,150 from an engineering firm which would survey the guard rails on Drift Road at Kirby Brook and design options for new guard rails. Funding would come from the Highway Department budget. Ms. Shufelt believed the consulting engineer should meet with neighborhood representatives before drafting any design options, and wanted that requirement included in the scope of services for the contract. Mr. King suggested that meetings with neighbors should take place after a site survey is done, so the consultant is familiar with conditions before planning options. Neighborhood residents and concerned citizens Patrick McBride, Manny Soares, David LaLima, Annie Perlick and Mark Strauss offered public comment about the historic site and possible design options. There was consensus that the Board needed time to study the scope of work in the proposed contract, and a vote would be taken at the March 29 meeting.

#### **4. Discussion**

Horseneck Beach State Park improvement project.

Mr. King reported on conversations with a state DCR official regarding the ongoing improvement projects at the Horseneck Beach State Park. The official has been invited to meet with the Board in April for updates on summer plans for the beach area and adjoining campground facilities.

#### **5. Appointments and Resignations**

a. Request to post opening for the Fire Department Administrative Assistant.

Mr. King reported a request to post the opening for the Administrative Assistant retiring in July.

**Motion** by Mr. Ouellette to approve the posting. 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.

b. Request to appoint the following to the Town Administrator Candidate Screening Committee: Robert Daylor, Karen Raus, Michael Gagne and Susan Brayton for 1 year term.

**Motion** by Mr. Valcourt to approve the appointments of Robert Daylor, Karen Raus, Michael Gagne and Susan Brayton for 1 year terms. 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.

## **6. Licenses/Permits**

Request to approve Annual East Beach Trailer Applications if conditional requirements are being met and no compliance issues being present. Mr. King asked for authorization to send out renewal permits effective May 1 for any properties deemed to be in compliance with regulations; he indicated drone surveys and roadside evaluations have indicated some compliance issues. Any property owners not in compliance would be notified of issues and asked to work out resolutions with the Town Administrator.

**Motion** by Mr. Valcourt to approve permits for all properties in full compliance, effective May 1. 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.

More than 20 minutes of discussion followed the vote, beginning with Atty. David Lyons, representing the East Beach Improvement Association, reviewing the trailer permit bylaw and questioning the board's authority to deny permits for lack of compliance. He suggested there would need to be a fair hearing process for denials; said only fines are allowed under the bylaw; and argued that any non-compliance issues should be resolved by a clear administrative process. Association member Kevin Curt said property owners have been unsuccessfully seeking a meeting with selectmen to discuss compliance issues; other members offered comments on the matter.

## **7. Town Administrator Report**

Mr. King provided updates on the MS4 Program Audit effort and the estimated bond costs for the Bristol County Agricultural High School construction project; reported the receipt of the annual franchise payment from Charter Communications, and the new water meters and billing software being implemented for Westport water system customers; provided updates on the Westport Energy Aggregation Program and on the utility companies' Right of Way vegetation management plans this year.

## **8. Approve Minutes**

**Motion** by Ms. Boxler to approve the minutes of the Feb. 22 and March 1, 2021 meetings. 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.

## **9. Report on Bill Warrant**

Mr. Brewer reported all was in order.

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

Ms. Boxler – Met with the Council on Aging and detailed their commendable outreach efforts to seniors during the pandemic.

Mr. Ouellette – SRPEDD is looking at possible safety improvements on Route 6; he asked Mr. King to explore the costs of large tent rentals and temporary electrical service for an outdoor meeting site, possibly the location of the former police station.

Ms. Shufelt – School building project is on schedule and on budget; there is some misinformation circulating on social media about technology purchases for the new school, to be addressed at the March 17 School Building Committee meeting.

Mr. Valcourt – Participated in the Ag/Open Space Committee meeting, reviewing parcels of Chapter 61A land where right of first refusal options may be exercised by the town.

Mr. Brewer – The Audit Committee is reviewing the management letter and is awaiting the FY2020 audit report. He reported that the private water companies in the Westport Harbor area are proposing to upgrade their systems, and will be coming to an April meeting to discuss their plans with the Board.

**11. Boards/Committees/Commissions Vacancy List**

Ms. Boxler indicated there were no new volunteers to report.

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

Mr. King reported a call from the Director of Public Health, indicating a transfer station employee had unexpectedly quit, and seeking permission to immediately post the position.

**Motion** by Mr. Ouellette to post the transfer station position. 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.

**13. Comments and Statements**

None.

**14. Executive Session** – Pursuant to the provisions of MGL c 30A section 21(a), Chair declared an open meeting will have a detrimental effect to:

- a. discuss strategy with respect to litigation concerning Weatherlow Farms (3).
- b. discuss strategy with respect to collective bargaining unit, WPA Westport Police Association grievance (1).
- c. discuss strategy with respect to collective bargaining unit, WPFFA Local 1802 Westport Firefighters Association (3).
- d. approve Executive Session Minutes of December 7, 2020.

As announced earlier in the meeting, the chair indicated there would be no executive session.

At 9:10 p.m., Mr. Ouellette made a motion to adjourn the meeting. Seconded by Mr. Valcourt. 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,

Robert Barboza

Robert Barboza/Recording Clerk

APPROVED: \_\_\_\_\_



Ann E. Boxler, Clerk, Select Board Member