



BOARD OF SELECTMEN MEETING MINUTES

Monday, July 19, 2021

Members Present: Shana M. Shufelt, Chair
Steven J. Ouellette, Vice Chair
Richard W. Brewer, Clerk
Ann E. Boxler
Brian Valcourt
Also Present: Timothy King, Town Administrator

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

The Chair called the meeting to order at 6:00 p.m. with above members present. The meeting commenced with the Pledge of Allegiance.

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

1. Acknowledgments & Recognitions

The Chair gave a public commendation to the Fourth of July Parade Committee, and all the volunteers who helped stage the July 5 event, for their efforts to produce a wonderful, well-attended parade.

6:05 pm

2. Licenses/Permits.

Public Hearings

a. Request from National Grid for a 13-Pole Location Permit – Old Harbor Rd. There was no company representative present, and no members of the public wished to speak on the permit application. Mr. King indicated the Police and Highway Departments had reviewed the plans, and had no objections or comments; he recommended approval.

MOTION by Mr. Ouellette to approve the permit for locations requested. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

No Public Hearing

b. Request for a Seasonal Trailer Permit – Janet Baker 122 East Beach Road. A representative of the property owner was present, and assured Mr. Ouellette that they were familiar with the special restrictions in effect for the property, and understood their obligations.

MOTION by Mr. Ouellette to approve the seasonal trailer permit for 122 East Beach Road. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

c. Request for a One Day Alcoholic Beverage License – Holy Ghost Club.

1) July 24, 2021 Club Members 3-10 PM

2) July 30, 2021 Club Event 4:30-10:00 PM

MOTION by Mr. Valcourt to approve the One Day Licenses for July 24 and July 30 at the Holy Ghost Club. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

d. Request for a One Day Alcoholic Beverage License – 3GenLove 645a State Road

1) Aug 13, 2021 (Wine Only)

2) Aug 26, 2021 (Wine Only)

Mr. King indicated the two dates requested were for in-store events, and plans had been reviewed by the Police Department; he recommended approval.

MOTION by Mr. Valcourt to approve the One Day Licenses for Aug. 13 and Aug. 26, 2021. Seconded by Ms. Boxler. The vote was 5-0 in favor.

e. Request for a One Day Alcoholic Beverage License – A Wish Come True, Inc. 179 Sodom Rd.

1) Sept 10, 2021 4-10 PM

2) Sept 11, 2021 12-7 PM

3) Sept 12, 2021 12-7 PM

MOTION by Mr. Valcourt to approve the One Day Licenses for Sept. 10, 11, and 12, 2021. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

3. Appointments and Resignations

a. Appointment of Vanessa Ponte as Assistant Treasurer

Treasurer-Collector Susan Brayton was in attendance with Ms. Ponte, and recommended that the principal clerk be promoted to the position of Assistant Treasurer. Ms. Brayton noted that Ms. Ponte recently stepped up and assumed many of the duties of the former assistant treasurer, and has performed assigned tasks well during that time. Mr. King also recommended the appointment.

MOTION by Mr. Ouellette to appoint Vanessa Ponte as Assistant Treasurer, effective immediately. The vote was 5-0 in favor.

b. Request to post Principal Clerk – Payroll Position

MOTION by Mr. Valcourt to authorize posting of the Principal Clerk – Payroll Position. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

Ms. Brayton took the opportunity to advise the Board that bids were due July 20 for the next big school bond note, and a special meeting to review and sign contract documents will be needed. A tentative date of Monday, July 26 was put on the table for consideration.

c. Request of the Police Chief to Re-Appoint Alberio Medina Full Time Police Officer

MOTION by Ms. Boxler to re-appoint Alberio Medina as a Full Time Police Officer as requested. Seconded by Mr. Brewer. The vote was 5-0 in favor.

d. Appointment of David Ancil – Seasonal Cemetery Laborer

The Chair indicated she had given provisional approval to the hiring, and asked for ratification of that conditional approval.

MOTION by Mr. Valcourt to approve the appointment of David Ancil as a Seasonal Cemetery Laborer. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

e. Resignation of John Perry from Beach Committee

MOTION by Mr. Ouellette to accept the resignation, and send a letter of regrets. Seconded by Mr. Brewer. The vote was 5-0 in favor.

f. FY 2022 Board of Selectmen Appointments

Agricultural Commission – Ray Raposa, term expiring June 30, 2024.

MOTION by Mr. Valcourt to appoint Ray Raposa to the Agricultural Commission, for a term expiring June 30, 2024.

Long Term Building Committee – Antonio Viveiros, term expiring June 30, 2022.

MOTION by Ms. Boxler to appoint Antonio Viveiros to the Long Term Building Committee, for a term expiring June 30, 2022.

4. Action Items

a. Report of the Town Administrator Search Committee

Search Committee Chair Robert Daylor and consultant Bernie Lynch, CEO of Community Paradigm Associates, detailed the efforts of the past three months to complete a search for a new Town Administrator. Mr. Daylor said that as tasked, the Search Committee reviewed all 27 responses filed by the June 7 deadline, and with the assistance of the consultant, selected six semi-finalists for closer scrutiny. Virtual interviews of the semi-finalists were conducted on June 23 and 29, and led to the committee's recommendation of three finalists to selectmen. He commended committee members for their considerable efforts to date, and credited Nadine Castro of the Planning Department for assisting the committee with great administrative and technical support for the virtual interviews.

Mr. Lynch agreed it was a diligent, hard-working search committee, and reported being very pleased with the pool of candidates, most of whom had the desired qualifications and experience. He concurred with the committee's recommendation of the three finalists, and distributed application packages for each candidate for the Board's review. He noted the initial interviews with candidates can be either in person or held virtually, but must be in public session; one-on-one follow-up questions from individual board members to individual candidates can be made later. The finalists announced in alphabetical order: Sonia Alves-Viveiros, city manager in Englewood, New Jersey; Gregory Barnes, Director of Budget & Finance in Dartmouth; and James Hartnett, Town Planner in Westport.

Mr. Daylor said the recommendation for the three finalists was unanimous, and suggested any one of the three would be a good choice for the post. Mr. Lynch indicated the consulting firm would provide a list of potential questions for each candidate to address during interviews. It was decided to try to schedule in-person or virtual interviews for 5 p.m. on Monday, July 26.

b. Request of the Commission on Disabilities to Expend Funds

Via teleconference with Commission on Disabilities Chair Brian Gallagher, the Board was told that the commission has collected over \$22,000 in its gift account and was seeking the Board's approval to expend the funds for local projects, including the purchase of mobility mats to improve accessibility at public beach parking areas; \$5,000 contribution for accessibility improvements at the Hix Bridge Landing; the replacement of old swings at two public playgrounds; and the purchase of Geo Grids for Beach Avenue. Mr. King recommended endorsement of all the listed projects.

MOTION by Mr. Valcourt to endorse the commission's recommended expenditures. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

c. Request to Increase Lifeguard Pay. Mr. King recommended the pay rate be increased to \$16 per hour to be more competitive with compensation in the area.

MOTION by Mr. Valcourt to increase lifeguard compensation to \$16.00 per hour. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

d. Interdepartmental Transfer Request for FY 2021 Beach Enterprise

The Chair indicated that she had issued conditional approval of the transfer request (Expense to Personnel) just before the end of the fiscal year, and was seeking ratification.

MOTION by Mr. Ouellette to approve the interdepartmental transfer of \$2,500 in funds in the Beach Enterprise Fund. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

e. Veteran's Memorial Donations through the Veteran Services Office; Alden Hill Realty \$500; The Angel Shop \$122.50 and The Angel Shop patrons \$122.50; Raymond Elias \$100 in memory of Ernest & Lydia Santos; VFW Westport, \$2,250 in memory of Wilfrid, Arthur; Raymond Ouellette; Coyne Powers Insurance Co. \$1,000. Veterans Service Officer Carol Freitas presented the above list of recent donations.

MOTION by Mr. Ouellette to accept the donations as listed. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

Ms. Freitas was pleased to report almost \$23,000 in donations for the Veterans Memorial collected so far, with preliminary estimates of costs for granite pillars, benches and landscaping between \$16,000 and \$19,000. Any balance of funds will be used for maintenance.

f. Donations to Westport Food Pantry; William Pardee \$50; anonymous donors \$100.

MOTION by Mr. Ouellette to accept the \$100 in anonymous donations. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

g. 61A Notice Leonard Potter Trust 202 Pine Hill Rd.

Mr. King indicated there was no interest from town boards and commissions for exercising the town's right of first refusal for this parcel, to be leased for a solar energy array.

MOTION by Mr. Valcourt to release the town's right of first refusal for the parcel. Seconded by Ms. Boxler. The vote was 5-0 in favor.

h. Approve Order of Taking – Joann's Way

Mr. King noted that town meeting had approved the acceptance of Joann's Way as a public way, and presented the required Order of Taking for the Board's approval.

MOTION by Mr. Brewer to approve the Order of Taking for Joann's Way. Seconded by Mr. Ouellette. Mr. Valcourt indicated he would abstain, as his brother owned an abutting parcel until a recent sale of that property. The vote was 4-0-1 in favor, with Mr. Valcourt abstaining.

i. Request for Private Road Sign at 1334 A-H Drift Rd – Michele Fontaine.

Mr. King recommended approval.

MOTION by Mr. Ouellette to approve the private road sign, at the applicant's expense. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

j. Request for Beach Clean-Up Permit – Willie's Superbrew

Mr. King said the company's regional beach clean-up effort on Sept. 18 could include Westport beaches if the permit was approved.

MOTION by Mr. Valcourt to approve the beach clean-up permit for Sept. 18, 2021, contingent on Police Department approval of plans; and suspension of parking restrictions for public property for that date for any volunteers assisting in the effort. Seconded by Ms. Boxler, the vote was 5-0 in favor.

BOH Chair Tanja Ryden noted that Team COW and the WRWA are also planning clean-up events this fall, and suggested all parties should coordinate their efforts.

k. Award of Bid for Motor Vehicle Fuel

Mr. King indicated that Dennis K. Burke Co. was the low bidder with a .0620 profit margin per gallon.

MOTION by Mr. Valcourt to approve the contract award to Dennis K. Burke Co. as recommended. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

l. Pay Increase for Non-Union Employees (2% effective July 1, 2021)

Mr. King noted that the increase was the same as negotiated with other hourly employees.

MOTION by Mr. Valcourt to approve a two percent pay increase for Non-Union Employees, effective July 1, 2021. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

m. Employment Agreement for Treasurer/Collector

MOTION by Mr. Ouellette to approve the employment agreement with the Treasurer/Collector as recommended. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

n. Employment Agreement for Assistant Town Administrator/Town Planner

MOTION by Mr. Valcourt to approve the Employment Agreement for the Assistant Town Administrator/Town Planner as provided. Seconded by Mr. Brewer. The vote was 5-0 in favor.

5. Discussion

a. American Recovery Act Funds Update

Mr. Brewer noted that the federal aid is coming from two sources – funds being distributed by the state for pandemic related expenses, with approximately \$1.5 million applied for; and \$109 million in relief funds being held by Bristol County, for which use criteria have not been finalized. The county's apportionment plan, and rules for use of the funds are to be distributed by Labor Day; Westport's likely share of the fund is about \$3 million.. The Town has already received about \$1.4 million in pandemic relief funds; other town projects have been submitted for funding consideration through a pending federal infrastructure aid bill. Ms. Shufelt noted that town departments have been asked for project recommendations, and the Finance Committee will also be consulted on potential expenditures of aid funds. The priorities for the Recovery Act funds are replacement of lost municipal revenues and tax income; water, sewer and broadband projects; public health services; and financial aid to companies or individuals adversely impacted by the COVID-19 pandemic.

b. Westport Point Parking Project Update

Mr. King provided an update from the working committee looking at Westport Point parking issues, along with a map indicating locations of 19 potential parking spaces, including two handicapped spaces, on public property at the end of Main Road. He indicated the committee still has to consider the parking needs of commercial interests, and find a healthy balance between resident and visitor parking needs. Westport Point Neighborhood Association board member Betty Slade suggested that additional parking is needed, and recommended that a no-parking zone be immediately established at the road-end roundabout, guaranteeing access by fire engines and other emergency vehicles. Mr. Valcourt said a parking ban is worthless without tow zone enforcement, and suggested the town should seek a contract for those services. He also said tow zone enforcement should be implemented at town beaches. Kristin Fennelly of 2065 Main Road suggested the town should pave and mark public parking areas, and supported the tow zone to keep the roundabout clear for public safety access. Mr. King noted the town would need Landing Commission approval to mark no parking zones on the landings. After Ms. Fennelly noted deteriorating conditions on some public docks, Mr. Valcourt urged that the town seek grant funds to make necessary repairs.

c. Marijuana Host Agreement – Coastal Healing

The Chair noted that a revised draft agreement had been distributed for the Board's review, and raised a number of points she felt were agreed to, or needed clarification or discussion. For the community impact fee, reimbursement of actual municipal costs up to 3 percent of sales has been agreed to; a requirement for charitable community donations will be deleted; change of manager and owners protocols are agreed to; limitations on operations will include no delivery services and no onsite consumption of medical or recreational cannabis also agreed to by both parties. Further discussion included requirement for appointments at least 30 minutes in advance; no sales of edible products resembling candy; odor control measures and complaint handling protocols to be passed on to town counsel for continuing negotiations.

6. Town Administrator Report

Mr. King reported on the school bond sale to be approved next week, and his ARA funding discussions with the Finance Committee. He noted the telephone system replacement project is underway; new equipment received by the Cemetery Department; and Green Communities grant applications for Macomber School efficiency upgrades. He also commended all the Town Hall employees who have helped the Selectmen's Office keep functioning during the continuing staffing crisis, singling out Assessor's Office retiree Sharon Potter and Housing Assistance Office clerk Robert Barboza for their recent extra efforts to help out.

7. Approve Minutes - June 7, 2021, and June 21, 2021.

MOTION by Mr. Brewer to approve the minutes of the June 7, 2021 meeting, and the June 21, 2021 meeting as presented. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

8. Report on Bill Warrant

Ms. Boxler reported the processing of a large school construction payment, and all else in good order.

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

Ms. Boxler reported the COA now fully open and very busy with programs and activities again; tech-savvy volunteers did creditable work helping seniors with internet connections and ZOOM technology during the pandemic, she noted. Mr. Valcourt reported the Energy Committee still looking at various potential projects, including HVAC upgrades for the schools with the aid of Green Communities grants. The campground committee has yet to meet. Mr. Ouellette said SRPEDD meeting focused on proposed road projects; the Bike/Walking Path Committee is still working on the local plans, and organizing a bike rodeo. He also noted the bike recycling campaign at the transfer station has been a big success. Mr. Brewer cited the need to finish up the Board's annual appointments for FY2022. Ms. Shufelt said the School Building Committee is still on track for a September opening; the tennis courts will remain closed to the public while the site is an official construction project; some student teams have been given limited access, and the School Committee will decide when public access is permitted again.

10. Boards/Committees/Commissions Vacancy List

The Chair reviewed the list of vacancies, and indicated some appointments would be made at the next Board meeting.

11. Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting. None.

12. Comments and Statements. None.

13. 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 collective bargaining with Labor Advantage for Workers (3)
- b. Discuss strategy with respect to collective bargaining with Westport Police Association (3)
- c. Disciplinary Action Involving a Town Employee
- d. Discuss strategy with respect to litigation – East Beach Association v. Town of Westport
- e. Discuss strategy with respect to litigation – Cranphin v. Town of Westport
- f. Approve Executive Session Minutes – May 10, 2021, May 24, 2021, June 21, 2021

MOTION by Mr. Ouellette at 8:05 p.m. to enter into Executive Session for the stated reasons. Seconded by Mr. Valcourt. The motion passed on a 5-0 roll call vote. Roll call vote: Brewer, aye: Ouellette, aye: Valcourt aye. Boxler, aye. Shufelt, aye.

Adjournment

MOTION to adjourn at 8:57 p.m. made by Mr. Ouellette, seconded by Ms. Shufelt. Passed 5-0 on roll call vote. Roll call vote: Brewer, aye: Ouellette, aye: Valcourt aye. Boxler, aye. Shufelt, aye.

Respectfully submitted,

Robert Barboza
Recording Clerk

APPROVED: _____

Richard Brewer, Clerk, Select Board Member