



BOARD OF SELECTMEN REGULAR MEETING MINUTES

Monday, December 5, 2022

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

Also Present: James Hartnett, Town Administrator

6:02 p.m. Call To order & Pledge of Allegiance

Acknowledgments & Recognitions

Thank you to the Westport Fire Department and the Westport Police Department for taking part in the Land Trust Tree Lighting Ceremony.

1. Public Hearings

a. 6:05PM

Tax Classification Hearing

Pursuant to MGL Ch. 40 Section 56, discussion with Assessors for the percentage of local tax levy to be borne by each class of property for Fiscal Year 2023.

Steve Medeiros addressed the Board with the recommendation by the Board of Assessors, to stay with single tax rate, with the bulk of the levy being residential, there's not enough commercial property to increase the rate. Mr. Medeiros stated that the increase is based on the total tax levy and does not impact every individual tax bills. After a brief discussion, the board voted on the tax factor.

MOTION by Mr Valcourt to approve the Tax Factor of 1, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

b. 6:10PM

Request from Joumana Chedid, dba Top Quality Auto Sales, Inc. for a Class II License and Repair License at 937-939 State Road, with Nicolas Obeid as manager, with a total of 40 cars.

Ms Chedid and Mgr. Nicolas Obeid addressed the Board in reference to the expansion of their business at 935 State Road.

MOTION by Mr. Valcourt to approve the license, seconded by Mr. Valcourt. The Board voted 5-0 in favor.

2. Licenses/Permits

3. Appointments and Resignations

- a. Request from Police Chief Pelletier to appoint Reserve Officer Cody Smith to Full Time Officer.
Deputy Chief John Bell addressed the board and highly recommended Reserve Officer Cody Smith be appointed to Full Time Police Officer.
MOTION by Mr. Valcourt to appoint Cody Smith as Full Time Officer, seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- b. Request from Police Chief Pelletier to appoint EMD911 Dispatcher Sean Munzing to Full Time Officer, subject to successful completion of training, testing and background check.
Deputy Chief John Bell addressed the Board and highly recommended the appointment of EMD 911 Dispatcher Sean Munzing to Full Time Officer.
MOTION by Mr. Valcourt to appoint Sean Munzing as Full Time Officer, seconded by Mr. Ouellette. The Board voted 5-0 in favor.
- c. Request to accept the retirement of Bernadette Oliver, Town Clerk as of January 6, 2023.
It was discussed that this is an elected position and that an Interim Town Clerk would have to be appointed until the April 2023 Election.
MOTION by Mr. Valcourt to regrettable accept the resignation of Bernadette Oliver as Town Clerk, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

4. **Discussion**

a. **6:30PM –Tony Roselli, Yearly Audit**

Tony Roselli summarized the yearly audit, there were no significant deficiencies or material weaknesses found, the town did well through the Covid shut down, and with the turnover of key financial employees. He listed some key financial highlights, the Unassigned Fund Balance increased to \$3.3 million, OPEB increased to over \$3.7 million, really nice job with that. OPEB investments returned 24.1%, Pension Fund ratio increased from 61.2% to 65.2%, General Stabilization Funds increased to over \$1.3 million, and almost \$4.8 million in ARPA Grants that must be obligated by 2024 and spent by 2026.

Ms. Shufelt praised the good report and thanked Sue Brayton and Nicole Pearsall for working together.

Tony Roselli stated the ship is in the right direction, good job.

Mr. Valcourt also commended Sue Brayton and Nicole Pearsall.

b. **Phil Weinberg, Title 5 Regulations**

Phil Weinberg addressed the Board on behalf of the Board of Health. Comments on this process are due to the DEP by December 16th.

DEP has come out with two sets of regulations to be adopted by cities and towns from Westport to Cape Cod and up to Plymouth, with the focus being Cape Cod right now.

These regulations really impact home owners and town government.

Mr. Valcourt questioned if there are regulations on the North Shore, Mr. Weinberg answered no.

Weinberg stated that the Westport River is not in compliance with TMDL (total maximum daily load)

Septic system owners within the watershed, will need to upgrade to nitrogen reducing system within 5 years of the regulation.

Consequences in the interim, that need to be focused on in the town's comments.

The Watershed Permit would be municipality wide. And could be spread out over 20 years, instead of the burden on the homeowner in five years.

Anybody who has put in a Nitrogen reducing system prior to 2021 is not exempt and will have to retro fit their systems.

Ms. Shufelt thanked Phil for the overview, and recapped that the proposal that we are commenting on will require every person to upgrade if you are in the Watershed Area, each homeowner will have to incur the costs, or with the Watershed Permit the Municipality can take on the burden and take action, she questioned the costs associated with this regulation.

Mr. Valcourt noted that both the Board of Health and Conservation have been proactive in promoting nitrogen reduction, this has helped with the improvements of the nitrogen levels in the river.

Mr. Weinberg stated we are very close, the West Branch is in compliance and the East Branch is close.

c. Town Administrator Goals

Mr. Brewer noted that per Mr. Hartnett's Contract performance goals are to be reviewed. He reviewed the goals with Mr. Hartnett and is in agreement with the yearly goals and the projects listed. He suggested adopting the new list as is and then assessing at a later date.

5. Action Items

- a. Notice of Proposed Acquisition on Property (APR) on parcels located on Gifford Road and Mouse Mill Road, owned by Michael P. Ferry.

Notice read into the record, no other action required.

MOTION by Mr. Valcourt to accept the APR on the mentioned parcels of land, and waive the 120 days, seconded by Mr. Ouellette, the Board voted 5-0 in favor.

- b. Request from Bernadette Oliver, Town Clerk to certify the votes for John Thomas Saunders; County Commissioner and Sherrilynn M. Mello; Register of Deeds.

No action taken, not needed at this time.

- c. Request to approve the contract for Roger Fernandes as the Route 6 Infrastructure Project Manager.

Mr. Hartnett noted this contract was previously discussed at a Board of Selectmen Meeting, for \$115.00 an hour not to exceed \$75,000.

Mr. Ouellette noted that this contract is being funded with ARPA Funds.

MOTION by Mr. Valcourt to approve the contract, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

- d. Request from Carol Freitas, Veterans Officer to accept the following donations: Normand Blanchette, \$100; discretionary use, Valerie Butler, \$100; Veterans Food Pantry, Westport United Congregational Church MMI, \$500; discretionary use and \$200 in gift cards from Mr. & Mrs. Samson and The Angel Shop.

MOTION by Mr. Ouellette to accept the donations, seconded by Mr. Valcourt. The Board voted 5-0 in favor.

- e. Request from the Council on Aging to accept the following donations: \$50; Ralph Urban Donation for Best Use, \$50; Maureen Solomon for Outreach, \$10; Kathy Davis for Outreach, \$15; Richard Barboza, Best Use, \$50; Ann Newton In Memory of Muriel Peters, \$25; Manuel Rego for Best Use, \$5000 Neil Van Sloun for Best Use Totaling \$5200.

MOTION by Mr. Ouellette to accept the donations, seconded by Mr. Valcourt. The Board voted 5-0 in favor.

- f. Request from Matt Armendo, Board of Health Director to post the Transfer Station & Recycling Center Worker position both in-house and to the public simultaneously. Mr. Hartnett noted that the recent hire has given his two week's notice. It is critical that this position get filled.

MOTION by Mr. Valcourt to post the position, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

- g. Request from Michael Burris, Town Planner to accept a \$30,000 Grant for purchase of a conservation restriction at Snell Brook through the FY23 Buzzards Bay Watershed Municipal Mini-Grant Program.

Mr. Hartnett noted that this was the Pettey Property discussed when the Town exercised first refusal rights. Mr. Buris was present and outlined the grant.

Mr. Valcourt noted that there is no cost to the town.

MOTION by Mr. Valcourt to accept the grant, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

- h. Request from the Town Hall Employees to hold a Christmas Potluck Luncheon on Wednesday, December 21st, and to close the Town Offices for an hour in order to participate in the luncheon.

Mr. Ouellette suggested closing the Town Offices from 12pm-2pm.

MOTION by Mr. Valcourt to close the Town Offices from 12pm- 2pm for the employee luncheon, seconded by Mr. Ouellette, the Board voted 5-0 in favor.

- i. Request to post the Interim Town Clerk Position to fill the unexpired term of Bernadette Olivier, effective January 7, 2023.

Mr. Hartnett noted that he would like to make an appointment at the next meeting, and could also hold a special meeting prior to January 6th if more time is needed.

MOTION by Mr. Valcourt to post the Interim Town Clerk Position, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

- j. Request to approve the Settlement Agreement the Diane F. Cramphin vs. Town of Westport – Adamsville Landing Case.

Mr. Hartnett recommends the settlement agreed through mediation, the Landing Commission is in agreement. Mr. Brewer also recommends the approval of the settlement.

MOTION by Mr. Valcourt to approve the settlement agreement and to authorize the Town Administrator to execute and deliver any and all documents necessary in order to settle the case, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

6. Town Administrator Report

Buzzards Bay Watershed Municipal Mini-Grant

The Town of Westport was awarded a \$30,000 grant for purchase of a Conservation Restriction (CR) for property abutting Snell Creek through the FY2023 Buzzards Bay Watershed Municipal Mini-Grant Program. This project involves the protection of the property located at 559 Main Road that will prevent subdivision and further development. The property is owned by the Buzzards Bay Coalition and the Town will hold the conservation restriction. This grant was filed by the Planning Board with required matching funds from the Coalition.

Hix Bridge Dredging Study

The U.S. Army Corps has completed their internal review of the Hix Bridge Study and they had comments relating to the placement of stone debris in the scour holes. Their comments are currently being reviewed by the Town and the Westport River Watershed Alliance. Additional local funding may be required to advance the study to the final stage.

Cemetery Bathroom Facilities

Diman students have started work at the cemetery garage, a new window has been installed and rough framing has been started for the bathroom. Upgrades to the electrical service is being reviewed and priced. Students are also doing some other minor repairs to the building including shingling the east side, this has been in disrepair for years. Ronald Porte from the cemetery and the cemetery staff along with the Diman staff and students are doing a great job.

Bristol County ARPA Requests

The Town received notification from Bristol County ARPA on the recent requests:

School Passenger Vans - Level I approved, still in Level II review

(2) SUV's Fire Department – This request was resubmitted to Bristol County and after review of the additional documentation, the Town received funding approval from the County.

7. Approve Minutes

a. November 14, 2022

MOTION by Ms. Boxler to approve the November 14, 2022 minutes, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

8. Report on Bill Warrant

Mr. Brewer noted the Warrant was signed and in order.

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

Mr. Brewer – nothing to report at this time

Mr. Ouellette – Bike Committee still going strong collecting bikes at the transfer station, SRPEDD moving forward with Rte 6 Corridor.

Mr. Valcourt – nothing to report at this time

Ms. Boxler – Affordable Housing working on hiring Leanardi Aray as a consultant

Ms. Shufelt – school flooring was started over the Thanksgiving Break, she met with Karen Raus to discuss the Budget Process.

10. Comments and Statements

11. Boards/Committees/Commissions Vacancy List

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

MOTION by Mr. Ouellette at 7:38p.m. to enter into Executive Session for the reasons declared by the Chair, seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, Valcourt aye and Shufelt aye.

Adjournment

MOTION by Mr. Ouellette at 8:23 to adjourn the openr meeting, seconded by Mr. Valcourt. The Board voted 5-0 in favor.

 Approved: 

Paula M. Brown
Administrative Assistant

Ann Boxler, Clerk
Select Board Member

1a 2023 TAX CLASSIFICATION
1b Top Quality
1b Top Quality
3a WPD – Smith
3b WPD – Munzing
3c Bernadette Oliver – Retirement
4b auditreports
4c FY23 Goals
5a APR – Ferry
5b Cetification of Votes
5c Fernandes Contract
5c2 2022_11_20 OPM CONTRACT
5d Veterans Donations
5e COA Letter to SB Gifts & Donation December
5f Transfer Station
5g fwdcongratulationsonyourminigrantawardforthesnell
5g Snell Creek
5h Christmas Luncheon
5j1 KP-#841020-v2-WPOR_- _Settlement_Agreement_&_Release
5j2 KP-#841032-v2-WPOR-_Proposed_Judgment
5j3 KP-#841034-v2-WPOR_- _Agreement_for_Judgment
7a 11142022 Minutes
FY23 Classification Hearing 12.05.22 BOS

TA – Grant

TA 1 Hix Bridge Salt Marsh DPR EA NAD Comments 16JUN2022 Signed

Title 5 Regulations