

**BOARD OF SELECTMEN
REMOTE MEETING MINUTES
MONDAY, FEBRUARY 14, 2022**

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

Members Absent: Brian Valcourt

Also Present: James Hartnett, Town Administrator

Select Board Chair Shana Shufelt, called the remote meeting to order at 6:01PM.

6:04PM 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. A reminder that persons who would like to listen to or view this meeting while in progress may do so by following the remote links listed on the posting on line. An audio recording of this meeting will be posted on the town's website as soon as we are able.*

1. Acknowledgments & Recognitions

2. Covid Update

3. Public Hearings

- a. **Public Hearing RE:** An application request from I Cars, Inc. for a Class II Motor Vehicle License to sell used vehicles at 983 State Road, Westport, MA. Manager, George El Hayek, vehicle limit of "for sale" vehicles is 30.

Mr. El Hayek was on the meeting noting he isn't making any changes and is looking forward to doing business in Westport.

Mr. Ouellette questioned whether there was a Police Report on file. Mr. Hartnett stated that the CORI was completed, but there is not a police report on file.

MOTION by Mr. Ouellette to approve the Class II License for I Cars, Inc. with the receiving of a favorable police report, seconded by Mr. Brewer. The Board voted

4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

4. Licenses/Permits

5. Appointments and Resignations

- a. Request from David Cole, Keith Novo and Paul Joncas to be appointed to the newly formed Internet Advisory Board.

MOTION by Mr. Ouellette to appoint David Cole, Keith Novo and Paul Joncas to the Internet Advisory Board, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

- b. Appoint Select Board representative to the newly formed Internet Advisory Board. **MOTION** by Mr. Ouellette to appoint Shana Shufelt as the Board of Selectmen Representative to the newly formed Internet Advisory Board, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

- c. Request from Nicole Pearsall; Town Accountant to appoint Joanne Landry as Assistant Accountant.

Ms. Pearsall stated that she received a number of applications and after interviewing is recommending Joanne Landry.

MOTION by Mr. Ouellette to appoint Joanne Landry as Assistant Accountant, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

- d. Request from the Board of Health to appoint Phil Weinberg to serve on the Climate Resiliency Committee, with Donna Amaral as alternate.

MOTION by Mr. Ouellette to appoint Phil Weinberg to serve on the Climate Resiliency Committee, with Donna Amaral as alternate, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

- e. Request from the Finance Committee to appoint Jessica McKane as Recording Clerk.

Karen Raus stated that Jessica has experience working for a municipality and is recommending to the Board to approve the appointment.

MOTION by Mr. Ouellette to appoint Jessica McKane as Recording Clerk, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

6. Action Items

- a. Request from Lawrence Kitchen III, of Dartmouth for parking permit for the Hixbridge Landing.

Mr. Ouellette stated that the town has granted the permit in the past, Mr. Kitchen's father is a Westport Resident, and is disabled.

MOTION by Mr. Ouellette to grant Lawrence Kitchen III, of Dartmouth a parking permit for the Hixbridge Landing, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

- b. Review Board of Health Recommendations for Mask Mandate & Remote Meetings.

Tanya Ryden stated that the BOH had voted to recommend the mask mandate be lifted and the requirement for remote meetings could also be changed.

MOTION by Mr. Ouellette to lift the mask mandate and the in person meeting ban, giving boards and committees the option of still meeting remotely if they choose, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

- c. Request from the Planning Board to review the Oak Ridge Plans
No Comments

- d. Request from Dharma Voyage Community Rowing for four parking passes for the Hix Bridge Landing for use by non-resident members.

MOTION by Mr. Ouellette to approve the issuance of four parking passes for Dharma Voyage Community Rowing for the Hix Bridge Landing for use by non-resident members, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

- e. Approve/Sign Grant Agreement for the Bristol County American Rescue Plan Act (ARPA) Funds.

Mr. Hartnett stated that in order to be able to access these funds, a signed contract is required.

MOTION by Mr. Ouellette to sign the Grant Agreement for the Bristol County American Rescue Plan Act (ARPA) Funds, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

- f. Acceptance of Deed from Kathleen Brum Trustee of the Malina A. Barboza Family Trust, Assessor's Map 13, Lots 76, 87 and 156-159.

- g. Acceptance of Deed from Charles Barboza Trustee of the Malina A. Barboza Family Trust, Assessor's Map 13, Lots 77, 88 and 192 & 195.

Ms. Shufelt suggested grouping these requests together, Mr. Hartnett explained that Town Meeting approved the transfer of these small parcels off of Rte. 6, this is the final step of the process.

MOTION by Mr. Ouellette to accept/sign the deeds for the parcels of land, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

- h. Coastal Healing By Law Compliancy Determination – Marijuana Product Manufacturing License.

Mr. Hartnett stated that the Cannabis Control Commission is looking for certification that Coastal Healing is in Compliance with the Town's By-Laws in regards to Marijuana Product Manufacturing.

Mr. Ouellette inquired if the State knows that they are not in business yet, Mr. Hartnett said he's not sure, at this point they are just making sure they are compliant.

MOTION by Mr. Brewer to forward the signed Compliancy Certification off to the CCC, seconded by Mr. Ouellette. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

- i. Request from Carol Freitas; Veteran's Service Officer to accept the following donations toward the Food Pantry Fund; Colleen & Mark Bichajian for \$75.00 and Noquochoke Lodge AF & AM for \$500.00.

MOTION by Mr. Ouellette to accept the donations, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

- j. Approval of the Mass Audubon Coastal Waterbird Management Program Agreement.

Mr. Hartnett explained that this is a standard yearly contract.

MOTION by Mr. Ouellette to sign the Mass Audubon Coastal Waterbird Management Program Agreement, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

- k. Request to use Bristol County ARPA Funds to Purchase an Ambulance-\$350,000 and a Backhoe \$160,000.

Chief Brian Legendre explained that in the past Ambulances were funded by revolving ambulance fund, over three years of payments, however it takes two years to build up revenue, this purchase through ARPA would allow them to get back on track with their 5 year plan. Ms. Shufelt questioned the age of the ambulance to be replaced, the Chief answered 15yrs old.

Mr. Hartnett stated that the purchase of a backhoe would meet ARPA requirements and that it's a good use of the money.

- l. **MOTION** by Mr. Ouellette to approve the request to use Bristol County ARPA Funds to Purchase an Ambulance-\$350,000 and a Backhoe \$160,000, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye, and Ms. Shufelt aye.

7. Discussion

- a. Campground Committee Update

Jeff Wade, Chair of the Campground Committee, presented. He described the plan for property that would include 15 acres of the 30 acre property that can be used for fields, Field Hockey and Soccer in the Fall and Baseball and Softball in the Spring. It also includes walking Tracks around the fields.

Other ideas have been suggested that include Bocci, Shuffleboard, Horseshoes and Beach Volleyball. Keeping the center of the property as a park with trees offering shade is also desirable.

Discussion ensued with comments about emergency access and other elements of the plan. It was indicated that action is not being requested at this time.

b. Fiscal Year 2023 Budget and Town Warrant Articles

Ms. Shufelt outlined what the discussion would entail which included the suggestion that the use of free cash in the budget should be avoided. However, the board should discuss this including discussion about an override. In any case, these issues will not be finalized tonight and will carry over to the next meeting.

Based on the preliminary State Revenue numbers presented by Mr. Hartnett, the Net Revenue increased from \$451,282 to \$999,419 and the following changes have been made from the preliminary budget to the current budget; Increase Legal Services by \$30,000 to \$105,000, Increase Highway Fuel \$5,000 to \$70,000, Increase OPEB by \$8,000 to \$80,000, Increase Overlay by \$5,000 to \$280,000, Increase Planning Software \$500 to \$3,500, Increase SRPEDD allocation to \$3,295.59. These changes enable the budget to be balanced. The recommended budget for the school department is \$20,035,369, this is an increase of \$589,686, from last years recommended budget of \$19,495,688 but only \$149,686 more than the money they received after the \$440,000 appropriation from free cash. The school department is requesting \$663,951 over the recommended budget. This additional request cannot be offset with anticipated revenue.

Ms. Shufelt questioned Mr. Hartnett as to why he decided not to fund the Town Planner Position, Mr. Hartnett answered that it's a tough cut, because the position is needed, and pays for itself through grants, however he is afraid that if funding comes from other sources such free cash, the Town will not be able to fund in the future. Free Cash was certified at \$1,580,989, Town meeting articles including prior year bills, supplemental budget requests and Capital Improvement Planning Projects would reduce the available free cash to \$367,589.

Nancy Stanton Cross questioned the increase to the legal budget, asking if it is previous year expenditures or pending lawsuits. Mr. Hartnett answered that both were part of the recommendation. Regarding CIPC recommendations, Deputy Chief Dan Baldwin stressed the importance or replacing the SCBA air packs, as they are 16 years old, and are non-compliant, these packs are the most critical piece of equipment in the department. Mr. Brewer stated that the CIPC prioritized this expense, and this was a unanimous decision. However, he further commented on use of ARPA Funds and suggested they may not qualify for ARPA money. However, he stated this would be looked into in greater detail.

Ms. Ryden from the Board of Health questioned why the funding was less than requested for the Transfer Station Shed, looking for running water and toilet facility. Mr. Brewer addressed Ms. Ryden, the original amount was \$90,000, the decision came back to money, considering financial constraints this was satisfactory, then suggested the use of Receipts Reserved through a Town Warrant Article

Discussion changed to focus on whether new ballot questions should be considered by the Select Board. It was discussed that transferring the debt from three loans from the operating budget totaling \$446,000, to excluded debt.

Ms. Shufelt noted that transferring the debt to excluded debt would be temporary until the loans are paid. Overrides would be permanent. She stated that voters would need to know the cost of these articles on a per-household basis. In answer to a question, Ms. Brayton stated that funding for these items has already been approved at previous town meetings, transferring to excluded debt would only need a ballot vote.

Mr. Brewer expressed concern about these additional articles in view of the important ballot question regarding the Diman School project. Discussion ensued about the timing of the Diman vote and whether it could be done later in the year. Mr. Hartnett explained that it would be best to decide the funding question earlier even though payments will start slowly as the projects proceeds.

Ms. Shufelt noted that everyone seems to be in agreement in principal with the base budget and asked if there was any appetite to use free cash to supplement any other line items. Mr. Hartnett recommends going forward without using free cash. Ms. Shufelt prefers to shift \$300,000 of free cash to the school budget, despite some misgivings Mr. Brewer noted the larger budget of \$20.335 million would be a 4.4% increase over last year. Mr. Ouellette prefers not to vote on the budget as it relates to the school, however he is in support of using free cash. Mr. Brewer asked if this decision would be acceptable to the schools.

Mr. Aubin would be remiss if he did not mention the significant cuts they made and, they appreciate any amount to be supplemented such as the \$300,000. However, the school would be facing significant cuts at the \$600,000 and more that they are seeking, including reductions to staff and transportation.

Mr. Brewer stated he appreciated Mr. Aubin's comments and that adding an amount of free cash nonetheless sends a good message, and feels comfortable including it. Ms. Shufelt stated that the Board will revisit the Ballot Questions at the F as part of this budget proposal.

MOTION by Mr. Brewer to approve the budget as submitted by the Town Administrator Jim Hartnett February 10, 2022 plan, with the addition of \$300,00 to Westport Community Schools Budget with the source of funding being free cash, seconded by Ms. Shufelt. The Board voted 4-0 in favor by roll call vote; Boxler aye, Ouellette aye, Brewer aye and Shufelt aye.

8. Town Administrator Report

Hix Bridge Aquatic Ecosystem Restoration Draft Report

Mark Habel, Project Manager with the US Army Corps of Engineers has agreed to extend the review period for the draft report by 30 days to March 12, 2022. A copy of the report and public notice can be reviewed on the Town of Westport Webpage:

Mass Audubon Piping Plover Report

Mass Audubon submitted their yearly report on Piping Plover monitoring for Cherry and Webb Beach, Beach Avenue (the Knubble) and East Beach. A total of three Piping Plover pairs were counted during the statewide census on Cherry & Webb Beach with no hatchlings. There was no evidence of Piping Plover activity in the Beach Avenue area. The report recommends enforcement of dog prohibition regulations along Beach Avenue and Cherry 7 Webb Beach. A copy of the report and agreement for 2022 is included in the packet.

Water Meter Replacement

Mass Installation Inc. has been awarded the contract to replace the water meters for approximately 160 users in the Route 6, Davis Road area. Residents will be notified within the next 2-4 weeks to schedule appointments for the meter replacements. It is anticipated that this work will take 4-8 weeks.

Free Cash Certification

The Massachusetts Department of Revenue has certified “free cash” as of July 1, 2021. This has been a difficult year with personnel changes in the financial offices. Nicole Pearsall, Sue Brayton and staff have done a great job compiling and filing the required documents in order to get these certifications.

General Fund	\$1,580,989
Enterprise Fund Harbor	\$87,588
Enterprise Fund Water	\$386,372
Enterprise Fund Beach	\$234,893

9. Approve Minutes

a. January 31, 2022

MOTION by Mr. Brewer to approve the January 31, 2022 Minutes, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Brewer aye, Ouellette aye, Shufelt aye and Boxler aye.

10. Report on Bill Warrant

Ms. Boxler stated it was in order.

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

Ms. Shufelt - Climate Resiliency Committee is forming sub-committees, she promoted the April 12th Town Election.

12. Comments and Statements

13. Boards/Committees/Commissions Vacancy List

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

15. 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. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.
 - b. Discuss strategy with respect to collective bargaining - Westport Police Association.
 - c. Discuss strategy with respect to collective bargaining - Highway Department
 - d. Discuss strategy with respect to Litigation – East Beach Improvement Association vs Town of Westport et al.
 - e. Discuss strategy with respect to Litigation – Diane F. Cramphin vs Town of Westport – Adamsville Landing Case.
 - f. Discuss strategy with respect to Litigation – Hadley vs Town of Westport
- Approve Minutes of January 3, 2022

MOTION by Mr. Ouellette at 8:20 p.m. to enter into Executive Session for the reasons declared by the Chair, seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call vote, Boxler aye, Brewer aye, Ouellette aye and Shufelt aye.

Adjournment

The Board returned to open session and the Chair called for adjournment.

MOTION by Mr. Ouellette to adjourn the meeting at 8:45p.m., seconded by Mr. Brewer, Motion passed 4-0 by roll call vote: Brewer, aye; Ouellette, aye; Boxler, aye; Shufelt, aye.

Respectfully submitted,



Paula M. Brown
Administrative Assistant

Approved: _____



Richard Brewer, Clerk
Select Board Member

FILES:

2 COVID Update
3a I Cars Inc El Hayek
5a David Cole Paul Joncas Internet Advisory Board
5c Assistant Accountant Appointment
5d BOH-Weinberg-Climate Resiliency5c Assistant Accountant Appointment
5e FinCom McKane Resume
6a Kitchen – Hixbridge
6b Mask-Meetings Memo2.8.22
6c Planning Board – Oakridge
6d Dharma Voyage
6e Grant agreement
6f Quit Claim Deed - Barboza (Brum)
6g Quit Claim Deed - Barboza (Barboza)
6h Coastal Healing By Law Compliancy
6i Veterans Donations
6j Mass Audubon Agreement
7B Budget Warrant Info 2-14-22
9a 01312022 Minutes