



BOARD OF SELECTMEN REGULAR MEETING MINUTES

Monday, April 11, 2022

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

Also Present: James Hartnett, Town Administrator

6:00 p.m. Call to Order & Pledge of Allegiance

The meeting was called to order at 6:00 p.m. with the above members present and commenced with the Pledge of Allegiance. The Chair read the notice advising the public that the meeting was being recorded.

1. Acknowledgments & Recognitions

The Chair reminded viewers that tomorrow, April 12, was annual election day, with the polls open at all precincts from 10 a.m. to 8 p.m., and noted that the Annual Town Meeting was scheduled for 7 p.m. on Tuesday, May 3 at the new Westport Middle/ High School. Ms. Shufelt commended all those volunteers who took part in the recent Team COW town-wide litter clean-up. She also noted that town facilities will be closed on Friday, April 15 and Monday, April 18 due to the holiday; the transfer station will be open for business on April 18, with details on hours to be found on the Board of Health web page. She reported that the Board of Health will sponsor a rabies clinic from 9-12 at the Hix Bridge Fire Station on April 23; the shots are free for residents, and \$15 for non-residents.

2. Public Hearings

6:05 p.m. - Nstar Electric d/b/a Eversource Energy requesting permission to install 1 FO Pole labeled 159/70AA on Sodom Road approximately 28 feet northwest of existing pole 159/70-A and 114 southeast of Lindera Way. Nstar Electric Company d/b/a Eversource Energy Plan No. Dated October 12, 2021. Nstar representative Jessica Elder was present to answer questions from abutters, and indicated that the pole was needed to provide service to the new customer at 711 Sodom Road.

MOTION by Mr. Valcourt to approve the pole location as indicated on the submitted plans. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

3. Licenses/Permits: None.

4. Appointments and Resignations

a. Request to accept the resignation of Don Davidson from The Long Term Building Committee.

MOTION by Mr. Oullette to accept the resignation of Don Davidson from the Long Term Building Committee, and send a letter of regret. Second by Ms. Boxler. The motion passed on a 5-0 vote.

b. Request from Director of Public Health Matthew Armendo to promote Nicholas Vidmar to Animal Control Officer, to post the position of Animal Control Officer, and to increase Nick Vidmar to 40 hours per week (from 30) until a second officer is hired. Mr. Armendo indicated that the Assistant Animal Control Officer has been performing the duties of the ACO for some time now, and was being recommended for promotion to that position.

MOTION by Mr. Valcourt to promote Nicholas Vidmar to the position of Animal Control Officer. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

MOTION by Mr. Valcourt to post the Animal Control Officer vacancy. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

5. Discussion

a. Update from Entry Point. The Chair explained that Entry Point has been hired by the town to help develop plans for municipal broadband internet service and expansion of the fiber optic network; a report with recommendations is due in June. Entry Point representative Jeff Christenson noted that communities are allowed to set up and operate internet service networks if a “municipal light plant” is established with two-thirds approval of two separate town meeting articles. The votes are required by statute to be taken no more than 13 months apart, and be taken during two separate fiscal years; with positive votes, the Select Board then appoints a light plant manager or a supervisory board to oversee operations. Entry Point representative Devin Cox noted that Town Meeting approval does not mean the network must be set up, but only gives the town the authority to do so. The town may choose to operate the network as an utility cooperative or a bonded municipal operation. It was noted that a state grant program may provide up to \$250,000 to establish such infrastructure systems; the town is required to provide a five percent local match of any grant award.

MOTION by Mr. Valcourt to authorize the Town Administrator to investigate the grant program, and work with Entry Point to file a grant application. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

b. Harpers Payroll Discussion regarding exclusive online access for employees. Town Treasurer Susan Brayton told the Board she would like to upgrade the municipal payroll software to allow all time recording to be done electronically, and all paychecks to be delivered via direct deposit. All payroll reports and history files would be available to employees online if the change was adopted. Mr. Hartnett recommended the upgrade be approved in order to reduce costs and improve efficiency.

MOTION by Mr. Valcourt to authorize the upgrade of the municipal payroll system as requested by the Town Treasurer. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

c. Request from Planning Board to discuss the upcoming public forum that will be held at the end of the month regarding the Westport Complete Streets Program that will focus on

the Draft Prioritization Plan. Planning Board Chair James Whitin reported on the 6 p.m. public forum (via ZOOM) on the Complete Streets Program planned for April 28. The forum will focus on drafting a Prioritization Plan for fixing problem intersections and mitigating dangerous sections of public roads.

6. Action Items

a. Army Corps of Engineers to file a support letter for the Aquatic Ecosystem Restoration Project Integrated Detailed Project Report and Environmental Assessment for Hix Bridge. Mr. Hartnett explained that the ACE is seeking a general support letter from the Board for the proposed removal of rubble under Hix Bridge. Westport River Watershed Alliance (WRWA) president Michael Sullivan, executive director Deborah Weaver, and Science Committee member Ken Perez were on hand to speak about the project. Mr. Sullivan noted that the preferred plan calls for rubble to be dumped in deep “scour holes” near the bridge; and that the \$1 million project estimate of 10-15 years ago has now increased to a \$2.6 million estimate, with the town’s one-third share of costs around \$1 million. He noted that the \$400,000 earmark of state funds for the town’s share of the costs will now be insufficient to cover the local match required. He indicated the WRWA would like to do more research to determine if the project is worth the town’s considerable investment of matching funds. The Chair expressed the Board’s appreciation for the WRWA’s contribution of expertise for the project.

MOTION by Mr. Valcourt to issue a letter of support for the project to the Army Corps of Engineers. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

b. Request from New England Race Events LLC to hold the Annual Horseneck Half Marathon and 3.5 mile events on May 22, 2022 at 9:00 a.m., to start and finish at the State Beach.

MOTION by Mr. Valcourt to approve New England Race Events’ request to use town roads on May 22, 2022, subject to Police Department recommendations for the event. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

c. Request from Kevin Curt to allow the East Beach Residents who have been issued their 2022 permit to set up their lots on April 29, 2022. Mr. Curt indicated that some property owners with 2022 permits were seeking permission to set up lots on April 29, a few days earlier than allowed by permit terms.

MOTION by Mr. Valcourt to approve the earlier set-up date requested. Second by Mr. Brewer. The motion passed on a 5-0 vote.

d. Request from Jody Mancini from Osprey Sea and Surf for a Hix Bridge Parking Pass. The request was for a parking pass for the company’s kayak transport vehicle.

MOTION by Mr. Valcourt to approve the Hix Bridge parking pass for Osprey Sea and Surf. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

e. Accept report from the Planning Board on proposed zoning amendments for the Annual Town Meeting.

MOTION by Mr. Valcourt to accept the Planning Board’s report and recommendations on proposed zoning amendments for the Annual Town Meeting. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

f. Approve letter of support for Municipal Vulnerability Preparedness Action Grant for the South Watuppa Pond.

MOTION by Mr. Valcourt to approve a letter of support for the Municipal Vulnerability Preparedness Action Grant for the South Watuppa Pond project. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

g. Request from the Highway Department for approval for Snow & Ice Deficit Spending up to \$25,000. Mr. Hartnett indicated the request was for the traditional deficit spending for snow and ice removal.

MOTION by Mr. Valcourt to approve deficit spending up to \$25,000 for snow and ice removal costs. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

h. Request to approve the AFSCME Memorandum of Agreement for the Westport Highway Department.

MOTION by Ms. Boxler to approve the AFSCME Memorandum of Agreement for the Westport Highway Department. Second by Mr. Valcourt. The motion passed on a 5-0 vote.

i. Notice of intent to renew Highway Surveyor Contract.

MOTION by Mr. Ouellette to send a Notice of Intent to renew the Highway Surveyor contract. Second by Mr. Valcourt. The motion passed on a 5-0 vote.

j. Request from the Council on Aging to accept the following donations: \$45; Misc Donation for Tax Help, \$100; Misc Donation for Tech Class, \$10; Misc Donation Fuel Assistance Help, \$30; ST.Pat's Grab & Go Donations, \$200; Richard Dow Donation for Best Use, \$200; Sharon Anctil Donation for Best Use, \$75; Ralph Urban Donation for Best Use, \$15; Misc Donation for Best Use. Totaling \$675.

MOTION by Mr. Valcourt to accept the attached list of donations to the Council on Aging, and the donation of a chair valued at \$150 by Suzanne Alden. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

k. Review and recommend Warrant Articles. The Chair indicated that the Finance Committee was recommending that Article 5, an override request, be passed over. She agreed that more information was needed on the question, and suggested action on an override be postponed to a later date.

MOTION by Mr. Valcourt to recommend that Article 5 be passed over. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

MOTION by Mr. Valcourt to recommend all Annual Town Meeting warrant articles except Article 5. Second by Mr. Ouellette.

l. Approve/Amend Warrant Articles.

MOTION by Ms. Boxler to approve the 33 articles on the warrant for the May 3 Annual Town Meeting, and to post the warrant. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

7. Town Administrator Report

Mr. Hartnett indicated that the Planning Board is taking responsibility for producing the next Housing Production Plan, using a \$6,500 SRPEDD grant award to cover costs. He cited the state's extension of Outside Seating regulations for restaurants, with license revisions required if establishments seek to permanently expand licensed service areas.

The Town Administrator noted that Bristol County has approved the town's requests for use of ARPA funds; cited plans to remove a large tree from the town cemetery next to the old high school; and reported delivery of Charter Communications reimbursement funds to the town treasury. He indicated that Town Hall workers are seeking to decertify the LAW union representing them, and will be seeking to join a new union; and reported just over \$31,000 earned from the recent auction of surplus town vehicles.

8. Approve Minutes

a. March 28, 2022

MOTION by Mr. Brewer to approve the minutes of the March 28, 2022 Select Board meeting as submitted. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

9. Report on Bill Warrant

Ms. Boxler reported all in order.

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

Ms. Boxler noted that the Affordable Housing Trust is starting the search for a new Housing Specialist, as the current contractor is leaving the post on June 30. Other members cited upcoming meetings on their calendars.

11. Comments and Statements

None.

12. Boards/Committees/Commissions Vacancy List

The Chair reviewed the list of current vacancies, and encouraged residents to apply to fill those volunteer opportunities.

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

A request from Our Lady of Grace Church for a one-day liquor license for an April 22 concert was added to the agenda.

MOTION by Mr. Valcourt to approve a one-day liquor license for Our Lady of Grace Church on April 22, 2022. Second by Mr. Ouellette. The motion passed on a 5-0 vote.

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

a. To discuss strategy relating to litigation known as Municipal Communications II, LLC v. Menard et al., Bristol County Superior Court, Docket No. 2173 CV 00664B and Municipal Communications II, LLC v. Town of Westport, U.S. District Court, District of Massachusetts, C.A. No. 1:21-cv-11561-AK

b. Approve March 28, 2022 Executive Session Minutes

MOTION by Mr. Valcourt to enter executive session at 7:40 p.m. to discuss the listed agenda items, and not to reconvene in public session except to adjourn the meeting.


Second by Mr. Ouellette. The motion passed on a 5-0 roll call vote: Brewer, aye; Ouellette, aye; Shufelt, aye; Valcourt, aye; Boxler, aye.

Adjournment

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

MOTION by Mr. Ouellette to adjourn the meeting at 8:26 p.m. Second by Mr. Valcourt.
Motion passed 5-0.

Respectfully submitted, Robert Barboza, Recording Clerk

APPROVED:  Richard Brewer, Clerk, Select Board Member

2 - Eversource
4a - Davidson Resignation
4b - BOH Request ACO Promotion
5b - Harpers Payroll Discussion
6a - Hix Bridge Rubble
6b - Horseneck Half Marathon
6c - Kevin Curt
6d - Osprey Sea & Surf
6e - Planning - Zoning By Laws
6f - Municipal Vulnerability Preparedness
6g - HWY Deficit Spending
6h - AFSCME Memorandum of Agreement
6i - Highway Surveyor Contract
6j- COA Donations
6k&l - ATM Warrant
8a - 03282022 Amended Minutes
13a - Our Lady of Grace
14b - 03282022 Edited ES Minutes
TA2 ABCC Advisory
TA5 Charter
TA6 Report Revocation of cert let (003)