



**BOARD OF SELECTMEN  
MINUTES  
REMOTE MEETING**

**Monday, June 7, 2021**

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

Also Present:           Timothy King, Town Administrator

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

**Chair's Announcement** – Read by the Vice Chair. 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**

The Chair expressed thanks to the Moderator, Town Clerk's Office staff, and others who contributed to a successful Annual Town Meeting, attended by 332 voters.

a. Passing of George Yeomans: Mr. Ouellette remembered Mr. Yeomans as a popular resident who served as a poll worker and was active with the Westport Fishermen's Association. Mr. Brewer recalled a politically savvy resident who often gave good advice to town officials, and said he will be missed around town.

b. Eagle Scout Recognition: The Chair recognized Shawn Landry, Aidan Morley, and Tyler Resendes as the new Eagle Scouts from Troop 3, and offered the Board's congratulations on the honor.

The Chair noted that the June 10 dog complaint hearing will be a hybrid event, with in-person meeting at the Town Hall, and remote participation. Mr. Brewer noted that the Memorial Day ceremonies were held at the Annex in abbreviated form due to the weather; the parade was canceled due to the rain.

**2. Updates**

a. COVID-19: Director of Public Health Matthew Armendo reported 1,612 confirmed cases among residents as of June 7, with no new hospitalizations or deaths reported. Westport has been classified as a Gray Zone (low risk) in the state's risk assessments; 60 percent of the town's residents are partly or fully vaccinated; he urged at-risk residents to get vaccinated as soon as possible, and take routine precautions against infection. Mr. Armendo noted that the BOH, fire department, and Westport Apothecary will hold

another walk-in vaccination session for residents on June 15 at the Annex. The Mass. State of Emergency Order expires on June 15, allowing all industries to reopen at 100 percent capacity, with no gathering limits but recommendations for non-vaccinated people to wear masks, practice social distancing when indoors or in crowds; masks are still required for public transportation, health care facilities, and for students and staff in schools. Mr. Armendo indicated he would not be providing regular updates at public meetings, and would issue BOH advisories on COVID-19 if and when needed in the future.

**6:05 p.m.**

### **3. Licenses/Permits**

#### **Public Hearings**

a. ADV Corp. Transfer of an All Alcoholic Beverage Package Store License at 233 Sanford Road. Mr. King said the new owners of the Country Liquors store is seeking to have the license transferred to ADV Corp., holders of other local licenses. There was no public comment on the application.

Seasonal Trailer Permit – 178 East Beach Road, Alison McIssac. It was confirmed that the applicant had a good understanding of permit regulations and limitations, and approval recommended.

**MOTION** by Mr. Brewer to approve the transfer of the All Alcoholic Beverage Package Store License at 233 Sanford Road to ADV Corp. Seconded by Ms. Boxler. The vote was 3-0 in favor by roll call, with Mr. Ouellette having lost his connection to the meeting. Boxler, aye. Brewer, aye. Shufelt, aye.

Attorney for the applicants, Matt Porter, asked the Board to authorize his client's pledging of the liquor license as collateral for the loan.

**MOTION** by Ms. Boxler to authorize the pledge of the liquor license as collateral for the loan. Second by Mr. Brewer. The vote was 3-1 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, nay. Shufelt, aye.

b. Cumberland Farms 596 State Road – Change of Officers, Stock or Ownership of a Wine & Malt Alcoholic Beverage License. Mr. King indicated the recent change of ownership requires the licenses be revised. The applicant has asked for a continuance.

**MOTION** by Mr. Ouellette to continue the hearing to 6:05 p.m. on Tuesday, July 6. Seconded by Ms. Shufelt. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

#### **No Public Hearing**

c. Request for a Trailer Permit at 597 Main Rd. CET Inc., Solar Power Construction: The Town Administrator reported that CET Inc. is building a solar energy facility at that location, and would like a temporary trailer for storage and meeting space during construction.

**MOTION** by Mr. Ouellette to approve the trailer permit. Seconded by Mr. Brewer. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

d. Request for Road Use Permit – Horseneck Half Race on June 13, 2021. Mr. King noted the police department had reviewed the plans, and provided recommendations. Race organizer Rich Mazzola said he had approval from the Board of Health, and had provided an insurance certificate; he agreed to follow all police detail recommendations.

**MOTION** by Mr. Ouellette to approve the Road Use Permit, with police department recommendations attached. Seconded by Ms. Boxler. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

e. Request for Common Victualler License – Carvalho Farms, 287 Gifford Road. Applicant Corey Carvalho told the Board the family was seeking a license to sell eggs, chickens, animal feed, and fresh fruit at the site.

**MOTION** by Mr. Ouellette to approve the Common Victualler License for Carvalho Farms at 287 Gifford Road. Seconded by Ms. Boxler. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.



f. Request for Common Victualler License – ADV Corp. dba Country Liquor

**MOTION** by Mr. Ouellette to approve the Common Victualler License for ADV Corp. Seconded by Mr. Brewer. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

g. Request for Community Event Permit at Town Farm on Drift Road on Sept. 23, 2021 for memorial service for Geraldine Milham.

**MOTION** by Mr. Ouellette to approve the Community Event Permit at the Town Farm. Seconded by Mr. Brewer. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

h. Request for Seasonal Trailer Permit – Averyl Andrade at 528 American Legion Highway: Ms. Andrade told the Board that she is seeking to use the new trailer to house farm laborers who will provide overnight security to prevent deer damage and crop theft. She noted the BOH has inspected the trailer and given verbal approval for use. Mr. Ouellette noted other temporary trailer permits have required input from other departments; he expressed fears this request might prompt similar requests from property owners in other parts of town. Ms. Andrade expressed frustration over lack of response from Building Department on this request, and latest referral to BOS; she said immediate action is needed because of existing deer problem, and urged conditional approval as she is “a farmer in a farming community” who needs help protecting her crops. The general consensus was that the Board should gather input from other town departments before voting on the permit; it was scheduled for the June 21 meeting.

i. Request for Road Use Permit July 4, 2021 Parade - David Palmer: Mr. Palmer noted that the Road Use Permit application is actually for Monday, July 5. The parade will start at 10 a.m. from Hix Bridge Road as usual and march to the high school; the police department has agreed to the plans, and the BOH will be consulted for spectator and participant guidelines.

**MOTION** by Mr. Ouellette to approve the Road Use Permit for July 5, 2021. Seconded by Mr. Brewer. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

#### **4. Discussion - Town Administrator Search**

Mr. Brewer indicated that the screening committee is in place, with Robert Daylor serving as Chair. The committee will work with search consultants from Community Paradigm to screen candidates. The company reported 17 applications in hand already, with about 20 submissions expected by deadline time. The screening committee will recommend six to eight candidates for interviews, scheduled week of June 21; recommendations of two to three finalists will be made by early July; BOS interviews can be held in mid-to-late July, allowing for a new hire to be made by Aug. 15. Ms. Shufelt asked if Mr. King would delay his July 8 retirement date by a few weeks, and he agreed to do so after meeting with BOS Chair to extend his employment agreement.

#### **5. Action Items**

a. Removal of Emergency Order for COVID Pandemic: The Chair indicated that the Emergency Order adopted by the BOS at the declaration of the pandemic needs to be lifted.

**MOTION** by Mr. Ouellette to rescind the Emergency Order, effective when the statewide State of Emergency ends. Seconded by Mr. Brewer. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye. Mr. Brewer noted that legislation is pending to allow boards to continue meeting remotely, or in hybrid meetings.

b. Approval of Conservation Restriction for the Pietrzyk Property at 439 Briggs Rd. Map 19, Parcel 36A: Westport Land Trust director Ross Moran reported that the Trust is buying the property, and will resell it to a farmer with an agricultural restriction in order to protect the land in perpetuity.

**MOTION** by Mr. Ouellette to approve the Conservation Restriction. Seconded by Mr. Brewer. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

c. Approval of Collective Bargaining Agreement with Westport Professional Firefighters Association Local 1802: Mr. King reported that a three-year agreement providing wage increases of 2.0 percent per year has been reached, with other minor modifications in terms of the contract.

**MOTION** by Mr. Ouellette to rescind the Emergency Order, effective when the statewide State of Emergency ends. Seconded by Mr. Brewer. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

d. Veterans Memorial Donations: Veterans Services Officer Carol Freitas reported receipt of donations from Bay Coast Bank \$15,000; Pauline & Sean Dooley \$100; American Legion Post 314 in Fall River \$1,500; Sylvan Nursery Inc. \$200; Richard & Janine Benevides in memory of Everett D. Benevides \$100.

**MOTION** by Mr. Ouellette to accept the donations as listed. Seconded by Mr. Brewer. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

e. Accept Donations for the Veterans Food Pantry – Valerie Butler \$50.

**MOTION** by Mr. Ouellette to accept the donation to the Veterans Food Pantry. Seconded by Mr. Brewer. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

f. Request for Town to take over streetlight – West Beach Road. Mr. King reported this was a streetlight discontinued by the town, and electricity billing taken over by neighborhood residents for the past several years. The residents are now asking the town to accept responsibility for paying for the light. West Beach Road resident Cathy Santori noted that the light is actually located at the town landing, at the entrance to Gooseberry Island, and said public safety would be compromised if the light was shut off. She noted the annual cost was just over \$222, and urged more police patrols to prevent nightly gatherings there. Resident Janet DiNardi and another resident noted problems with late night partying at the landing, apparent drug and alcohol use there, and said the light was important for public safety. A motion to have the town take over responsibility for the light had the second withdrawn; no vote. The Chair indicated Mr. King should seek police input on the light, number of complaints, and report back to the Board at the next meeting; she also asked for a check of signage regarding closing times for East Beach and Gooseberry Landing, and consultation with the Landing Commission.

## **6. Appointments and Resignations**

a. Notice of Conservation Commission Vacancy – Grace Greenwood.

**MOTION** by Mr. Ouellette to accept the resignation with regret, and to post the position in public for 30 days to solicit letters of interest. Seconded by Ms. Shufelt. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

b. Resignation of Kristin Lewis as part time Building Department Clerk.

c. Request to post PT Building Department Clerk position.

**MOTION** by Mr. Ouellette to accept the resignation with regret; and to post the position. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

d. Request to post for vacancy in the Treasurer/Collector's Office. Mr. King requested permission to revise the job description with the Treasurer/Collector's input; Susan Brayton told the board the positions in those departments are being combined, and will change over time. Permission was granted.

e. The Chair invoked the 48-hour rule for unanticipated business to discuss the appointment of lifeguard staff for town beaches.

**MOTION** by Mr. Ouellette to appoint Julia Vasconcellos as head lifeguard, and appoint nine individuals as listed as lifeguard staff. Seconded by Mr. Brewer. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.



## **7. Town Administrator Report**

Mr. King noted an invitation to the BOS to attending the Boy Scout Council of Honor ceremonies; suggested a meeting with the Finance Committee to discuss possible uses of American Rescue Act funds; reported that the management letter from the audit firm is not yet ready. He also provided a memo from KP Law regarding alcohol licensing regulations; noted the Recreation Dept. is starting movie nights on June 19; and indicated the Town Accountant has provided a list of accounts that may need year-end transfers. Mr. King also noted requests from federal legislators for a list of shovel-ready infrastructure projects that could be earmarked for Westport in the pending federal infrastructure aid bill; the Route 177 & Tickle Road roundabout and the culvert replacement for Drift Road at Kirby Brook were mentioned as likely candidates for that list; total cost estimated at around \$3 million.

## **8. Approve Minutes**

**MOTION** by Mr. Brewer to approve the minutes of the May 24, 2021 meeting with an amendment correcting the vote on Article 22 as 4-1, with only Mr. Valcourt opposed. Seconded by Mr. Ouellette. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

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

Ms. Boxler indicated that aside from the voiding of a duplicate check for \$65,000, all was in good order.

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

Ms. Boxler had no news to report; Mr. Brewer had no news to report, but noted that Bristol County has received about \$10 million in pandemic relief money and is seeking proposals for local grants. Mr. Ouellette indicated his committees are still working on fiber optic system expansion plan, and Route 6 projects. Ms. Shufelt said the School Building Committee was expecting some large change orders at the next meeting, but the school building project continues on time and on budget. She noted that Town Meeting approved the transfer of custody of the old high school to the BOS when it is vacated, and suggested a re-use committee be appointed to consider the building's future use or disposition.

## **11. Boards/Committees/Commissions Vacancy List** The existing vacancies were noted by the Chair.

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

## **13. Comments and Statements.** None.

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

- a. Discuss strategy with respect to collective bargaining unit, Labor Advantage for Workers (3).
- b. Discuss the Town Nurse Employment Agreement. (2)
- c. Discuss strategy with respect to litigation – Westport v. Steinke
- d. Approve Executive Session Minutes April 26, 2021. The Chair further indicated that the Board will return to public session only to adjourn the meeting.

**MOTION** by Mr. Ouellette at 7:52 p.m. to enter into executive session for the declared business. Seconded by Mr. Brewer. The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

**MOTION** to adjourn the executive session and return to open meeting.

**Adjournment of Regular Meeting**

**MOTION** by        at        p.m. to adjourn the public session. Seconded by        . The vote was 4-0 in favor by roll call. Boxler, aye. Brewer, aye. Ouellette, aye. Shufelt, aye.

Respectfully submitted,

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Robert Barboza  
Recording Clerk

APPROVED: Richard Brewer  
Richard Brewer, Clerk, Select Board Member