



**BOARD OF SELECTMEN
MINUTES
REGULAR MEETING**

Monday, June 21, 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

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

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

1. Acknowledgments & Recognitions

Passing of Lucy Tabit. The Chair noted the passing of longtime resident Lucy Tabit, the Board's Administrative Assistant and a former clerk for the Planning Board. She was an active participant in town government in many ways: as a member of the Cultural Council, and a recording clerk for many town boards. Ms. Shufelt noted that Mrs. Tabit was a dedicated, diligent professional who loved Westport and had continued her work for the town from her hospital bed for several months. BOH Chair Tanja Ryden praised Mrs. Tabit for the outstanding work she did for that board, and for the town in general. The appreciation ended with a moment of silence.

2. Licenses/Permits

Public Hearings

a. Request of Small Town Grill LLC, Christopher Cota Manager for a Year-Round Beer & Wine Alcoholic Beverage Pouring License at 778 Main Rd. (formerly Marguerites). Owner Christopher Cota and his attorney, Nicholas Soboleski, told the board the request was for a year-round Beer & Wine license, and detailed plans to train all service staff in TIP regulations. Mr. King noted a favorable review of the application by the police department; there was no public comment.

MOTION by Mr. Valcourt to approve the Year-Round Beer & Wine Alcoholic Beverage Pouring License for Small Town Grill. Seconded by Mr. Ouellette. The vote was 4-0-1 in favor with Ms. Boxler abstaining.

b. Action on Mullins Dog Incident and Hearing. The Chair noted there was a great amount of public input at the June 10 public hearing on the complaints, and indicated the Mullins' attorney had requested the Board defer action on the complaint. The dog owners are agreeing to keep the animals in confinement and were asking the Board visit the property before it voted; they also have secured professional obedience training for the dogs. A motion and a second to declare the dog Grizzly as a dangerous dog were withdrawn without a vote after considerable discussion.

MOTION by Mr. Brewer to declare both Grizzly and Bella as dangerous dogs. Seconded by Ms. Shufelt. The vote was 4-0-1 in favor, with Mr. Valcourt abstaining as he had not attended the hearing. Discussion followed on the Board's options for restraint and confinement actions under state law.

MOTION by Mr. Brewer to order that the two dogs be humanely restrained to the property, and be muzzled and held in restraint when off the premises. Seconded by Mr. Ouellette. The vote was 4-0-1 in favor, with Mr. Valcourt abstaining. Mr. Brewer noted that the Board cannot order obedience training for the animals, but strongly encouraged the owners to follow through on that promise.

No Public Hearing

c. Request for a Seasonal Trailer Permit – Averyl Andrade at 528 American Legion Highway. Mr. King reported that the site had met with approvals from the Board of Health and Conservation Commission; the Building Commissioner has also been asked to make a site visit. The Chair asked for clarification on whether a seasonal trailer permit was sought, or simply local approval for a state-issued farm labor camp permit. Ms. Andrade said the town trailer permit was sought as a temporary measure, as she and state officials were unable to get the Building Commissioner to visit the site despite repeated requests. The RV will be used to shelter employees protecting crops from deer and theft up to 24 hours per day, but there will be no permanent habitation, she explained.

MOTION by Mr. Valcourt to approve the seasonal trailer permit at 528 American Legion Highway (through Nov. 1, 2021). Seconded by Mr. Ouellette. The motion passed on a 4-1 vote, with Mr. Ouellette opposed.

Mr. King said he would visit the property with the Building Commissioner the next day in hopes of expediting the local approval needed so Ms. Andrade can obtain the state farm labor camp permit.

d. Request for a One Day Alcoholic Beverage License at 305 Hix Bridge Road on July 24, 2021 from noon-4 p.m. by Freemasons of Noquochoke Lodge.

MOTION by Mr. Valcourt to approve the One Day Alcoholic Beverage License for the Freemasons of Noquochoke Lodge for July 24, 2021. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

e. Request for Road Use Permit – Cystic Fibrosis Foundation.

MOTION by Mr. Valcourt to approve the Road Use Permit for the Cystic Fibrosis Foundation for July 24, 2021, subject to police department recommendations. Seconded by Mr. Brewer. The motion passed on a 5-0 vote.

3. Appointments and Resignations

MOTION by Mr. Valcourt to make the following appointments: Timothy King as Town Administrator through 9/10/21; James K. Hartnett, Assistant Town Administrator for Planning through 6/30/21; Brian R. Legendre, Emergency Management Director, through 6/30/24; Raymond W. White, Sealer of Weights & Measures through 6/30/24; Christopher Leonard, Parking Enforcement Officer through 6/30/24; and one year appointments (through 6/30/22) of Ronald Costa, Citizen for Citizens representative; Ralph G. Souza, Building Commissioner; William Plamandon, Roland Charron and Dane R. Winship as Assistant Wire Inspectors; Paul Burke, Alternate Per Diem Wiring Inspector; Joseph Ferreira, Head Plumbing & Gas Inspector; Jason Camara, Assistant Plumbing & Gas Inspector; Samuel Ferreira, Alternate Per Diem Plumbing & Gas Inspector; John Enloe, Cross Connection Surveyor/Backhoe Device Tester; Lt. John Couto, Sworn Liquor Licensing Agent to Board of Selectmen. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

MOTION by Mr. Ouellette to make the following Miscellaneous Appointments: Timothy J. King, Chief Procurement Officer; James K. Hartnett, Chief Procurement Officer (Alternate to TA); Timothy J. King, Affirmative Action Officer; James K. Hartnett, Affirmative Action Officer (Alternate to TA); Timothy J. King, National Organization on Disability Representative; James K. Hartnett, National Organization on Disability Representative (Alternate to TA); Carrie Fontaine, Municipal Census Supervisor/Assistant Registrar; Brian R. Legendre, Municipal Coordinator of the “Right to Know” Law. Seconded by Mr. Valcourt, the vote was 5-0 in favor.

MOTION by Mr. Ouellette to make the following appointments: Richard Brewer, (BOS Rep) Bristol County Advisory Board; and Steven J. Ouellette, Railroad Commissioner. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

MOTION by Mr. Valcourt to make the following committee appointments: ADA Transition Committee through 6/30/22 – Brian Gallagher and Anders Newcomer, COD Reps; Gary Carreiro and Cynthia Brown, FinCom Reps; Richard Brewer and Ann E. Boxler, BOS Reps; Supt. Tom Aubin, School Dept. Rep; Michelle Orlando, School Committee Rep; Audit Committee through 6/30/24 – Richard W. Brewer, BOS Rep; Michelle Orlando, School Committee Rep; and Cynthia Brown. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

MOTION by Mr. Ouellette, seconded by Mr. Brewer, to make the following appointments: Beach Committee - Leone Farias and Wilfred St. Michel, through 6/30/22; Bike & Walking Path Committee – Gail Rodrigues, Bette Low, Keith McDonald, and Steven J. Ouellette, through 6/30/22; Zoning Board of Appeals – Raymond Elias, alternate, through 6/30/22; Buzzards Bay Action Committee – Brian Valcourt (BOS), James K. Hartnett (Alternate to TA); Cable Advisory Committee – Steven J. Ouellette, James LaBelle Sr., Robert J. Oliveira, Robert Daylor (Planning Board Rep), Melissa Pacheco (School Committee Rep), Donald T. Krudys, Irene Buck, through 6/30/22. The vote was 5-0 in favor.

MOTION by Mr. Valcourt to make the following appointments to the Camping Ground Development Committee, through 6/30/22: Brian T. Valcourt (BOS), James K. Hartnett (Planning Board Rep), Cynthia Brown (FinCom Rep), Martin Costa and Jeffrey Wade (At Large), and David Cass. Seconded by Mr. Ouellette, the motion passed on a 5-0 vote.

MOTION by Mr. Valcourt to dissolve the Camping Ground Use Committee. Seconded by Mr. Ouellette, the motion passed on a 5-0 vote.

MOTION by Mr. Ouellette to make the following appointments to the Capital Improvement Planning Committee: Timothy King, Town Treasurer Susan Brayton, James K. Hartnett (Alternate to TA), Town Accountant Theresa Provencal, Assessor's Rep Theodora Gabriel, Banking & Finance Rep Muriel Kokoszka, Richard Brewer (BOS) and Brian Valcourt, Construction Rep, for terms through 6/30/22; to the Commission on Disability, through 6/30/24 – Anders Newcomer, Kim Legendre, Martin W. Costa, and Richard Grundy; and to the Community Preservation Committee, through 6/30/24 – Dale Webber, John C. Bell, Betty Slade (at large), and Mark Schmid (Planning Board). Seconded by Mr. Valcourt, the motion passed on a 5-0 vote.

MOTION by Mr. Valcourt to appoint Burton B. Bryan and Jacob McGuigan to the Conservation Commission and Soil Conservation Board through 6/30/24. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

MOTION by Mr. Ouellette to make the following appointments: Eric Stubbart as Constable through 6/30/22; Ann Boxler to the Council on Aging through 6/30/22; Carol Bonnar, Rob DelGaudio and Midori Evans to the Cultural Council through 6/30/24; as Economic Development Task Force members Maurice May, Benjamin Wolbach, Elizabeth Collins, Manuel Soares (Planning Board Rep), Steven J. Ouellette (BOS Rep), and James K. Hartnett (Alternate TA) through 6/30/22; as Education Fund Committee members – David Vieira (at large), Tracy Priestner (FinCom Rep), and Thomas Aubin (School Supt.) through 6/30/22; Brian Valcourt (BOS) to the Energy Commission through 6/30/22; and as Harbor Advisory Committee members, Milton B. Adams, John Azevedo, John W. Borden Jr., Edward Carey, and Alexander Preston, through 6/30/22. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

MOTION by Mr. Ouellette to appoint as Assistant Harbormasters: Richard B. Earle, Asa Beaumont Mills, Ransom Morse, Jonathan Paull, James Perry, Gary A. Tripp, Glenn Tripp, Joshua Mosher, and Richard Hart (Non-Paid Volunteer), through 6/30/22. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

MOTION by Mr. Valcourt to dissolve the Parking Permit Task Force. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

MOTION by Mr. Ouellette to appoint the following Reserve Police Officers through 6/30/22: Scott Algarvio, Michael R. Martin Jr., Anthony Cestodio, Scott Raudonaitis, Brian D. Souza, Eric Vanesse, Francois Napert, Julius Rosario, Cody Silva, Samuel Teixeira, Michael Kelly, Keith J. Novo, Michael R. Roussel, David Simcoe, Sean Manning, Stephen D. Kovar, Tyler Oliveira, Richard J. Rodrigues, Amy Lynn Smiddy, and Samantha Maguire. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

MOTION by Mr. Ouellette to dissolve the Police Station Building Committee. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

MOTION by Mr. Valcourt to appoint as Public Safety Staffing Committee members: Richard Brewer, Hugh Morton (FinCom Rep), Police Chief Keith A. Pelletier, and Fire Chief Brian Legendre, through 6/30/22; as Public Weighers, Ana Hubright, Mark Gitlin, Abraham Melendez, Chris Kessing, Leonardo Reis, and Amanda Mills, through 6/30/22; as Public Weighers at Excel Recycling, Scott Smith, and Charlene Garcia, through 6/30/22; as Public Weighers at A & E Metals, Erica Abate, Paulo Chaves, Kayleigh McConnell, Amber Abate, and Shane Silva, through 6/30/22; as Recreation Commission members, Rebecca Leverett, Erik Reis, and Renee Dufour, through 6/30/22; as Safety Regulation Board members, Christopher Gonsalves (Highway Surveyor) and Steven J. Ouellette (BOS); and as Shellfish Advisory Committee members, through 6/30/22, John W. Borden, Dora Atwater Milliken, Ronald Savaria, Richard Smith, and Kenneth Manchester. Also, to appoint Gary Tripp as Deputy Shellfish Constable, through 6/30/22; Steven J. Ouellette as the BOS Rep to SRPEDD and Richard Brewer as BOS Rep to SRTA, for the years 2021 and 2022; and as Tax Incentive Program Committee members, through 6/30/22, Steven J. Ouellette (BOS), Sue Ann McDermott (Assessors), Susan Brayton (Town Treasurer), Charles Baron (FinCom), Cynthia Brown, and Manuel Soares. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

MOTION by Mr. Ouellette to appoint Henry Lanier to the Westport Affordable Housing Trust, through 6/20/23; and to the Westport Citizen's Betterment Committee, through 6-30/22, Shirley Desrosiers, Patricia Kershaw, Leone Farias, and Peter Berube. Seconded by Mr. Brewer. The vote was 5-0 in favor.

4. Discussion

a. East Beach Food Trailer – Patty Garcia. Mr. King provided recommendations from the Beach Committee and the police department; he recommended denial of the request due to the potential adverse impact on public safety due to the location. There was general agreement among Board members that they would not support the request.

b. Drift Road Culvert at Kirby Brook. Mr. King indicated that the engineer's review was completed, and the firm recommended the culvert be replaced. He said he provided details and estimates to federal legislators, who have filed earmarks for project funding in the pending federal infrastructure aid bill.

c. American Recovery Act Funds Update. Mr. Brewer reviewed figures for aid and grants from three sources: CARES Act grants, with up to \$1.4 million expended by various departments for COVID-19 measures and supplies; American Rescue Plan Act funds, with approximately \$1.6 million available to the town for allowable uses such as infrastructure projects, pay for essential employees, and aid to affected businesses and individuals; and \$90 million in funds being held by county commissioners, to be shared by communities in the county. He recommended a subcommittee of two Select Board members and two Finance Committee members be appointed to plan applications for the ARPA funds, and meet within the next 30 days to start that planning. He noted that the county commissioners have not yet made decisions on spending policies for the \$90 million coming to the county. Mr. Brewer and Mr. King volunteered to

work with the Finance Committee on priority projects for ARPA funding. BOH Chair Tanja Ryden asked that the Board to consider taking input from other town boards on those spending priorities.

5. Action Items

a. Veteran's Memorial Donations through Veterans Services Office: William R. Saccone & Roseanne M. Saccone in honor of William R. Saccone, USMC, \$100; Westport River Gardeners, \$500; Richard & Barbara Brewer in memory of Col. John H. Brewer, \$75.

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

b. Request for Town to take over streetlight – West Beach Road. Mr. King reported that the police department was in favor of the Town maintaining a streetlight at Horseneck Landing; the Landing Commission member he contacted felt the light was not needed.

MOTION by Mr. Ouellette for the Town to take over the streetlight at Horseneck Landing. Seconded by Mr. Valcourt. The vote was 5-0 in favor.

c. Request for FY2021 Budget Transfers.

1. Council on Aging \$5,000 Personnel Van Drivers to Council on Aging for Heat & Electricity

2. Board of Assessors \$5,000 Clerk Part Time to Board of Selectmen for Clerk Part Time

3. Treasurer Misc. Charges & Expenses \$5,000 to Town Hall Annex for Electricity

4. Board of Assessors \$300 Clerk Part Time to Zoning Board of Appeals Clerk Part Time

5. Waterline \$2,500 Engineering to Waterline Clerk Part Time

6. Elections \$3,000 Assistant Department Head to Elections Printing (48 Hour Rule)

7. Town Clerk \$1,300 Assistant Department Head to Office Supplies (48 Hour Rule)

Mr. King suggested that the requests were all necessary and reasonable, and recommended approval.

MOTION by Ms. Shufelt to approve the transfers as requested. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

d. Request for Waiver of No Parking Rules on Aug. 7, 2021 on Atlantic Avenue for the Elephant Rock Beach Club.

MOTION by Mr. Valcourt to approve the waiver, subject to following of police department recommendations. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

e. Request for Signs on Town Beach Property on Beach Avenue – Brian Corey. Mr. King indicated that problems with trespassers had prompted the property owner to request additional signage marking town property boundaries.

MOTION by Mr. Valcourt to approve the posting of new signs identifying the town beach property on Beach Avenue. Seconded by Mr. Ouellette. The vote was 5-0 in favor.

6. Town Administrator Report

Mr. King reported that the installation of a new electric vehicle charging station was underway, and noted the passage of legislation allowing public boards to conduct remote or hybrid in-person meetings through April 1, 2022. He also reported the receipt of a draft management letter from the audit consultant, to be distributed to Board members for review before the next meeting; and noted an offer from Charter Communications to help the town with expansion of broadband service. He also reiterated the submission of the Drift Road culvert replacement project to federal legislators for earmarks in pending federal aid bill.

7. Approve Minutes

MOTION by Mr. Brewer to approve the minutes of the June 5, 2021 meeting. Seconded by Mr. Ouellette. The vote was 4-0-1 in favor with Mr. Valcourt abstaining.

8. Report on Bill Warrant

Ms. Boxler reported the large warrant was reviewed and signed.

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

Mr. Brewer asked if the Public Safety Staffing Committee needs to continue. Mr. Ouellette noted that the town Farmer's Market is now open on Saturdays, and that the Cable Advisory and Bike/Walking Path Committee are working on current projects. Mr. Valcourt reported that the Energy Committee will be working on projects to be funded through the energy grant revolving fund authorized by the Annual Town Meeting. He said the committee expects the town to receive between \$80,000 and \$200,000 per year in grant funds through the Green Communities program. Ms. Boxler reported on the recent COA meeting. Ms. Shufelt said she missed the last School Building Committee meeting, but expects the the school building project continues to proceed smoothly.

10. Boards/Committees/Commissions Vacancy List

There are many current vacancies on boards and commissions, the Chair noted.

11. Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting. Items #6 and #7 as noted in 5c, requests for transfers.

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 Administrator Employment Agreement. (2)
- c. Discuss the Assistant Town Administrator/Town Planner Employment Agreement
- d. Discuss the Marijuana Host Agreement – Coastal Healing
- e. Approve Executive Session Minutes May 27, 2021.

The Chair further indicated that the Board will return to public session only to adjourn the meeting.

MOTION by Mr. Ouellette at 7:50 p.m. to enter into executive session for the declared business. Seconded by Mr. Valcourt. The vote was 5-0 in favor by roll call. Brewer, aye. Ouellette, aye. Shufelt, aye. Valcourt, aye. Boxler, aye.

MOTION by Mr. Valcourt at 8:25 p.m. to return to open session. Seconded by Mr. Ouellette. The vote was 5-0 in favor by roll call. Brewer, aye. Ouellette, aye. Shufelt, aye. Valcourt, aye. Boxler, aye.

Adjournment of Regular Meeting

MOTION by Mr. Valcourt at 8:27 p.m. to adjourn the meeting. Seconded by Mr. Ouellette. The vote was 5-0 in favor by roll call. Brewer, aye. Ouellette, aye. Shufelt, aye. Valcourt, aye. Boxler, aye.

Respectfully submitted,

Robert Barboza
Recording Clerk

APPROVED: _____


Richard Brewer, Clerk, Select Board Member