



BOARD OF SELECTMEN REGULAR MEETING MINUTES

Monday, Sept. 27, 2021

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. The Chair read the notice advising the public that the meeting was being recorded. The meeting commenced with the Pledge of Allegiance.

1. Acknowledgments & Recognitions

The Chair noted the recent passing of William Harkins, a former member of the Board of Health who was also very active with local veterans' organizations for many years. Mr. Brewer recognized him as a U.S. Army veteran who he had worked with on various projects, and offered his condolences to the family.

2. Covid Update

The Chair read the highlights of the Covid-19 update provided by the Board of Health, indicating 143 new cases reported in the period between Sept. 1 and Sept. 27, including 38 new cases in the past week. The virus was responsible for the deaths of two Westport residents; the number of positive test results for residents has climbed to 1,182 persons. The state reports that 67 percent of residents are partially or fully vaccinated. The full update is available on the Board of Health web page, along with information on an upcoming flu vaccine clinic. The BOH continues to recommend the wearing of masks in public indoor spaces when proper social distancing cannot be maintained; a mask requirement remains in place for all town buildings.

6:05 pm

3. Licenses/Permits.

Public Hearings

a. Request from Verizon/NSTAR for the location of a utility pole across from 1165 Drift Road. Mr. Hartnett provided details on Verizon/NSTAR's application to locate a utility pole across from 1165 Drift Road to support a leaning utility pole on the opposite side of the road, and recommended approval of the request. Abutter Judy Pemstein of 1148 Drift Road provided the Board with photographs of the proposed location, and expressed her opposition to the site. She suggested the location would negatively impact the scenic view of nearby conservation land, and noted it is the site of frequent motor vehicle accidents in winter time when vehicles skid off the paved surface when trying to negotiate the curve in the road. Mr. Valcourt said the current pole is leaning over the roadway because of tension from

overhead wires, creating a dangerous situation, and the proposed support pole is an appropriate remedy to the common problem. A motion and second to invite a utility company representative to the Oct. 12 meeting to discuss the application were withdrawn due to the arrival of a Verizon/NSTAR representative who confirmed that overhead wire tension is the cause of the problem, and said that the support pole is needed to remedy the situation.

MOTION to approve the new pole location application by Mr. Valcourt. Seconded by Mr. Ouellette. The motion passed on a 5-0 vote.

4. Appointments and Resignations

a. Request to appoint Thomas Peirce to the Cultural Council

MOTION by Mr. Valcourt to approve the appointment of Thomas Peirce to the Cultural Council. Seconded by Mr. Ouellette. The motion passed on a 5-0 vote.

b. Request to appoint Thomas Schmitt to the Capital Improvement Planning Committee and the Long Term Building Committee (Finance Committee Designee)

MOTION by Mr. Valcourt to approve the appointment of Thomas Schmitt to the Capital Improvement Planning Committee. Seconded by Mr. Ouellette. The motion passed on a 5-0 vote.

c. Request of the Police Chief to Re-Appoint Jeremy Dellecese to Full Time Police Officer

MOTION by Mr. Ouellette to approve the appointment of Jeremy Dellecese as a Full Time Police Officer. Seconded by Mr. Valcourt. The motion passed on a 5-0 vote.

d. Resignation of Rebecca Priest from the Westport Free Public Library

Mr. Hartnett noted that Ms. Priest was recently appointed to a position in the Building Department, and was resigning her library position to avoid a conflict of interest.

MOTION by Mr. Valcourt to accept the resignation of Rebecca Priest from the library staff, and send a letter of regret. Seconded by Mr. Ouellette. The motion passed on a 5-0 vote.

e. Resignation of Peter Borden from the Zoning Board of Appeals

MOTION by Mr. Ouellette to accept the resignation of Peter Borden from the Zoning Board of Appeals, and send a letter of regret. Seconded by Mr. Valcourt. The motion passed on a 5-0 vote.

f. Request to appoint Alternate Raymond Elias to Regular Member of the Zoning Board of Appeals

ZBA Chair Roger Menard took the opportunity to thank Mr. Borden for his years of service on the board, and noted Mr. Elias had volunteered to serve as a regular member after years of faithful service as an alternate. Mr. Menard noted that the ZBA is now in immediate need of two alternate members, and requested approval to allow remote participation by current members at their October meeting.

MOTION by Mr. Valcourt to appoint Raymond Elias as a regular member of the Zoning Board of Appeals. Seconded by Mr. Ouellette. The motion passed on a 5-0 vote.

MOTION by Mr. Valcourt to authorize remote participation at ZBA meetings until the appointment of new alternate members. Seconded by Mr. Ouellette. The motion passed on a 5-0 vote.

g. Select Board member appointment to the Long Term Building Planning Committee

MOTION by Mr. Ouellette to appoint Brian Valcourt as the Select Board representative on the Long Term Building Planning Committee. Seconded by Mr. Brewer. The motion passed on a 5-0 vote.

h. Accept resignation of Theresa Provencal and approve posting of Town Accountant Position

Mr. Hartnett indicated that after many years of service as Town Accountant, Ms. Provencal would be leaving her current position at the end of October to accept a similar post in Somerset.

MOTION by Mr. Ouellette to accept the resignation of Theresa Provencal as Town Accountant. Seconded by Mr. Valcourt. The motion passed on a 5-0 vote.

The Chair suggested this would be a good time to review the job description for the Town Accountant. Board members agreed that the Town Administrator and Town Treasurer should be asked to provide that review, and recommend changes in the job description.

5. Discussion

a. Board of Registrars

The Chair reported that town counsel had indicated that the Republican Town Committee's recommended candidate for appointment to the Board of Registrars was not eligible to serve as he was not an enrolled member of the Republican Party. Town counsel further advised that current Registrars Arthur Caesar and Elizabeth Collins were not eligible to serve as elected officials are not allowed to be appointed to the board. The Chair indicated that both Mr. Caesar and Ms. Collins are automatically considered to have vacated their positions, and will be notified of that determination by letter. The vacated positions leave the Town Clerk as the sole remaining member of the Board of Registrars. She noted that by state law, the Select Board must appoint at least one Democrat and one Republican as Registrars as representatives of the leading parties in the state; the third appointee may be from either party. Recommendations for appointments will be solicited from the Democratic and Republican Town Committees; town counsel recommends the Select Board return to the policy of making staggered terms for such appointments, as also required by state law.

6. Action Items

a. Approval of Agreement for Algae Control and Watershed Management between the City of Fall River, the Town of Tiverton, RI and the Town of Westport.

Mr. Valcourt noted that a copy of the agreement for study of the algae bloom problems and remediation recommendations was provided in the meeting package, and pointed out that the agreement does not require any monetary obligations from the town thanks to grant funding. He indicated that pollution problems have been increasing for many years due to a lack of monitoring or discovery of possible pollution sources. He believes the interstate nature of the agreement will help participating communities secure federal funding for remediation options. Mr. Hartnett indicated that the initial work will be funded by a \$100,000 donation by BayCoast Bank, and further funding will be provided by a \$50,000 earmark in the state budget secured by Rep. Schmid and Sen. Rodrigues. He recommended approval of the agreement.

MOTION by Mr. Valcourt to approve the Agreement for Algae Control and Watershed Management between the City of Fall River, the Town of Tiverton, RI and the Town of Westport. Seconded by Mr. Ouellette. The motion passed on a 5-0 vote.

b. Accept Donations for the Westport Council On Aging from Equipment Loans \$190, Best Use \$5385, Emergency Food \$20, In Memory of Irene Moniz \$200, In Memory of Anne Pietruska \$50, In Memory of Lillian Valcourt \$50, Outreach Training \$5, Hospitality \$39, Westport Cultural Council \$1175, & Friends of Westport Council on Aging \$10 totaling \$7124.

MOTION by Mr. Valcourt to accept the donations to the Westport Council on Aging from the contributors as listed. Seconded by Mr. Ouellette. The motion passed on a 5-0 vote.

c. Accept Donation for the Westport Landing Commission from Power and Grace Yoga LLC \$400

MOTION by Mr. Brewer to accept the donation for the Westport Landing Commission from Power and Grace Yoga LLC. Seconded by Mr. Ouellette. The motion passed on a 5-0 vote.

d. Preliminary approval of Licenses (Motor Vehicle Classes I, II & III, Garage/Service Station-Repair, All Alcohol and Wine & Malt Licenses for Package Stores, Restaurants, Veterans Club, Inn Holders, Hotels and Clubs, Pouring Permits-Farmers Series, Common Victualer's Licenses, Entertainment and

Automated Amusement Licenses) see attached list “2022 Annual Renewal of Licenses issued in Westport”.

The Chair indicated that the list provided was for preliminary approvals, subject to all required filings and conditions being met by the applicants. Applicants with outstanding issues or a history of past concerns will be invited to a future meeting with the Board. Ms. Boxler read the list of preliminary approvals without issues to be addressed.

MOTION by Mr. Valcourt to approve the provisional renewal list with holds as indicated, upon receipt of proper applications filed by applicants. Seconded by Mr. Ouellette. The motion passed on a 5-0 vote.

e. Approve ARPA expenditures for Board of Health

MOTION by Mr. Ouellette to approve the list of Board of Health requests for ARPA expenditures as listed in the meeting package, not to exceed the spending limits indicated on the list. Seconded by Mr. Valcourt. The motion passed on a 5-0 vote.

7. Town Administrator Report

Mr. Hartnett reported that Municipal Communications II, LLC has filed an appeal to the Decision of the Zoning Board of Appeals denying the proposed 150’ monopole communication tower to be located at 67 Masquesatch Road. Mr. Menard noted that appeals have been filed in both state and federal courts. The Town’s Energy Manager has filed the Town’s application for the 2021 Green Communities Competitive Grants requested to continue lighting upgrades to various Town buildings. Mr. Hartnett also reported that work on the 2020 Annual Report is continuing, and should be completed by the end of October, and the receipt of a letter of praise from a Westport resident thanking the Fire Department and Harbormaster for their assistance with a medical emergency on August 30, 2021. Mr. Hartnett also advised the Board that the town has been notified that Michael Ferry has submitted an application to the Mass. Department of Agricultural Resources for a Preservation Restriction (APR) on land located off Mouse Mill Road. Monthly reports from Marine Services and the Council on Aging were also provided.

8. Approve Minutes - September 13, 2021

MOTION by Mr. Brewer to approve the minutes of the Sept. 13, 2021 Select Board meeting as submitted. Seconded by Mr. Valcourt. The motion passed on a 5-0 vote.

9. Report on Bill Warrant

Ms. Boxler reported no issues with the latest bill warrant.

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

Mr. Brewer noted that the auditor has requested a remote meeting with the Select Board to discuss the audit report. Mr. Ouellette reported that the Route 6 project planning study is underway, and the Bike/Walking Path Committee is planning a connection to the Dartmouth bike path. He also suggested a meeting with state DCR representatives to get more information on the closure of the Horseneck Beach campground for improvements. Mr. Valcourt announced plans for a Campground Committee meeting in early October; the Energy Committee continues making plans for new projects for the next fiscal year. Ms. Boxler indicated that the COA, Master Plan Update Committee, and Affordable Housing Trust are all interested in plans for the now vacant junior/senior high school. Ms. Shufelt reported that minor work continues on the new school, still significantly under budget. She noted that School Building Committee Co-Chair Dianne Baron has resigned, and recognized Mrs. Baron’s tremendous contributions to that committee over the past several years; School Committee member Tony Viveiros

has been elected the new co-chair of that committee. Ms. Shufelt also noted that the next Select Board meeting will be held on Tuesday, Oct. 12 because of the holiday that week.

11. Boards/Committees/Commissions Vacancy List

The Chair noted the numerous vacancies on town boards and committees on the current list.

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), Chair declared an open meeting will have a detrimental effect to:

- a. Discuss strategy with respect to collective bargaining Westport Police Assn.
- b. Approve Executive Session Minutes – September 13, 2021
- c. Discuss strategy with respect to litigation – East Beach Improvement Association, Inc. v Town of Westport et al.
- d. Discuss strategy with respect to Board of Health Directors Contract

MOTION by Mr. Ouellette at 7:11 p.m. to enter into Executive Session for the stated reasons.

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

Adjournment

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

MOTION by Mr. Ouelette to adjourn the meeting at 8:23p.m. Seconded by Mr. Valcourt. Motion passed 5-0 on a roll call vote: Brewer, aye; Ouellette, aye; Valcourt, aye; Boxler, aye; Shufelt, aye.

Respectfully submitted, Robert Barboza, Recording Clerk

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