



**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
WESTPORT TOWN HALL
816 MAIN ROAD, WESTPORT, MA
MONDAY, DECEMBER 6, 2021**

Members Present: Shana M. Shufelt, Chair
 Richard W. Brewer, Clerk
 Ann Boxler
 Brian Valcourt

Member not Present: Steven Ouellette

Also Present: James Hartnett, Town Administrator

Select Board Chair Ms. Shana Shufelt called the meeting to order at 6:00 pm in the Westport Town Hall, 2nd floor meeting room, 816 Main Road, Westport, MA.

6:00 pm The meeting commenced with the Pledge of Allegiance

Chair's Announcement: The Chair announced that under the provisions of MGL Chapter 30A, section 20(f), the meeting is being recorded.

1. Acknowledgments & Recognitions

The Chair acknowledged Gerry Coutinho for his 50 years of volunteer service to the town, Mr. Coutinho has volunteered for many town boards over the years beginning with the Housing Authority in 1979, and for the past 37 years; currently serving on the Zoning Board of Appeals. Thanks and praise for his efforts were also provided by Mr. Menard; Chairman of the Zoning Board of Appeals, Ms. Freitas; Veterans Agent, Mr. Brewer, Mr. Valcourt and Ms. Boxler. .

2. Covid Update

Ms. Ryden noted that from 12/1 – 12/5 there were 45 new cases, for a total of 2,210 Cases in town. Positivity Rate is at 6.82%, currently there are two hospitalizations. 229 Vaccines were given at the December 3, 2021 Vaccine Clinic, mostly booster shots. Ms. Ryden emphasized safety protocol as the Omicon Variant is upon us.

3. Public Hearings

6:05 p.m.

a. Pole Hearing

Request from National Grid for the installation of utility poles after 45 Narrow Ave. Poles to be numbered 45-47, poles are being installed for a new home off of Narrow Ave. Massachusetts Electric Company Plan No. 30159430 – Dated October 19, 2021.

MOTION by Mr. Valcourt to approve the National Grid installation of utility poles after 45 Narrow Ave. Poles to be numbered 45-47, poles are being installed for a new home off of Narrow Ave. Massachusetts Electric Company Plan No. 30159430 – Dated October 19, 2021. Second by Mr. Brewer. The vote was 4-0 in favor.

b. Tax Classification Hearing

Pursuant to MGL Ch. 40 Section 56, discussion with Assessors for the percentage of local tax levy to be borne by each class of property for Fiscal Year 2022.

Steven Medeiros, chairman of the Board of Assessors was present to address the Board. Mr. Medeiros reviewed the different tax rates and recommended the same tax rate for both residential and commercial properties. Because 92% of the tax base is residential any change would have minimal impact on the residential properties but would have a significant impact on the businesses.

MOTION by Mr. Valcourt voted to approve a single tax rate (factor of 1), seconded by Mr. Brewer. The vote was 4-0 in favor.

6:15 p.m.

Request from the Beach Committee to raise the Beach Pass Fee from \$30.00 to \$35.00.

MOTION by Ms. Boxler to approve the Request from the Beach Committee to raise the Beach Pass Fee from \$30.00 to \$35.00 seconded by Mr. Valcourt, the vote was 3-0 in favor. Ms. Boxler was not present for this vote.

4. Licenses/Permits

- a. Request from Amanda Alcaldinho from 3 GenLove LLC for a one day liquor license (just wine) on December 10, 2021 from 5pm-9pm for a Sip & Shop Event at 645A State Road.

MOTION by Mr. Valcourt to approve the request from Amanda Alcaldinho from 3 GenLove LLC for a one day liquor license (just wine) on December 10, 2021 from 5pm-9pm for a Sip & Shop Event at 645A State Road, seconded by Ms. Boxler. The vote was 4-0 in favor.

- b. Approve the Renewal of the Class II License for Sue's Auto Sales, 585 State Road. Hartnett stated that this was a new license that was not on the previously approved preliminary renewal list.

MOTION by Mr. Valcourt to Approve the Renewal of the Class II License for Sue's Auto Sales, 585 State Road, seconded by Ms. Boxler. The vote was 4-0 in favor.

- c. Request to approve the change of Manager of the W. A. & R. Ouellette Post 8502, VFW from George Santos to Brian Beaulieu.

MOTION by Mr. Valcourt to approve the request from the W. A. & R. Ouellette Post 8502, VFW to change the manager from George Santos to Brian Beaulieu, seconded by Mr. Brewer. The vote was 4-0 in favor.

- d. Request from the Acoaxet Club to change their hours from Monday 12Noon – 10:30pm, Tuesday 12Noon – 3:00pm and Wednesday – Sunday 12Noon – 10:30pm to Monday through Thursday 12Noon – 11:00pm and Friday, Saturday and Sunday 12Noon – 12am (midnight).

MOTION by Ms. Boxler to approve the request from the Acoaxet Club to change their hours from Monday 12Noon – 10:30pm, Tuesday 12Noon – 3:00pm and Wednesday – Sunday 12Noon – 10:30pm to Monday through Thursday 12Noon – 11:00pm and Friday, Saturday and Sunday 12Noon – 12am (midnight), seconded by Mr. Brewer. The vote was 4-0 in favor.

- e. Request from the Acoaxet Club to change their Slate of Officers: President Stephen Carney, Vice President John "Jay" Mercer, Treasurer Matthew Forbes and Clerk Rebecca Merchant. Also, Directors Michelle Carney, Peter Briggs, Duncan Law, Sarah McNeil, Sean Mullaney, Alicia Patterson, Peter Rosenfeld, Jill Tate, Andrew Wheeler & Jonathan Mongie.

MOTION by Mr. Brewer to approve the Request from the Acoaxet Club to change their Slate of Officers: President Stephen Carney, Vice President John "Jay" Mercer, Treasurer Matthew Forbes and Clerk Rebecca Merchant. Also, Directors Michelle Carney, Peter Briggs, Duncan Law, Sarah McNeil, Sean Mullaney, Alicia Patterson, Peter Rosenfeld, Jill Tate, Andrew Wheeler & Jonathan Mongie, seconded by Mr. Valcourt. The vote was 4-0 in favor.

5. **Discussion**

- a. Request from Staff to hold their Annual Christmas Luncheon on Monday, December 20, 2021, they are requesting to close the Town Hall and the Annex for an hour.

MOTION by Mr. Valcourt to approve the Request from Staff to hold their Annual Christmas Luncheon on Monday, December 20, 2021, they are requesting to close the Town Hall and the Annex for an hour, seconded by Mr. Brewer. The vote was 4-0 in favor.

6. **Appointments and Resignations**

- a. Request by the Zoning Board of Appeals to increase the membership of the Climate Resiliency Committee and appoint Constance Gee as the Zoning Board Representative and Ray Elias as an alternate member.

MOTION by Mr. Valcourt to approve the Request by the Zoning Board of Appeals to increase the membership of the Climate Resiliency Committee and appoint Constance Gee as the Zoning Board Representative and Ray Elias as an alternate member, seconded by Mr. Brewer. The vote was 4-0 in favor.

- b. Request by the School Committee to appoint Melissa Pacheco to the Capital Improvement Planning Committee.

MOTION by Mr. Valcourt to approve the Request by the School Committee to appoint Melissa Pacheco to the Capital Improvement Planning Committee, seconded by Mr. Brewer. The vote was 4-0 in favor.

- c. Request to appoint Craig Dutra to the Affordable Housing Trust.

MOTION by Mr. Valcourt to approve the request Craig Dutra to the Affordable Housing Trust, seconded by Mr. Brewer. The vote was 4-0 in favor.

- d. Request from Matthew Armendo, Board of Health:

- to appoint John Borges as a seasonal/temporary attendant at the Transfer Station.
- to appoint Cynthia Lima as a seasonal/temporary Public Health Nurse

MOTION by Mr. Valcourt to approve the request from Matthew Armendo to hire John Borges as a seasonal/temporary attendant at the Transfer Station, and Cynthia Lima as a seasonal/temporary Public Health Nurse, seconded by Mr. Brewer. The vote was 4-0 in favor.

- e. Request by Town Administrator to appoint Nicole Pearsall as the Town Accountant subject to an employment agreement.

Mr. Hartnett noted after advertising on several outlets and interviewing three candidates, he highly recommends Ms. Pearsall; her 17 years of experience combined with her institutional

knowledge, makes her the best candidate for the job. Mr. Brewer agreed with Mr. Hartnett, Sue Brayton conquered stating she's what we really need at this time. Ms. Shufelt noted she has some reservations, however Ms. Pearsall has really stepped up to the plate with her irreplaceable knowledge, the auditors have all said good things as well as the consultant. She noted that there have been some employee issues in the past and that Constance Gee had sent a letter in strong opposition to the appointment of Ms. Pearsall that she wanted read publically at this meeting, however after talking with Council she will not be reading the letter. .

MOTION by Mr. Brewer to approve the request by the Town Administrator to appoint Nicole Pearsall as the Town Accountant subject to an employment agreement, seconded by Mr. Valcourt. The vote was 4-0 in favor.

- f. Request to post the Assistant Town Accountant Position.

Ms. Shufelt recommended prior to posting that the job description be reviewed, Ms. Brayton suggested to post and advertise at the same time, subject to union approval.

MOTION by Mr. Valcourt to approve the request to post the Assistant Town Accountant Position, seconded by Mr. Brewer, The vote was 4-0 in favor.

- g. Request to appoint Kimberlee Garcia as new Principal Clerk in the Tax Collector's Office.

MOTION by Mr. Brewer to approve the request to appoint Kimberlee Garcia as new Principal Clerk in the Tax Collector's Office, seconded by Mr. Valcourt. The vote was 4-0 in favor.

7. **Action Items**

- a. Request to accept the following donations from the Council Aging for the period of September 28, 2021- November 16, 2021. Best Use \$120, Emergency Food \$15, Outreach Training \$50, and Tech Class \$70 totaling \$255.00.

MOTION by Mr. Valcourt to accept the donations from Best Use \$120, Emergency Food \$15, Outreach Training \$50, and Tech Class \$70 totaling \$255.00, seconded by Mr. Brewer. The vote was 4-0 in favor.

- b. Request from Carol Freitas to accept donations from Coyne Powers Insurance for \$500.00, Valerie Butler for \$50.00, Normand Blanchette for \$32.00, Kate Galop for \$150.00, Judith Palmer & Dana Cambra, \$250, and \$300 in gift cards from Westport United Methodist Church for the Veterans Food Pantry.

MOTION by Mr. Valcourt to accept the donations from Coyne Powers Insurance for \$500.00, Valerie Butler for \$50.00, Normand Blanchette for \$32.00, Kate Galop for \$150.00, Judith Palmer & Dana Cambra, \$250, and \$300 in gift cards from Westport United Methodist Church for the Veterans Food Pantry, seconded by Mr. Brewer. The vote was 4-0 in favor.

Request from Carol Freitas to accept donations from Kevin and Ann West Saulnier for \$50.00 in memory of Gisela Bouchard, James Mitcheson, \$50, in memory of Gisela Bouchard, Barry & Eileen Beaulieu, \$50, in memory of Robert Morton, Howard, Lillian, & Anthony Burbank, \$25, in memory of Robert Morton, Judith Ann & Frederick Pearson, \$30, in memory of Robert Morton, June & Philip Hebert, \$100, in memory of Eunice Tripp Durfee, and Thomas & Barbara Cummiskey, \$25, in memory of Gisela Bouchard for the Veterans Monument.

MOTION by Mr. Valcourt to accept the donations from Kevin nd Ann West Saulnier for \$50.00 in memory of Gisela Bouchard, James Mitcheson, \$50, in memory of Gisela

Bouchard, Barry & Eileen Beaulieu, \$50, in memory of Robert Morton, Howard, Lillian, & Anthony Burbank, \$25, in memory of Robert Morton, Judith Ann & Frederick Pearson, \$30, in memory of Robert Morton, June & Philip Hebert, \$100, in memory of Eunice Tripp Durfee, and Thomas & Barbara Cummiskey, \$25, in memory of Gisela Bouchard for the Veterans Monument, seconded by Mr. Brewer. The vote was 4-0 in favor.

c. Participation in the Opioid Settlement.

Mr. Hartnett stated that he checked with the Police Chief, KP Law and the Attorney General's Office and all recommended that the Town participate in the settlement. At this point it was not clear as to how the award would be distributed to communities.

MOTION by Mr. Valcourt to participate in the Opioid Settlement, seconded by Mr. Brewer. The vote was 4-0 in favor.

d. Approval of the 2022 Select Board Meeting Schedule

MOTION by Mr. Valcourt to approve the 2022 Select Board Calendar, seconded by Mr. Brewer. The vote was 4-0 in favor.

e. Request for a four week extension of time to secure funding for the Diman School Building Project.

Mr. Hartnett noted the MSBA is set to approve the project on 12/15/21, the town has 120 days from that date to secure funding which brings us to 4/13/22. With the Town Election being held on 4/12/22 and Town Meeting on 5/3/22, it would be beneficial to the Town if the four week extension was approved.

MOTION by Mr. Valcourt to approve the four week extension to secure funding for the Diman School Building Project, seconded by Mr. Brewer. The vote was 4-0 in favor.

8. **Town Administrator Report**

Diman School Project

The Diman School Building Project will be voted on by the MSBA on December 15, 2021.

Participating communities will be required to approve the project and funding within 120 days of the MSBA vote. The MSBA will consider approving an extension if requested by the School Building Committee. If a 4 week extension is granted, the Town could consider approval and funding at the Annual Election in April and the Annual Town Meeting in May. If the extension is not granted a Special Town Meeting would need to be held prior to April 13, 2022.

Budget Update

Departments have submitted their budget requests for FY23. Budgets have been reviewed with the smaller departments and the larger departments will be completed this week. Initial preliminary revenue estimates were discussed with the finance committee on November 30, 2021 (information in packet). Town Administrator preliminary review expected to be completed by December 13th with preliminary recommendations to the Select Board on December 20, 2021.

South Watuppa Pond Water Quality Initiative

Woodard & Curran completed the first Status Report for the South Watuppa Pond Study. This is a community Collaboration Study with Tiverton RI and Fall River. The initial steps include Watershed Delineation, mapping, land use and storm water systems. A copy of the Status Report is in the packet.

9. **Approve Minutes**

a. June 7, 2021 & November 22, 2021

Mr. Brewer noted that the June 7, 2021 were in fact approved and just needed to be signed, with that he made a **MOTION** to approve the November 22, 2021 Minutes, the motion was seconded Mr. Valcourt. The vote was 4-0 in favor.

10. **Report on Bill Warrant**

Ms. Boxler noted it was all set, no issues to report

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

Ms. Boxler: Council on Aging meets 12/7/2021

Mr. Valcourt Capital Improvement Planning Committee (CIPC): is faced with the usual requests, Long Term Planning is meeting on December 13, 2021, he noted he has lots of homework for that meeting. Energy Committee and Climate Committee haven't met.

Mr. Brewer conquered with Mr. Valcourt as far as the CIPC.

Ms. Shufelt noted she continues to meet with the School Building Committee, they are making good progress. Ms. Shufelt urged residents to take a look at the Committee Vacancy List.

Mr. Valcourt also noted the danger of the delivery trucks, blocking roads making it difficult to pass, suggested maybe a memo to the Police Department.

12. **Boards/Committees/Commissions Vacancy List**

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

14. **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. Approve Executive Session Minutes, June 7, 2021 & November 22, 2021

b. 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

MOTION by Mr. Valcourt at 6:53 p.m. to enter into Executive Session for the reasons declared by the Chair. Second by Mr. Brewer. The motion passed 4-0 by roll call vote: Brewer, aye; Valcourt aye; Boxler aye; Shufelt aye.

Adjournment

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

MOTION by Mr. Valcourt to adjourn the meeting at 8:07 p.m. Seconded by Mr. Brewer, the vote was 4-0 in favor.

Respectfully submitted,



Paula M. Brown
Administrative Assistant

APPROVED:



Richard Brewer, Clerk
Select Board Member