



## BOARD OF SELECTMEN REGULAR MEETING MINUTES

**Monday, June 26, 2023**

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

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 meeting commenced with the Pledge of Allegiance.

### **Welcome Comments from the Chair**

The Chair announced that under the provisions of MGL Chapter 30A, section 20(f) this meeting is being recorded. The next meeting will be held Monday, July 10, 2023. Mr. Brewer also reminded the residents about the 4<sup>th</sup> of July Parade.

### **Acknowledgments & Recognitions**

Senator Rodrigues \$100,000 Technology Earmark

Mr. Hartnett addressed the Board explaining that as part of the FY24 Senate Budget Debate Senator Rodrigues was able to successfully allocate \$100,000 to the Town for IT infrastructure improvements and upgrades. Our local delegation has always been strong advocates for the Town of Westport. Mr. Brewer thanks Senator Rodrigues for always having the town's best interest at hand.

### **1. Public Hearing**

6:05 PM – Request from National Grid and Verizon to place a pole at 216 Old Harbor Road, to service 131 Old Harbor Road, Little Compton. File #3073398, Dated May 30, 2023.

Aaron Roy from National Grid addressed the Board noting that this pole is to service a new house on the Little Compton side of Old harbor Road.

**MOTION** by Mr. Ouellette to grant permission to place the pole at 216 Old Harbor Road, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

### **2. Licenses/Permits**

- a. Request from Weatherlow Farms, LLC for One Day Wine & Malt Beverages License on the following dates:  
Picnic Dinner - Thursday, July 13, 2023, 5:30pm - 9:30pm

Westport Film Screening - Wednesday, July 19, 2023, 5:30pm - 9:00pm

Picnic Brunch – Saturday, July 22, 2023, 10:00am – 1:00pm

Picnic Dinner – Thursday, July 27, 2023, 5:30pm - 9:30pm

Westport Film Screening – Wednesday, August 2, 2023, 5:30pm - 9:00pm

Picnic Dinner – Thursday, August 10, 2023, 5:30pm - 9:30pm

Westport Film Screening – Wednesday, August 16, 2023, 5:30pm - 9:00pm

Picnic Dinner – Thursday, August 24, 2023, 5:30pm - 9:30pm

Mr. Wagner addressed the Board noting that the July 27<sup>th</sup> event has been canceled.

Mr. Hartnett noted this request is similar to previous years, Police report in favor with police details if necessary. Mr. Ouellette noted there are no neighbors present and no complaints filed.

**MOTION** by Mr. Ouellette to grant the One Day Wine and Malt Beverage licenses for the requested dates, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- b. Request from the Holy Ghost Club, 179 Sodom Road for One Day All Alcohol Beverage License:

Saturday, July 1, 2023 – Fundraiser, 5pm-9pm

Saturday, July 8, 2023 – Annual Feast, 4pm-10pm

Sunday, July 9, 2023 – Annual Feast, 11am-5pm

Saturday, July 22, 2023 – Class Reunion, 4pm-8pm

Saturday, July 29, 2023 – Benefit, 3pm-9pm

Mr. Hartnett noted this request is similar to previous years, Police report in favor with police details if necessary.

**MOTION** by Mr. Ouellette to grant the One Day All Beverage Liquor Licenses for the requested dates, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- c. Request from Frank Ray, for *A Wish Come True* for One Day All Alcohol Beverage Licenses for their Annual Benefit at the Holy Ghost Club, 179 Sodom Road:

Friday, September 8, 2023 from 4pm - 10pm

Saturday, September 9, 2023 from 12pm - 7pm

Sunday, September 10, 2023 from 12pm - 7pm

Mr. Hartnett noted this request is similar to previous years, Police report in favor with police details if necessary. Mr. Ouellette added there have been no complaints about this event.

**MOTION** by Mr. Ouellette to grant the One Day All Beverage Liquor Licenses for the requested dates, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

### **3.Appointments and Resignations**

- a. Request from the Personnel Board to hire Jessica McKane as Recording Clerk.

Mr. Hartnett noted Jessica McKane is the recording clerk for the finance committee, the Personnel Board will be more active with the wage study this year and they would like to have Ms. McKane record the meeting minutes,

**MOTION** by Mr. Ouellette to appoint Jessica McKane as Recording Clerk to the Personnel Board, seconded by Ms. Shufelt, the Board voted 5-0 in favor.

- b. Request from Chris Leonard, Director of Marine Services to appoint William P. Chase, Jr. as a part time, as needed, Assistant Harbor Master as well as Deputy Shellfish Warden.

Mr. Chase addressed the Board stating that he has Maritime Experience dating back to 1972 and has a strong connection to Westport Point, he hopes to be able to share his experiences with the town.

**MOTION** by Mr. Ouellette to appoint Mr. Chase as a Part Time as needed Assistant Harbor Master and Deputy Shellfish Warden, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- c. FY24 Committee, Board and Lifeguard Appointments (see attached list)

The list was read, a hold was placed on Anton Boxler

**MOTION** by Ms. Shufelt to appoint the list as read with the exception of the hold, seconded by Mr. Ouellette, the Board voted 5-0 in favor.

**MOTION** by Ms. Shufelt to appoint Anton Boxler as Town Beach Lifeguard, seconded by Mr. Ouellette, the Board voted 4-0 in favor, with Ms. Boxler abstaining.

- d. Approve and Sign the Westport Police Association Contract

Mr. Hartnett explained the Memorandum of Agreements and arbitration decisions going back 10 years were never consolidated into one contract until now. This has been reviewed by the Town and the Police Union and follows previously negotiated awards.

**MOTION** by Mr. Ouellette to approve and sign the Westport Police Association Contract, seconded by Ms. Shufelt, the Board voted 5-0 in favor.

- e. Request to approve a Conservation Restriction from William H. Russell and Daryl A. Breda to the Westport Land Conservation Trust, Inc. Property located at 218 Horseneck Road.

Mr. Hartnett noted this restriction will be held by the Land Trust. Mr. Moran from the Westport Land Trust addressed the Board stating that this restriction will protect a portion of Wings Brook, the Russell Family has a long history of preserving land. Mr. Ouellette addressed problems with deer and asked if they would be opening more land for hunting.

Mr. Soares added his appreciation of the Land Trust's efforts, and asked Mr. Moran about an ongoing issue with Beech Trees, Mr. Moran answered drought and insects have been an issue with the Beech Trees.

**MOTION** by Mr. Ouellette to approve the Conservation Restriction, seconded by Ms. Shufelt, the Board voted 5-0 in favor.

- f. Request from Chris Leonard Director of Marine Services to contract Bruce Ingham and the F/V Ocean Rancher for the 2023 Quahog Relay.

Mr. Hartnett noted that this went out to bid and Mr. Ingham was the only bidder.

Mr. Leonard addressed the Board stating that Mr. Ingham will provide the town up to 3040 bushels of quahogs for \$24.50 per bushel to be paid for by the Shellfish Propagation Fund. Mr. Leonard also noted that tickets are available for the Shellstock Event.

**MOTION** by Mr. Ouellette to approve the contract with the F/V Ocean Rancher, seconded by Ms. Shufelt, The Board voted 5-0 in favor.

- g. Request from Matt Armendo, Board of Health Director to Approve and Sign the employment agreement for Linda Pierce, Town Nurse

Mr. Hartnett noted there are no changes except the 2% increase in accordance with the Personnel By-Laws.

**MOTION** by Mr. Ouellette to approve the contract with Linda Pierce, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- h. Request from Kristin Stinson, Town Clerk to approve the Warrant for the Special Town Election to be held July 25, 2023.

Ms Shufelt noted the Election should be posted throughout town.

**MOTION** by Mr. Ouellette to approve the Warrant for the upcoming Special Election, Seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- i. Request from Denise Bouchard to approve the second year lease with the present tenant, Patricia Souza for the Town Farm North Apartment.

Mr. Hartnett noted that this is the second year of a 3 year lease cycle.

**MOTION** by Mr. Ouellette to approve the Lease, with Patricia Souza, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- j. Request from Denise Bouchard to approve the second year lease with the present tenant, Kimberlee Nashold d/b/a Codimonk Nursery School for the Town Hall Annex Basement.

Mr. Hartnett noted that this is the second year of a 3 year lease cycle.

**MOTION** by Mr. Ouellette to approve the Lease, with Kimberlee Nashold dba Codimonk Nursery School, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- k. Request from Chris Gonsalves, Highway Surveyor to carry over 3 weeks of vacation time.

Mr. Hartnett noted that Chris has had to help at the cemetery, and will be needed next week as well making use of vacation time difficult. Ms. Shufelt added that he should be using his vacation time and not saving it until the end of the year, he should have a second in command to cover his vacations.

**MOTION** by Mr. Ouellette for Chris Gonsalves to carry over 3 weeks' vacation to be used by September 30, 2023, seconded by Ms., Shufelt, the Board voted 5-0 in favor.

- l. Request from Denise Bouchard to award the FY24 Motor Fuels Bid to Noonan Brothers Petroleum, 415 West Street, Bridgewater, MA.

Mr. Hartnett noted the bids were very close, within 1% with Noonan being the low bidder.

**MOTION** by Mr. Ouellette to award the bid to Noonan Brothers, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

#### **4. Discussion**

- a. ARPA Fund Update

Mr. Hartnett provided the Board with a summary of expenditures for the ARPA funds, noting that all funds must be obligated by December 31, 2024 and expended by December 31, 2026. There are federal restrictions for the use of these funds, they can only be used for qualifying expenditures, mainly infrastructure, broadband and COVID related health problems.

Town ARPA Funds	\$1,678,000
Infrastructure	
Route 6 Phase 1C Sewer Design	\$371,510
Water Meter Replacement	\$40,000
	\$411,510
IT & Broadband	
Fiber Optics Schools	\$231,035

Broadband Plan	\$35,000
CCC Fiber Grant Match	\$12,687
Fiber Optics Police Details	\$40,000
	\$318,722
Public Safety	
(2) Police Cruisers	\$112,000
(1) Fire Pickup Truck	\$70,000
	\$182,000
Public Health	
Covid Test Kits	\$17,632
BOH Overtime	\$10,000
BOH PPE Supplies	\$8,500
BOH Health and Public Awareness	\$10,000
COA Supportive Day Care	\$25,000
COA Support Staff	\$15,000
\$86,132	
Spent Committed to date	\$998,364
Balance	\$679,636
Bristol County ARPA Funds	\$2,787,336
Infrastructure	
Harbor Water Study	\$60,000
Highway Backhoe MS4	\$160,000
Route 6 Zoning Study	\$55,000
	\$275,000
IT & Broadband	
Relocate Internet Demarc Public Safety	\$25,000
	\$25,000
Public Safety	
Ambulance Fire	\$350,000
(2) Emergency Vehicles Fire	\$112,000
Public Safety Radios Police/Fire	\$265,000
Battery Backups	\$25,000
School Radios	\$140,000
	\$892,000
Public Health	
(2) Passenger Vans Schools	\$180,000
	\$180,000
Spent Committed to date	\$1,372,000
Balance	\$1,415,336

Route 6 ARPA Funding Earmark	\$1,000,000
Infrastructure	
Route 6 Sewer/Water Design	\$536,628
Route 6 Consultant	\$75,000
	\$611,628
Spent Committed to date	\$611,628
Balance	\$338,372
Hix Bridge ARPA Funding Earmark	\$50,000
Infrastructure	
Hix Bridge Boat Ramp Design	\$50,000
Spent Committed to date	\$50,000
Balance	\$0

**b. July 4<sup>th</sup> Parade**

This discussion serves a reminder that the Parade is at 10:00.

**c. Override Ballot Question Committee Forum, July 11, 2023**

This discussion serves as a reminder that there is Special Override Election on Tuesday, July 25<sup>th</sup>, there is a private group in town holding a forum on July 11<sup>th</sup> at 7:00pm at the Middle High School, representatives from the town will be there to answer questions. Ms. Shufelt will be speaking.

**d. Fire Chief replacement upon Retirement**

Chief Legendre will be officially retiring in January, however he will be using his time and will be done in November. Mr. Hartnett addressed the Board to see what their thoughts are to get the ball rolling in the hiring process. In the past there was a panel, which included retired Chiefs. Mr. Brewer noted that there is a Deputy Chief in line, however there is still a hiring process that needs to be followed, posting, interviewing, etc. Mr. Ouellette mentioned retired Chief Rivard from Somerset was helpful last time around. Discussion continued as to whether to consider candidates with in or open Nationwide. Mr. Hartnett will discuss with Chief Legendre to see what his thoughts are. The next step should be to form a committee, the Board will revisit at the July 10<sup>th</sup> Meeting.

**5. Town Administrator Report**

Town Report

Denise Bouchard has complied the Town Report for calendar year 2022, and is posted on the Town Website, hard copies are available upon request. Going forward yearly reports will be completed prior to the Annual Town Meeting in May.

Groundwater Monitoring Report

Campbell Environmental Inc. (CEI) completed the yearly groundwater monitoring report for the Town Hall property. Sampling from the monitoring wells were consistent with prior investigations. A copy of the report is included in the Select Board Files.

#### Carol Freitas

Carol Freitas, the Town's Veterans' Service Officer (VSO), received the Massachusetts Veterans Service Officer Association (MVSOA) VSO award at their annual conference earlier this month. The award goes to the member who has gone above and beyond to support the veterans in their community, is actively involved in supporting the mission of the MVSOA, and assists other VSOs and their staff through the sharing of knowledge and resources. Congratulations to Carol Freitas.

#### Route 177/Gifford Road Intersection

Senator Rodrigues secured \$150,000 earmark to be used to make safety improvements to the intersection of Gifford Road and Route 177. The existing flashing beacons are outdated and sight lines should be addressed for vehicles exiting Gifford Road. The Town met with MassDOT and they recommended three different options.

1. Engaging and initiating the MassDOT process to develop a project for potential programming on the TIP (such as the current 177/Roberts/Tickle intersection project).
2. Updating of the existing flashing beacons to an overhead installation through a MassDOT Permit project, the design and construction of which would be funded by the earmark and any additional Town funding determined to be available.
3. Lower-cost / short-term safety improvements that could be consultant-investigated/designed, and implemented after review and approval by the District.

#### Charter Communications

Spectrum Northeast, LLC ("Spectrum"), is notifying its customers that, WSBK, located on Spectrum Channel 8, 9, 13 or 21, will be rebranded to IND (Boston, MA) on channel 788 or 1215 on the channel lineup.

#### Title V Regulations

Gerard Martin from Mass DEP Southeast Region notified the Town on Wednesday, June 21, 2023, that the new Title V Regulations would be filed with the Secretary of State on Thursday, June 22, 2023. He stated that the regulations would not apply to Westport, only communities on the Cape regulated under the Section 208 Plan. Westport may be included in the future but the regulations would have to be amended following a similar public review process.

Mr. Hartnett added that at some point they would have to go through the same process, but for now this gives us a little relief. Westport has been very proactive in bringing nitrates to where they should be, bringing us ahead of many communities.

Mr. Soares addressed the Board with his many concerns in regards to these regulations and how it was handled by the Board of Health. Being a member of The Infrastructure Oversight Committee, he has been receiving a lot of complaints in regards to the letter that was sent out by the Board of Health, he suggests having Town Counsel take a look at the letter.. He has many concerns for the seniors in town with cesspools that are not

posing a Public Health Hazard, and the financial impact this could have on them. He believes the town has been doing the correct thing with the DEP regulations, there is an integrated water plan in place, the Boards need to review the Master Plan.

Ms. Shufelt added that this Board needs to be careful about our role and responsibility, not infringing on another elected board over which we do not have control, we need to be careful that we're respectful of the other elected boards in town while we're trying to work together. she acknowledged the hard work from a lot of people that went into making sure that we expressed Westport's position on the proposed Title V Regulations quite clearly she thanked the members of the Board of Health the Planning Board who spent a lot of time trying to work with the DEP. She wants to be really careful that we are not stepping on the toes of other elected officials when that is not our role.

**Approve Minutes**

**a. June 12, 2023**

**MOTION** by Mr. Soares to approve the June 12, 2023 minutes, Mr. Ouellette seconded the motion and add the attached Appointment List. The Board voted 5-0 in favor.

**6. Report on Bill Warrant**

Ms. Boxler noted it was in order and signed.

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

Soares – Internet Advisory went very well, Roger Fernandes is doing a great job, invited Board of Health to next meeting.

Ouellette – conquered with Mr. Soares

Shufelt – no meeting to report, however the Democratic Town Committee did hold a meeting.

Boxler – nothing to report, Affordable Housing meets this week.

Brewer – Future Agenda Items: Tony Roselli with an Audit Update, Coastal Healing, and Town Administrator Performance Goals, and yearly review.

**8. Comments and Statements**

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

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

Request to Approve Non-Union Employee Raises, effective July 1, 2023

**11. 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.** Discuss strategy with the respect to Collective Bargaining – General Teamsters Local No. 251
- b.** Discuss strategy with respect to Collective Bargaining – AFSCME Council 93, Local 1701
- c.** Approve June 12, 2023 Minutes

**MOTION** by Mr. Ouellette to enter into Executive Session at 7:55p.m. to discuss the topics listed, with a return to public session to adjourn the meeting, seconded by Ms. Shufelt. The

ADA Transition Plan Committee  
Affordable Housing Trust  
Ag.Open Space Preservation  
Agricultural Commission  
Beach Committee  
Buzzarda Bay Action Committee  
Cable Advisory  
Cable Advisory  
Capital Improvement Planning Committee  
Capital Improvement Planning Committee  
Capital Improvement Planning Committee  
Capital Improvement Planning Committee  
Capital Improvement Planning Committee  
Citizens for Citizens Representative  
Climate Resiliency  
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Community Preservation  
Community Service Officer  
Economic Development Task Force  
Economic Development Task Force  
Educational Fund Committee  
Harbor Advisory Committee  
Harbor Advisory Committee  
Harbor Advisory Committee  
Harbor Advisory Committee  
Harbor Advisory Committee  
Infrastructure Oversight Committee  
Long Term Planning Building Committee  
Long Term Planning Building Committee  
Long Term Planning Building Committee

Thomas Aubin  
Teri Bernert  
John Bullard  
Deanna Lavanti  
Sean Leach  
Amy Messier  
Joshua Brum  
Bob Daylor  
Susan Brayton  
Theodora Gabriel  
James Hartnett  
Muriel Kokoszka  
Nicole Pearsall  
Ronald Costa  
Ray Raposa  
Mike Sullivan  
Sean Leach  
David Brown  
Constance Gee  
Jake McGuign  
Laura Hadley  
Ross Moran  
Mark Rasmussen  
David Sprogis  
Tony Vivenzio  
Donna Amaral  
Michael Yogman  
Jeff Cantin  
David Cole  
Karen Schwalbe  
Henry Drinker  
Kit Wise  
Wendy Nicholas  
Mark Schmid  
Eric Vanasse  
Maury May  
Manny Soares  
Thomas Aubin  
Milton Adams  
John Azevedo  
John Borden  
Edward Carey  
Alexander Preston  
Maury May  
Mark Schmid  
William Gifford  
Christopher Thrasher

Parking Enforcement Officer	Christopher Leonard
Parking Enforcement Officer	James Perry
Personnel Board	Gary Carreiro
Plumbing and Gas Inspector, Alternate Per Diem	Samuel Ferreira
Principal Records Access Officer	Kristin Stinson
Public Safety Staffing Committee	James Hartnett
Public Safety Staffing Committee	Brian Legendre
Public Safety Staffing Committee	Keith Pelletier
Safety Regulation Board	Christopher Gonsalves
Tax Incentive Committee	Manny Soares
Town Beach Lifeguard - \$21.00 an hour	Dan Barnes
Town Beach Lifeguard - \$21.00 an hour	Xander Schenck
Town Beach Lifeguard - \$21.00 an hour	Marcos Dutra Africano
Town Beach Lifeguard - \$21.00 an hour	Antonio Dutra Africano
Town Beach Lifeguard - \$21.00 an hour	Coltrane McGonigle
Town Beach Lifeguard - \$21.00 an hour	Hunter Brodeur
Town Beach Lifeguard - \$21.00 an hour	Brandon Medeiros
Town Beach Lifeguard - \$21.00 an hour	Andrew Dunn
Town Beach Lifeguard - \$21.00 an hour	Leonardo Hachem
Town Beach Lifeguard - \$25.00 an hour (Head Lifeguard)	Michael Croteau
Town Beach Lifeguard - \$21.00 an hour	Anton Boxler
Town Beach Lifeguard - \$21.00 an hour	Emily Donatio
Town Beach Lifeguard - \$21.00 an hour	Jack G. Gifford

motion passed on a 5-0 roll call vote: Mr. Soares aye; Mr. Ouellette aye; Mr. Brewer aye; Ms. Shufelt aye; Ms. Boxler aye.

**MOTION** by Mr. Ouellette to adjourn the open meeting at 8:25p.m. Seconded by Ms. Shufelt. The Board voted 5-0 in favor.

### **Adjournment**

Respectfully submitted, Paula Brown, Administrative Assistant/Confidential Clerk

**APPROVED:**  \_\_\_\_\_ Manuel Soares, Clerk, Select Board Member

### FILE ATTACHMENTS:

- 1PH Pole Request
- 2a Weatherlow Farms (2)
- 2b Holy Ghost Club (3)
- 2c A Wish Come True (2)
- 3a Jessica McKane Personnel Board Recording Clerk
- 3b William P. Chase Appointment Letter
- 3c FY 2024 Appointments
- 4a WPD Contract
- 4b CR Restriction
- 4c 2023 Relay Letter to Selectmen
- 4c Relay Contract
- 4d Linda Pierce Contract
- 4e Special Election Warrant
- 4fg Town Property Leases
- 4i Motor Fuel Bids
- 4i Motor Fuel Bid Contract
- 5a ARPA Funding Summary 2-22-23
- 5a ARPA Summary 6-23-23
- 7a 06122023 Minutes
- 15c 06122023 Executive Session Minutes
- ES Memorandum of Tentative Agreement JKH and TDAW 6-22-23
- TA 1 WPTGARAGEstatus2023
- TA 2 RE\_ Route 177\_ Gifford Road