



## BOARD OF SELECTMEN REGULAR MEETING MINUTES

Monday, September 11, 2023

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

Also Present: James Hartnett, Town Administrator

### **6:04 p.m. Call To order & Pledge of Allegiance**

Mr. Brewer opened the meeting with a moment of silence for the Victims of 9/11.

Pat Dean was recognized as the wife of Retired Fire Chief George Dean, Mr. Ouellette added she was very well known around town and very active within the town.

Cheryl Hetu served as Clerk Dispatcher for the Highway Department.

Beth Easterly served on the Cultural Council and was in charge of the Grange.

John Fennelly and his family are involved in the Westport Sea Farms down The Point.

Mr. Brewer offered the Boards sincere condolences to the families of those recognized.

Mr. Brewer added that Under MGL Chapter 30A, section 20(f) – this meeting is being recorded, and the next Board of Selectmen Meeting will be held on September 25, 2023.

### **1. Public Hearings – 6:05PM**

(continued from August 21, 2023) request from Charles F. Sheehan, of Affordable Auto Rentals & Sales, for a Class II Motor Vehicle License, at 1052 State Road, Westport, MA. With a total of 40 cars, and James Hay as Manager.

Mr. Hartnett addressed the Board, stating in speaking with the proposed manager James Hay, the applicant will be withdrawing his request to pursue other possible locations.

**MOTION** by Mr. Ouellette to grant the applicant leave to withdraw, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

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

a. Request from the Holy Ghost Club, 171 Sodom Road for the following One Day All Alcohol Liquor Licenses:

Fish Fry – September 23, 2023 from 4pm-9pm

Food Pantry Fundraiser - October 7, 2023 from 1pm-6pm

Fundraiser – October 22, 2023 from 2pm-6pm

**MOTION** by Mr. Ouellette to approve the One day Liquor Licenses for the above mentioned dates, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- b. Request from South Coast Harvest Festival, LLC for a Common Victualler License for the Harvest Festival to be held at the Westport Fair Grounds, 200 Pine Hill Road September 29-October 1, 2023.

Mr. Hartnett addressed the Board stating the Favorable Police Report is in the file.

**MOTION** by Mr. Ouellette to approve the Common Victualler License to the applicant, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- c. Request to Transfer the Aquaculture Lease Sites from John P. Fennelly to Christine Fennelly:

Gooseberry Site #3 (through 5/10/24)

East Branch Site #3 (through 4/30/26)

Lees Wharf #2 (through 4/30/26)

Mr. Hartnett addressed the Board stating that any license issued under these rules and regulations shall, upon the death of the licensee, continue in full force and effect, subject to the same terms, conditions and regulations imposed by the original license, for the balance of the unexpired term, or one (1) year, whichever is longer for the use and benefit of the immediate family of the deceased Licensee.

**MOTION** by Mr. Ouellette to approve the transfer from John Fennelly to Christine Fennelly, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

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

- a. Request to appoint Andy Duncan as the Principal Maintenance Specialist position. Mr. Duncan interviewed very well and has experience with property management/maintenance.

Mr. Hartnett addressed the Board stating that Mr. Duncan interviewed very well and has experience with property management/maintenance, 12 applications were reviewed, 2 applicants were interviewed.

**MOTION** by Ms. Shufelt to appoint Mr. Duncan effective September 25, 2023, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

- b. Request from the Finance Committee to appoint:

Zachary Lebreux to the Agricultural/Open Space Preservation Trust Fund Council, Energy Committee and Tax Incentive Committee

Cindy Brown to the ADA Transition Plan Committee and Capital Improvements Planning Committee

Gary Carreiro to the ADA Transition Plan Committee

Hugh Morton to the Public Safety Staffing Committee

Lawrence Holsworth to the Internet Advisory Committee

**MOTION** by Mr. Ouellette to appoint the Finance Committee Members to the various boards, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- c. Request from the Infrastructure Oversight Committee to appoint Gerry Coutinho.

Mr. Ouellette spoke to this appointment, he stated the Gerry Coutinho has served on this committee and would like to continue.

**MOTION** by Mr. Ouellette to appoint Gerry Coutinho to the Infrastructure Oversight. Committee, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- d. Request from the Historical Commission to re-appoint Caroline Bolter.  
**MOTION** by Mr. Ouellette to re-appoint Ms. Bolter to the Historical Commission, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

4. **Action Items**

- a. Request from the Highway Surveyor to approve the job description and position classification for Office Manager/Dispatch, appointment of Apryl Oliveira and the corresponding AFSCME Agreement.

Mr. Hartnett addressed the Board stating that the current Clerk/Dispatcher is not interested in being appointed to this position at this time, however the job description and the new position should be approved regardless, it is needed in the department.

**MOTION** by Ms. Shufelt to approve the job description, position and agreement, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

- b. Request from the Cable Advisory Board to approve the Spectrum Northeast, LLC Contract renewal.

Mr. Hartnett addressed the Board stating the Cable Advisory Committee has been working with Atty Hewig from KPlaw and they feel that the proposed contract is fair and they are recommending approval.

Irene Buck and John Resendes approached the board, noting how technology has changed and the committee is thrilled to be at this meeting to renew the contract with Spectrum. The committee feels this is going to bring more to the community.

The committee has been working on this for a year and a half, under the guidance of Atty. William Hewig, the committee has followed all the procedures required for renewing the contract. They held open meetings and welcomed complaints and concerns. They are here to approve a contract for services they are not here to talk about any of the specifics of the corporation or specifics of programming.

Atty. William Hewig addressed the Board remotely, stating he has been working with cable companies for 33 years and he has negotiated several hundred licenses, a lot of them were with Charter. Over the past few years cable companies have become a lot less generous, they see the writing on the wall and the number of subscribers is down. There is a lot of competition with streaming services. It was a real fight with Charter to get them to give the town more money. He then reviewed the license that's being proposed, a lot of provisions stayed the same, it was a fight to prevent them from being reduced or eliminated altogether. The gross annual is going to be 4%, this was important to keep in the license.

The term of the license being proposed is 10 years which is the maximum, he added he always recommends the maximum term, the cable company depends on an annual predictable income stream. The service area is the same, 20 homes per mile with 150ft setback. The increased rate from 3.5% to 4%

increased the payment from \$200,000 to \$300,000. The value of the 10 year license is raised from 2.1 million to 2.475 million, that's a 375,000 increase in income for Access support. This was all achieved due to sheer persistence. If Charter is caught in a breach of the license, the town would give them notice, conduct a public hearing and if it is determined they are in breach, they can be fined \$50-\$100 a day. Atty. Hewig closed stating that the hard working committee did all the math they had a great business plan, had a public hearing, addressed everybody's concerns, it was an all-round team effort and he stated he was proud to be a part of it. He recommends approving the contract.

Mr. Brewer addressed Atty. Hewitt, asking about section five on the handout, to provide quicker response times to customer complaints, is this in relation to a specific problem or just reaffirming their commitment. Atty. Hewitt answered that John Mayer accepted our proposed additions to the section obligating Charter to recommit itself to provide quicker response times to customer complaints.

Mr. Brewer also questioned Section 12.2, Atty. Hewitt answered this has to do with proposed additions to the section requiring production of required records upon request and maintenance of written proof of performance reports, it reaffirms that they have a responsibility to do what they're doing and keep the records and it's written in the contract. They are required to keep certain records and the most important records they are required to keep are complaint records, they are required to keep the records for one year. Lastly Mr. Brewer questioned Section 13.7 EPG and PEG, John Resendes deferred to Atty. Hewig to explain this. Atty. Hewig stated PEG is an electronic program guide, currently the guide just shows Public Access or Local programming, it doesn't tell you the actual program, this has been an issue for years with cable companies, it's very expensive, it can be done through an outside vendor, over the next few years' technology is going to improve and this may be an option.

Irene Buck addressed the Board stating that they are looking for a September 1<sup>st</sup> signature.

John Resendes addressed the board stating that the services being offered are very beneficial to the students they are learning a lot of skills even if they don't want to go in to television. He mentioned the other members of the committee, Rene Kochman, Donald Krudys, Bob Daylor. Rene Kochman worked in Fall River and has been part of two other contracts. Steve Ouellette is also on the committee.

Ms. Shufelt added that she really appreciates all the work the committee has done, however she wanted to be clear that this contract is strictly Cable TV and not the internet and that the Internet Advisory Committee is diligently working on the internet aspect of the service.

Mr. Brewer noted the contract expired in June and the renewal is September 1<sup>st</sup>, does this present a problem. Atty. Hewig answered, stating this happens all the time and that it wasn't a problem.

Irene Buck continued to update the board on all that led up to the contract negotiations, and continued to praise the board and Atty. Hewitt on all their efforts.

**MOTION** By Mr. Ouellette to approve the contract effective September 1, 2023, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- c. Westport River Watershed Alliance to approve the Annual Electronics Recycling Day, Wednesday, October 4, 2023 from 9am-11am behind the Town Hall, 816 Main Road.

**MOTION** by Mr. Ouellette to approve the WRWA Annual Recycling Day, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- d. Request from AGS HVAC to hang a banner for their Annual Motor Cycle Run to benefit the Westport Food Pantry, the event will be held on October 7, 2023.

**MOTION** by Mr. Ouellette to approve the hanging of the banner, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- e. Request from the Planning Board to form a new committee for Short term Rentals, comprised of five members from the following Boards/Committees:  
Planning Board - Mark Schmid & Bob Daylor  
Zoning Board of Appeals – Roger Menard & Gerry Coutinho  
Board of Health – Tanya Ryden

Michael Burris, Town Planner addressed the Board stating that this committee would be a cross section to build framework for the Short Term Rental Zoning By-Law, there have been several complaints in regards to Short Term rentals in Town.

Mr. Brewer questioned short term rentals, and if they are allowed. Mr. Burris answered that they are not allowed under the current bylaws.

Mr. Ouellette added to be sure the meetings get posted for public input.

Mr. Hartnett recommends the committee for one year with one year appointments.

**MOTION** by Mr. Ouellette to approve the Short Rental Committee, with the requested members The Board voted 5-0 in favor.

- f. Request to approve contract with Pare Corporation for design of Cemetery Expansion, \$42,500, to be funded with funds from the Perpetual Care Account. Mr. Hartnett addressed the Board stating the cemetery needs additional space and Pare has done the previous design work. The expansion would be from the north side of the of garage heading east. Pare Engineering would go in and survey that area and locate the existing roads. The area will have to be excavated to remove and rocks and debris, the soil would be put back and would have to settle for a while before it could be used for burials. This will open up three areas on the north side of the cemetery.

Mr. Soares asked if this was a competitive bid situation here. Mr. Hartnett answered it was not, Pare did the previous expansion, they have a lot of the information on file already, he added he could solicit additional quotes if that board wants.

Mr. Soares added he thinks it's a good idea, but \$42,000 is a lot of money to survey, and he wondered how long it would take. Mr. Hartnett answered three or four months. Mr. Soares again added he thinks it's a good idea, if we could expediate the process, since they've done the other work, he also things other things should be addressed, GPS Models and such.

Ms. Shufelt questioned the staffing issue at the cemetery and the effect this project would have on them, Mr. Hartnett answered the staff would not be affected by this work.

**MOTION** by Mr. Ouellette to approve the \$42,500 for Pare, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- g. Request form the Planning Department for comment for a Minor Site Plan Approval for an Auto Salesroom, 146 State Road.

No Comment

- h. Request from Martin Costa to hold the Clean Our Westport (Cow) fall clean up event on Saturday, September 23, 2023

**MOTION** by Mr. Ouellette to approve the Fall Clean Up, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

## 5. **Discussion**

- a. Open Meeting Law – Release of Executive Session Minutes

Mr. Brewer began the discussion stating that executive session minutes are normally held until the issue has been resolved or the case has been dismissed. At some point we need to release all or portions of the minutes.

Ms. Brown added that it seems the last time this was done was 2018 for the 2017 Minutes, it seems that Diane made a list, summarizing the Executive Session, the list was read in Executive Session and voted to release.

Ms. Shufelt and Ms. Boxler added that they feel it has been done since 2018.

Ms. Brown added she would look into it more.

Mr. Ouellette added at that time a list was made and sent to legal to review, although there haven't been any really big cases lately.

Mr. Brewer added there should be a process, maybe review every two years or so, and added if Paula can make a list for review and present it at a future meeting.

## 6. **Town Administrator Report**

### Bay Breeze Inc.

Mr. Hartnett met with the owners of Bay Breeze Inc. to discuss, the use of their premises. There are some differences in the description of the licensed area and the actual use. Some of the occupied areas may be permitted under the extended COVID provisions for outdoor seating but that is expiring and they will need to modify the areas being used or apply for an alteration of premises. The owners are currently working on a plan to address the discrepancies. See letter dated August 15, 2023.

### Wage Study

Requests for Proposals for the Wage Study were due on August 24, 2023. Three companies submitted proposals. The proposals are currently being reviewed by the Personnel Board.

### Route 6 Water Extension

Mr. Hartnett stated that the town is working with Kleinfelder, the Town filed and preliminary survey for the Emerging Contaminants in Small or Disadvantaged Communities Grant Program. Final applications should be available in a couple of months. Connecting the Macomber School to the system and looping it back into Route 6 would require approximately 7,500 L.F. of water main installation.

### Beach Passes

Mr. Hartnett stated that the Town Clerk, Kristin Stinson, has been looking at different options to automate the beach pass process. City Hall Systems which we use for tax billing has a permitting module that is used by other communities for different types of passes. Kristin and myself participated in a demonstration and it looks like it will work for the beach passes, waiting on pricing.

### Summer Beach Season

Mr. Hartnett thanked Chris Gonsalves and the Highway Department for getting the beach and equipment ready. The Beach Committee, Sean Leach, Paula Brown, Perry Long Leone Farias, William Underwood, for general oversight, monitoring the gates, ordering equipment, and tracking down lifeguards, Recreation Director, Dana Stewart for lifeguard recruitment and oversight and Head Lifeguard Mike Croteau and his lifeguarding staff for a safe and uneventful summer.

### Cemetery – Staffing & Diman Students

Mr. Hartnett stated the existing employees have taken on additional responsibilities and have been working shorthanded since the end of May. The Highway Department and the Board of Health have also provided assistance. He is currently working with a temp agency to see if they can provide additional assistance until the department can be fully staffed.

The students from Diman Vocational School will be returning in a couple of weeks. The scope of the work has expanded from a small bathroom to electrical upgrades, bathroom and break area as well as re-shingling the exterior of the cemetery building. Students also repaired, and painted the large cemetery gates.

### Town Hall Painting

Hartnett stated that the Town approved the use of \$115,000 for repair, replacement and preservation of the exterior trim of the Town Hall. Recent estimates to repair and paint all of the trim and exterior wood could run as high as \$350,000. Prevailing wages and required staging to paint the dormers and cupola add significant costs to the project. Considering reducing the scope of work to include the entrances to the building and the garage doors.

## 7. Approve Minutes

a. August 1, 2023

**MOTION** by Mr. Soares to approve the August 1, 2023 Minutes, seconded by Mr. Ouellette, the Board voted 5-0 in favor.

b. August 21, 2023

**MOTION** by Mr. Soares to approve the August 21, 2023 Minutes, seconded by Mr. Ouellette, the Board voted 4-0 in favor, with Ms. Shufelt abstaining.

## 8. Report on Bill Warrant

Ms. Boxler reported she reviewed and signed the warrant and there were no issues.

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

Soares – Long Term Building, walk through at the Old High School went well, new roof, asbestos testing in 2003, Title V compliant, being used for after school program, Wifi can easily be tied in, the Annex could move in there. Cost will trigger code upgrades.

Mr. Soares added the Annex has a failed Title V since 1995. Infrastructure Oversight Committee discussed the Macomber Loop, moving in the right direction.

Ouellette – Infrastructure Oversight Committee, things are being held up by DCR. Cable and Bike Committee plugging along.

Boxler – Affordable Housing, Fundraiser on Thursday for the Sodom Road Habitat House.

Shufelt – School Building Committee meets next week, trying to get a Internet Advisory Meeting together.

Brewer – Audit Committee meets on October 2<sup>nd</sup>.

**10. Comments and Statements**

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

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

13. **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. Information Technology Department Head (Keith Novo) Salary Discussion
- b. Approve August 21, 2023 Minutes

**MOTION** by Mr. Ouellette to enter into Executive Session at 7:34p.m. to discuss the topics listed, with a return to public session to adjourn the open meeting, seconded by Ms. Shufelt. The motion passed on a 5-0 via roll call vote: Mr. Soares aye, Mr. Ouellette aye, Mr. Brewer aye, Ms. Boxler aye and Shufelt aye.

**Adjournment**

The Board returned to Open Session and the Chair called for adjournment.

**MOTION** by Mr. Ouellette to adjourn the open meeting at 7:54p.m., seconded by Ms. Shufelt. The Board voted 5-0 in favor.

Respectfully submitted, Paula Brown, Administrative Assistant/Confidential Clerk

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

FILE ATTACHMENTS:

1a PH a Affordable Application

1a PH a Affordable Police Report

2a WPD HG Liquor License applications

2b WPD Southcoast Harvest Festival  
3a Andy Duncan – Maintenance  
3b FinCom Appointments  
3d HIsorical Commission Appt  
4a1 SIDE LETTER OF AGREEMENT Westport Hwy Clerk JKH  
4a2 Officer Manager-Dispatch Highway 8-8-23  
4b CAB RENEWAL CONTRACT(redlined)Charter\_Renewal\_Cable\_License  
4c WRWA  
4d WPD AGS HVAC Food Pantry MC run  
4e Short Term Rental Committee  
4f CP497.22 Westport-Beech Grove Cemetery-MA Proposal w attachments  
4g PB Request for Comment  
4h Martin Costa COW Request  
7a 08012023 Minutes  
7b 08212023 Minutes  
13b 08212023 ES Minutes  
KP-#876937-v1-WPOR\_(redlined)Charter\_Renewal\_Cable\_License  
STR Committee Request  
TA-1 8-14-23 BayBreeze License  
TA-3 MacComber water line map  
WPOR\_Cable\_Renewal\_License\_(clean\_copy) 3