



## BOARD OF SELECTMEN REGULAR MEETING MINUTES

Monday, December 4, 2023

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

Also present, James Hartnett, Town Administrator

### **6:00 p.m. Call To order & Pledge of Allegiance**

Under MGL Chapter 30A, section 20(f) – this meeting is being recorded.

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

### **Acknowledgments & Recognitions**

Mr. Brewer acknowledged the passing of Jim Coyne and Shirley Vieira.

**1. 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. Donna Lambert v Town of Westport – discussion

**MOTION** by Ms. Shufelt to enter into Executive Session at 6:01pm. to discuss the topics listed, with a return to public session, seconded by Mr. Ouelette. The Board voted 5-0 in favor via roll call vote: Soares aye, Ouellette aye, Shufelt aye, Boxler aye and Brewer aye.

### **2. Public Hearings – 6:05PM**

a. 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 2024. Steve Medeiros addressed the Board with the recommendation by the Board of Assessors, to stay with single tax rate, with the bulk of the levy being residential, there's not enough commercial property to increase the rate. Mr. Medeiros stated that the increase is based on the total tax levy. After a brief discussion, the board voted on the tax factor.

**MOTION** by Mr Ouellette, to approve the Tax Factor of 1, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

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

a. Request from Deputy Police Chief John Bell to accept his letter of retirement effective January 6, 2024.

Ms. Shufelt questioned whether the Board of Selectmen need to post this position or if it is handled through the Department. Jim Hartnett will look into.

**MOTION** by Mr. Ouellette to accept the Retirement, and to send a letter, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- b. Request from the Infrastructure Oversight Committee to re-appoint Joseph Amaral to the committee.

Mr. Ouellette mentioned that it was just an oversight that he wasn't reappointed in June.

**MOTION** by Mr. Ouellette to appoint Mr. Amaral to the committee, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- c. Request from the Energy Committee to appoint Brian Valcourt to the committee.

**MOTION** by Mr. Ouellette to appoint Brian Valcourt to the Energy Committee, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

#### **4. Licenses/Permits**

- a. Request to approve the previously held permits:

- Bayside Restaurant – Common Victualler and Liquor

Mr. Hartnett stated that there was a hold placed on this permit, and the issues have been resolved.

**MOTION** by Mr. Ouellette to approve the Bayside Restaurant permits, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- b. Request from Robert J. Desmarais, dba Desmarais Auto Wrecking and parts to amend the Class III Motor Vehicle Junk License, 560 Highland Ave.

Mr. Desmarais presented the Board with several documents and provided a lengthy history of the property and how his grandfather rights were violated. After a lengthy discussion it was the consensus of the Board to look into this further, discuss with Legal and refer to the Building Inspector. It was suggested to Mr. Desmarais that he should reach out to Ralph Souza, this will be continued to a later date.

- c. Request from the Acoaxet Club Inc. and Acoaxet Club Inc. d/b/a The Pro Shop accept the change of Directors for 2024, from Michelle Carney to Patricia Barnes, Alicia Patterson to Mary Berg and Marie Woollam to Elizabeth Opie.

**MOTION** by Mr. Ouellette to approve the change of officers as listed, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

#### **5. Action Items**

- a. Request to approve the Energy Management Services Assessment Agreement with Banks II Quan & Associates, Inc.

Mr. Hartnett explained that this has been before the Board a number of times, this is the company that will be designing and overseeing the Town Hall HVAC replacement.

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

- b. Request to post the Cemetery Foreman Position

**MOTION** by Mr. Ouellette to approve the posting of the Cemetery Foreman Position internal and external if needed, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- c. Request from the Town Hall Employees to hold a Christmas Potluck Luncheon on Wednesday, December 20<sup>th</sup>, and to close the Town Offices for an hour in order to participate in the luncheon.

**MOTION** by Mr. Ouellette to approve up to 2 hours for the Christmas Luncheon, seconded by Ms. Shufelt the Board voted 5-0 in favor.

- d. Request from Betty Slade and Robin Winters to replace the Mariners Lost at Sea Monument at Westport Point.

Ms. Slade and Ms. Winters explained to the board that the monument needs to be replaced, it is not big enough for all of the names. Ms. Winters continued with a brief history of the monument and how in doing some research they found there are a lot more mariners that need to be added to the monument. Ms. Slade stated that she received a grant from an anonymous donor to replace the memorial.

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

- e. Request from the school department to approve an additional \$25,794 of American Rescue Plan Act Funds for two passenger vans.

Mr. Hartnett explained that this request has been reviewed by the ARPA Committee.

**MOTION** by Mr. Ouellette to approve the additional ARPA Funds for the vans, seconded by Ms. Shufelt the Board voted 5-0 in favor.

- f. Request from the Council on Aging to accept the following donations, totaling \$893.70:

\$20	Nancy Kelly	Tech Help
\$100	Geri Fortier	Vets Breakfast
\$25	Janice Goulet	Equipment Loan
\$50	Veronica Barreiro	In Memory of Arthur Anctil
\$300	Carol Tripp	In Memory of Arthur Anctil
\$50	Valerie Gordon	In Memory of Arthur Anctil
\$103.70	Friends of Westport Council on Aging	Yoga Boosters
\$45	David Severs	Tech Help
\$25	Dawn Campbell	Tech Help
\$40	Nadine Kaegel	Tech Help
\$10	Anonymous	Best Use
\$100	Mike Mccarthy	Tech Help
\$25	Will & Nancy Syde	Outreach

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

- g. Request to approve the Snell Creek Conservation Restriction, 559 Main Road.

Allan Decker, Buzzards Bay Coalition addressed the Board explaining that this came before them a few months ago, this is the former Pettey Property, it was the proposed horse farm, he is happy to report that they did work with Ms. Cormier and she was able to purchase a portion of the land. Mr. Decker requested the the board sign the Conservation Restriction.

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

- h. Request from Planning Board to initiate amendments to the Town Zoning By-Laws for consideration at the 2024 Annual Town Meeting relating to Short Term Rentals and Bed & Breakfast establishments.

Mr. Hartnett recommends submitting the proposed bylaw change to the Planning Board.

Michael Burris addressed the board stating that this is the first step in the amendment process. The Planning Board will be holding a work session later this month and a public hearing in January.

**MOTION** by Mr. Ouellette to submit the bylaw change back to the Planning Board, seconded by Ms. Shufelt the Board voted 5-0 in favor.

## **6. Discussion**

### **a. Town Broadband Update**

Ms. Shufelt presented on behalf of the Internet Advisory Committee, she outlined the Origin of Initiative, Initiative Timeline, Principals and objectives of the committee, she also provided a funding profile, and outlined what the next steps are. ~~are.~~

Mr. Soares fielded several questions and concerns in regards to the scope of work, future maintenance, contracts and funding. Mr. Novo was also present and addressed some of Mr. Soares concerns.

Mr. Soares questioned how much has been spent so far, and what was in place before the fiber was installed to the municipal buildings, Ms. Shufelt answered close to \$1,000,000, and there was just low speed internet, Mr. Novo added the vendor provided hybrid service cable and fiber. Mr. Soares then asked who is maintaining the fiber, Ms. Shufelt answered there is a maintenance contract with a vendor who will maintain it. Mr. Novo added they are on retainer. Mr. Soares asked what would happen if a Hurricane came through, what would the cost be. Ms. Shufelt answered there's no way to know that.

Mr. Soares then questioned why the fiber isn't underground, Ms. Shufelt answered the town has access to the poles under a municipal easement, she agreed that underground would be better but more expensive.

Ms. Shufelt added that the municipal laying the fiber and providing the service is much more cost efficient, and that's why private companies such as Spectrum or Verizon haven't done it. It is very expensive to do, it's about a \$20,000,000 project, the municipality also the ability to bond for long periods of time.

Mr. Soares questioned the loop on the north side of Rte 6 and asked if it will ever be used? Ms. Shufelt answered yes, when residents subscribe. The Town constructed this loop with grant funding that was available for low income areas.

Mr. Soares questioned the use of tax dollars for the project, in looking at the grants it seems the contracts were negotiated by the contractor, and that the town paid for police details. Mr. Novo answered that the details were paid through the grant. He also questioned if the contract went out for bid, Ms. Shufelt answered it went through the proper channels and was signed by the Board of Selectmen. Mr. Soares suggested that the Massachusetts Inspector General take a look at the contract to be sure the proper procurement process was followed.

Mr. Soares added he understands the ARPA monies could be used for infrastructure.



Mr. Soares also mentioned that at Town Meeting it was said that we wouldn't use any taxpayer money, Ms. Shufelt answered that the town absolutely used taxpayer money approved by town meeting for the municipal loop.

Mr. Soares also questioned the installation of cameras on the new high school, Mr. Novo answered the cameras were for the Town Hall and Annex and had nothing to do with the High School.

Mr. Soares feels the fiber is outdated, and you have to look at the new cell tower and access to Starlink, etc. The fire department ambulances have internet.

Mr. Novo added that he feels technology is going to continue to advance and we're building for the future, the data demands are just going to grow and he's not sure wireless is going to be able to keep up, fiber is always going to be able to keep up with that because the components that connect it are always going to be advancing. Mr. Soares added his final thoughts, and his concern that this all be destroyed in a storm and we have to look at how we construct a maintenance contract going forward to reduce our risk. He disagrees that no taxpayer dollars were used, police details that were involved in the contract, need to be looked at, to see if they were paid the municipality rate of the contractor rate.

Mr. Hartnett will look into the contracts and certified payrolls.

**b. Budget Update**

Mr. Hartnett stated that the budget will be up presented at the next meeting, and he just wanted update the Board on a few things.

The final assessment certification was completed by the Assessors and the tax rate was certified, new growth came in at \$675,000, about \$400,000 was conservatively budgeted, so this is positive.

Free cash should be certified this week, we are a bit behind but much further ahead than the past couple of years. There were a couple of discrepancies, Nicole and Sue have been working hard on resolving. We should have an amount in a week or two, estimating just over \$3,000,000.

Local receipts are at about 80% of the budgeted amount.

Assessor overlay account was in the negative in the past, now there is a healthy surplus.

There is a fee hearing scheduled at the next meeting, there are a number of fees to be increased.

The Budget will be presented at the next meeting, we don't have any of the state revenue yet, we don't know what the Diman and Bristol Aggie Assessments will be. There will be an increase in property insurance and an increase in Health Insurance. Another big item we are waiting on is Chapter 70 we've been bumping up for the last 10 years about \$60,000 a year, last year because we were not considered a minimum Aid Community, we jumped up 500,000,

Mr. Brewer added that himself, Shana and Jim attended a joint meeting with the School Department and the Finance Committee and the committee has been tasked with coming up a with five-year Capital Plan, the next meeting is January 8<sup>th</sup>.

**7. Town Administrator Report**

**Notification of Final Assessment Certification**

The Town of Westport was notified by the Bureau of Local Assessment, DOR that the locally assessed values of real and personal property in Westport satisfy the requirements for certification. New Growth for Fiscal Year 2023 is estimated to be approximately \$675,000.

#### Town Farm Repairs

The Town and Community Preservation Committee received bids for minor repair work on the Town Farm Building and the Contract will be awarded to Full Scope Contracting, Inc. Thanks to Tony Millham and Michael Walden along with the CPC for moving this project forward.

#### Short Term Rentals

The Short Term Rental Committee has submitted draft zoning by-law changes to the Planning Board for review. Changes also include regulations relating to Bed and Breakfast establishments. If the Planning Board decides to move forward they will hold a public hearing on the zoning amendments and present a report to Town Meeting in May.

#### Fees

Departments have completed a review of their permitting fees and have recommended various changes. These changes will be posted on the website next week with a fee hearing tentatively scheduled for December 18, 2023.

#### Candidates Guide

Town Clerk, Kristin Stinson prepared a comprehensive candidates guide for the April 9, 2024, Town Election. The guide lists all positions that will be on the ballot, important dates and descriptions for the elected offices. The guide also includes information on Nomination Paper requirements, Campaign Finance references and Rules Governing Election Day Activities. This will be posted on the Town Clerk's web page.

### **8. Approve Minutes**

#### **a. November 20, 2023**

**MOTION** by Mr. Soares to approve the November 20, 2023 Minutes, seconded a Mr. Ouellette. The Board voted 4-0 in favor, with Ms. Shufelt abstaining.

### **9. Report on Bill Warrant**

Ms. Boxler reported the warrant was in order and signed.

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

Boxler – Affordable Housing put together CPC presentation for next week.

Shana – Internet Advisory, worked on presentation

Brewer – COA is working on strategic plan and the Audit Committee will meet in January

Ouellette – SRTA offering free bus service, if Mr. Brewer can please look into at next SRTA Meeting. The IOC will meet in January to prepare for Town Meeting.

Soares – IOC, important to get SRPEDD involved, residents don't understand what is happening. Also, the Board of Selectmen are the Water Commissioners, the contract with Fall River needs to be reviewed.

### **11. Comments and Statements**

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

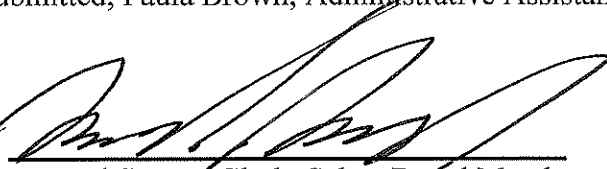
### **13. Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting.**

## **Adjournment**

**MOTION** by Mr. Ouellette to adjourn the meeting at 8:38p.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:**

2a Assessors - Tax Levy  
2a FY2024 Classification hearing 12.4.23  
3a John Bell – Retirement  
3b Amaral – IOC  
3c Valcourt - Energy Committee  
4b Desmarais  
4b Desmarais Decisions  
4c Acoaxet Club  
4c Acoaxet Clup Pro Shop  
5a B2Q Contract  
5c Employee Holiday Luncheon  
5d Mariners Lost at Sea Monument  
5e ARPA Funding Summary 12-1-23  
5f COA Donations  
5g Snell Creek Conservation Priority Habitat  
5g Snell Creek Conservation Project\_Open Space Context  
5g Snell Creek CR – FINAL  
5g Snell Creek CR\_Westport  
8a 11202023 Minutes  
B II Q  
Energy Mgmnt Services  
Fiber BOS Memo Broadband 10-30-23  
Fiber Status Brief to Select Board.pptx