



SELECT BOARD REGULAR MEETING MINUTES

Monday, February 12, 2024

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

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

Welcome Comments from the Chair

Acknowledgments & Recognitions

The Board recognized Joe Migliori who recently passed away, Joe was an appointed Constable in Town. The Board expressed their condolence to his family.

1. Appointments and Resignations

- a. Request from Finance Committee to appoint Christopher Thrasher to Infrastructure Oversight Committee, and Duncan Law to the Internet Advisory Committee.
MOTION by Mr. Ouellette to appoint Christopher Thrasher to the Infrastructure Oversight Committee, seconded by Ms. Shufelt. The Board voted 5-0 in favor.
- b. Request from Beverly Bisch, Council on Aging Director to appoint Kim Pensalfini to the part time position of Supportive Day Program Assistant Director.
Beverly Bisch, COA Director addressed the Board stating that Ms. Pensalfini will be a good fit, she retired from UMD and worked in a Law Firm, the COA has been without this position for a year and they are anxious to get this position filled.
Mr. Ouellette questioned if this is part of the budget or a grant position, Ms. Bisch answered it was a grant.
Mr. Hartnett added thatt he salary rate is in question and recommends referring this to the Personnel Board for review.
Ms. Bisch added they are actively seeking grants, most recently an Empowerment Grant through Senator Rodrigues and a Transportation Grant through Bristol Elders.
MOTION by Mr. Ouellette to appoint Kim Pensalfini to the part time position, and to refer the salary to the Personnel Board, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

2. Action Items

- a. Request from Carol Freitas to approve the following donations:

- Anonymous, (4) \$25 Stop & Shop Gift Cards
- Winifred M. Tripp, \$100 in Memory of Eloi Levesque, discretionary use
- Westport United Congregational Church, \$500, discretionary use

MOTION by Mr. Ouellette to accept the donations as listed, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- b. Petition request to lay out the way known as Rita Lane Extension and refer the petition to The Planning Board.

Mr. Hartnett addressed the Board stating that he is looking for a motion to accept the layout plan and petition and refer to the Planning Board.

Mr. Soares asked if Rita Lane was an accepted road, Mr. Hartnett answered yes.

MOTION by Mr. Ouellette to accept the layout plan and petition and refer to the Planning Board, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- c. Request from Carl F. Tripp, FL Tripp and Sons, Inc. to transfer/donate two parcels of land to the Town of Westport, 0 Route 88, Parcel 54-33-0 and O Main Rd., Parcel 54-33A-0

Mr. Hartnett stated that one of the parcels abuts the Town Transfer station on the north side and it would be beneficial to acquire ownership, the other parcel is on the west side of the highway, and that he recommends this be put on the Annual Town Meeting Warrant.

MOTION by Mr. Ouellette to place on the ATM Warrant. Seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- d. Select Board Request - To proceed with establishment of the Westport Municipal Light Plant to implement the programs authorized by vote on Article 22 of the Westport Town Meeting of May 4, 2023, and to request that the Town Attorneys assist with this process.

Ms. Shufelt addressed the Board stating that the May 4, 2023 ATM voted the establishment of the Westport Municipal Light Plant (MLP) and to request that the town attorneys assist with this process, we are not asking for the Select Board to approve the MLP at this time, but to refer it to KP Law to draft the proper language. The other request of the ATM is to have the MLB Members be Elected Officials.

Mr. Soares questioned the cost to have KP Law draft this language, and is it Taxpayer Money.

Ms. Shufelt answered whatever the cost is for legal to spend a few hours looking at it, and yes it is taxpayer money, we are performing the will of the taxpayers.

Mr. Brewer added there is no need to take a vote on this, it's pretty routine.

- e. Request from Spindrift Oysters for permission to install and maintain conservation activities on Farm 2815 Tract 3061.

Mr. Hartnett stated the lessee is looking to apply for a federal grant and needs the Town to sign off on the application.

Christopher Jusseaume (lessee) addressed the Board to reiterate what Mr. Hartnett explained.

MOTION by Mr. Ouellette to approve the application for the grant, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- f. Request from Bay Breeze, Inc for permission to install and maintain conservation activities on Farm 2679 Tract 2904.

Mr. Hartnett stated this is same as the previous item where the lessee is looking to apply for a federal grant and needs the Town to sign off on the application. Kerian Fennelly (lessee) addressed the Board to reiterate what Mr. Harntett stated. **MOTION** by Mr. Ouellette to approve the application for the grant, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- g. Request from Kristin Stinson, Town Clerk to approve the warrant for the 2024 Presidential Preference Primaries Election on March 5, 2024.

MOTION by Mr. Ouellette to approve the 2024 Warrant for the Presidential Primary, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- h. Request from Sue Brayton, Treasurer/Collector to accept a donation for the benefit of the Town Farm of approximately \$20,000 from an anonymous donor.

Mr. Hartnett stated that this donation is coming from stock, so the amount will fluctuate.

MOTION by Mr. Ouellette to accept the donation of approximately \$20,000, seconded by Ms. Shufelt. The Board voted 5-0 in favor.

- i. Request from Chris Capone, Conservation Agent for a Town Meeting Article to transfer parcels 79 - 4 & 5 into the care and custody of the Conservation Commission.

Continued

- j. Requests from the Infrastructure Oversight Committee:

- To place on the April 2024 Town ballot a vote to approve a Debt Exclusion for a loan from either the public municipal bond market or the State Revolving Fund of up to \$35 million for the construction of the entire Route 6 Water & Sewer project.
- To place on the May 2024 Annual Town Meeting Warrant an Article to approve a Debt Exclusion for a loan from either the public municipal bond market or the State Revolving Fund of up to \$35 million for the construction of the entire Route 6 water & sewer project.
- To determine a Betterment Policy for the "bettered properties" for the entire Route 6 water and sewer project.

Maury May addressed the Board, stating that the Infrastructure Oversight Committee is presenting three items for approval, the first two the committee is recommending taking the project to The Ballot Box before Town Meeting this is to speed up the process. The \$35,000,000 actually includes a \$4,000,000 buffer over the engineering costs, these amounts could be lowered by grants, earmarks, loan forgiveness and betterments.

Bob Daylor addressed the board to speak to the Betterment Policy. Whatever is borrowed needs to be paid back overtime and this will be from three different buckets, the 1st being State, Federal Monies and Grants. The second being the general fund or debt limited borrowing and the third is Betterment. Mr. Soares questioned the betterment fees and connection fees, Mr. Daylor answered that there will be connection fees, and the property owners will be responsible for any work on their property.

Mr. Ouellette stated that he appreciates all the committees work and how important it is to get as much information out there as possible, April is coming fast.

Mr. Soares questioned bringing the services out of the layout State layout, stating that the day after the last meeting a notice of intent was sent out for contract one, the revision is for the entire trunkline, he asked when the revision will be ready. Mr. Daylor answered it's in the works, so probably next month, Mr. Soares added he received several calls from constituents, this just caused more confusion, and he wants to be sure the Notice of Intent is filed with the DEP before town Meeting for the entire project for the entire project.

Mr. Soares added that Kleinfelder was contracted and hired to do the design we need to know what the time frame is.

Mr. Brewer suggested ending the discussion on the betterment, as the first two items are more time sensitive, and go back to the betterment discussion if necessary. He also added that The Town Meeting Warrant is contingent on the April Ballot.

Ms. Shufelt added that if it fails at the ballot, it could still be discussed at town Meeting and the Board could consider putting it on the September or November Ballot.

Mr. Brewer asked if the Infrastructure Oversight Committee would reconsider going with the smaller piece, the 1st Phase for \$8,000,000.

Mr. Soares answered the major reason why we're going for the whole trunk line is when we go for the grants we have to let them know what our intent is, and if it's permitted and we have a notice of intent we can chase the funds.

The taxpayers need to know if this gets shot down at the ballot and town meeting, it doesn't stop the project, the sewer is coming for environmental and economic development reasons, and it's not going to take 30 years.

Ms. Shufelt added just to be clear there's no way to pay for the sewer project unless we get the debt exclusion, even with pursuing grants she feels Mr. Soares is doing a disservice to the project by suggesting that you don't need this to pass because if it doesn't pass you're going to have to be chasing grants, and will hobble along. She also added that she worries a lot about hearing a member of both committees say it's going to happen even if it doesn't get approved, it makes the voters think if they vote no it will still happen, you are not going to convince them by telling them they don't need to pass it.

Mr. Daylor agreed with Ms. Shufelt, we don't have the money, if we don't have the money it won't happen.

Mr. Soares added that Mass Highway has a plan on rebuilding the road.

Ms. Shufelt is in support of the entire project, she is being asked why should the whole town have to pay for it, we assume there will be an economic impact, but haven't seen any numbers to reflect that.

Maury May stated that the only real numbers are from the SRPEDD 2018 report, \$420,000 tax benefits from sewer, with inflation \$500,000 - \$600,000.

Mr. Soares to answer Ms. Shufelt the major impact will be environmental, 3,000 septic systems, and cesspools, this will lead to a reduction in the nitrogen load.

Mr. Ouellette addressed the Board, we already have a developer that wants to expand the housing in the area, increasing the Broadband, the possibilities are endless, we're also within the impact area of the rail so we are going to be forced to put some housing in place.

Rob Machado would like to touch upon the financing of the project, engineering money needs to be paid back, he asked if two applications were denied, Maury May answered yes, a Mass Works Grant, failed twice and the town is on the waitlist. He asked what the reason for denial was, Mr. May answered it's a scoring system.

Maury May added they are being proactive with the application process this time around and are meeting with the State Legislature next week.

Mr. Machado added he would like to see this application filed before Town Meeting.

David Cole addressed the Board stating it's very important how you present this, it's going to be a big decision, there are a couple of important elements of this that that need to be seriously considered, certainly one of them is the betterment policy.

The property tax should be more progressive and not just a flat tax and that can be done very easily through the adoption of a tax classification exemption.

Tanja Ryden addressed the committee with a clarification question, the trunk line is going to serve 3,000 households, is this just Route 6? Bob Daylor stated that this 3,000 households include Route 6 and surrounding areas.

Ms. Ryden added then the trunkline will not serve those 3,000 households there needs to be additional infrastructure.

Mr. Soares answered the trunk line was designed to accommodate all of those houses. The trunk line is designed and the City of Fall River has the capacity to take those 3,000 houses and that's why we're moving forward with this we're calling it the backbone.

Korrin Peterson, Buzzards Bay Coalition, we urged the Select Board to place both of the articles on the town warrant in May, and the ballot question in April it is a unique opportunity for the town to take an important first step, meeting several needs including both economic needs and environmental needs of the Town. Municipal sewer is by far the best way you can treat for many pollutants that are now currently discharged from our septic systems into groundwater, you can't ask for a better solution for the Westport River, this is an important first step. \$35 million sounds like a really big number, I would encourage you to break that down, what does that mean per home, its \$5 to \$10 per home over 20 years.

John Bullard, stated that he urges the Select Board to support these two articles, he would like to underline a couple of points, Mr. Soares asked the questions about this being part of or in reference to the integrated water management Plan, I think while this is a project in the North End there is a benefit to the South End, the environmental and economic benefits will be

worth it. As Mr. Soares stated this will have a tremendous environmental benefit for the whole river system which benefits the whole town.

Mr. Brewer added that after attending the January 24th meeting he was skeptical and probably would have preferred the \$8 million version for phase one but there is there is logic here. He added that he is in support of this project.

Mr. Hartnett added that the Select Board will have to approve the wording at their next meeting.

MOTION by Ms. Shufelt to approve the debt exclusion question on the April Election Ballot and the Annual Town Meeting warrant, seconded by Ms. Boxler. The Board Voted 5-0 in favor.

The Betterment Policy was continued until the next Meeting.

- k. Request to approve Kleinfelder Change Order to design sewer for the Osborn Street Gifford Road loop and approve funding source, \$126,000. Approved 2-12-24
After a brief discussion a motion was made.

MOTION by Ms. Shufelt to approve the Kleinfelder Change Order for \$126,00 for the sewer design of the Osborn Street, Gifford Road loop with Bristol County ARPA Funding, seconded by Ms. Boxler. The Board voted 5-0 in favor.

- l. Request to approve Kleinfelder Change order to provide bidding services for Route 6 sewer and water and approve funding source, \$22,000 Approved 2-12-24
After a brief discussion a motion was made.

MOTION by Ms. Shufelt to approve the Kleinfelder Change Order for \$22,000 to provide bidding services for Route 6 Sewer and Water through Bristol County ARPA Funding, seconded by Ms. Boxler. The Board voted 5-0 in favor.

- m. Review Fiscal Year 2025 Town Budget and refer to the Finance Committee.

Mr. Hartnett presented the Budget to the Board, providing updates to Free Cash - \$2,302, 219, Governor's Budget - \$240, 280, still waiting on Health Insurance Estimates, expecting a 7-10% increase, School Choice - \$30,000 and Charter School - \$185,000. On the Town Side he is recommending 2 positions be added, a Local Building Inspector at \$65,000 and an Engineer Project Manager at \$120,000. Ms. Shufelt stated that she could not support adding a new six figure position at this time. After a brief discussion a motion was made.

MOTION by Mr. Ouellette to approve the two positions, seconded by Mr. Soares. The Board voted 4-0 in favor, with Ms. Shufelt against.

MOTION by Ms. Shufelt to forward the Budget to the Finance Committee, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

3. Discussion

- a. East Beach Road Discussion

Mr. Curt and Mr. Vivenzio addressed the board stating their concerns about the impacts of the recent storms, and the practices by the Highway Department that directly impact the town road as well as the land owners.

Mr. Hartnett added that the priority is to clear the road, need to get the road open quickly, materials need to be placed by the owners. Mr. Curt asked If the investment

is made, and it's just washed away, what is the recourse? Mr. Curt said the Planning Board is working on a reasonable solution.

Mr. Hartnett added that he will talk to the highway surveyor and see what can be done, although he is cautious about committing that all material will be replaced.

Mr. Vivenzio, questioned the process once the policy is drafted by the Planning Board. , Mr. Brewer answered that the Select Board would act on approving the policy but would refer to the Planning Board for their recommendation.

Mr. Curt asked if a private contractor could relieve the burden of the town. Mr. Soares added in order to hire a contractor the two will have to pay. The Highway Department is the best option.

Mr. Curt closed by thanking the board for keeping this in the forefront.

4. Town Administrator Report

Governors Budget

The Governor's budget was released on January 24, 2024. The initial Cherry Sheet state aid numbers and assessments are in line with the Town's preliminary budget numbers. The Governor also filed the "Municipal Empowerment Act"

The bill contains local option revenue raisers, including a new Motor Vehicle Excise surcharge local option; provides relief from numerous administrative burdens, including reforms to procurement rules that raise thresholds for competitive bids and remove onerous publishing requirements; improves the efficiency of local operations by, for example, updating borrowing rules for school projects and establishing enforcement mechanisms for double pole prohibitions; and provides new tools for addressing critical local workforce challenges, such as allowing the creation of Regional Boards of Assessors, centralizing valuation of telecom and utility property at the state level and creating additional flexibilities in post-retirement employment exemptions.

Town Hall Improvements

Waiting on one more quote for work at the Town Hall which includes repair and painting of all the entrances and replacement on the four garage doors.

Manny Botelho from Diman is also in the process of developing a materials list for a new Select Board conference table.

Street and Bridge Design Updates

- Route 177 – Tickle Road Intersection – MassDOT has approved the preliminary design work and has been confirmed the date for the Design Public Hearing, March 20, 2024 at 6:30 p.m.
- Drift Road – Kirby Brook Bridge – Pare Engineering has completed their 25% design drawings. This meeting has been rescheduled for 6:00 pm on Thursday, March 7, 2024.

Broadcasting of Meetings

The Town is still waiting for Spectrum to make the connection to broadcast meetings live. Requests have been made to expedite this work. Select Board meetings can be live streamed at the following link: <https://www.youtube.com/@westportgovernmenttv>

5. Approve Minutes

a. January 22, 2024

MOTION by Mr. Soares to approve the January 22, 2024 Minutes, seconded by Mr. Ouellette. The Board voted 5-0 in favor.

6. Report on Bill Warrant

Mr. Brewer noted that the warrant was in order and signed.

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

Ms. Boxler – there is a tour of the Sodom Road Project, and it is over budget.

Ms. Shufelt – Internet Advisory is working on the warrant article for the Municipal Light Plant. Climate Resiliency is going to meet this week.

Mr. Brewer – Audit Committee Report should be out in March. Jim Hartnett's contract is up for renewal, committee should be formed at the next meeting.

Mr. Ouellette – Infrastructure Oversight Meeting went well, he would like an update on Outstanding water and Tax Title at future meeting.

Mr. Soares – Infrastructure Oversight Committee was pretty much covered in the meeting.

8. Comments and Statements

9. Boards/Committees/Commissions Vacancy List

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

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 Step 2 Grievance filed by AFSCME, Council 93, Local 1701.
- b. Discuss strategy with respect to collective bargaining – AFSCME, Council 93, Local 1701.
- c. Discuss strategy with respect to litigation, Per- and Polyfluorinated Substances (PFAS)
- d. Approve Minutes

- January 22, 2024

MOTION by Mr. Ouellette to enter Executive Session at 8:41 p.m. for the discussion of the topics listed. Second by Ms. Shufelt. The motion passed on a 5-0 roll call vote: Soares aye; Ouellette aye; Brewer aye; Shufelt aye; and Boxler aye.

Adjournment

MOTION by Mr. Ouellette to adjourn the public meeting at 9:20 p.m., seconded by Ms. Shufelt. The motion passed 5-0.

Respectfully submitted by Paula Brown, Administrative Assistant/Confidential Clerk

APPROVED:


Manuel Soares, Clerk, Select Board Member

FILE ATTACHMENTS:

Budget Folder

1a Fin Com Appointments

1b COA Appointment

2b Rita Lane Petition

2b Rital Lane Plan

2c FL Tripp Land Donation

2CTripp Property Map

2e Jusseaume - Spindrift Oysters

2ef NRCSMA Aquaculture factsheet 2020 (1)

2f Bay Breeze, Inc

2f Town Clerk Primary Warrant

2h Treasurer Donation

2i conservation

2j IOC Recommendations

2k Kleinfelder \$126,000

2k &I Map Osborn Gifford Loop plus

2l Kleinfelder \$22,000

5a 01222024 Meeting Minutes

Sewer Water Additional Area