



**BOARD OF SELECTMEN  
MINUTES  
REMOTE MEETING**

**Monday April 13, 2020**

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

Also Present: Timothy King, Town Administrator

Select Board Chair, Ms. Shufelt called the meeting to order at 6:05 pm in the Westport Town Hall, 2nd floor meeting room, 816 Main Road, Westport, MA.

**Chair's Announcement** – Under MGL Chapter 30A, section 20(f) – Meeting being recorded.  
*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Westport Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. The public was invited to join the meeting through the links provided at the time of posting.*

**Pledge of Allegiance:** The meeting commenced with the Pledge of Allegiance.

**1. Acknowledgments & Recognitions**

Recognition of the passing of Maurice A. Poutre on April 3, 2020 former Westport Police Sargent. Mr. Ouellette spoke a little about his personal experience working with Mr. Poutre.

**2. Discussion**

- a. COVID-19 updates and discussion. Matt Armendo, Director of Public Health provided an update and noted that daily updates with the number of cases are posted on the website. She noted that the Emergency Management Team has been meeting 2-3 times a week. Ms. Shufelt reviewed actions since March 30 meeting as listed.

**On March 31**, the Governor extended the stay at home Order and closure of non-essential businesses through May 4, 2020. This included closure of Town Buildings through May 4, 2020. She noted that employees are still working and are serving the public remotely, by e-mail and phone.

**As of April 2**, the Governor ordered all state beach parking areas closed and the Board ordered the same for Town beaches and the Landing Commission closed the landings at the same time effective April 3, 2020 through May 4, 2020. Ms. Shufelt explained that the Town usually mirrors what the state orders because the dangers are similar.

**As of April 1**, the Governor clarified order regarding gun shops stating these are non-essential.

**April 2** - Westport Police Department visits gun shops to ask them to close and they complied.

**April 8** - The Governor revised grocery store guidance to 40% of maximum occupancy levels.

**April 9** - Senator Rodrigues helped clarify that the State Boat Ramp was supposed to be open. BOS Chair asked Highway Department to make sure there were no barriers to parking at the ramp.

**April 10** BOS Chair ordered the Hix Bridge Landing parking to be opened for boat launchings to remain consistent with State Regulations.

**April 13** – Westport Recreation food drive handed out the first of donations serving about 50 people with 100 bags of food. Donations are accepted Tuesdays and Thursdays. The next distribution is planned for next week. Veterans food distribution is on Fridays, contact VSO.

The Board was most appreciative the effort the VSO, Recreation Director and the Council on Aging Director are doing. Mr. King also recognized the tremendous work by the Recreation Director, Dana Stewart, Veteran Services Officer, Carol Freitas and Beverly Bisch, Council on Aging Director and all those involved. Steve Ouellette also commended Cynthia Raposa for having started the ball rolling by asking how to help.

- b. Representative Paul Schmid. Rep Schmid was called away and could not remain on the line. He would try again at a future meeting.
- c. Consider Postponement of Town Meeting with Town Moderator. Discussion ensued over the need to reopen the warrant, and postponement of the Town Meeting. The Chair would work with FinCom regarding the budget.

Town meeting is not called until the Board posts a warrant. Mr. King suggested that the Board publically announce that the Town Meeting would not be scheduled until a date in the future. Mr. Ouellette suggested not setting a date until more is known. Mr. Valcourt noted the election generally happens before Town Meeting but these are uncertain times and does not feel an election could be scheduled at this time. Members agreed to postpone Town Meeting. It will not happen on May 5 2020.

Ms. Shufelt requested placing a standing agenda item for Town Elections on the next few meetings agendas. Elections must take place by June 30 with a 20 day notice to the public. She also requested Town Meeting be a standing agenda item.
- d. Consider Waiver of Tax penalties due to COVID-19. Sue Brayton, Tax Collector discussed bills that were issued in the last few month that are all coming due generally at the same time. The Governor has passed legislation that would allow extending real estate, personal property and excise due dates to no later than June 1. Surrounding Towns have extended their real estate and personal property due dates through May 15. She said she has control over when demands are issued and also has authority to waive any past due interest due up to \$15. There is another provision for waiver of tax payments which she does not recommend because it would impact the town's cash flow. She recommended real estate and personal property only be extended to May 15. She does not recommend a waiver of interest and penalties. This does not apply to prior outstanding past due bills. Excise taxes would remain as due and unchanged.

**MOTION** by Mr. Valcourt to change the due date for Real Estate and Personal Property Taxes to May 15, 2020. Seconded by Mr. Brewer. The Board voted 5-0 by roll call: Boxler, Aye; Brewer, Aye; Ouellette; Valcourt, Aye; Shufelt, Aye.
- e. Consider postponement of East Beach trailer permits issuance.



The East Beach Improvement Association President, Kevin Curt, Vice President Roger Riendeau, Secretary Dave Petassi, and their attorney, Kenneth Mello participated in the meeting. They wanted to discuss the information included in their packets. That material would be discussed on the next item of the agenda below.

Earlier in March the Board approved issuing permits conditional that all were in compliance with other departments. Quite a few lots had to fulfill septic requirement before permits are issued. The Board of Health is not recommending issuance at this time.

Mr. Brewer asked the Board of Health explain the ramifications. The Director of Public Health, Matt Armendo stated that there are 2 different issues at East Beach: septic issues and possible Covid-19 virus exposure. Because of the high concentration of persons and their close proximity, it is not advisable to issue trailer permits at this time. Out-of-state owners may increase the transmission of the virus in Westport.

Mr. Curt read a statement he prepared that was sent to all members with an advisory to follow CDC, State and local recommendations. He has reached out to the trailer haulers who have also agreed to exercise social distancing. He does not feel there are any reasons to delay their permits and he read a list of reasons why.

Discussion ensued over the difficulty of enforcing the conditions. Mr. Curt said the Association members and extended family and friends gathering would follow these recommendations and members would self-police in the interest of staying safe to the best of their ability.

Ms. Shufelt said the Board can ask people to self-quarantine, but it would be hard for the BOS to enforce. Mr. Curt stated that they will do their best to ensure they all will comply.

Mr. Weinberg stated that if the BOH is successful in flattening the curve to beat the virus, which has been extreme in parts of the state, then that would mean safer measures for public safety. There have been many regulations from the Governor and the Department of Health to enforce these measures until May 4<sup>th</sup>.

Mr. Ouellette asked if the campgrounds were opening and what is the State doing? Mr. Armendo stated that the State is closed until May 4<sup>th</sup>. Mr. Valcourt noted that some of the trailer residents use Horseneck to dump their septage. Discussion ensued.

Mr. Anthony Vivenzio noted out of state travelers have to self-quarantine for 14 days, not travelers within Massachusetts.

Mr. Brewer suggested postponing because there is no way to know what will be coming down from the State.

Mr. Curt was concerned the date being pushed back will become an open ended postponement. Ms. Shufelt was sympathetic and appreciated and respected his argument, but these are uncharted waters.

She understands owners wanting to enjoy ones property but there are a lot of businesses that are closed effecting their livelihood.

Kenneth Mello suggested acting on the permits now with the use suspended until May 4 or when the Governor permits this to go back into effect. Despite all the dates being up in the air, he asked the permits be issued for a May 4<sup>th</sup> date and then address other issues on April 27.

Mr. Weinberg stated that this touches on the other item that Mr. Armendo is working with the Association for Title-V compliance and those could not be issued until then. Mr. Mello wanted to get the process moving especially for members who have complied.

Ms. Shufelt said Mr. Brewer and Mr. Mello hit on what is so troubling that its probably not May 4 and there is at least a chance the Governor will extend the May 4 guidance. She is not inclined to issue permits until the Governor's Stay at home is lifted. But she also did not know what that would look like as to a full lift or otherwise. She would like to tie this with what the State will do. Mr. Mello suggested going through the process, issuing the permits for May 4, then the Board could act at that time if needed.

Barbary Daly asked why they would be kept from using their own trailer on their own land when they can take their own safety measures. Ms. Shufelt stated the concern is close proximity to a large number of people and how to enforce social distancing. Discussion ensued over how the Town was enforcing social distancing in other parts of the town. Mr. Armendo explained what actions the Board of Health has thus taken to disseminate the State advisories.

Jeff Bolton 186 E Beach Road, property owner and resident in Westport, has a portable tank and has a contract with Mr. Cesspool. Seems everyone here has a concern of social distancing. He asked where is the Board going and will they make a decision.

Mr. Brewer agrees postponing a decision for issuing May 1 permits. He suggested discussing on the April 27 agenda.

Ms. Boxler suggested that if appropriate, the permits could be issued to those who comply with Board of Health requirements when the time is correct.

Steve Ouellette noted the comments indicate the main concern is public safety and if there is a reason not opening, there is a reason. Not everyone has a trailer. These are special permits for trailers that the Board of Selectmen issue and we are in a unique situation.

Ms. Shufelt stated that the Board could get more clarification on what the State may do and how they are handling their camp sites by April 27. Once there is more information it could be possible to make a better plan by then. This topic would be revisited on the April 27, 2020 agenda.

f. East Beach Association discussion on regulation

Kevin Curt reported progress is being made with regards to complying with Board of Health tight tank requirements. He brought up the regulation that was included in the renewal application package labeled as enclosure 1a. He noted that the court letter from 2010 invalidated this regulation. Rather than seeking a second injunction with the Town, the Association comes to the table to work together. He suggested renaming this document as a guideline and not a regulation. He would also like to address the trailer by-laws. It was noted that the Board of Selectmen possess the only authority over town trailer permitting. Discussion ensued. Mr. Valcourt clarified the portion in the regulation regarding removal of items from the beach area was in direct reference to hurricane warnings: then, and only then the Town would remove property, not seize private



property, if the owners did not. Ms. Shufelt asked for a specific mock-up of what they are referring to that should be eliminated. She said the Town is not trying to be bad actors here. Mr. King suggested scheduling a meeting with Mr. Curt to move forward. The topic will be revisited after there has been a meeting with the Administrator, Mr. King.

### **3. Licenses**

- a. Request approval of renewal of Upweller Licenses for Kerian Fennelly (Wharf #1) and John Fennelly (Wharf# 2). **MOTION** by Mr. Valcourt to approve. Seconded by Mr. Brewer. Seconded by Mr. Brewer. The Board voted 5-0 in favor by roll call: Boxler, Aye; Brewer, Aye; Ouellette; Valcourt, Aye; Shufelt, Aye.

### **4. Action Items**

- a. Approve Charter/KGI Wireless license agreement. **MOTION** by Mr. Ouellette to approve. Seconded by Mr. Brewer. The Board voted 5-0 in favor by roll call: Boxler, Aye; Brewer, Aye; Ouellette; Valcourt, Aye; Shufelt, Aye.
- b. 2020 Quahog Relay contract review and approval. Chris Leonard, Marine Services Director discussed the process. **MOTION** by Mr. Ouellette to approve. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call: Boxler, Aye; Brewer, Aye; Ouellette; Valcourt, Aye; Shufelt, Aye.

**6:15 p.m.**

### **5. Appointments and/or Resignations**

- a. Request from Police Chief to make a contingent offer of employment to Michael Chicca. **MOTION** by Mr. Ouellette to approve. Seconded by Ms. Boxler. Seconded by Mr. Brewer. The Board voted 5-0 by roll call: Boxler, Aye; Brewer, Aye; Ouellette; Valcourt, Aye; Shufelt, Aye.
- b. Request to appoint Roland Charron as a Per-Diem Wiring Inspector as needed. Mr. Valcourt abstained. **MOTION** by Mr. Ouellette to approve. Seconded by Ms. Boxler. Seconded by Mr. Brewer. The Board voted 4-1-0 in favor by roll call: Boxler, Aye; Brewer, Aye; Ouellette; Shufelt, Aye. Mr. Valcourt abstained.
- c. Retirement of Marlene Samson as Town Clerk as of April 22. Mr. Ouellette suggested sending her a letter of regret and thanks. **MOTION** by Mr. Ouellette to accept the resignation. Seconded by Mr. Brewer. Seconded by Mr. Brewer. The Board voted 5-0 in favor by roll call: Boxler, Aye; Brewer, Aye; Ouellette; Valcourt, Aye; Shufelt, Aye.
- d. Request to appoint Bernadette Oliver as Acting Town Clerk. The Town Clerk **MOTION** by Mr. Ouellette to appoint as acting Town Clerk at the full salary effective April 22. Seconded by Ms. Boxler. Seconded by Mr. Brewer. The Board voted 5-0 in favor by roll call: Boxler, Aye; Brewer, Aye; Ouellette; Valcourt, Aye; Shufelt, Aye. Ms. Oliver asked to be paid the full salary instead of the past precedent of 90% as was done.
- e. Request to appoint Stella Farias as Assistant Town Clerk. **MOTION** by Mr. Ouellette to appoint as Assistant Town Clerk. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call: Boxler, Aye; Brewer, Aye; Ouellette; Valcourt, Aye; Shufelt, Aye.

- f. Request to post the open Principal Clerk for the Council on Aging  
**MOTION** by Ms. Boxler to post the position. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call: Boxler, Aye; Brewer, Aye; Ouellette; Valcourt, Aye; Shufelt, Aye.

**6. Town Administrator Report**

Mr. King provided his report. He has prepared a revised revenue budget which is \$500K less and indicates decreases in the school budget where there is still a \$100K deficit. Ms. Shufelt stated there will most likely be a more cuts and she suggested that a working group try to work on this and report back. Members agreed. Mr. King stated that the bond market was postponed and short term financing would be looked at in the next month.

**7. Minutes**

March 16, 2020 – members tabled to next meeting so all members could review.

**8. Bill Warrant**

All in order.

**9. Selectmen Liaison Committee Reports**

- Ms. Boxler discussed the Affordable Housing meeting where rental assistance discussions began.
- Mr. Ouellette noted he is working with SRPEDD requested imaging of the High School. He noted the dairy farms are hurting because of the virus. They are in need of business.
- Mr. Brewer the Audit Committee will be meeting and will keep the Board posted.
- Mr. Valcourt stated that he has not had any meetings these last two weeks but commended town employees for the continued service by all the employees.
- Ms. Shufelt gave an update on MA Municipal Selectman's meeting. She noted KP Law has provided good support. The last time there was a recession, the unrestricted aid was cut by 20% and 2021 will be a tough budget year. The School Building Committee project is still underway. The Carpenter's Union is not working but all others are.

**10. Boards/Committees/Commissions Vacancy List** as listed on the website.

**11. Board Members Suggestions for Future Agenda Discussion / Action.** None.

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

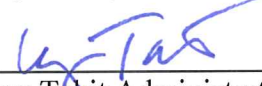
Ms. Boxler asked to place a request she received on the next agenda for a parade for Ed Beaulieu who is turning 104 so that he can watch it from his home.

**13. Question & Answers.** None.

**Adjournment**

**Motion** by Mr. Ouellette to adjourn the regular meeting at 8:49 p.m. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call: Boxler, Aye; Brewer, Aye; Ouellette, Aye; Valcourt, Aye; Shufelt, Aye.

Respectfully submitted,

  
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Lucy Tabit Administrative Assistant/  
Confidential Clerk

APPROVED:   
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Ann E. Boxler, Clerk, Select Board Member

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**Attachments to Agenda of 4/13/20:**

- 1. Obituary M. Poutre
- 2f East Beach Association request and copy of regulation.
- 3a Harbormaster letter and Fennely application
- 4a Charter wireless license
- 4b 2020 Relay Letter and contract
- 5a Michael Chicca offer of employment WPD
- 5b Roland Charon appointment request
- 5c-d-e Town Clerk resignation
- 5f COA request to post clerk request
- 6 TA Report 041320
- 7 Minutes March 16 2020
- 8 Bill Warrant 040720