



**BOARD OF SELECTMEN
MINUTES
REMOTE MEETING**

Monday August 24, 2020

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

Also Present: Timothy King, Town Administrator

Select Board Chair, Mr. Brewer, called the remote meeting to order at 6:01 pm

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

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.

1. Acknowledgments & Recognitions

Recognition of Police Officer David Simcoe on his retirement after 34 years in service.

2. COVID-19 Update

Mr. Armendo stated that the number of cases stands at 112. No one is in the hospital; outdoor gatherings have been reduced from 100 to 50 persons. He gave additional information also found on the web page and noted safe school operations to include flu vaccines being a requirement for school children. He also recommended protecting against mosquitos as EEE is still a threat.

3. Licenses

Request from S& K Auto to extend Class II license at 1121 State Road through December 31 2020.

Motion by Mr. Valcourt to approve the extension through to December 31, 2020. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call.

4. Discussion

a. Board of Selectmen Policy for Hiring Freeze. Mr. Brewer found that there might have been four hiring freezes over time with no evidence these were lifted. Mr. Ouellette felt it was important to send a message to all departments the Board wanted to be careful not to hire in difficult times. Mr. Brewer noted that the Board of Selectmen have the authority to hire or not with the exception of just a couple of departments regardless of any freeze.

Motion by Ms. Shufelt to rescind all prior freezes and caution departments that it does not mean the Town can hire now. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call.

- b. Board of Selectmen Policy for Public Requests Meeting Agenda Items. Mr. Brewer noted Wednesdays at 4pm is the deadline to submit any requests for the following Monday scheduled meeting. There is no guarantee that the item will be on the agenda after review. Mike Fernandes asked if the process is the same for Special Town Meetings. Mr. Brewer stated this is for BOS meeting agendas.
- c. Process & Policy for issuing Parking Permits.
Mr. King stated that there have been issues and complaints relating to all parking. He recommended there be a committee to make a recommendation before next spring. Mr. Valcourt noted other towns do this on line and there should also be an easy renewal process for residents; he added there should not be any penalty for residents who may owe any taxes. Ms. Shufelt offered to volunteer on this committee. Mr. King suggested there be members from the Beach Committee, other Town Committees and from the public. No further comments were heard. Mr. King will propose departments such as Town Clerk, Beach Committee, Landing Commission, Board of Selectmen and members of the public and make his recommendation to the Board. Interested parties may contact Mr. King.
- d. Update from the Public Safety Staffing Committee.
Mr. Brewer noted that there would be a meeting after Labor Day and that this is an important subject that will not be forgotten.
- e. Board of Selectmen Policy for Marijuana Host Agreements.
Mr. Brewer stated that the Board will be looking at a wide range of parameters for this policy. The Board will start the process with a discussion tonight but will begin to frame the criteria with the help of Town Counsel. Mr. Valcourt stated the process these companies are subject to at the State level is onerous and making it more so is not what the Town should do to people who actually live in our community. He felt the tax dollars this could generate should be considered. Ms. Shufelt reminded the members that the Town can only support 2 adult use licenses and the Town should be more discerning because there needs to be a framework the Board can look at; it should be treated as a scarce resource. Town Counsel provided a list that they have been working with other communities. Discussion ensued.

Residents in opposition spoke and gave their comments to the Board about not having adult use marijuana establishment activity in any residential area; there is nothing in the current by-laws to protect town residents. Attorney Corey noted he was representing the applicant, Coastal Healing, who has a medical use host agreement and is now applying for adult use through site plan review on Route 6.

Mr. Valcourt stated he did not feel this board wants this type of facility to go in a residential area. There is only an opportunity for 2 licenses total allowed in the whole town.

Motion by Ms. Shufelt that the Town Administrator work with Town Counsel on a draft for Board review. Seconded by Mr. Ouellette. The Board voted 5-0 in favor

5. **Action Items**

- a. Westport Elementary School Roof Debt Exclusion Vote - Special Election or Special Town Meeting. Members discussed holding a Special Town Meeting to make the ballot question possible within the 90 days after Town Meeting. Discussion ensued.
Motion by Ms. Shufelt to put the debt exclusion on a Special Town Meeting Warrant. Seconded by Mr. Ouellette.

Nancy Stanton Cross supported an October STM because the schools need the funding now. Bernadette Oliver explained that with all the changes in the State law for voting, they are straight out due to the mailing ballots. They would have to send out another 2800 more ballots. If there is a cross over and people put their ballots in different envelopes, there could be two failed elections. The Board voted 5-0 in favor by roll call.

- b. Include an Article on the next Special Town Meeting Warrant for a Revised FY 2021 Municipal Budget. Mr. King would like to speak with the Town Moderator to avoid any conflict.

Motion by Mr. Valcourt to add an article to the STM for a revised FY 2021 municipal budget and notify FinCom. Seconded by Ms. Shufelt. The Board voted 5-0 in favor by roll call.

Ms. Shufelt presented the level funded budget from the State showing \$1.15MM available. The Town Administrator was asked to rework the FY21 budget incorporating \$924,674 taking into account the amount used from Free Cash, which is then returned to Free Cash. Mr. King will have revenues calculated for the next FinCom and BOS meetings. FinCom Chair, Karen Raus, provided some input. Mr. King stated this budget would include positions that would be lost due to non-funding. Ms. Raus noted that would not allow for the police and fire position. Discussion ensued.

Motion from Ms. Shufelt to raise the school budget by \$500k and reduce OPEB to 0. Seconded by Mr. Ouellette. Ms. Stanton Cross thanked the Board for the support for the new challenges the schools are facing. The Board voted 5-0 in favor by roll call.

Motion by Ms. Shufelt to close the warrant that includes the elementary school roof article and a budget article. Seconded by Mr. Valcourt. Discussion ensued over closing the warrant and petition articles.

Residents brought up submitting petition articles at this Special Town Meeting to address their disagreement with adult use marijuana facilities. Ms. Shufelt believes changes are needed in zoning articles as well and proper public hearings are required for that. If there is a general article to prohibit this activity, it may not be legally binding once passed and could subject the Town to lawsuits for being in conflict with the Zoning By-laws. Discussion ensued

Ms. Shufelt withdrew her motion. Mr. Valcourt did not withdraw his second. 30 days is not enough time for public input. The motion is sustained.

The Board voted 1-4 not in favor of closing the warrant by roll call. Mr. Valcourt voted in favor, Members Ms. Shufelt, Mr. Brewer, Ms. Boxler and Mr. Ouellette voted Nay.

- c. East Beach Trailer Permits: Request by East Beach Improvement Association (EBIA) to amend the 2020 permits by extending the permits through November 8, 2020 instead of October 31, 2020. Kevin Curt, president of the EBIA stated that at the beginning of the season, the permit applicants were delayed occupancy by the BOH because of the onset of COVID. Mr. Brewer asked him to remind all the members to remove all belongings before the end of the season.

Motion by Ms. Shufelt to extend the permits through November 8, 2020. Seconded by Mr. Brewer.

Mr. King reminded the group to remove any temporary items picnic tables, platforms etc. because a major storm or hurricane could move all that into the Let.

Mr. Curt stated that he would remind the members and they will do their utmost to remove temporary items and items not affixed.

Mr. Ouellette also wanted to make sure that the 6 months occupancy is not exceeded or residency would be claimed. The Board voted 5-0 in favor by roll call,

- d. Accept donations for the food pantry through the Recreation Department in the amount of \$2,465 from the following:

Cash Donations: Douglas G. Verona, D.M.D. - \$100; Norman & Mary Ann Lamontagne - \$50; Claire M. Sullivan & Colleen A. Sheerin - \$100; Lawrence F. Rollins & Susan W. Rollins - \$25; C.A. & J.R. Ventura - \$100; Catherine & Arstein Tveit - \$50; Roger & Beverly Robidoux - \$25; Julie Morse & Brian Gallagher - \$125; Doris Peacor - \$100; Nicholas/Dorsey Revocable Family Trust, James R. Dorsey Trustee - \$100; Air Distribution Systems LLC/Richard Arsenault - \$50; H. Jackson & Gloria Merchant - \$100; Beatrice & Robert Gormley - \$100; John Defusco Jr. & Ingeborg Defusco - \$200; Richard & Margaret Beers - \$200; Daniel J. Burns & Susan Mello-Szekely - \$500; Carol Ann Hayes - \$100; Paul & Joan Brenckle - \$50; Marilyn Packard-Luther & Jeff Bull - \$200. Total cash : \$2,275. Grocery Gift Card Donations: Evelyn Wilber - \$90 worth of grocery gift cards to Market Basket; Anonymous – \$100 worth of grocery gift cards to Market Basket. Total Gift Card Donations: \$190.

Motion by Ms. Shufelt to accept. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call.

Dana Stewart, Recreation Director explained the pantry is moving to the Westport Grange as of September 1.

- e. Authorize posting of Assistant Registrar of Voters Position.

Mr. King stated that Josh Brum would be leaving the position and recommends posting the position. Josh Brum spoke about the difficulty of the new state requirements and stated that 27 hours are not enough for this position.

Motion by Ms. Shufelt to post the position internally with the existing 27 hours as listed in the contract. Seconded by Mr. Valcourt. The Board voted 5-0 in favor.

Bernadette Oliver asked the Board to consider more help between the two offices.

Ms. Shufelt asked if there has been any COVID funding available. Mr. King stated that the Clerk has been utilizing assistance from certain poll workers and believes that this assistance can be continued. Ms. Oliver stated volunteers were utilized. Mr. King stated they are able to be utilized in the same way and can be paid from COVID funds.

- f. Authorize application for Municipal Energy Technical Assistance Grant - Westport Elementary School. Mr. King stated there is no cost to the town. **Motion** by Mr. Ouellette to authorize. Seconded by Ms. Shufelt, The Board voted 5-0 in favor by roll call.

- g. Approve bid for Water Meters with Reading Software System.

The Town approved a capital improvement to replace meters. The recommended contract award is to FW Webb.

Motion by Mr. Valcourt to approve the bid proposal from FW Webb. Seconded by Ms. Ouellette. The Board voted 5-0 in favor by roll call.

- h. Request to authorize the Board of Assessors to consider an abatement on FY 2020 Property Taxes for the Campground property on Old County Road. Mr. King explained the limits for requesting an abatement for FY20. The Selectmen can authoriz the Board of Assessors to make the abatement

after the deadline. **Motion** by Mr. Valcourt to authorize the Board of Assessors to abate the FY20 campground property taxes. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call.

- i. Request to authorize the Board of Assessors to consider an abatement on FY 2020 Property Taxes for Westport Affordable Housing. **Motion** by Mr. Valcourt to authorize the Board of Assessors to abate the FY20 AHT property taxes. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call.
- j. Approval of the September 1, 2020 State Primary Election Warrant. **Motion** by Mr. Valcourt to approve the warrant. Seconded by Ms. Boxler. The Board voted 5-0 in favor by roll call.

6. Appointments and/or Resignations

Requests for re-appointments and first time appointments (where indicated):

- a. Agricultural Commission Alternate (new appointment): Deena Levanti (1-year term).
- b. Historical Commission Alternate (new appointment): Kristi Agniel (3-year term).
- c. Reappointment of Full-Time Police Officer Jeremy Dellecese effective 9-1-20.
- d. Resignation of Laura Bennett from the Westport Cultural Council, post vacancy for 30 days.
- e. Appointment of David Simcoe as a Reserve Police Officer.

Motion by Mr. Ouellette to appoint a-c and e above and accept resignation of Ms. Bennett with a letter of thanks. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call.

7. Town Administrator Report

Mr. King provided his report that included the work on the Town Hall Elevator; the Attorney General decision to disapprove paragraphs 1 & 3 regarding the Right to Farm from the February Special Town Meeting article; a Class action suit regarding reopening of schools; re-opening of the public library; marijuana public meeting for Between the Rows Farm; and monthly reports from the Accountant, Veteran's Services, Marine Services and Senior Center..

8. Approve Minutes

August 10, 2020. **MOTION** by Ms. Boxler to approve. Seconded by Ms. Shufelt. The Board voted 5-0 in favor by roll call.

9. Report on Bill Warrant

Noted and all in order.

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

Mr. Valcourt has an East Beach Corridor meeting and an Agricultural Open Space Trust Fund meeting on Thursday for a review of 4 parcels being removed from Ch61A.

Ms. Shufelt stated the School Building Committee (SBC) met last week. There have been some change orders and the project is still under budget and on time. The change orders are replacing things that were taken out and can be put back in such as the granite curbing. The SBC voted to hire a consultant to look at the HVAC with COVID in mind.

Mr. Ouellette stated there is a Bike Committee meeting this week and outlined safety improvements.

Ms. Boxler stated that Habitat for Humanity will conduct their 2nd presentation for a house the AHT is constructing.

Mr. Brewer noted that the next month annual licensing will begin.

Mr. Brewer stated that he Library asked to come before the Board regarding a possible gate. Mr. King is working with the Trustees to resolve the issue.

Mr. Brewer stated that Public Safety Staffing and the Audit Committee will be meeting soon.

11. Boards/Committees/Commissions Vacancy List

As listed on line.

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

None.

13. Question & Answers.

Mr. Valcourt stated that the registrar's office will need to consider increasing the hours to at least 35 because of the new state voting requirements and asked this be discussed at the next meeting.

14. Executive Session – **Motion by Mr. Ouellette to enter into Executive Session at 9:04 pm. and adjourn the regular session at its conclusion 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 respect to collective bargaining union WPA Westport Police Association (3).
- b. strategy with respect to litigation concerning Greenwood suit (3).
- c. approve Executive Session Minutes.

Seconded by Ms. Shufelt. The Board voted 5-0 in favor by roll call

Adjournment

Motion by Mr. Ouellette to adjourn the regular meeting at 9:37 p.m. Seconded by Mr. Valcourt. The Board voted 5-0 by roll call.

Respectfully submitted,



Lucy Tabit Administrative Assistant/
Confidential Clerk

APPROVED:



Ann E. Boxler, Clerk, Select Board Member

Attachments to Agenda of 8/24/20:

3 S&K Auto request to extend lic. to Dec 31; 4a hiring freeze; 4b Board of Selectmen Agenda and Mtg. Policy; 4c West Beach Lot Email; 4e KP Law - host agreements; 5b TA Revised FY21 Budget; 5c request to extend deadline to vacate trailers; 5d List of Donations for Food Pantry, 8-18-20; 5f Municipal Energy technical Assistance program; 5g Environmental Partners- water meter bid; 5h Campground tax bill 5i AHT Tax Bill; 5j State Primary Election 090120 Warrant; 6a Deena Levanti – AgCom; 6b WHC Agniel Kristi; 6c Dellecese reappointment; 6d Laura Bennett WCC resignation; 6e Simcoe retirement; 7 TA report 8-24-20; 8 BOS minutes 081020 draft; 9 bill warrant.