



**BOARD OF SELECTMEN
MINUTES
REMOTE MEETING**

Tuesday September 8, 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

Mr. Brewer noted that the Westport Cultural Council and the Recreation Department will conduct the very first "Outdoor Movie Night" on September 25, 2020 on the back lawn of the Town Hall Annex. The audience will be limited to COVID specific requirements of no more than 50 people. The event is to boost community morale employing safe standards.

2. COVID-19 Update

Mr. Armendo, Director of Public Health stated that the number of cases in Westport, as of September 2nd, are at 127, up 14 from last week (compared to an increase of 4 in the previous week). This has moved Westport into the 'yellow' or moderate risk category. Of those 14 new cases in the last week, four occurred in children under 18. There have been 119 recoveries to date. COVID tests have been performed on Westport residents up through September 2nd and total 4,190. There were 14 positive tests out of 660 in the last 14 days for a rate of 2.12%, a jump of nearly a percent from last week (1.22%). However, the statewide 14-day average continued to trend down, now at 1.07% positive. Ideally, Westport should be under the 1%. He asked everyone to remain vigilant because school is about to begin.

Effective August 11, 2020, outdoor gatherings are still reduced from 100 to 50 persons. Indoor gatherings limit will remain at 25 people maximum - these limits apply to all types of gatherings, on both public and private property; face coverings are required where more than 10 people from different households will be mixing. Mr. Armendo provided a review of testing sites through September 30, 2020.

The flu vaccine has not been received yet, but will be announced when it is available. EEE is a low risk status in Bristol County but urged everyone to continue to use insect repellent. Mr. Armendo stated that paint cans and aerosol cans are no longer accepted at the transfer station nor are propane tanks, unless the valve has been removed.

3. Discussion

Annual License Renewal Process.

Mr. King explained that a review will take place at the next meeting in September and discussion on any problematic licenses identified will be held for discussion at the first meeting in October. Mr. King requested the list of license renewals be forwarded to the Board.

4. Action Items

a. Set date and Location for Special Town Meeting.

The Board discussed the back outside of the High School on Saturday October 3, 2020.

The Town Moderator, Mr. Fors stated that is the best choice because of the petition articles that have been submitted. It's likely to be a long meeting with large participation. He suggested 10 am as the start date now that the days are cooler.

MOTION by Mr. Valcourt to set the date to October 3, 2020 at 10 am. Seconded by Ms. Shufelt. Ms. Shufelt stated that the FinCom has already had the budget for 2 weeks and therefore they would comply with the By-laws. Mr. King stated that he would confer with the Superintendent tomorrow to make sure the school is available. The Board voted 5-0 in favor by roll call.

b. Special Town Meeting Article Requests.

Mr. King asked the Board to approve the articles for special town meeting. Ms. Shufelt stated that the Board has closed the warrant pending final legal review of the articles and the wording.

1). Excluded Debt – authorize the borrowing of a sum of money for repair of the Elementary school roof and to subsequently place a ballot question on the Nov 4 ballot. This item needs a Town meeting vote and a ballot vote within 90 days of each other and that was not possible as of the last Town Meeting.

2). Revised 2021 budget. This was discussed at the last meeting. The budget was passed at the Town meeting in July but the State returned a level funded budget of approximately \$1mm which needs to be appropriated. This was forwarded to the Finance Committee as of the last meeting to comply with the required time limit in the by-law. Ms. Shufelt asked it not be changed based on how it was presented at the last meeting.

3). Petition Articles – Members suggested discussing these at the 9/21/20 meeting. Petitioners are requested to be identify their contacts.

There was much discussion from the petitioners and from Mr. Corey who represents the application for an approved medical marijuana facility through site plan approval.

c. Close the Special Town Meeting Warrant.

MOTION by Ms. Shufelt to close the warrant. Seconded by Mr. Valcourt.

Discussion ensued.

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

d. Approval of Board of Selectmen Policies regarding marijuana facility host agreements.

Mr. King reviewed the draft policy from Town Counsel for medical, non-medical and the cultivation of marijuana.

Ms. Boxler noted that she did not see any requirement for insurance as is required by other license applicants that would protect the citizens in the community. Mr. Valcourt stated that much of this must first be proved to the State. Ms. Boxler noted then it would not be a big deal to provide it to the town. The day to day oversight is through the Mass Cannabis Control Commission after an issuance of a license, according to Mr. Valcourt. Discussion ensued. Mr. Corey stated that most of the requirements in the draft are items that his client has already submitted through site plan approval. Ms. Shufelt asked if its host community first and then planning board or vice versa. Mr. King clarified that Counsel stated it is up to the Board to vet it through site plan review providing important information that would be detailed for the BOS to consider. It does look like a lot of information, but the applicant should share that with the Board anyway. Mr. King will vet this through Town Counsel with regards to the questions raised and have it ready for the next meeting. Ms. Shufelt agreed to a public hearing component and the draft should be posted and to make sure that the public has an opportunity to review the draft policies. Ms. Shufelt is reluctant to enter into any host agreement for the non-medical part of a host agreement and she would not sign anything until the policy is in place for non-medical.

Motion by Ms. Shufelt to research the matter and consult with Town Counsel, and be ready for the Board to adopt the policy at the next meeting. Seconded by Mr. Ouellette. The Board voted 5-0 in favor of roll call

- e. Parking Review Committee appointments.
There has been no feedback from departments and committees – the item is to be placed on the next agenda.
- f. Approve FY21 Storm Water Management (MS4) Permitting Consultant work contract with Kleinfelder Northeast, Inc. **MOTION** by Mr. Ouellette to approve. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call.
- g. Approve Ch61A release for Ferry 287-289 Gifford Road.
MOTION by Mr. Valcourt to release. Seconded by Ms. Shufelt. The Board voted 5-0 in favor by roll call.
- h. Approve Ch61A release for Ferry 309 Gifford Road.
MOTION by Mr. Valcourt to release. Seconded by Ms. Shufelt. The Board voted 5-0 in favor by roll call.
- i. Approve Ch61A release for McGovern 0 Sodom Road Map 59 Lot 71 ANR Lot 1.
MOTION by Mr. Valcourt to release. Seconded by Ms. Shufelt. The Board voted 5-0 in favor by roll call.
- j. Approve Ch61A release for Meader 570 River Road.
MOTION by Mr. Valcourt to release. Seconded by Ms. Shufelt. The Board voted 5-0 in favor by roll call.
- k. Accept donations for the food pantry through the Recreation Department in the amount of \$1,822 from the following: Newton & Geraldine Millham - \$100; Laura Medeiros - \$50; James Connor - \$100; Paul Donnelly - \$250; Barbara Quintin in memory of James Mullin - \$20; Jeanette Caldarone in memory of James Mullin - \$25; Grace Newcomer - \$25; Gloria & H. Jackson

Merchant - \$200; Russell & Susan Oliveira - \$40; Thelma Matar - \$12; Joop & Ria Nagtegaal - \$1,000. **MOTION** by Ms. Shufelt to accept the donations. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call.

- l. Approve request from the Bike & Path Committee to hold a bike ride through Westport on Sunday, September 13, 2020 from 9 am to 3 pm. **MOTION** by Mr. Ouellette to approve. Seconded by Ms. Shufelt. The Board voted 5-0 in favor by roll call.
- m. Approve request from the Westport River Watershed Alliance (WRWA) for Cherry & Webb Beach Cleanup on Saturday October 3, 2020 from 10am -12. **MOTION** by Mr. Valcourt to approve. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call.
- n. Approve request for the Buzzards Bay Coalition 14th Annual Watershed Ride Sunday, October 4, 2020 8:30-10 am. **MOTION** by Mr. Ouellette to approve. Seconded by Ms. Shufelt. The Board voted 5-0 in favor by roll call.

5. Appointments and Resignations

- a. Request for re-appointment to the Community Preservation Committee: Elizabeth Collins as the Housing Authority Representative (5-year term). **MOTION** by Mr. Valcourt to appoint. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call.

6. Licenses

As noted above in item 3.

7. Town Administrator Report

Mr. King stated there will be information on the food pantry on the website. He also gave an elevator renovation update and provided copies of monthly reports from departments.

8. Approve Minutes

None.

9. Report on Bill Warrant

Mr. Brewer stated that all was in order and a copy was provided of the summary to the members as is done in each meeting packet.

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

Mr. Valcourt gave a summary of the of the East Beach climate issues and the AgOpen Space Trust Fund Council which met last week to review the CH61 releases. Mr. Valcourt asked to please remind Precinct A voters that they would be voting at Our Lady of Grace instead of the American Legion Hall. Ms. Shufelt stated that the school project remains on time and under budget.

Mr. Ouellette stated he missed the Bike & Path committee. He asked if the Board consider a drone by-law to control harassment on other people's property. Mr. Ouellette asked to have committees in to hear their needs.

Ms. Boxler was not able to attend any meetings this week. The Affordable Housing Trust is moving forward with Habitat for Humanity and the COA is also moving forward with the funds they received and are concerned with future operations.

Mr. Brewer stated that he would like to discuss at a future meeting: the three Board parking spaces in the back of the building and possible make these available to those needing access to the elevator. Mr. Ouellette cautioned parking so close to the building. Mr. Valcourt noted that the three parking spaces are a left over from many years ago when there were only 3 Selectmen.

Mr. Brewer stated that he wanted to discuss the agenda posting process and where to see this on line. The third item he would like to discuss is the job functions and goals for the Board of Selectmen and the Town Administrator at a future meeting. He will provide the draft from last year.

He also would like to invite the Clerk from time to time to make sure they have the support needed for the November meeting.

11. Boards/Committees/Commissions Vacancy List

Vacancies were read by Ms. Boxler. The BOS representative on the ADA Transition Plan Committee is open and Ms. Boxler volunteered to be appointed. The matter will be posted on the next agenda for appointment.

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

None.

13. Comments and Statements.

Mr. Brewer explained this topic heading for any member of the public who would like to address the Board. Hearing none, the Board then proceeded into executive session.

14. Executive Session

Motion by Mr. Mr. Valcourt to enter into Executive Session at 8:31 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:

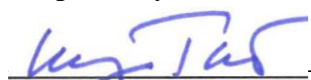
- a. discuss strategy with respect to collective bargaining union WPA Westport Police Association (3).
- b. strategy with respect to litigation concerning Greenwood suit (3).
- c. approve Executive Session Minutes.

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

Adjournment

Motion by Mr. Valcourt to adjourn the regular meeting at 8:52 p.m. Seconded by Mr. Ouellette. 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 9/08/20:

1 Westport Cultural Council Film info; 2 BOH COVID-19 update BOS Mtg- 9.8.20; 4d MJ Host Policies 4f MS4 Kleinfelder – Contract; 4g Ferry 287-289 Gifford Rd ; 4h Ferry 309 Gifford Rd; 4i Ch 61A McGovern Map 59 Lot 7A ANR Lot 1; 4j Ch 61A - Meader lot 87 570 River Rd; 4k List of Monetary Donations for Food Pantry, 9-2-20; 4l Pedal for the path; 4m 2020 letter to BOS, LC & Beach Committee April 2020; 4n BBC Annual 2020 Ride; 5 Ltr Collins CPC; 7 TA Report.