



**BOARD OF SELECTMEN
MINUTES
REMOTE MEETING**

Wednesday May 26, 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 remote meeting to order at 6:00 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

- a. Recognition of the passing of Walther Pietrzyk.- Mr. Valcourt recognized Mr. Pietrzyk who ran Walt's Fruit Stand and Lickety Splits ice cream stand on Route 6 for many years.
- b. Recognition the passing of Lorraine Fontes – The board recognized the passing of one of the last town visiting nurses and volunteer for many years at the Council on Aging.
- c. Recognition of "Fast Eddie's" 104th Birthday – Edmund Beaulieu the oldest resident in Westport and holder of the Boston Post Road Cane was celebrated with an antique car parade on Sanford Road. He sat in an antique car himself and waved to all his friends in about 100 antique cars.

6:05 p.m.

2. Action Items

- a. COVID-19 updates and discussion; Mr. Armendo stated that the count is at 73 persons with the COVID virus as of today three persons have passed away. Numbers have been trending in the right direction. Mr. Brewer asked when rentals will open up. Mr. Armendo stated that nothing is Phase 1 and nothing concrete in Phase 2.

Ms. Shufelt recapped activities since the last meeting. Mr. Hartnett discussed the reopening process. He noted that Westport has remained opened in comparison to the majority of other towns in the state. He has coordinated with state guidance that changed often and with Mr. Armendo. Protective shields have been ordered for employee workstations. These have been difficult to obtain because of the demand. They are looking at retrofitting the door for the clerk and Ms. Tabit by removing the top panel and inserting a tempered glass panel.

There are workplace and workspace requirements employees will need to do. Phase 1 saw a full staff as of last week. The Reopening Committee recommends opening to the public keeping the interaction to the minimum and service the public by screening calls, email or mail. The new phase will be a hybrid opening. The Committee will continue to look at the next few months on how to make it work. Public meetings were discussed and the possibility of broadcasting is one part and they need to work out who can come in the building. After tomorrow's meeting they'll have more information. The library is slowing down their opening: staff is back and looking at guidance from the State as to when other libraries will open and how they will address public use. The Council on Aging will not open to the public until the New Year avoiding any activities in the building, but looking at ways to help seniors at home. The Beach Committee is working on the 12 foot separation required and rest room requirements for meeting BOH and state guidelines.

- b. Town Elections. Elections are scheduled for June 23, 2020 from 10am-8pm at regular polling stations.
- c. Town Meeting – Town Moderator, Steve Fors stated it's the responsibility of the BOS to make sure when and where Town meeting is yet up to the local BOH how to make it safe. He stated the State Moderator Association has put guidance out but he still does not have DHP guidance for Town Meeting. Anything outdoors is safer than indoors. He spoke with someone at UMass Dartmouth to discuss using the outdoor amphitheater or at a fenced baseball field but guidance is needed for safe attendance. Town Meeting could also be in the school and gym.

Ms. Shufelt stated that the town budget still needs to be presented to FinCom at least 30 days prior to Town Meeting. She is working with Mr. Brewer, Mr. King and Karen Raus on getting the budget finished. Another suggestion from Mr. Fors was to reduce the warrant if possible.

Mr. Brewer asked what is happening in other communities. Mr. Fors stated that the majority of Towns are scheduling something for late June, and a small majority will go outdoors the rest are indoor. A small percentage is working on operating in July with 1/12th the budget and possibly in August as well. Ms. Shufelt suggested focusing on mid to late July. Mr. Ouellette agreed.

The posting for annual town meeting requires one week; Special Town Meeting, 2 weeks' notice to the public with the budget to FinCom 30 days out. This item will be on the agenda for discussion on the June 8th agenda in addition to looking at the stabilization fund on the warrant.

- d. Approve article to change the elected Tax Collector to an appointed position for inclusion in the Town Meeting warrant. This is a 2-part process. First, it is voted at Town Meeting followed by a ballot question. Susan Brayton is currently the elected Collector. Mr. Brewer stated that it makes sense since the Town has been discussing combining the Collector and Treasurer positions. He suggested changing some of the wording for clarification but there is no urgency. He said they had the same issue with Treasurer's article and made a slight suggestion as to why there would be a vote due to legal wording provided by Town Counsel. Mr. Brewer will work with Mr. King and Town Counsel. Mr. Valcourt stated Roselli & Clark recommended combining these two positions for years and a smart move for the town bringing together the financial departments.
- e. Endorse 2020 ambulance lease agreement contract. Chief Legendre explained this begins a 3-year lease in place of the old lease which expires the end of June. Although a capital purchase, it is funded by fees collected through the ambulance revolving fund.
MOTION by Mr. Ouellette to approve, noting funding is not coming out of taxation. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call.

- f. Accept donations totaling: \$5,325 for the food pantry through the Recreation Department from: Judith Hale - \$250; Celeste & Howard Penney - \$25; Theodore & Norma Boudria - \$50; Thomas & Johanna Robinson - \$250; Valerie Butler - \$100; Ann Higgins - \$100; Jill & Matthew Kelsall - \$200; Beverly Schuch - \$500; E. Breck Arnzen & Louise Ann Peterson-Arnzen - \$100; Manuel Vale Trustee for the Benefit of Carolyn Vale - \$100; Lisa Barresi - \$100; Thomas & Kathleen LaPointe - \$100; Roger & Beverly Robidoux - \$25; Mary Kennedy - \$500; Edward & Denise Micale - \$50; Minty Silvia Farrissey - \$50; Deborah Hueneke - \$100; Ron DuPonte - \$20; Anonymous Donor - \$5; Joan Johnston - \$100; Gertraude Bergland - \$50; Molly Higgins - \$10; Molly Higgins - \$40; Betty Slade & David Cole in Memory of Geraldine Millham - \$250; Gloria Merchant - \$100; H. Jackson Merchant - \$100; William & Lois Shea - \$100; Carol & Peter Skarbo - \$1,200; Naoko Kugler in Memory of Geraldine Millham - \$50; Carol & Gene Guay - \$50; Fidelity Charitable Fund - \$500; Mary Ellen Hawes Lees in Memory of Geraldine Millham - \$150. **MOTION** by Mr. Valcourt to accept the donations. Seconded by Mr. Brewer. The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Shufelt, Aye. Valcourt, Aye. Ouellette, Aye. Boxler, Aye. Brewer, Aye.
- Mr. King extended kind thanks to Dana Stewart, Carol Freitas and Beverly Bisch for the work they are performing to make the food pantry available to residents.
- g. Ch90 Town Roadway Improvements 2020 Project Request – Narrow Avenue; Cross Road; sections of Sodom Road; sections of Drift Road north & south. Tabled to the next meeting.
- h. Completion of Beech Grove Cemetery paving phase approval. This is funded from the perpetual care interest account and not taxation. **MOTION** by Mr. Ouellette to approve. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call.
- i. Approval of End of Year Budget Transfer Requests:
- 1). From Health Ins.-Employee benefits to Board of Selectmen-for Legal Expenses \$95k;
 - 2). From Board of Health-non-clerical F.T. to Board of Health-Travel \$2,000; Postage \$850; Medical Supplies \$1,000; professional \$500; Misc \$750;
 - 3). From Health Ins/Employee Benefits to Cemetery General Expenses \$2,500;
 - 4). From Fire-Personnel Services to Fire-General Expenses-Vehicle Maintenance \$20k.
- MOTION** by Mr. Valcourt to approve the transfers as listed. Seconded by Mr. Brewer. The Board voted 5-0 in favor by roll call.
- j. Request to post part time Building Inspector position. Mr. King stated that there is funding in FY20 to fund and in the revolving account in FY 21. Mr. Valcourt recused himself as a contractor **MOTION** by Mr. Ouellette to post the position. Seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call with Mr. Valcourt recusing himself.
- k. Weatherlow Farms request to dress the trough in Central Village. Ryan Wagner asked to maintain the island and trough seasonally at the corner of Main Road and Adamsville Road. Mr. Ouellette asked if the details would include keeping it low for traffic. Mr. Wagner will work with Mr. King on the details. **MOTION** by Ms. Boxler to approve. Seconded by Mr. Brewer. The Board voted 5-0 in favor by roll call.

3. Licenses

Weatherlow Farms One Day Liquor License and Entertainment License request for Summer Picnic Series on July 2, 9, 16, 23 & 30 and August 6 & 15th. Mr. Wagner presented the status of his request. Mr. Brewer was supportive of these events as they are consistent with the law. Mr. Valcourt said until there is further guidance for health and safety; he was not prepared to vote. Mr. Wagner said he is more than willing to comply with Governor's orders but would like to plan for these events and needed approval to go ahead. Ms. Shufelt preferred waiting just a little longer for more guidance.

Sue Sherman 871 Sodom Road stated the ZBA approved activities to be in the barn so outdoor seating would be in a different phase. She asked the Board to postpone.

MOTION by Mr. Ouellette to table to June 8th. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call.

4. Appointments and/or Resignations

- a. Appointment of James Hartnett as the JTPG Rep at SRPEDD.

MOTION by Mr. Ouellette to appoint. Seconded by Ms. Boxler. The Board voted 5-0 in favor by roll call.

- b. Appointment of James Whitin as the Planning Board Commissioner to SRPEDD

MOTION by Mr. Ouellette to appoint. Seconded by Mr. Brewer. The Board voted 5-0 in favor by roll call.

5. Discussion

Presentation by Tree Beard Inc., d/b/a Old Soul Gardens Host Community Agreement to cultivate and manufacture marijuana at 1104 Main Road. A presentation was displayed from Attorney Gomes. Attorney Gomes noted that the logo purposely does not reference anything to do with the marijuana plant. They are an economic empowerment craft company which allows them expedited permitting. He explained who was involved in the recreational activity being proposed. They are approved by the state for small scale cultivation and delivery. This is a prototype entity from the state's perspective as they are small stake holders. They are focused in making the community a better place. The location was chosen for the old farm charm and they want to be known for high quality. They find this location in Westport in the craft belt. The proposed location is a 3-acre lot at 1104 Main road that currently has a boarded up house. The location is near the Fire & Police and the restaurants.

Cultivation will be in doors. This facility will look like a generic commercial building, no windows and no one outside. It will look similar to a medical building. The proposal is to take raw materials and processing it, similar to a commercial kitchen. Transportation is from one license holder to another. This comes into play for grower to manufacturer. Delivery license is special to Tree Beard as a craft grower –large conglomerates are unable to have this license. They plan to set their brand apart by genetics. Attorney Gomes demonstrated some visuals on the award winning flower and that security is a top priority with full surveillance inside and out. Anyone on site would need clearance. All persons are tracked and accounted for at all times. Only authorized persons would be allowed on site. All products are also tracked. Loitering would be policed by security.

Their goal is to be a responsible community partner. They have background checks by the FBI. They are proposing the maximum allowable community impact fee of 3%. They ultimately plan to be a state wide company. The state requires giving back to communities that are impacted. In Westport the staff would already be trained and they plan to hire local personnel. The Town would have oversight

Attorney Gomes stated the proposed licensing schedule would first be a Host Community Agreement sometime in May 2020 followed by a Community Outreach Meeting in June 2020; with a Cannabis

Control Commission (CCC) Provisional License September 2020; CCC Architectural Review October 2020; Local Licensing and Permitting October 2020; Construction January-May 2021; Final CCC License June 2021; Commencement of Operations July 2021.

Mr. King provided Attorney Gomes a draft host agreement that was drafted by KPLaw, and Mr. Gomes had no problem with it. He is hoping to have an application in to the Town departments for approval. The host agreement would allow for state preference. Without the host agreement they cannot take the financial risk.

Ms. Shufelt asked about the environmental issues on that site. Attorney Gomes stated that he is working with the intent of cleaning up the parcel. There is a 21-E issue and they are proposing to remediate. Mr. Valcourt stated that any redevelopment of a brownfield, would have to comply with state before they can go forward and is not a bargaining point. Mr. Gomes stated the property is zoned correctly and the municipality would have the control during the process. The host agreement only allows them to take the next step with the state. He talked a little about there not being a green rush with regards to traffic flow. Delivery would be limited impact as this will be out of sight from the roadway.

Mr. Ouellette would like the Town's opinion and needs more information. Ms. Shufelt stated that there have been two host agreements in the past but neither is built at this time. Mr. Gomes proposal is for recreational marijuana. The other two host agreements are for medical. Should they convert to recreational, it is a 2 year process.

Michael Fernandes lives across the street and is opposed to it. He has small children, and said all abutters are opposed. He and his neighbors have consulted to hire legal counsel to oppose this.

Mr. Gomes asked him to focus on what is best for the town. They can focus on licenses that they could remove such as retail. They want to have a better model that fits with the community.

Kyle Fernandes felt this was being snuck in and not giving the people a chance to comment. Mr. Gomes said that there would be no visuals nor odors.

Mr. Gomes has provided the same information packet to the BOS the Planning Board, the Fire and Police Chiefs. He has every intention to work with the Town and is willing to lose the retail portion if needed. The host agreement is a provisional step. He said there are many points for the public to provide input. They are trying to be the future and not perceived problems.

Heather Fernandes had concerns because she has children. She does not think it should be happening in this rural area. Mr. Gomes said that the way the process works, is that if not approved for that location, it is transferrable. If the 1104 Main Road property is not fitting, they can still work with the town in another location.

Sherri Carreiro just built a home across the street she asked what will he do to make sure residents who live here are safe and how will they prevent loitering. She asked why aren't they on Route 6 since it is an unmarked building. She said she just moved to town from Swansea and the residents should have a vote and a say. Attorney Gomes said today's proposal is just a small part in putting their foot forward and they are willing to listen to the voices and to implement what they can to address the community concern. Tree Beard is proposing added income for the town.

Donna Fernandes from Main Road said they have been here since 1977 and they have seen more businesses, and that summers are full of traffic. They like to walk but have to get out of the way of

traffic. She asked what kind of noise will there be, if there will be odor and will this permeate into everyone's environment.

Mr. Gomes responded that this project will not ruin the rural charm, there are no chemicals allowed. Waste disposal is taken out. They will not have huge trailer trucks. It will be modern technology and no noise.

Mr. Valcourt addressed two points: the property is commercially zoned. The folks who spoke do not realize that it is a commercially zoned area. Secondly, he is offended by some comments after having grown up on Route 6, that people want to put it there.

Mr. Brewer asked that to agree to a host agreement may be proper to move the process along but is problematic because it gives the impression that the Board is agreeing. He has a hard time approving the host agreement without public input. Mr. Ouellette asked for more information and input from other departments. Attorney Gomes stated that the permitting process has not been started other than coming here to start the process with a host agreement. Ms. Shufelt asked if there could be a community outreach before a host community agreement. Having a community meeting to provide details is a good idea. Mr. Ouellette stated that where there will be an impact on a neighborhood, they need to provide all the information.

Ms. Shufelt asked Attorney Gomes to work with Mr. King to address the concerns. None of the Board would commit to approval of the host agreement without a community outreach first.

6. Town Administrator Report

Mr. King gave his report. He noted that the Cable license expires in 2023. The Town can seek a new contract with Charter or another company. Charter could seek renegotiation or leave Westport entirely. The Cable Advisory Committee will need to review this. Mr. King has been working on the FY2021 budget with department heads. He provided the Bond rating.

7. Minutes.

MOTION by Ms. Boxler to approve the regular meeting minutes of April 27, 2020; May 1, 2020; May 11, 2020 and May 20, 2020. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Shufelt, Aye. Valcourt, Aye. Ouellette, Aye. Boxler, Aye. Brewer, Aye.

8. Bill Warrant.

Mr. Brewer reported that this warrant was in order and was larger because it contained contractor remittances for the school project.

9. Selectmen Liaison Committee Reports.

Mr. Brewer stated he attended the zoom briefing with Sen. Rodriques about the State's problems. Ms. Boxler had nothing new to report other than the COA not opening. Mr. Valcourt stated that the Camping Ground Committee would be meeting soon and Ag Open Space. Mr. Ouellette stated that the cable would be meeting soon. He said the Veterans info is hard to find. He asked the BOS agenda be issued on web alerts to give people advanced alerts. Ms. Shufelt noted the School Building Committee was delayed till tomorrow.

10. Boards/Committees/Commissions Vacancy List. Listed on line.

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

12. Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting. None.

13. Question & Answers. None.

- 14. Executive Session – Motion** by Mr. Ouellette to enter into Executive Session at 8:49 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:
- discuss strategy with respect to pending litigation on Greenwood Adverse Possession (3).
 - discuss strategy with respect to collective bargaining unions: WPFPA Local 1802 Firefighters Union, Local LAW 254 Town Hall Unit (3).
 - approve Executive Session Minutes.
- Seconded by Mr. Brewer. The Board voted 5-0 in favor by roll call vote

Adjournment

Motion by Mr. Valcourt to adjourn the regular meeting at 9:15 p.m. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call.

Respectfully submitted,



Lucy Tabit Administrative Assistant/
Confidential Clerk

APPROVED: _____



Ann E. Boxler, Clerk, Select Board Member

Attachments to Agenda of 5/26/20:

- 1 Edmund Beaulieu 104th birthday
- 1 Lorraine Fontes Obit
- 1 Walt Pietrzyk Obit
- 2a Opening Report
- 2d appointed collector info
- 2e 2020 ambulance contract
- 2f Food Pantry donations
- 2g Ch 90 Road improvements 2020
- 2h Cemetery paving completion
- 2i End of Year transfers
- 2k WF CV planter
- 3 WF Liq & Ent Application 03172020
- 4a JTPG - SRPEDD - JHartnett
- 4b Nom Jim Whitin to SRPEDD
- 5 Atty Gomes Tree Beard
- 6 TA Report 052620
- 7 BOS minutes
- 8 Bill warrant 052020