



**BOARD OF SELECTMEN
MINUTES
REMOTE MEETING**

Monday June 8, 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 6:02 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 Sharon Potter's service to the Town on the occasion of her retirement. Senator Rodriques was joined by Representative Paul Schmid who presented Ms. Potter with a citation to commemorate her 48 years of service recognizing her dedication to the Town. Mr. Steve Medeiros, Assessor stated that the Massachusetts Association of Assessors also bestowed a certificate. Ms. Shufelt read some parting words to Ms. Potter. Ms. Potter thanked all and mentioned some of the Assessors with whom she worked with. Ann Boxler also noted that she recalls visiting the office with her father who was the assessor at the time.
- b. Members solemnly acknowledged the passing of Barbara Koenitzer who was the secretary to the Westport Historical Commission for 30 years.

The Chair read a statement into the record: These past few weeks have been difficult and uncertain - in the wake of the COVID-19 pandemic we are seeing many people suffer and our thoughts and prayers go out to them, their families, friends and loved ones. We offer our sadness and condolences on the deaths of George Floyd and others. We respect and support the peaceful protests that are bringing attention to a marginalized community. We are listening. We are proud of the good work done by the Westport Police Department and support them in their commitment to professional conduct, democratic policing and procedural justice for all people. In times of difficulty, it is important to come together to have a positive impact in our community. This Board will continue to work with our employees, local businesses and residents to learn more about how to better address racial diversity in Westport.

2. COVID-19 Update

Matt Armendo, Public Health Director stated there have been 90 confirmed cases, 6 deaths and 69 recoveries. He reviewed the current limits of Phase II and directed listeners to the Mass.gov website for specifics.

6:05 p.m.

3. Action Item – Public Hearing

Consider a \$30 (under 65) and \$15 (65 & over) fee for residents to park vehicles at the Horseneck Point Landing for the 2020 season effective June 8, 2020 subject to conditions as required for beach passes. Landing Commissioners supported imposing a requirement of having a beach sticker to park at this landing. Gooseberry Island has free parking for all persons. There is also parking on the other end of East Beach on the Dartmouth line that requires no permits. Mr. Valcourt stated that this is a place that has been historically open to the public especially to visit the lifesaving station. Mr. Valcourt stated free access is almost non-existent and he feels voting to impose a paid permit would hurt people. Mr. Bull felt that this landing has caused many issues with neighbors. Mr. Valcourt stated that the Town already has an issue with non-residents parking on town beaches. Ms. Shufelt asked for comments from the public. There was none. Currently, there is a lot of gathering and traffic issues.

MOTION by Mr. Ouellette to require a beach permit for parking at the Horseneck Point Landing for the 2020 Season. Seconded by Mr. Brewer. The vote was 3-2 by roll call with Ms. Shufelt and Mr. Valcourt voting nay.

4. Action Items

a. Authorize Old Soul Gardens to hold a community outreach event. Attorney Nicholas Gomes requested to conduct a virtual meeting with municipal approval. He outlined what he would discuss the proposal to include zoning. He has reached out to the Town Moderator for assistance. He has additional locations to present to the town as well. Ms. Shufelt opened the floor to public comment on the remote meeting. Mr. Bull noted that there was an important hearing this evening and no one showed up. Ms. Shufelt asked what he plans to do to give notice. Mr. Gomes will publicize the event with the Board, Town Clerk, and abutters in a 300-foot radius.

MOTION by Mr. Valcourt to allow the public outreach event. Seconded by Mr. Ouellette with discussion. He requested Mr. Gomes advertise it in the Shorelines. The Board voted 5-0 in favor by roll call vote.

b. Approval of an Employment Agreement for Susan Brayton as Interim Town Treasurer. Mr. King stated he negotiated the contract, which would provide an additional \$20K. **MOTION** by Mr. Valcourt to approve the employment agreement. Seconded by Mr. Ouellette. The board voted 5-0 in favor by roll call vote.

c. Approve change order for Route 6 Sewer Project preliminary design by Kleinfelder. **MOTION** by Mr. Ouellette to approve. Seconded by Mr. Valcourt with discussion. Mr. Hartnett stated that there was a \$50K earmark last year to look into what would be needed to install sewer. They have done approximately \$39K worth of work and have \$11k left to look at an additional cross section and it is part of the earmark. The board voted 5-0 in favor by roll call vote.

d. Request from the Planning Board for comments on plans:

1). Site plan modification to 999 Main Road, parking area modifications.

2). Low Impact Site Plan and Special Permit for Map 46, Lot 8, 9C on the west side of Division Road, owned by John & Marie Ciccotelli for a request to build a large scale solar energy system of approximately 2.1 megawatts.

No comments on either from the Board.

e. Accept donations for the food pantry through the Recreation Department totaling \$6,852.81 from: Westport Food Co-Op - \$1,952.81; Marjorie Cadoret & Kathleen Gallant - \$50, Thomas &

Joan Coughlin - \$50; A.I. & R.P. Huff - \$100; St. Andrew's By-the-Sea Episcopal Church (Rectors Discretionary Fund from Rev. Lynn D. Orville, Rector) - \$500; Philip Weinberg & Deborah Weaver - \$50; Hanna Bartlett - \$500; Nativity Preparatory School New Bedford (in memory of Geraldine Millham) - \$50; Dorothy Shattuck - \$300; Edith Borden - \$200; Richard & Audre Manchester (Rev. Trust) - \$50; Anne Snyder - \$500; Westport Monthly Meeting - \$500; Susan Mello Szekely - \$100; Nancy Rossiter Mobley - \$250; Richard Mobley - \$250; James Rosenfeld & Sharon Nolan (in memory of Geraldine Millham) - \$100; J. Michael Lennon & Donna Pedro Lennon - \$50; John & Susan Branco - \$50; Daniel George & Christine Ash (in memory of Geraldine Millham) - \$100; Country Woolens Inc. - \$400; Ann Squire (2016 Revocable Trust) - \$100; Terrance & Charlene Connolly - \$200; Catholic Financial Life (Chapter 441) - \$400; Laura Medeiros - \$50.

MOTION by Mr. Valcourt to accept the donations. Seconded by Mr. Brewer. The board voted 5-0 in favor by roll call vote.

5. Discussion

- a. Town Building Re-opening. Mr. Hartnett stated Mr. Armendo has done a great job going around to the offices and briefing personnel. The Town buildings are open to the public by appointment only. Next month in July they may look at doing something different. Westport has been able to stay open. Protective shields have been ordered and door panels will be replaced. John Rezendes will look at the equipment and evaluate what is needed to allow participants in the room and be remote concurrently. One of the issues is an equipment shortage. So other participation possibilities are being explored

- b. Extension of premises to patio and outdoor areas for Section 12 liquor license holders.
MOTION by Mr. Valcourt to spot certify and give them 2 weeks to get all signoffs. Seconded by Mr. Ouellette who asked that departments expedite the process. Mr. Valcourt amended his motion to include that effective tomorrow. The Board voted 5-0 in favor by roll call.

- 1). Request from The Westporter for guidance on the matter.

Janice Day, owner of the Westporter requested the Selectmen expedite the applications. Mr. King will ask the departments to expedite the applications.

- c. Town Meeting Location & Date

Ms. Boxler presented three options for locations: Westport Fair Grounds; Westport High School; and the largest event room at Whites.

Fair Grounds: this location is outside; there are two ways in; there is not that large of an occupancy plus it would pose a challenge for handicapped access; will need to rent port-a-jons and audio.

The High School auditorium: will also need to use the cafeteria and only accommodate 300 persons which is what is expected. Mr. Fors noted the cafeteria did not work last time.

Whites: would cost \$1k for larger audio; three different entrances in one location and everyone could see the moderator and hear the audio; could fit about 400-500 in the room.

Discussion ensued. Steve Fors relayed information from other moderators where outdoor meetings have taken place. He asked to be involved with whatever subcommittee because there are many considerations. Members preferred Whites as the best option.

MOTION by Mr. Valcourt to conduct Town Meeting at Whites as best option for controlling the flow and sound. Seconded by Mr. Ouellette if supported by Mr. Fors. Mr. Brewer asked if there is a cost consideration. Ms. Boxler stated the cost is estimated at \$1,500 to include possible AV. Mr. King stated that these costs would be covered by the Covid relief grant. Mr. Brewer stated that

being the case he would like to support local business. Ms. Oliver asked if there will be live video or if it will be taped. Members explained it would be have to be taped. Mr. Ouellette suggested getting input from moderator on a date. Mr. Valcourt suggested getting input from the venue also and then vote at the next meeting. Ms. Boxler suggested one of the last two Tuesdays - July 21 or 28. Members will wait until 6/22/20 for more information on the specifics to choose a date. Mr. King suggested there would not be a more suitable site for social distancing.

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

d. Town Meeting Warrant

Members discussed not changing or adding an article to add funds to a stabilization account. Members reviewed the articles to keep or remove as recommended by Mr. King. Members asked that committees and departments be asked if articles could be taken off the warrant at this time.

Consider Addition of new articles:

- a). Review and approve article to transfer a sum of money into the Stabilization Fund. **MOTION** by Mr. Valcourt to include it. Seconded by Mr. Brewer. The Board voted 4-1 by roll call with Mr. Ouellette voting nay. Mr. Ouellette was opposed to this. Mr. Brewer asked if this was a suggestion during discussion from FinCom. The discussion was to put some of the free cash into stabilization so there would be funding for capital improvements.
- b). Review and approve article to make the elected position of Tax Collector an appointed position. **MOTION** by Mr. Valcourt to include it. Seconded by Mr. Brewer. The board voted 5-0 in favor by roll call.
- c). Review and approve article regarding 497 Old County Road Special Legislation. This legislation was previously approved and the Legislature had asked for the actual easement. However, four years have lapsed and it expired. Town Meeting would now ask to file the legislation again. **MOTION** by Mr. Valcourt to include on the warrant. Seconded by Mr. Brewer. The board voted 5-0 in favor by roll call.
- d). Review and approve article to authorize a taking of land off Old County Road. This article pertains to the entrance area of the road to the elementary school. The abutter has filed suit against the Town believing that the land is theirs. The town feels confident that the land is Town land. The article proposes taking the land and shifting and regrading the roadway and rebuilding of the farmer's wall. **MOTION** by Mr. Valcourt to include on the warrant. Seconded by Mr. Brewer. The board voted 5-0 in favor by roll call.
- e). Personnel Ordinance Amendment to reduce vacation to 25 days. The article would apply to newly hired employees as negotiated with the union. **MOTION** by Mr. Valcourt to include on the warrant. Seconded by Ms. Boxler. The board voted 5-0 in favor by roll call.

MOTION by Mr. Valcourt to close the warrant. Seconded by Mr. Ouellette. The board voted 5-0 in favor by roll call.

e. FY21 Budget

There have been significant cuts. Members agreed to defer discussion of the budget to the next meeting. Ms. Shufelt reminded the members of one pressing item to be discussed regarding the 1/12th budget for the month of July. The Board needs to approve the 1/12th budget so that it can be submitted to the Department of revenue for their approval, allowing the Town to move into July. This action is required before the current fiscal year ends to expedite the process by the Department

of Revenue. Ms. Shufelt read the request and figures from the Town Accountant report into the record.

MOTION by Mr. Ouellette to approve submittal of the 1/12th budget as recommended by the Town Accountant to the DOR for July. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call vote.

6. Licenses

- a. Request from S& K Auto to extend their Class II Auto Sales license through September 1, 2020 located at 1121 State Road. **MOTION** by Mr. Valcourt to extend the license through September 1, 2020. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call vote.
- b. 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 (Continued from May 26).
Mr. Wagner stated that he had extensive conversations with Lt. Holden and provided answers to the questions. He said his first event is not for another month and things will change by then. He is willing and happy to comply with any state directive. Mr. Brewer had no issue as long as they comply with current recommendations. Susan Sherman of 871 Sodom Road reminded the Board that the ZBA only approved activities in the barn and not on the grounds. Mr. Valcourt agrees with Ms. Sherman and the Board has mistakenly allowed it to happen for the last two years. It sets a bad precedent to approve indoor entertainment before the Governor makes any announcements. Mr. Valcourt reminded the members that the ZBA only approved the indoor activities in the barn. There was discussion on the issuance of an entertainment license. Mr. Wagner also noted he has never seen the ZBA document that prevents any activities outdoors. Mr. Brewer stated that the Board has heard this argument from Mr. Coutinho from the ZBA before, and Mr. Brewer feels it was a narrow point of decision of what does it mean inside the barn or around the barn. There was considerable debate. At the end the Board felt that it was not a compelling argument and the Board elected not to use that information and be compelled by that and made their decisions over the last two years. Mr. Brewer did not agree to this issue being brought up again “because the Zoning Board of Appeals” and does not recall a clear-cut decision on that either. He said consistent with what was done before; his continued view is that individual one-day events are consistent with the farming/commercial/tourism by-law. He noted that if the Board is changing their mind, they would be working in a somewhat arbitrary way to a legitimate business where there have been no problems and where they have complied with all of the Town’s requests. He does not think it is fair arbitrarily citing the ZBA. The Board has sometimes not agreed with the ZBA, which is BOS’s right to do – he stated no disrespect is intended as the ZBA has a tough job to do.

MOTION by Mr. Brewer to grant the requests for 1-day license and for entertainment subject to approvals from the Board of Health and the Police Department. Mr. Wagner has stated that he would comply with any guidance and requirements concerning COVID19 health and safety. Seconded by Ms. Boxler. The Board voted 3-2 in favor by roll call. With Mr. Ouellette and Mr. Valcourt voting nay.

7. Appointments and/or Resignations

- a. Accept resignation of Mitchel Aho, from the School Building Committee.
MOTION by Mr. Valcourt to accept. Seconded by Mr. Ouellette. The board voted 5-0 in favor by roll call.

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

- b. **Assistant Wiring Inspector:** William R. Plamondon, Dame Winship (1-year term).
- c. **Alternate Per-diem Wiring Inspector:** Paul Burke, Roland Charon, (1-year term).

- d. **Head Plumbing and Gas Inspector:** Joseph Ferreira (1-year term).
- e. **Assistant Plumbing & Gas Inspector:** Jason Camara and Alternate Per-Diem Inspector, Samuel Ferreira (1-year term).

MOTION by Ms. Boxler to appoint b-e as listed. Seconded by Mr. Brewer. The board voted 3-2-0 in favor by roll call with Mr. Ouellette and Mr. Valcourt abstaining.

- f. **Bike/Walking Path Committee:** Keith MacDonald, Gail Rodriques, Mark Hosley, Steve Ouellette and Bette Low (1-year term).
- g. **Cable Advisory Committee:** John E. Miller, Donald Krudys (1-year term).
- h. **Capital Improvements Planning Committee:** Muriel Kokoszka (1-year term).
- i. **Council on Aging:** Muriel Kokoszka (1-year term).
- j. **Community Preservation Committee:** John Bell, Dale Weber, Betty Slade (1-year term at-large members).
- k. **Cultural Council:** Merri Cyr, Lucy Tabit, Carol Vidal (3-year term).
- l. **Lifeguards:** Evan Audette, Max Trojano, Julia Vasconcelos, Miranda Howayeck, Sam Trojano, Alisha Rego, Nicholas Howayeck and Xander Schenck. New Lifeguards: Katelyn Harrinton and Jacob Milan.
- m. **Registrar of Voters Republican Town Committee:** Arthur Caesar, Nancy Cook and Josephine K. Coleman (3-year term).
- n. **School Building Committee:** Thomas Aubin.

Ms. Shufelt read the remainder of the appointments f-n into the record. **MOTION** by Ms. Boxler to appoint f-n as listed. Seconded by Mr. Ouellette. The board voted 5-0 in favor by roll call.

8. Town Administrator Report

Mr. King reported on the re-opening at Town Hall buildings by appointment. FEMA flood plain maps were rescinded by FEMA. Mr. Ouellette noted the work done by SRPEDD with FEMA to get this accomplished. Pro-forma for new High School - the debt service cost will be less in 2021 than anticipated.

9. Minutes None.

10. Bill Warrant Noted.

11. Selectmen Liaison Committee Reports None.

12. Boards/Committees/Commissions Vacancy List Noted.

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

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

15. Question & Answers. None.

16. Executive Session – **Motion** by Mr. Ouellette to enter into Executive Session at 9:13 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 unions: AFSCME American Federation of State, County & Municipal Employees Highway Union, WPA Westport Police Association.
- b. approve Executive Session Minutes.

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

Adjournment

Motion by Mr. Ouellette to adjourn the regular meeting at 9:25 p.m. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call

Respectfully submitted,



Lucy Tabi Administrative Assistant/
Confidential Clerk

APPROVED: 

Ann E. Boxler, Clerk, Select Board Member

Attachments to Agenda of 6/08/20:

- a1 Sharon Potter retirement letter of thanks
- 1a2 Senate Sharon M Potter citation
- 1b Obituaries Barbara Koenitzer
- 3 WS-PH Board of Selectman 1x2
- 4a Authorize Old Soul community outreach
- 4b EA Treasurer 6_4_20
- 4c Amendment01-Rte6SewerJKH
- 4d1 999 Main Rd Site Plan Modif
- 4d2 Division Rd Solar plan
- 4e Donations for Food Pantry, 6-3-20
- 5b expansion of premises
- 5b1 Westporter request
- 5d1 5-5-20 ATM Articles Index rev 06022020
- 5e 2021 municipal budget - Covid revisions
- 6a S&K Auto Sales extension lease to Sept 1
- 6b Weatherlow
- 7 Appointments
- 8 TA bi-weekly report
- 10 bill warrant 6-5-20