



**BOARD OF SELECTMEN
MINUTES
REMOTE MEETING**

MONDAY OCTOBER 5, 2020

Members Present: Richard W. Brewer, Chair
Ann E. Boxler, Clerk
Steven J. Ouellette
Also Present: Timothy King, Town Administrator
Absent: Shana M. Shufelt, Vice Chair and member Brian T. Valcourt

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

None.

2. Updates

a. COVID-19

Mr. Armendo, Director of Public Health stated that the number of cases in Westport, as of October 5, 2020 is 137 with 126 recoveries to date, and no new deaths or hospitalizations. Westport is currently in the green or low risk category. He continues to encourage social distancing, wearing face coverings, frequent use of disinfectant and handwashing.

“Phase 3, Step II” starts today - for lower-risk communities – including Westport. Lower risk communities are cities and towns that have not been designated in the “red” category in any of the last three weekly DPH weekly reports. Effective today, a limited number of sectors can reopen with restrictions: Indoor performance venues can open with 50% capacity with a max. of 250; Outdoor performance venue capacity will increase to 50% or max of 250 people; Fitting rooms will be allowed to open in all types of retail stores; Gyms, museums, libraries & driving schools can also increase capacity to 50%.

Statewide gatherings order is modified and now in effect: the limit for indoor gatherings remains at a maximum of 25 people. Outdoor gatherings in private backyards will remain at a maximum of 50 people. Outdoor gatherings at event venues and in public settings will have a limit of 100.

The list of higher and lower risk states changes often so make sure to check the status before any travel. The latest (as of 9/30) list of lower risk states is: DC (District of Columbia), NY, VT, NH, ME & CT. Rhode Island remains on the high risk list. All visitors entering Massachusetts,

including returning residents, must: 1. Complete the online Massachusetts Travel Form prior to arrival, unless they are visiting from a lower-risk state. 2. Quarantine for 14 days or produce a negative COVID-19 test result that has been administered up to 72-hours prior to arrival in Massachusetts.

COVID-19 Community Impact Survey (CCIS) is an online survey to collect data on the social, economic, and health needs and inequities resulting from the COVID-19 pandemic. Open to anyone over age 14: <http://www.mass.gov/COVIDsurvey>

Town COVID Updates: Special Town Meeting – Saturday, The BOH conducted brief COVID-19 screenings and temperature checks without incident.

Schools - The Westport Community Schools website has the latest on what is happening locally. You can also find FAQs for families with information from the state at: <http://www.doe.mass.edu/backtoschool/>

Town Hall and Annex – Open to the public, but service by phone, mail, outdoor dropbox, or online is recommended. Face masks are required for in person visits.

Other BOH announcements:

Septic system information session: The Board of Health will host a virtual webinar on Wednesday, October 7th, 2020 at 5:30 pm with several speakers discussing the science and technology related to denitrifying septic systems and a proposed septic regulation. Details are posted on the BOH website.

Flu season: Flu vaccines are available from the Town Nurse by appointment only. Please call 508-636-1030 to make schedule an appointment.

Extreme Drought: We are now in extreme drought conditions in southeastern Mass, with higher risk of fire and negative impact on groundwater supply. To reduce risk of your well running dry, eliminate lawn watering and other optional uses.

b. Presidential Elections.

Ms. Oliver stated they have thus far received 4,000 mail in applications. They are still waiting to receive ballots from the state which are due by this week. She has volunteers on standby to get these out. People are asked to drop the ballots in the red drop box or in the Town Hall. It must be postmarked November 3 and received by November 6. No ballots are to be returned to the polling station. Mr. Brewer offered to discuss public safety with the law enforcement. Mr. Cole asked if Police will be present at early voting and suggested there be someone at least for the first few days to protect voters from poll waters creating any disturbances. Ms. Oliver would look into arranging this.

3. Licenses

a. Request to renew Aquaculture Licenses for a 3-year term for the following.

Director of Marine Services, Christopher Leonard and Shellfish Advisory Committee reported there were no issues.

- 1) East Branch Site 1 – licensed to Kerrian Fennelly
- 2) East Branch Site 2 – licensed to Kristin Fennelly

3) East Branch Site 3 – licensed to John Fennelly

MOTION by Mr. Ouellette to approve all three licenses. Seconded by Mr. Valcourt. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Valcourt, Aye. Ouellette, Aye. Boxler, Aye. Brewer, Aye. Ms. Shufelt was absent.

b. Discuss renewal of the following licenses placed on hold at the September 21, 2020 meeting:

1) S&K Auto Sales Class II license.

Steve and Kelly Maciel were present. They stated that they are still looking for a location after December 31, 2020. They will know before the end of the year and will decide if they will close. Most rents on Route 6 are prohibitive.

2) Marguerite's – Restaurant Wine & Malt, Common Victualler.

The owners will not reopen. License will lapse as of December 31. No action required.

3) Mediterranean Pizza (now Timo's) – Common Victualler.

This license is defunct and the new owner is operating with out a license. The Building Inspector will be issuing a cease and desist.

4) Harbor Inn – Inn Holders, Common Victualler.

Mr. Steinke stated that he is working on his septic system. Mr. King asked if the CV and Inn Keeper's license is utilized at this time of year. Mr. Steinke is waiting for the outcome of the septic repair.

5) Bay Breeze – Wine & Malt (Seasonal), Common Victualler.

Mr. Brewer asked the owners to make a report on how they are faring this year. Mr. Brewer asked if the port-a-jon was taking up parking – Mr. Fennelly stated that there used to be a dumpster in its place. **MOTION** by Mr. Valcourt to approve the license. Discussion ensued over the parking issues, unrelated to the owner, in the Point area. Seconded by Mr. Ouellette. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.

6) Paquachuck Inn – Club All Alcohol, Common Victualler, Inn Holder.

Ms. Figuerido was not able to be present. She relayed her information to Mr. Brewer. The license for the club is not used because the owner has Zoning issues to resolve. Mr. Brewer noted the property is for sale. Mr. Valcourt is uncomfortable granting the license because they have not resolved the Zoning Board of Appeals issues. He feels the Board would be irresponsible renewing it at this time.

MOTION by Mr. Valcourt to renew the Common Victualler and Innkeeper License and not the club license until the issue with the ZBA is resolved. Seconded by Ms. Boxler. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.

7) Weatherlow Farms – Common Victualler.

Ryan Wagner stated they had cancelled their events and they began curbside service early on during COVID-19. Ms. Sherman shared her experiences concerning the events held there.

MOTION by Ms. Boxler to renew the Common Victualler. Seconded by Mr. Brewer. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.

- 8) Westport Rivers Winery - Entertainment, Pouring (Farmers Series), Common Victualler. Robert Russell, the owner was present to explain that they conducted 15 events this year and plan to do the same again next year. They conducted two in one week to catch up with Covid19 restrictions earlier in the year.

MOTION by Mr. Valcourt to approve all three licenses. Seconded By Ms. Boxler.

Discussion ensued. Annie Cloutier expressed her concerns over the sound levels and the frequency. Mr. Russell stated that the decibel readers they installed did not show that the readings were above 55-60 decibels and that he hired sound engineers as did the Howe family. Mr. Russell stated he had brought in a list of measures last year he was taking.

Ms. Cloutier stated that the volume was much higher especially with wind direction; it was sometimes brutal especially with electric guitars. Mr. Russell stated that they only have acoustic guitars. Mr. King stated both parties did not record sound levels and recommended they do so. Discussion ensued. Mr. King suggested the two parties invest in a sound engineer as an independent assessment. Mr. Russell agrees to look into it. Mr. Brewer was not in favor of voting in favor until there is a solution.

Ms. Boxler stated the Board can either approve the licenses or not but does not see how the BOS becomes the judge on neighbor disputes. Mr. Valcourt stated that the Board cannot tell a business what to do if they are following the law. He understands the dispute with the neighbors and sympathizes with them, but it is not in the BOS purview to settle disputes between neighbors especially as the owner has met the limits. Mr. Russell will look into the suggestions by Ms. Cloutier.

The Board voted 3-1 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Nay. Ms. Shufelt was absent.

4. **Action Items**

- a. Approve the Presidential Election Warrant and authorize stamped signatures. **MOTION** by Mr. Ouellette to approve. Seconded by Ms. Boxler. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.
- b. Approve re-location of "Precinct A" from American Legion Hall 519 Sanford Road to Our Lady of Grace Church Hall 569 Sanford Road for November 3, 2020 elections. **MOTION** by Mr. Ouellette to approve the relocation of Precinct A from American Legion Hall at 519 Sanford Road to Our Lady of Grace Church Hall at 569 Sanford Road for the November 3, 2020 elections. Seconded by Ms. Boxler. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.
- c. Adopt Policy & Procedures regarding marijuana facility host agreements. **MOTION** by Mr. Ouellette to approve. Seconded by Mr. Valcourt. Discussion ensued over obtaining additional legal counsel. Mr. Ouellette withdrew his motion. Mr. Valcourt did not withdraw his second.

The Board voted 3-1 in favor to adopt the draft by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Nay. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.

- d. Approve an Agricultural Preservation Restriction (APR) for the Pettey/Sylvia property at 963 Sodom Road. **MOTION** by Mr. Valcourt to approve the Preservation Restriction as presented. Seconded by Mr. Ouellette. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.
- e. Approve request for Technical Assistance from SRPEDD for Route 6 Corridor Safety improvement Study. **MOTION** by Mr. Ouellette to approve the draft letter to SRPEDD. Seconded by Mr. Valcourt. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.
- f. Approve Scallop Season opening on October 17, 2020. **MOTION** by Mr. Valcourt to approve opening on October 17, 2020. Seconded by Mr. Ouellette. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.

Approve request from the Economic Development Task Force to extend the Farmer's Market one more week to October 10, 2020. **MOTION** by Mr. Valcourt to approve the extension. Seconded by Mr. Ouellette. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.

- g. Approve handicap-warning sign in the vicinity of 150 Meadowbrook Lane. **MOTION** by Mr. Valcourt to approve the sign request. Seconded by Mr. Ouellette. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.
- h. Request from the Planning Board for comments on Special Permit and Site Plan applications for Non-Medical Marijuana by Coastal Healing LLC, for property located at 248 State Road, Assessor's Map 3, Lots 144C & 144E. Mr. Ouellette had many concerns over the parking on this property. Other members had no further comments. **MOTION** by Mr. Ouellette to send a comment that the Board is concerned with the parking layout and Route 6 traffic patterns and to ass the Planning Board take a close look at these. Seconded by Ms. Boxler. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.
- i. Accept donations for the food pantry through the Recreation Department in the amount of \$1,800 from the following: James & Linda Lebel - \$25; Jill & Matthew Kelsall - \$150; Bonnie & Mark Hosley - \$400; Joseph W. Collins in memory of James M. Mullin - \$25; Laura A. Medeiros - \$50; Karen L. Nourse - \$100; J. Philip & Camilla Raposa - \$1,000; Anonymous - \$50 Grocery Gift Card to Stop & Shop. **MOTION** by Ms. Boxler to accept. Seconded by Mr. Ouellette. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.
- j. Approve bid award and notice to proceed for upcoming FY21, Chapter 90 2020 Roadway Improvement Project to T. Miozzi, Inc. for \$795,478. **MOTION** by Mr. Valcourt to approve the bid. Seconded by Mr. Ouellette. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.

5. Appointments and Resignations

- a. Appoint Laura Nelson as new Library Trustee jointly with the Library Trustees.
Susan Branco, Library Director, was present and noted that the Trustees of the Library had voted to appoint Ms. Nelson.
MOTION by Mr. Ouellette to approve the appointment. Seconded by Ms. Boxler. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.
- b. Appoint Michael Chicca as full time Police officer, effective September 30, 2020 (1-year appointment).
MOTION by Mr. Ouellette to approve. Seconded by Mr. Valcourt. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.
- c. Appoint Nancy Whitin to the Westport Cultural Council (3-year appointment).
MOTION by Mr. Ouellette to approve. Seconded by Mr. Valcourt. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.
- d. Appoint Parking Permit Task Force Members.
BOS Rep: Shana Shufelt
Landing Commission Rep: Sacha Sullivan
Town Clerk Rep: Stella Farias
Beach Committee Rep: Sean Leach
At-Large Member 1: Paula Brown
At-Large Member 2: Christopher Michaud
MOTION by Mr. Ouellette to appoint the members above for a one year term. Seconded by Mr. Valcourt. The Board voted 4-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Valcourt, Aye. Brewer, Aye. Ms. Shufelt was absent.

6. Discussion

Job functions and goals for the:

- 1) Board of Selectmen. Members had a draft in the packet for review. Members were in agreement with the draft.
- 2) Town Administrator. Mr. King added a few other items and Mr. Ouellette read these into the record and recommended these be added. Members agreed to the draft and the added items from Mr. King.

7. Town Administrator Report.

Mr. King provided his updates regarding the Cares Act funding; energy savings at the Elementary school; MS4 permitting is completed; Septic System Regulations public meeting; Parking tickets; Route 88 resurfacing Project; FY2020 Municipal Audit; COVID19 Cares grant report; Westport Middle School Adaptive Reuse; Unemployment Fraud.

8. Approve Minutes

September 21, 2020. **Motion** by Ms. Boxler to approve as written. Seconded by Mr. Valcourt. The Board voted 3-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Brewer, Aye. Ms. Shufelt and Mr. Valcourt were absent.

9. Report on Bill Warrant

Mr. Brewer stated that all was in order but looks for another member to take over the duty this coming year.

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

Ms. Boxler had no meetings.

Mr. Ouellette noted that the Farmers Market is still going and has a few people interested in joining. He continues to work on transportation and safety issues.

Mr. Brewer discussed the upcoming Santos farm APR and his role on the WLCT committee to review the potential farmer.

11. Boards/Committees/Commissions Vacancy List.

Ms. Boxler stated that the Recreation Commission is in need of 3 members; the Energy Committee is in need of 4 members.

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

Contingent offer of Employment request received this afternoon from Chief Pelletier for Tyler Oliveira..

Motion by Mr. Ouellette to approve. Seconded by Ms. Boxler. The Board voted 3-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Brewer, Aye. Ms. Shufelt and Mr. Valcourt were absent.

13. Comments and Statements.

None.

14. Executive Session Motion by Mr. Ouellette to enter into Executive Session at 8:55 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 litigation concerning the Greenwood suit (3).
- b. approve Executive Session Minutes.

Adjournment

Motion by Mr. Ouellette to adjourn the regular session at 9:10 pm. Seconded by Ms. Boxler. The Board voted 3-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Brewer, Aye. Ms. Shufelt and Mr. Valcourt were absent.

Respectfully submitted,



Lucy Tabit Administrative Assistant/
Confidential Clerk

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

Attachments to Agenda of 10/05/20:

3a East Branch aquaculture license renewals; 4a NOV 3 warrant; 4b Polling changes and survey; 4c Marijuana HCA Policy; 4d Pettey APR; 4e Transportation Letter of Request; 4f 2020 scallop season opening; 4g Memo to BOS-extend 2020 market one day-9-28-20; 4h Blind person sign request; 4i PB site plan coastal healing - recreational MJ; 4j List of Monetary Donations for Food Pantry, 9-30-20; 4k Bid documents T Miozzi fy21 road work; 5a Lib Trustee Laura Nelson; 5b Michael Chicca; 5c Nancy Whitin letter for WCC; 5d Parking Permit Administration Task Force; 6 Goals 2021; 7 TA Report 100520; 8 BOS minutes 092120 draft; 9 Bill Warrant 9-24-20.