



**BOARD OF SELECTMEN
MINUTES
REMOTE MEETING**

MONDAY OCTOBER 19, 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 6:02 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

Mr. Brewer noted the Cultural Council Outdoor Movie night was postponed from last Saturday to this Friday due to inclement weather for anyone who may have missed the original announcement.

2. Updates

a. COVID-19

Mr. Armendo, Director of Public Health stated that the number of confirmed COVID-19 positive cases of Westport residents as of October 19 is 159. There have been 137 recoveries to date. The Town Nurse is conducting contact tracing for 6 current cases. This puts Westport back into the "yellow" or moderate risk category. He urged social distancing, wearing face coverings, frequent use of disinfectant and handwashing.

Establishments serving alcohol are limited to 25 people in an enclosed areas and persons must maintain 6-foot distancing unless from the same household. Statewide gatherings order is modified, effective October 5:

- The limit for indoor gatherings remains at a maximum of 25 people.
- Outdoor gatherings in private backyards will remain at a maximum of 50
- Outdoor gatherings at event venues and in public settings will have a limit of 100 and requires 1-week advance notice to the Board of Health if attendance is expected to exceed 50.

Travel Order: The state has updated the criteria for risk level and as of 10/17 the following states are considered low risk: CA, WA, HI, DC, NY, NJ and the New England states, except RI which remains on the "High Risk" list.

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>

Halloween: The BOH is encouraging residents to avoid Halloween indoor events and parties. Trick or treating is still allowed, but we recommend:

- Place candy on a platter instead of a bowl, preferably outside in a grab and go format.
- Consider leaving hand sanitizer by any treats.
- Wear a face mask or face covering.
- A costume mask is not a substitute for a face mask or face covering. To protect yourself and others, ensure you are wearing a protective face mask or covering instead of or in addition to a costume mask.
- Maintain six feet distance from anyone outside your own household.

Gathering limits and all other COVID-19 rules apply

Early voting at Town Hall: COVID -19 safety protocols are in place for those who wish to vote in person in the basement of Town Hall.

Flu vaccine: Flu vaccines are available from the Town Nurse by appointment only. We no longer have any high dose (for over 65) vaccine in our supply. Please call 508-636- 1030 if you would like to make an appointment.

Schools: Mr. Armendo continues to work with the school administration to review the state guidance on various COVID-19 protocols related to safe school operations and various scenarios.

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.

Public Hearing on proposed Septic System Water Resource Protection Regulation: Scheduled for October 29th at 7 pm. The hearing notice and draft regulation are posted on the BOH website.

He stated that we are still in a drought and cautioned all to use water wisely.

b. Presidential Elections.

Town Clerk, Ms. Oliver stated they are extremely busy. Ballots arrived Thursday and so far, 4219 were mailed. The early voting and mail-in ballots process are thus far running smoothly. Mail in ballots are opened on Election Day and poll workers will put these through the machines then. November 3 2020 postmark will be accepted up to November 6th. Mail-in ballot requests are due by October 28, 2020.

Mr. Valcourt reminded all that Precinct A has been moved from the American Legion Hall to Our Lady of Grace Hall.

3. Licenses

- a. Pole Hearing: Request approval of a petition to locate one (1) JO pole 22/7.5, on the southerly side of Briggs Road at a point approximately 91' easterly from existing pole P8 and approximately 116' Westerly from existing poll 22/7 on the southerly side of Briggs Road. **Petitioner:** Verizon New England and NSTAR Electric Company D/B/A Eversource Energy.
Ms. Simmons, the abutter wanted to make sure that there would not be an interruption of power. **MOTION** by Mr. Valcourt to approve conditional that they will not interrupt power to the abutter at 44 Briggs Road and to contact the abutter to explain such. Seconded by Ms. Shufelt. The Board voted 5-0 in favor by roll call. Boxler, Aye; Ouellette, Aye; Shufelt, Aye; Valcourt, Aye; Brewer, Aye.
- b. Request approval for a Common Victualler's License for Stacy Cakes Tea Shoppe & Cakery located at 762 Main Road. Ms. Silva-Boutwell was present and talked about her intention to make cakes and sell dried teas. **MOTION** by Mr. Valcourt to approve conditional on meeting the Board of Health requirements. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call. Boxler, Aye; Ouellette, Aye; Shufelt, Aye; Valcourt, Aye; Brewer, Aye.
- c. Request approval for a Common Victualler's License for Timo's Pizza located at 151 State Road. **MOTION** by Mr. Ouellette to approve conditional on meeting the requirements of the Building Department. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call. Boxler, Aye; Ouellette, Aye; Shufelt, Aye; Valcourt, Aye; Brewer, Aye.
- d. Request approval of amendments to liquor licenses for a change of Officers for the Acoaxet Club, Inc. (annual all liquor) and for the Acoaxet Club Inc. d/b/a The Pro Shop (seasonal wine and malt). **MOTION** by Mr. Ouellette to approve the changes for both establishments. Seconded by Ms. Shuelt. The Board voted 5-0 in favor by roll call. Boxler, Aye; Ouellette, Aye; Shufelt, Aye; Valcourt, Aye; Brewer, Aye.

4. Action Items

- a. Request to accept the winning bid for the \$50 million school bond.
The Treasurer/Collector recommended awarding the bid to Fidelity. The effective interest rate for the bond debt service came in at 2.08%. Ann Boxler read the vote into the record

MOTION by Ann Boxler that the sale of the \$47,515,000 General Obligation School Project Loan, Chapter 70 Bonds of the Town dated October 19, 2020 (the "Bonds"), to Fidelity Capital Markets, a division of National Financial Services, LLC at the price of \$50,164,673.38 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on November 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2021	\$ 960,000	5.00%	2035	\$1,710,000	2.00%
2022	1,010,000	5.00	2036	1,745,000	2.00
2023	1,060,000	5.00	2037	1,775,000	2.00
2024	1,115,000	5.00	2038	1,815,000	2.00
2025	1,170,000	5.00	2039	1,855,000	2.00
2026	1,225,000	5.00	2040	1,890,000	2.00
2027	1,290,000	5.00	2041	1,925,000	2.125
2028	1,355,000	5.00	2042	1,970,000	2.125
2029	1,425,000	5.00	2043	2,010,000	2.25
2030	1,495,000	4.00	2044	2,055,000	2.25
2031	1,550,000	3.00	2045	2,100,000	2.25
2032	1,600,000	3.00	2047	4,345,000	2.25
2033	1,645,000	2.00	2049	3,745,000	2.375
2034	1,675,000	2.00			

Further Voted: that the Bonds maturing on November 1, 2047 and November 1, 2049 (each, a “Term Bond”) shall be subject to mandatory redemption or mature as follows:

<u>Term</u>	<u>Bond</u>	<u>due</u>	<u>November</u>	<u>1,</u>	<u>2047</u>
<u>Year</u>			<u>Amount</u>		
2046			\$2,150,000		
2047*			2,195,000		

*Final Maturity

<u>Term</u>	<u>Bond</u>	<u>due</u>	<u>November</u>	<u>1,</u>	<u>2049</u>
<u>Year</u>			<u>Amount</u>		
2048			\$2,250,000		
2049*			\$1,495,000		

*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated October 13, 2020, and a final Official Statement dated October 19, 2020 (the “Official Statement”), each in such form as may be approved by the Interim Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Interim Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Interim Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Interim Treasurer and bond counsel deem sufficient, or if such procedures are currently

in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Bonds (collectively, the “Documents”), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Interim Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended, and as further suspended, supplemented or modified by the Executive Order of the Governor of The Commonwealth of Massachusetts Suspending Certain Provisions of the Open Meeting Law, Chapter 30A, §20 dated March 12, 2020. Dated: October 19, 2020

Seconded by Shana Shufelt. The Board voted 5-0 in favor by roll call. Boxler, Aye; Ouellette, Aye; Shufelt, Aye; Valcourt, Aye; Brewer, Aye.

b. FY 2022 Budget Policy.

Anticipating non-property tax revenues for FY 2022 is particularly challenging in this COVID Year. The Legislature has not completed work on the FY 2021 State Budget. Level-Funding is the estimate for Local Aid and Mr. King is recommending this.

Local Receipts are adversely affected by COVID (such as Meals & Lodging). The impact of COVID on Excise Tax Receipts won't be known for several months because the bulk of the bills aren't sent out until February or March, 2021.

Computing an estimate for property taxes is easier but still contains some uncertainty. Based on the FY 2021 Tax Levy, Mr. King estimated an increase of approximately \$1,000,000 over FY 2021. Reduced from \$400,000 to \$300,000 is the estimate for New Growth for FY 2022.

Expenditures. Not anticipated are great increases in departmental budgets due to any unforeseen circumstances. However, it will be necessary to fund those positions partially funded for FY 2021 (Police, Fire, Planning).

All collective bargaining agreements expire as of June 30, 2021. Therefore, the costs for funding them is uncertain. Mr. King recommended budgeting 2% for FY 2022 for all wages/salaries.

Mr. King does not anticipate any large increase in Health Insurance Premiums or Bristol County Retirement Assessment for FY 2022. The governing bodies of both of these "fixed costs" appear to want to reduce the impact on municipalities. This is good news because BCR has assessed major increases the past couple of years.

Also uncertain will be the State Assessments for School Choice and Private School Tuition.

One area not funded in FY 2021 was a contribution from the General Fund for the OPEB Reserve Fund. This had gradually increased to \$245,000 until FY 2021.

- c. Accept donations for the food pantry through the Recreation Department in the amount of \$2,450.00 from the following: Robert & Mary Ellen White - \$50; Colin & Sheri Boyle - \$100; Judith Kelly - \$50; Richard & Audre Manchester Rev. Trust - \$50; Douglas G. Vrona, D.M.D - \$100; Paul & Joan Brenckle - \$50; Brenda L. Hernandez - \$50; Deborah H. Hueneker - \$100; Nan M. Laird & Joel Altstein - \$500; Mary E. Kennedy - \$200; Eileen & Kevin Shea - \$500; Elizabeth & Jean-Francois Paquin - \$25; James C. Rosenfeld & Sharon L. Nolan - \$300; Barbara K. Slaight - \$150; Anonymous - \$100; Anonymous - \$10; Anonymous - \$5; Anonymous - \$5; Anonymous - \$5; Anonymous - \$100 Grocery Gift Card to Market Basket.

MOTION by Ms. Boxler to accept these donations. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call. Boxler, Aye; Ouellette, Aye; Shufelt, Aye; Valcourt, Aye; Brewer, Aye.

- d. Accept donations for the Council on Aging totaling \$2,020 from: Class donations \$1,138; Gloria Fellows, \$5.00; Paul Mendonca, \$50.00; Toni Keavy, \$50.00; Ralph Urban, \$25.00; Michael Medeiros, \$50.00; Roberta Chaves \$25.00, Gerald & Elizabeth Pietruska in memory of Ann Pietruska, \$100.00; Equipment Loan, \$ 50.00; Coffee/hospitality \$22.00; Paul Canuel, \$15.00 and Anonymous, \$5.00.

MOTION by Ms. Boxler to accept these donations. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call. Boxler, Aye; Ouellette, Aye; Shufelt, Aye; Valcourt, Aye; Brewer, Aye.

5. Appointments and Resignations

Request appointment of Antonio Cestodio to the Council on Aging (3-year term).

MOTION by Mr. Valcourt to appoint Mr. Cestodio to the Council on Aging. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call. Boxler, Aye; Ouellette, Aye; Shufelt, Aye; Valcourt, Aye; Brewer, Aye.

6. Discussion

Targeted Integrated Water Resource Management Plan (TIWRMP).

Mr. James T. Whitin, Chairman of the Planning Board was present and he gave a short introduction to the presentation by Robert Daylor, Vice-Chair of the Planning Board. Mr. Daylor explained the sources of nitrogen that are effecting the TMDL (Total Maximum Daily Load) per DEP requirements in the MEP report. The plan looks at how to make changes to reduce the loading. He focused on several areas the plan looked at such as Route 6 and installation of a sewer line to Fall River and other areas in town for solutions such as cluster septic treatments in Cadman's Neck and the Let to show that there could be improvements. There was also a component looking at growth. Mr. Whitin added that they are discussing the cluster system with Buzzards Bay Coalition for assistance. The Planning

Board is looking to the BOS to support the collaboration with the BBC to implement the cluster system.

MOTION by Mr. Ouellette to support the collaboration with the BBC in order to study the satellite systems. Seconded by Mr. Valcourt.

Discussion ensued. Ms. Ryden, Chair of the Board of Health noted that the Board is looking at a new regulation for nitrogen reducing systems for certain circumstances.

The Board voted 5-0 in favor by roll call. Boxler, Aye; Ouellette, Aye; Shufelt, Aye; Valcourt, Aye; Brewer, Aye.

MOTION by Mr. Valcourt to support the Board of Health's plan to update septic systems with denitrification systems and cesspools. Seconded by Mr. Brewer.

Mr. Ouellette and Ms. Shufelt endorsed the idea but deferred until hearing the result of the Public Hearing on October 29, 2020. Discussion ensued. Mr. Valcourt withdrew his motion. Mr. Ouellette withdrew his second.

MOTION by Mr. Valcourt to support the Board of Health's direction in their plans. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call. Boxler, Aye; Ouellette, Aye; Shufelt, Aye; Valcourt, Aye; Brewer, Aye.

7. Town Administrator Report

Mr. King briefed the members on Westport High/Middle School Adaptive Reuse; LED Lighting through the Green Communities Project; Grades 5-12 Bond Issue; Community TV – Annex Meeting Room Upgrade; Habitat for Humanity building two affordable units in a duplex on Sodom Road; Veteran's Day Activities and the monthly reports received from various departments.

8. Approve Minutes

October 5, 2020 – did not make it into the packets for the Board and will be on the next agenda.

9. Report on Bill Warrant

Mr. Brewer stated that all was in order

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

Ms. Boxler had no updates other than the Habitat for Humanity info that the Town Administrator announced.

Mr. Ouellette gave an update for the Bike and Walking Path Committee.

Ms. Shufelt stated that the new school project is still under budget. The well tests look good.

Mr. Valcourt noted that the Campground Committee met and voted to turn the property over to the School Department.

11. Boards/Committees/Commissions Vacancy List.

Ms. Boxler noted the committee vacancies.

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

None.

13. Comments and Statements.

None.

Adjournment

Motion by Mr. Valcourt to adjourn at 8:25 pm. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call. Boxler, Aye; Ouellette, Aye; Shufelt, Aye; Valcourt, Aye; Brewer, Aye.

Respectfully submitted,



Lucy Tabit Administrative Assistant/
Confidential Clerk

APPROVED: _____



Ann E. Boxler, Clerk, Select Board Member

Attachments to Agenda of 10/19/20:

3a pole petition; 3b StacyCakes Tea Shoppe CV application 3c Timo's CV application; 3d acoaxet club chg of officers; 3d pro shop chg of officers; 5a 1 Bid Results-1; 5a 2 Selectmen Vote - Westport Bonds 11-02-2020-c; 5b Municipal Budget policies; 5c List of Monetary Donations for Food Pantry, 10-14-20; 5d COA Gift List to BOS; 6 Cestodio letter; 7 TA Report 101920.