



**BOARD OF SELECTMEN
MINUTES
REMOTE MEETING**

MONDAY NOVEMBER 2, 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

Ms. Shufelt recognized and thanked the Fire and Police Departments for giving out candies for Halloween.

2. Updates

a. COVID-19

Mr. Armendo, Director of Public Health stated that the number of cases in Westport, as of Monday, November 2nd is 239 - that is a five day increase of 47 cases. Westport continues to be in the "red" or higher risk category. We expect the Town to continue as High Risk, which means we would have to go back to Step 1 of Phase 3 starting on Monday 11/9/20.

The Governor announced this afternoon a number of new orders to address the rapidly increasing number of COVID-19 infections on a daily basis (up over 300% since Labor Day). These will take effect on Friday, November 6, 2020. More details are be available on the state website: www.mass.gov. These statewide orders include but are not limited to:

- Updated "Stay at Home Advisory" to refrain from going out except for essential activities from 10 pm to 5 am.
- Indoor recreation, theatres, casinos etc. must close at 9:30 pm
- Restaurant table service must stop at 9:30 pm, though takeout is still allowed later.
- No alcohol/cannabis sales in any venue after 9:30 pm
- Gatherings will be more restricted: private home no more than 10, indoor gatherings at event or public venues will be limited to 25, outdoor gatherings are also restricted, and in all cases gatherings must end at 9:30 pm
- Updated face coverings order – Everyone older than 5 must wear a face covering at all times when in a public location, whether indoors or outdoors.

He stated that for now it seems that household transmission are the main source of positive cases in town. If someone in your household is positive for COVID-19 please follow the appropriate isolation and quarantine protocols. Following the correct protocols is critical in stopping the spread. He urged Westport residents to cooperate with the town nurse and the state contact tracing staff if one should get a call – it will help the entire community.

He reminded all not to be complacent. The goal is to keep everyone safe. So keep up with maintaining social distancing, wearing face coverings at all times in public, and washing or sanitizing hands frequently. He recommended if persons have not already, please get a flu shot.

Other updates concerned the numbers as designated by the Governor today for reduced group gatherings in sector specific areas; Eviction Diversion; ABCC Advisories; Travel Orders and BOH announcements regarding Thanksgiving and safety; Election Day rights and safety and Town Buildings remaining open to the public at this time.

Members discussed closings should the numbers continue to rise. Members were in agreement to leave it to discretion of the Chair in consultation with the Board of Health to evaluate if public buildings were to be closed to the public due to rising number of cases in Westport.

Motion by Mr. Valcourt for the Chair to decide on November 6, 2020 if numbers continue to rise to close the Town buildings. Seconded by Ms. Shufelt. The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

Mr. Armendo requested that the Board consider allowing the Public Health Nurse to remain at her level of hours because of the amount of work surrounding COVID into the New Year after the Covid-Care funding runs out.

b. Presidential Elections.

Mr. King gave an update to the operations in the Town Clerk office for the elections. Mr. King and the Chair thanked the Clerk, her staff and volunteers for the work accomplished.

3. **Action Items**

- a. Accept donations for the food pantry through the Recreation Department in the amount of \$1,781.00 from the following: Linda D. Richter - \$25; William L. Pardee - \$50; Martha & Paul Chamberlain - \$250; Laura A. Medeiros - \$50; Paul A. Cronin - \$200; Irene & Norman Buck - \$100; Barbara S. Smith - \$100; Bruce R. Seelenbrandt - \$500; Several Anonymous Donors who gave cash - \$506.

Motion by Ms. Boxler accept the donations. Seconded by Ms. Shufelt. The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

Dana Stewart, Recreation Director, gave an update to the Board that there will be a food drive through the schools. She has requested a donation of 150 turkeys for residents as well as the Veterans. She stated that the Food Pantry has partnered with the Friends of the Council on Aging by combining on a 501c3 to be able to get more food from the Greater Boston Food Bank. Any donations to the Food Pantry, will be reported weekly and any donations to the Friends of the COA will be found in her monthly reports going forward.

- b. Request to approve Conservation Restriction (CR) for the Santos Farm located at 1309 Main Road. Ross Moran, Director of the Westport Land Conservation Trust and Steven Sloan, Land Acquisitions described the 125 acres being protected with 2 CRs. The Land Trust plans to purchase

the farm and resell the 80 acre parcel to someone who can farm this land to ensure it is used for this purpose.

Motion by Mr. Valcourt accept the Conservation Restriction. Seconded by Ms. Shufelt. The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

Motion by Ms. Shufelt to authorize Mr. Brewer sign the restriction. Seconded by Mr. Valcourt. The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

- c. Request to approve an amendment to the Conservation Restriction for Little Tree Farm at 241 Cornell Road.

Motion by Mr. Valcourt approve the amendment to the Conservation Restriction. Seconded by Mr. Ouellette. The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

- d. Request for comments on a Site Plan to increase parking spaces for a Class II dealer license from 10 to 15 for Richard Mendez located at 130 Plymouth Avenue.

Jim Hartnett, Town Planner provided background. Mr. Brewer stated that the Board had no comment at this time.

- e. Request to vote to refer proposed Zoning By-Law amendments back to the Planning Board for review and public hearing input for the following:

Amendment 1:

Item 1. Section 9.9 Marijuana Establishments. The proposed amendments would require Medical and Non-Medical Marijuana Establishments to locate only in the Science and Technology District (STOD) or the Adult Entertainment Overlay District (AEOD). Additional dimensional requirements have been added including a maximum building height of 40' and a minimum setback from residential use of 500'.

Item 2. To amend Section 3 Definitions. The proposed amendment would define Marijuana Microbusiness and Marijuana Transporter

Item 3. To amend Section 5.1 Table of Use Regulations. The proposed amendment would update the Table of Uses for Marijuana Establishments.

Amendment 2:

Item 1. To amend Section 9.9 Marijuana Establishments. The proposed amendment would prohibit Non-Medical Marijuana Establishments from locating in Westport.

Item 2. To amend Section 5.1 Table of Use Regulations. The proposed amendment would update The Table of Uses for Marijuana Establishments.

Motion by Ms. Shufelt to refer the proposed zoning amendments listed above to the Planning Board for review and public hearing input. Seconded by Mr. Ouellette.

Heidi Correira asked why are there 2 marijuana establishment being allowed back to back. Mr. Hartnett explained that current zoning allows this activity anywhere. The proposed amendments will limit the area for these activities. Mr. Hartnett explained that the Planning Board will accept all comments at the public hearing.

The Board voted 4-1 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Nay. Brewer, Aye.

4. Discussion

a. Discuss Future Use of Campground Property.

Nancy Stanton Cross, Chair of the Campground Committee, explained the events arriving to the their decision to transfer the property to the School Building Committee (SBC) so they could apply for funding and assistance in construction of the fields. There is a need for a preliminary survey and Campground committee member, Jeff Wade, stated he drafted an RFP for preliminary pricing for the design and construction. He hopes the SBC would be able to fund this. Currently, the committee is asking the BOS to approve going forward with the RFP and are hopeful to transfer the care and control of the campgrounds to the School Building Committee at the Annual Town Meeting.

Motion by Mr. Valcourt to authorize the Camping Ground Committee and SBC to evaluate the camping ground for expanding the fields on the campground property. Seconded by Ms. Shufelt.

Discussion ensued. The initial step is to authorize the SBC to fund the study and to move ahead with the transfer of care and control. The conceptual plan could be presented to the school with specific items the Campground Committee agrees upon for design. A source of funding could be CPA funding for the playing fields as a capital item.

Mr. Valcourt amended his motion as follows:

Motion by Mr. Valcourt to authorize the Camping Ground Committee and SBC to evaluate the camping ground for the potential for building fields and recreational uses.

Ms. Shufelt seconded the amended motion.

The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

Mr. Wade will work on a CPA application for the December CPC meeting.

b. Discuss a resident's draft letter to the Attorney General requesting an expedited review of the recent Special Town Meeting General By-Law vote on Non-Medical Marijuana.

R. Michael Sullivan submitted a draft letter and explained the intent was to give the Attorney General a summary of event leading up to the last Special Town Meeting repealing adult use Marijuana. He is not asking any action from the Board. He is offering a citizen's request for a considerate review not for an expedited review and asked the members if they would consider signing as individual Selectpersons, to give the letter more weight. He asked that each of the Board send him an e-mail if they were so inclined to support the letter with their title.

Mr. Valcourt questioned any opinion being made by the Board as there could be potential for a lawsuit and does not want to put the Town nor any of the members at risk. Mr. Sullivan feels that the Elected Officials should stand in support. Mr. Ouellette thanked Mr. Sullivan for stepping up and cited the animal issue as an example. The Board took no action.

5. Licenses/Permits.

None.

6. Appointments and Resignations

None.

7. Town Administrator Report

Mr. King gave his report and noted the public hearing last Wednesday for the reuse of the current Middle/High School. The Long Term Building Committee will be issuing an RFP. The intent is to have something ready for the Annual Town Meeting. The Green Communities project is almost complete replacing the fluorescent lights in Town buildings with LED lights. The Town Energy Aggregation rate changes as allowed under the contract by an increase of .00085 cents per kilowatt-hour. He stated that Keith Novo provided an explanation as to why the phone lines are so poor in town in general; Mr. King read the explanation into the record noting that Verizon does not intend to replace any lines in Town. The Community TV provided its monthly report to the Board.

8. Approve Minutes

a. October 5, 2020

Motion by Ms. Boxler to approve the October 5, 2020 minutes. Seconded by Ms. Shufelt. The Board voted 4-0-1 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, abstained due to absence. Valcourt, Aye. Brewer, Aye.

b. October 19 2020

Motion by Ms. Boxler to approve the October 19, 2020 minutes. Seconded by Ms. Shufelt. The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

9. Report on Bill Warrant

Mr. Brewer stated, upon his review, all was in order.

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

- Mr. Valcourt noted he could not make the following committee meetings that were scheduled during the workday: Camping Ground Committee, SRPEDD and Energy Committee. He asked if scheduling could consider evening hours.
- Ms. Shufelt stated the School Building project is moving forward on schedule and there were favorable results for the well. She scheduled the Parking Task Force first meeting for Nov 9 and she remotely attended the School Reuse meeting and Board of Health septic regulation public meeting.
- Mr. Ouellette summarized the meetings he attended: Cable advisory, School Reuse and SPRPEDD.
- Ms. Boxler discussed the Housing Trust meeting she participated in last Wednesday with Habitat for Humanity. There was a lot of interest despite being held at the same time as the School Reuse meeting.
- Mr. Brewer stated he was invited to the November 6, 2020 ribbon cutting ceremony at the new Stacey Cakes Tea Shop and Cupcakery. Mr. Brewer stated he is the representative for Bristol County Commissioners and they were supposed to meet in August to approve FY21 budget. The meeting is planned at Bristol Aggie by remote participation and as an in-person meeting. Of interest to the Town is the school's budget. In FY22 the Town will start to pay its share of the

capital improvements project for the Aggie. He does not know what that share is and expects to find out on November 19.

11. Boards/Committees/Commissions Vacancy List

Ms. Boxler read the list of committee vacancies into the record.

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

None.

13. Comments and Statements.

None.

14. Executive Session – On a **Motion** by Mr. Ouellette and Seconded by Ms. Boxler, members entered into Executive Session at 8:07 pm. and adjourned 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. discuss WPA Westport Police Association grievance (1).
- c. approve Executive Session Minutes.

The Board voted 5-0 in favor by roll call. **Roll Call Vote:** Boxler, Aye. Ouellette, Aye. Shufelt, Aye. Valcourt, Aye. Brewer, Aye.

Adjournment:

Motion by Mr. Ouellette to adjourn at 8:34 pm. Seconded by Ms. Boxler. The Board voted 5-0 in favor by roll call. **Roll Call Vote:** 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 11/02/20:

3a Food pantry donations and fall food drive; 3b Santos CR; 3c Little Tree CR; 3d Mendez site plan; 3e 2021 Zoning Bylaw amendments marijuana; 4a Campground Committee Proposal 10.16.2020; 4b Sullivan AG Letter; 7 TA Report 110220; 8 BOS minutes 100520 & 101920; 9 Bill Warrant 110220.