

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
JANUARY 11, 2016**

Members Present: Craig J. Dutra, Chairman
Richard M. Spirlet
Antone C. Vieira Jr.
Steve Ouellette, Clerk
Also Present: Timothy J. King, Town Administrator
Absent: R. Michael Sullivan, Vice Chairman

Chairman Dutra called the Board of Selectmen meeting to order at 6:00 P.M. in the Westport Town Hall, 816 Main Road, Westport, MA with the reciting of the Pledge of Allegiance by all present.

Pledge of Allegiance

Chairman's Announcement - Under MGL Chapter 30A, section 20(e) – Meeting being recorded.

Public and Board Member Comment

Acknowledgments & Recognitions

The Board of Selectmen recognized Assistant Harbormaster Jonathan Paull, resident John A. Taylor, Jr. and commercial fisherman Michael R. Emond for their actions taken on Saturday, December 5, 2015 in the rescue of two men tossed from their boat into the Westport River.

Town Administrator Report

MassDOT – Hix Bridge Road bridge: Mr. King provided the Board with a letter from Mary-Joe Perry of MADOT regarding their meeting to discuss the bridge conditions; this was to identify the problem and the fact that they will continue to work with us while completing their analysis.

Quinn Property site: Mr. King stated he has provided the final report of Campbell Environmental concerning the Quinn Property. Mr. King stated the property is clean and we do not need to do any more testing and no more reporting.

Community Television Report: Mr. King stated he has provided a copy of the monthly report from John Rezendes.

COA Report to ARAW: Mr. King stated from time to time, the COA receives an annual grant from the Society for the Association for the Relief of Aged Women; attached is the FY'15 Annual report of expenditures. This grant is used for various activities at the COA.

Westport School Building Feasibility Study: Mr. King stated the School Building Committee has completed the procurement process to select an OPM for the feasibility study; now, the MA School Building Authority has to approve the choice of OPM. Mr. Dutra stated he and Mr. King met with the MSBA today in Boston and he expects that we will hear from them formally within 3-5 days. Mr. Dutra stated he suspects that they may have voted after he and Mr. King left.

Town Hall Elevator Alarm: Mr. King stated that over the last two winters, whenever we have cold weather, it sets off the alarm sensors and causes the elevator to lock down. Mr. King stated he was able to get a reasonable price (\$200) to do the insulting work in the area of the alarm sensors; this work will take place in the next couple of weeks. Hopefully, this will address the problem. Mr. Ouellette questioned the elevator certificate; and asked if the inspection was ever done. Mr. King stated the inspection was done in November, the State is just late in sending out the certificates; it will be posted in the elevator as soon as we get it.

Highway Department: Mr. King stated the new Highway truck has been delivered, just in time for winter and ready to plow snow.

Continued Public Hearing – RE: An application request from Robert A. Camara, Jr. - Rob's Auto Care, Inc., 500 Adamsville Road for a Class II Motor Vehicle License for the sale of used vehicles (total of 12 vehicles). The property is shown on Assessor's Map 81, Lot 12A.

The continued public hearing was opened at 6:08 PM. Present: Robert A. Camara, Jr. No abutters were present. Mr. Dutra requested an update on this application from Ms. Pelland. Ms. Pelland stated research for a Class II License at this location was conducted in the Selectmen's Office, Town Clerk's records and the Building Dept.; no record of a license exists; the Building Inspector at this time has determined that Mr. Camara needs to apply to the Zoning Board of Appeals for a finding and possible site plan review with the Planning Board; until both of those boards have been met with, Ms. Pelland recommends the Board of Selectmen close the hearing and vote to waive the application fee upon re-application by Mr. Camara. Mr. Camara stated when Mr. Whiting brought up the “non-conforming use” it was due to expanding the parking, when actually, we are decreasing the area; we have a new engineered parking plan and are going from 70 spaces to 62 spaces. Mr. Dutra asked if Mr. Camara knew of a Class II license at this location before. Mr. Camara stated he did not know of any but vehicles have been sold there without a license. Mr. Camara stated he is trying to do this the right way; Mr. Dutra stated so is this Board. Mr. Dutra stated the concern of this Board is that unfortunately, you are applying for a Class II License and even though the previous owner sold vehicles, this has been a repair facility to date; so, for future expansion and operation, including selling vehicles, Mr. Camara will have to do this right and follow the proper procedures with the ZBA and the Planning Board, if needed. Mr. Ouellette stated the problem is, the area is residential and this is a change of use. Mr. Camara questioned, is it really a change of use; the location has been a gas station, repair garage, equipment repair, welding fabrication; all uses related to vehicles, even cars being sold. Mr. Dutra stated he understood this but unfortunately, the Board of Selectmen can't make those types of decisions; it is best in the long term, to get the blessings of the other boards before moving forward; you do have a great argument for the ZBA due to past history. Mr. Vieira stated he did not know the applicant although he has spoken with him a couple of times now but in speaking as a resident, he does know that cars were sold there; the Building Inspector signed off with that in mind, assuming the same thing; and for the record, he would hate to have a business jump through hoops and he hoped that the system does not play against him when he is trying to do the right thing. Mr. Spirlet stated to the applicant, there were spaces for 72 vehicles there and in all fairness, Mr. Camara is reducing the number of vehicles and putting 12 aside to sell; right now, Mr. Spirlet stated he would not change the footprint of 72 until all is done; the applicant should retain those spaces. Mr. Vieira stated he did not want to be misleading, he was not suggesting this become a used car lot; Mr. Camara is in the business of car maintenance and his business model is to sell a couple of vehicles on the side, as was explained to the Board, then it does make sense; but in fairness to the neighborhood, they would be concerned if 15-20 cars were suddenly for sale. Mr. Vieira stated the applicant should keep the business model that was presented to the Board. Mr. Camara agreed and stated he was keeping this a family run business. **Motion** made by Mr. Ouellette to close the hearing and to waive the reapplication fee. Second by Mr. Vieira. The Board voted 4 in favor; 1-absent (Sullivan). The hearing is closed at 6:16 PM

Continued Public Hearing - RE: Request from Verizon New England, Inc. and NSTAR Electric Co d/b/a Eversource Energy proposing a new Pole Location and a Pole Relocation on Drift Road.

The continued public hearing was opened at 6:17 PM. Present: Donna Mello, representing both Verizon and Eversource. No abutters were present. Ms. Mello stated there is a new pole proposed for off of Drift Road (Upland Trail) and a pole relocation on Drift Road. Ms. Mello then explained the

reason for this proposal. Mr. Dutra stated a recommendation has been received from the Lt. Bell, Police Department, who went to the area to inspect and his report is citing no safety issues or concerns. **Motion** made by Mr. Spirlet to approve. Second by Mr. Ouellette. The Board voted 4 in favor; 1-absent (Sullivan). The hearing is closed at 6:19 PM.

In an unrelated matter, Mr. Vieira questioned Ms. Mello regarding proposed legislation for repairing and replacing poles in a certain time frame because we have had problems in Town with safety issues related to this. Mr. Vieira stated he understood that the repair can't be done in the same day and maybe not in the same month but is there a time frame in which to take out the old pole and put in the new one. Ms. Mello stated no there is no time frame; it is looked at it based on the location, the type of hazard, etc.; again, it is an expense for the company doing this so it is not something that is put in the forefront; in addition, we have to wait for all companies to transfer their lines; there are a lot of issues involved. Ms. Mello stated it the same in all other towns. Mr. Vieira stated in some cases, we have waited a year. Ms. Mello stated she will take this concern back with her.

Brad Fish, Veterans Agent – RE: Request for POW/MIA table at Westport Town Hall.

Present: Brad Fish and Lino Rego, Commander of the James Morris Post #145. Mr. Rego stated they were requesting to place a POW/MIA Table at the Westport Town Hall. This table is to honor those who were Prisoners of War and those who have been missing and have never returned to their loved ones. Mr. Rego stated they have found the second floor landing to be the best place to put the table to honor these people, which includes Westport POW's and MIA's; once the table is placed, it will be cordoned off. The Board agreed this would be a great thing to do. Mr. Spirlet reviewed the meaning of all the pieces that will be placed on the table; Mr. Spirlet stated this is also for all those who have lost their lives. **Motion** made by Mr. Vieira to approve the request. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

Kelly Murphy, S&K Auto Sales, 1016-A – RE: Discussion for renewal of their Class II License.

Present: Kelly and Steve Murphy, Carol Borden-Tax Collector. Mr. Dutra stated this is sort of a rewind for the Board. The property owner, from whom Ms. Murphy leases, has owed back taxes and last year, we did not renew the license because she did not pay her back taxes; this year, we renewed licenses contingent upon compliance issues being resolved, such as paying taxes. Mr. Dutra stated this morning the property owner paid the taxes on this property; I would be disingenuous to say, the property owner does not owe any current taxes on this property but does owe on a number of properties in Town. Mr. Dutra stated this is being deferred to the Board as whether to grant the license even though the owner of the property owes a substantial amount of back taxes for other properties in Town. Mr. Vieira stated he would move the license because this property is clear and we have to deal with the owner separately. Mr. Dutra stated it is important that the Board expose the reason why this is taking place. Mr. Dutra stated it is not the intent of this Board to hold up the license; they do not want the business owner to not have the ability to conduct business, if they are complying with the law, for which they are. **Motion** made by Mr. Vieira to renew the license for S&K Auto Sales. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan). Ms. Borden stated there are several taxes overdue; the property owner did bring the taxes up to date and she is within one year of overdue taxes but come February, the taxes will be delinquent again; this is a reoccurring event. Ms. Borden stated that by the time the lien is placed, the owner comes in and pays but she constantly repeats this. Mr. Vieira questioned if this relates to this property; Ms. Borden stated yes. Ms. Borden stated there is still over \$8,000. overdue in back taxes for FY'15. Mr. Vieira stated perhaps we could meet with Ms. Borden next week and talk about this. The Board thanked the Murphy's and Ms. Borden for coming in.

Action Items

1. **Motion** made by Mr. Spirlet to approve an Innholders License for the Hampton Inn. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).
2. **Motion** made by Mr. Spirlet to approve the BOS Meeting Schedule as presented. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).
3. **Motion** made by Mr. Ouellette to accept the donation made to the COA (\$150. from Doris Lambert). Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).
4. **Motion** made by Mr. Spirlet to appoint Timothy King as the voting delegate for the Massachusetts Interlocal Insurance Association at the MMA Annual Conference with Mr. Ouellette being the alternate. Second by Mr. Vieira. The Board voted 4 in favor, 1-absent (Sullivan).
5. **Motion** made by Mr. Vieira to approve, based on the recommendations of Lt. Bell and Mr. King, the “No Parking” areas as follows: Russell Street (from State Road for approximately 100 yards on both sides) and Oakland Street (from State Road on the east side for approximately 100 yards). Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).
6. **Motion** made by Mr. Vieira to approve, based on the recommendation of Lt. Bell and Mr. King, the request for a road race by Westport and Beyond 5k Road Race/Erika Hall Memorial Fund on Sunday, May 29, 2016. Second by Mr. Spirlet. The Board voted 3 in favor, 1-abstention (Dutra) and 1-absent (Sullivan). Mr. Ouellette asked this information be placed on the website due to it being Memorial Day weekend, which is usually a busy weekend.
7. Mr. King stated a few weeks ago the Board approved an amendment to the Feasibility Study Contract with Reinhardt Associates for the new Police Station; that amendment was to undertake some survey and soils evaluation work at the new proposed site adjacent to the Hix Bridge Fire Station. Mr. King stated that when the architect solicited proposals for the geotech work, the lowest price was from Terracon, which was approved. Terracon did not realize they would have to pay prevailing wages; their price was based on the assumption that prevailing wages would not be required. Mr. King stated he checked with Town Counsel and prevailing wages for the soil borings must be paid; this will bring an additional cost of \$2,070. Mr. Spirlet stated they put the price at \$10,250. and now they are saying they can't do it for that amount due to prevailing wages but maybe there were other companies who would have done that and included the prevailing wages. Mr. King stated he would ask them to submit another proposal. Mr. Vieira stated he was asking that they stay with their bid; they should have done their homework prior to submitting their bid. Discussion ensued. No action was taken by the Board; Mr. King will contact the company.

One-Day Liquor Licenses – None.

Appointments and/or Resignations

1. **Motion** made by Mr. Vieira to appoint Brad C. Brightman to the Agricultural/Open Space Preservation Trust Fund Council. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).
2. **Motion** made by Mr. Vieira to appoint Joseph E. Ingoldsby to the Open Space Committee. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).
3. **Motion** made by Mr. Spirlet to appoint Betty-Ann Mullins to the Westport Affordable Housing Trust Fund. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan). Ms. Mullins was present and gave the Board a brief background of herself.

Discussion Items

1. Noquochoke Village Project: Mr. King stated the Planning Board, as part of their review process is seeking comments from various Town boards-committees-departments, including the Board of

Selectmen. Mr. King stated the Board has commented many times on this project already and believed the Board does not need to comment again. Mr. Dutra stated unless there is something else, he would request that the Board receive updates as this project progresses. Mr. Spirlet stated he believed the BOS should be the last Board to make a comment on this, only after all others have commented, this way the Board will have all the facts to be able make a decision. Mr. Dutra agreed, it will have to come back to the BOS for a final approval. No action was taken.

Mr. Vieira stated he has heard that chain link fencing has been installed around the property. Mr. Dutra and Mr. King stated they did not know about any chain link fence. Mr. King stated he would inquire about it. Abutter Robert Alves asked if the abutters could get a copy of the plans that have been passed out (a copy was provided to Mr. Alves). Mr. Dutra stated if Mr. Alves had any feedback, it should go to the Planning Board. Mr. Alves stated the abutters were told that they did not have to be notified anymore of anyone being on the property. Mr. Alves stated that is bogus and the abutters should be notified; only the Police are notified now; we should at least get a courtesy call because they the lane-way they are using is my driveway. Mr. Alves stated that when his wife called Leonardi Aray, he stated only the Police Dept. receives notification. Mr. Dutra stated that if they are using your driveway, they should notify you; for practical matters, in site control, there should be notification, especially if you are an access point. Mr. Alves stated the excavator hit a pole and crushed the guide wire. Pamela Costa stated if they are on the property that is okay but when they are next to the house with large equipment and blocking the driveway we should be notified. Mr. Dutra stated if they are using your access way, yes they should notify. Ms. Costa stated she called and spoke to Mr. Aray about guys and large equipment but was told it was none of her business. Mr. Dutra asked Mr. King to work with Mr. Aray on this. Mr. Vieira stated it is just common courtesy on both sides.

2. FY 2017 Municipal Budget: Mr. King stated he has provided the Board with the FY'17 Budget for their review, modification and discussion. Mr. Dutra stated this matter should wait until the whole Board is available for a formal presentation; it is good that we have it in our packets though and there is nothing earth shattering but there are some things that need to be explained; we still have plenty of time to get this to the Finance Committee by February 20th. Mr. Vieira stated Mr. King did a good job with this; it is going to be difficult. Mr. Dutra stated the budget does have some assumptions for Town and School regarding debt service; it is a tight budget and it does not include collective bargaining agreements which will have impacts on the budget. Mr. Vieira stated it does not include potential 9-C cuts. This will be on the next BOS Agenda.
3. OPEB Funding Plan: Mr. King stated when Sherman Actuarial Services came before the Board, there was a growing concern over the unfunded liability. Mr. King stated his concern was this needed to start being addressed. This year both the BOS and FinCom agreed to start addressing this by putting an appropriation of \$50,000 towards it. Mr. King stated he spoke with Sherman Actuarial Services about putting \$50,000 aside each year; he was told that would not be enough because the unfunded liability will continue to grow. Mr. King stated he looked at a different model which would escalate the contribution by \$100,000 for four years and then increase it to \$150,000 for another 20-25 years; that would address the unfunded liability. Discussion ensued. Mr. King stated his thinking is, if we start this, every couple of years we can have an actuarial study done and if need be make small adjustments; this is a plan that is workable and it is included in the budget. **Motion** made by Mr. Vieira to accept the TA recommendation for accelerated funding for OPEB. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).

Minutes

Motion made by Mr. Vieira to approve with amendments the Regular Meeting Minutes of

December 14, 2015 and as submitted the Regular Meeting Minutes of December 28, 2015. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

*Amendments: Page 7- change Ware to Wareham; Page 9 delete “it” insert “to” and insert “of”; Page 10 – change “engineer” to “engineering firm”; Page 11 – change “fibratory” to “vibratory” and insert “equipment on the southern piling” and delete “material”.

Selectmen Liaison Committee Reports

1. Mr. Ouellette mentioned that Economic Development is chipping away at the medical marijuana issue; people are in Colorado today seeing how it is working. This is only at the study phase right now; there will be nothing soon about the facilities that have come before the Board already. Mr. Ouellette stated the Economic Development is getting their facts together and seeing what the State is coming back with.
2. Mr. Vieira stated the Agricultural/Open Space Preservation Trust Fund Council has heard there should be some decision in the next three weeks for putting St. Vincent’s Camp on the market; interest has been shown by the Recreation Commission, Cemetery Department and Conservation Commission.
3. Mr. Spirlet stated the Capital Improvements Planning Committee is putting items together now such as the Town Hall roof, Highway Department barn, Schools, etc. we are at about \$600,000. Mr. Vieira asked what the source of funding would be. Mr. King stated it would be from a combination of some Free Cash and Mr. King stated he will be recommending an increase in the operating budget for Capital Improvements with general fund revenues and some from Stabilization.

Question and Answer Period – None.

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

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

Other Business

1. Mr. Ouellette noted that Public Safety has had a number of horrific situations lately including another fatal the other night, this is a lot of stress on our Public Safety and he hoped people realized that; he hopes things will calm down soon. Mr. Dutra stated in the future, the Board would be recognizing the first responders in these incidents.
2. Mr. Vieira stated one of our employees who we recognized with a Retirement Citation was given a Retirement Party this past weekend; Mr. King, Mr. Spirlet and himself attended along with some folks from around Town; it was nice to see the involvement of the Police, Fire, Public Safety, Highway Dept. and Town employees and it was well received by Ms. Maynard and her family.
3. Mr. Vieira stated he would like to recognize the 98th birthday of Mary Medeiros and the 100th birthday of Edmund Beaulieu. These are two people who were born, raised and still reside in Westport. Mr. Ouellette questioned where the Boston Post Cane was. Ms. Pelland stated it is still with the last person it was issued to; we have not heard anything. Mr. Ouellette asked Mr. King to get an update on where the cane is; people in Town may not know about the cane.

7:00 PM Executive Session

Motion made by Mr. Ouellette to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to approve Executive Session Minutes of 12/14/15 and 12/28/15 and to discuss a Personnel Matter. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).

Roll Call Vote: Mr. Ouellette-aye. Mr. Spirlet-aye. Mr. Vieira-aye. Mr. Dutra-aye.

Mr. Dutra announced the Board would return to Open Session following the Executive Session in order to adjourn.

7:23 PM Open Session

Motion made by Mr. Ouellette to adjourn the Board of Selectmen Meeting. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).

Adjournment.

Respectfully submitted,

Diane Pelland
Administrative Asst/Confidential Clerk to the Board of Selectmen

APPROVED: _____
Steven J. Ouellette, Clerk