

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY  
SEPTEMBER 21, 2015**

**Members Present:** Craig J. Dutra, Chairman  
R. Michael Sullivan, Vice Chairman  
Richard M. Spirlet  
Antone C. Vieira Jr.  
Steve Ouellette, Clerk

**Also Present:** Timothy J. King, Town Administrator

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** – None.

**Acknowledgments & Recognitions** – None.

**Town Administrator Report**

**Westport Citizens Betterment Fund** – Mr. King stated the Westport Citizens Betterment Committee is soliciting grant applications and the deadline is Monday, October 26, 2015.

**Gooseberry Cove Preliminary Proposal – Buzzard's Bay National Estuary Program** – Mr. King provided the Board with a copy of the preliminary proposal submitted by Buzzard's Bay (NEP) to study sediment transport in the Gooseberry Cove area; this is only a pre-application. Mr. Vieira questioned the Town's cash match of the \$30,000. Mr. Dutra stated that amount was being raised on our behalf. Mr. Sullivan stated it could be CPC money or private money. Mr. Dutra stated there is a local match, we were not sure how it would be raised or how it would be divided with Dartmouth; this is a preliminary proposal with no commitment but if we want to do the grant, somewhere between us and Dartmouth and applicant organizations, we have to commit to \$30,000. Discussion ensued. No vote taken.

**Charter Cable Television** – Mr. King provided the Board with a letter from Charter announcing another rate increase.

**LED Streetlights** – Mr. King stated he and Tony Connors met with Clint Schyckel to discuss an LED Streetlight project for Westport. Mr. Schyckel is the person who assisted the Town of Dartmouth with a similar project. This project should be less than \$100,000.

**Landfill Solar Proposals** – Mr. King stated Power Management has completed the preliminary assessment of the three landfill solar proposals; interviews have been scheduled for Friday, September 25<sup>th</sup> with the two firms that submitted the best proposals.

**Noquochoke Village** – Mr. King stated the Housing Trust has been notified that Noquochoke Village project was not approved for tax credits. Mr. Dutra stated this was our second try; we were disappointed but we feel it is worth a third try; we still have another year left on the Purchase & Sales Agreement; if we don't get it then, we can then take another look at this next Fall (2016). Mr. Bill Harkins stated the land was given to the Land Trust for this project and asked, should the Board of Selectmen vote to recall the land back to the Town. Mr. Sullivan stated it was voted to transfer the land to the Housing Trust but it was bought with CPC money. Mr. Dutra stated it has not been transferred to TCB, it is held by the Affordable Housing Trust but ultimately it is held by the Town. Mr. Spirlet

questioned that if it is not going by way of tax credits, could it be considered for Senior Affordable Housing. Mr. Dutra stated we could probably get funding for Senior Housing from the State for 55 years and older. Mr. Vieira asked if the Trust would consider looking at a smaller approach, from 90 down to 50 beds for seniors which would be less taxing on water and sewer. Mr. Dutra stated it is looking like a 3-cycle waiting list with the State. Pam Costa, abutter to Noquochoke, stated that TCB has been coming to the property and doing work and moving forward as though they own it, will all activity stop until next year. Mr. Dutra stated they still have the development rights that are being done at their cost; we still have a P&S and the property can't be fully developed until there is tax credit financing. Ms. Costa stated they are doing things first and then asking permission; they are circumventing the Town Boards processes. Mr. Dutra stated Ms. Costa should contact Leonardi Aray who works with TCB on this matter. Mr. King stated he would notify Mr. Aray. Mr. Vieira questioned the P&S being for multiple years and asked for a clarification on the date of the extension. Discussion ensued. Mr. Spirlet stated that he would like to see, if for some reason, TCB walks away from the project, if it would be possible to get any site preparation reports from them. Discussion ensued again. Mr. Dutra stated that TCB has been putting their own money into this and they continue to invest; they have been a good faith partner on this. No vote was taken.

Hix Bridge Road Bridge - Mr. King stated that Ryan Trahan, Environmental Partners Group referred him to an engineering group, Lin Associates; he contacted them and inquired if they were interested with this project but the firm has a conflict of interest because they do a lot of work for the State; they in turn referred me to another engineering firm and Mr. King stated he contacted them and they have responded to his call. Mr. King stated he sent them a copy of the inspection report and they are going to do the same conflict of interest analysis, even though they did not think they have a problem. They are going to send me a comp proposal to do a Peer Review of the bridge inspection. In the meantime, Mr. King stated he has an email in to the engineer at MADOT, who he has been in contact with, to find out when they are actually going to have their diver come in and take a look at the bridge; the bridge engineer said they had it scheduled for December but they were supposed to move it to September, so Mr. King is trying to find out if they were successful at expediting that date. Mr. Vieira asked Mr. King if he shared with a State Rep., State Senator or a representative from the State, the pictures of the condition of the bridge that people have sent us. Mr. King stated he did not. Mr. Vieira suggested the pictures be sent because there is a misunderstanding as to why this Board took action on a State Bridge; a picture is worth a thousand words and will show why we took the action that we did. Mr. Vieira stated it is in the newspapers and he has received emails on this, but with the pictures, it will show them what is up. Mr. Sullivan stated he was not interested in a peer review of the assessment, because the assessment is probably not that far off from a lot of bridges in MA. Mr. Sullivan stated that what he is interested in, to be clear is, what is wrong with that bridge to be in this type of condition within five years. Mr. Sullivan stated he does not want a piece of paper that says, "I did a good job inspecting that bridge". Mr. Vieira suggested there are two areas here, the one that Mr. Sullivan just mentioned and having the bridge exposed the way it is, does it rust faster, is it compromised even more the way it is being exposed to the weather. Wayne Sunderland stated the most important thing to consider is, because anybody can see what is above the water, the dive report is the most important for what is happening below the water to get a full analysis of the structure. Mr. Sunderland stated the "R" bars are showing; when they are coated green, they are fine, but when they are exposed to salt and air, they start to rust. Mr. Sunderland stated there is a lot of things to consider there and obviously, the Town should want an independent inspection, not from anyone connected to this. Mr. Sullivan stated that people have criticized this Board for what seems to be a State matter and it is a State bridge, but to himself it seems like an example of something that has gone wrong at the State level and is not being looked into; if someone does not step and put an extra set of eyes on this, it will just keep happening.

Mr. Sullivan stated he was sure a good portion of infrastructure issues are due to not being built right in the first place.

Discussion ensued regarding the two articles that were in the papers (Shorelines and Fall River Herald). No vote was taken.

Senior Center Director – Mr. King stated he has provided the Board with the COA Director Beverly Bisch's report dated September 10, 2015.

Town Hall Clock – Mr. King stated the Town Hall's historic clock is now operating again. Mr. King thanked Andrew Sousa of the Highway Dept. and Bill Plamondon for their hard work in restoring the clock to working order.

**Beverly Bisch, COA Director – RE: Appointment of Transportation Clerk and permission to advertise for an Outreach Worker.**

Beverly Bisch, Eileen McCarthy Mendonca, Marcia Liggin and Muriel Kokoszka were present.

Ms. Bisch stated that after receiving approval from the BOS, she advertised the position of Transportation Clerk, received six applications and interviewed three qualified candidates. Ms. Bisch is requesting Jacalyn Saulnier to be appointed; Ms. Saulnier is a Westport resident and a former business owner, who is looking to do something part-time; her references were glowing and her exceptional people and organizational skills will be an asset to the COA. **Motion** made by Mr. Sullivan to appoint Jacalyn Saulnier as a part-time (19 ¾ hrs/wk) Transportation Clerk for the COA. Second by Mr. Vieira. The Board voted unanimously in favor.

Ms. Bisch also requested permission from the BOS to post and hire an Outreach Worker to replace Phyllis Sandman who will be retiring on October 2, 2015. **Motion** made by Mr. Spirlet to approve the posting and hiring. Second by Mr. Sullivan. The Board voted unanimously in favor.

Ms. Bisch noted that both positions are fully funded by the Formula Grant and ARAW Grant. Mr. Vieira stated he just looked at the website for the COA and they are doing a good job.

At this time, Mr. Sullivan stated the Board liked to recognize people now and then when something extraordinary occurs; we have watched the COA for the past year or more and have seen the COA members really step up and take an active role; we should have the whole Board here but at least tonight, we have two members here who have put in a lot of time: Muriel Kokoszka and Marcia Liggin. Mr. Sullivan stated that Ms. Liggin has taken on the Chairman's role for the past year and has worked on addressing the points from the Auditor's Report and will shortly be presenting the BOS with a summary of those; and Ms. Kokoszka has been on the Board for the past year, and has an abundance of municipal accounting expertise; she has been sorting out all the multiple accounts of the COA and reconciling all the records. Mr. Dutra stated he believed that the COA was one of the hardest working Boards in Town and congratulated both ladies. Mr. Sullivan stated these are just two of the very active members who bring with them a lot of expertise and give hours of volunteer time. The Board thanked Ms. Liggin and Ms. Kokoszka.

**Susan Branco, Library Director – RE: Appointment of Amy Medeiros as Library Aide; and permission to advertise the position of Library Substitute.**

Susan Branco was present. Ms. Branco stated that Janina Oliver has retired as a Library Aide after seventeen years; presently there are two positions, one being a Library Aide and the other a Library Substitute. Ms. Branco stated the Board of Trustees voted to promote Amy Medeiros from Library Substitute to the position of Library Aide at 19 ½ hrs/wk. Ms. Branco stated that Amy is doing very well at the library since she started in 2014 and has expertise in helping with computers, research, etc. Ms. Branco stated the Board would like Ms. Medeiros to be appointed as Library Aide and permission to advertise the position of Library Substitute. Ms. Branco stated there is funding for both of these

positions. **Motion** made by Mr. Spirlet to appoint Amy Medeiros as Library Aide at 19 ½ hrs/wk. Second by Mr. Sullivan. The Board voted unanimously in favor. **Motion** made by Mr. Spirlet to approve the advertisement of the Library Substitute position. Second by Mr. Ouellette. The Board voted unanimously in favor.

### Action Items

1. **Motion** made by Mr. Ouellette to approve the effective date of October 1, 2015 for the new fee increases voted on by the BOS on September 8, 2015. Second by Mr. Vieira. The Board voted unanimously in favor.
2. Mr. Dutra noted the Affordable Housing Trust voted to release at their meeting, and not to exercise their right of first refusal; the Trust checked off the wrong block on the form. Mr. Dutra stated it was unanimous among the Boards polled to release. Mr. Dutra noted the Planning Board asked that it be noted that only Lot 6 and not the whole parcel, is being released. **Motion** made by Mr. Vieira to approve the request of James W. Wood, Adamsville Road for the release of Map 77, Lot #6 from Ch. 61A. Second by Mr. Ouellette. The Board voted unanimously in favor.
3. Mr. Dutra stated last week he had to invoke his power as Chairman and approve a Road Race application due to a late recommendation from the Police Dept. which stated it was consistent with what has been done in the past; tonight, a vote to ratify his approval is needed. **Motion** made by Mr. Ouellette to approve the Max Performance Road Race request. Second by Mr. Sullivan. The Board voted unanimously in favor. Mr. Spirlet stated there were two races on Sunday; the one in the morning did a pretty good job by using signs on stakes but the afternoon one was not, there were blue markings left on the road and others have been using tape on the road. Mr. Spirlet stated that in the future, he would like to see a \$1,000. bond in place in case cleaning has to be done by the Highway Dept.; this could be an agenda item in the future. Mr. Ouellette stated we do get a \$100.00 deposit. Mr. Vieira asked that a note be made on this particular race for future requests and perhaps their deposit should not be returned. Discussion ensued.
4. Mr. Dutra stated Jack's Landscap'n was the only bidder at \$15,100. for the Head of Westport Bulkhead Stonework Stabilization and Repair project. Mr. Dutra stated the Landing Commission has \$16,000 to spend on this project so the Town Administrator is recommending the bid be awarded to Jack's Landscap'n in the amount of \$15,100.00. Mr. Sullivan stated he would be abstaining from voting and disclosed the fact that this company has done work for him in the past. Mr. Vieira questioned how the Landing Commission arrived at the amount of \$16,000. because it seems a little high and he was looking for an explanation. Mr. King stated he did not know but they do have to comply with prevailing wage. Discussion ensued. **Motion** made by Mr. Vieira to award the bid to Jack's Landscap'n for \$15,100. Second by Mr. Spirlet. The Board voted 4 in favor, 1-abstention (Sullivan).
5. Mr. Dutra stated two dates were being proposed for a Special Town Meeting (November 17 and December 1). Mr. Dutra stated the Town Moderator will be available for the November 17<sup>th</sup> meeting but will not be available the next day should STM run over. Mr. Dutra stated that some of the meeting may involve revenue and we also may need to get certified free cash with some of that revenue, although this Board is not recommending it, so, December 1<sup>st</sup> is the safer date. Mr. Dutra stated that in the past, STM has been in the first week of December and the Schools are available for both dates, so he and Mr. King were recommending December 1<sup>st</sup>. **Motion** made by Mr. Sullivan to have STM on December 1<sup>st</sup>. Second by Mr. Ouellette. Discussion ensued regarding some of the articles that will be on the warrant (Beach Avenue, Prior Year bills and the Tax Collector seeking additional funds for her operating budget). Mr. King stated he would put a list together and note which articles were monetary and then the Board can decide. Mr. Dutra stated we do have at least one item that requires STM Vote and the reality is, once you open the door, we will

have other entities petitioning for STM articles. Mr. Dutra stated the six years he has been on the Board there was only one without a STM and as a Board, we voted to have two Town Meetings per year because we did not want to spend all our time in the weeds at the ATM and scare people away from it. Mr. Vieira stated we also voted not to go into operating budgets by supplementing them at Fall Town Meeting; Mr. Dutra agreed but as a Board we voted to support the notion that within the MGL, we try to have two Town Meetings a year so we don't make the ATM so discouraging to the residents of this Town from participating at Town Meeting. Mr. Dutra stated we do have one item and due to timeliness, it requires a vote. The Board voted 4 in favor, 1-opposed (Spirlet).

### **One-Day Liquor Licenses**

**Motion** made by Mr. Ouellette to approve a One-Day All-Alcohol Liquor License for Holy Ghost Club, 179 Sodom Road for a 60<sup>th</sup> Birthday Party on October 11, 2015 from 2-6PM. Second by Mr. Sullivan. The Board voted unanimously in favor.

### **Appointments and/or Resignations**

1. **Motion** made by Mr. Ouellette to appoint Gary Tripp as Deputy Shellfish Officer. Second by Mr. Sullivan. The Board voted unanimously in favor.
2. **Motion** made by Mr. Vieira to appoint Rebecca Leverett to the Recreation Commission. Second by Mr. Sullivan. The Board voted unanimously in favor. Ms. Leverett was present and stated to the Board some of her background and reasons why she wanted to serve on the Recreation Commission.

### **Discussion Items**

Mr. "Buzzy" Baron joined the discussion regarding OPEB and FY 2017 Budget Guidelines. Mr. King then reviewed information, which was provided to the Board (see attached) regarding the FY2017 Municipal Budget (Revenues, Expenditures & Capital Improvements). Mr. Vieira referred to the expenditure side stating the auditors told us there are more retirees than employees on the Town side; we were also told that we need to set aside \$800,000/year for that group so the amount being put in is a concern to him, last year OPEB was reduced and so each year we are deficit spending, which is something we need to look at objectively because each year it will multiply pretty quickly. Mr. Vieira stated another one that the Board needs to take a position on is Snow & Ice. Mr. Vieira stated the DOR has suggested taking the average of the last three years and budget on that; we are not even near that; in the past, we have deficit spent. Mr. Vieira stated he agreed with the aging capital but he also suggested that the Board have a plan for maintenance of our buildings; one reason we are looking at capital is because we really have not maintained our buildings for the last 20 years, the way we should have; and the schools can be guilty of the same thing. We can't keep pushing it down the road as we have done. Mr. Vieira stated we have to look at borrowing for the schools and that is an additional cost; we have talked about this a number of times but we need to take a hard stance on this. Mr. Vieira stated that is why at STM, we should not touch budgets, we should address how we are going to be a bit more fiscally responsible in going forward. Mr. Dutra stated we are still paying OPEB on an annual basis and we have made a significant contribution towards it; the problem is, we all agree, there is not enough money; what we need is an actuarial analysis of what is going into OPEB through our annual budget, what is sitting there as a Reserve Fund, and what can we put aside on a progressive basis in the next "xx" number of years to make the numbers match; it is not as dire as some people have said, but it is probable. We are actually ahead of many Towns because we took the money in retirement we did not need and put it into OPEB. Mr. Dutra stated as far as Snow & Ice, we need to do it, we need to catchup; it is the one item we can deficit spend on, and in his opinion, the problem is, we are under-taxing ourselves and under-spending for basic town services and we run around trying to cut corners

trying to make a budget that shouldn't be met, to be met. Mr. Dutra stated we all agreed we should be going for an override to increase overall Town benefits. We have to deal with the hand we are dealt and the Town Administrator is proposing that we have to increase OPEB, we have to increase our spending for Snow & Ice on annual basis and we have to increase Capital maintenance and repairs because if we don't do so, we are going to be in a deep ditch and the problem is, no matter what we do, we are going to be in a deep ditch. Mr. Vieira stated when he goes to the Selectmen policy meeting tomorrow, he needed to read the following, "This best practice would encourage cities and towns to review actual historical snow and ice spending when adopting a budget and to include a reasonable appropriation. This would help avoid unnecessary withdrawals from local reserve accounts and the carry forward of any deficit". Mr. Dutra stated other towns have done the same practice for Snow & Ice, it does not make it right, it just says we are all in the same bind. Mr. Baron stated he looked at the Best Practices and Resolution and found the resolution it to be absolutely wonderful. Discussion ensued regarding the best practices, Snow & Ice, OPEB, capital, retirement liability and contributions. Mr. Dutra stated this discussion was meant to give the Town Administrator guidance for preparation of the budget and asked Mr. King take all these items into consideration when preparing the budget.

### **Minutes**

**Motion** made by Mr. Vieira to approve the Regular Meeting Minutes of September 8, 2015 with amendments. Second by Mr. Ouellette. The Board voted unanimously in favor.

\*Amendments: Page 1 – amend vote under Hix Bridge Road to 4 in favor, 1-absent (Sullivan); Page 2 – amend vote under Community Television and Cable TV to 4 in favor, 1-absent (Sullivan); Page 10 – under #1 – include Fire Dept. and Sean Leach from and delete “really”.

**Selectmen Liaison Committee Reports** – None.

**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**

### **Other Business**

1. Mr. Spirlet stated the BOH was charging 5% for the betterment but the BOS voted 4%, is it back down to 4%? Mr. King stated it is being kept at 5% by the BOH. Discussion ensued. Mr. Spirlet asked that Mr. King look into this. Mr. Harkins stated the WRMC discussed this also and the BOH stated they made the decision to keeping it at 5%. Mr. Dutra asked that the record of the BOS vote be researched and to invite the BOH into the next meeting. Mr. King stated he would invite the BOH to the next meeting.
2. Mr. Spirlet asked how the Time Attendance System was coming. Mr. King stated the Cemetery and Police are enrolled. The Transfer Station will be within a week and finally will be Town Hall and the Town Hall Annex.
3. Mr. Spirlet stated he attended a SRPEDD Meeting and the Planning Board did a good build-out; Town Planner Jim Hartnett worked with SRPEDD and they came up with 3,600 buildable lots; also, there was a discussion regarding the rail coming in; he supports this and believes it will be a great asset.
4. Mr. Ouellette stated he attended SRPEDD also and the Route 177 build-out with improvements and the Route 88 repaving projects were addressed. Mr. Ouellette stated these two items needed to be thought about and if anyone had ideas to let him know, whether it is street lights or businesses, etc.
5. Mr. Vieira stated we need to start talking about the Middle School, especially when we are talking about the Police Station and other areas. Mr. Vieira stated that assuming having a STM, the Police would have interest in putting an article on the warrant. Mr. Vieira stated he didn't think we could move forward in some of these areas without looking at the Town's side in regards to buildings and our long-term goals. Mr. Dutra stated we also need to have a formal discussion about assuming the

responsibilities of the Middle School; it is not a neat little package; the School Committee has the responsibility of maintaining the infrastructure of that building. Mr. Dutra stated he saw some teams on the field today and the idea of throwing the keys to the Town does not sit well with him; there is going to have to be some sort of administrative support in terms of maintaining the hvac and school sports using it; there is going to have to be a formal agreement with the School Dept. Mr. Vieira stated he would like to reach out to the EPA and Rep. Keating on what our options would be; we need to be on two tracks at the same time. Mr. Dutra stated he was looking at a newspaper report that the keys will be turned over in “xx” number of days but he is seeing sports teams practicing there and the fact that an MOU is needed to manage that property. Mr. Dutra agreed with the idea of the EPA. Mr. Sullivan seconded what was mentioned by both members; we have received an estimate of \$5-6 million to tear down the building, he would like to have a fresh look at what options are available for that building; maybe the cleanup and the use of the building. Mr. Sullivan would like to have some volunteers to vet these options for use of the building before we spend money tearing it down. Discussion ensued. No vote was taken.

**7:38 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 06-29-15 & 09-08-15; and to discuss a Personnel Matter. Second by Mr. Sullivan. The Board voted unanimously in favor.  
Roll Call Vote: Mr. Ouellette-aye. Mr. Spirlet-aye. Mr. Vieira-aye. Mr. Sullivan-aye. Mr. Dutra-aye.

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

**8:17 PM Open Session**

**Motion** made by Mr. Ouellette to adjourn the Board of Selectmen meeting. Second by Mr. Spirlet. The Board voted unanimously in favor.

**Adjournment.**

Respectfully submitted,

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

**APPROVED:** \_\_\_\_\_  
Steven J. Ouellette, Clerk