

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
OCTOBER 05, 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

1. The Board, along with Senator Rodrigues and Anthony Veilleux from State Rep. Schmid's Office presented citations to Elaine Ostroff for serving the Town of Westport on various committees over the past 27 years. Ms. Ostroff will be moving out of Westport to be with her family. Ms. Ostroff stated Westport is an easy Town to love and a hard place to leave.
2. The Board presented a citation to the Westport United Youth Soccer Association recognizing the ribbon cutting ceremony for the Russell Davis Soccer Fields on Sanford Road. Accepting the citation were Association President Fernando Larginha and Vice President Peter Brown. Mr. Spirlet requested a copy of tonight's citation be made so both gentlemen would have it.

Town Administrator Report

1. New Website: Mr. King provided the Board with a final mock-up of the Town's new website; he stated work has begun with the various departments and committees on their individual pages; the website should be up and running before the end of the year.
2. LED Streetlights: Mr. King stated Westport is served by two electricity distribution providers, National Grid and Eversource (formerly NStar). The Town has about 200 streetlights on poles that we rent from the two companies. Mr. King stated he has discussed with the Energy Committee a project to convert the existing HDS streetlights to LED. One approach would be to enter into a contract with both companies to convert their lights to LED with the Town continuing to rent the streetlights but at a higher rate or another approach would be for the Town to purchase the streetlights from both companies and convert them ourselves. Mr. King stated there is advantages and disadvantages; he has contacted both companies to find out what it would cost for the Town to purchase the streetlights. Mr. King stated when he has the information in the next several months of a cost estimate, he will present it, along with a recommendation for the LED lights to the Board.
3. National Grid: Mr. King stated that National Grid has provided some information about their winter energy prices, which are going to be higher, distribution rates increase request and grid modernization. Mr. Dutra requested this information will be placed on the Town website.
4. Energy Aggregation: Mr. King provided the Board with the flyer that is to be used as part of the

marketing for the energy aggregation program.

5. FY 2017 Municipal Budget: Mr. King stated he has begun the FY'17 Budget preparation process; the first step will be a meeting with the Department Heads, a distribution of a budget preparation memo and worksheets; departmental budget requests are due back to his office by the end of October.
6. Community Television Report: Mr. King provided the Board with a copy of Mr. Rezendes' monthly report for the Board's consideration.

Jeff Bull – RE: Request for “No Parking” signs on Beach Avenue.

Mr. Bull presented a picture of a sign that was approved over a year ago showing an improvement that was implemented back then. He explained there are still parking issues at the very end at the Knubble; people generally don't seem to understand the signs that are halfway down the road, so with that in mind, he is suggesting putting signs which say “No Parking Both Sides All Year”; there needs to be two additional signs right down at the end where we have a problem parking regularly, which he would leave the placement up to Lt. Bell. Mr. Bull did note the new wording “All Year” was not submitted with the original application to the Police Dept. Mr. King stated he recommended this request. Mr. Sullivan asked that the new wording be run by Lt. Bell. Mr. Spirlet questioned the hours in regards to how it would affect the fishermen for early morning at 6AM. Mr. Bull stated the signs that stated 8AM have disappeared; the Beach Committee did vote to change the times to 6AM, the Highway Dept. just never got around to changing the signs with an overlay so for the time being, he suggested moving the existing signs to the east end. **Motion** made by Mr. Sullivan to approve the request with any adjustments that are deemed necessary. Second by Mr. Ouellette. The Board voted unanimously in favor.

Alston J. Potter, III – RE: Request to use Town roads to move a Roof Structure.

Mr. Potter explained that he would like to move a roof structure, 22' x 30' from 248 Sodom Road, traveling on Narrow Avenue to 57 Amory Pettey Way. The roof truss is wood and asphalt shingles. Mr. Potter stated he hated to waste anything so was reusing the roof. Mr. Dutra stated the Building Commissioner has approved this. Mr. King stated he recommended approval. **Motion** made by Mr. Vieira to approve the request with the Police recommendation. Second by Mr. Spirlet. The Board voted unanimously in favor.

M. Ryan Wagner – RE: Approval of proposed agricultural improvements for 845 Sodom Road (APR property).

Geoff Beresford, Farm Manager of Weatherlow Farms stated he was standing in for Mr. Wagner tonight. Mr. Beresford stated they were seeking approval for the construction of four greenhouses and approximately 1,200 linear feet for a driveway, which will run from Sodom Road to the barn, which the Board previously approved. Mr. Beresford stated approval was needed from the Board of Selectmen due to the fact that the Town is a co-holder on the APR with the State. **Motion** made by Mr. Vieira to approve the request as presented and recommended by the Town Administrator. Second by Mr. Spirlet. The Board voted unanimously in favor.

Action Items

1. **Motion** made by Mr. Ouellette to approve Saturday, October 17, 2015 at sunrise for the opening of Scallop Season. Second by Mr. Sullivan. The Board voted unanimously in favor. Mr. Sullivan mentioned that a regular shellfish license does not apply; a scallop license must be applied for. This information will be placed on the Town's website.
2. Mr. Connors, Energy Committee explained the results of the RFP for a lease for a Solar Project at

the Westport Landfill site which was handled by Power Management. Mr. Connors stated bids were sent to ten companies and three qualifying bids were received from Melink Solar of Cincinnati, OH – Ameresco of Framingham, MA – Kearsarge Energy of Watertown, MA. Mr. Connors stated Mr. King and himself were involved in the evaluation of the respondents. Mr. Connors stated that two were brought back to Power Management for review (Kearsarge and Ameresco). Mr. Connors stated that all agreed that Ameresco had the best lease offer and preparedness; offering 736kw Ballast Ground-Mounted Solar PV system, annual lease payments of \$16,000 for 20 years, a one-time “PILOT” payment of \$23,076, the potential to give the difference in budgeted interconnection fee as an additional payment, revenue from the Town's building and electrical permitting, an expansive educational program fitted to the MA curriculum for all grade levels. Mr. Connors stated they have extensive experience in MA landfills and a great background. Mr. Connors stated that Kearsarge seemed not to have done their homework; there were a lot of things that were over-stated on what they could do and they have only completed one landfill in Massachusetts. Mr. Connors stated they are recommending Ameresco for this project. Mr. Vieira stated basically, this is a solar project sitting over the landfill, which would just be sitting there with no revenue coming but here we are realizing money from the top of the landfill. Mr. Vieira stated it is a 20-year commitment that will not be binding the Town forever. Mr. Connors stated at the end of the 20 years, we can either purchase, negotiate an extension of the contract for another 3-5 years or for the company to totally dismantle it. Mr. Vieira questioned if there would be personal property tax; Mr. Connors stated he thought that was what they were doing with the PILOT. Mr. Vieira asked if the Assessors have looked at this; just to be safe, that should be included in the vote tonight because the PILOT is much too low for the investment that is being put in; he felt there could be a personal property piece that could be put in there. Mr. Sullivan asked if there was anything that could delay this; Mr. Connors answered no but it does take about eleven to twelve months. Mr. Sullivan asked Mr. King, even though this was done through a third party was all state procurement laws followed; Mr. King responded yes, 100%. Mr. King stated he will be coming back before the Board with a lease and a contract between Ameresco and Town, allowing further review by the Board. Mr. Vieira stated that Mr. King make sure there is language for insurance for the Town, so the Town is held harmless for any kind of problems, whether it be mismanagement, etc. Mr. Sullivan requested from Mr. King information of the proposals from the other two proposals. **Motion** made by Mr. Spirlet to accept the proposal from Ameresco and to send the information to the Board of Assessors for their review. Second by Mr. Ouellette. The Board voted unanimously in favor.

3. **Motion** made by Mr. Ouellette to allow the 3rd Annual Halloween Pumpkin Decorating Contest for the Town Hall employees – October 28 thru October 30. Second by Mr. Vieira. The Board voted unanimously in favor.
4. Mr. King explained there were two bids received for the supply and delivery of screened sand, the first bidder did not submit the required state forms (certification of non-collusion, tax certification and clerk's certificate), so they had to be rejected immediately and not considered further. Mr. Sullivan asked if that was to our disadvantage and did we have to go forward with the process. Mr. King stated because one company did not follow the rules, the Town will be paying a difference of about \$3.00 per ton (\$16 versus \$12). Mr. Sullivan asked if this could be rebid; Mr. King stated not when you had a bidder who followed the rules. Mr. Vieira questioned under the procurement act, can't the Town reject the bid based on the difference in the interest of the Town, why should the procurement act work against the Town. Mr. King stated that in his opinion, we have a responsibility to award to the lowest responsive bidder, otherwise, why would he want to bid on any project. Mr. Sullivan asked if there was anything that could be done in going forward. Mr. King stated two things can be done such as making a greater effort to contact potential bidders and

encourage them to bid and to contact the bidders ahead of time to reinforce the need to complete all the necessary paperwork with their bid. Mr. Ouellette stated there should be a checklist in the future. Mr. King stated that all the specs were included in the bid package. **Motion** made by Mr. Vieira to approve the bid award to P.A. Landers, Inc. for screened sand as proposed and recommended by the Town Administrator. Second by Mr. Ouellette. The Board voted unanimously in favor.

5. Mr. King stated the Highway Dept. has requested to place surplus equipment on the Municibid Auction site. Mr. Ouellette stated that he would like to change the \$25.00 opening bid for the package deal to \$10.00 to movement on this and hopefully get rid of this stuff; Mr. Vieira agreed. Mr. Sullivan asked that the outboard motor be checked on to see if it was included with the boat and trailer on the list for Municibid. **Motion** made by Mr. Spirlet to approve the request. Second by Mr. Vieira. The Board voted unanimously in favor.
6. **Motion** made by Mr. Sullivan to approve the name change request of Showtime Auto Outlet, LLC to Showtime Auto Outlet, LLC d/b/a Sue's Auto Sales at 585 State Road. Second by Mr. Ouellette. The Board voted unanimously in favor. Mr. Dutra stated that during an inspection, the discrepancy was found and this is why the request is being made.
7. **Motion** made by Mr. Vieira to award the Cemetery Hard Wood Bid to Craig Cambra in the amount of \$310.00 with Town Administrator recommending. Second by Mr. Spirlet. The Board voted unanimously in favor. Mr. Sullivan requested that Mr. King provide information on the other bids that were received, to the Board.

One-Day Liquor Licenses – None.

Appointments and/or Resignations

1. Mr. Adams was present and explained why he was seeking appointment. Mr. John Miller was present and endorsed Mr. Adams, stating he would be a great addition to the Committee. **Motion** made by Mr. Spirlet to appoint Milton Adams to the Harbor Advisory Committee. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. **Motion** made by Mr. Ouellette to accept with regrets the retirement announcement of Shellfish Constable/Wharfinger Gary Sherman and to issue a citation. Second by Mr. Sullivan. The Board voted unanimously in favor. Mr. Dutra stated in the near future, the Board should revisit combining the positions of Shellfish and Harbormaster. Mr. Sullivan stated the Harbor and Shellfish Advisory Committees will be meeting jointly on this issue in the next 3-4 weeks so, we should revisit this matter after hearing from the Harbor and Shellfish Advisory Committees. Mr. Vieira asked the effective date of Mr. Sherman's retirement; Mr. King stated November 7th.

Discussion Items

Town Auditor's Department Review: Mr. Dutra stated we have a list from the auditor because in addition to his annual audit, he usually does a department review. Mr. Dutra stated the list is of departments that have not been covered; Mr. Dutra suggested the Police Dept., it is a large department with a lot to be looked at. Mr. Ouellette ask for discussion purposes, how about the Shellfish & Harbormaster Departments being looked at because there is going to be a turnover in those departments; Mr. Spirlet stated he thought about the Police Dept also but he agreed with the Harbormaster and Shellfish because they are small departments and will have new personnel coming in. Mr. Sullivan stated he spoke with the Police Chief and he is in favor of the audit. Mr. Vieira asked how much the contract with the auditor was for; Mr. King stated \$20,000. Mr. Vieira asked how many departments can be done for the \$20,000; Mr. King stated he has been doing one a year; Mr. Vieira asked how many the contract called for; Mr. King stated it was silent. Mr. Vieira stated the Police is big

but the Shellfish and Harbormaster are smaller ones; Mr. Vieira asked Mr. King to reach out to the auditor on the three departments. **Motion** made by Mr. Sullivan that Police, Shellfish and Harbormaster be reviewed; with the Town Administrator reaching out to the auditor to conduct all three. Second by Mr. Spirlet. The Board voted unanimously in favor.

Westport Middle School MOU:

Under short term plans,

Mr. King stated it looks like the School will be discussing turning over the Middle School to the Town in the latter part of October or early part of November. Mr. King stated an MOU is needed with the School Department covering various areas and he has made a list for the Board, asking them to please review and advise of any additional comments, so the Board can be ready for when discussions begin and these items will be include. Mr. Dutra stated the MOU specifically addresses the long-term issues but for short-term issues, he asked Mr. King to draft an MOU to include his list items and also include specifically designating personnel to be responsible for the HVAC, as well as notifying the Town in advance of any potential use of the building, including athletic activities; that would give the Board the ability to negotiate with the youth sport leagues and to make the building available as it has been.

Motion made by Mr. Vieira to have the Town Administrator proceed with the drafting of an MOU for the Middle School. Second by Mr. Sullivan. The Board voted unanimously in favor.

Under long term plans,

Mr. King stated there are two on-going matters which will impact the long-term decisions for the Middle School; the potential re-use of the school which will be included in the School Feasibility Study and the ongoing Monsanto lawsuit. Mr. King stated in discussions with Mr. Campbell and Kim Tisa/EPA, Boston, she was quite specific that any long-term use had to have a plan for further remediation of the PCB's. Mr. King stated, he believed, that any long-term use of the building without removal of the PCB's would be resisted by any group or department. Mr. King stated that he thinks at this time, it would be prudent to have discussions with Rep. Keating; he has already had an initial discussion with one of Mr. Keating's staff and when the Town is ready to make the decision on the long-term plan, that would be a really good time to engage Rep. Keating in terms of advocating on our behalf.

Mr. Dutra asked about the RFP for Feasibility Study. Mr. Vieira stated he was concerned about the timing in going forward, that we keep this in front of us; he was not as concerned about the ongoing lawsuit because we are not at the same level as the other communities that are participating in that lawsuit. Mr. Sullivan asked Mr. King about the intent of lobbying Rep. Keating; what is it that he can do for us. Mr. King stated if we decide to reuse the building, it maybe possible to have Rep. Keating's staff to intercede with the EPA and make this less onerous for the Town, in terms of whatever requirements the EPA may impose. Mr. Sullivan stated it is almost as if we need to put out an RFP to solicit companies to tell us what we could do to remediate that building and there is at least one individual that he has met, that has background in this area that might be able to help us get those proposals. Discussion ensued regarding the next course of action would be. Mr. Vieira suggested taking the Campbell and School Reports and ask for bids from folks to take a look at the building to tell us and we could say for potential use in the future as a Town Building for some use as Town Offices; lets see what they come back with; we owe it to the community to do that at the same time that we are waiting to see what comes back with these other things. Discussion ensued. Mr. Sullivan stated he could get together with Mr. Vieira on these individuals, because he did not feel qualified to read these reports and make judgments. Mr. Spirlet stated he agreed on having someone interpret this material. Mr. Ouellette stated we will need operational numbers also. Mr. Sullivan asked that this be brought back in a month or so. Discussion again ensued with no votes being taken.

Minutes

Motion made by Mr. Sullivan to approve with amendments the Regular Meeting Minutes of September 21, 2015. Second by Ouellette. The Board voted unanimously in favor. *Amendments: Page 2-delete “not what we solicited for in services but” - insert “infrastructure issues are” and delete “of this is”. Page 3-delete “Mr. Dutra stated he saw the editorial also and it was one of the worst”. Page 5- delete “no” insert “only one without a”. Page 7- delete “barking” and insert “looking”.

Selectmen Liaison Committee Reports

1. Steve Ouellette – SRPEDD was discussing some of the zoning changes that maybe coming in a bill; Mr. Ouellette stated he will be forwarding the link once he has it.
2. Antone Vieira – MMA met last Friday in Rehoboth; Mr. Spirlet and himself attended. There were a couple of proposals they talked about; local option for non-profit, pushing the community compact for best practices by the Governor, the Governor is pushing hydro-electricity, Chapter 90 for the use of buying trucks (6-wheelers), review of how Chapter 90 has been used by Towns in respect to their allocation, the cost of prevailing wage and it's impact, a 10-year plan for budget/procurement laws and the legislation to change to them. Mr. Spirlet state they also talked about the funding for snow & ice.

Question and Answer Period

Wayne Sunderland asked: What is the status or dates of the Hix Bridge Inspections by the State and most importantly, the dates of the Town's inspection inspector. Mr. King stated the State has already completed their dive inspection and he has notified the engineer, Mr. Simpson, at MADOT to have the results sent as soon as they are completed to the Town. Mr. King stated he is still looking for an independent structural engineer who can provide those services on behalf of the Town but in the State of MA, it is difficult due having worked for the State of MA; he stated he may have to go out of state if the Board did not mind. Mr. Vieira stated he is hearing they went in and took some pictures and were not too happy with the pictures. Mr. Vieira stated we could wait until we get the report and then maybe have to take a course of action. Mr. Sullivan stated maybe we should wait for the report, for all we know, they may come back and say, we messed up. Mr. Vieira stated to Mr. King that maybe he should give Mr. Simpson the heads-up that whoever took the pictures, word on the street is, he is making statements to folks; we don't want Mr. Simpson to be the last to know. Mr. Sunderland stated he had a name and phone number of a structural engineer (he is out of state), who has approval to do inspections in MA; he will provide Mr. King with that information.

Board Members Suggestions for Future Agenda Discussion / Action

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

Other Business

1. Mr. Sullivan stated information was received from the Lions Club for their 11th Annual Arts & Crafts show at the Westport High School cafeteria on October 17 & 18, 2015. Information will be placed on the website and cable scroll.
2. Mr. Spirlet stated it was early, but Veteran's Day, November 11, 2015 will be celebrated and the ceremony begins at 9:45 AM. Information will be placed on the website and cable scroll.
3. Mr. Ouellette, if the Board was on board this year, there will be the decorating of the trees in front of Town Hall for the holidays if the weather cooperates.
4. Mr. Ouellette spoke about the construction going on in Town on Routes 177 & 88; the State is doing repairs and upgrades; he would like any information (the schedule of the work) to be placed on the

website.

5. Mr. Vieira stated there was some letters sent out to people from Eversource. Mr. King stated that Eversource has notified a number of customers who are on power lines from a main road to a private road, that they will no longer be providing maintenance to those lines should they be damaged from storms or otherwise. Mr. Dutra requested that Charles Tavares, Eversource Rep. be invited in to speak with the Board, and to contact those residents that we know of, with knowledge in advance, so they can come here and ask their questions and others will know more about it by watching the meeting or reading it in the newspapers. Mr. Vieira stated that is a good idea but he rather not wait two weeks, he would rather have Mr. King speak to him; his understanding was the 1st pole in any private road or laneway is put in at Eversource's expense and after that, the poles are the expense of the people; but, his understanding is that the electricity is always the responsibility of the electric company, to the meter, which is different than what those letters are saying. Mr. Vieira stated he would like in the next 24 hours, verification of that. Mr. Vieira stated if there has been a change, Mr. Tavares should be coming here alone just for the public relations of it. Mr. Robert Alves stated that anything that comes off a main road and down a private way is a tapline. Mr. Alves stated his concern is that if the company is making this a homeowner's issues, it will be extremely expensive for the homeowner because they have to have an electrically-approved tree company come in to trim around the wires. Mr. King stated that if there is a storm, and the wires are knocked out, it is going to be very expensive and who pays the costs. Mr. Vieira stated his understanding was, the company always took care of any kind of power that went to the meter, after the meter, it is the homeowner's responsibility. Discussion ensued. No votes were taken.

7:23 PM - Executive Session

Motion made by Mr. Sullivan to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to discuss strategy with respect to litigation and a personnel matter and approve Executive Session Minutes of September 21, 2015. Second by Mr. Ouellette. The Board voted unanimously in favor.

Roll Call Vote: Mr. Sullivan-aye. Mr. Ouellette-aye. Mr. Spirlet-aye. Mr. Vieira-aye. Mr. Dutra-aye. Mr. Dutra stated the Board would return to Open Session in order to adjourn.

7:55 PM – Open Session

Motion made by Mr. Ouellette to adjourn the Board of Selectmen's meeting. Second by Mr. Sullivan. The Board voted unanimously in favor.

Adjournment.

Respectfully submitted,

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

APPROVED: _____
Steven J. Ouellette, Clerk