

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
FEBRUARY 24, 2014**

Members Present: Antone C. Vieira Jr., Chairman
Richard M. Spirlet, Vice Chairman
Steven J. Ouellette
Craig J. Dutra
R. Michael Sullivan, Clerk
Also present: John F. Healey, Town Administrator
Absent: Stephen J. Lombard, Business Manager

Chairman Vieira 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.

Review – RE: Review and approve of Town Counsel final wording on Ballot Questions and approve amounts for override for Town/Schools; and to review STM and ATM Warrant Articles.

Ballot Questions:

#1 – previously voted by the Board for its content.

#2 – inserting: \$949,465.00 Total: \$557,939.00 for School and \$391,526.00 for Town.

Motion made by Mr. Sullivan to approve Question #2. Second by Mr. Spirlet. The Board voted 3 in favor, 2-opposed (Ouellette, Dutra).

#3 – Non binding – sense of the voters question.

#4 – previously voted by the Board for its content.

#5 – Non binding – sense of the voters question.

#6 – Non binding – sense of the voters question.

Motion made by Mr. Sullivan to confirm all Ballot Questions to be submitted to the Town Clerk. Second by Mr. Spirlet. The Board voted 3 in favor, 2-opposed (Ouellette, Dutra).

STM & ATM Warrant Articles:

This matter was held on; a special meeting of the Board of Selectmen will be held on Monday, March 3, 2014 to review and approve the articles.

Public Hearing – RE: An application request from P&G Bowling W, Inc. d/b/a Holiday Lanes, 236 State Road for a Change of Manager – Joseph Hoesterey.

The public hearing was opened at 6:23 PM with the reading of the Public Hearing Notice. Mr. Hoesterey was present. No abutters were present.

Motion made by Mr. Spirlet to approve the Change of Manager request for Holiday Lanes; Joseph Hoesterey, Manager. Second by Mr. Ouellette. The Board voted unanimously in favor.

The public hearing is closed at 6:25 PM.

Ryan Trahan, Environmental Partners – RE: Agreement for Engineering Services-Water Rate Study; and Proposal for Professional Services-Asst. Water Supply Operator and Town Accountant – RE: Discussion of the Water Account.

Present: Ryan Trahan and Linda Correia. Mr. Healey stated the Town needs to conduct a water rate study for our immediate use and for use in the future with having to deal with THM's. Mr. Trahan

stated the Town has been faced with a number of issues and tasks and along with those come costs. Mr. Trahan stated he has been trying to delay the DEP order for a treatment facility and at this time, the Town has one year. It has become evident that an increase in the water rate will be needed. Under his proposed agreement, he will be looking at the Town's Enterprise Fund, what rate increase will be necessary and if a facility is necessary, what the rate increase will have to be. Mr. Trahan suggested that water meters may have to be replaced because the DEP says that meters should be replaced every 10 years because the meters begin to under-read water usage. Mr. Trahan said that basically, he will be looking at everything that deals with this water system. Mr. Healey stated it is a fact that we are going to need to supplement the water budget this year; the DOR called and expressed concern over the revenues; we sent them a letter stating we would revisit this matter and make the necessary adjustments, which will include a transfer from Retained Earnings. Mr. Healey stated the Town has had to do additional testing due to the presence of THM's. Environmental Partners looked at the idea of turning off and forcing a draw of water from behind White's Restaurant; all this takes time and money, which is not budgeted for this year. Ms. Correia stated there is a new problem and the DEP has the new paperwork for it; Free Chlorine. Ms. Correia stated she did samples and the rate for Free Chlorine came in low; she conducted 12 samples, all had the same low readings. We must now take two additional samples at \$25.00 each per month. Mr. Healey stated we are doing the best we can; we have put meter bleeders on and we have an agreement with the City of Fall River so we do not get charged for this. It seems that once we get one item under control, another one pops up. Mr. Dutra stated so now, we are testing, making adjustments, we have the cost of a consultant and we will have to look at new rates and the possibility of a new facility. Mr. Healey stated it is a three-part process; we determine the dollar amount for this year's needs (transfer from Retained Earnings), we have an involved rate study (which includes all the new mechanisms in this system) and our new year budget is where we will have to consider the rate increase. If we are unsuccessful with all, and we have no mechanism to avoid a \$900,000. facility, then rate study #2 begins for the big bang. Mr. Spirlet stated that Fall River is tweaking their system; why can't we start with the valve redirection at White's, seeing as it is at no cost to us at this stage. Ms. Correia stated that because of the water temperature, the readings will be low. Mr. Healey stated that we are testing, but it won't show until the weather warms up; first of all, we have to get an agreement with White's and have a meeting with the Fire Department, just in case there is a fire. Mr. Spirlet stated that at the last meeting, Lafrance was in agreement and the Fire Dept. knows the directive. We have a win/win situation with Lafrance and my feeling is that we should get this going. Mr. Trahan stated there will be a pressure drop but White's will not notice it unless if there is a fire, they would notice the drop and the valve should be opened then. Mr. Sullivan questioned the shortfall. Mr. Trahan stated that after 10 years, it seems that meters under register water usage and the DEP suggests changing them out. Ms. Provencal stated it was her belief that water customers own their meters, which are purchased here at the Town Hall. Mr. Trahan stated that new meters could be worked in or present meters could be tested for accuracy. If a new meter is necessary, the cost could be put onto the water bill. Mr. Vieira questioned the compensation on the agreement as being not to exceed \$5,000. Mr. Trahan stated it was a \$5,000. flat rate but it can be changed to hourly and expenses; he would work on it and submit a new proposal. Mr. Vieira asked for a better outline and asked that the letter to the Lafrance's be done. Ms. Correia stated that when Fall River does their next flushing, she could take more samples. Mr. Vieira noted that Fall River has issues with bacteria also. Mr. Healey stated there will be a meeting with Fall River and a plan will be put together.

Motion made by Mr. Dutra to approve of the agreement with Environmental Partners with Section 4- Compensation being revisited with more detail. Second by Mr. Spirlet. The Board voted unanimously in favor.

Mr. Healey stated that a contract for outside sampling is being proposed. A contract agreement is being proposed with Tara Martin who works with Robert Bouchard; this is being recommended by Ms.

Correia. Ms. Correia stated this will be someone other than a lab doing the sampling; it will render more direct results and will save money also. Mr. Healey stated that Ms. Martin will not be doing this work as an employee of the Town; she does testing as an Assistant Public Water Supply Operator for Robert Bouchard. Ms. Martin is licensed. The proposal is only an outline and we may have a contract in place for next meeting. Ms. Correia stated this will give the Town a representative sample of what is in the distribution system.

Affordable Housing Trust & TCB – RE: To discuss the next step with TCB regarding Noquochoke tax application.

Present: AHT Members Elizabeth Collins and Craig Dutra, Housing Specialist Leonardi Aray and TCB's Eliza Edelsberg Datta, Director of Development NE and John Fraser, Project Manager. Ms. Collins stated they have submitted a pre-application and have been given the green light for a full application to DHCD for tax credits and other sources; this is good news from DHCD on the invitation. Mr. Sullivan asked what other funding sources there were. Ms. Datta stated MassWorks and Federal Home Loan Bank; the proposal submitted was for rental housing, we did not apply for Affordable Home Development because those programs have been suspended and the funding level is not sufficient to build on-site. We are doing \$290,000. per unit; our sell price will be \$160,000. to \$180,000. per unit to meet the requirement of 80% for Noquochoke median income. DHCD restricts to 70%, so we do 80% to match the Overlay District; to make the project eligible, we do 70%; if we sell at \$200,000. we can't get DHCD funding. Mr. Dutra stated it makes sense to do this as a rental project due to all the aspects. Mr. Sullivan stated his preference would be to sell for ownership due to the fact that the property is owned will be taken better care of; in reference to the PILOT, it was voted down and I for one voted it down because it was a low compensation rate and not fair to everyone. Ms. Datta stated that a PILOT program will be reintroduced once the project is done. Ms. Collins stated back in December, 2011, a presentation was given to the BOS stating this project would be all rentals and the BOS voted a P&S. Tonight, copies from a news article have been distributed to the BOS, where it is reported that rentals are most needed now; it is a very interesting article. Ms. Collins stated that in some cases, ownership does make for better property care but not in all cases. Mr. Dutra stated if everyone remembers, the economy fell and we looked at keeping young people, families and people already living in Westport, the opportunity to stay in Town; this is a good project, it meets a need for this Town and we are looking to the BOS for a letter of support for TCB to go to DHCD. Mr. Spirlet questioned if Westport residents would receive preference; also, he felt that ownership does give pride in taking care of the property. Ms. Datta stated 70% will be given preference under the State requirements. Mr. Ouellette noted that it is easier to track down an owner; he would like to see home ownership also. Mr. Vieira asked for clarification of the number of units and he referenced page 2 of the application. Ms. Datta stated there will be 15 one-bedroom units, 30 two-bedroom units and 5 three-bedroom units. Mr. Fraser stated that the number of units in the application are approximates. Mr. John Alden asked what the difference between affordable and subsidized were; are these Section 8's. Ms. Datta stated a small portion of the units will have operating assistance; Section 8's which is called MA Rental vouchers will be up to 8 units max, out of the 50 units; under the law, you can only request 8 units; 34 units will be tax credit units without operating subsidy. The resources will be to build, not to operate. Mr. Aray stated the objective is to keep up to 60% of median units. Michael Sullivan, Economic Development Coordinator asked if a list of projects under the supervision of TCB could be submitted. Mr. Dutra and Ms. Collins stated that they visited projects in Chatham and Martha's Vineyard and you could not find a more beautiful, well run facility. Ms. Datta stated that she would be happy to host any BOS member to visit these projects; TCB is a non-profit and we are celebrating our 50th year in business. Ms. Collins stated there is someone on-site at all times supervising. Mr. Sullivan stated there was a meeting of a lot of potential residents; what is the bar that

has to be met to become a resident; can a criminal record be conducted or are we backing away from that. Ms. Datta stated she will share the marketing plan with the BOS.

Motion made by Mr. Dutra to give a letter of support for TCB to the Dept. of Housing and Community Development. Second by Mr. Ouellette. The Board voted 3 in favor, 2-opposed (Spirlet, Sullivan). Ms. Collins stated the Board took a 3 to 2 vote; are you not supporting this? Mr. Vieira stated he is supporting this in good faith but he does have concerns. Mr. Spirlet stated that TCB and this project will be a good case study. Mr. Vieira asked the AHT to look at the current homes in Westport for affordable housing restrictions in order to keep people in the Town.

Tony Connors, Energy Committee – RE: Discussion of the Power Purchase Agreement (PPA) possibilities.

Present: Tony Connors and Walter Barnes, Energy Committee members. Mr. Connors gave a presentation to the Board regarding three vendors who have given proposed power purchase agreements to Westport in order to provide discounts on the Town's electricity bills with NStar and Direct Energy. The three vendors are: Blue Wave Capital, Borrego Solar Systems and Future Generation Wind. Mr. Connors stated that the offers are time critical. Mr. Connors asked if the Board would consider a 3-year agreement now and the remaining time (17 years) of the 20 year contract could go to Town Meeting for approval. The contract could be signed contingent upon Town Meeting. Mr. Dutra stated he would look to a 3 year contract and having an RFP now, would basically be shooting ourselves in the foot; as for negotiations, Borrego seems to be the best, if those negotiations don't go well, begin negotiations with the second best. Mr. Vieira stated he agreed with Mr. Dutra on the contract but he would not go to the next best.

Motion made by Mr. Dutra to enter into negotiations for a 3-year contract with Borrego and to place an article on the warrant for the extension (17 years of a 20-year contract) contingent upon Town Meeting vote. Second by Mr. Sullivan. The Board voted unanimously in favor.

Mr. Sullivan asked if the Town could do just a 3-year contract; his concern was this was a new entity to the Town. Mr. Vieira stated we would be hard pressed to not do that. Mr. Connors stated the bills would still come from NStar and Direct Energy, it would just be at the bottom of the bill where the credits would be. Mr. Barnes gave the Board a brief background on Borrego and stated that they are an engineering company that is actually building a project. Mr. Vieira stated that Mr. Connors has done a tremendous amount of work on this; good job. Mr. Spirlet asked if Borrego was already hooked up to the grid; Mr. Barnes replied yes. Mr. Connors stated this will produce savings within a year.

Keith Novo – RE: Discussion of the Computer System upgrades.

Present: Keith Novo, IT personnel. Discussion ensued regarding the outstanding issues with the IT system. Mr. Novo said the appropriate training is now needed on the system. Mr. Vieira noted that problems with the software need to be addressed; a time table is needed on this matter. There may be a need to go back to Microsoft instead of using the Libre system; remember, there is probably a reason the system was free. The down time is not productive. Mr. Novo stated that going back to Microsoft would be costly but he will look into it. Mr. Novo stated the phone system upgrade is still ongoing, the Town Hall is complete and some is done at the Schools but the Annex is not done yet. Once this is complete, a cost savings will be recognized. Mr. Ouellette noted that the school numbers have changed. Mr. Novo stated yes, but the Town Hall has remained the same. Mr. Novo stated there is still a lot on the list to be done and this is an ongoing project.

Appointments

1. Police Chief Pelletier was present. He stated numerous applicants applied for this position and he recommends Amy Smiddy, 13 Gifford Road for the EMD-911 Dispatcher position.

Motion made by Mr. Spirlet to appoint Amy Smiddy. Second by Mr. Ouellette. The Board voted unanimously in favor. In another matter, Mr. Vieira asked Chief Pelletier if he was aware that the warrant article, which was voted at Town Meeting regarding “Door to Door Sales” was denied by the Attorney General. Chief Pelletier stated he would look over the article and possibly resubmit a revision for the next warrant; in looking at the prior article, it is easy fixes he will forward to the Board. Also, Mr. Vieira made Chief Pelletier aware that a letter has been sent to the MA Highway Department regarding Sign Improvements along High Crash Curves requesting assistance.

Motion made by Mr. Ouellette to ratify sending the letter to MA Highway regarding this request. Second by Mr. Dutra. The Board voted unanimously in favor.

2. **Motion** made by Mr. Spirlet to appoint Cecelia M. Carney to the Recreation Commission. Second by Mr. Dutra. The Board voted unanimously in favor.

Action Items

- 1 & 2. Mr. Spirlet stated the Highway Suveyor Search Committee Makeup is: Paul Joncas-Conservation Commission, James Hartnett-Town Planner, Russell Hart, Steve Lombard and Richard Spirlet. The Committee will review applications and will make recommendations to the BOS of the top 2 or 3 candidates. The job description will be reviewed by Mr. Healey with some minor changes being made. Mr. Vieira stated the Committee will work within the description that we have now but it will be subject to change. Mr. Spirlet stated the position maybe advertised by the middle of March.
3. No action taken – informational only; input from the Master Plan Committee is welcomed.
4. No action taken – update only.
5. **Motion** made by Mr. Dutra to approve a Release of Lien for Book 4330, Pages 181-183. Second by Mr. Spirlet. The Board voted 4 in favor, 1-abstention (Ouellette).

Minutes

1. **Motion** made by Mr. Sullivan to approve the Regular Meeting Minutes of January 27, 2014. Second by Mr. Dutra. The Board voted unanimously in favor.
Motion made by Mr. Sullivan to approve the Regular Meeting Minutes of February 10, 2014. Second by Mr. Dutra. The Board voted unanimously in favor

Question and Answer Period – None.

Town Administrator Report

Mr. Healey stated that the bulk of his report has been covered in this evening's meeting. He had nothing else to add.

Correspondence – Action Required

1. No action taken – no votes taken; a copy will be forwarded to the Shellfish Department, Harbormaster, Landing Commission and Beach Committee.
2. No action taken – no votes taken; this matter will be reviewed by the Police Chief for re-wording and re-submission for the ATM Warrant.
3. No action taken – no votes taken; this will be placed on the website and the cable scroll.

Board Members suggestion of items for future agenda discussion/action – None.

Other Business

1. Mr. Sullivan made the Board aware of a fact which he discovered while researching the causeway to

Gooseberry Island. The causeway has a name: Thomas Edward Pettey. He was a Highway Department worker who died on the causeway on Christmas Eve, while making repairs; this was recognized in 2009 with a dedication.

2. Mr. Ouellette once again mentioned that snow is piled on the sidewalks along Route 6 and this needs to be taken care of.
3. Mr. Ouellette stated he was upset due to the fact that there was a hazmat situation within 200 ft. of his home. The abutters and himself were not notified of this matter. There is a concern because of their wells. The Board of Health will be checked with on the procedure that is followed when there is an oil spill.
4. Mr. Vieira mentioned the passing of George Brenner.
5. Mr. Vieira mentioned the Master Plan Public Participation meeting at the Macomber House at Ms. Ostroff's request. Ms. Elaine Ostroff also mentioned that there will be a Candidate's Night at the Westport High School on March 19th; she is looking for people to speak for and against the Ballot Questions.

Executive Session – 8:35 PM

Motion made by Mr. Spirlet to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to discuss strategy with respect to collective bargaining and a pending legal matter related to FLSA and to approve Executive Session Minutes of January 27, 2014 and February 10, 2014. Second by Mr. Ouellette. The Board voted unanimously in favor.

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

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

Open Session – 9:20 PM

Motion made by Mr. Dutra to adjourn the Board of Selectmen Meeting. Second by Mr. Ouellette. The Board voted unanimously in favor.

Adjournment.

Respectfully submitted,

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

APPROVED: _____
R. Michael Sullivan, Clerk