

**BOARD OF SELECTMEN
SPECIAL MEETING MINUTES
MONDAY
MAY 12, 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
Stephen 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.

Mr. Vieira called for a **Moment of Silence** for Florence Lekom and Altina Vital (former School Dept. employees), Fred Cambra (former Highway Dept. employee) and Richard Souza (resident and WWII Veteran).

Discussion with Senator Rodrigues and State Rep. Schmid – RE: Proposed language for Special Legislation for Firefighter for funding purposes.

Present: Senator Michael Rodrigues and State Rep. Paul Schmid. Mr. Vieira updated everyone on Firefighter Lopes who is being released this weekend, he is making progress and will continue his therapy at home. Mr. Vieira stated Articles 5 & 6 were voted at Town Meeting and the Board is looking for the next step to introduce this legislation. Senator Rodrigues stated the legislation will be filed jointly by himself and Rep. Schmid. Senator Rodrigues stated that he will push for a home-rule petition. The legislation will go before a Revenue Committee, of which the Senator is part of, and then there will be a public hearing. Senator Rodrigues stated the DOR will also be solicited for their comments; this will be similar to what was done in Milton. Senator Rodrigues stated he will be pushing this very quickly but it can take anywhere from 3-4 months up to 6 months. He will let the Town know if representation is needed. Senator Rodrigues stated he needed an end date but at this point, he will shoot for November. Rep. Schmid stated he spoke with Milton Selectman Tom Hurley and he invited anyone to contact him if you have any questions regarding the process they have been through. (email: thurley@townofmilton.com) Senator Rodrigues was provided language of the two articles, which was received from Town Clerk Marlene Samson. The Board thanked both gentlemen for coming in and for their help.

Rupert Grantham – RE: Approval of Forest Stewardship Plans for Drift Road-North, Sanford Road and Adamsville Road.

Present: Rupert Grantham. Mr. Healey stated Mr. Grantham has completed three of the programs and over the next month, there will be two more. Mr. Grantham stated he has spoken with the Conservation Commission Agent Chris Capone and he has given his approval. The paperwork before the Board tonight is complete and ready to be signed. Mr. Grantham then gave a brief overview of the work that will be performed on Sanford Road as an example. Mr. Vieira noted the completed plans were for Sanford Road (74.4 acres), Drift Road North (30 acres) and Adamsville Road (48 acres). Discussion continued regarding the strategy behind the plans. Mr. Vieira suggested that the Recreation Commission and CPC be contacted for development ideas. Mr. Peter Brown, attending the meeting,

stated he had concern over the access near the soccer fields on Sanford Road. Mr. Vieira stated this will be a major improvement to the Town; it is being done by grants and there will be some money coming back to the Town. This is our first step and he would ask Mr. Grantham work with Mr. Brown on the soccer field access; we need to be sensitive to this area. In the future, the Board would like to see this matter brought back for recreation discussion. Mr. Grantham stated the Board of Selectmen are only approving the baseline document; Phase 2 will be a contract for the work and plans. Mr. Ouellette asked if the property stays with the Town by doing this? Mr. Grantham stated the only penalty is if the use of the property is changed. **Motion** made by Mr. Spirlet to approve all three plans as presented. Second by Mr. Dutra. The Board voted unanimously in favor.

Donald & Joan Tripp – RE: Appeal of 61A Abatement Application.

Present: Mr. & Mrs. Tripp. Mr. Tripp stated the Board of Assessor's claimed that we did not sign our 61A application on time, which we didn't, due to me being hospitalized. Mr. Vieira stated the Board of Assessor's have ruled a denial. Mr. Vieira reviewed the Assessor's form for the Tripp's; he stated there are some circumstances where the Town can appeal on behalf of the homeowners. Mr. Vieira stated the Board can take or not take any action. Mr. Tripp stated he has been filing timely since 1979; the APR is for 55 acres on the house side (house not included) and 2 acres across the street. **Motion** made by Mr. Sullivan to petition the State to reconsider the application of the Tripp's for property under Chapter 61A due to certain circumstances that occurred. Second by Mr. Spirlet. The Board voted 4 in favor, 1- abstention (Ouellette).

Discussion – RE: Road Bids; Beach Avenue – gravel road option; time-line (Riverview alone); Add Alternate/Deduct Alternate; and Engineer's recommendations.

Present: Susan Spratt, George Block and Christopher Gonsalves. Mr. Healey reviewed the meeting that took place on Friday due to some confusion earlier in the week. We are recommending the bid be structured as Amendment #1 – Beach Avenue and East Beach Road and Amendment #2 – Beach Avenue, East Beach Road and Riverview Drive with the following structure: East Beach Road (FEMA – Fed. Highway) - WRRRP (includes Riverview) - Beach Avenue with recycled asphalt borrow base and gravel top course with an Add Alternate for paved surface (Chapter 90) which is consistent with what the Board voted. The new baseline bid is \$231,000.00 plus 5% contingency, which originally was \$177,000.00 (w/ JH Lynch). Mr. Block stated the schedule will be to finalize the scope by the 16th, unit costs by the 20th and submit to the Central Register; the bids should be by the 29th, opening of the bids by June 19th, and awarding of the contract by July. The Board thanked them for all the additional work. Mr. Spirlet asked that with the original bids has anything been resolved or penalties? Mr. Vieira stated that nothing is resolved but there are outstanding issues. **Motion** made by Mr. Dutra to accept Amendment No. 1 and 2 for Construction Phase Services for Beach Avenue, East Beach Road and Riverview Drive and to execute the contracts. Second by Mr. Ouellette. The Board voted unanimously in favor.

Discussion – RE: Setting the date for the Override and ballot items.

Present: Michelle Duarte and Superintendent Ann Dargon. Ms. Dargon stated that at Annual Town Meeting, the teachers made a specific request for \$815,000.00+ override to level service for next fiscal year; the School Committee has not met to discuss this but will be meeting this Wednesday; a September date may be in the best interest to run a successful campaign. Mr. Vieira stated the Board may commit to a date but the School Committee needs to discuss a date. There was a lot of emails since Town Meeting from teachers and parents regarding this and in all fairness to the Town Clerk, Marlene Samson, the flexibility of the date should be under the Town Clerk. There is a primary in November and two dates have been mentioned. Mr. Dutra stated it should be early; we spoke of piggy-

backing back in November, what is the conflict of piggy-backing on the September ballot. Ms. Samson stated it is against the law and November may not fall within the time frame. Ms. Samson stated that her understanding from the State is that a contingency question must be voted within 90 days from Town Meeting and it can't be on a primary ballot. The clock began ticking for the 90 days beginning from Town Meeting. Mr. Dutra stated the home rule petition for the firefighter is on the November ballot; Mr. Healey stated the IOD ballot question has to follow legislature; so 90 days brings us to August 2nd. Ms. Samson also stated that there is a rule through the State, that program cards are not to be touched for 30 days, which is putting us closer to the September election; her hands are tied, so she suggested July 15th. Ms. Samson stated that in holding this on a Saturday, there is additional costs, which were not budgeted for. **Motion** made by Mr. Dutra to support and set a Special Town Election for the purpose of an override and to encourage the School Department to work with the Town Clerk on a date to be brought back before the Board to be voted. Second by Mr. Sullivan. The Board voted unanimously in favor. Ms. Duarte stated she appreciated the BOS's vote but asked the Town Clerk and the BOS to weigh in on the pros and cons of a Saturday vote. Mr. Vieira asked if the School could absorb some of the costs of a Saturday election. Mr. Lombard stated that if a Saturday is looked at, you will also need to look at a transfer. Ms. Samson stated the additional costs include cards, printers, ballots mailed out, etc. the State does not allow us to touch within 30 days of an election so a second set of equipment would be needed. Mr. Vieira stated this is a school issue and he suggested the School Committee go back and talk with the petitioners and come back with a date, with consideration given to the Town Clerk and the costs; please work with the Town Clerk on the dates.

Town Administrator Report – None.

Action Item

1. **Motion** made by Mr. Spirlet to approve an End-of-Year Budget Transfer Request for the Beach Enterprise - \$3,000.00 from Professional Services to Personnel Services. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. **Motion** made by Mr. Sullivan to approve the Order of Taking and the signing of the mylars & plans for Estrela Lane, Romano Village Drive and Paul Drive. Second by Mr. Spirlet. The Board voted unanimously in favor.

Mr. Lombard and Mr. Healey leave the meeting at this time and do not attend the Executive Session.

Executive Session – 7:27 PM

Motion made by Mr. Dutra to enter into Executive Session pursuant to MGL Chapter 30A, Section 21 to consider applications for employment – Town Administrator. Second by Mr. Ouellette. The Board voted unanimously in favor.

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

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

Adjournment.

Respectfully submitted,

APPROVED: _____
R. Michael Sullivan, Clerk

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