

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
AUGUST 11, 2014**

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

Also present: Timothy J. King, Town Administrator

Absent: Craig J. Dutra

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.

Public and Board Member Comment - None.

Acknowledgments & Recognitions

The Board presented Citations to the Westport Little League Baseball Champions of 1964 in commemoration of their 50th Anniversary. Mr. Vieira noted highlights of the Town in 1964 such as the appointment of the Town's first Fire Chief, the removal of the Westport Point Bridge and North Westport School to make way for progress, the State Boat Ramp was opened, several new businesses opened in Town (a freight terminal, drug store, furniture store and a modern up-to-date bank) and it was about the 10th year for the Little League Team. Mr. Vieira stated he was contacted by Mr. Tom Hancock regarding the Little League for that year. Mr. Hancock spoke on the history of the league, the heart of all the players and how they set the stage for athletics in Westport. The players on the team that year were Paul Eastwood, Stephen Pettey, Bruce Letourneau, Robert Wood, Manuel Cabral, John Souza, David Azevedo, Karl Kozak, Norman Tremblay, Carl Zajak, Joseph Carreiro, William Jalbert, James Ford, John White and Ronald Briere. Coach Bill Darcy, Manager Jerry Bussiere and League President Walter Kozak led the Little League Team to a State Championship. Players present were Manny Cabral, Karl Kozak, Robert Wood, Bruce Letourneau, Norman Tremblay and Stephen Pettey; Mr. Hancock then asked for a Moment of Silence for the passing of Ronnie Briere, William Jalbert, Bill Darcy and Jerry Bussiere.

Town Administrator Report

Mr. King announced the following: the 2014 Westport Summer Film series, hosted by the Westport Cultural Council, will be showing "More than Honey" on 08-14-14, "Farmadeggon" on 08-21-14 and "Tapped" on 08-28-14 at the Deedee Shattuck Gallery, 1 Partners Lane-movies are free; the Handy House is now open on the 2nd and 4th Saturdays of this month and through October for tours and Veterans' Appreciation Day on Saturday, August 16th at the VFW on Route 6. Mr. King then reviewed his report with the Board (see attached). Under "Town Environmental Remediation Sites", Mr. Vieira asked Mr. King to stay on top of the test pits across from Forge Pond. Under "FY'16 Municipal Operating Budget and CIP", Mr. Sullivan stated to Mr. King that an Inventory Form as been adopted. Mr. King stated that UMass is testing at East Beach, the sand for nourishment, which ties in with the Causeway Study. Mr. Vieira stated they are looking at the opening of the Let. Mr. Sullivan stated he is looking forward to the report due in the Spring. Mr. King stated he has a concern of the \$150,000. with the Middle School 319 Grant and he feels this needs to be looked at again. Also, Mr. King notified the Board that Police Officer James Roberts has submitted his resignation. **Motion** made by Mr. Spirlet to

accept the resignation of James Roberts as Police Officer. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra).

Christine Sylvia, Interim Treasurer – RE: Approval and vote for the Bonding of the Community Septic Management Program.

Mr. King stated this has been a very successful program for the replacement of failing septic systems in Town and at this time, the Town has already used its allotment of \$250,000.00. This program was able to help a number of homes, so the Board of Selectmen have authorized getting another \$250,000.00. Anyone can apply for these low cost loans, there is no income requirements for this program. Mr. Sullivan read into the record the vote taken by the Board of Selectmen. **Motion** by Mr. Ouellette to approve as read by the Clerk of the Board. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Dutra). (see attached wording) Mr. Vieira stated this will allow us to continue to correct failed systems in Town; anyone interested can contact Nelia Williams in the Building Dept. who will be working with the Board of Health. This is a low interest loan and all is strictly confidential. The current interest rate is 4%.

Christopher Capone, ConCom Agent – RE: Request from the Conservation Commission for the appointment of an “Open Space Committee” to update the Open Space Plan.

Present: Christopher Capone. Mr. Capone stated the Conservation Commission has acquired a grant with SRPEDD for help in updating the Open Space Plan. It was suggested by SRPEDD and voted by the Conservation Commission to ask the Board of Selectmen to appoint interested people to the Open Space Committee to help with the updating; suggested positions were representatives from Recreation, Highway, Board of Health, ADA Coordinator and Conservation. Discussion ensued regarding the makeup of the committee. **Motion** made by Mr. Spirlet to move forward with a seven-member committee consisting of representatives from Recreation, Board of Health, Conservation, Highway, the ADA Coordinator, Water Resource Management and one At-large member. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra).

Discussion – RE: A possible M.O.A. for a turn-around on Beach Avenue -R. Michael Sullivan.

Mr. Sullivan gave the Board a copy of the breakdown of the Beach Avenue Plan and stated he felt it was a pretty decent plan. Mr. Sullivan listed the elements of the plan on Beach Avenue that extends from Acoaxet all the way to the Knubble and instead of paving all the way, there will be the installation of a gravel road from a certain point and two property owners have agreed to leasing a portion of their land for a 48 ft. turn-around; there will be a boardwalk for the rest of the way. The elements of the plan include a long-term lease, pursuit of funding for a boardwalk that goes up and over the dune on the oceanside, funding for the installation of moby matts to the riverside and oceanside; and also a restoration project. We are working with the property owners to recreate the detention pond. The document provided gives the components: Memo of Understanding, Long Term Lease, Create Turn-Around, Reclaim sand/beach nourishment, dune restoration and boardwalk, detention pond restoration, CPC Boardwalk to Town lot and CPC Moby Matt Project at Knubble. Mr. Sullivan stated that optimistically, we can achieve the boardwalk and turn-around for next year. There is 58 action items on the list. The item we need to do next, it to address the Town Counsel's critiqued MOU which has to be turned into an MOA, according to Town Counsel. **Motion** made by Mr. Sullivan that tonight, the Board handle the MOA and the timeline and see if something can be started. Second by Mr. Ouellette. Discussed ensued. Mr. Spirlet stated there were still issues such as hardpack; doing away with a public road; and going into a contract on something we own, he felt maybe take it by eminent domain or go all the way to the Knubble. This is a Chapter 90 road and he does not support a MOA. Mr. Spirlet does not want to spend money until Town Meeting says yes, go ahead and do away with a public road. Mr.

Ouellette stated he was in favor of going forward and agrees with Mr. Spirlet that it is a Chapter 90 road but he does not want to have more Out-of-Town vehicles down there or having tar with people racing up and down there. Mr. Vieira stated it is a public road and we have agreed not to pave it but we should maintain it as a road even though it is not paved and have limited transportation down there with the turn-around but he would not entertain any agreement until Town Meeting. Mr. Vieira stated he would like to hear from the ADA about the section from the turn-around to the Knubble. Discussion ensued regarding maintenance of the road. Mr. Spirlet stated the intent was always to keep it open to the Knubble, even if it is hard packed; we should never get rid of that road. Mr. Sullivan stated we would only discontinue maintenance after we install the boardwalk. Michael Ouimet stated legally, the Town is responsible to do the most accessible thing and if it can't, they have to revert to doing the second most accessible thing. We have been trying to create something that everybody can agree on but after all this, a year later, we still have no access. Mr. Ouimet stated he would like to see the BOS vote to provide some sort of access to the end of the road, whether it is hard pack or matts or allow vehicles to travel to the end of the road or to the turn-around and hard pack the rest. Mr. Vieira stated we have a legal responsibility for providing access and would ask Mr. Sullivan to consider an amendment to provide some sort of access while a solution is being sort. Mr. Sullivan stated he would amend his motion to proceed with Town Counsel to finish converting the MOU to a MOA and to pursue with COD to determine what options we have to gain immediate access with the experiment of using the moby matts. Discussion continued. **Motion** made by Mr. Sullivan to proceed with the request to Town Counsel to complete the work of turning the MOU into an MOA and putting it into a legal format we can sign; and to have the Commission On Disability, Highway and Conservation move ahead immediately to have an access pad at the end, for whatever is the most appropriate way to deal with this problem in the interim and to execute it. Mr. Ouellette stated he already seconded this motion but Mr. Vieira spoke with Mr. Gonsalves and was told the Board didn't have authority over the Highway Surveyor and he stated he was going to gravel to the end. Discussion again continued. Mr. Sullivan clarified his motion for the Clerk. **Motion** made by Mr. Sullivan to have Town Counsel complete the work on the Memo of Understanding converting to a Memo of Agreement as suggested and allow them to weigh in on the aspects of this plan for the Board's review two weeks from now, secondly, for the Conservation, Highway and Commission on Disability and BOS to agree we need leadership there and to move ahead on the options there are for immediate handicap access to the eastern end of Beach Avenue; for clarification, Mr. Ouimet and Mr. Sullivan spoke about options, one which may require minimal approval would be a hard packed area at the end so the moby matts could be accessed from the hard pack to the moby matts to the beach. The Board voted 3 in favor, 1-opposed (Spirlet) and 1-absent (Dutra). Mr. Vieira stated he would like some direction from COD. Mr. King asked if the BOS would agreeable to him working with the COD on the moby matts. Mr. Sullivan stated what would be helpful, would be guidance on permitting. Ms. Ostroff stated that installation of the moby matts would require an NOI. **Motion** made by Mr. Spirlet to authorize the Town Administrator to assist in getting the matts and road down there. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra). Mr. Spirlet stated he voted against the prior motion's first part but he supports the second part 100%. Discussion ensued regarding the funding. Mr. Sullivan will work with Mr. King on getting a figure. Discussion ends.

Action Items

1. **Motion** made by Mr. Sullivan to approve One Day Liquor Licenses for the Holy Ghost Club (Plumber's Union Cook-Out) and the Portuguese Madeirense Sports, Inc. (Annual Clamboil). Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Dutra).
2. **Motion** made by Mr. Sullivan to approve the Travel & Meals Reimbursement Policy. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra). Mr. Sullivan noted the travel

rate will be the current Fed/IRS rate.

3. **Motion** made by Mr. Spirlet to approve and sign the State Primary Warrant for September 9, 2014. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra). Mr. Ouellette noted this is strictly a State Ballot.
4. **Motion** made by Mr. Sullivan to approve, as requested, carryover of FY'14 vacation time for John Medeiros, COA for a total of 6 hours. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra).
5. Mr. Spirlet stated that the Town leases property to various groups and a problem that is happening is that the Town is not being indemnified and named on the leasee's insurance policy. Mr. Spirlet stated this needs to be looked into, with a tickler file being created and reviewed once a year to make sure all the insurance coverage is up to date. Mr. King stated he would draft a policy regarding the leasing of Town-owned property. Mr. Vieira noted that Mr. Lombard, before he left, was contacting all leasee's to make sure the Town was covered; check with Ms. Bouchard because she was working with Mr. Lombard on this.
6. Mr. King reviewed his memo regarding Parking Restrictions (see attached). Mr. Spirlet stated that on Sunday mornings, there is parking on both sides of Old County Road with people who are attending church, but he was not so concerned because at that time there is not much traffic; he would support Sunday morning parking on both sides. Mr. Spirlet noted that most road layouts in Westport are narrow. In regards to the Westport Winery and the Head, parking on one side only would allow for the flow of traffic. Mr. Sullivan noted that under Item #4 – Mr. King stated this differs slightly from Lt. Bell's recommendation; are all the rest in agreement? Mr. King stated Lt. Bell's report addressed a number of safety issues but the only variance would be to install 15 minutes parking signs from Reed Road west to the Bridge. Mr. Vieira stated that Mr. Dutra has had some discussions down at the Head also; as for Lt. Bell's report, it covers winter also not just summer. One part of this problem is to slow down traffic. Mr. Vieira stated we do have crosswalks but his concern, with this being a difficult area, is small children crossing the road. In referring to Mr. King's recommendation, Mr. Vieira stated this is the plan and we need to get it out there. Jeff Bull, Landing Commission, stated there will be a meeting with the Police, Fire, Mr. Dutra and Planning, etc on Tuesday, September 23, 2014 regarding the parking along this road at 7:00 PM in the Town Hall; abutters within 300 ft. will be notified; Mr. King will be invited also. Mr. Vieira stated the Town Administrator should take the lead and asked that Mr. King provide Mr. Bull with his recommendations which are not set in stone, they are to be used for guidance. Mr. Jerry Coutinho stated he had a concern of parking for the Post Office due to it being a very busy office and parking is needed on the north side; also, the Church holds many events such as weddings, etc. and there is a crosswalk 100 ft. west of the Post Office; his point is the Post Office parking does not have a crosswalk and it is very dangerous with the road curve and limited line of sight. Mr. Vieira agreed that the Church parking is one of the challenges; Lt. Bell has been addressing some of these issues and Mr. Dutra and some of the Board members have also been down there; the Town Administrator is looking at this and the Landing Commission will be having a public hearing; all the concerns down there are very real concerns. Lt. Bell and Mr. King will work together to get a list of recommendations. Mr. Ouellette noted that all the traffic on Old County Road is not all residents, some is people trying to avoid lights while traveling to Dartmouth. Mr. Vieira stated hopefully, something will be in place before the snow flies.

Appointments

1. **Motion** made by Mr. Spirlet to appoint Jack Baughan (CIPC Rep.) to the Agricultural Open Space Preservation Trust Fund Council. Second by Mr. Ouellette. The Board voted 4 in favor,

- 1-absent (Dutra).
2. **Motion** made by Mr. Spirlet to appoint James McConnell as Public Weigher. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra).
 3. **Motion** made by Mr. Spirlet to appoint Muriel T. Kokoszka to the Council on Aging Board. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra).

Minutes

1. **Motion** made by Mr. Sullivan to approve the Special Meeting Minutes of April 14, 2014. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra).
2. **Motion** made by Mr. Sullivan to approve the Special Meeting Minutes of May 27, 2014. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra).
3. **Motion** made by Mr. Sullivan to approve the Regular Meeting Minutes of July 28, 2014. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra).

Correspondence Requiring Action

1. **Motion** made by Mr. Ouellette to approve the request for the Watershed Ride on October 5, 2014 per Police recommendation. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).
2. A copy of a letter from Thomas Jansen regarding speed limits will be forwarded to the Police and Highway Departments for recommendations.
3. Town Administrator King will handle Philip Weinstein's request for parking near 93 River Road by working out the details.
4. **Motion** made by Mr. Sullivan to approve the request from Jeanne Callen to use the rear parking lot of the Town Hall for overflow parking on September 24th, while holding a Health & Safety Day at Main Road Family Medicine from 12 noon to 4:00 PM take place. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra).

Question and Answer Period – None.

Other Business

1. Mr. Vieira stated a letter was received from Arthur Caesar regarding Parking Ticket Enforcement. Mr. King stated he will be speaking with the Police Chief about it. Mr. Spirlet suggested that Mr. Caesar come in and speak with Mr. King. No action was taken.
2. Mr. Vieira stated that information was provided to the Board members regarding Town Avenue, this is a public document, we have it on file in our office, for anyone wishing to look it over.
3. Mr. Vieira noted that legal opinions received from Town Counsel for the BOS, BOH, Planning, etc. are in three-ringed binders in the BOS Office. If any of the Board Members are looking for a legal opinion, check the binder first, rather than paying for another opinion of the same that has already been issued.
4. Mr. Ouellette mentioned the COA Senior Picnic on Tuesday from 6 to 8 PM.; he noted that bad weather is coming on Wednesday. He asked if the Board could get the end year briefing of what is left by departments from the Accountant's Office. Mr. Ouellette stated there is 20 SRPEDD hours left to be used, if there is any area that we feel it can be used. Paul Schmid is working on the bike path with the Lafrances. Mr. Ouellette also stated there is a bump from John Reed Road to East Beach Road and asked who would handle this matter. Highway Surveyor Gonsalves stated he would look at it tomorrow.
5. Mr. Vieira asked Highway Surveyor Gonsalves about the paving of Riverview. Mr. Gonsalves stated Riverview and East Beach would begin tomorrow and completed by Wednesday.

6. Mr. Vieira stated to Mr. King there is a need to look at personnel evaluations, which is something Mr. Healey was looking into, we have some suggestion tools and you may get some ideas from monthly meetings; we need to look at staffing with the budget crunch; something to start thinking about now; secondly, suggestions for considering a time frame for a warrant article to have an election after Town Meeting. Mr. King stated he has already spoke with CIPC about this. Mr. Vieira stated the Board members need to think about an election after Town Meeting.

Board Members Suggestions for Future Agenda Discussion / Action

1. Mr. Ouellette stated he would like a status on the Perry Property house, which needs to be addressed and the Town Administrator needs to be updated on it. Elaine Ostroff was present and stated that the house was part of the Noquochoke Village package. Mr. Vieira asked Ms. Ostroff is she would give the Board an update on the housing. Ms. Ostroff said there has been no report on the tax credits from the DHCD as to why we did not receive them. Mr. Vieira stated he wants to invite the Committee and place them on the agenda for a discussion of what is happening and how we can move this along. Mr. King stated he would give an update in his next report.

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

Executive Session – 8:23 PM

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 April 14, 2014 & May 3, 2014 & May 27, 2014 and July 28, 2014 and vote to release Executive Session minutes. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

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

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

8:45 PM

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

Adjournment.

Respectfully submitted,

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

APPROVED: _____
R. Michael Sullivan, Clerk