

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
OCTOBER 20, 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: Timothy J. King, Town Administrator

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 – None.

Town Administrator Report

Mr. King reminded everyone that the 3rd public workshop of the Master Plan will be this Saturday, October 25, 2014 at the Westport Public Library; the topics will include Capital Facilities & Human Services, Land Use and Historic & Cultural Resources. The workshop will be from 9AM to 12:30PM. Public Access TV: Mr. King presented an updated long range plan for upgrading the Public Access TV. Town Hall Annex: Mr. King stated the Garden Club will be making some improvements and plantings to the garden areas at the Town Hall Annex.

Nisby Property Conservation Restriction: Mr. King presented to the Board a copy of the Conservation Easement prepared by the Westport Land Conservation Trust for the Nisby property on Cahoon's Lane; this document has been reviewed by Town Counsel and some adjustments are being worked on. The Town appropriated \$100,000. in CPA funds to pay for this easement. Mr. King believes it will be completed shortly.

Procurement: Mr. King stated he successfully completed the required State Procurement classes and is now a Designated MA Certified Purchasing & Procurement Official (MCPPO).

Public Records Request: Mr. King stated that WGBH News has submitted a public records request for information on the FY's 13 & 14 Municipal Payroll, which happens to coincide with one of our agenda items tonight. The Treasurer's Office is working on this information; in terms of transparency, this information will be made available on the Town's website for viewing by the general public, if the Board approves so tonight.

MS4: Mr. King stated there is a new General Permit for stormwater discharges for small municipalities. The Town Planner, Conservation Agent, Highway Surveyor and Mr. King will be attending an upcoming meeting in Lakeville on this matter.

Middle School 319 Grant: Mr. King stated he has notified Malcom Harper, DEP of the decision to close out the project; he is waiting for instructions of the close-out process; he has also contacted Wayne Perry, Consulting Engineer, for a scope of services and a price proposal to complete the engineering work related to the close-out.

Route 88 Paving: Mr. King presented an email received from Town Planner Jim Hartnett regarding the status of Rte. 88 paving; part of the project will address some stormwater drainage improvements.

Hix Bridge Dredge: Mr. King provided an update on the Hix Bridge Dredge Project. The first step in this process is the Federal Government Feasibility Study.

Donation of Property – Map 23A, Parcels 328 & 329: Mr. King stated the donation of property by Stafford & Barbara Hart is almost entirely wetlands; he will be checking with Conservation and Planning to see if they have an interest in the Town acquiring this parcel.

Chain Saw Safety Training: Mr. King stated that several Highway and Police Department employees participated in a MIIA training program on chain saw safety; the training took place over the course of three days at the School Department.

Selectmen Liaison Committee Reports

Mr. Vieira requested that this item be placed at the end of the agenda from now on and it will be only for reports from Board members who are liaisons; it will be up to the discretion of the Board member if they want to make a report on any meeting they have attended.

1. Mr. Spirlet stated he attended a Legislative Breakfast, along with Mr. Ouellette last Friday in Fairhaven which included State Reps, Selectmen, Town Administrators and City Councilors, hosted by the MMA. The meeting gave an outline of what has taken place in MA. In July, the Governor signed a \$36.5 billion State budget for FY'15 providing approximately \$50 million more for overall funding for municipal and school accounts. Mr. Spirlet then gave a more detailed breakdown given at the meeting. Mr. Spirlet stated the meeting was very informative and interesting.
2. Mr. Sullivan stated one topic of interest at a meeting with the COA, which Mr. King attended also, was the Town Administrator's request for the COA to set up Enterprise Fund for the Adult Day Care portion of the budget; this is something they will review and discuss and see what they have to do to try to comply with our request; this matter will be considered at their next meeting.
3. Mr. Sullivan stated he attended a School Committee meeting; two/three subjects of interest were addressed and there were up to five different speakers, both teachers and citizens and one very well-spoken Jr. High School student who spoke on various perspectives of the ongoing contract negotiations and encouraging settlement. There is also a new High School Senior Student representative, Elliot Drabble who attends the School Committee meetings representing the students and he made a very nice presentation at this his first meeting.
4. Mr. Sullivan, although not a liaison to the COD, reported on his attendance at one of their meetings to answer questions about their discussion of Beach Avenue and at this particular meeting, Mark Rasmussen, Buzzards Bay Coalition attended also, he presented the grant application and was seeking COD approval to proceed with the application. As presented, the COD was pleased with the plan with one modification being requested and that was to include access for individuals with mobility limitations down to the end of the road; and there actually is room in the grant to consider such a parallel road or track, etc. The COD gave approval to proceed and endorsed the plan as modified.
5. Mr. Vieira stated there was one meeting of the Water Resources Management Committee since the last BOS meeting, Tim King and Mike Sullivan were in attendance; Mr. Sullivan for Beach Avenue and there was some discussion regarding the 319 Grant; the WRMC, who attended our prior BOS Meeting, have the idea that they would like to recommend going forward with drainage areas and the process that takes place.
6. Mr. Dutra stated there will be a field trip sponsored by the Affordable Housing Trust to Chatham on October 28, 2014, where a development has been done and is similar to what is being proposed at Noquochoke Village; it is similar in design, composition of tenants and financing. There is probably three to four seats left, so anyone interested should contact Housing Specialist Leonardi Aray to make arrangements. Mr. Vieira will be attending, along with Mr. King.

Public Hearing – RE: An application request for a new license for an Annual Package Store – Wine & Malt only by Pine Hill Gas and Convenience, Inc., 929 Pine Hill Road, Westport, MA – Manager of Record will be David M. Cabral.

The public hearing was opened at 6:25 PM with Chairman Vieira reading the Public Hearing Notice. Present: Attorney Richard Stang, Sandra Dias and David Cabral. Abutters present: Peter Kastner/401 Pine Hill Road – Robert Russell/417 Hix Bridge Road – Mark Schmid/250 Fisherville Lane – Stuart Davidson/442 Hix Bridge Road – Tim Gillespie/137 Horseneck Road – David Emilita/795 Pine Hill Road. Attorney Stang stated this would be a new license for the convenience store which is located at 929 Pine Hill Road; his client will be rendering back to the Town his Class II license which is located at this address but will keep the Repair Business. The Zoning Board of Appeals approved a finding that a package store/convenience store at this location will not be a detriment to the neighborhood. Mr. Ouellette asked about trucks loading/unloading at this location. Mr. Cabral stated all truck deliveries will be parked near the repair side of the business. Mr. Spirlet asked why they were giving up their Class II License; was it a condition of the ZBA approval. Attorney Stang stated his client was giving up the Class II voluntarily in order to allow for more parking spaces and to be able to do more with the site; it was not a condition of the ZBA approval. All abutters present were in support of this proposal. **Motion** made by Mr. Spirlet to approve the request for an Annual Package Store Wine & Malt Liquor License for Pine Hill Gas and Convenience, Inc. Second by Mr. Ouellette. The Board voted unanimously in favor. The hearing is closed at 6:33 PM.

Public Hearing – RE: A petition request from Verizon New England, Inc. and NStar Electric Company proposing to install a new pole on Turtle Rock Lane to accommodate new service.

The public hearing was opened at 6:34 PM with Chairman Vieira reading the Public Hearing Notice. Present: Donna Howarth, NStar Representative. Abutters present: Peter Kastner/401 Pine Hill Road and Mark Schmid/250 Fisherville Lane. Ms. Howarth stated this was a new pole location to accommodate a new service. Reports were received from the Highway and Police Department stating they had no problem with the request. Mr. Vieira noted the Police Report calls this “a pole relocation”. Mr. Kastner questioned why the need for four poles within 100 ft. of each other; in looking at the plan, there is a pole in the middle of the applicants' driveway and with this additional pole, it is within 30-40 ft. of that pole; there is a lack of consolidation. Ms. Howarth stated Mr. Kastner was referring to 41A/75S and she believed that was coming out. Mr. Kastner stated that by looking at the plan, you can't tell what is going in and what is coming out. Ms. Howarth stated that 75S is a stub pole and not part of the plan. Mr. Kastner stated that if the “S” pole was being removed, he had no objections. Mr. Schmid, architect, stated his client owns the property on Turtle Rock Lane and the new pole is to provide service to their property but they do not want a second pole as shown on this plan either; there is an antennae on the pole in question and it was my client's understanding that it was to identify power outages and/or a special 911 transmitter or something like that and that the pole could not be moved, that is why the driveway is split on either side of that pole; his clients are hoping for a better solution than adding another pole. Ms. Howarth stated pole #41A/75S is a stub pole that is coming out; she did a drive-by on Friday and did not see any “S” pole, she only saw 41A/75; at this point, Ms. Howarth stated she would have to go back to NStar and get clarification. The Board determined that a clarification was needed from NStar. **Motion** made by Mr. Ouellette to table this matter to November 3, 2014 at 6:30 PM. Second by Mr. Spirlet. The Board voted unanimously in favor. The hearing is closed at 6:45PM.

R. Michael Sullivan – RE: MOU for Beach Avenue turn-around.

Mr. Sullivan requested a pass-over and placement on the next BOS Agenda.

Action Items

1. **Motion** made by Mr. Sullivan to approve a six-month extension of a trailer permit for Matthew Haines for construction purposes at 1403 Main Road. Second by Mr. Dutra. The Board voted unanimously in favor.

2. **Motion** made by Mr. Dutra to approve a Proclamation for Pancreatic Cancer Awareness Month as requested by Brock Cordeiro. Second by Mr. Sullivan. The Board voted unanimously in favor.
3. Mr. King stated that Town Meeting authorized a lease for up to 30 years but because of the procurement laws that would make it necessary to seek competitive proposals, the WRWA and the Landing Commission are working on a revised lease with a much shorter term. **Motion** made by Mr. Dutra to table this matter while the lease is being revised. Second by Mr. Ouellette. The Board voted unanimously in favor.
4. Mr. Spirlet stated that he has received calls asking why Town employee salaries are not posted on the website; this is public information and it should be out there for anyone to be able to review it; the Standard Times publishes this information for cities and towns throughout the area. **Motion** made by Mr. Spirlet to post the Town and School salaries on the Town's website. Second by Mr. Sullivan for discussion. Mr. Ouellette stated he was not for it, it intimidates our employees. Mr. Sullivan stated this is for salaries which is different from total earnings because total earnings include overtime, other earnings, etc.; this needs clarification. Mr. Spirlet stated his motion would be to show the total amount that we have paid individuals during the calendar year 2013. Mr. Vieira stated the figure from the W-2 forms could be used. Discussion ensued regarding how this matter should be formatted for presentation on the Town's website. Mr. Sullivan asked if this could be postponed for two weeks. Mr. King stated he will work with the Treasurer and Town Accountant to come up with a format; noting that a disclaimer can be added. The motion and second were withdrawn. This matter will be addressed at the next BOS Mtg.

Appointments

1. **Motion** made by Mr. Sullivan to appoint William Gifford, Ed Brum, Troy Spirlet, Town Administrator Tim King and Police Chief Pelletier to the Designer Selection Committee-Police Station. Second by Mr. Ouellette. The Board voted 4 in favor, 1-abstention (Spirlet). Discussion ensued regarding the Designer Selection Committee's charge. Mr. Vieira requested a copy of the last architect's report on the Police Station for next meeting.
2. **Motion** made by Mr. Ouellette to appoint Judith Beavan to the Commission on Disability. Second by Mr. Sullivan. The Board voted unanimously in favor.
3. **Motion** made by Mr. Ouellette to appoint Richard Squire to the Commission on Disability. Second by Mr. Sullivan. The Board voted unanimously in favor.
4. **Motion** made by Mr. Spirlet to appoint Robert R. Rebello to the Long Term Planning Town Building Evaluation Committee. Second by Mr. Ouellette. The Board voted unanimously in favor.

Minutes

1. **Motion** made by Mr. Sullivan to approve the Special Meeting Minutes of September 30, 2014 with amendments. Second by Mr. Ouellette. The Board voted 4 in favor, 1-abstention (Dutra).
*Amendments: page 3 – delete “pools of work” and replace with “volumes of waste” and change “computation” to “computations”.
2. **Motion** made by Mr. Sullivan to approve the Regular Meeting Minutes of October 6, 2014. Second by Mr. Dutra. The Board voted unanimously in favor.

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

1. **Motion** made by Mr. Dutra to approve a Common Victualler License for All Friends Smokehouse at 549 American Legion Highway, Jonathan Abreu, owner. Second by Mr. Ouellette.

The Board voted unanimously in favor. Mr. Ouellette stated his only issue would be smoke bothering the neighbor; there have been no complaints yet but there have been on the other business at that location. Mr. Sullivan asked if a checklist could be presented with these types of applications. Mr. Spirlet stated he supported this because the owner attempted to do all correctly before opening.

Other Business

1. Mr. Ouellette stated with license renewals coming up, car lot inspections need to be done; he asked that Ralph Souza start looking at some of these lots before the Board is asked to sign off on the licenses in the next month or so.
2. Mr. Ouellette stated he was looking for support from the Board for the Tree Decorating Ceremony, which will be on Saturday, December 6, 2014 from 1-3 PM on the Town Hall front lawn; a lot of people have come forward to help and donate; DJ Costa-Westport Campgrounds, Lees Market-refreshments, A&E Metals-canopy and chairs, Highway Department-bucket truck and Boy/Girl Scouts. **Motion** made by Mr. Sullivan to support the Tree Decorating Ceremony. Second by Mr. Spirlet. The Board voted unanimously in favor.
3. Mr. Vieira stated there was a letter concerning a crosswalk in the packets, this maybe addressed at our next meeting unless someone wants to speak to it. Mr. Spirlet stated in reviewing the crosswalk at 514 Old County Road; the location of the crosswalk, is the best location because it is located on a straight-away section of the road. This allows for the best visibility in allowing motorists to see anyone in the crosswalk. If this were located near the Post Office, this would pose a line of sight problem. Mr. Ouellette noted the Safety Officer recommended this. Mr. Spirlet stated he would vote to keep it there.
4. Mr. Sullivan stated that one of the members on the Commission on Disability is quite ill and was not able to attend the last meeting, where a question came up about "Remote Participation". Mr. Sullivan asked if an experiment could be done using COD as it is an advisory board and only for individuals who for medical reasons can't attend. Mr. King is willing to look into this. Mr. Dutra stated to check with Kopelman & Paige because when this law was passed there was an advisory issued as to how to implement Remote Participation. Mr. Sullivan stated he was not in favor of this in general because members really need to be there at meetings but we are working with volunteers. Mr. Dutra stated in cases such as this, it could work well.
5. Mr. Vieira stated as a follow-up, he has been in touch with the Assessors and the P/T Assessor will be coming in this Friday and will be doing a followup with him on that day; there are questions from some people that will be pursued; have already spoken with Jack McDermott, Chair and he is going to be working on this also; based on employee vs. contracted services, Mr. McDermott has acknowledged this idea and maybe coming before the BOS next meeting; the Assessors are reviewing a number of properties at this time.

Mr. Vieira announced the Executive Session was two parts this evening; the first part would be the Board of Selectmen only, the second part would be a joint meeting with the School Committee. The Board will then return to Open Session following both Executive Sessions in order to adjourn.

Executive Session – 7:30 PM – (Board of Selectmen only)

Motion made by Mr. Sullivan to enter into Executive Session pursuant to MGL Ch. 30A, Section 21 to discuss strategy with respect to Collective Bargaining and approval of Executive Session Minutes of 10/06/14. Second by Mr. Ouellette. The Board voted unanimously in favor.

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

Executive Session – 8:25 PM - (Joint Mtg. w/ School Committee)

Motion made by Mr. Sullivan to enter into Executive Session pursuant to MGL Ch. 30A, Section 21 to discuss ongoing litigation related to the PCB's, jointly with the School Committee. Second by Mr. Spirlet. The Board voted unanimously in favor.

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

Open Session – 9:00 PM

Motion made by Mr. Ouellette to adjourn the Board of Selectmen Meeting. Second by Mr. Dutra.

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