

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY, JUNE 15, 2015**

Members Present: Craig J. Dutra, Chairman
R. Michael Sullivan, Vice Chairman
Antone C. Vieira Jr.
Richard M. Spirlet
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

Mr. Dutra announced that the 3rd grades from the Westport Elementary School will again be touring the Town Hall offices on Wednesday, June 17th and stated that Mr. King and Mr. Ouellette would be covering those visits.

Mr. Dutra stated he and Mr. Vieira have been representing the BOS on the School Transition Committee and we asked for a rolling certification and the MSBA came back with a recommendation earlier this year; we had some difficulty with the level of decline that they were projecting for Westport schools; at that time, we added in some projections going from 7-12 to 6-12 to 5-12 (those are offers still on the table for the most part) but after Town Planner Jim Hartnett submitted projections for the Town based upon building activity, etc., the MSBA came back with a modest increase but they are still projecting an overall decline in enroll for those grades over a period of time but it still gives us some wiggle room, so unless there are any further objections and due to time constraint, Mr. Dutra stated he would like to sign the Student Enrollment Certification and forward it to the School Department.

Motion made by Mr. Vieira to have the Chairman sign the documents as outlined. Second by Mr. Ouellette. The Board voted unanimously in favor.

Acknowledgments & Recognitions – None.

Town Administrator Report

Beach Avenue Piping Plover – Mr. King reported a piping plover nest has been observed on the north WLCT parcel and provided the Board with an email from the Conservation Agent.

Time & Attendance Software – Mr. King reported the time & attendance system is live at the Highway Dept.; devices have been ordered for the COA and Fire Station as well.

Police Station Feasibility Study – Mr. King stated the Police Station Building Committee met on Wednesday and discussed the site location analysis and conceptual cost estimate. The Committee at their last meeting, voted to approve the spatial needs study and condition study.

Town Clock – Mr. King reported that Mr. Plamondon has repaired the wiring for the Town Hall clock. Andrew Sousa, Highway Dept. has located a new time mechanism and will be ordering it next month

(new fiscal year). The neon light bulb encircling the clock also needs to be replaced; research on where to find one will be conducted.

Middle School 319 Project – Mr. King stated he has submitted the paperwork to re-balance the match for the 319 Grant. If successful, the Town will receive another \$23,510.00. A response on the MBE/WBE waiver request is still pending.

School Building Committee – Mr. King provided the Board with an updated membership list for the Committee; the next meeting is set for June 29th.

Municipal Aggregation Project – Mr. King reported that DOER's legal counsel had some problems with the aggregation plan submitted by SRPEDD; the staff at SRPEDD have been working to resolve the issues so that a fall procurement process can take place.

Electric Vehicle – Mr. King reported the Nissan Leaf SV was delivered on Thursday and it has great gas mileage.

Knubble Dune Restoration Project – Mr. King provided the Board with a monthly update of this project.

ADA 25th - Mr. King stated it is the 25th Anniversary of the Americans with Disabilities Act. There will be a celebration in Boston on Wednesday, June 22, 2015 at the Boston Common from 11AM to 3PM.

Bid for Highway Dept. Truck - **Motion** made by Mr. Ouellette to award the bid to Altrui Bros. in the amount of \$138,838.00. Second by Mr. Vieira. The Board voted 4 in favor, 1-opposed (Sullivan).

COA Project – Mr. Vieira stated ABC Floor Covering did work at the COA, it was over \$5,000. and needed a contract; the Board signed off on bills last week, so tonight, we have a contract and he suggested the Board sign off on it tonight. Discussion ensued. **Motion** made by Mr. Vieira to approve. Second by Mr. Ouellette. The Board voted 2 in favor, 3-opposed (Spirlet, Sullivan, Dutra). Mr. Sullivan stated he would like to hold on this matter to review in two weeks and to advise the vendor that payment is being held until a contract is received. Discussion again ensued regarding the bid process. Mr. King stated he was unaware of the BOS's policy for contracts over \$5,000. Mr. Dutra asked for a copy of the policy in the next BOS packet. Mr. Vieira read aloud a copy of the policy he had on-hand from 2011.

Public Hearing – RE: An application request from Mid Town Motorsports, Inc., located at 757 State Road, Westport, MA for a Motor Vehicle Repair License - Denis Desmarais. Vehicle limit request is 4.

The public hearing was opened at 6:00 PM. Present: Denis Desmarais. Abutters present: Paul Hebert, Gifford Road. Mr. King stated the applicant already has a Class II License and would like to add a Repair License, the Building and Fire Departments have signed off giving their approval on this request. Mr. Sullivan noted that all paperwork was in order according to the checkoff list; no Workers Comp was required due to no employees. Mr. Hebert stated he owns property that is close to this business, within 6ft. of the property line, and his only concern is painting of vehicles; with the prior owner, the fumes would go into the neighboring home. Mr. Hebert stated he had no problem with painting as long as it is done only from 7AM to 7PM and no Sundays. Mr. Desmarais stated he will not be doing any painting or bodywork; he gets along with his neighbor and has spoken with Mr. Hebert also; he is very respectful of his neighbors. Mr. Ouellette asked that Mr. Desmarais be careful of the cars on the right hand side due to neighborhood kids in the area; also, Mr. Ouellette asked that cutting and grinding be kept to a minimum; Mr. Desmarais stated that all work is done inside the building.

Motion made by Mr. Vieira to approve a Repair License for Mid Town Motorsports, Inc.; no painting allowed; hours will be 9AM to 7PM (Monday thru Saturday) – No Sundays. Second by Mr. Ouellette. The Board voted unanimously in favor. The public hearing is closed at 6:07 PM.

Public Hearing – RE: An application request from Joe's Cafe & Lounge, LLC located at 549 American Legion Highway-Suite #1, Westport, MA for an Alteration of Premises, Change of DBA and Change of Hours – Jose Calheta, Manager.

The public hearing was opened at 6:10 PM. Present: Jose Calheta and Dion Calheta. Abutters: none. Mr. Dutra stated there were three requests before the Board tonight which consists of an alteration of premises, a change of DBA to change the name of the business and an extension of hours. Mr. Dutra stated the recommendation from the Police Chief is that the extension of hours be denied. Mr. King stated there has been a liquor license at this location for a number of years and they are proposing three changes: an alteration of premises, a change of DBA and change of hours; the alteration of premises has to do with outdoor activities. Mr. Dion Calheta stated they wanted to change the name to emphasize the business as a restaurant. Mr. King stated they also want to change the hours. Mr. Dion stated that currently the closing hours are Sunday to Thursday at 12AM and Friday and Saturday at 1AM; they would like to change Sunday to Thursday to 1AM and Friday and Saturday to 2AM. Mr. Vieira asked Mr. Calheta, isn't the sign Joe's Bar & Grill already up? Mr. Calheta stated yes, it is just a banner. Mr. Vieira asked if they went through any procedure in Town to get the sign up. Mr. Calheta stated there is no signage change, only a banner. Mr. Vieira asked if adding the additional hours was that critical to the business. Mr. Calheta stated yes, especially on Friday and Saturday, business starts to pick up at the later hours and they do not want to rush their patrons out. Mr. Vieira stated he is supportive of businesses trying to make a living but he is also concerned with the neighbors due to some of the activities being stressful on the neighbors and the sound level; he has personally seen some of the concerns of the neighbors and also, the Police Chief's concerns of public safety. Mr. Dutra questioned the proposed enclosure as being a partial enclosure, no roof. Mr. Dion stated there was no roof on the enclosure. Mr. Dutra stated so it is an open-air enclosure. Mr. Dutra questioned the current capacity. Mr. Calheta stated it is 99 total and that will not change, they just want to be able to serve outside. Mr. Dutra stated the recommendation of the Police Chief is to limit the outside serving; if approved, it will be in line with other establishments such as the Social Club who can serve until 9PM. Mr. Calheta stated they were fine with that. Mr. Ouellette asked Mr. Souza about the Board of Health in regards to serving food. Mr. Souza stated they are permitted to install roof vents and are in the process of serving food with the Board of Health; the problem Mr. Souza stated is that they are limited to 99 person inside capacity on a plan submitted by an engineer, when outside seating starts, those people will move inside if there is bad weather causing an over capacity inside. Mr. Spirlet stated the capacity of 99 is going to include the outside and the inside. Mr. Spirlet stated the enclosed area will not change the capacity. Mr. Calheta stated there is only one public entrance and during busy times, there is someone checking ID's and tracking capacity; once capacity is reached, we stop allowing anyone in; the outside area doors are locked and can't be entered from outside, a person can only leave. Mr. Calheta stated that 99 is the total capacity. Mr. Sullivan asked if the outside area was being used now. Mr. Calheta stated the outside area is used by patrons to go out and smoke, we have BBQ's but no alcohol or non-alcoholic beverages are permitted. Mr. Sullivan stated the Board received a negative recommendation from the Police Chief. Mr. Calheta stated he was actually a little surprised at that. Mr. Sullivan stated that one of the issues is the numerous complaints received. Mr. Calheta stated we do not plan on having any live music on Friday or Saturday nights outside; we have not kept our front doors open; we have had not heard any complaints. Mr. Sullivan stated a previous resolution to the noise was the closing of the doors but obviously with allowing the use of the outside, there is no door for the noise. Mr. Calheta stated that the previous owners kept the front doors open on certain times; we do not; if we are allowed to have consumption of alcohol outside, the front doors would still remain closed. Mr. Calheta stated the outside is used to socialize right now and he has not heard any complaints and there have been people who have come down and inspected the premises but he has not gotten anything verbally or in writing about any issues. Mr. Vieira stated there was a complaint on

March 7th regarding issues outside; he asked if there was a sign outside regarding noise, do you have a TV outside because the Police did have to go there. Mr. Calheta stated it is only people socializing and we have a TV outside; we are not creating any late night functions causing loud noise. Mr. Calheta stated he remembered that incident. Mr. Calheta stated that the only problem has been parking on the street. Mr. Vieira stated that occasionally things happen but to go to 2AM would just extend more issues along with issues already happening. Mr. Dutra stated he could be supportive of a hard closing at 9PM for the outside with no one going outside; this would not be a soft closing; this could be part of the problem, with people having a good time, a TV outside and being allowed to go back and forth into the building, it does become a nuisance and if not closing at 9PM, with the closeness of proximity to one neighbor, it would be more of a nuisance. Paul Hebert, abutter, stated he has no problem with the hours; there is no where in Westport that you can go, sit outside and relax and play horseshoes; at least if it is shutdown at 9 or 10PM, we still have the opportunity to do that. Mr. Hebert stated he is 100% in support of this. Mr. Sullivan stated that right now, the outside is open to socialize and smoke. Mr. Calheta stated that is the reason we set the back, so it would alleviate smoking in the front of the establishment; we enclosed the entire area to contain the smoke. Mr. Sullivan asked if the owners would be able to actually close the area at 9PM and send people inside; what issues would you be facing. Mr. Calheta stated the issue of smoking in front of the building again would start the complaints all over again; this is why initially we created this area and now that people are enjoying it, we have decided to try to take full advantage of the area. Mr. Spirlet stated to clarify, you are requesting to use the area but no alcohol to be outside after 9PM and you want to extend the hours for inside; those are the two concessions you are looking for; Mr. Calheta stated yes. Mr. Vieira stated that before the Board votes on this matter, we need to look at the report from the Police Chief regarding the problems and concerns for public safety; the positive side is the smoking in the back of the building; one the easiest requests is the name change; one of the concerns with serving alcohol inside and outside is the capacity changes and Mr. Vieira stated he would like to hear from the Building Commissioner. Mr. Calheta stated there will be no change because we have someone at the door doing a head-count. Mr. Souza stated an engineer's report in 2011 put the capacity at 99. Mr. Vieira stated he did not want to have cruisers going down there after 9PM because of complaints from the neighbors and the Police having to do a head-count and monitoring. Mr. Dutra stated that based on the photos of the rear, it is a clear exit and not an entrance; it is only an emergency exit. Mr. Ouellette questioned whether the Board of Health has approved the service of food. Mr. Calheta stated they are licensed to serve food right now. Mr. Souza stated they are in the middle of a kitchen expansion right now. Mr. Ouellette stated he was concerned because some things should be common sense, one is the business decision to put a flashing light outside which disturbs neighbors; if he lived there, there would be a problem; the light is very bright and looks like Vegas; that is why he is afraid to give much leeway. Mr. Calheta stated he will take care of it. **Motion** made by Mr. Spirlet to approve of the name change to Joe's Bar & Grill; allow the service of alcohol in the outside area up to 9:00 PM; and to deny the request for extended hours, the hours of the establishment are to remain as previously granted with the exception of allowing an opening time of 12:00 PM on Mondays. Hours previously granted are: Monday: 4PM to 12AM / Tuesday to Thursday: 12PM to 12AM / Friday & Saturday: 12PM to 1AM / Sunday: 12PM to 12AM. Allowed to open early to serve coffee only - no alcohol before Noon. Second by Mr. Vieira. The Board voted unanimously in favor. Mr. Spirlet stated he would like to see how this goes and maybe look at this in the future. Mr. Sullivan asked about the noise from the TV; Mr. Calheta stated the TV would be turned down after 9PM. The public hearing is closed at 6:33 PM.

Public Hearing – RE: An application request from Norwest Auto Sales, Inc. located at 237 State Road, Westport, MA for a Class II License vehicle limit increase – Wayne Medeiros & Dominick Plourde, owners. Requested increase will be from 33 vehicles to 54 vehicles.

The public hearing was opened at 6:34 PM. Present: Wayne Medeiros and Dominick Plourde. Abutters: none. Mr. Dutra stated there is no objection from Lt. Holden & Mr. Souza and there is a recommendation from the Town Administrator to approve. Mr. Ouellette stated he has bought several vehicles from them. Mr. Sullivan stated the check-off list shows an engineered parking plan. Ms. Pelland stated the plan has been approved and signed off by the Building and Fire Departments. **Motion** made by Mr. Ouellette to approve the increase. Second by Mr. Vieira. The Board voted unanimously in favor. The public hearing is closed at 6:40 PM.

David Palmer – RE: permission to hold the 4th of July Parade.

David Palmer, Anne Boxler and Melissa Boudreau were present. Mr. Palmer reviewed the 4th of July parade details with the BOS, which is the same as last year; parade begins at 10:00 AM. Mr. Palmer stated there was more of a response this year for pre-registrations. Mr. Palmer stated that many businesses donate each year (this being their 3rd year) but this year, he is being asked what they are getting out of it. Mr. Palmer stated for one, the satisfaction of funding an old Town Parade; \$456.00 goes to the State of MA right off the top because we are not a 5013-C but that is being worked on. Mr. Palmer stated that anyone wishing to donate to the Parade can contact him at 508-636-2180 or send them to WFJPC, Inc., 77 Shirley Street, Westport, MA. Mr. Palmer stated that safety is #1 and Elaine Ostroff is the Grand Marshall for this year. Mr. Spirlet asked if there is a way for kid's bands to participate. Ms. Boudreau stated that Westport will not be participating due to School approval and a teacher to volunteer which we could not get this year but the good news is that Bishop Stang High School is bringing a Jazz Band. Mr. Palmer stated the parade is on a Saturday, which makes it hard for parents. Mr. Spirlet requested that information regarding the parade be placed on the cable and the Town's website. Mr. Ouellette asked if they were in touch with the Police Dept. Mr. Palmer stated yes, including the Fire Dept. also. Mr. Spirlet stated that step off time was 10:00 AM. Mr. Palmer stated there was no theme this year. The Board wished the Parade Committee good luck. **Motion** made by Mr. Spirlet to approve and support this request. Second by Mr. Ouellette. The Board voted unanimously in favor.

Action Items

1. Present: Steve Boudreau and Jonathan Rockwell, Vanasse Engineering. Discussion ensued regarding the liabilities and responsibilities of the easement. Mr. Spirlet stated he has voiced his concern over the water runoff to the Westport side but the Town should not be responsible to maintain, clean or for any 21E issues related to this; if we give the land, then the responsibility should go to the State. Mr. Boudreau stated this would be a permanent easement; a sort of taking by the State, which the State will be responsible for full management and the Town will not be liable. Mr. Dutra stated we are giving control of the land to the State. Mr. Ouellette stated there should be something in writing, with Mr. Vieira agreeing. Mr. Boudreau stated the document will be recorded at the Registry of Deeds along with descriptive language and layout plans. He stated the release of liability in writing would come from the MADOT. Mr. Sullivan stated there should be something in writing. **Motion** made by Mr. Vieira to approve the Drainage Taking Agreement with MADOT for Rte. 177 (American Legion Highway) drainage project subject to clarification in writing within 30 days, that the State will assume all responsibility for maintaining, cleaning and managing and that the Town of Westport will not have any liability. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. **Motion** made by Mr. Ouellette to approve the contract with MHQ Vehicles for the purchase of a 2016 Ford Utility PI Vehicle for the Fire Department. (not to exceed \$35,310.25). Second by Mr. Vieira. The Board voted unanimously in favor.

3. **Motion** made by Mr. Ouellette to approve of the leases (3rd year) for Codimonk Nursery School (Town Hall Annex basement) and Patricia Souza (Town Farm North Apartment). Second by Mr. Vieira. The Board voted unanimously in favor.
4. **Motion** made by Mr. Vieira to approve and award, on the recommendation of the Town Administrator, the contract for Motor Fuels to Peterson Oil Service, Inc. Second by Mr. Ouellette. The Board voted unanimously in favor.
5. **Motion** made by Mr. Spirlet to approve of the request from Jeremy Packard and Amanda Johnson to hold their wedding at Knubble Beach on September 12, 2015. Second by Mr. Sullivan. The Board voted unanimously in favor. Mr. Sullivan requested that Mr. King contact the couple and advise them where the Town Beach is located.
6. **Motion** made by Mr. Sullivan to approve the request of Dan McCarthy for the Blue One Challenge Road Race based upon the recommendation of the Police Department for September 12, 2015. Second by Mr. Ouellette. The Board voted unanimously in favor.
7. **Motion** made by Mr. Vieira to accept the donations made to the COA (\$25.00 from Edith Camara, \$75.00 from 2nd Half Bridge, \$300.00 from Osteo Class and \$200.00 from Bruce and Phyllis Sandman). Second by Mr. Sullivan. The Board voted unanimously in favor.
8. **Motion** made by Mr. Ouellette to retain the following Town Meeting Articles from prior fiscal years: Injured on Duty Medical Expenses ('14), Economic Planning & Co-ordinating ('14), Capital Expense Preparation ('13). Second by Mr. Vieira. The Board voted unanimously in favor. **Motion** made by Mr. Vieira to retain the following Town Meeting Articles from prior fiscal years '14 & '15: Environmental Maintenance Town Hall. Second by Mr. Spirlet. The Board voted unanimously in favor.
9. **Motion** made by Mr. Sullivan to passover and invite the Fire Dept, Tax Collector and Transfer Station to the next BOS meeting on June 29th to discuss the End of Year Budget Transfer Requests for FY'15. Second by Mr. Spirlet. The Board voted unanimously in favor.
Motion made by Mr. Vieira to approve the End of Year Budget Transfer Request for FY'15 for the Treasurer in the amount of \$5,000.00 from Short Term Interest to Bonds & Payroll Service. Second by Mr. Spirlet. The Board voted unanimously in favor.
Motion made by Mr. Ouellette to approve the End of Year Budget Transfer Request for FY'15 for the COA in the amount of \$5,000.00 from Payroll Dept. Head Director to General Expenses. Second by Mr. Sullivan. The Board voted unanimously in favor.
Motion made by Mr. Vieira to approve the End of Year Budget Transfer Request for FY'15 for the Board of Selectmen in the amount of \$7,406.00 from Legal Expenses to Professional. Second by Mr. Ouellette. The Board voted unanimously in favor.
Motion made by Mr. Spirlet to approve the End of Year Budget Transfer Request for FY'15 for the Board of Selectmen in the amount of \$102,030.00 from Employee Benefits to BOS Stipends. Second by Mr. Ouellette. The Board voted unanimously in favor.
10. Mr. Vieira questioned what the policy was for closing Town offices for Union meetings. Mr. Vieira stated there was a sign on one of the office doors, with no emergency, that the office was closed due to Union meeting. Mr. Dutra stated the Union was not asked to attend tonight, so this matter should be held until the June 29th meeting, inviting all parties to attend. Mr. Vieira stated there should also be a recommendation from the Town Administrator on this. Mr. Spirlet asked who gave the authority to do this. Mr. Dutra stated let's have the Town Administrator do some research on this matter and address it at the next meeting. No vote was taken.

Vacation Carry-over Requests

1. **Motion** made by Mr. Ouellette to approve the vacation carry-over request for Valerie Bain, Public Access Coordinator for 18 hours; time is to be used by September. Second by Mr. Sullivan. The

Board voted unanimously in favor.

One-Day Liquor Licenses

1. **Motion** made by Mr. Ouellette to approve a One-Day All Alcohol Liquor License for Holy Ghost Club for a Chicken BBQ on Saturday, June 20, 2015 from 3PM to 9:30PM. Second by Mr. Spirlet. The Board voted unanimously in favor.

Appointments and/or Resignations

1. **Motion** made by Mr. Spirlet to appoint the following permanent Republican Poll Workers: Jodi Sullivan, Josephine Coleman, Nancy Cook, June Hebert, Marge Pavao, Judy Brightman, Muriel Peters, Carin Wehrmeister, Mary Potter, Jackie Hasson, Susan Foster, Nancy Dawson, Pat Spiteri, Connie Cahoon, Lauren Bernardo and Sub-Poll Workers: Mary McCarthy, Pam Costa, David Spiteri, Jackie Marmen, Bill Harkins, Karl Daxland and Mary Lou Daxland. Second by Mr. Sullivan. The Board voted unanimously in favor.
2. **Motion** made by Mr. Vieira to appoint Tony Viveiros and Melissa Pacheco as School Committee Reps to the Middle School Transition Committee. Second by Mr. Spirlet. The Board voted unanimously in favor.
3. Present: Beverly Bisch, COA Director, Muriel Kokoszka and Marcia Liggin. Ms. Bisch explained the request for appointments. **Motion** made by Mr. Vieira to appoint Pierre Levesque as 19 ¾ hr. PT Van Driver and Linda MacCoy as 19 ¾ hr. PT Outreach Worker. Second by Mr. Ouellette. The Board voted unanimously in favor. Ms. Bisch stated both positions are fully funded. Mr. Vieira recognized the great job that Ms. Bisch is doing; both residents and employees are happy.
4. **Motion** made by Mr. Vieira to accept the resignation of Elaine Ostroff from the Commission on Disability, effective August 24, 2015. Second by Mr. Ouellette. The Board voted unanimously in favor.
5. **Motion** made by Mr. Spirlet to accept the resignation of Judith D. Turner from the COA Board and to send a letter of thanks. Second by Mr. Ouellette. The Board voted unanimously in favor.
6. No action was taken on the SMMPO position.
7. **Motion** made by Mr. Vieira to appoint Ray Phenix to the Commission on Disability effective August 24, 2015. Second by Mr. Ouellette. The Board voted unanimously in favor.
8. **Motion** made by Mr. Sullivan to accept the resignation of Richard Squire from the COD and send a letter of thanks. Second by Mr. Vieira. The Board voted unanimously in favor.
9. **Motion** made by Mr. Spirlet to re-appoint Nicholas Christ and James Sabra to the Housing Partnership Committee. Second by Mr. Sullivan. The Board voted unanimously in favor.
10. Annual Appointments: Mr. Dutra stated the Annual Appointments list would be voted on as a whole; as the Board reads through the list, a hold can be placed on any particular appointment and revisited once the Annual Appointment List is done. See attached list for votes.
Holds were voted as follows:
Narrows Redevelopment Committee: **Motion** made by Mr. Spirlet to dissolve the Narrows Redevelopment Committee. Second by Mr. Vieira. The Board 4 in favor, 1-opposed (Ouellette).
Soil Conservation Board & Conservation Commission: **Motion** made by Mr. Sullivan to appoint Grace Orr, Jason Powell and Michael Duval to the Soil Conservation Board & Conservation Commission. Second by Mr. Spirlet. The Board voted unanimously in favor. *Warren Messier's request for appointment will be placed on file.
Water Resources Management Committee: **Motion** made by Mr. Spirlet to appoint Richard Barresi, William J. Burns, Antone C. Vieira and Maurice May. Second by Mr. Vieira. The Board voted 2 in favor, 3-opposed (Ouellette, Sullivan, Dutra). Discussion ensued regarding the makeup of the committee. Mr. Vieira stated he was withdrawing from Precinct D. More discussion ensued.

Motion made by Mr. Sullivan to revisit this matter in two weeks and asked the Water Resource Management Committee to address at their next meeting, a list of priorities and problems or issues that are within their purview. Second by Mr. Ouellette. The Board voted unanimously in favor. Mr. Harkins, WRMC, stated he appreciated putting the Planning Board and Conservation Commission as part of the WRMC, so all the Town was represented; he also stated, that the people on the committee presently were very good at what they bring to the table and he would not like to see Mr. Vieira step down and that Mr. Burns is irreplaceable. He would like to see all the present people stay.

Head Plumbing & Gas Inspector: **Motion** made by Mr. Spirlet to appoint Joseph Ferreira as Head Plumbing & Gas Inspector. Second by Mr. Sullivan. The Board voted 3 in favor, 1-opposed (Vieira) and 1-abstention (Ouellette). Mr. Vieira stated Mr. Labonte has 30 years experience and deserves an appointment to serve the Town. **Motion** made by Mr. Vieira to appoint Robert Labonte as Assistant Plumbing & Gas Inspector. Second by Mr. Ouellette. Discussion ensued. Mr. Sullivan asked for an amendment, to have the Building Inspector send a recommendation on this matter in two weeks. The Board voted 3 in favor, 2-abstentions (Ouellette, Spirlet).

Minutes – None.

Selectmen Liaison Committee Reports – None.

Question and Answer Period

1. Tom Hancock asked: “Regarding tonight's Executive Meeting, the agenda is indicating a “Beach Avenue” discussion, in that I do not believe this discussion qualifies under the Open Meeting Law, under which of the very specific eight Executive Meeting reasons do you believe that this discussion qualifies for Executive Session standards?” Mr. King stated the Board went into Executive Session under #3 – Potential Litigation between the Town and the State. Mr. Hancock stated he objected to this. Mr. Dutra stated he appreciated Mr. Hancock's question and his objection would be duly noted for the record. Mr. Hancock stated that Mr. Dutra stated he had a conflict of interest in this matter; are you abstaining from the session. Mr. Dutra stated he has never stated he had a conflict of interest. Mr. Dutra stated he made a disclosure a couple of meetings back, that he did not have any conflict of interest. Mr. Harkins asked for a clarification of the Conflict of Interest question and asked if Mr. Dutra abstained from a vote during one meeting because maybe there was a conflict of interest. Mr. Dutra stated he made a disclosure due to his employment and he has been very generous with his disclosures of conflict of interest or when he has a business or professional relationship with someone who comes before this Board; he does not have a financial interest with this individual.

Board Members Suggestions for Future Agenda Discussion / Action – None.

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

Other Business

1. Mr. Ouellette asked that a letter be sent to Stephen Smith who was leaving SRPEDD. **Motion** made by Mr. Vieira to send a letter. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. Mr. Vieira stated in regards to the Betterment Program, the Board agreed to 4%; discussion ensued. This matter will be put on the agenda for the June 29th meeting to clarify.
3. Mr. Sullivan stated the Westport High School had a very nice graduation ceremony for the seniors.

9:12 PM Executive Session

Motion made by Mr. Ouellette to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to vote on two (2) IOD Status (Police Department); to discuss strategy with respect to collective bargaining (LAW & Fire); to discuss the Beach Avenue Consent Agreement; and to discuss the Nisby Conservation Restriction. Second by Mr. Spirlet. The Board voted unanimously in favor.

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

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

10:10 PM Open Session

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