

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY, JULY 13, 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 – None.

Acknowledgments & Recognitions – None.

Town Administrator Report

4th of July Parade – Mr. King reported the parade was a nice event with great weather, good crowds and no problems. Mr. King gave kudos to the organizers and participants.

Municipal Leaders Roundtable Discussion with Senate President Stan Rosenberg – Mr. King stated that Senator Rodrigues has arranged for Senate President Rosenberg to meet with local leaders at the Westport Library from 2-3:30PM on Wednesday, July 22, 2015.

Visit to South Coast by Congressman Joseph Kennedy – Invite – Mr. King noted for the Board, an invitation to meet Congressman Joseph Kennedy at Umass Law School in Dartmouth on Friday, July 31, 2015 from 8-9:15AM to discuss economic development; an RSVP is required for anyone interested.

Assistant Assessor – Mr. King stated the Assistant Assessor has decided that he does not want to work for Westport under a contractual agreement. The Board of Assessors and Sharon Potter are making arrangements for someone to provide these services on a contractual basis at least through the rest of the calendar year.

319 Middle School Grant – Mr. King stated we have received notice of a \$35,383.64 reimbursement from DEP for the 319 Grant, which should arrive on July 23rd. This is very good news. Mr. King stated the reimbursement covers the re-balancing and the retainage. Mr. King recognized Senator Rodrigues and Representative Schmid for their assistance.

School Department Administrative Offices – Mr. King stated he has spoken with School Superintendent Dargon on the relocation of the School Department Administrative Offices; she is unable to relocate to the WMS because of health concerns for a few of her employees. As for use of the Town Hall and Annex spaces, these are problematic as well. At this time, Dr. Dargon is exploring other options.

Entrepreneurship for All – Mr. King stated an invitation has been received from Senator Rodrigues for an event promoting entrepreneurs and business development. The event will be held on Friday, July 17, 2015 from 10AM to 12PM at Blount Fine Foods, 630 Currant Road, Fall River, MA.

Mass Legislature Adopts FY 2016 Budgets – Mr. King stated the legislature has completed the adoption of the FY'16 Budget; impacts for municipalities is described in the press release that has been provided.

Highway Department/Town Hall UST Site – Mr. King stated the DEP requires periodic evaluation and testing; Campbell Environmental has conducted the recent testing and submitted a report, which has been provided to the Board. Mr. King noted that testing will now be annual rather than quarterly, saving the Town some money.

Time & Attendance Software – Mr. King stated that Mr. Novo has picked up the new time clock system for installation at the COA; all remaining issues at the Highway Dept. have been resolved.

Police Station Water Problems – Mr. King stated the Police Station continues to have water damage problems. Mr. King provided the Board with a report from Chief Pelletier.

Electric Vehicle – Mr. King stated the vehicle is a good ride and the Assessors are now using the vehicle also. The \$7,500. grant payment for the vehicle and the \$1,660. reimbursement for the Highway Dept. costs associated with the charging station are scheduled to be paid by the State next week. Mr. Spirlet asked if there was any record keeping of the mileage. Mr. King stated yes, logs are in the car to keep an account of the odometer in/out reading. Mr. Sullivan stated this will be a key measure to compare to last years mileage of personal vehicles.

Community Television Report – Mr. King stated he has provided the Board with the first monthly report from John Rezendes, Community TV Coordinator.

Americans With Disabilities Act Anniversary Proclamation

Mr. Dutra read a proclamation prepared by the President of the United States Barach Obama and submitted by Elaine Ostroff, Commission on Disability member regarding the 25th Anniversary of the ADA.

Westport Affordable Housing Trust – RE: Approval of Release Deed, Quitclaim Deed, Assignment & Assumption of Purchase & Sale Agreement for Noquochoke Village.

Present: Elizabeth Collins, Elaine Ostroff, Leonardi Aray and George Campbell. Mr. Dutra stated this was continued from the last meeting and based upon the decision of a unanimous vote at Town Meeting to transfer the titles of the properties associated with Noquochoke Village from the Town to the Affordable Housing Trust. Ms. Collins apologized that no one from the WAHT was present at the last meeting to answer any questions. Mr. Aray explained the requests before the Board this evening:

Assignment of P&S – Quitclaim Deed – Release of Deed. Mr. Vieira stated the concerns were of the timing of the affordability makeup of the units and of any Quinn property not being used and whether it would be returned to the Town or not; there is a concern within the community of the final makeup of this project. Ms. Collins stated that March was the pre-application and we were notified; Mr. Aray stated back on April 24th, the mix was submitted, which is the same as approved back in December by the BOS. Discussion continued regarding anticipated funding. Mr. Aray stated that \$280,000. has been approved; we are waiting for 95% funding, which will effect the final mix. Discussion again continued regarding the septic and CPA funding. Mr. Aray stated that on April 30th, there was a highly publicized public hearing regarding this project, where all to date was explained. Mr. Vieira stated his concern over the time the project is taking regarding funding; at what point, do we look at something else; at this point, if we turn over control of this project, there will be no elected officials overseeing this and we will have no control. Mr. Dutra stated we are not passing over control, we are passing on the control to people appointed by this Board, which includes me. Mr. Dutra stated there is a series of public processes; this has been a very extremely painful process because part of the delay in this process has come from the BOS. Mr. Dutra stated there was a change made to the septic, and the committee did the right thing, they went to the public; he stated he apologized, he does serve on both boards but the committee thought it more important to bring it to the public and did not think to bring it here. Mr. Dutra stated it was a very well publicized meeting with abutters being notified; we still have all the regulatory Boards in Town that we must go through and who are overseeing this project and

guiding us to the next step in the process. Mr. Vieira stated he has been supportive of this and not in the minority not supporting this and he will not repeat what has been said for the last ten minutes nor will he repeat his concerns. Mr. Aray stated that nothing has changed; we are only waiting for funding to begin implementation. Mr. Aray stated that should anything change, it will be brought to the Board. Mr. Dutra stated there are so many applications for a project like this, that very few make it through the first hoops, so there is a bit of a droop; there are projects ahead of us in the pipeline, so we expected delays. Mr. Vieira stated that TCB has said each time they have been before the BOS, it was getting more difficult to get funding, which would change the mix; my concern is the affordable mix and how far do we keep going. Discussion continued regarding funding, mix and site design. Mr. Ouellette stated he was glad the Town was working toward their affordable housing quota, which is why we started this; if there is a threat to pull this back, we will be facing 40b's. Mr. Sullivan stated he has been the biggest critic of this project and there have been aspects of this project that he has not supported; we all had the opportunity to be on the committee or speak against this at Town Meeting; one of the reasons they are here tonight is because we are not very predictable; it seems like a ministerial act to dispense with this because if it does not happen by 2017, we take it back; we should just push it on to these folks and move forward. **Motion** made by Mr. Sullivan to move ahead and transfer the P&S for Quinn and Perry property. Second by Mr. Ouellette. The Board voted 3 in favor, 2-opposed (Vieira & Spirlet).

George Campbell – RE: Results of testing at Westport Middle School.

Mr. George Campbell was present and reviewed the results of the PCB testing at the WMS. Mr. Campbell stated that PCB's and source material (from ballast lighting that leaked contaminating other materials in the building and caulking had high concentrates of PCB); the Town did a tremendous amount of work to remediate and seal the materials. He stated he sampled materials during the spring break; some were not above and some were above EPA remediation waste criteria, especially in proximity of the windows. Whether the Town selects demolition of the building, continued use or eventual renovations, those PCB materials will have to be managed and there are ways to do that. The EPA will be looking for a risk-based remediation plan for what is going to be removed and what is going to be sealed, if those materials can't be removed; and there is always the option of demolition. Mr. Campbell stated he can speak from the risk assessment standpoint, that he does not see from the data collected any significant risk with the use on an interim basis for after school programs, use of the gym or administrative offices by adults. Mr. Campbell stated his recommendation is to communicate with the EPA on a plan. Based on indoor air data, he has reviewed the numbers and they have come down. Mr. Campbell stated other buildings built in the 50's and 60's will have similar problems, which is not unusual for schools or commercial buildings. Mr. Campbell stated the child threshold is 300; and by his understanding, the gym has always been below 300; so periodic use of the gym does not pose a significant risk to human health. This is the Town's decision to use offices in this building; if for offices, no risk, levels are acceptable for adults. Mr. Campbell stated he does not want to speak for the State, but the EPA is willing to work with Towns, so the smart thing to do is communicate with them. Mr. Dutra stated that two areas of interest are the basketball leagues continuing to use the gym and we have also viewed the use of the school for possible administrative offices or other entities wanting to use this space, due to it's central location. Mr. Dutra stated the Board had questions and before we entertained these uses, we wanted to get Mr. Campbell's input; based on last year's correspondence between the School and the EPA, the EPA was looking for a plan, a statement from us for the intended use of that building; up until that point, we were monitoring the situation and they allowed the use as a school but primarily, it will be adults in those areas. Mr. Spirlet stated that for children 12 or under, the threshold of six hours or more was why we could not have children in there, which was his understanding; for the rest of the building, the levels change for adults; we spent a little over \$3million

in cleanup. Mr. Spirlet stated he understands the need to change the lighting but what about changing the air-handling system, which is probably archaic. Mr. Spirlet asked if there were any other buildings in New England that went through this, that once remediated, was passed for use. Mr. Campbell stated the Town of Princeton went through remediation and it is feasible; time is what is needed, so you could do section by section and it allows for costs control. Mr. Campbell stated if there is time, the work can be controlled; there is no emergency to get students back in, so in the interim and looking at the feasibility of keeping the gym and/or offices open, there are a lot of questions of cost vs. demo, encapsulation or removal of some materials, etc. that can't be answered at this time but Region One is willing to work with the Town and there are ways to do this cost effectively. Ms. Spirlet stated if we have to spend money, we should be able to use the building; which is why we asked you in tonight, in order to get some answers to some of our questions. Mr. Dutra stated there have been three interests in use, one being the basketball in the gym and moving some Town employees in. Mr. King stated we are just looking at interim use; it would be useful to use during the day for administrative offices, this would also lessen the chances of any vandalism. Mr. Spirlet stated that if Mr. Campbell stated we were wasting our time, we should just demolish it but we wanted to see what our options were; we should not be waiting too long to send a letter to the EPA. Mr. Dutra stated a motion should be made directing Mr. King to draw up a list of options. Mr. Vieira stated there should be a motion that we contact Rep. Keating to a visit and walk-thru; maybe by then we will have a business plan, which may include rental. Mr. Vieira asked if Mr. Campbell had any conversations with the regional office. Mr. Campbell stated not since the winter. Mr. Vieira stated his concern was demolition plan costs; because if we ever got into demolition, there should be some negotiations; if we are going to get into any PCB issues then we bring in some professionals to remove and then we demolish it after going out to bid; at some point we have to look at the costs and ask if it is feasible. Mr. Vieira stated we need to look at all our options. Mr. Campbell stated at this time, he can't say what is the most cost effective remedy for the building. Mr. Campbell stated that while a plan is developed, these things work out. Discussion ensued. Mr. Dutra stated requests have come in for use of the building; we will hold on these for now. Mr. Vieira questioned the outside use for soccer. Mr. Campbell stated some PCB's are in the soil from where the windows dripped, basically the rain/drip-line right near the building; this area will have to be remediated but it did not effect the fields; he stated he has no data saying that the playing fields are contaminated. **Motion** made by Mr. Vieira to have the Town Administrator come back to the Board with a 24-36 month game plan for the structure and a strategy, not precluding this Board from taking any actions; and to have conversations with the Regional EPA Office and Rep. Keating, inviting them for a visit and a walk-thru to have some kind of discussion regarding our options. Second by Mr. Spirlet. The Board voted unanimously in favor.

Rupert Grantham – RE: Information on Moth Infestation.

Mr. Grantham was present to speak about the recent infestation of caterpillars and tree mortality. Mr. Grantham stated it is patchy, if you look along Route 88. Mr. Grantham stated this problem, caterpillars and gypsy moths have been around for at least 20 years. There is not much the Town can do, individual homeowners can buy pesticide from Home Depot or talk to professionals about spraying. As for the trees, they will come back; a tree can defoliate many years before actually dying. Mr. Grantham then passed out informational sheets to the Board members. Mr. Dutra requested that Mr. Grantham forward this information electronically to the BOS Clerk Ms. Pelland so it can be placed on the website for the public's information. Mr. Grantham stated it is something we must ride out. The Board thanked Mr. Grantham for the information.

Holy Ghost Club, Inc. - RE: Approval of Change of Officers/Directors.

Mr. Dutra stated the application is for a Change of Officers/Directors for the Holy Ghost Club; Mr. King has recommended approval. No one was present for the Holy Ghost Club. Mr. Dutra stated it seemed pretty straight forward, with all the information filled out. **Motion** made by Mr. Vieira to approved based on the Town Administrator's recommendation. Second by Mr. Ouellette. The Board voted unanimously in favor.

Francis Correiro, F&R Auto Sales, Inc. - RE: Request for approval to change business name.

Mr. Dutra stated that Mr. Correiro has submitted a letter withdrawing his request to change the business name at this time. No action is taken.

Action Items

1. **Motion** made by Mr. Sullivan to accept the resignation of Darleen Marsland, Clerk from the Building Department and to send a letter of thanks. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. Present: Tony Connors, Energy Committee and Stefano Loretto, Good Energy. Mr. Connors stated at Town Meeting, it was voted to pursue the SRPEDD proposal for energy aggregation for about twenty towns and we have basically have been waiting for the paperwork to come in, which is what the Board is seeing, along with an energy aggregation plan and a legal document, which Mr. Connors has not gone through but it is something that should be viewed by Town Counsel. Mr. Connors stated the Town has to agree to the aggregation plan very soon, in order for the process to move forward. Mr. Loretto stated other towns have received their consultation letter from the DOER; the process is, the plan is submitted to DOER, there is a consultation and then a letter is sent and we submit to the DPU. Mr. Loretto stated there will be fourteen plans submitted tomorrow, among them Fall River, New Bedford, etc. Mr. Dutra stated tonight's request is to approved of the filing of the documents to the DOER. Mr. Vieira stated he has read through this and it is pretty impressive; it seems the consumer can opt in or out but what is the price to opt out? Mr. Loretto stated solar projects are not effected by this, it would be whatever their energy company agreement is with such as Eversource, National Grid, etc. Mr. Connors stated that anyone or anyone with solar can opt out. Discussion ensued. Mr. Loretto explained the options and stated that no one can be hurt; there is no downside. Mr. Connors stated that anyone can opt out and there is no termination fees. Mr. Sullivan asked if there was any difference from the rates of those communities that have submitted. Mr. Loretto stated fourteen communities are being submitted tomorrow but there are 18-19 municipalities in total. Mr. Loretto stated the rate will depend on when you go out to bid; but the contract protections will be the same; we structure when everyone is ready and Westport is about 4-6 months behind but we will be really pushing to get you caught up to group one. Mr. Connors asked Mr. Loretto about the DPU challenging the Towns combining. Mr. Loretto stated the DOER needed clarification on the original 13-14; the process is each files individually, then collectively, they go out to bid. Mr. Loretto reminded the Board, once it goes out to bid, the Town can pull out. Mr. Loretto continued to explain the process once all is approved and the renewal time. Mr. Spirlet asked Mr. Connors what his personal opinion was of this proposal. Mr. Connors stated he recommended going forward, there is no risk, and the Town will have a second chance to say, they are not going forward with this, if it does not seem to be what we are trying for. **Motion** made by Mr. Spirlet to file the Energy Aggregation documents with the Department of Public Utilities. Second by Mr. Sullivan. The Board voted unanimously in favor.
3. Mr. King stated that after researching websites, he is recommending Virtual Town Hall; tonight, Mr. Millard Rose, President of VTH will be giving the Board members a presentation. Mr. Rose

then proceeded to give a visual presentation of what his company can offer to the Town in regards to a website. Mr. Rose stated there is a one-time cost of \$9,000.00 to design the website, implement it, build all the pages, two days of training for employees, and final stages of the website, including activation and marketing of the new site. The \$9,000.00 can be paid over three fiscal years. The annual charges will be \$3,000.00 to host, support and upgrade the site; up to six support users can be designated; the cost per each additional supported user is \$150. per year.

Motion made by Mr. Vieira to approve of a contract with Virtual Town Hall for a Town website based on the recommendation of the Town Administrator and to take the payment option of three years (\$6,000. per year for three years). Second by Mr. Spirlet. The Board voted unanimously in favor.

4. **Motion** made by Mr. Vieira to approve the request of M. Ryan Wagner, based on the Town Administrator's recommendation, to perform Agricultural Improvements on the former Medeiros Farm located on Sodom Road for the construction of a post and beam barn structure. This agricultural improvement is acceptable under section C(2) of the Agricultural Preservation Restriction. Second by Mr. Sullivan. The Board voted unanimously in favor.
5. Elaine Ostroff stated the Commission on Disability wants to make sure that the two handicapped parking spaces at the Knubble are not lost when the plans are developed. Mr. Sullivan stated that three alternative plans will be presented in the coming weeks, two of which have those spaces. No action was taken on this item.

Discussion

DEP Activity on 46 Boathouse Row. Mr. King stated that DEP has been dealing with an issue at 46 Boathouse Row; the owner had applied for a Waterways Application in order to maintain a residential building and to expand a pile supported dock. It was necessary for the property owner to obtain a variance from the DEP in order to maintain a residence over the water and obstructing public access. The DEP did a sight visit and found other potential unlicensed buildings and a barrier at the entrance to Boathouse ROW and Charlton Wharf. Mr. King stated the DEP is looking into this and it may take several months. Discussion ensued. Mr. Vieira stated this is not a Board issue, it involves DEP and the people involved; we hear about it from people who are complaining; this is something for DEP to resolve. Mr. Vieira stated he asked Mr. King to take a ride down there because of some concerns; there is a water system providing water, which is fine but there does not seem to be any diagram of that water system and where it is on the road, in case we do some work down there. Mr. Vieira stated we need to have this on file, just in case of an emergency or if the Town is doing some digging. Mr. Vieira stated the BOH and Highway do not have any plan on file, so he asked Mr. King to follow through on this. Mr. Sullivan stated he did not want confusion on this; the Town is not pursuing any action on what appears to be private property. Mr. Vieira stated he did not say that; he noted that Mr. Barker was in attendance tonight and he has heard from other folks, so he believes this is a situation down there between individual homeowners and DEP. Discussion ensued. Mr. Whitin stated he did some research and found documents which show that Boathouse ROW and Towne Avenue and Charlton Wharf are private (this will be placed on file in the BOS Office). Attorney Ann Sobolewski stated she was retained by a number of property owners on Boathouse ROW and it is clear from a legal opinion of 1980 that Boathouse ROW is a private road; the rights belong to the property owners; a chapter 91 license can't convey access over a private way; the only way for access would be if every property owner conveyed an easement. Discussion continued regarding a public hearing that took place on June 9th. Mr. Nick Laird stated he was asked by Woody Underwood, owner of Charlton Wharf to pass along a letter to the Board of Selectmen (letter will be placed on file in BOS Office). Mr. Dutra stated the letter only enforces that Boathouse ROW is a private way. Mr. Dutra stated this is only a discussion item and no action is required by this Board; he appreciated all the information inputted by Board

members because action may be needed in the future. No votes or actions were taken.

One Day Liquor Licenses

1. **Motion** made by Mr. Ouellette to approve a One-Day All-Alcohol Liquor License to the Westport Fisherman's Association for Saturday, July 18, 2015 from 4-8PM for an Awards Ceremony & BBQ Reception. Second by Mr. Spirlet. The Board voted unanimously in favor.

Vacation Carry-over Requests – None.

Appointments

1. **Motion** made by Mr. Spirlet to appoint Renee Dufour to the Recreation Commission. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. **Motion** made by Mr. Spirlet to appoint Jack Baughan to the Capital Improvements Planning Committee. Second by Mr. Ouellette. The Board voted unanimously in favor.
3. **Motion** made by Mr. Ouellette to appoint Gary Carreiro and Karen Powell to the ADA Committee as FinCon Reps. Second by Mr. Spirlet. The Board voted unanimously in favor.
4. **Motion** made by Mr. Ouellette to appoint Tracy Priestner to the Educational Fund Committee as FinCon Rep. Second by Mr. Spirlet. The Board voted unanimously in favor.
5. **Motion** made by Mr. Ouellette to appoint Gary Carreiro and Charles Baron to the Budget Advisory Group as FinCon Reps. Second by Mr. Spirlet. The Board voted unanimously in favor.
6. **Motion** made by Mr. Ouellette to appoint Richard Brewer to the Capital Improvements Planning Committee as FinCon Rep. Second by Mr. Spirlet. The Board voted unanimously in favor.
7. **Motion** made by Mr. Ouellette to appoint Mark Carney to the Tax Incentive Program Committee as FinCon Rep. Second by Mr. Spirlet. The Board voted unanimously in favor.
8. **Motion** made by Mr. Ouellette to appoint Hugh Morton to the Community Preservation Committee as FinCon Rep. Second by Mr. Spirlet. The Board voted unanimously in favor.
9. **Motion** made by Mr. Ouellette to appoint Gary Carreiro to the Personnel Board as FinCon Rep. Second by Mr. Spirlet. The Board voted unanimously in favor.
10. Motion made by Mr. Vieira to appoint Janet Jones to the Community Preservation Committee as Historical Commission Rep. Second by Mr. Ouellette. The Board voted unanimously in favor.
11. **Motion** made by Mr. Ouellette to accept the resignation letter of Christopher Gonsalves from the Water Resources Management Committee. Second by Mr. Spirlet. The Board voted unanimously in favor.

Minutes – None.

Selectmen Liaison Committee Reports – None.

Question and Answer Period

1. Kristie Furrow and Sam Riley – asked a question regarding the Town's boundary at the Head Landing as presented to the Planning Board for tomorrow's meeting. Ms. Furrow stated this is an ongoing issue. Last week, we received a letter from Carl Tripp, Landing Commission. The letter referred to deeds, suggesting that a fence we are planning to have installed is on their property. Ms. Furrow believed that the boundary issue was settled; now, this letter is sent and we are being denied access to our carriage house. Ms. Furrow stated she and her husband are appealing to the BOS to help resolve this without going to Land Court. Mr. Sullivan stated the problem seems to be the boundary line. Mr. Vieira stated he doesn't understand the problem; it has been surveyed three times. **Motion** made by Mr. Sullivan to have the Town Administrator meet with the Planning Board and Landing Commission to try to resolve this matter. Second by Mr. Spirlet. The Board voted

unanimously in favor.

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 reminded everyone about the Westport Fair and he mentioned that a great job was done on the Parade.
2. Mr. Vieira questioned the Executive Session not having the Town Administrator evaluation; Mr. King stated he would talk to Mr. Dutra regarding this matter.

8:51 PM Executive Session

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. Second by Mr. Ouellette. The Board voted unanimously in favor.

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

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

9:20 Pm – Open Session

Motion made by Mr. Spirlet to adjourn the Board of Selectmen meeting. Second by Mr. Sullivan. 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