

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
AUGUST 24, 2015**

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

Chairman Dutra opened the meeting at 6:00 p.m. and publicly announced under M.G.L. Chapter 30A, Section 20(e) that the meeting was being recorded.

**Announcements:**

Selectman Sullivan announced that this past weekend he had met a nice woman named Ronnie Newman who is involved with the foreign exchange student program at Westport High. She told him that the foreign exchange students need places to stay for the whole school year. They had found homes for all the girls but still needed homes for the boys. Selectman Sullivan said that if anyone Westport families were interested, please contact the Selectmen's office and the staff will provide the contact information for Ronnie Newman.

**Board of Health RE: Recommendation for Appointment Of Transfer Station Employee – Frederick G. Ponte:**

Selectman Vieira made a motion to appoint Frederick Ponte as the new Transfer Station employee as recommended by the Board of Health. Selectman Spirlet seconded the motion with a comment that Mr. Ponte was a Town resident. Chairman Dutra requested that the motion be amended to include sending a letter to the Board of Health asking them to include the Town Administrator in their hiring process. Selectmen Vieira and Spirlet both accepted the amendment. The amended motion was unanimously approved.

**P & G Bowling W., Inc. d/b/a Holiday Lanes RE: Request for Change of Hours of Annual All-Alcohol Liquor License:**

Meeting with the Board were Debbie & Joseph Hoesterey. Mr. Hoesterey is the manager on record of Holiday Lanes and Mrs. Hoesterey is the assistant manager. Debbie Hoesterey stated that all they wanted was to be able to stay open later for special occasions and if they had a live band and would hire a police detail in those instances. She stated that they weren't changing their hours but would only like the ability to say yes if a group booked a party and wanted to be able to purchase liquor after 11:00 p.m. Mrs. Hoesterey noted that Holiday Lanes was not that busy anymore and by changing the hours, they hoped that they would be able to increase business. Selectman Vieira stressed the need for more police details at all liquor establishments on the weekends. Debbie Hoestery replied that Holiday Lanes could not afford it. After some more discussion regarding the need for police details, Selectman Spirlet made a motion to

allow the change in hours of operation as requested (Monday through Thursday 11:00 a.m. - 1:00 a.m., Friday 11:00 a.m. - 2:00 a.m., Saturday 10:00 a.m. - 2:00 a.m. and Sunday 10:00 a.m. - 1:00 a.m.) and to hire a police detail when there is entertainment. The motion was seconded by Selectman Ouellette. The motion was approved with Selectmen Dutra, Sullivan, Ouellette and Spirlet voting yes and Selectman Vieira voting no.

**Pine Hill Gas and Convenience, Inc. RE: Request for Change of Hours of Annual Wine & Malt Package Store Liquor License:**

Present were Sandra Dias, owner, and David Cabral, manager. Mrs. Dias requested that the store be allowed to sell beer and wine until 8:30 p.m. for their customers convenience since there are no other package stores in the immediate vicinity. After a brief discussion, Selectman Spirlet made a motion to allow the extended hours for Pine Hill Gas and Convenience. The motion was seconded by Selectman Ouellette and was voted unanimously.

**Action Items:**

- 1). On a motion by Selectman Sullivan, which was seconded by Selectman Ouellette, the Board voted unanimously to approve the request from the Buzzards Bay Coalition to hold their Watershed Ride on Sunday, October 4<sup>th</sup> subject to the stipulations from Lieutenant John Bell.
- 2). Selectman Ouellette made a motion to approve the request from the Westport Education Foundation and the Friends of the Westport Council on Aging to hold their fifth annual Walk for Westport on Sunday, October 4<sup>th</sup> subject to the recommendations received from Lieutenant John Bell. The motion was seconded by Selectman Spirlet and was approved with Selectmen Sullivan, Ouellette, Vieira and Spirlet voting yes and Chairman Dutra abstaining.
- 3). Selectman Sullivan made a motion to approve the employment agreement with Ellis Withington for consulting assessing assistance through the Board of Assessors office. Selectman Ouellette seconded the motion – voted unanimously.
- 4). Mr. King stated that because Richard Earle, the Harbormaster, and Gary Sherman, the Shellfish Constable and Wharfinger, were both retiring this year, he was recommending that the 3 positions be combined into one, which would be titled Director of Marine Services. The Board was in agreement that they should not go forward with the planned consolidation without the input and advice of the Harbor Advisory and Shellfish Advisory Committees. Selectman Sullivan made a motion to have Mr. King meet with the boards and get their input and the Selectmen will revisit the matter in a month or so. The motion was seconded by Selectman Ouellette and was voted unanimously.

The Board presented retiring Harbormaster Richard Earle with an official citation and thanked him for his many years of service to the Town of Westport.

Mr. Earle then introduced Christopher Leonard and stated Mr. Leonard's qualifications for his appointment as the Acting Harbormaster. Selectman Ouellette made a motion to appoint Christopher Leonard as Acting Harbormaster effective 9/1/15 per Mr. Earle's recommendations. The motion, which was seconded by Selectman Vieira, was voted unanimously.

Selectman Ouellette motioned to appoint Richard Earle as an Assistant Harbormaster effective 9/1/15. Selectman Sullivan seconded the motion – voted unanimously.

5). Present was Highway Surveyor Christopher Gonsalves. He told the Board that when he, the Town Administrator and Chris Capone, the Conservation, Agent met with DEP, they were informed that Beach Avenue could be maintained all the way to the Knubble as long as they came up with a Management Plan. The Board had received the draft Management Plan for review. He said that if the Town is going to keep it open, this was the strategy that the Town needed to do to maintain the road. It was reported that the Selectmen and the Town Administrator had been given the Management Plan just before the meeting that night. Selectman Spirlet made a motion to allow the Highway Surveyor to asphalt Beach Avenue according to the layout up to Town Avenue. Selectman Vieira seconded the motion for discussion. He asked if there was any disagreement among the Board to pave the first 1000 feet. Selectman Sullivan stated that the Board has taken a different direction for the short term. They're pursuing an alternative for which this course of action precludes. There may come a time when they may entertain a plan from Mr. Gonsalves to maintain it as a road but their plan at this time, (the trajectory that the of the majority of the Board has taken and the assistance they had requested from Town Counsel) has been to direct the Board towards eventually transitioning part or perhaps all of Beach Avenue into a Town beach parking lot and at that point there won't be a need to maintain it as a road but as a beach parking lot. Selectman Sullivan went on to say that one of the components of the current arrangement is that the Town will get a private land donation to do the turn-around (land that the Town doesn't have right now) and the Town will obtain the land either as a long-term lease or as an outright grant. Part of that is to maintain or pay for the maintenance of the road as a dirt road. Selectman Sullivan continued by saying all that goes away with the paving. He noted that the Board would be scheduling a Special Town Meeting in the fall so the voters could vote on it again. Selectman Vieira responded that at the last Board meeting when Selectman Sullivan had made his presentation he had talked about the first 1,000 feet as being a parking lot and that maintaining the parking lot over the next year would be advantageous. He went on to say that he had never heard Selectman Sullivan say that he didn't want the parking lot paved. Selectman Sullivan replied that he was glad that they didn't spend \$60,000 to pave that first 1,000 feet last year because a third of that first 1,000 feet had spent a good part of its first year of life under water. If the Town is going to pave that road, it needs to be higher. Selectman Vieira responded that was a discussion the Board has had, but they were also talking about whether the Town absorbs the cost of raising the road if there is run off from the abutting property and Conservation has been looking into that and a previous Conservation Agent had made some statements about a pond that was filled in and other issues. Selectman Vieira stated that he thought the Board was in agreement about the first 2/3rd's of the road, which serves some kind of parking capacity and a way of getting to the last third of the road. If that's the case, why wouldn't they want to pave it. Chairman Dutra said that the last vote of the Board was not to pave the first 1,000 feet and reissued a bid to that effect. They have been pursuing, not on a unanimous vote, of looking at options to create a beach in that area. What was voted at the last meeting was to explore on the last third of the road an option of how to get people to the waterfront area from the public way. Chairman Dutra continued by saying that at the end of the discussion it was acknowledged, and not disputed, that this Board was considering use of that as a beach. Selectman Vieira noted that he did not know that by paving the road would jeopardize the negotiations going on. He always thought they had an agreement that the Town would maintain the first 1,000 feet of that road for parking purposes and stripe it so people would know where they're parking. Selectman Sullivan replied that the arrangement that is currently under negotiation and the offer that has been made is to grant the Town land for the turn around, to participate in the perceived additional maintenance that comes along with an unpaved road on the part of the people who are donating the land in exchange for not paving the road. Selectman Sullivan stated that the plan they had received from the Highway Surveyor was for if the Town were to keep Beach Avenue as a Chapter 90 road. Selectman Spirlet stated that they were short changing the people of Westport because he keeps hearing that they want to keep Beach Avenue as a Chapter 90 road. After more discussion, Selectman Vieira withdrew his second if it was going to jeopardize the negotiations going on but made it clear that when they get to the final area in terms of maintaining the parking area and access to the final third of the road, he didn't know how they would do that without paving the first 1,000 feet.

6). On a motion by Selectman Sullivan, which was seconded by Selectman Ouellette, the Board unanimously voted to accept a \$100.00 donation for the car show registrations at Magnolia Night to be placed into the COA Gift & Donation Account and to be used towards the cost of Magnolia Night.

### **Appointments:**

1). Selectman Spirlet made a motion to approve the request from the Board of Health to appoint as their representatives to the Westport Water Resource Management Committee, Jim Walsh as the primary member and Sean Leach as the alternate. The motion was seconded by Selectman Ouellette and was voted unanimously.

2). A motion was made by Selectman Ouellette to appoint Helene Korolenko to the Westport Cultural Council. Selectman Spirlet seconded the motion – voted unanimously.

3). Selectman Ouellette made a motion to appoint Theodore S. Kinnari as an alternate member of the Historical Commission. The motion was seconded by Selectman Spirlet and was voted unanimously.

### **Approval of 3/23/15, 6/15/15 & 6/29/15 Regular Meeting Minutes:**

Selectman Sullivan made a motion to approve the 3/23/15, the 6/15/15 and the 6/29/15 Regular Meeting Minutes. Chairman Dutra noted that he would be abstaining from voting on the 6/29/15 minutes because he was absent for that meeting. The motion was seconded by Selectman Spirlet. Selectmen Dutra, Sullivan, Ouellette, Vieira and Spirlet voted to approve the 3/23/15 and the 6/15/15 Regular Meeting Minutes. The 6/29/15 Regular Meeting Minutes were approved with Selectmen Sullivan, Ouellette, Vieira and Spirlet voting yes and Chairman Dutra abstaining.

### **Question & Answer:**

1). Judith Rosow, 23 Windrush Lane – Ms. Rosow questioned why the Town was tearing out the cul-de-sac on Windrush Lane. She said that she wanted to make sure the drainage issues were addressed as well because she has a drain that runs through the middle of her property from the cul-de-sac. Ms. Rosow mentioned that she had met with the Highway Surveyor that day but did not receive any satisfactory answers. She wanted to make sure the drainage issues were dealt with; not just removing the current bad blacktop and paving over with new black top. Ms. Rosow noted that the catch basins in the street needed to be cleaned. She reported that she had asked the men doing the work, why it was being done. She was told that the Town's plows could not get around the cul-de-sac. Selectman Vieira, as a member of the Board of Selectmen, apologized to Ms. Rosow stating that someone (Highway, Planning Board, Selectmen) should have been able to provide answers to her questions. Selectman Sullivan asked the Highway Surveyor if he had the answers to her questions. Mr. Gonsalves told the Board that 12 cul-de-sacs were being removed. The whole road as well as the cul-de-sac on Windrush Lane is in disrepair. There are drainage issues there as well. He said that Ms. Rosow does have an easement going through her property from the cul-de-sac and it has been purposely blocked with stone. Mr. Gonsalves will have to get an easement to go through her property and excavate to the river making a retention area. Chairman Dutra asked when Mr. Gonsalves made the decision to remove all the cul-de-sacs and blacktop them. Mr. Gonsalves replied that it was discussed right at the beginning and has been in the works since he submitted the paperwork for his road projects. Chairman Dutra questioned whether Mr. King was aware of this and Mr. King responded that he was not. Chairman Dutra suggested that the Town Administrator meet with the Highway Surveyor, get a chronology of this and notify the residents of the roads with the cul-de-sacs that there is a plan to modify the road layout. He also directed the Town

Administrator to look into whether it was a unilateral decision by the Highway Surveyor or a planned decision that was properly conveyed to the Planning Board and to the Town Administrator.

2). Wayne Sunderland – Mr. Sunderland stated that he wanted to add a little bit of clarification to what had just been discussed. Some of these subdivisions were designed and submitted for approval several years ago; the specifications on them might have served at that time but now with the larger plows and trucks there is a problem. There may not be enough room in the layout to make a wider pavement you would have to check the plans.

### **Town Administrator Report:**

Hix Bridge Road Bridge Condition – Selectman Sullivan stated that the bridge was not in great condition even though it was relatively new having been built in 2007. He noted that some of the pilings did not have the fiberglass encasement on them or maybe never did. Selectman Sullivan requested that Town Counsel be contacted to see if the Town had any recourse here. Mr. King recommended that the Town send a letter to MassDOT regarding the fiberglass sloughing off and question why the Town shouldn't be concerned. Selectman Sullivan said that either it wasn't spec'd right or it wasn't built right and he would like to know what it was. Selectman Vieira asked Mr. King to copy the letter to the State reps. Selectman Sullivan stated that his question would be how they would build this bridge differently or how they would have had it designed or built differently to solve this problem. Sean Leach spoke up and said he remembered during the bridge reconstruction that there had been a problem with the cement mix at the time it was poured and it was never replaced. The Selectmen directed Mr. King to look into this.

Cul- De Sac Issue Revisited: James Whitin, Planning Board Chairman, said that the Planning Board does not get a list and has no idea what is planned for the yearly paving. He continued by saying that the Highway Surveyor does not answer the Planning Board's calls and does not return the calls when a message is left. Mr. Whitin felt it was outrageous to pave over the islands in the 12 cul-de-sacs without public input. The Planning Board goes through a lot of effort to approve these plans. He reiterated the Planning Board had no knowledge until they received phone calls that day. Selectman Vieira told Mr. Whitin that if they have problems contacting the Highway Surveyor in the future, they should call the Town Administrator. Mr. Whitin responded that they were not going to use the Town Administrator as an intermediate between the Planning Board and the Highway Department. Mr. Gonsalves replied that the Highway Department's phone had been out of service for almost a week and he could not get any messages.

Time & Attendance Software – Selectman Spirlet questioned why it wasn't in use by all the departments yet. The Board directed Selectman Spirlet to work with Mr. King to quickly get it implemented.

### **Board Member Comment & Announcements:**

Selectman Vieira reported that the Agricultural/Open Space Preservation Trust Council had reviewed the release of Jim Wood's 61A property and would like to know how much money is in their account. He noted that he had requested this information from the Town Accountant, Treasurer's office and Mr. King and has not received an answer.

Selectman Sullivan stated that the Beach Committee was looking at a way to alleviate the parking problem at the Town beaches on weekends with good weather. He explained that they had discussed using one of the COA drivers and vans to shuttle residents back and forth from the Town Hall to Cherry & Webb Beach, a police officer would be stationed at the Cherry & Webb Beach gates and a Highway Department employee would be stationed at Town Hall. Selectman Sullivan mentioned that he would be

meeting with representatives from the Beach Committee, Council on Aging, Police and Highway Departments and if they got everyone's concurrence to move ahead, they should have a plan in place for the Labor Day weekend. On a motion by Selectman Vieira, which was seconded by Selectman Ouellette, the Board voted unanimously to support the plan.

Selectman Spirlet reported on his Bristol County Advisory Board meeting.

Chairman Dutra mentioned that the Board had received an invitation from Brad Fish, the Veteran's Service Agent, to a 9/11 Remembrance Ceremony that will be held at the Central Village Fire Station on 9/11/15 at 9:00 a.m.

Selectman Vieira requested that the Middle School be placed on the Board's next agenda and also if the Agricultural/Open Space Preservation Trust Fund Council should continue to exist.

Chairman Dutra asked Mr. King to provide the Board with a list of the money items proposed for the Fall Special Town Meeting.

**Executive Session:**

Selectmen Craig Dutra, Michael Sullivan, Steven Ouellette, Antone Vieira and Richard Spirlet, on a roll call vote, voted to enter into executive session at 8:10 p.m. under Massachusetts General Laws Chapter 30A, Section 21, to approve the 6/15/15, 6/29/15 and 7/13/15 Executive Session Minutes and to discuss Collective Bargaining (Fire & L.A.W.) and strategy in respect to possible litigation. The vote was Selectmen Dutra, Sullivan, Ouellette, Vieira and Spirlet in favor.

**Open Session & Adjournment:**

On a motion by Selectmen Ouellette, which was seconded by Selectman Sullivan, the Board voted unanimously by roll call vote to return to open session and adjourn the meeting at 9:40 p.m.

Respectfully submitted,

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Denise Bouchard  
Secretary to the Board of Selectmen

APPROVED: \_\_\_\_\_  
Steven J. Ouellette, Clerk