

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY
SEPTEMBER 08, 2015**

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

Also Present: Timothy J. King, Town Administrator

*Note: Mr. Sullivan arrived at 6:17 PM.

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) – this meeting is being recorded.

Public and Board Member Comment – None.

Acknowledgments & Recognitions – None.

Town Administrator Report

Economic Development Roundtable – Mr. King provided the Board with an announcement for a roundtable discussion on Economic Development hosted by the MA Office of Housing and Economic Development, which is scheduled for Tuesday, September 15, 2015 at 3PM at UMass Dartmouth Library. The invitation was by email. No votes taken.

Division of Marine Fisheries – Small Grants Program – Mr. King stated the MA Division of Marine Fisheries is offering the Small Grants Program designed to improve public access to recreational saltwater fishing. This opportunity is being offered to all towns with waters that require a Saltwater Fishing permit. No votes taken.

Hix Bridge Road – Bridge Condition – Mr. King stated in response to the Board's request, MADOT is arranging for a diver inspection of the Hix Bridge Road bridge. Mr. King stated the underwater inspection was scheduled for December but it has been moved up to September; once the inspection is completed, the Board will get a report. Wayne Sunderland presented the latest picture of the bridge to the Board and stated the bridge needs attention and his concern is that it must be done right; this is not structurally sound, there is corrosion below. Mr. Sunderland suggested the Town have an engineer of their own on-hand to look at this at a professional level, especially for when the State does their inspection. Mr. Sunderland stated there is serious corrosion showing above the water, never mind what is below the water. Mr. Vieira noted that Mr. Sunderland had a good point; we need to check on this and it might be worthwhile to have someone there on the Town's behalf. Mr. Vieira stated it was okay to let the State have a first crack at this but it would be to our benefit to have some eyes and ears on this for the Town. **Motion** made by Mr. Vieira to have the Town Administrator contact an engineer to be available for the State's inspection, on behalf of the Town. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

Energy Aggregation – Mr. King stated the regional energy aggregation project is proceeding and does include Westport; the necessary documents have been filed with the DPU. The DPU will be holding a

public hearing in Boston on the Town's request on Wednesday, September 9th at 2PM. The notice for the hearing is posted in the Town Hall and on the website. Mr. King stated he will be attending in order to represent Westport. Mr. King stated if approval is received; this matter will begin moving forward with the bidding for the electricity rates and also with the marketing. No votes taken.

Time & Attendance Software – Mr. King stated the COA is now fully implemented and online with the Time & Attendance software; the next departments will be Cemetery, Transfer Station and Community TV. Mr. King stated that Denise Bouchard has been assisting the Treasurer's Office in getting people enrolled and trained on the system. Mr. Spirlet stated he contacted Bernie, the representative from Harper's and spoke with his boss, Borris, about his dissatisfaction; this has taken nine months already and still nothing is getting done. Mr. Spirlet stated the representative told him that we are a small town but we have no uniformity, everyone is independent; the representative was disgusted and stated this should not have taken this long. Mr. Spirlet told the representative that if there is a problem with the implementation, he should be addressing it with the Town Administrator. Mr. Spirlet stated we are not asking employees to do anything that is not done in the private sector; there has been a lot push back from the departments on this. Mr. Spirlet stated it is an easy system, all they have to do is punch in and out; it is not the responsibility of the company to deal with the departments, all should come through the BOS and Town Administrator. Mr. Spirlet stated that if the Town Administrator is having any problems, then he needs to come to the Board; this is our responsibility. Mr. Spirlet stated he wants to see what happens in the next two weeks. No votes taken.

Community Compact – Mr. King provided the Board with information from Governor Bakers' Office regarding the Community Compact Program. This information was requested by Mr. Sullivan. No votes taken.

Landfill Solar Proposals – Mr. King stated the Town has received three proposals from firms interested in leasing the landfill to install a large solar array; currently, the proposals are being evaluated by Power Management. Mr. King stated a recommendation will be coming to the Board in the next couple of weeks. No votes taken.

Community Television and Cable TV – Mr. King provided the Board with a report from John Rezendes; also, Charter is seeking a letter of support from the Town for their planned merger - acquisition with Time Warner Cable and Bright House Networks. **Motion** made by Mr. Vieira to refer the letter of support matter to the Cable Advisory Committee for recommendation. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan). Mr. Ouellette mentioned there is a problem with the speed; which will be looked at.

MMA Legislative Breakfasts – Mr. King provided information for the MMA's Fall Legislative Breakfast Meetings should any Board member be interested in attending. No votes taken.

Public Hearing – RE: Fee increase requests from the Board of Selectmen, Board of Appeals and Planning Board.

The public hearing was opened at 6:01 PM. Present for the Planning Board were Jim Whittin and James Hartnett. Mr. Hartnett stated the Planning Board reviewed all of their fees back in March and recommended updating a few of them such as the Form A & Form C plans; the main reason is an increase in the GIS fee (the Planning Board updates the GIS); the present GIS fee is not covering the cost to update the GIS system. Mr. Hartnett then reviewed the various requested increases noting, however, one decrease in fee for Science & Technology Overlay. Ms. Pelland explained the Board of Appeals are requesting the increase in fee for Comprehensive Permits (40b) in order to be inline with the Planning Board fees and again, due to the fact that the GIS fees are being increased; as for the Selectmen fees, currently, there is no approved fee for a Farmer's Market Beverage License and Auction License for Liquors. Mr. Spirlet stated he understood with builders coming into the area and that being the cost of doing business, but for residents in Town getting hit with additional fees in

addition to paying taxes, he would like to keep it on the low side for the homeowner. Mr. Spirlet questioned if the Farmers Market was every weekend; Ms. Pelland responded no, it was for the season. **Motion** made by Mr. Vieira to approve the fees as recommended by the various boards. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan). The public hearing is closed at 6:06 PM.

Public Hearing – RE: An application request from Dane A. Smith – Ready 2 Go Auto, Inc., located at 276-A State Road, Westport, MA for a Class II Motor Vehicle License for 18 vehicles and a Repair License for 9 vehicles.

The public hearing is opened at 6:26 PM. Present: Dane Smith and Atty. Dan McDonald. Atty. McDonald stated his client is applying for a Class II and Repair License at 276-A State Road. Mr. Ouellette noted this was where the old C&D Auto was. Mr. Sullivan asked if all was in order. Ms. Pelland stated all paperwork was in order; the only paperwork needed was the Bond for the Class II. No abutters were present. **Motion** made by Mr. Spirlet to approve of the Class II license (18 vehicles) and Repair License (9 vehicles) pending the submission of a Bond. Second by Mr. Ouellette. The Board voted unanimously in favor. The public hearing is closed at 6:28 PM.

Public Hearing – RE: An application request from Barry C. Wood – Barry's Mobile Automotive, located at 137 Forge Road, Westport, MA for a Repair License vehicle limit increase. Requested increase will be from 4 vehicles to 15 vehicles.

The public hearing is opened at 6:30 PM. Present: Barry C. Wood, applicant. Mr. Wood stated the business is becoming more steady and that is why he is requesting the increase. Mr. Dutra called for any abutters. Ms. O'Donnelly, 141 Forge Road, stated she is supportive of this request but her concern was the number of vehicles being requested and the close proximity to the shared well because the lot is very small and in looking at an aerial map, it doesn't seem like they would fit. Mr. Ouellette offered the abutters to look at the approved parking plan. Mr. Wood stated the well is on his property and he is not changing the driveway; he will also be using clam-shells and not paving the area. Mr. Spirlet questioned why Mr. Wood is asking for fifteen vehicles. Mr. Wood stated that four of the vehicles on the property are his personal vehicles; he also lives in the house on the property. Mr. Wood stated that with scheduling work and customers coming in, it easier to have an increased limit. Mr. Wood stated that all the vehicles will fit really good on the property. Ms. Estrella, 4 Cheryl's Way questioned where the cars would be parked. Mr. Wood stated he could fit four vehicles in the garage. Mr. Estrella stated he lives in back of the property and wanted to know also, where all the vehicles would be parked. Mr. Wood stated the vehicles would be parked according to the plan and explained the layout. Mr. Wood stated there would be a line of arborvitaes and the cars would not go beyond his garage. Mr. Dutra questioned why fifteen vehicles; Mr. Wood stated that he can work on multiple cars at the same time; not every job is a big job, it could be as simple as a tire or battery change. Mr. Sullivan stated Mr. Wood has more space in his personal driveway but he is wanting to expand the area in the back. Ms. O'Donnelly stated she understand the setup now and she had no objections. **Motion** made by Mr. Vieira to approve the request. Second by Mr. Ouellette. The Board voted unanimously in favor. The public hearing is closed at 6:38 PM.

Betsy White, Westport River Watershed Alliance – RE: Coastal Zone Management Grant for the Herring Run at Cockeast Pond; and discussion of the grant application to EPA to study the Angeline Brook.

Present: Betsy White, WRWA Advocacy Director. Ms. White gave the Board an update on two grants which will be submitted by next Wednesday, September 16, 2015. Ms. White stated a letter of intent is being submitted for the 2015 Southeast New England Water Management Grant Program, which is open to pretty much anybody. Ms. White stated one grant is for the completion of an intensive study of

the health of Cockeast Pond, which has been being sampled for the past eight years and the other is for the remediation of the Cockeast Pond Herring Run. Ms. White continued to explain the impact over the past two years on the pond with macro-algae and the herring run with large algal blooms; the fear is that the herring will have difficulties going into the pond to spawn and to come back out on their migration. This is a two-prong issue: Phase 1 – funded by generous private donations from residents and Phase 2 – we are looking to fund with a grant, using Phase 1 as leverage. Ms. White stated that Cockeast Pond and the Herring Run are very much tied together. The letter of intent is due next Tuesday, which Ms. White stated she is still working on and there is a 25% match, which will be covered by the Watershed Alliance; there is no financial burden on the Town. Mr. Dutra asked if the Town or the Alliance was the applicant; Ms. White replied the Alliance. Ms. White stated what was being sought was a letter of support from the Town. Mr. Spirlet asked who owned Cockeast Pond. Ms. White stated we don't know if Fall River owns it, if the abutters own into the pond or if Westport owns it; Ms. White stated she went on the Town's GIS but could not get any information. Mr. Spirlet questioned if the Town had to come up with some labor or in-kind service; Ms. White stated no, not for this grant. Discussion ensued. **Motion** made by Mr. Spirlet to approve the request and to forward this matter to the WRMC. Ms. White stated the only problem is that it is due on Tuesday; the Board of Selectmen were the only ones meeting in a timely fashion so it came here. Mr. Vieira asked if a friendly amendment would be acceptable such as referring it to the WRMC to keep them in the loop, otherwise the timing is off. Mr. Spirlet asked what if the WRMC don't approve it. Mr. Dutra stated we are the approving authority. Mr. Vieira stated in their recommendation, if there is something the WRMC feel strongly about, we can talk about it but they should have input into this. Discussion ensued regarding grants going before the WRMC. Mr. Dutra stated this is a financial resource for the Town; it makes sense to solicit the WRMC opinion but I would not want to interfere with this; I appreciate what is being done. **Second** by Mr. Ouellette with the amendment of forwarding the material to the WRMC. Mr. Sullivan stated he had a couple of questions. Mr. Sullivan stated since we are not the applicant, only a letter of support is being asked for. Ms. White stated yes, a letter of support only. Mr. Sullivan asked if this was the grant that came before the Board prior. Ms. White stated no, the grant for Angeline Brook already came before the BOS. Mr. Sullivan asked with the letter of support, will this come back to the Board for a second bite of the apple. Ms. White stated this is only a letter of support, if it is accepted, it will then become a full application; then it will have ample time to come back to the BOS and WRMC. Bill Harkins, Chair of the WRMC, stated his problem is that everyone is circumventing our committee; it appears to everyone that we have no teeth in these matters. Mr. Dutra called for a vote: The Board voted unanimously in favor. Mr. Vieira asked about the grant for the Herring Run (Brad Chase). Ms. White stated it was a very slim chance at this time. Mr. Vieira asked that at least send the information to the WRMC. Ms. White stated she would get to any other group if time allows and she asked if email was okay; Mr. Vieira stated to talk to them for the best way. At this time, Mr. Spirlet had questions regarding the grant for the Angeline Brook. Mr. Spirlet stated this was supposed to be 100% private, nothing to do with the Town but in reading the grant, we are heavily involved. Mr. Spirlet then reviewed the language of the grant. Mr. Spirlet stated it appears we are married into this; this Board voted 5-0 that all grants were to come through the Board. Ms. White stated the Town is getting services at no cost, including a two-year intensive study; the Town is mentioned due to transparency; and to make the Town aware of everything that is going on; the AgCom is involved due to their expertise in this area and they are part of the Town; the Town is also a partner who is not paying for anything. Mr. Dutra stated the AgCom was skeptical of this at first but when fully briefed, they voted for it. Mr. Spirlet stated then any other group such as Planning, etc. who want to get involved in any grants can tie in the Town without coming here or the WRMC. Mr. Sullivan stated he understood what Ms. White was saying and all the incidents mentioned are how we were going to interact. Mr. Sullivan stated he did not hear anything that obligated the Town. Mr. Vieira stated this

never went to the WRMC, it came to the BOS and that is the issue; this is a good project but Mr. Vieira stated he did understand the WRMC and that a step was missed. Mr. Vieira then explained why it was attractive to the AgCom. Mr. Vieira suggested that in the final document, they needed to make sure that UMass Dartmouth is held accountable for the items that are listed. Mr. Vieira stated we need to keep as many eyes on this as possible, a 20-minute discussion with the WRMC as a potential source could help. Ms. White stated right now, these are all applications with no commitments. Mr. Sullivan reviewed the fact that Cockeast Pond was voted on tonight and the Herring Run grant; he was confused as to why the Angeline Brook was on the agenda. Mr. Spirlet stated he asked to put this on the agenda because he wanted to bring to light the inconsistency with what was said last time regarding the Town's involvement. No action was taken on Angeline Brook.

Presentation – RE: Police Station Needs Study – Police Station Building Committee.

The Police Station Building Committee members present were Police Chief Pelletier, Bill Gifford, Troy Spirlet, Warren Messier and Tim King. John McMillan, Reinhardt Associates presented a power-point of the Police Station Needs Study. Chief Pelletier stated the current police station was built in 1975 for the price tag of \$175,000. and was built to house 21 full-time police officers at a time when the only electric devices in the building were a winter clock and a radio; over the next 25 years, policing changed and with the turn of the century, we increased our force by 50%. Chief Pelletier stated that 911 was introduced and an electronic records management system was created with two computer terminals; now in 2015, forty years after the building was built, there is a computer on every desk, some desks having two; 911 dispatchers have changed to Emergency Medical Dispatchers and every crime has to some level, an electronic device attached to it. The building that was built forty years ago and used twenty-four hours a day/seven days a week, has served its purpose and owes the Town nothing, but the building is tired, worn and is ready to retire. Chief Pelletier stated he has done his job over the past thirteen years to make the building work despite the cramped conditions; now the safety hazards are just too great to be ignored; we have to do something. At the Board of Selectmen's direction, Reinhardt Associates was hired to conduct a feasibility study to show the deficiencies and possible solutions and the cost to providing the citizens with a police facility that meets its' needs. Mr. King stated this is a capital project that is very badly needed. Mr. King stated from his own professional experience, seldom has he seen a working municipal facility in as difficult a shape as this Westport Police Station. Mr. McMillan stated Reinhardt Associates was hired five months ago to do a feasibility study of the present police station. The areas covered in the presentation were: Space Needs Analysis, Existing Station Evaluation, Site Assessment & Evaluation, Conceptual Design Drawing and Estimated Costs & Schedules. The projections were done at 20-30 years out. The four prospective sites looked at were 567 State Road, the present station at 818 Main Road, Central Village/generic nonspecific site and 54 Hix Bridge Road. Mr. McMillan reviewed the costs to repair, renovate and temporary relocation, if renovation is decided on. Mr. Vieira stated the presentation was impressive and well done. Mr. Spirlet stated the best bang for the buck is a new facility and he liked the area near the Fire Station; he would support a new facility in that area. Jim Whitin asked if any thought had been given to response times such as having one location or two. Mr. McMillan stated at 54 Hix Bridge Road, there would be no new driveway, the existing one would be used. Chief Pelletier stated we did look at accessibility and ideally, there should be two stations but we are not big enough; unlike the Fire Dept., our police are in their own sector anyway. Mr. Sullivan stated this was a nice presentation and questioned the \$3million to fix the existing station; what would be the cost if we build and use the old police station, basically, what is the cost to repair it. Discussion ensued. Mr. Vieira asked if the presentation was endorsed by the Committee; Mr. King stated yes. Mr. Dutra he would like a formal recommendation from the Police Station Building Committee, a time frame for Annual Town Meeting, upfront expenditures and bonding deadlines associated with this. Mr. Dutra stated he would also like an overview from the

Committee. Mr. Vieira asked that this be shared with the Finance Committee; we need to setup a strategy to put before the voters and the more input from people we get the better. Mr. Vieira asked if the power-point could be put on the website. Mr. Vieira stated his perspective is that it is time to move on and we need to start gathering a consensus. Chief Pelletier stated it was very difficult for himself to wrap his head around the cost. Mr. Dutra stated as a Town, we will have to pay for a school and a police station; we need to look at these things in tandem. Mr. Messier stated it was important for the public to understand, our study is to a new station at the existing fire station site rather than investing \$11million into an old building plus the cost to relocate the police department while building; the public needs to understand the cost factor to stay and to relocate. Mr. Dutra agreed, that public education is important; but what remains is whether the building will be detached or attached. Discussion ensued on attached or detached. Mr. Gifford stated there is a misconception regarding the police station, everyone thinks it is a cute building but the place is horrendous; it is a wreck. Mr. Dutra stated he would like a motion to have the committee come back with recommendations. Mr. Sullivan stated he agreed, there is a lot to digest. Mr. Vieira stated he would like the committee to invite the public in and make them aware by a presentation of what has been done and take that opportunity to get some feedback; also, it would be helpful to get input from the Finance Committee, the Fire Dept, and the Planning Board, etc. and then come back to the Board with a recommendation. **Motion** made by Mr. Vieira to ask the Police Station Building Committee to meet with the various committees and boards and to come back in with a recommendation and a process. Second by Mr. Spirlet. The Board voted unanimously in favor. Mr. McMillan asked if this would be done at a Special Town Meeting or the Annual Town Meeting. Mr. Dutra stated he would like the written recommendation from the committee first and then for the Board to vote at their next meeting.

Christopher Gonsalves, Highway Surveyor – RE: Line Striping Contract w/ Hi-Way Safety; and Drainage Easement for 1090 Drift Road; and moratorium on cul-de-sac paving.

Present: Christopher Gonsalves, Highway Surveyor.

1. Line Striping Contract: **Motion** made by Mr. Vieira to approve the contract with HiWay Safety Systems, Inc. for line striping in the amount of \$18,337.44. Second by Mr. Spirlet. The Board voted unanimously in favor.
2. Drainage Easement – 1090 Drift Road: Mr. Vieira stated that no Town Meeting was needed; Article 19 from a previous Town Meeting authorized this. Mr. King stated he was not aware of this. Mr. Dutra called for a recommendation from the WRMC. Steven Spivey stated he has been waiting for 30 years to get this straightened out; it has been a big problem. Mr. Spivey stated that Mr. King has been down to see my driveway and this needs to get fixed. Mr. Harkins stated the WRMC is fully behind this project. Mr. King stated he recommended approval of this. Mr. Gonsalves stated the homeowner is paying for everything and the work is being done in-house. **Motion** made by Mr. Vieira to approve of the Drainage Easement for 1090 Drift Road. Second by Mr. Spirlet. The Board voted unanimously in favor.
3. Cul-de-sac Paving: A lengthy discussion took place regarding the cul-de-sacs on Clover Lane, Forsythia Lane, Windrush Lane, Miss Rachel Trail, Daisy Lane, Sunnyfield Drive and Briar Drive. The Planning Board submitted a memo in regards to the cul-de-sacs. Mr. King stated he met with Mr. Vieira, Mr. Gonsalves and the Planning Board; a report has been prepared by the Planning Board and there has been a number of concerns by residents. Mr. King stated a fire truck was taken out to the areas and found it very difficult to maneuver around; part of the problem is that some of the cul-de-sacs that were approved by the Planning Board were not constructed according to plan; these are areas that school buses, snowplows and public safety vehicles can't be accommodated. Mr. King stated that some of these can be modified, while don't have to be. Mr. Sullivan stated there are seven cul-de-sacs listed, should we handle them individually because some of them have agreement on

how to handle them. Mr. Vieira stated the reason he met the next day was because of a little heat on the Board assuming that Mr. Gonsalves was jumping the gun on some of this stuff; we did not have the contract that evening but in looking at it the next day, all the cul-de-sacs were in the contract; I am not saying we should justify this but it was in the contract; and the contracts that were signed by the Board did include the cul-de-sacs to be paved over. Mr. King stated they are in the contract but I believed it was to pave around the cul-de-sacs; Mr. Vieira stated he would agree with that; but the issue was last spring and during the winter months, there was some problems with these cul-de-sacs and Mr. Gonsalves and Mr. Hartnett went out to look at them, so when the contract came, he thought there was an agreement. Mr. Vieira continued to explain his understanding of this and what has transpired in regards to the history of how this happened; he stated it is not a matter of just paving but how do we resolve the issue of public safety. Mr. Sullivan stated that Mr. Gonsalves is empowered to maintain the roads, not change them, even if they were not built right; but the point is, why wasn't the road built right in the first place. Mr. Spirlet discussed the fact that rather than make the circumference of the cul-de-sac larger and go on people's property, it would be better to reduce the diameter of the center, leaving a tree and making the circle larger. Mr. Spirlet stated he personally would like to offer an apology to Mr. Gonsalves for the way he was treated by the Board last week because it was not an agenda item, it was something that come off the board and we wasted an hour with questions and holding Mr. Gonsalves accountable for something he did not have time to prepare for. Mr. Sullivan seconded Mr. Spirlet's sentiment but he would also like to take responsibility for any of the Board who has encouraged him to do something to circumvent any of these processes. Mr. Hartnett stated he looked at all the cul-de-sacs and prepared a report, which has not been approved by the Planning Board yet. Mr. Whitin suggested the appropriate thing would be to have a public input session, have handouts made and hold a clear/transparent public input session because once the areas are paved, the neighborhoods will change. Mr. Whitin stated each cul-de-sac needs to be looked at individually and the Board has just received information tonight which you need to be familiar with. Mr. Vieira stated there are people at the meeting tonight and they should be heard. Mr. Sullivan agreed they should listen to the people tonight but what is the time-line to do these projects. Mr. Gonsalves stated he could delay the paving crews by one week; the contract needs to be done by the end of the month but an answer for the pavers is needed by tomorrow. Gail Gonsalves, 8 Clover Lane stated she was thrilled that the drainage if finally fixed; she would also like to see the work continue and be finished. Ms. Gonsalves stated she would like to see a balance for the safety issues and something that is aesthetically pleasing; right now, there is no cul-de-sac it is only marked with sticks; it does slow people down. Elizabeth Souza, 13 Clover Lane stated they have been dealing with the drainage issue for many years and now, Mr. Gonsalves has fixed it; there is no flooding; the cul-de-sac is big and maybe it can be condensed but she asked that Mr. Gonsalves be allowed to continue with his work because a berm still needs to be installed. Mr. Gonsalves stated he could condense it for public safety vehicles while still working with the neighbors. Mr. King made a general recommendation: to modify the cul-de-sacs where needed so emergency vehicles and highway dept. trucks will be able to go around but still leaving a cul-de-sac, even though smaller in diameter. The only exception maybe Daisy Lane; Mr. King stated they will work with the neighbors on this. A resident from Windrush Lane spoke; she stated the concern was that it was dug up overnight and no information was given; we have never had a drainage problem but if the entire area is paved over, it may cause a drainage problem. Mr. Gonsalves explained that he will only be making the cul-de-sac smaller. Mr. Gonsalves explained what will happen on Daisy Lane. **Motion** made by Mr. Vieira that this matter be reviewed by Mr. King, Mr. Hartnett and Mr. Gonsalves and to make modifications on the cul-de-sacs where needed, while working with the neighbors, so public safety and highway dept. vehicles can safely turn but in still leaving a cul-de-sac sac. Second by Mr. Spirlet. The Board voted unanimously in favor.

Discussion – RE: Harper's Payroll for the Time Attendance System.

See Mr. Spirlet's comments under the Town Administrator's Report. Mr. Vieira stated the Mr. Spirlet wanted to talk about Harper's beyond what he presented during the Town Administrator's report. Mr. Vieira stated that Mr. King was suggesting in his report that there still may be an issue and to bring in some other elected officials to talk about how it is implemented in their department. Mr. King stated he would like to invite in Mr. Colletti, BOH if it can't be worked out. The Board agreed.

Discussion – RE: Stormwater issue adjacent to Beach Avenue.

Mr. Vieira stated the issue is more with the public and he promised them he would bring the picture before the Board and the Conservation Commission. There was a response from ConCom and there is an indication that this is another case of a long history here but let's move forward in a positive way. The ConCom had suggested that some of the folks be contacted on Beach Avenue who have the runoff from the property. Mr. Vieira stated the pond has been there for 100 years and we have to get over the fact that it is going to flood once in awhile. Whether this was raised over the years, Mr. Vieira stated he did not know but we do have a picture of it and it does flood at particular times of the year. The ConCom has assured us that they have done everything that they can in dealing with any stormwater issues. There is one property on the corner of Acoaxet and Beach Avenue that there was discussion of in regards to the cutting of trees and so forth. Mr. Vieira emailed ConCom Agent Capone and it is his understanding that Mr. Capone looked into it and has had discussions with some of the homeowners. Mr. Vieira stated he does not know all the details but if they are not satisfied with that, they do have other recourse. Mr. Vieira stated that ConCom and the BOS were aware of the stormwater issues, but there is not much that we can do about them at this point. This is not something that just occurred over the last 20-30 years. As far as the homeowners, some have been before this Board and the ConCom has handled it, providing us the backup to it. Mr. Vieira stated he would like to move forward on this, recognizing we had a good summer down there with the people utilizing the facilities; we are still trying to figure out where we are going to go beyond this but as far as the water issue, it is there, it will continue to be there and that is a separate issue. Mr. Vieira stated this Board is not trying to deny the fact that there is stormwater issues and it will continue to happen but we need to look forward and we will have to deal with it in the long-term, but by working together towards a solution. Mr. Sullivan asked if Mr. Vieira was satisfied with the actions of the ConCom; Mr. Vieira said yes, and he hope the BOS were also. Mr. Sullivan stated he has read the reports and is satisfied.

Action Items

1. **Motion** made by Mr. Ouellette to approve of the Proclamation for Constitution Week (September 17 – 23). Second by Mr. Vieira. The Board voted unanimously in favor.
2. Mr. Vieira explained the last meeting of the Agricultural/Open Space Preservation Trust Fund Council in regards to how much money was left in the account to borrow; there is a question of the amount with the Treasurer from back in 2001. We verified there was a second borrowing authorization by Town Meeting in 2006; Mr. King has been working on it also to make sure we are all on the same page and now I think we have unused borrowing authority of \$1.1million, that we could borrow for agricultural/open space purposes. The question among the board members when we met last time was that we had a couple of thousand of dollars. There are members on the board that feel very strongly that because CPC exists now and other borrowing authority, opportunities may come about for the Police and Schools, that this borrowing authority should be withdrawn going forward; other felt that this was agriculture. This is a debate among the board. Mr. Dutra stated he was in contact with a board member over the weekend, and it was their recollection that

this matter was going back before the board for a recommendation. Mr. Vieira stated it will be. Mr. Dutra stated this matter should be tabled pending a recommendation from the AOSPTFC.

Discussion ensued. **Motion** made by Mr. Ouellette to table pending a recommendation from AOSPTFC. Second by Mr. Spirlet. Mr. Sullivan asked if this would have to go to Town Meeting; Mr. Vieira stated yes. Discussion ensued. The Board voted unanimously in favor.

3. Mr. King stated he spoke with Jeff Bull, who would like this request approved, but will not be able to be at the meeting. Mr. King stated a police recommendation was received. **Motion** made by Mr. Vieira to approve the request for “No Parking” signs at Beach Avenue per Town Administrator and Police recommendations. Discussion ensued regarding placement of the signs. Motion is withdrawn. It was decided that the Town Administrator coordinate with the Beach Committee and come back with a recommendation. No action was taken.
4. **Motion** made by Mr. Sullivan to accept the COA Donations: \$50.00 from MSAC, Inc., \$50.00 from Robert & Joan Burt; \$299.96 from United Way of RI for a total of \$399.96. Second by Mr. Ouellette. The Board voted unanimously in favor.
5. **Motion** made by Mr. Vieira to approve the Devin Laubi Bike Ride for September 20, 2015 per recommendation of the Town Administrator and Police Dept. Second by Mr. Sullivan. The Board voted unanimously in favor. Mr. Spirlet noted that markings on the road are not allowed and this should be brought to the applicant's attention; perhaps, the applicant should initial the rules also.

Common Victualler Licenses

1. **Motion** made by Mr. Spirlet to approve a Common Victualler License for St. Karas and Philopater Corp. d/b/a Olympia Pizza, 875 State Road. Second by Mr. Ouellette. The Board voted unanimously in favor.

Appointments and/or Resignations

1. **Motion** made by Mr. Sullivan to accept the retirement announcement of Janina Oliver from the Westport Free Public Library and to send a letter of thanks. Second by Mr. Spirlet. The Board voted unanimously in favor.
2. **Motion** made by Mr. Vieira to appoint Henry D. Lanier to the Westport Affordable Housing Trust Fund. Second by Mr. Ouellette. The Board voted unanimously in favor.
3. **Motion** made by Mr. Ouellette to appoint Paul Joncas as Conservation Commission Representative to the Westport Water Resources Management Committee. Second by Mr. Spirlet. The Board voted unanimously in favor.

Minutes

1. **Motion** made by Mr. Vieira to approve with amendment the Regular Meeting Minutes of July 13, 2015. Second by Mr. Ouellette. The Board voted unanimously in favor. *Amendment: Page 6 - #5 – insert “two of” in the last line.
2. **Motion** made by Mr. Vieira to approve the Regular Meeting Minutes of July 27, 2015. Second by Mr. Ouellette. The Board voted 3 in favor, 2-abstentions (Vieira, Ouellette).
3. **Motion** made by Mr. Vieira to approve the Regular Meeting Minutes of August 10, 2015. Second by Mr. Ouellette. The Board voted unanimously in favor.

Selectmen Liaison Committee Reports - None

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 – None.

Other Business

1. Mr. Sullivan briefed the Board on the Beach Shuttle to Cherry & Webb which took place this holiday weekend. Mr. Sullivan stated that roughly 140 cars were able to be parked at Cherry & Webb Beach. Mr. Sullivan recognized the Police Dept., Council on Aging, Fire Department and Highway Dept. for their help. There was a reserve police officer on-site at Cherry & Webb. Tim St. Michel and Sean Leach from the Beach Committee directed cars for parking. Senator Rodrigues contacted the DCR, at our request, regarding the problem of traffic backup, which helped the situation. Mr. Sullivan stated there really was no experience gained for the shuttle program because we did not utilize it but we did gain experience of what can be done for next year. Mr. Sullivan stated he was very impressed with this team, who on short order, put together and executed such a plan. Mr. Dutra stated he appreciated everything that was done. Mr. Sullivan stated he will have notes for the next meeting.
2. Mr. Sullivan stated he had a last minute request. Mr. Sullivan stated as the Board knows, he has been working, sort of chasing the idea of the Gooseberry Causeway being the source of a lot of beach erosion on East Beach. Mr. Sullivan stated he has attended a lot of meetings, including one with the DCR and CZM put together by Paul Schmid about two weeks ago in Boston; also at that meeting were the Buzzards Bay Coalition, the Watershed and a couple of interested neighbors. Mr. Sullivan stated that what came out of that meeting, was some real interest on the part of CZM pursuing a broader study than what we proposed to take a second look at the study that was done in 1997 (Aubrey Study). They are looking at strip of coastline that goes into Dartmouth. On Friday, there was a meeting in New Bedford, where the DCR and CZM came down and suggested this may be worth pursuing but an application has to be in for this particular grant by September 12th. This is actually a pre-application for which you submit a narrative, which he has provided to the Board, and following that submission, you are invited to a full application sometime in the fall, at which time we will have more time to have a full presentation and to make a decision whether we want to get involved in this. Mr. Dutra stated he sees a cash match of \$30,000. presumably from Westport and Dartmouth; is that being raised by the organization or are we potentially looking at committing once we submit a full application. Mr. Sullivan stated we would have some share of the \$30,000. proportional to the scope of the study; these funds could be privately raised, CPC, etc. Mr. Sullivan stated this will be reduced to a more formal proposal for us to take a look at. The letter commits the Town to nothing; if we make it to the next stage, we would be invited to submit a full application with letters of support. **Motion** made by Mr. Ouellette to support a letter of intent with the understanding that we share both with the Water Resources Committee and the Conservation Commission. Second by Mr. Vieira. The Board voted unanimously in favor. Discussion ensued regarding funding.
3. Mr. Dutra reported on the Middle School Transition Committee. A decision was reached between us and the School Department that we will be able to accommodate the youth sports leagues in the Middle School; the sticking point is how we are going to pay for and share the resources of School Department personnel who maintain the HVAC. Mr. Dutra stated we don't have the expertise on the Town side to maintain. This will cost us some money and effort to keep it maintained and secured. Mr. Vieira stated this will allow the softball and soccer to move forward with their schedules. Mr. Dutra stated at this point, we have given them enough information to plan for next year's seasons. Mr. Dutra stated that the basketball leagues will be able to start advertising for this year.
4. Mr. Ouellette stated there is parking on the grass in the front of the Town Hall again, it is making a mess; he touched base with Mr. King on this. Last time, sticks were put out there but people ran over them.
5. Mr. Ouellette stated the bird cannons are a problem again; last time the Police took care of it with Shirley from the AgCom making the initial call. The cannons go off every six minutes and went off

all weekend long. The cannons are a constant boom all day and because of the recent heat, people can't shut their windows. Mr. Ouellette asked if something could be done about this.

6. Mr. Spirlet noted that on Friday, September 11th, at the Hix Bridge Fire Station, there will be the dedication of the Beam Memorial beginning at 8:30AM; everyone is invited. This is put on by the Veteran's groups.
7. Mr. Vieira stated that over the weekend, there was emails going are regarding the fact that there were helicopters in the area; farmers are using them to drop rye grass seed over the corn fields as a cover crop. The US Dept. of Agriculture encourages this and it is done across the country to save the soil. This past weekend, it was over the Horseneck area.

9:10 PM Executive Session

Motion made by Mr. Spirlet to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to discuss with respect to possible litigation regarding 497 Old County Road and to approve Executive Session Minutes of 06/29/15 and 07/13/15. 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.

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

9:26 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