

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY
APRIL 5, 2016**

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

Also Present: Timothy J. King, Town Administrator

Note: Meeting was originally scheduled for Monday, April 4, 2016. Due to a snowstorm, Mr. Dutra, Mr. Vieira and Mr. Spirlet met, opened the meeting and voted to reschedule to Tuesday, April 6, 2016 at 6:00 PM in the Westport Town Hall – same agenda.

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(f) – Meeting being recorded.

Public and Board Member Comment – None.

Acknowledgments & Recognitions – None.

Appointments and/or Resignations

1. **Motion** made by Mr. Ouellette to appoint Thomas Barrett to the Westport Agricultural Commission. Second by Mr. Vieira. The Board voted unanimously in favor. Mr. Barrett was present.
2. **Motion** made by Mr. Spirlet to appoint Timothy M. Ford to the Capital Improvements Planning Committee. Second by Mr. Ouellette. The Board voted unanimously in favor. Mr. Ford was present.
3. **Motion** made by Mr. Vieira to create and appoint the following to the Guild Property Advisory Committee: R. Michael Sullivan (BOS Rep), Carl Tripp (Landing Comm. Rep), Chris Capone (ConCom Rep), Jack Reynolds (Fishermen's Assoc. Rep), Ryan Mann (WLCT Rep), Kelley Whitmore (Trustees of Reservations Rep), Antone Connors (Historical Society Rep), Charles Baron (FinCom Rep) and Peter S. Kastner (Fish Commissioner's Rep) with Representatives from the Historical Commission and Community Preservation Committee to be named. Second by Mr. Ouellette. The Board voted unanimously in favor. Committee will have an open-ended term.

Ryan Mann, Westport Land Conservation Trust – RE: Conservation Restrictions for Camara and Nisby.

Mark McEachern, WLCT stated he would be taking Mr. Mann's place tonight. Mr. McEachern stated we are very close to culminating both the Nisby and Camara properties; these two properties are in the ownership of the WLCT now; Town Meeting has approved CPC funds for both properties (the Nisby property for \$100,000 in 2014 and the Camara property for \$140,000 in 2015). The Town is purchasing conservation restrictions for both of these properties from the WLCT. Mr. McEachern stated he had the CR's tonight for the Board's signatures if everything looked fine; the Board has been provided with copies for review. Mr. McEachern stated the next step after the Board's signing would be to send the CR's to the State for Secretary Matthew Beaton's signature, so the documents can be recorded. Mr. Dutra stated Town Counsel has reviewed the documents and made some changes and recommends approval, along with the Town Administrator and the Conservation Commission has

reviewed, approved and signed off as well. Mr. Sullivan asked Mr. McEachern to review the basics of these transactions. Mr. McEachern stated the WLCT purchased both of these properties, part of the budget to make that possible was with CPC funds and through that the Town would purchase a CR on each of the properties. The Camara property was purchased for \$350,000 (\$140,000 from the Town) and the Nisby property for a little over \$200,000 (\$100,000 from the Town). Mr. Sullivan asked about the public access; Mr. McEachern stated it is allowed and encouraged on both properties. Mr. Ouellette noted the properties were in the north of end of Town. Mr. McEachern stated there are developed trails on the Nisby Property already and is being used but the Camara Property does not have any trails or parking lot set up yet, it is in the planning stages but people are using it informally. Mr. Vieira asked how hunting was going to be handled on the properties. Mr. McEachern stated in the northeast part of the head waters area, it is open for hunting; the Herb Hadfield, Dunham's Brook and Headwaters are open for hunting because they are large enough and where they are located; the Camara property is stand alone (43 acres) and is likely too small and there is too dense a population to encourage or allow hunting. Mr. Vieira asked Mr. McEachern how the WLCT was handling hunting – is it on your website. Mr. McEachern stated it is on the website and they have trail guide brochures; we only ask that we be notified of when someone will be hunting on the property. Mr. Vieira asked that there be communications on this with the Town so we can put the information on our website also. **Motion** made by Mr. Ouellette to approve the Conservation Restrictions for the Nisby and Camara Properties. Second by Mr. Vieira. The Board voted unanimously in favor.

Community Preservation Committee – RE: CPC Grant Agreements for Westport River Watershed Alliance, Inc., American Legion James Morris Post #145 and Acoaxet Chapel Association.

Mr. King stated he has reviewed the agreements and recommends approval. Ms. Betty Slade gave an overview stating these agreements were for historical preservation projects; two are private and one is Town (Town-owned building but is leased by a private organization, the American Legion). Ms. Slade stated that one agreement (Acoaxet Chapel) had been signed but the problem was, it was not signed before a Notary, that is why it is being signed again tonight. Ms. Slade stated that all involved parties were present tonight, will be signing before a Notary and then all the agreements will be registered at the Registry of Deeds. Mr. Vieira stated the three agreements are the Acoaxet Chapel Association, Westport River Watershed Alliance and American Legion James Morris Post #145. Thomas Schmitt signed for the WRWA, Lino Rego signed for the American Legion and Stanley Cornwall signed the Acoaxet Chapel. **Motion** made by Mr. Ouellette to approve all three agreements. Second by Mr. Sullivan. The Board voted unanimously in favor.

Christopher Gonsalves, Highway Surveyor

Salary Update and Clothing Allowance – Mr. Gonsalves stated he was looking to get a clothing allowance because it is under the Personnel Bylaws; his title Highway Surveyor is not mentioned in the bylaw but he wants to buy boots, rain gear and whatever he needs to get his job done. Mr. Dutra stated you are looking for what is consistent with what the employees are getting right now. Mr. King stated the Highway Department employees agreement does provide for a clothing allowance for boots but Mr. Gonsalves Employment Agreement is silent on that; he does not qualify unless his Employment Agreement is modified. **Motion** made by Mr. Vieira to move the request. Second by Mr. Ouellette. Mr. Vieira stated this is addressed in the Personnel Bylaws; the Chiefs have this and our Highway Surveyor is working in the capacity of Foreman as well. Mr. Dutra stated he would have the Town Administrator meet with Mr. Gonsalves, put a financial proposal together for this Board so the Board, in one motion and satisfactory to all, move to amend the contract with specific amounts and specific guidelines. Mr. Vieira stated he was fine with that. Mr. Dutra asked it be placed on the next BOS Agenda. Mr. Vieira and Mr. Ouellette withdrew their motion and second. **Motion** made by Mr. Sullivan to move Mr. Dutra's recommendation. Second by Mr. Ouellette. Discussion ensued. The Board voted unanimously in favor.

Middle School Grounds Maintenance – Mr. Gonsalves asked for clarification as to whether the Highway Department will be cutting grass at the Westport Middle School. Mr. Dutra stated his understanding was, with the exception of the playing fields during the season (Girl's Softball Season), the Girl's will be responsible for maintaining their grounds and we are responsible for maintaining the other grounds. Discussion ensued. Mr. Gonsalves stated the Highway cuts the Library grass; the School is equipped for this, why not have the School cut the grass. Mr. King stated the MOU states we take care of ours and the School takes care of their area. Mr. Gonsalves stated it would cost \$2,000 per month using two seasonal employees to cut this grass; two guys, biweekly, 96 hours; we don't have tractors just cutters with 72" decks. Mr. King stated he will talk to the School about this. Mr. Alves reminded the Board that there is a set contract in place for the Girl's.

Plan for cul-de-sacs – Mr. King stated the Board voted to have the cul-de-sacs reconstructed and he felt it would be prudent to have a plan brought to the Board with a time table. Mr. Gonsalves stated as we discussed, the cul-de-sacs are done. Mr. Gonsalves stated that if he goes back, he would be creating the same problems as before for plowing, fire apparatus and public safety; we used Chapter 90 money to do the work, which means we have to get a warranty for all the work and DOT says we can't touch anything for five years. Mr. King asked if that was in writing; Mr. Gonsalves stated yes. Mr. Dutra asked Mr. King to come back with a progress report on this. Mr. Vieira asked if there was a problem with the cul-de-sacs because he has not heard anything. Mr. King stated last fall, the Board voted to have them reconstructed. Mr. Vieira stated there was a number of meetings with the Planning Board, Police, Fire, etc. over this; so why are we bringing this up again. Discussion ensued. **Motion** made by Mr. Sullivan to have Mr. Vieira and Mr. King resurrect the minutes of those meetings that took place on the 6 of 12 cul-de-sacs, come up with a summary of those meetings, to reconvene all the Department Heads involved and to bring recommendations back to the Board to take a second look at this. Second by Mr. Ouellette. Discussion - Mr. Wayne Sunderland stated part of the problem is the design was before the Highway Department got their new equipment; you have to be careful with any changes, that they don't involve compensation or consideration, of any private ownership, to reconstruct the needs that you need to have; the main thing for the future, before accepting any subdivisions, you must look at these cul-de-sac designs, so they accommodate what needs to be done without having to go back.

The Board voted unanimously in favor.

Snow & Ice Deficit Spending – Mr. Gonsalves stated to the Board that he was asking for \$20,000 for Snow & Ice. Mr. Vieira asked if there was money left in the Reserve Fund; Mr. King stated yes.

Motion made by Mr. Vieira to allow the Highway Surveyor to go to the Finance Committee to see if they will consider a Reserve Fund transfer to cover this cost. Second by Mr. Ouellette. The Board voted unanimously in favor.

Action Items

1. **Motion** made by Mr. Sullivan to approve the request from Barbara Smith to place banners recognizing "May is Lyme Disease Awareness Month" at the Annex and Gifford Road playgrounds. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. **Motion** made by Mr. Sullivan to approve the renewal of the 2016 Seasonal Trailer permits so long as all renewal criteria is met. Second by Mr. Spirlet. The Board voted unanimously in favor.
3. **Motion** made by Mr. Ouellette to approve the request from the Westport Fishermen's Association to hold the "Race for the Water" road race on Saturday, May 7, 2016 with the Police recommendation being adhered to. Second by Mr. Sullivan. The Board voted unanimously in favor.
4. **Motion** made by Mr. Sullivan to table a request from the WRWA for use of the Town Landing at the Head of Westport for River Day Festival because the Police Department will be working with WRWA to develop a mutually agreeable parking plan. Second by Mr. Ouellette. The Board voted unanimously in favor. This matter should be ready for next BOS meeting.
5. **Motion** made by Mr. Sullivan to accept donations made to the Council on Aging in the amount of \$222.00. Second by Mr. Ouellette. The Board voted unanimously in favor.
6. **Motion** made by Mr. Ouellette to approve the request from the Narragansett Bay Wheelmen for

their 100-Mile Ride on Sunday, September 11, 2016 with the Police recommendation being adhered to. Second by Mr. Sullivan. The Board voted unanimously in favor.

Liquor Licenses – None.

Town Administrator Report

Beach Avenue – DEP Consent Agreement – Mr. King stated the signed Consent Agreement has been returned by the DEP; the Highway Department can now do the maintenance on Beach Avenue; this is an emergency order only, with the work being completed by April 1, 2016. The Conservation Commission approved the emergency work at their last meeting but deferred a decision on the NOI for 30 days.

Town of Westport Revaluation – Preliminary Certification – Mr. King stated the State Bureau of Local Assessment has notified the Board of Assessors that they have completed the preliminary review of the Town's revaluation program; the next step is to notify the public about the new assessments; this can be viewed on the Town's website; there is also a hard copy available in the Assessor's Office and the Public Library. Mr. King stated property owners can meet with the Assessors to discuss their property assessments.

Roadway Improvements – FY '17 – Mr. King said Mr. Gonsalves has identified a number of roads which he is tentatively planning on paving this year; this information will be posted on the website.

Route 6 & 177 Projects – Mr. King provided the Board with an email update from Dan DeRoche, Senior Highway Engineer regarding these projects; this information will also be placed on the Town's website. Mr. Ouellette stated that weekly updates will also be needed for Rtes. 88 / 177.

Noquochoke Village – Mr. King stated he has provided a letter to the Board from the Westport Affordable Housing Trust informing the Board that TCB (The Community Builders) have filed a LIHTC Application for Noquochoke Village.

Seaport Economic Council Grant Application – Mr. King stated the Planning Board has provided a draft of the Grant Application for the Head of Westport.

Regional Meeting – Mr. King stated he has received an email correspondence from Shawn McDonald, Chairman-Town of Dartmouth suggesting a regional meeting to discuss issues of mutual interest.

Motion made by Mr. Vieira to endorse this idea and that any Board member attend this meeting along with the Town Administrator. Second by Mr. Sullivan. The Board voted unanimously in favor.

National Grid – Vegetation Maintenance – Mr. King stated the Board has been provided with a notice and map from National Grid regarding their intended Vegetation Management Program as it affects Westport.

Marine Services Director Monthly Report – Mr. King stated he has provided the Board with the Marine Services Director's Monthly report for their review.

COA Director Report - Mr. King stated he has provided the Board with the Council on Aging Director's Monthly report for their review.

Discussion Items

1. Mr. Ouellette stated he has been working on developing an official Town of Westport App for mobile devices and he is seeking approval from the Board. It is mainly to support Economic Development but it will have other items of Town such as the government and access to our website (with permission from Virtual Town Hall). This will be funded through Economic Development, through ads on the page from businesses (a small fee is involved to advertise). Mr. Ouellette explained what would be on the app. There is a two-year contract @ \$169.00 per month; the development fee will be waived; no money from the Town at this time. Mr. Ouellette stated that Economic Development Task Force voted approval of this. **Motion** made by Mr. Vieira to allow the request with Mr. Ouellette taking the lead. Second by Mr. Sullivan. The Board voted unanimously in favor.

Minutes

1. **Motion** made by Mr. Vieira to approve as amended the Regular Meeting Minutes of March 7, 2016. Second by Mr. Ouellette. The Board voted unanimously in favor. Amendments: page 2: delete “said would it be to” and insert “asked could we try it” and page 5: delete “has” and insert “have”.
2. **Motion** made by Mr. Vieira to approve as submitted the Regular Meeting Minutes of March 21, 2016. Second by Mr. Ouellette. The Board voted 4 in favor, 1-abstention (Sullivan).

Selectmen Liaison Committee Reports – None.

Question and Answer Period

Bob Wood - “Questions regarding ATM Article 28”. Mr. Wood stated he took the article for the Hunting Bylaw, which has a lot of repetition in it and a lot of items that are not needed such as explosives, etc., State Laws that are already listed in the gaming laws and tried to condense it. Mr. Wood then presented a shortened form of the article which covers basically the same thing, it should keep people happy and it should satisfy the sportsmen. Mr. Wood stated there are already trespassing laws in MA. The wording submitted was: In addition to any applicable provision of State law regarding the regulation and licensing, no person shall hunt, trap, snare game, fire or discharge any firearm/bow & arrow on posted property without written consent of land owner or designee. Mr. Wood stated that basically, if you want to hunt, shot a gun or use a bow/arrow, you need permission from the property owner, if it is posted. Mr. Wood stated this needs to be condensed because truthfully, at Town Meeting we are going to spend hours on this and there will be attorneys involved; he did not want to see a waste of time and money on this. Mr. Sullivan stated that at the last meeting, the Attorney General rejected the article due to the way it was written, so as a courtesy to Town Meeting, the Board voted to send it back to Town Counsel to find out where this went wrong with the language and what was needed to accomplish this; the Board has not taken a position on this matter yet but we have put wording on the ballot; it is now up to the proponents. Mr. Dutra stated the original article was by petition. Mr. Vieira stated he has spoken with both sides on this issue and both sides are in agreement with this wording; his recommendation would be that we either pass over the articles that are on Town Meeting now and not take a positive vote on them because in their present form, it will not accomplish anything; he would suggest to have the Town Administrator send this new wording to Town Counsel to see if he feels this has any merit or not in its present form. Mr. King stated hunting is preempted by State Law and the first sentence mentions hunting. Mr. Vieira suggested that the article not be just hunting but it be a personal property bylaw/under personal property rights; this is what the bylaw should reflect because both sides wants assurance. Mr. Dutra stated he understands but we run the risk of ignoring the advice of Town Counsel when these things are ultimately reviewed by the Attorney General's Office. Mr. Vieira stated we could contact the Attorney General's Office before Town Meeting; we don't have to have Town Counsel do that. Mr. Sullivan stated he has an issue; wasn't all the hunting references supposed to be removed. Mr. Sullivan stated to Mr. Vieira, you have spoken to both sides on this and if they are in agreement, they can amend this at Town Meeting. Mr. Vieira stated if we get approval on this language from Town Counsel and the Attorney General, then he would suggest moving this forward; if not, we pull the article. Mr. Vieira stated he wanted to make sure that the Moderator was comfortable with the language also. Mr. Dutra stated we need to take this language to Attorney Jenkins and ask him to review it and try to simplify it; because there is consensus among the proponents that this is workable; we do run the risk at the AG's Office that we may repeat the same mistake that was made last year and again we will be spending money on legal bills only have this undone. Mr. Vieira stated we don't send anything forward without contacting the AG's Office; this should not be called a hunting article, it should be a personal property bylaw for the Town.

Motion made by Mr. Sullivan to have Mr. Vieira as the point person on this with input being sought from the Attorney General, Town Counsel and Town Moderator and to keep contact with Mr. Wood on the results. Second by Mr. Ouellette. The Board voted unanimously in favor. Discussion again ensued. Mr. Wood asked what the time frame for this would be because there are a lot of people involved in

this. Mr. Ouellette stated that Mr. Wood should touch base with Mr. Vieira. Mr. Vieira stated he will direct the Town Administrator tomorrow to get an answer within a week. Mr. Sullivan stated if there is agreement among the parties, that makes this easy; either way, it will be modified or pulled from the warrant and we will have to wait another year. Mr. Wood stated even though everyone is in agreement here, someone at Town Meeting could say they want to amend it, could that happen? Mr. Ouellette stated yes, that is possible. **Motion** made by Mr. Vieira to pull both articles as they are written now. No second was received. Discussion ensued. Mr. Ouellette stated this is just a Q&A item, not an agenda item and he would suggest putting it on the next agenda to see what has been found out, so both sides will be able to attend.

Wayne Sunderland – asked if there was any report on the Hix Bridge Deterioration. Mr. King stated none yet, but he will be doing a follow-up. Mr. Sunderland suggested having the Director of Marine Services take the boat down there on a moon-tide to see what deterioration is taking place during low tide; he stated he would be willing to come out of retirement to help out. Mr. King stated he would pass this on to Chris Leonard. Mr. Sunderland stated this is a matter of concern and the Town should not let it go too far.

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. Dutra asked that “Reorganization of the Board” be placed on the next agenda.
2. Mr. Dutra mentioned Opening Day for Baseball on Saturday, April 9, 2016; and Election Day is Tuesday, April 12, 2016 with the polls being open from 10AM to 8PM.
3. Mr. Ouellette mentioned there was a power outage in the north end of Town during the storm; it was repaired in 1 ½ hours; National Grid and Eversource were right on it.
4. Mr. Vieira stated he passed out, for informational purposes, a copy of the Massachusetts Municipal Association 2016 Policy Committees and the MMA Best Practices from the MMA Fiscal Policy Committee.

7:25 PM - Executive Session

Motion made by Mr. Ouellette to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to approve Executive Session Minutes of February 22, 2016 and March 7, 2016. Second by Mr. Spirlet. The Board voted unanimously in favor.

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

Mr. Dutra announced the Board would not return to Open Session in order to adjourn.

Adjournment.

Respectfully submitted,

Diane Pelland

Administrative Asst/Confidential Clerk to the Board of Selectmen

APPROVED: _____

Steven J. Ouellette, Clerk