

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MARCH 23, 2015**

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

Chairman Vieira opened the meeting at 6:06 p.m. and publicly announced that the meeting was being recorded.

Recognition & Moment of Silence:

Chairman Vieira observed a moment of silence on the passing of Marjorie Holden (Selectman 6 years, Finance Committee 8 years and the Governor's Appointee to the Housing Authority 13 years), Mary Perry (operated the dairy farm on Old Pine Hill Road) and Robert Smith (served on the School Committee, was the Town Moderator and the owner of Long Acres Farm).

Jim Coyne RE: Town Hall Annex Sign:

Mr. Coyne told the Board that he was in the process of raising money to repair the Town Hall Annex sign. Fielding Signs estimated the cost would be \$600. Mr. Coyne announced that he had \$495 in pledges so far.

Appointments:

4. Present was Cemetery Foreman Andrew Motta and Steven Souza. Mr. Motta informed the Board that he had interviewed five candidates for the position of Cemetery Laborer and Mr. Souza was the most qualified. On a motion by Selectman Dutra, which was seconded by Selectman Sullivan, the Board voted unanimously to appoint Steven Souza.

2. Meeting with the Selectmen were Marcia Liggins, Council on Aging Chairman, and Beverly Bisch. Ms. Liggins reported that it was the unanimous decision of the Council on Aging and the Search Committee to request that the Selectmen appoint Ms. Bisch as the new Council on Aging Director. Selectman Dutra made a motion to appoint Beverly Bisch to the position of Council on Aging Director. Selectman Sullivan seconded the motion and requested that Selectman Dutra amend his motion to waive the 90% starting salary and pay her the full amount. Selectman Dutra accepted the amended motion. Selectmen Vieira and Ouellette both stated that they would vote against starting Ms. Bisch at 100%. Selectman Sullivan then withdrew his amendment to the motion with the motion standing as just approval of the appointment. Chairman Vieira explained that it was not a personal situation with any of the Board but the Town had a policy of starting new employees at 90% and that they were trying to follow it. The motion was passed with Selectmen Vieira, Spirlet, Ouellette, Dutra and Sullivan voting affirmatively.

Public Hearing RE: Application Request from Raj P Inc. d/b/a Westport Market for a Transfer of an Annual All-Alcohol Package Store Liquor License to be Located at 291 American Legion Highway:

The hearing was opened at 6:23 p.m. with the legal notice being read. Present were Attorney Mary Anne McGonagle and the applicant Paresh Patel. No abutters were in attendance. Attorney McGonagle stated that Mr. Patel was requesting the existing All Alcohol Package Store Liquor License be transferred to Raj

P Inc. After a brief discussion, Selectman Dutra made a motion to approve the transfer. The motion was seconded by Selectman Sullivan and was voted unanimously. The hearing was closed at 6:27 p.m.

Town Administrator Report – Position Vacancies (Veterans Service Agent):

Selectman Spirlet informed the Board that the Veterans Search Committee had interviewed several applicants for the position of Veterans Service Agent and would be presenting the 3 finalists for the Selectmen to interview at their 4/6/15 meeting

Public Hearing RE: Application from Westport Rivers, Inc. 417 Hix Bridge Road for an Alteration of Premises, a Change of Hours and an Application Request for an Entertainment License:

Robert Russell, the applicant, was unable to attend the meeting due to unforeseen circumstances. Selectman Dutra made a motion to not allow any testimony due to the absence of Mr. Russell and to continue the hearing until April 6, 2015 at 6:30 p.m. Chairman Vieira responded that he would like to allow the abutters to speak. Abutter Edward Howe (27 Horseneck Road) noted that only direct abutters had been notified and that everyone should have received notice of the hearing. Selectmen Dutra replied that the Town goes by the law when sending out hearing notices. There was more discussion with the majority of the board uncomfortable in allowing any discussion due to Mr. Russell's absence. The vote on the motion was Selectmen Spirlet, Dutra, Ouellette and Sullivan voting yes and Chairman Vieira voting no. The motion was approved.

Town Administrator Report – Ballot Questions:

Selectman Sullivan noted that there were inconsistencies on first person in the explanations. Mr. King responded that he would correct them. There was some discussion concerning Ballot Question #6 (contract with an outside firm to conduct the 10-year revaluation of the Town's property assessments). Chairman Vieira halted the discussion because he did not feel it was appropriate to discuss the merits of the question. He continued by saying that if the Board could not agree on the explanation then they should just leave it blank.

Discussion RE: Middle School:

Meeting with the Selectmen were School Superintendent Ann Dargon and School Committee members Antonio Viveiros, Carolina Africano and Melissa Pacheco. Mr. King noted that the Environmental Protection Agency had informed him that additional testing and a plan for remediation would be required for the Middle School even if the building was vacated. He had asked George Campbell of Campbell Environmental Services to contact the EPA to find out the technical testing, reporting, planning and remediation requirements. Mr. Campbell had prepared a proposal for the supplemental PCB testing; the cost not to exceed \$9,825. Selectman Spirlet made a motion to approve and sign a contract with Campbell Environmental not to exceed \$10,000, the source of the funds would be an article for testing from a previous town meeting. Selectman Sullivan seconded the motion. Selectman Dutra requested that the motion be amended with a deadline of May 1, 2015. Selectmen Spirlet and Sullivan both agreed to the amendment. The amended motion was approved unanimously.

There was some discussion with the school representatives regarding when the Middle School would be turned over to the Town, the School Feasibility Study and what would be the Town's options for the school if the Feasibility Study was not approved by Town Meeting.

They then talked about the continued use of the Middle School gym by several youth basketball teams. Several questions needed to be answered before this could go forward including the time period covered, who would be responsible for the opening and securing of the building, who would pay for the

monitoring program, who would pay for heat and electricity, who would clean up after the teams play, etc. Mr. King will be working with the basketball officials to come up with a plan.

Appointments:

1. Dr. Dargon stated that 24 people had submitted their names for appointment to the Town School Building Committee (Dianne Baron, Jon Bernier, David T. Cass, Ann Marie Dargon, Michael Duarte, Michelle Duarte, Thomas Gastall, James Hartnett, Timothy King, Bill Lawton, Robert C. Medeiros, Warren M. Messier, Robert Nogueira, Joseph Pacheco, Carolyn Pontes, Tracy Priestner, Kevin Rioux, Nelson Terra, John T. Tunney, Cheryl Tutalo, Sue Ubeira, Antone Vieira, Antonio Viveiros and Woodrow E. Wilson). On a motion by Selectman Dutra, which was seconded by Selectman Sullivan, the Board voted unanimously to accept and appoint the individuals on the list proposed by the School Superintendent.

Christopher Gonsalves, Highway Surveyor RE: Update on Discussion with Planning Board Pertaining to Road Layout Width:

Meeting with the Selectmen were Highway Surveyor Christopher Gonsalves and Highway Department employee Andrew Sousa. Mr. Sousa reported that the Highway Department had problems this winter plowing certain roads in subdivisions because of inconsistencies in road layouts approved by the Planning Board. He continued by saying that all roads should conform to standard width and should be wide enough for safe and convenient travel year round. Mr. Sousa explained that the Planning Board Rules and Regulations allows for three types of roads where a home can be built and the roads can be accepted and maintained by the Town: minor streets, secondary and residential. The Highway Department is recommending that a By-Law be written so that all of these roads have the same travel lane width (twelve foot lanes and one foot berms). The only roads that would be affected by the By-Law would be new roads. After some discussion, the Board agreed that they would revisit the matter at their next meeting and invite the Town Planner and the Planning Board to attend. Chairman Vieira directed Mr. King to meet with the Highway Surveyor and the Town Planner to put some language together for the By-Law. Mr. Gonsalves informed the Board that the Town had received \$100,000 from the State for a pothole program which had to be completed by June 30th. There was some discussion concerning Chapter 90 monies and the roads being redone. The Selectmen asked Mr. Gonsalves to come up with a plan for resurfacing by their next meeting.

Dianne M. Baron, Westport Education Foundation RE: Request for Banner Over Main Road:

Dianne Baron, Co-President of the Westport Education Foundation, met with the Board to request permission to hang a banner across Main Road from April 8th to May 11th advertising the third annual "A Night at the Races" fundraiser, which will be held on Friday, May 8th to benefit the Westport Community Schools. She also asked that the Board waive the \$250 fee. Selectman Sullivan made a motion to approve the request and to waive the fee. Selectman Spirlet objected to the waiving of the fee noting that there were a lot of groups in Town and they could be opening up a Pandora's Box. Selectman Sullivan withdrew his motion and then made a motion to approve the installation of the banner with the \$250 fee. Selectman Spirlet seconded the motion and amended it to include the waiving of the time limit for length of display. Selectman Sullivan approved the amendment. Highway Department employee Andrew Sousa spoke up and stated that the banner poles were loose and that the Town would need to install either guide wires on the existing poles or new poles. The vote was Selectmen Vieira, Spirlet, Ouellette and Sullivan voting yes and Selectman Dutra abstaining. The motion was approved.

Town Administrator Report – Cecil Smith Landfill, Old Fall River Road, Dartmouth:

Selectman Dutra made a motion to forward to the Westport River Watershed Alliance, the Town of Dartmouth and the Town's state representatives a copy of the letter the Board received from DEP in response to a letter that was sent stating the Selectmen's concerns about DEP's proposal to close and cap the so-called Cecil Smith Landfill. The motion, which was seconded by Selectman Spirlet, was voted unanimously.

Action Items:

1. Review of BOS Budget Recommendations – Chairman Vieira noted that the proposed FY'16 budget and warrant article requests was approximately \$1 million out of balance using all Free Cash and using all available funds. The only other source of funds would be the \$800,000 in the Stabilization Fund, which he was not recommending that they use. They need to have some serious discussions in how they balance the budget and fund the warrant articles. There was some discussion regarding a budget proposal prepared by the Town Administrator and given to the Board just before the meeting. Mr King stated that the operating budget deficit was \$258,106. Chairman Vieira reminded the Board that there had been a lot of plus and minuses in the last few months. There was only a minor adjustment in the salary portion, which they had budgeted for. Selectman Dutra said that the biggest change in Mr. King's revised Free Cash proposal was to basically bank it all on borrowing for the capital needs. Mr. King replied that \$700,000 would be borrowed. Selectman Sullivan stated that he had a proposal to balance the operating budget. He then gave the Selectmen and Mr. King copies of his proposal. He noted that the proposal was in keeping with their stated intention to align the use of operating revenue with operating or ongoing costs and utilizing one-time funds for one-time expenses. Selectman Sullivan then reviewed his proposal of where the cuts should be made: \$161,000 out of the operating budget from the School Department, \$50,000 out of the OPEB Reserved line, \$30,900 from Selectmen stipends, keep the Reserve Fund at \$25,000, \$26,000 increase to Snow & Ice, removing the \$21,000 for the proposed Finance Director position, \$10,000 would be cut from the newly created \$20,000 budget for Recreation. These cuts would total \$278,000 (which was the deficit at the time he prepared his proposal) balancing the operating budget, which aligns operating costs with operating revenue and aligns one-time funds with one-time expenditures. The Board discussed the proposal at length. Chairman Vieira stated that the big issue was Free Cash and how it would be allocated. Selectman Sullivan noted that he had received several spreadsheets that week and none of them were connected. He requested that Mr. King prepare a workbook that has five tabs for revenue, expenses, use of Free Cash, capital and Town Meeting articles so the Board can work on the budget. The Board then went back to reviewing the proposal given to them that night by Mr. King. He recommended that the Board borrow for the several capital items instead of taking it from Free Cash and reducing the amount for the School Feasibility Study from \$700,000 to \$550,000. Chairman Vieira noted that Mr. King had allocated \$400,000 to be put in the Stabilization Fund. He suggested that they reduce that amount to \$250,000 and leave the Feasibility Study at \$700,000. More discussion ensued with the Board agreeing that the budget was basically balanced. Selectman Dutra made a motion to accept the Town Administrator's recommendations as amended for Free Cash (reducing the allocation to the Stabilization Fund to \$250,000 and increasing the Feasibility Study from \$550,000 to \$700,000). Selectman Ouellette asked that Selectman Dutra amend his motion to allow keeping the \$7,500 requested by the Economic Development Committee. Selectman Dutra accepted the amendment. Chairman Vieira noted that the prior year bills needed to be reviewed more closely and the current year transfers. Mr. King responded that the only amounts that he would include for Free Cash would be the \$400,000 for Snow & Ice and all the others could be evaluated individually, excluded or recommended for approval but have it all come out from either other existing funds. Selectman Sullivan seconded the motion, which was voted unanimously.

2. Fees for Public Documents – Mr. King gave the Selectmen a master list of all the Town's fees for informational purposes. He said that he had reviewed what other Town's charge the public for copies. The Town Administrator did not recommend that the Board change the copy fees at this time. Selectman Spirlet made a motion to charge whatever the state charges. Selectman Sullivan replied that he would rather go with what the departments heads say it costs them to make copies. There was no second to the motion. Chairman Vieira directed Mr. King to research the true costs of copies and to present his findings at their next meeting.

3. Selectman Ouellette motioned to approve the contract with Reinhardt Associates for the Police Station Needs Study. The motion was seconded by Selectman Dutra. Selectman Sullivan noted that the word “adjoining” should be substituted for the word “adjacent” in the Scope of Services, Section 3. Review Site Alternatives, Sub-section B. The motion was voted unanimously.

9. Placement of Certain Warrant Articles - Selectman Vieira requested that the School Feasibility Study article be placed near the beginning of the warrant. Selectman Dutra stated that the Board should be putting all the articles with appropriations together. He then made a motion to place the School Feasibility Study article right after Article E and before Article F. The motion was seconded by Selectman Ouellette and was voted unanimously.

Article C, Departmental Transfers – On a motion by Selectman Dutra, which was seconded by Selectman Sullivan, the Board voted unanimously to request more information concerning the departmental transfers for the Highway Department, the Transfer Station, the Board of Health, the Police Department and the 319 Grant and to put it on their next meeting agenda for discussion.

4. The Board agreed to to notify Ms. Machado that she would have to send her request for the placement of a “Deer Crossing” sign in the area of 945 American Legion Highway to the Massachusetts Department of Public Works because Route 177 is maintained by the state.

5. On a motion by Selectman Spirlet, which was seconded by Selectman Ouellette, the Board unanimously voted to approve the Seasonal Liquor License and Common Victualler License Renewals for the Acoaxet Club Pro Shop and Village Pizza.

6. Town Administrator Timothy King recommended that the Board give Highway Surveyor Chris Gonsalves a one-time bonus of \$5,000.00 due to Mr. Gonsalves working many more hours than would be expected in a normal winter. Selectman Dutra made a motion to approve Mr. King's recommendation with the money coming from the Highway Department Personnel Services. The motion was seconded by Selectman Sullivan and was unanimously approved.

7. A motion was made by Selectman Dutra to approve the contract for the relay of contaminated quahogs with the F/V Ocean Rancher – Nancy Christine, Inc. Selectman Ouellette seconded the motion – voted unanimously.

8. Selectman Dutra made a motion to enter into agreement with AFSCME and LAW for the Highway and Town Hall/Annex, Library, Dispatchers and Cemetery employees respectively. The motion, which was seconded by Selectman Ouellette, was voted unanimously.

Appointments:

3. On a motion by Selectman Dutra, seconded by Selectman Sullivan, the Board voted unanimously to reappoint Barbara Lambert as a Registrar of Voters – Democratic.

Approval of March 9, 2015 Regular Meeting Minutes:

Selectman Sullivan noted that the word “been” in the first sentence on page 5 should be deleted. He then made a motion to approve the amended minutes. The motion was seconded by Selectman Dutra and was voted unanimously.

Question & Answer:

1. Wayne Sunderland – Mr. Sunderland gave the Selectmen a copy of a Guest Opinion that was published in the Standard Times the day before. The article about unfunded employee liabilities had been written by Richard Philips a member of the Westport Financial Group. Mr. Sunderland then questioned the Town and School Department cable merger. Selectman Dutra responded that it was not a merger but only a consolidation.

Payroll Warrant:

Selectman Spirlet stated that there was an individual being paid with no record or backup of time worked. He said that he would not sign the payroll warrant if that individual was listed on the next warrant without the required documentation. There was some discussion regarding whether the matter should be talked about in open or executive session.

Excise Bills:

Selectman Ouellette announced that some of the Excise Tax bills had been returned to the Town and that anyone who did not get theirs should contact the Tax Collector's office.

Executive Session:

Selectmen Antone Vieira, Richard Spirlet, Steven Ouellette, Craig Dutra and Michael Sullivan on a roll call vote, voted to enter into executive session at 9:25 p.m. under Massachusetts General Laws Chapter 30A, Section 21, to approve the Executive Session Minutes of March 9, 2015 and to discuss strategy related to ongoing union contract negotiations and potential agreements. The vote was Selectmen Vieira, Spirlet, Ouellette, Dutra and Sullivan in favor.

Open Session & Adjournment:

On a motion by Selectmen Dutra, which was seconded by Selectman Ouellette, the Board voted unanimously by roll call vote to return to open session and adjourn the meeting at 9:58 p.m.

Respectfully submitted,

Denise Bouchard
Secretary to the Board of Selectmen

APPROVED: _____
R. Michael Sullivan, Clerk