

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
JANUARY 13, 2014**

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

Also present: John F. Healey, Town Administrator

Absent: R. Michael Sullivan, Clerk
Stephen J. Lombard, Business Manager

Chairman Vieira called the Board of Selectmen meeting to order at 5:30 P.M. in the Westport Town Hall, 816 Main Road, Westport, MA with the reciting of the Pledge of Allegiance by all present.

Executive Session – 5:30 PM

Motion made by Mr. Spirlet to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 2, Paragraph 2 – to discuss contract negotiations with Treasurer and to approve Executive Session Minutes of December 30, 2013. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

Roll Call Vote: Mr. Spirlet-aye. Mr. Ouellette-aye. Mr. Dutra-aye. Mr. Vieira-aye.
Mr. Vieira announced the Board would resume in Open Session following the Executive Session.

Open Session – 6:00 PM

At this time, the Board of Selectmen presented citations to Westport residents William and Charlotte Underwood and Highway Department employee Christopher Gonsalves for their actions taken on January 7, 2014 regarding the rescue of three missing duck hunters. Chairman Vieira acknowledged that Harbormaster Richard Earle recognized the actions of Fire Lt. Daniel Ledoux and Police Officer Jeffrey Majewski, who have both respectfully declined independent recognition but wish to have their respective departments recognized for the actions that day. Mr. Vieira also recognized the Harbormaster himself in this effort.

Discussion – RE: Potential Ballot Questions.

Chairman Vieira presented some potential ballot question items for discussion to the Board members which included: override wording for ballot; salaries for elected or appointed officials; police station building; solar power purchase agreement; closing of the transfer station and school buildings. The deadline to vote on ballot questions will have to be done on the February 10th or 24th meetings because they must be to the Town Clerk by March 1st. Mr. Vieira stated that in light of the potential retirement of the Treasurer, there is a need to look at our operations. We need to look at maybe doing things differently for cost cutting and efficiency; perhaps making this position an appointed position such as the Highway Surveyor position. Treasurer George Foster stated that if he is elected, he is looking to retire later in the year, perhaps as an idea, this position could be an appointed Finance Director; but either way, it could be handled the same way as the Highway Surveyor position and by retiring later in the year, it would the Board some time to work this out. Mr. Dutra clarified that Mr. Foster will run again and if elected, will stay on until later in the year to allow the Selectmen time to conduct their process of the position. Mr. Dutra stated that the auditor and DOR has recommended this. Mr. Vieira stated that although it is not unusual to see the combination of Treasurer and Tax Collector Offices, the

Tax Collector's Office is running properly and he supports their office and is looking only to the Treasurer's Office. Mr. Spirlet stated he supported the idea. **Motion** made by Mr. Dutra for the Town Administrator and Town Council to work together to draft a ballot petition to change the Town Treasurer position from elected to appointed, effective next year. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan). Discussion continued regarding various ballot questions. Mr. Healey spoke on the Structural Deficit Override; that it would be .69 on the tax rate averaging \$244.00 per year, which would put us back on track. The Town has cut \$642,000.00 out of the budget; several people could potentially lose their jobs; we need a \$500,000.00/year change in our structural operations; we need to make the necessary building repairs, upkeep our department vehicles (six vehicles have been taken off the road in the Highway Dept.); there is an absolute need for maintenance of this Town's assets. Mr. Vieira noted also, the Town Hall and Annex heating systems, which has been breaking down and workers working without heat until we can fix it again and the school food service issues. A Capital Budget is a requirement according to our bylaws. The Town side has made cuts and kept everything operating so far and we have a capital budget separate; the School will have to make their cuts; we have done everything on the Town's side as much as possible; if we choose not to fund Capital, we will have problems. Mr. Vieira stated that he hopes the Board has an appetite to put this before Town Meeting. Mr. Healey stated the problems began years ago back to 2009 when revenues were cut; the State has failed us; another problem is that Veterans Benefits have increased due to returning veterans, which has gone from \$86,000.00 to \$260,000.00 and the State being over \$200,000.00 in arrears for reimbursements. If we don't do an override and use free cash to plug the holes, we will only dig the hole deeper. Mr. Dutra stated he worked hard on the last two overrides; everyone including elected officials, Unions, appointed officials are needed to come out. Mr. Dutra stated he will only support this if everyone is involved because he is in it to win. Mr. Vieira stated we need to communicate the need; we could go on and on about our capital needs on both Town and School sides; highway dept. vehicles, school food services, desks for students, another COA building police department, etc. Mr. Ouellette stated he would like to see a presentation and strategy for the COA. Mr. Vieira stated we are working within the budgets we have but we need funds to provide services. We need a strategy; we need to spell this out in detail for people; we need everyone to participate. At this point, we can't keep back-filling using one-time funds. The last vote was not that far off at Town Meeting. We could lose two firemen if we don't get a grant. Mr. Ouellette noted that we are trying to keep the firemen we have, not add. Mr. Spirlet stated that new growth is not much, the State Aid has been cut, there are more unfunded mandates for the schools; he supports putting an override on the ballot and letting the people make the choice. Mr. Vieira stated on the operational side, we are using funds such as stipends, which were paid to individuals such as the Assessors; that was not easy to take away and he hoped to get it back. Mr. Healey stated we still need a dollar amount from the Schools with details. Mr. Vieira stated we will have areas to address with the Middle School; the High School was built for 900 students but currently there are only 400 enrolled; the School is looking at all their issues and putting a strategy together. If we can do something with infrastructure (buildings), these are the types of things we need to look at.

East Beach Road – RE: Discussion and Update from Tibbetts Engineering and I.W. Harding Corp; and request for approval of partial payment.

Present: George Mello and Chris White, Tibbetts Engineering and David Stahley, IW Harding. Mr. Healey stated that a request for payment for substantial completion was received. The amount has been dropped from \$87,888.02 to \$81,563.02 due to Tibbetts recommending a hold on the payment due for the material work done on East Beach Road. Mr. Mello stated the material used is to outlast the weather; the contract's bid low was to save the Town money; the weather has played a huge factor in this by way of rain, snow and frost freeze. Mr. Dutra stated we are holding back on funds and the latest

date the contractor comes back is May 15th. Mr. Harding stated that the Town entered into a contract with IW Harding and he does not agree on the holding back of payment. We provided notice, we provided the work and the Town has not said anything is wrong; Tibbetts is well respected but once we gave notice of substantial completion, the Town was to inspect within 15 days and should have responded. Mr. Stahley stated he did not understand the problem. Mr. Vieira stated that he asked for payment to be held because he drove there and saw the condition of the road. Mr. Stahley stated he has been doing this type of work for 15 years, after using reclaimed material, it is usually paved but he is speaking strictly to the contract. We are asking to get paid and if there are concerns, take them up with your contractor. Mr. Mello stated Tibbetts never did their inspection due to the frost layer; the money was held because we have not done our tests due to the weather. Mr. Vieira stated that both Tibbetts and Harding are respected but we have a problem down there. Mr. Healey then reviewed emails that were sent between Tibbetts and Harding. Mr. Vieira stated that his question is that maybe this should not have been done in December. Mr. Mello stated we took a chance in December, sometimes the weather is with you. Mr. Vieira then asked what does this have to do with the contractor. Mr. Healey explained that \$6,325.00 was being held until the final testing is completed. Mr. Spirlet stated there was a lot of heat over that road not being completed; if the road was raised using cobble, it would have given a solid base; we can't move on this stuff now; there is a problem down there. We have lost more road again. We used FEMA money to fix this road but I think it was a bad decision on someone's part; I am not an engineer but the cobble did work. The job is not complete with final testing, so Mr. Spirlet felt the money should be held. Mr. Harding stated the Town was in violation of MGL and because payment is late, there is interest due also; you are holding funds back so you will hear from my attorney. Mr. Spirlet stated he had no problem paying but he feels the road is not complete. Mr. Harding stated the Town had a build-based contract not a performance-based contract. Our company did all the right steps; the contract is cut and dry; the engineers had plenty of time to test. Mr. Spirlet stated we are not even out of there and already the road is not good. Mr. Harding stated there was plenty of time for compaction testing. Mr. Healey asked if there a problem when the final course of material was sitting in the rain and then was laid down in the rain. Mr. Mello stated he sent an email regarding that. Chris White stated he is not an engineer but he is the Laboratory Director and he has a problem with this job. Storms play a big part in this but he has no idea why the testing was delayed; maybe due to efficiency, come out once and do one test rather than a series of tests. Testing should be done as the work is progressing; another problem is trying to get a road down in a short window and fighting the weather. The material was wet and the contractor knew the conditions; in the news, you see it everywhere, potholes. There is no guarantee whether the paving would have made a difference. The material that is there now, will move; it was supposed to be tightly compacted. The material used did not contain concrete; we could only use reclaimed material; the intent of the design was to save money. Mr. Vieira stated that he asked for but has not received examples of where this material has been used and if it had been used successfully. Mr. White stated the intent was to save money on the road material and to use the rest for revetment. Mr. Spirlet stated that he understood that putting down asphalt was never an issue; we just didn't want to waste the money. Mr. Healey stated that we were told by the engineers that DEP said no asphalt. Mr. Vieira stated the contractor did what he was supposed to; he can't control the weather; is our engineers at fault. Mr. White stated the material was not properly installed and that is the problem. Mr. Harding asked that his last email (on Friday) to the Board of Selectmen should be read, it is very interesting.

Motion made by Mr. Dutra to pay IW Harding the amount of \$81,563.02 and to retain \$6,325.00 until the final testing is completed. Second by Mr. Ouellette. The Board voted 3 in favor, 1-opposed (Spirlet) and 1-absent (Sullivan).

Shellfish Advisory Committee and Shellfish Constable – RE: Memorandums of Understanding and Management Plans for East and West Branches of the Westport River.

Present: Committee Member John Borden and Shellfish Constable Gary Sherman were present. Mr. Borden presented Memorandums of Understanding and Management Plans for BB:3.12-Grasshopper Point, BB:3019-Judy Island and BB:3.3-Northern end of the River; and for BB:4.7 Lower River, BB:4.8-Middle River, BB:4.9-Cadman Neck, and BB:4.15-Lakes Island in regards to closures and openings for shellfishing areas. Mr. Sherman presented the Board with a newly revised map of the river showing the permanently closed, 1” conditional closing, .20” conditional and seasonal and contaminated relay areas. Mr. Ouellette questioned whether this would have any effect on the shellfish farms; Mr. Sherman stated no.

Motion made by Mr. Dutra to approve of the two Memorandums of Understanding. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

Mr. Sherman stated the relay and seeding is in place; the propagation program has tripled and economically, the commercial shellfishing is booming in Westport. There is a problem with the shellfish boat, it can't be repaired and we will be needing a new boat (\$7,000.00), currently we have \$2,500.00 but some money can be used from the waterways monies which has approximately \$150,000.00 in it. Mr. Vieira asked that Mr. Sherman work with Mr. Healey and the Town Accountant on this because they do not want him out on the water in unsafe equipment.

Commission on Disability- RE: Discussion of Beach Avenue.

This item was held.

Tony Connors, Energy Committee – RE: Electric Car & E-charging Station; and Power Purchase Agreement with Blue Wave.

Present: Tony Connors Energy Committee member.

Electric Car: Mr. Connors stated the Town was awarded monies towards an E-Car (\$7,500.00-max/cars costs anywhere from \$20,000. to \$25,000. after rebate) and an E-Charging Station (up to \$15,000.00 – stations costs roughly \$8,000.). The Town will have to come up with the remaining purchase price for the vehicle. The savings could come from having the Building Inspector assigned the car for his inspections around Town; last year, his mileage reimbursements were \$4,850.00 – at this rate, the EV could be paid for in five years. The power purchase vendor may be willing to add \$25,000.00 to their capital costs; this is one way to not have to come up with the purchase price. We have one week to ten days to accept the award and then we have one year to enact everything. Mr. Dutra stated it will pay for itself; the upfront costs can be dealt with; but he was skeptical about the PPA. Mr. Vieira stated we have some time to look at all this but now we need to accept the award. Mr. Spirlet stated that if the Town does this, we need to keep in mind, there will be a commitment for upkeep and maintenance; now, we only pay mileage and no upkeep or maintenance to the Building Inspector for his vehicle; in addition, the sites that the Building Inspector goes to are usually construction sites which may require his 4-wheel drive.

Motion made by Mr. Dutra to accept the grant award and to revisit this when the time is appropriate for the best method to pay for this. Second by Mr. Ouellette. The Board voted 3 in favor, 1-opposed (Spirlet), 1-absent (Sullivan).

Landfill Solar Project: Mr. Spirlet stated he was sorry to the Energy Committee for working so hard on the landfill project and for nothing to happen. Mr. Connors stated the program was stopped because SREC met its goal. Mr. Connors then went on to explain the changes and stated that within two weeks, we should be getting a new proposal. Mr. Connors stated he will be coming back to the BOS next meeting with a preferred vendor. No actions were taken.

Appointments – None.

Action Items

1. **Motion** made by Mr. Spirlet to allow the advertising and hiring of a full-time dispatcher, part-time dispatchers and Reserve Officers as requested by the Police Chief. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Sullivan). *Chief Pelletier was present.
2. No action required – informational only. (Tree Warden position)
3. **Motion** made by Mr. Ouellette to approve the subordination of mortgage for Book 10751, Pages 146-154. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Sullivan).
4. **Motion** made by Mr. Ouellette to accept the \$20,000.00 donation from Anne Plamondon for an Animal Shelter. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Sullivan).
5. No action taken.
6. **Motion** made by Mr. Ouellette to approve items 2, 3 and 4 of the Town Moderators requests for articles. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Sullivan).

Minutes

Motion made by Mr. Dutra to approve the Regular Meeting Minutes of December 16, 2013. Second by Mr. Spirlet. The Board voted 3 in favor, 1-abstention (Ouellette), 1-absent (Sullivan).

Motion made by Mr. Dutra to approve the Regular Meeting Minutes of December 30, 2013. Second by Mr. Ouellette. The Board voted 3 in favor, 1-abstention (Spirlet), 1-absent (Sullivan).

Question and Answer Period – None.

Town Administrator Report

1. Discussed at the beginning of the meeting. (agenda item)
2. Discussed at the beginning of the meeting. (agenda item)
3. Mr. Healey stated that he has been communicating with Polaris and will be meeting with landowners to discuss options on Drift Road for Stormwater Management.
4. **Motion** made by Mr. Ouellette to approve the terms of amendment (bleeders) to the Fall River Water Credit Agreement. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Sullivan).
5. Mr. Healey stated the Schools have forwarded a FY'15 Additional Budget Requests list. Mr. Healey will be meeting with Superintendent Dargon.
6. Chief Pelletier was present. Mr. Healey stated the architect has drawn up plans and options for the Police Station. There are a lot of variables and these proposals are not set in stone. Chief Pelletier stated either way, a pitched roof is needed on the building; if we stay in the building, we will need an expansion. Mr. Vieira stated we need two prices, one for an A-frame roof and for a rubber roof. Mr. Dutra stated we start with the roof and then come back to look at expansion. Chief Pelletier stated that it is a minimum of \$25,000.00 to membrane the roof. Mr. Healey will get quotes. Mr. Ouellette stated they should look into white membrane for the roof, it will help the building stay cooler in the sun.

Correspondence – Action Required

1. The Board acknowledged receipt of letters from the Fire, Police and Highway Unions to begin negotiations. Mr. Healey will send notice of receipt.

Board Members suggestion of items for future agenda discussion/action – None.

Other Business

1. Mr. Spirlet requested that a letter be sent to the Department Heads asking that when a position is posted for employment, preference be given to Town residents. Mr. Dutra stated that a letter of recommendation should be submitted and include the number of applicants who applied, how many were interviewed and how many of those applicants were residents and whether the recommended applicant is a Town resident.
2. Mr. Vieira stated the school has been having hard luck at getting the quality of cable service going out. The school can't broadcast their special meeting so Ms. Bain has suggested putting it on channel 190 for the School Committee meetings.
3. Mr. Vieira mentioned the passing of Frederick Cambra, former Highway employee.
4. Mr. Ouellette asked that people take precautions in the cold weather, especially when being around ponds, etc. in light of the recent water incident in Westport.
5. Mr. Vieira offered condolences to Russell Perry's family due to Mr. Perry's passing. Mr. Perry owned and operated Westport Tire.

Adjournment.

Respectfully submitted,

Diane Pelland, Administrative Asst/Confidential Clerk
to the Board of Selectmen

APPROVED: _____
R. Michael Sullivan, Clerk