

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
JANUARY 27, 2014**

Members Present: Antone C. Vieira Jr., Chairman
Richard M. Spirlet, Vice Chairman
Steven J. Ouellette
Craig J. Dutra
R. Michael Sullivan, Clerk
Also present: John F. Healey, Town Administrator
Absent: Stephen J. Lombard, Business Manager

Chairman Vieira 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.

George Foster, Treasurer – RE: Bond for Barrett Farm.

Town Treasurer George Foster was present. He stated he was before the Board to get approval for the bonding of the Agricultural Preservation Restriction for the Barrett Farm. The Town's portion is \$150,000.00, to be paid by the CPC with a positive vote at Town Meeting. There will be interest of \$263.54 on the bonding. Mr. Vieira stated he questioned the process of how this has unfolded and whether there can be a closing before Town Meeting; from his understanding, CPC funds can't be used after the fact. Mr. Foster stated he has contacted the Dept. of Revenue and Town Counsel and both are okay with this process. Mr. Dutra stated if we approve the initial funding, then we pursue this with CPC funds, if we can't it reverts back to us. Mr. Vieira stated his concern was that bonding would have to be done if CPC funds don't happen. Mr. Spirlet stated we are taking the bonding in anticipation of Town Meeting saying yes to CPC, if not voted, the Town is responsible for \$150,000.00. Mr. Sullivan stated that Town Meeting pre-approved the \$1.5million but this could have been done very differently. Mr. Vieira asked when the closing was. Mr. Detwiller stated the closing was either this week or early next week. Mr. Vieira asked if the closing could take place after Town Meeting because that would solve all the problems. Mr. Dutra stated that all the members were agreeing but in different ways, we are just trying to do this expeditiously. Chris Detwiller, Trustees of Reservations, stated the closing can't be delayed until after Town Meeting; the landowner can't financially hold out and we risk losing this if we wait. Mr. Vieira stated he still supported the APR but he was disappointed at having to bond when we have the funds. Mr. Vieira asked the Town Administrator to make sure the process is reviewed with the Land Trust for the future.

Motion made by Mr. Dutra to approve per recommendation of the Treasurer the Bond Anticipation Note – Land Acquisition Preservation Trust for Barrett Farm. Second by Mr. Ouellette. The Board voted unanimously in favor.

Westport Land Conservation Trust – RE: Barrett Farm Agricultural Restriction.

Present: Chris Detwiller, Trustees of Reservations and Debra Barrett, Barrett Farm and also, Ryan Mann, Westport Land Conservation Trust. Mr. Detwiller stated Ms. Christine Chisholm of the Dept. of Agricultural Resources could not be present tonight, so he was speaking on her behalf. Mr. Detwiller then explained the grantor and grantees. The State does the monitoring of this restriction and it requires the property must be maintained for agriculture. The restriction does spell out everything in detail. Mr. Mann stated the Land Conservation Trust has no interest in the APR, basically, the partnership was a shepherding role and financial support of \$200,000.00. Mr. Spirlet stated he felt bad

for Ms. Barrett but his concern was the Land Trust and Trustees of Reservations should have been more on the ball with this. Mr. Dutra stated they did the best they could with the time frame that was given; there is no full-time staff person for the CPC so the Town should take some responsibility also in this. Mr. Vieira stated he agreed to some degree because he did speak with Mr. Detwiller regarding this process. Mr. Dutra stated this was brought to the CPC late; Mr. Vieira agreed, and he believed this is where it fell down but even with limited staffing, we should have dealt with this. Mr. Sullivan asked if anyone in the BOS Office has read this document. No response. Mr. Detwiller stated it was a standard form, the blanks just need to be filled in. Mr. Sullivan stated that it was requested that all documents be reviewed at least several days ahead of the date of consideration. Mr. Vieira stated he was very comfortable because it is a standard contract; he would be more concerned if it was a conservation restriction. **Motion** made by Mr. Dutra to approve the contract for the APR. Second by Mr. Ouellette. The Board voted unanimously in favor.

Public Hearing – RE: Verizon New England, Inc. and Nstar Electric Company-pole relocation request – Sodom Road.

The public hearing was opened at 6:30 PM with Chairman Vieira reading the Public Hearing Notice. Present: Carolyn McCaron, Verizon. Ms. McCaron stated this request is to accommodate a private way with new service. No abutters were present. **Motion** made by Mr. Dutra to approve the pole relocation request. Second by Mr. Ouellette. The Board voted unanimously in favor. The hearing is closed at 6:35 PM.

Commission on Disabilities – RE: Update on Beach Avenue accessibility project; collaboration with Beach Committee; and RFP for engineers and funding.

Elaine Ostroff and Michael Ouimet were present. Ms. Ostroff stated there has been a partnership with the Beach Committee since 2010. Ms. Ostroff gave an overview of the town beaches and where the COD was at. For the past several months, the Beach Committee has assisted the COD for accessibility. The COD has met with CPC on accessibility for Beach Avenue and the CPC requested certain information, which they voted to recommend for funding at Town Meeting. Ms. Ostroff noted that the Knubble does need a vote of the BOS to make this area a Town Beach; which the Beach Committee will be coming forward in the future with this request. The COD will have an open meeting seeking input for the RFP. The time frame for the RFP will be sometime in March, with responses expected sometime in April and a selection will be made in time for Town Meeting. If approved at Town Meeting in May, this can be done immediately because CPC has the funds reserved. Once started, this is a complex project involving a feasibility study and engineering designs, with a final Notice of Intent being brought to the CPC. Mr. Spirlet stated he supported this 100%. Mr. Vieira stated there maybe some misunderstandings; to make it clear with the State's opinion, these are ADA compliance issues but it is a Town problem and we need to address these compliance issues. In our packets, there is info regarding taxing/billing of Land Trust (non-profits) in not helping provide accessibility. We need to address this issue and we need to work with the Land Trust on this issue also.

Ryan Mann, Land Trust stated it is our intent to be in full compliance and we look forward to working with the COD. Mr. Vieira stated we have a moral and legal obligation on this; we are looking at why taxes are not being paid and accessibility is not being provided; we are not anti-land conservation but for example, Noquochoke area and Forge Pond area need accessibility and we have a responsibility to provide such. Mr. Spirlet stated this is not going to cost us a million dollars, we can do this easily. Mr. Ouimet stated that MA is not unique with this, if you have the time, check out 521CMR, which goes above ADA. Mr. Ouimet stated the COD appreciates the BOS's support.

Motion made by Mr. Dutra to direct the Town Administrator to draft a letter to the Land Trust on the issues discussed tonight. Second by Mr. Ouellette. The Board voted unanimously in favor.

Mr. Ouellette asked if the COD could look into accessibility to the North End Post Office; whereas it never happened while his uncle was alive. Ms. Ostroff stated that is a federal issue; but we have contacted them and a letter from the BOS would not hurt either.

Motion made by Mr. Ouellette to send a letter to Representative Keating and the Postmaster regarding this matter. Second by Mr. Dutra. The Board voted unanimously in favor.

Discussion – RE: Beach Avenue (emergency access, gate removal) and Cherry & Webb (emergency access).

Discussion ensued regarding Beach Avenue and Cherry & Webb and a memo received from Interim Highway Surveyor Christopher Gonsalves. The following votes were taken:

Motion made by Mr. Spirlet to allow Mr. Gonsalves the authority to move forward with the Conservation Commission for developing a plan for the access to Cherry & Webb Beach. Second by Mr. Dutra. The Board voted unanimously in favor.

Motion made by Mr. Spirlet to allow Mr. Gonsalves to remove the gate at Beach Avenue, which is a public road. Second by Mr. Vieira. The Board voted 4 in favor, 1-opposed (Ouellette).

Christopher Gonsalves, Interim Highway Surveyor – RE: Requests for Deficit Spending of Snow and Ice and to lift the Hiring Freeze.

Mr. Healey stated that Mr. Gonsalves had to leave due to a family emergency; he would be taking his place.

1. **Motion** made by Mr. Spirlet to allow for deficit spending in the Snow & Ice Budget and to ask Mr. Gonsalves to submit periodic updates to the Board of Selectmen on this budget. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. **Motion** made by Mr. Sullivan to lift the hiring freeze in order to replace the vacant position of Skilled Laborer/Truck Driver. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Spirlet).

Discussion and Review – RE: Ballot Articles.

Mr. Healey reviewed the responses received from Atty. Goldberg in reference to the Ballot Questions and discussion ensued by the Board members with the following votes taken. See attached questions.

Question 1:

Motion made by Mr. Spirlet to support the Capital Improvement Plan using free cash for FY'15 upon the recommendation of the Capital Improvements Planning Committee and to approve the funding for one year. Second by Mr. Dutra. The Board voted unanimously in favor.

Motion made by Mr. Spirlet to approve the additional 5 years as written but subject to change with annual reviews. Second by Mr. Dutra. The Board voted unanimously in favor.

Question 2:

Motion made by Mr. Sullivan to approve Question #2. Second by Mr. Spirlet. The Board voted 3 in favor, 2-opposed (Ouellette, Dutra).

Question 3:

Motion made by Mr. Spirlet to approve Question #3. Second by Mr. Ouellette. The Board voted unanimously in favor.

Question 4:

Motion made by Mr. Spirlet to send Question #4 to Town Counsel for the proper wording to be placed on the Town ballot. Second by Mr. Sullivan. The Board voted 3 in favor, 2-opposed (Ouellette, Dutra).

Question 5:

Motion made by Mr. Spirlet to send Question #5 to Town Counsel for the proper wording to be placed on the Town ballot. The Board voted 3 in favor, 2-opposed (Ouellette, Dutra).

Discussion – RE: Water Resources Management Committee recommendation of a 4% interest rate for the Septic System Betterment Program.

Mr. Vieira stated that a warrant article was needed for Annual Town Meeting and the Water Resources Management Committee was recommending a 4% interest rate for the Septic System Betterment Program.

Motion made by Mr. Dutra to put an article on warrant. Second by Mr. Spirlet. The Board voted unanimously in favor.

Appointments

1. **Motion** made by Mr. Ouellette to appoint Craig Dutra as BOS Representative to the Budget Advisory Group Sub-Committee. No second was received.
2. **Motion** made by Mr. Dutra to appoint John E. Miller to the Cable Advisory Board. Second by Mr. Spirlet. The Board voted unanimously in favor.

Action Items

1. **Motion** made by Mr. Ouellette to accept with regrets the resignation of Wayne Sunderland from the Planning Board and to alert the Town Clerk to place the vacancy on the ballot. Second by Mr. Spirlet. The Board voted unanimously in favor.
2. **Motion** made by Mr. Sullivan to accept the various donations made to the Council on Aging totaling \$925.00. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Spirlet).
3. See TA Report.
4. **Motion** made by Mr. Dutra to approve the Annual Report of the Board of Selectmen. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Spirlet).
5. See Ballot Articles.

Minutes

Motion made by Mr. Dutra to approve the Regular Meeting Minutes of January 13, 2014. Second by Mr. Ouellette. The Board voted 3 in favor, 1-abstention (Sullivan) and 1-absent (Spirlet).

Question and Answer Period – None.

Town Administrator Report

1. No action taken.
2. **Motion** made by Mr. Dutra to approve the paving bid for East Beach Road, which will be done at the same time as the bid for Beach Avenue. Second by Mr. Spirlet. The Board voted 4 in favor, 1-opposed (Sullivan).
3. **Motion** made by Mr. Dutra to approve the Beach Avenue paving project (bidding services-Tibbetts Engineering). Second by Mr. Spirlet. The Board voted unanimously in favor.
4. No action taken.

Other Matters – Informational only. No actions taken.

Correspondence – Action Required

1. **Motion** made by Mr. Ouellette to approve the permits and use fees as recommended by the Harbor Advisory Committee for the 2014 boating season. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Spirlet).

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

Other Business

1. Mr. Dutra announced that Carol Vidal of the Westport Cultural Council was being presented with the MA Cultural Council Leadership Circle Award in Boston on Tuesday, February 11th. The Board requested a citation be created for Ms. Vidal and presented on February 10, 2014 at the BOS Mtg.
2. Mr. Ouellette asked that stock-piling of snow and ice along Route 6 be removed so the sidewalks can be used safely.
3. Mr. Ouellette asked that Ms. Bain alert committees when she is going to film their meetings.
4. Mr. Vieira thanked everyone for what is being done; especially with facing some tough situations coming.
5. Mr. Vieira reported that the Annual MMA Conference was very good. Mr. Ouellette and Mr. Healey attended with himself this past weekend; it was very informative.
6. Mr. Vieira stated that the Fall River's Mayor Flanagan will be announcing as soon as tomorrow, an agreement with Foxwoods for a casino in the Fall River area, which could happen as soon as next May. If so, we need to look at the impacts and come forward to the table with negotiations. It would be good to look over Easton's impact agreement.
7. Mr. Spirlet congratulated the Westport Police Dept. on the good work in regards to the recent home invasion in Town. The Police Department was able to apprehend the criminals. Also, Mr. Spirlet mentioned that the New Bedford Police Officer is doing okay but he is not out of the woods yet.

Executive Session – 9:45 PM

Motion made by Mr. Ouellette to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to vote on an IOD Status-Police Department and approval of Executive Session Minutes of January 13, 2014. Second by Mr. Spirlet. The Board voted unanimously in favor.

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

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

Open Session – 10:00 PM

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: _____
R. Michael Sullivan, Clerk