

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
FEBRUARY 10, 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.

Citation – RE: Carol Vidal, Westport Cultural Council.

The Board presented Carol Vidal with a citation recognizing Ms. Vidal's receiving the MA Cultural Council Leadership Circle Award. Ms. Vidal will also be recognized at the State House.

Planning Board – RE: South Coast Rail Technical Assistance; and Zoning Changes for Town Meeting.

Town Planner James Hartnett and James Whitin were present. Mr. Hartnett stated the South Coast Rail Technical Assistance Grant is for \$15,000.00 and is a no-matching grant for the Town. The target area will be Route 177 from Lincoln Park to Sanford Road for possible development.

Motion made by Mr. Ouellette to approve the SCRTA Grant Application. Second by Mr. Dutra. The Board voted unanimously in favor.

Mr. Hartnett then reviewed the Proposed Zoning Bylaw amendments for the 2014 Annual Town Meeting. Mr. Hartnett stated the Planning Board has held public hearings on this matter. The changes consist of dealing with the Medical Marijuana Treatment Centers; changes and corrections to various sections of the Town's Zoning Bylaws, which was worked on with members of the Zoning Board of Appeals; and an amendment to Article 23-Flexible Frontage for Reduced Density.

Motion made by Mr. Dutra to place this article on the ATM Warrant. Second by Mr. Ouellette. The Board voted unanimously in favor.

Discussion – Board of Assessors and Commission on Disabilities – RE: Criteria used for tax exempt property, particularly criteria for the public access and public benefit in their ruling to provide the real estate exemption to the non-profits; also, what programs are available for low or fixed income residents who are having trouble paying their taxes.

Present: Robert Grillo, Jim McDermott and Steve Medeiros-Board of Assessors.

Present: Elaine Ostroff and Michael Ouimet – Commission on Disability.

Mr. Ouimet stated he was not familiar with the assessing of non-profits and asked what the procedure was. Mr. Grillo stated the status for tax exempt is filed with the State and the Assessor's use form 308c internally. If an organization is exempt, it does not mean their property is; for example, if a non-profit is renting their property, they are liable to be taxed; each property has to be taken individually. Mr. Vieira stated the question is centered around the criteria used. Mr. Grillo stated it is a similar procedure to Chapter land; the applicant fills out the paperwork, submits it to the office and we inspect it to see if they meet the criteria. Jim Andrews, 1 Holly Hill Lane stated he understood there were small parcels of

land in Town not being taxed, not Chapter land but properties that have been taken off the tax rolls. Mr. Vieira stated there is a list of non-profits, conservation restrictions, etc. which the Board of Assessor's gave to us last time; the list is a combination of partial, total and percentage exemptions. Mr. Andrews stated he could not understand how three members could keep track of all this; wouldn't it be beneficial to have someone come in. Mr. Grillo stated we have office staff and ourselves who police this; the problem is when you have conservation land with a non-profit that has to be reviewed by the State. Mr. Andrews stated he understood all that but shouldn't it be made harder to attain this status. Mr. Grillo stated he understood where Mr. Andrews was coming from but this conversation needs to be had at a higher level such as with the State. Mr. Vieira stated he agreed, but if a resident presents it to us, we need to address it; we were contacted by people who were denied access to a particular parcel. Mr. Dutra stated the complaints need to be specific and come with documentation in a way that allows the Assessor's to do their job. Mr. Vieira stated we are trying to discuss this publicly and make the Assessor's aware of the complaint. Mr. Grillo stated that when they receive a complaint, the Assessor's do go out and investigate. Mr. Ouellette stated that there is non-profit in Mr. Andrew's area right now, he does not understand this. Mr. Vieira stated that a complaint was received and we are asking the Assessor's to look into it. Mr. Grillo stated we do look into them to see if the non-profit use fits. Mr. Sullivan asked if there was any enforcement piece. Mr. Grillo stated that filing is done on an annual basis; as long as it is filed on time there is no inspection. Mr. Spirlet stated that the Board of Assessor's takes the application, reviews it and follows the guidelines; the issue is that a non-profit is not allowing access, after the Town allowed the use; these are some of the issues we are hearing about. Mr. Spirlet stated his issue is that the conditions and criteria that have been set are not being followed. Mr. Ouimet then asked, does a person check under 990 or the Charities Board or do we approach the Assessor's first; who defines the public use. Mr. Grillo stated there is no specific answer; the question has to be specific to a specific parcel; each situation is different and it is not all black and white; as a matter of fact, there is a lot of litigation in court right now regarding this matter. Mr. Spirlet stated that if anyone has a question, they should go to the Board of Assessors and then asked Mr. Grillo, if they are not satisfied, what is the next step. Mr. Grillo stated he was not sure but he will check on it; his answer would that they would probably go the Appellate Tax Board or court. Mr. Jon Alden questioned if seniors who receive exemptions on their property are included in this list. Mr. Vieira noted there are some exemptions for senior citizens and read from a list he had and stated that in addition, there could be a restriction on Affordable Housing through CPC. Mr. Dutra stated they should go to the Affordable Housing Trust and speak with Leonardi Aray, the Housing Specialist. Mr. Whitin asked who creates the threshold. Mr. Grillo stated the State sets it but Clause 18, Hardship Exemptions is the Board of Assessor's discretion. Mr. Dutra stated in referring to an Override passing, certain exemptions can be sought. Mr. Vieira asked about a senior work-off program. After some discussion, the Board agreed to have the Town Administrator contact the COA in reference to the senior work-off program. Also, Mr. Grillo made reference to the list of twenty lowest tax rates in MA supplied by Mr. Healey; he stated he did some research and the rate depends on a number of factor, so the published rate does not tell the whole story.

Westport River Watershed Alliance – RE: Request for support letter for a MA Cultural Council Facilities grant to assist with renovation of the Head Garage building – Tom Schmitt and Matt Patrick.

Present: Tom Schmitt and Matt Patrick. Mr. Schmitt stated the WRWA was seeking a letter of support from the Board because it is part of an application being filed with the MA Cultural Council. There is a purchase and sales agreement with a 60-day provision in place. We will have to look at a well, septic and deal with wetlands. Currently, we are working with the Board of Health and Conservation Commission and Planning on these issues, including a parking plan and patterns, etc. We will be

having fundraisers and have the CPC support for the exterior of the building. We have met with the Historical Commission and have complied with their requests. The Watershed is a 5013c organization and with the lease, we will have a PILOT negotiated with the Landing Commission.

Motion made by Mr. Dutra to support the WRWA letter of support for their application to the MA Cultural Council for a grant to assist with the renovation of the Head Garage building. Second by Mr. Spirlet. The Board voted unanimously in favor.

Discussion – RE: Gooseberry Project – R. Michael Sullivan.

Present: David Sprogis and R. Michael Sullivan and Bart Henderson. A slide presentation was given regarding the Gooseberry Island Project. Mr. Sullivan stated this is not a new idea but it is getting new life breathed into it. The causeway maybe causing accelerated erosion and our objective is to learn if removal of the causeway will meet our objective. The cost of the study is approximately \$200,000.00. Mr. Sullivan stated they will be applying for a grant to improve the shoreline with the CZM in February.

Motion made by Mr. Dutra to approve a letter of support. Second by Mr. Ouellette. The Board voted unanimously in favor.

Appointments – None.

Action Items

1. **Motion** made by Mr. Ouellette to accept the recommendations of Lt. Bell in regards to the intersection design and safety of Narrow Avenue and Sodom Road. Second by Mr. Spirlet. The Board voted unanimously in favor.
2. Mr. St. Michel, Chairman of the Beach Committee was present. Mr. Ouellette stated his concern is that if a name is given to that area, that the liability of the Town would change. **Motion** made by Mr. Spirlet to call the property located on Beach Avenue, “Knubble Beach” based on the recommendation of the Beach Committee. Second by Mr. Sullivan. The Board voted unanimously in favor.
3. **Motion** made by Mr. Dutra to accept a \$3,000.00 donation from Neil and Sylvia Van Sloun to the Westport Council on Aging to be used for the training of Outreach Workers. Second by Mr. Spirlet. The Board voted unanimously in favor.
4. The Board members will advise Ms. Pelland if they will be attending the 2014 MMA Spring Legislative Breakfast. No actions were taken.

Minutes – None.

Question and Answer Period

1. John Miller did not really have a question but submitted a letter to the Board regarding the Treasurer's position and the Highway Surveyor. (see attached). Mr. Vieira noted that this matter will be on the next BOS agenda.

Town Administrator Report

1. Mr. Healey advised the Board that approval of the Chapter 90 project for reconstruction of Beach Avenue was received. It was noted that bidding for East Beach Road will be done at the same time.
2. Mr. Healey explained the “Snow Day” last Wednesday. Mr. Vieira stated he was comfortable with Mr. Healey's decision due to the fact that he checked with public safety and the Highway Dept. Mr. Ouellette felt that it should be a decision of the Board, with the Board being polled. Mr. Spirlet stated he thought it should be a combined decision of the Chairman and the Town Administrator.

Mr. Vieira stated we empowered a professional person, who we are paying to do the job. Mr. Healey made the call and if he is wrong he would hear about it from me. Mr. Dutra stated we should have a policy where the BOS is made aware of the decision. Mr. Sullivan stated it should be left between the Chairman and the Town Administrator. Mr. Vieira stated he spoke with Ms. Pelland and when a day is called, before beginning the Phone Tree list, each of the Selectmen will be called and advised of the decision.

3. Mr. Healey stated there is good news; the Assessor's have certified New Growth at \$274,625.00. Mr. Vieira stated his concern is over the Diman amount; the Town Administrator should contact our Diman Rep. Mr. Jennings on this. Mr. Ouellette stated the Commission voted Bristol Aggie's figure a couple of months ago.
4. Mr. Healey presented the Board with a list of budget items for the Override. Mr. Sullivan asked if the figures included the total cost to the Town, including benefits. Mr. Healey stated no, but he would provide those figures. Mr. Vieira stated this needs to be finalized on February 24th in order to get the final document to the Town Clerk for the ballot. Mr. Healey stated that SMHG increase is only 2% (\$60,000.00) on Health Insurance. SMHG has agreed to use some of their funds to help reduce the level. Mr. Dutra stated we need to do this in sequence; we need all the numbers to go forward; we need the average cost to the homeowner and the tax rate. Mr. Vieira stated that Mr. Healey has given us numbers, and we have a responsibility to set a budget, which we did in December; we have finalized the numbers on the Town's side and the School will have a final figure. We know the Capital and Operating and we are only missing the School's. The School Department wants to do one question also. Mr. Sullivan stated he would like a complete number (benefits included). Discussion continued. Mr. Spirlet stated this should be put out as a non-binding on the ballot; if this does not pass, we will have to do cuts. This is a little misleading, not showing benefits but he agrees, it should be kept around \$500,000.00. Mr. Vieira suggested no more than \$1million in the Operating Budget, to be split with the schools. Mr. Healey stated he will be working with the School on numbers. School Committee member Michael Sullivan stated there will be a public hearing on Wednesday regarding their budget; as a resident, he is concerned about the deadline that was mentioned by Mr. Healey. Mr. Vieira stated that date was suggested to the School Committee and Superintendent; it has been discussed openly what it would mean in dollar amounts to homeowners. Mr. Healey stated the Board has a couple of options including holding a joint meeting scheduled on Thursday, February 27th with the School Committee because the drop dead date to have this to the Town Clerk is March 4th. There will be one override question showing the Town and School portions / breakdown.
5. Mr. Healey gave an update regarding a memo received from Tibbetts Engineering regarding the interest claim by IW Harding. Mr. Healey and Tibbetts Engineering are recommending that this additional money not be paid.
Motion made by Mr. Dutra to accept the recommendations of the Town Administrator and Tibbetts Engineering and withhold paying the additional amount. Second by Mr. Ouellette. The Board voted unanimously in favor.
6. The ballot questions will be reviewed by Town Counsel. Mr. Ouellette asked that another question be added regarding casinos. **Motion** made by Mr. Ouellette to see if the Town shall support the building of a casino in a neighboring community within Southeastern Massachusetts. Second by Mr. Sullivan. The Board voted 4 in favor, 1-opposed (Dutra).
7. Mr. Healey stated he will be coming before the Board at their next meeting with a proposal from Environmental Partners for a water rate study. Mr. Vieira stated we need an article on the warrant (dealing with what we agreed with the DOR) to establish the terms on what we are doing with our water program. Mr. Vieira asked to have the Town Accountant come into the next meeting with an explanation of this account. Mr. Healey stated the DOR said our revenues are not coming in enough

to handle our expenses; and I can't agree more but we are dealing with a THM problem and it was not until December did we have an agreement for flushing. Discussion ensued regarding water flushing, credits and customer payments. No votes were taken.

8. Mr. Healey stated the Board has been given a draft of the ATM Warrant for their review.

Correspondence – Action Required – None.

Board Members suggestion of items for future agenda discussion/action

1. Mr. Ouellette questioned when employee evaluations will be done. Mr. Healey stated he will be working on this.
2. Mr. Sullivan questioned the position of Tree Warden. Mr. Healey stated he will check with Mr. Gonsalves on this.
3. Mr. Vieira asked Mr. Healey to give a clarification of an email sent out by Ms. Bouchard, that the email was intended only as an offer to attend an open meeting, not to notify all the chairmen of various committees that they had to attend. Mr. Healey will make the clarification.
4. Mr. Vieira also asked Mr. Healey to give clarification of a meeting regarding the Horseneck Beach Trust Fund. Mr. Healey stated he involved Mr. Vieira only because he is limited to the number of Board members who can attend during the workday; he only asked Mr. Vieira because he is retired.
5. Mr. Spirlet asked that a letter be sent out to all Department Heads reminding them of the Town's policy when hiring, that Westport residents be given preference.
6. Mr. Ouellette asked that stockpiling of snow on Route 6 must be cleared up so that sidewalks are passable. It is being especially stacked up near Amaral Bus Co.

Other Business – None.

Executive Session – 9:30 PM

Motion made by Mr. Spirlet to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to discuss strategy in preparation for negotiations in response to requests from the Fire, Police and Highway Unions. Second by Mr. Ouellette. The Board voted unanimously in favor.

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

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

Open Session – 10:20 PM

Motion made by Mr. Spirlet to adjourn the Board of Selectmen Meeting. Second by Mr. Sullivan. 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