

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY  
APRIL 06, 2015**

**Members Present:** Antone C. Vieira Jr., Chairman  
Craig J. Dutra  
Steven J. Ouellette  
R. Michael Sullivan, Clerk  
**Also present:** Timothy J. King, Town Administrator  
**Absent:** Richard M. Spirlet, Vice Chairman

Chairman Vieira called the Board of Selectmen meeting to order at 6:05 P.M. in the Westport Town Hall, 816 Main Road, Westport, MA with the reciting of the Pledge of Allegiance by all present.

**Chairman's Announcement** - Under MGL Chapter 30A, section 20(e) – Meeting is being recorded.

**Public and Board Member Comment** – None.

**Acknowledgments & Recognitions**

Mr. Vieira called for a Moment of Silence for the passing of Lydia Santos, a long-time employee of the School Department as a Secretary in Westport High School.

**Town Administrator Report**

**Highway Garage/Town Hall UST Remediation Testing-** Mr. King stated that George Campbell will be conducting the environmental testing; the test frequency which was approved through DEP, based on the improved conditions, will now be annually rather than quarterly, so the cost will be significantly less at \$1,540.00 for which there are sufficient funds to cover this without any additional appropriation in the article at the ATM.

**MADOT Chapter 90 Funds** – Mr. King provided the Board with a table showing the balance of Westport's Chapter 90 funding (current and prior years). Mr. King stated presently, there is about \$1million and Mr. Gonsalves has plans to spend this money; he has ready the bids for resurfacing, the redesign of the Sodom/Narrows Avenue intersection and a significant section of Charlotte White Road; there is also plans for FY'16 for a drainage repair and resurfacing project for Charlotte White Road. Mr. King is hoping to get another \$1million; he has spoken with a representative from the MMA and once a letter is received from the Governor's Office committing to the additional Ch. 90 funds for next FY, then the State will allow us to encumber those funds for additional projects. Mr. Vieira stated he believed the Senate voted on this last Friday, so we should hear something this week, also, the \$102,000 pothole funds should be released sometime this week as well. Mr. Sullivan asked over what period of time the \$832,533.20 funds were to be spent; Mr. King stated this year, in addition to the pothole funds, bringing the total to around \$1.1 million; it is available now to be spent. Mr. Ouellette questioned if the equipment listing was still going to be needed, which included lease items. Mr. King stated that has already been acquired; that is the third payment on equipment leased back in 2012. Mr. Vieira stated there was something this past weekend about work being completed on Rte. 88; Mr. Ouellette stated it was "patchwork"; Mr. Vieira stated that Route 88 is still very bad, if some of it has been done, so be it but we need to contact them again on the potholes for a time frame. Mr. Vieira stated this is a problem, they are planning resurfacing but in the meantime, they have to fill those potholes, in particular from Rte. 88 down to Old County Road. Mr. King stated he will contact them

and email a status to the Board.

Knubble Dune Restoration Project – Mr. King provided the Board with a monthly update from Buzzard's Bay Coalition on the Knubble Dune Restoration Project. Mr. King stated this is at no cost to the Town; the local match is being provided by fund-raising or is going to be provided by Buzzard's Bay themselves.

Net Metering Credits – Mr. King stated he has finally gotten Eversource to confirm that the credits have been entered on the High School and Middle School electricity bills; this should be on the next billing. Mr. King stated the net metering credits are a significant sum. Mr. Dutra asked if they were on target with the projections; Mr. King stated he is still trying to sort the billing out. Mr. Vieira suggested that Tony Connors, Energy Committee would be attending the meeting this evening and he could be questioned on how this works. \*Item is held for discussion with Mr. Connors- see Tony Connors agenda item for this matter.

Capital Improvement Projects – Borrowing Costs – Mr. King provided the Board with a spreadsheet showing the debt service impact if the funds for the FY'16 Capital Projects were to be borrowed instead of paid with Free Cash. Mr. King showed the debt service cost for the next several years and what the expense would look like if the \$294,000. funding for the Capital Projects was borrowed and included what the additional cost would be if the police cruisers and highway trucks were also included.

Time and Attendance Upgrade – Mr. King stated the Treasurer's Office is expecting the new time recorder this week. Mr. Novo and a tech person from Harper's Payroll are discussing the installation and interconnection of the equipment within the Town's IT Network; this should be live for the next payroll. Mr. Ouellette questioned if there would be a policy in place for call-ins such as Saturday. Mr. King stated that protocols will be in place for coverage. Mr. Sullivan stated this would eliminate a lot of paperwork with the person who would be logging in. Mr. King stated yes and it will be providing a lot of data and eliminating having to decipher time cards. Mr. Vieira noted that even with the new system, a supervisor will still have to sign-off; this will provide a lot of transparency.

Interim Veteran's Agent Recommendations – Mr. King stated a memo was received from Interim VA Dan LeBlanc giving several recommendations for the BOS to review. Mr. Dutra stated the Board should consider keeping Mr. LeBlanc for transition purposes. Mr. King stated Mr. LeBlanc has already volunteered, which will be very helpful.

Cable TV Public Access – Mr. King stated the Board was provided a memo update from Bob Nogueira regarding the Westport Community TV. Mr. King stated that last week, the Town received it's annual payment from Charter in the amount of \$174,111. Mr. King stated he has received suggested budget information from the School Department and has incorporated it into the line items prepared by the Town. Mr. King stated he has provided a revised budget to the Board. Mr. Dutra noted that the Auditors recommend that a PEG Account should be created, so we don't lose it. Mr. Vieira stated Mr. Roselli was also due in tonight and could be asked about that.

Commission on Disabilities – Remote Participation – Mr. King stated he has provided the Board with new information on a ruling of the Open Meeting Law pertaining to remote participation for local Commissions on Disabilities. Mr. King stated this applies only to the COD according to the State. Mr. Vieira stated that any other committee, board or commission must apply to the BOS for permission.

Middle School – Youth League Basketball – Mr. King stated he met today with representatives from the Youth Basketball League regarding the use of the Middle School gymnasium after the school is turned over to the Town; he was surprised to find out that the use of the Middle School is almost seven days a week. Mr. King stated the representatives were very pleased that the Board of Selectmen took their needs very seriously. Mr. King stated he will be meeting again over the next couple of weeks to iron things out. Mr. Dutra stated the Building Inspector should be included in on those meetings due to a change of use of the building; and/or whether we are grandfathered. Mr. Vieira stated we will have to take into consideration what we hear from the EPA and the Environmental Engineers.

Public Access Operator Coverage – Mr. King stated that protocols have been put in place to ensure that there will be camera operator coverage for all appropriate meetings. Ms. Bain has put together a calendar and schedule for Mr. Horky and Ms. Carvalho. Ms. Bain is also providing contact information to our office. Mr. King stated it is unlikely this will happen again.

MS4 Stormwater Permit – Buzzard's Bay Proposal for Municipal Cooperation – Mr. King stated he has provided some information prepared by Buzzard's Bay Action Committee proposing a cooperative arrangement for towns to undertake and prioritization requirements; this information has been provided to the Water Resource Management Committee for their recommendation.

**Public Hearing – RE: An application request of Ryan Wagner – Weatherlow Farms, LLC for a trailer permit for use as office/construction for eight (8) months for the construction of a farm building. The property is located at 845 Sodom Road, Westport, MA and shown on Assessor's Map 60, Lot 4D.**

The public hearing was opened at 6:15 PM. Geoff Beresford, Farm Manager of Weatherlow Farms was present; no abutters were present. Mr. Beresford stated the trailer would be used for meetings and laying out of plans for the building of a barn on the property; a sort of construction office for the next eight months. Mr. Vieira noted that all paperwork looked to be in order. Mr. Dutra stated a port-o-jon will be onsite. **Motion** made by Mr. Sullivan to approve the request for an eight-month trailer permit to be used for construction purposes. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Spirlet). The hearing is closed at 6:18 PM.

**Continued Public Hearing – RE: Westport Rivers – letter requesting withdrawal.**

The continued public hearing was opened at 6:30 PM. Mr. Vieira stated a letter was received from the applicant requesting withdrawal of their three applications for “Alteration of Premises”, “Change of Hours” and “Entertainment” license. Abutters were present and were advised that the requests were being withdrawn. Abutters stated they were informally informed of the withdrawal. Mr. Vieira stated that hopefully, the abutters and petitioner can work this out before coming back to the Board. **Motion** made by Mr. Dutra to accept the request for withdrawal. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Spirlet). The hearing is closed at 6:32 PM.

**Interviews – Veterans Agent candidates.**

**Bradford Fish** – stated he was in the National Guard for 17 years before going to the Post Office and he had 5 years of active duty while working in the Post Office as a Maintenance Manager. Mr. Fish stated he wants to help veterans; it has always been a goal in his life. Mr. Fish stated he has a lot of contacts in the Veteran's Administration and his son works for the Veteran's Administration in Providence, RI; he can always turn to him for guidance. Mr. Sullivan asked Mr. Fish what he thought, in general, what the challenges were and if there were any particular challenges in that department. Mr. Fish stated there is currently 38 clients of the Veteran's Office and he would like to double that number; he would like to create a small support group for the Veterans. Mr. Fish noted that Chapter 115 is a great program that is available in MA. Mr. Fish stated there are a lot of veterans, young and old, who don't know what is available to them; he would like to be able to get the word out that help is available. Mr. Ouellette asked Mr. Fish if he had any experience dealing with the public. Mr. Fish stated he had constant dealings with the public and staffing at the Post Office. Mr. Vieira stated the Board was interviewing a couple of more candidates tonight for this position but the Board would be in contact. The Board then thanked Mr. Fish for coming in and for his service.

**Robert Migneault** stated he was in the Marine Corps for 13 years and while in service, he did a lot of work for general offices. Mr. Migneault stated in the civilian sector, he handled disability claims for the Social Security Administration. Mr. Migneault stated he is presently enrolled in college for

criminal justice. Mr. Sullivan asked Mr. Migneault what he thought, in general, what the challenges were and if there were any particular challenges in that department. Mr. Migneault stated he just moved to Westport and while at the local country store, he noticed a lot of military hats. Mr. Migneault stated one of the biggest things is educational benefits because there are a lot of young vets that don't know what is available to them; as for medical benefits, there is a need to reach out to veterans, both young and old in Town and to invite them into the office; we need to get the word out about treatment, benefits and treatment facilities. We basically have to connect the dots for our Veterans. Mr. Migneault stated other areas would be housing and help in finding jobs. Mr. Migneault stated that he would like to paint a better picture of Veterans for the workforce; to be able to show what they have to offer. Mr. Ouellette asked Mr. Migneault if he had any experience dealing with the public. Mr. Migneault stated yes, while in his position with the Citizens Disabilities and as a recruiter for Lincoln Tech. Mr. Vieira stated the Board was interviewing a couple of more candidates tonight for this position but the Board would be in contact. The Board then thanked Mr. Migneault for coming in and for his service.

**Jonathan Shea** stated he grew up in New Hampshire and was a recruiter in Taunton. Mr. Shea stated he had 23 years in the Army; he has done a lot of office work but would rather be out working with people; he recently retired in November. Mr. Sullivan asked Mr. Shea what he thought, in general, what the challenges were and if there were any particular challenges in that department. Mr. Shea stated the biggest thing is putting names to faces; he will be learning as he goes. Mr. Shea stated he was a Veteran himself and was injured during his second tour. Mr. Ouellette asked Mr. Shea if he had any experience dealing with the public and asked if Mr. Shea realized that there is no secretary in this office, he will have to do all the paperwork himself. Mr. Shea stated he understood; he handled a lot of paperwork in Afghanistan. Mr. Vieira stated the Board was interviewing a couple of more candidates tonight for this position but the Board would be in contact. The Board then thanked Mr. Migneault for coming in and for his service. **At this time**, Mr. King stated the candidates tonight are all well qualified; he would like to do another interview with the candidates and come back to the Board with a specific recommendation. Mr. Vieira stated Mr. Spirlet said the submission, if it was being questioned, is that the candidates names were submitted in order from the Search Committee. Mr. Vieira stated he asked Mr. King to get Mr. LeBlanc's input also; the candidates tonight were the top three according to the Veteran's Agent Search Committee. At this time, Mr. Vieira stated we have the top three candidates and will be getting a recommendation from Mr. King for next meeting.

**Tony Connors – RE: Permission for an RFP for the lease of landfill for a solar farm.**

Mr. Connors stated in the past three weeks, he has had three inquiries for a lease of the landfill to build a solar farm. Mr. Connors stated this could be done with a lease and perhaps a PILOT program. Mr. Connors stated all he was asking for was that the Energy Committee working with the Town Administrator to start a process to put this out to bid. **Motion** made by Mr. Dutra to authorize the Energy Committee and Town Administrator to start to entertain proposals from potential contractors for solar farm lease agreements. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Spirlet). Mr. Connors stated the Town would not be off-takers of this because we are already at about 90% of the credits we can use, so this will only be open for a lease and possible PILOT. Mr. King mentioned the net metering credits that will start showing up on the electricity bills from the first solar farm, which we have a PPA with; those credits need to be matched up with our bills from Soltage. Mr. King asked Mr. Connors what was the Town's margin. Mr. Connors stated the margin is that we get charged .16 per kilowatt hour and we are paying Borrego .10 per kilowatt hour; so the margin about .06 per kilowatt hour we use. Mr. Vieira that basically we are paying .10 per kilowatt hour. Mr. Connors stated we are locked in for 20 years. Mr. Connors stated the net metering credit goes up as the price of electricity goes up. Mr. Sullivan asked if we were equipped to reconcile these credits to make sure we

are maximizing. Mr. Connors stated he believed so. Mr. Connors stated we are just now getting the data to do that. Mr. Sullivan asked who will be doing that work. Mr. King stated he will work with Mr. Connors. Mr. Connors stated maybe the Town Accountant. Mr. Connors stated it should be okay; we have a good contact at Borrego who helps us through these things; the first year is the hardest. Mr. Vieira stated the MMA can help also; it is crucial to make sure that we are doing the billing correctly. Mr. King stated this will be the first billing coming up, so we will make sure that we are getting the proper credits. The Board thanked Mr. Connors for his work on the Energy Committee for the past five years.

**Board of Assessors – RE: Discussion of Ellis Withington as employee vs. independent contractor.**

Present: Jack McDermott, Robert Grillo and Steve Medeiros. Mr. Vieira stated that a letter was sent to the BOS regarding the Asst. Assessor/Appraiser position. Mr. McDermott noted that, even though it was not done intentionally, the agenda states an individual; we are not discussing an individual, we are discussing a position. Mr. McDermott then explained the position which has been in existence since 1998 as a part-time position; the scope of work has not changed; and there are no set hours. Mr. McDermott stated that the BOA members are not in objection one way or the other, we just want to know the consensus of the Board whether to go to a contract or an employee; this position has been an employee since 1998, and we don't know why all of a sudden there are problems. Mr. Vieira stated the BOS don't really have a position, employee or independent contractor, that is up to the BOA, but depending on which, there are certain requirements. Mr. Vieira stated he met with the BOA and stated this needed to get cleared up by the end of the year so we know if we are doing a W-2 or a 1099; the BOS can live with whatever way the BOA want to do this. Mr. Vieira stated he has been pulling the payroll of the individual because it has not been signed by the BOA; we had a memo that was sent from Mr. King requesting the documentation; by my understanding, the BOA wanted it to be an independent contractor, then it went back to an employee and so forth; but nothing happened by December 31<sup>st</sup>. Mr. Vieira stated he pulled this from the payroll warrant and stated to Mr. King and Ms. Provencal to get the documentation for this employee for a W-9. Mr. Vieira stated if the BOA want an employee, there are certain requirements (deductions for taxes, etc.) by law. If this is an exempt employee, there are requirements also. Mr. Vieira stated he thought this matter would be resolved because there are IRS implications with an independent contractor and requirements by law. The State has this position listed as an independent contractor; if the BOA wants to do an employee or independent contractor, that is up to you. Mr. King has been trying to negotiate with your office. Mr. Vieira stated this does not have to be an issue but one or the other has to be followed. Mr. Grillo stated that part of the confusion was that all conversations were for FY'16; otherwise, we would have to make changes to the budget if it were a contract position. Mr. Vieira stated we were talking about calendar year; this is flexible; exempt or non-exempt; the BOA decide. Mr. Vieira stated this should have been done by January 1<sup>st</sup>. Mr. Grillo again said this had to be a misunderstanding; how would he get paid, we would have to transfer monies. Mr. Vieira stated it was suggested that the individual is not interested in benefits, so it sounds like an independent contractor position, which is what the State lists the individual for; an individual doing the same for many communities. Mr. Dutra stated we are comparing apples to oranges; because the State has it listed as an individual contractor, that has no bearing on what we are discussing here; based upon what is being discussed here, this is probably an exempt part-time employee; if that is what we are doing, it should be done like we do for example with the Harbormaster; the BOA may want to chose a different route, but as Mr. Dutra sees it, he suggests that the BOA needs to make a recommendation as to the position and then work out the paperwork with the Town Administrator. Mr. Dutra stated this has been authorized as a salaried position by Town Meeting; if the BOA want to change that fine; the rest as far as Mr. Dutra was concerned was just noise. Mr. Sullivan stated we have not been privy to private conversations and for the past 17 years we

have been doing it this way; we should not be locking horns with another elected board; if something has to be changed, let's have an intelligent conversation about it; if something has been done against the law, we need to change it; we should not be going out to other elected boards without us talking about it as a Board. Mr. Vieira responded this matter has been discussed by this Board, we have been dealing with employee issues for two years for accountability and transparency for positions, this has to do with the Town Administrator's responsibilities for sign-offs by departments, we have had conversations regarding employee status, job descriptions, supervision, exempt status, working from home, etc.; the IRS is very clear and we were cited for doing a number of things the same for a number of years; we have had the BOH and other groups come in; we need a signed approved time sheet for an individual; we are not singling out any individual board, this is for everyone. Discussion continued. Mr. King stated his recommendation to the BOS is that effective July 1<sup>st</sup>, the position be converted from an employee to a contract position; it has already been budgeted that way and we have agreed to have it that way; the problem came up because the Board was looking for more accountability of exempt employees; Mr. King stated he went one employee at a time, making sure they were required to submit a time sheet; he was able to narrow it down to one employee; other than that, all other exempt employees are submitting time sheets. Mr. Dutra stated this should be tabled so the Town Administrator can come back with a recommendation and a discussion can take place. Mr. Sullivan recommended that if it came down to a dispute with another board over something they have been doing for a long time, Mr. King should bring it back to the whole Board rather than taking directions from one or two Board members; now we are locking horns with another Board who is not opposed to doing something about it. Mr. King stated he apologized, he should have brought this to the whole Board; but we are in agreement now. Mr. Vieira asked when this conversation with the Assessors began. Mr. King stated last fall; he was not directed by any board member, he was doing it for himself. Mr. Vieira stated the Town Administrator did not do anything different, and in the same thoughtful way, he has dealt with any other group; he did not hang anyone out to dry. Mr. Vieira stated we have a real problem with employees; we have had discussions in Executive Session about problems we have had; we have accountability and transparency problems that exist. Mr. Sullivan suggested a course of action being bringing this back for discussion that will bring about a change for the coming fiscal year. Mr. Vieira said that was fine but we also have to have clarification on whether we are having a person as an employee or outside contractor; we need documentation to have for the IRS, the fact that the Accounting Office has addressed some and not others is an issue but we are signing off on the payroll. Mr. Vieira stated that Mr. Spirlet said at the last meeting, he was not going to sign-off anymore until the proper documentation is on record and Mr. Vieira stated he will be doing the same; we have a responsibility as a Board for retirement, taxes, and IRS requirements if it is not an employee. **Motion** made by Mr. Sullivan to put this on the agenda in one month with specific recommendations from the Town Administrator, which includes any liabilities that are being spoken about. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Spirlet). Mr. Grillo stated it has never been a request from Mr. King or the BOS Office to have this employee fill out a time sheet; for the record, we were never asked and refused to do it. Mr. Vieira stated there was a memo dated March 23<sup>rd</sup> from Mr. King to the Assessors asking for signed documentation. Mr. McDermott stated he was not sure if the whole Board knew what was going on. Mr. Vieira stated that months ago, Town Counsel was contacted regarding the position. Discussion ensued with an explanation from Mr. King. Mr. Dutra stated it would be nice to hear from the Town Administrator on this. Mr. Sullivan stated this has been blown up as an inter-departmental battle for no reason. This matter will be back before the Board in one month.

**Tony Roselli – RE: Town Audit.** Present: Tony Roselli and Accountant Terry Provencal.

Mr. Roselli reviewed the Management Letter, which is an audit of the Town's books and a summary of what the auditors found. Mr. Roselli began his review on page 2 – Evaluation of Town Operations with

the Board. Mr. Roselli stated that throughout the State, 90% of the Reserves are increasing; the State's average is 8%; Westport is above at 11.4%. The Town established an OPEB Trust in fiscal year 2013 and has increased that to \$1.6million. Mr. Roselli stated a lot of credit goes to the Town's Budget process; the last five years, the Town used Free Cash and the Reserves have gone up. Mr. Roselli mentioned that there is new Pension Accounting Standards, the Town Accountant will be all over this area. In regards to the Bond Rating, 20% is Management score; the Town is deficit in this area and needs to be worked on; the Town needs to review the financial policies that are in place and either develop new ones or improve the ones that are in place; good "AAA" Communities to look at are Orleans and Wellesley. Mr. Roselli then reviewed the Prior Year Comments Update section: Under #7, Mr. Roselli stated the Town needed to do an inventory of its equipment; Mr. Vieira noted that it has been done and a revised form was used. Mr. Roselli stated he only saw the vehicle inventory for Highway, Police and Fire. Mr. Vieira stated the Denise Bouchard has the list and will forward a copy to the Auditor and Accountant. Under #8, Mr. Roselli stated there is a lack of control with leases; all leases need to be with the Town Accountant; this area requires a lot of follow-up. Mr. Roselli then reviewed the Current Year Comments section. Mr. Vieira asked that the Personal Property Tax section on page 8 be given to the Assessors. Under the PEG Access and Cable Related Funds, Mr. Roselli noted that effective January 15, 2015, the legislature passed a law that allows communities to maintain a Receipt Reserved for Appropriation fund, however, a local option vote at Town Meeting authorizing such a fund was needed. If Town Meeting does not authorize this legislation by the end of FY'16, then the Town will be forced to transfer all the funds into the General Fund at the close of that fiscal year. Mr. King stated he would create a warrant article. **Motion** made by Mr. Dutra for a warrant article to be created for a "Receipt Reserved for Appropriation Funds". Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Spirlet). Review of the comments continued. It was noted that a better handle was needed on the Middle School Grant; Mr. King was going to look into this matter further. Under Health Insurance, Mr. Roselli stated there was a coding error causing a \$200,000. error for which Free Cash needed to be re-certified. Ms. Provencal stated the Libre Office System is giving everyone problems. Mr. Vieira stated the Treasurer, Accountant and Selectmen Offices were approved to get Microsoft back; this matter will be looked into. Under the Grant's Administrator, Mr. Roselli stated it was a suggestion that the Town look into this area, it would be a good idea to bring someone in. Mr. Roselli stated the Ambulance Dept. revenues have spiked and that has caused extra ambulances on-call. Ms. Terry Vaillancourt does a great job, is error free and works very diligently on the books. The Department does not use an outside firm for their billing, which could pose a problem for when Ms. Vaillancourt retires, so the Town should consider an outside firm for that billing. Mr. Roselli stated the General Laws do not separate fire/ambulance and there is no analysis on hand; a third party could give this. Mr. Roselli stated the receivable are not readily available, even though Ms. Vaillancourt with research can produce them. Mr. Roselli suggested a policy & procedure manual. The Board thanked Mr. Roselli for the reports. Mr. Roselli noted this was his last report, his contract with the Town was done. Discussion ensued; for next meeting, a recommendation from Mr. King regarding continuing services with Roselli, Clark & Associates / RFP's for accounting services will be considered.

**Review – RE: Sketch Plan and related Beach Avenue documents submitted by Peter Boyle to Kopelman & Paige.**

Mr. Sullivan stated the key thing is the MOU, that has been executed a couple of months ago and an element of those objectives under Section 1-C: work in good faith to pursue a mutually satisfactory legal arrangement that makes the gravel or native shell turn-around described in 1-B above, a publicly accessible turn-around, and to achieve such arrangement on or before March 31, 2015. We are running behind schedule on this for a number of reasons, so he would suggest that date on the MOU be put to 6/30/15. Mr. Sullivan stated he spoke with Atty. Eichman today about some of his concerns and it boils

down to lack of specificity of recommendations. **Motion** made by Mr. Sullivan to extend the date to 6/30/15. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Spirlet). Mr. Vieira stated that he is getting questions about a gate that has come up in discussions. Mr. Sullivan stated there is no talk about a gate. Mr. Sullivan stated we should have an agreement in place of how to go about accepting the gift or lease or whatever it is going to be for the turn-around. Discussion continued. Mr. Sullivan stated that no survey has been done; Town Counsel is waiting for details. Mr. Sullivan stated that Mr. Bogle is representing the other party; no survey has been done; we need to do details related to private property and a public roadway; Mr. Sullivan suggested that a specific proposal needs to be put together and then submitted to Town Counsel, who will send a recommendation back. Mr. Vieira stated there is no need then for K&P to speak with Mr. Bogle. Mr. Vieira stated that Mr. Bogle will speak with Mr. Sullivan and Mr. Sullivan will work with K&P to work out the details. At this time, Mr. Hancock questioned the MOU and MOA and Town Counsel's response. Mr. Hancock stated the MOU had a number of things wrong such as paving, access for people with disabilities, etc. Mr. Hancock continued with his opinion that the road will be taken away from the residents. Mr. Sullivan responded to Mr. Hancock's comments and finished by saying that he will not be a part of a process to close the access; this is going to be a Town Park. Mr. Vieira stated the Commission on Disabilities was to make sure there is a buy-in for access and, this is not only a beach, because a lot of fishermen use it also. Mr. Dutra stated this was a park as opposed to a beach. Mr. Ouellette noted that Cherry & Webb gets locked up. Mr. Sullivan stated there will be a lot of recommendations. Mr. Vieira stated we have an extension until 6/30/15 and asked that concerns be taken into account.

### **Action Items**

1. Mr. Vieira stated this article deals with transfers within budgets of different departments that have to deal with increases; most are coming out of the Treasurer's Department. Mr. King stated the first item (Highway - \$14,475.00) was to cover some of the work completed last summer that was not covered by either FEMA, Chapter 90 or the pothole program. Mr. King stated he believed that the \$14,475.00 was correct. Mr. Vieira asked what the amount represented. Mr. King stated engineering costs and labor costs for work completed last summer. Mr. Vieira asked where the work was performed. Mr. King stated East Beach, Riverview. Mr. Vieira stated that Mr. King needed to provide direction to the Board on what this amount represents; we are going into Town Meeting asking for it, and it is probably legitimate why we are asking for it but no one on the Board can speak to it. Mr. King stated he would have the details for the next meeting. Mr. King then went to the Middle School S319 Grant Overage. Mr. Vieira questioned whether that amount was still the same. Mr. King then explained the 40% & 60% matches; bills were submitted to the State based on invoices that we received and paid and that was to be recorded at local match; now, because of that, there was no way to get that money back, right from the beginning. Mr. Vieira stated the bills were nothing compared to the man-hours of the Highway Dept. Mr. Vieira stated that when Mr. Healey was here, it was reversed with the Town paying 60 and the State paying 40. Mr. King stated that was correct. Discussion continued. Mr. Vieira stated this should be brought back to the next meeting with the details because in paying the \$32,000., we will be paying 60-70% of this project. Discussion again continued regarding the money and services that have been submitted. Mr. Vieira stated a clarification has to be made on this amount since Mr. King has been onboard; he can't be held accountable before that. Mr. Sullivan stated that Mr. King said there were bills submitted for reimbursement when we should have just counted it towards our bill. Mr. King explained the bills and how it worked. Mr. Dutra noted the Auditor states we have lost opportunities in not having a Grant Administrator not working for the Town; Mr. Vieira stated he would file this under the Town Administrator and Town Accountant's Office for responsibility. Mr. Sullivan stated he agreed but there is also a department created to oversee this and we should have



turned it over to the Water Resources Committee. Mr. Vieira stated the Water Resources has not done anything on this project since last year because Mr. King was supposed to be closing this out last summer at \$7,000. and that is the last information this Board received. In regards to others in Article 3, Mr. Vieira questioned if the Board of Health was all set or do they need a transfer. Mr. King stated there will be over-expenditures in their salary accounts because they did not make adjustments in their budgets to reflect the amount. Mr. Dutra stated he was at the Finance Committee meeting and was disappointed that they had a different recollection of what happened with this Board, than he did. The BOH came in and said they were going to manage savings of the personnel in that department so they could maintain their stipends; what happened was, they claimed before the Finance Committee the other night that, the BOS had cut positions without telling them and that they ran up a deficit because of the BOS; they said that they went to the Town Business Manager and would manage the personnel savings so they could reinstate and fund their stipends and that was not what happened; they continued to pay that person and themselves their stipends. Mr. Dutra stated if the Finance Committee wanted to recommend this, then fine, he was not going to recommend this. Mr. Dutra stated he was not talking about the Transfer Station, he was talking about the Board of Health Personnel Services at \$23,700.00. Discussion continued. Mr. Vieira asked that Mr. King speak with Mr. Colletti on this matter; this matter will be brought back to the next meeting. As for the Transfer Station, Mr. King stated that because of significant sick leave, that caused over-spending also. Mr. Vieira stated they are asking to use Landfill Receipts to cover this; Mr. King stated that was correct. Mr. Dutra stated he believed that is somewhat warranted but they paid time and a half to the highest paid employee; we did not have the structure or depth to cover. Mr. Vieira stated this is going to impact Free Cash, could the Board agree to support. Mr. Dutra stated he supported it in general but he was concerned it was represented to the Finance Committee very differently. Mr. Vieira stated Mr. Spirlet suggested closing the Transfer Station one day a week; the BOH is handling this but we can ask them to look at other alternatives between now and the end of the year to try to absorb the cost, even half of the cost. Mr. Sullivan asked if Mr. King if he believed the story to be legitimate and warranted; Mr. King replied yes, given the structure we have. Mr. Vieira asked Mr. King to speak with the Board of Health and let them know the BOS have some concerns. Mr. Ouellette asked why the BOS Stipends were not added to Article 3 also for the rest of the year. Discussion ensued. **Motion** made by Mr. Ouellette to add the BOS deleted stipends and to have Mr. King come back with a dollar amount. Second by Mr. Sullivan. The Board voted 3 in favor, 1-against (Vieira), 1-absent (Spirlet).

2. Mr. King stated this has to do with the large project taking place at the intersection of Route 6 and 177 (Lincoln Park Place). Mr. King stated the engineer is requesting a drainage easement for a small area, which comes across a piece of Town property that is not used, this will benefit this project. Mr. Vieira asked if there were any details included in the packet. Mr. King noted there was a set of plans that could be looked at. Mr. Vieira asked if Mr. Ouellette had seen any of this through SRPEDD; Mr. Ouellette stated not recently. Mr. Vieira asked if any of the Board members had any questions. Mr. King stated he recommended placing this on the warrant. Discussion ensued. Mr. Vieira questioned Mr. Ouellette if there was any discussion at SRPEDD regarding this; Mr. Ouellette stated 10 years ago, but nothing recent. Mr. Vieira asked who was initiating this as an article. Mr. King stated the engineer through Jim Hartnett and the Planning Board. Mr. Vieira asked if this intersection was worked on through SRPEDD. Mr. Ouellette stated with SRPEDD, different scenarios were worked up and this was subject to going in before Dartmouth put in their strip mall in front of Lincoln Park, so now that they want to go ahead with their plans, they have to do this work. \*Matter is held until Mr. Hartnett arrives from the Planning Board\* Present at this time, Attorney John Williams, representing Lincoln Park and Joe Delgado, developer. Attorney Williams explained the warrant article that was presented to the Planning

Board about 10 days ago. Attorney Williams stated originally, the drainage was going to be on a different piece of property in Westport but the owner is incarcerated and can't be reached; so we spoke with Vanesse Associates and said this is not going to happen without a change. Mr. Vieira stated the Highway Dept., Town Administrator, Planning Board, our SRPEDD Rep. Mr. Ouellette and the Water Resource Committee have not been contacted on this, only the Town Planner; contact with these people needs to be done before coming to the BOS. Mr. Dutra stated this did come before the BOS last summer for an intersection improvement project (Beeden Road, Rte. 177 & Rte. 6), which this Board supported; now today, we are looking at a drainage that needs to be put in using Town-owned land. Attorney Williams stated this is not the developer's proposal, this request if from MA DOT; Vanesse Associates put the Town's request into the plan to reconstruct the intersection. Mr. Delgado stated the State has awarded \$2.2million for this project; if this does not make Town Meeting, it will jeopardize the whole project; if it does not happen, the money will go elsewhere. Town Planner Jim Hartnett stated that time-wise, it needs to get on the warrant; this request came into the Planning Department last week but it has not been before the Planning Board. Mr. Dutra stated we could put a placeholder on the warrant; then this matter can be brought to the Planning Board, Highway Dept. and Water Resource and the information be put together for Town Meeting. Discussion ensued. **Motion** made by Mr. Dutra to put a placeholder on the warrant. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Spirlet). This matter will come back to the Board at their next meeting with recommendations from the Highway Dept., Planning Board and Water Resource and a recommendation from the Town Administrator.

3. Mr. King provided a report and recommendation to the Board on how the fees could be changed to reflect more accurately of providing this service. Mr. King reviewed his memo. Mr. Sullivan stated that we now charge .50 per page but the recommendation is for .20 per page. Mr. King stated that the departments can make their decision on the copies. Mr. Ouellette stated his concern is if the document is graphically intense, that is a lot of ink involved; we need to strongly consider this because all of our copy machines are on capital improvements now. Mr. Sullivan asked if there was any sense of the cost. Mr. King stated probably about \$1,000. Mr. Sullivan stated it could be a lot more, with toner, paper, ink. Discussion ensued regarding research and labor intensive work and copying. Mr. Sullivan stated that in some sense, .50 don't cover it; Mr. King stated that is correct. **Motion** made by Mr. Sullivan to talk to the Department Heads for feedback on this matter and to bring this back to the Board with a recommendation. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Spirlet). Mr. Burns asked if .20 was for a computer generated copy; Mr. King stated yes. Mr. Burns stated under Public Records law, you can charge for research only, not someone just making copies.
4. Mr. King stated he provided a draft bylaw for road width after consulting with the Town Planner, Highway Surveyor and George Mello, Tibbetts Engineering. Discussion ensued regarding the article. Mr. Dutra stated that it was asked that the Planning Board be consulted on this and to come back to the Board with a recommendation. Mr. Jim Whitin, Planning Board Chairman stated the Planning Board has not had any discussion with the Town Administrator on this but he did speak with the Highway Surveyor and his Assistant at their last meeting; tomorrow night, the Planning Board is scheduled to meet with Mr. King and the Highway Dept. Mr. Whitin stated this is an unnecessary bylaw and poorly written; with this bylaw, roads that are out there for acceptance would not be accepted and if this is passed at Town Meeting before the road acceptances, those roads will not be accepted either. Mr. Whitin stated this is already interfering with applications that are before the Planning Board. Mr. Sullivan wanted to see the Planning Board involved in these discussions. Mr. Vieira stated there is a placeholder on the warrant. **Motion** made by Mr. Dutra to table this matter so the Planning Board and Highway can weigh in on this. Second by Mr. Sullivan. Mr. Dutra stated the draft warrant is premature from last meeting. The Board voted 4 in favor, 1-

- absent (Spirlet). Mr. King stated he was meeting with the Planning tomorrow evening.
5. **Motion** made by Mr. Ouellette to approve the request of Barbara Smith to place banners recognizing Lyme Disease Awareness Month at the playgrounds in the north end and at the Town Hall Annex. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Spirlet).
  6. **Motion** made by Mr. Dutra to accept the donations made to the Council on Aging (\$400. from Thomas Pereira to be used for lettering the COA van and \$100. from Manuel Vale for best use); and to send letters of thanks to both. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Spirlet).
  7. **Motion** made by Mr. Ouellette to approve the BOS Meeting Schedule as presented. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Spirlet). The meeting dates will be April 21, May 4 & 18, June 1, 15 & 29 and July 13 & 27.
  8. This matter was tabled to the next BOS meeting regarding a more updated response from Ralph Souza regarding 30 Borden Street.
  9. **Motion** made by Mr. Sullivan to approve the 2015 Seasonal Trailer Permits as long as there are no outstanding issues. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Spirlet).
  10. This matter was addressed under the Town Administrator's report.
  11. **Motion** made by Mr. Ouellette to table the matter of Feasibility Cost Sharing Agreement w/ Army Corps of Engineers for Dredging of Hix Bridge area. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Spirlet).
  12. Mr. Ouellette stated he asked for the update on the website because the website was starting to look like a bulletin board again and we are about \$9,000. over budget; people are asking if it is going to be modified again. Mr. King stated it was going to be modified. Mr. King stated that most of the modifications that you see are done by Diane Pelland. Mr. Ouellette stated he did not know why it was all being thrown on Diane, that should be a decision of the Board; we instruct her what to put on there every week. Mr. Dutra stated that Diane does not design the website; Mr. King stated there are significant limitations on the site. Mr. Ouellette stated we paid \$10,000. for a cut and drop page, we could have paid Go Daddy \$10.00 a month to do the same. Mr. Vieira stated to Mr. King that about a year ago, you talked about using other vendors such as Virtual Town Hall; what is the price of Virtual Town Hall? Mr. King stated he would give the Board a report, he did not recall off the top of his head. Mr. Vieira stated that while he was at MMA, he heard upwards of \$30,000. Mr. Vieira asked what we were paying and was this person under contract. Ms. Pelland responded that Ms. Johnson has a contract, signed by the BOS and receives \$30.00 per hour. Ms. Pelland stated that no budget was ever set up so the bills have been bounced between the Selectmen's Budget and Information Technology Budget. Mr. Vieira stated she is paid on an as-needed basis; Ms. Pelland replied yes, she is contracted for maintenance, updating and trouble-shooting. Mr. King stated she also does special projects. Mr. King stated she is paid as an independent contractor. Ms. Pelland stated there is a lot of things she does not charge for such as telephone calls and teaching classes. Mr. Vieira asked Ms. Pelland for a quick evaluation of the working relationship with Ms. Johnson. Ms. Pelland stated the relationship is working; the website is not fancy, but it is getting the information out there, there are a couple of things requested such as a drop-down list; Ms. Pelland stated she does not do that type of thing, Ms. Johnson would have to handle that technical aspect. Ms. Pelland stated that each department puts on as much information as they possibly can; if each department runs into a problem, we call each other and work it out, if we can't trouble shoot between ourselves, then we call Ms. Johnson. Ms. Pelland stated to the Board that she has gotten a lot of emails stating they have found our website helpful and packed with information. As a matter of fact, we had so much information, Ms. Johnson had to work with Hostgator to increase our bandwidth, all at no cost to the Town. Ms. Pelland stated she was comfortable with Ms. Johnson, as were all the other employees who deal

with her. Ms. Pelland stated that whether it is by email, phone call or text to Ms. Johnson, she is available 24/7 and responds right away to the problem. Ms. Pelland stated that Ms. Johnson has worked on special projects; right now, she is working on converting over 300 videos of the history of Westport with Claude Ledoux that will be placed on the website. Ms. Pelland stated we can go fancy but it will cost big bucks, that decision is up to the Board. Ms. Pelland stated that Ms. Johnson had to do a force destroy of the old website because there was no cooperation from the prior web manager and the company was found in the United Kingdom; they would not work with her because she did not have a password or account with them. Ms. Pelland also stated another problem what the website was hacked by someone working from home, the problem was the person's computer had a virus which was transferred to our system; since then security measures have been put into place where only the IP addresses of the Town can access the website. Ms. Pelland stated we can add pictures but the information is the important part. Mr. Ouellette stated it is up to the Board. Mr. King stated he will look into Virtual Town Hall. Mr. Vieira stated we need more clarification as to what is being spent and budgeted. Mr. Ouellette stated that on the website, it is showing over-budget. Discussion ensued regarding purchase orders. Mr. Vieira asked the other members if there was anything else on this matter; no response from any members.

13. **Motion** made by Mr. Dutra to approve of the agreements with Tibbetts Engineering Corp. for the Chapter 90 Projects: Winter Recovery Assistance Program (WRAP) and the amendment #1 for the redesign of Sodom/Narrows Avenue intersection. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Spirlet).

#### **Appointments**

1. **Motion** made by Mr. Dutra to re-appoint Kyle Fernandes and Robert Rebello as Full-Time Police Officers. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Spirlet). Mr. Ouellette noted for the Board, that he has filed a disclosure with the Ethics Commission/Town Clerk regarding the fact that his daughter is an on-call dispatcher for the Police Department.
2. **Motion** made by Mr. Dutra to appoint Ken Schadegg as an Alternate Member on the Historical Commission. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Spirlet). Note: Mr. Schadegg was present.
3. **Motion** made by Mr. Sullivan to appoint Wilma Woodruff as Registrar of Voters-Republican. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Spirlet).

**Minutes** – None.

**Selectmen Liaison Committee Reports** – None.

#### **Question and Answer Period**

1. Tom Hancock – asked: “I understand that Kopelman & Paige has returned the Beach Avenue MOU; what was their legal view and what is the Town's next move(s)?” This question was answered under Agenda Item: Review – RE: Sketch Plan and related Beach Avenue documents.
2. No name was given – asked: At a recent BOS meeting, did Mr. Dutra abstain from a vote pertaining to a Beach Avenue issue due to a conflict of interest?; if so, could he please explain the specifics of this conflict?” Mr. Dutra stated he did not abstain from voting because he did disclose his professional relationship with the Attorney Bogle.

**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. Ouellette reminded everyone of voting at the Annual Elections on April 14, 2015; polls were open from 10:00 am to 8:00 pm. Mr. Sullivan also stated he wanted to remind everyone to go out and vote. It was noted that anyone wanting to find out where they are to vote, please consult the main web-page for the Town.

**9:45 PM Executive Session**

**Motion** made by Mr. Sullivan to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to discuss Collective Bargaining. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Spirlet).

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

Chairman Vieira announced that the Board would return to Open Session following the Executive Session.

**10:00 PM Open Session**

**Motion** made by Mr. Dutra to ratify the two-year Police Union Contract: 1<sup>st</sup> year / FY'15 is a 0% wage increase but with educational incentives for all new Police Officers and an additional holiday (the day after Thanksgiving); 2<sup>nd</sup> year / FY'16 – 2% wage increase and the uniform allowance will be rolled into wages effective January 1<sup>st</sup> with no payment in August. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Spirlet).

At this time, Mr. Ouellette noted for the record, that he has filed an Ethics Disclosure with the Town Clerk because his daughter does part-time dispatching for the Police Department so he can be involved in anything with the Police Department.

**10:05 PM**

**Motion** made by Mr. Ouellette to adjourn the Board of Selectmen Meeting. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Spirlet).

**Adjournment.**

Respectfully submitted,

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

**APPROVED:** \_\_\_\_\_  
R. Michael Sullivan, Clerk