

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
TUESDAY  
APRIL 22, 2014**

**Members Present:**

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

**Discussion with Board of Assessors – RE: Tax Exempt Property along Beach Avenue.**

Present: Robert Grillo, Steve Medeiros and John McDermott. A discussion took place regarding tax exempt properties along Beach Avenue. Mr. Vieira stated that a letter was sent to the Land Trust regarding a plan for public access because it was brought to the BOS's attention and complaints were received from residents. Mr. Vieira stated our intern worked on exemptions of charitable organizations and the BOS's question was, without a Management Plan, how do we handle this as an exemption. Mr. Grillo stated he met with Ryan Mann, Land Trust also regarding the classifying the roadside conservation area. The Board of Assessors feel they are in full compliance for tax-exempt status; the Land Trust is saying it is open but being a barrier beach may have limits on the use; a similar piece of property on Adamsville Road comes to mind. Mr. Vieira stated if there is a public benefit part, how is it determined, how is a charitable organization definition reviewed; usually when there is a public benefit, there must be some criteria. Mr. Grillo stated some of the criteria is that it must be open to the public and there needs to be a Management Plan as a barrier beach. Mr. Grillo stated there is not one set of criteria or a one size fits all; each case is taken independently and reviewed. Mr. Vieira asked if the Board of Assessor's were comfortable with their decision. Mr. Grillo responded yes. The Board thanked the Assessor's for coming in.

**Public Hearing – RE: An application request from Matthew Haines and Julie Jewett to place a trailer at 1399-1403 Main Road, Westport, MA for temporary housing during construction. The property is shown on Assessor's Map 82, Lot #19.**

The public hearing was opened at 6:15 PM with the reading of the Public Hearing Notice. Present: Matthew Haines and Julie Jewett. Mr. Haines stated they will be using the existing well and septic system which was approved by the Board of Health. Abutter Paul Costa was present and stated he was in favor of this application. **Motion** made by Mr. Ouellette to approve the request for a trailer for six months; if an extended period of time is needed, the applicant can return to the Board at no additional cost. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Dutra, Sullivan). The hearing is closed at 6:18 PM.

**Public Hearing – RE: A fee increase request from the Board of Health, Building Department Wiring Inspectors, Cemetery Department and Fire Department.**

The public hearing was opened at 6:30 PM. Present were Wiring Inspector William Plamondon and Building Inspector Ralph Souza; and Fire Chief Brian Legende.

Mr. Plamondon stated the Wiring Department was not seeking a fee increase, they were only adding line items for residential and commercial. Fire Chief Legendre stated the Fire Department has not had an increase in fees since 2008. The proposed fee increases are in the mid range of surrounding communities. Mr. Vieira asked why are we raising fees. Chief Legendre stated this has not been addressed in years; inspections and re-inspections cost money and we have been doing re-inspections at no charge. To conduct inspections, it costs more than the fees we are bringing in, this increase would only let us break even; annually, we bring in roughly \$15,000.00 in fees. Mr. Vieira stated he did not see a cost analysis included in the material; we are not here to charge the taxpayer more; fees should not be to generate more funds. Chief Legendre stated he agreed, but we have not raised our fees since 2008. Chief Legendre stated that he was asked as a Department Head to review their fee list and that is what he has done. Mr. Spirlet stated that if we are breaking even, there is no reason to raise fees against the taxpayer; he did agree however, that we needed to keep current with communities within a 10-15 mile radius. Discussion continued regarding ambulance service. The Board agreed that a cost analysis and revenue report should be submitted by those requesting departments. The following votes were taken:

**Motion** made by Mr. Spirlet to pass over the Board of Health fee requests. Second by Mr. Ouellette. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).

**Motion** made by Mr. Spirlet to approve the Wiring Department fee requests. Second by Mr. Ouellette. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).

**Motion** made by Mr. Spirlet to pass over the Cemetery Department fee requests. Second by Mr. Ouellette. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).

**Motion** made by Mr. Spirlet to pass over the Plumbing and Gas Department fee requests. Second by Mr. Ouellette. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).

The Board requested that Chief Legendre come back on April 28<sup>th</sup> with a rationale for the Fire Department fee increase requests and that a memo will be sent out to the Board of Health, Cemetery Department and Plumbing & Gas Department inviting them to the April 28<sup>th</sup> meeting and presenting their rationale for increases also. The hearing is closed at 6:50 PM.

**Public Hearing – RE: An application request from Stonebridge Homes, Inc. for a temporary trailer permit for construction purposes at 18 Devol Avenue, Westport, MA. The property is shown on Assessor's Map 21, Lot 39.**

The public hearing was opened at 6:50 PM with the reading of the Public Hearing Notice. Present: Joe Chaves, Site Manager and Rabih Atani, Briggs Landing Manager. No abutters were present. Mr. Vieira questioned the stormwater issues on Tickle Road and the impact of the construction phase and the issue with Courtney Drive, which was from Phase 2. Mr. Atani stated he was not aware of any issues. Mr. Chaves stated there is retention centers that have been installed. Chris Gonsalves, Highway Department stated there is a problem and the water is running right out and flooding residents over there; the catch basins are not working. Mr. Vieira stated they should be talking with the Planning Board; we have a bylaw in Town for stormwater, and he was surprised that the Planning Board has not talked with you because there have been complaints for months. Mr. Atani stated he will look into this but this is the first time he is hearing about this, especially with Phases 1 & 2 being complete; he will contact the Planning Board. Mr. Spirlet stated he did not want a repetition of Phase 2.

**Motion** made by Mr. Spirlet to approve a temporary trailer for a term of 4 months. Second by Mr. Ouellette. The Board voted 3 in favor, 2-absent (Dutra, Sullivan). The hearing is closed at 7:00 PM.

**Conservation Commission – Appointment of Conservation Agent and request to reclassify Agent position.**

Present: Paul Joncas, Chairman of the Conservation Commission and Chris Capone. Mr. Joncas stated

several people applied and interviews were conducted. Following the interviews, the Commission voted unanimously to offer the position of Conservation Commission Agent to Chris Capone. He is well qualified and is a former employee. **Motion** made by Mr. Spirlet to appoint Chris Capone as Conservation Commission Agent on the recommendation of the Commission. Second by Mr. Ouellette. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).

Mr. Joncas stated the Commission took votes to reclassify the Agent position and to give the position a raise, which would come out of the Conservation Wetlands Fund, no money would come out of the operating budget. Mr. Healey stated this phase needs to be negotiated with the Union. Susan Brayton, Union Member, stated the Union would consider this during negotiations. Mr. Vieira suggested the Conservation Commission speak with the Union and then come back to the Selectmen; it is difficult coming up with a budget, let alone talking about raises. Mr. Healey stated he will carry this matter to the Union.

#### **Discussion – Personnel Policies**

Mr. Healey explained the suggested personnel policies to the Board members. Policy 1 amendment: strike (contact) and insert (notify), strike (Chairperson) and insert (via Board of Selectmen Secretary by email). Policies 2 & 3 were fine.

**Motion** made by Mr. Spirlet to approve all three policies, with amendment to No. 1. Second by Mr. Ouellette. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).

#### **Discussion – Charter Internet**

This item was passed over.

#### **Discussion – Beach Avenue violations**

Present: Paul Joncas. Mr. Healey stated that Mr. Joncas was aware of this. Mr. Joncas stated the Commission was waiting until they had a new Agent on board. Mr. Vieira stated what has happened over the years should be corrected but when doing so, please take into consideration working with the homeowners down there. Mr. Joncas stated this will definitely be looked at and it will be on the agenda for the Conservation Commission Agent to look over. Mr. Vieira stated it was on the BOS agenda because there is a problem, especially where we will be paving soon.

#### **Discussion - Budget reductions and consolidation considerations**

Mr. Healey stated the School was looking for more money; the Finance Committee was trying to finalize their budget; and we may be looking at a consolidation of Town buildings. Mr. Vieira mentioned the various needs of Town buildings and stated we have struggled with the budget and the Finance Committee is struggling now; they are looking at stipends, etc. and are trying tonight to balance the budget. Mr. Vieira stated he was not sure if the Finance Committee was clear but it is not only stipends but benefits that go along with those positions; they are looking at a cut in the Police Dept. budget by \$10,000.00. Mr. Vieira stated the BOS tried to balance the budget without laying off people. Mr. Vieira stated he attended a fiscal policy meeting with the MMA in Boston; there is good news, the Lottery receipts are up and there maybe pressure from communities for “Revenue Sharing”. Hopefully, there will be good news next week.

#### **Appointments**

1. **Motion** made by Mr. Ouellette to appoint per recommendation of Police Chief Pelletier, Brittany Pierce as EMD-911 Dispatcher. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).
2. Motion made by Mr. Ouellette to appoint Jim Coyne to the Westport Economic Development Task

Force. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).

### **Action Items**

1. This request was withdrawn. No action necessary.
2. **Motion** made by Mr. Ouellette to approve the annual renewals of the 2014 Seasonal Trailer Permits as long as there are no outstanding issues. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).
3. **Motion** made by Mr. Spirlet to accept the following donations to the Council on Aging:  
\$ 25,000.00 from FWCOA for the purchase of a 6-passenger minivan for COA transportation -  
\$ 300.00 from James Morris Post 145 for the COA monthly soup and sandwich -  
\$ 3,000.00 from ARAW to be used for the kitchen ventilation system -  
\$ 12,328.00 from FWCOA (which is 20% of a 12-passenger, one wheelchair van -  
\$ 100.00 from Manuel Vale, to be used for transportation  
Second by Mr. Ouellette. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).
4. **Motion** made by Mr. Ouellette to approve of an agreement with D&D Overhead Doors for removal of six (6) existing overhead doors and the installation of six (6) new insulated overhead doors with five (5) inside control buttons and one (1) outside control button at the Westport Highway Department. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).
5. **Motion** made by Mr. Ouellette to approve a one-day Liquor License for Dedee Shattuck Gallery, LLC for May 3<sup>rd</sup> from 5to7 PM. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).
6. Mr. Healey explained and recommended the new payroll and attendance system from Harper's Payroll. Mr. Healey stated it will cost \$8,130.00 the first year with an ongoing fee after that. Mr. Spirlet stated this will make for a good management tool especially for the people in the payroll division. **Motion** made by Mr. Ouellette to approve of the recommended Harper's Payroll System. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).
7. Tony Connors, Energy Committee explained the contracts. **Motion** made by Mr. Spirlet to approve the 86% contract with Borrego. Second by Mr. Ouellette. The Board voted 3 in favor, 2-absent (Dutra, Sullivan). **Motion** made by Mr. Spirlet to approve the 95% contract with Borrego. Second by Mr. Ouellette. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).
8. **Motion** made by Mr. Ouellette to endorse the WRMC application for a grant regarding the DEP 319 Grant Nonpoint Source Pollution Grant for water issues at Old County Road via ESS Group. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).
9. This request was held on.

### **Minutes**

**Motion** made by Mr. Ouellette to approve the Regular Meeting Minutes of March 31, 2014. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).

Motion made by Mr. Ouellette to approve the Special Meeting Minutes of April 3, 2014. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).

### **Question and Answer Period**

None.

### **Town Administrator Report**

1. Town Meeting Warrants – no action taken.
2. Charter Internet Item on Agenda – no action taken.
3. Firefighter Funding – Mr. Healey recommended that the BOS support the \$94,000.00 be placed

back into the budget. Chief Legendre stated we are \$155,859.00 above last year. The grant is good for two years and it ends in October; we can only reapply for a third year in August; several departments have been denied on their requests already. Mr. Vieira asked if all were certified EMT's. Chief Legendre stated all are certified Paramedics except for two who are grandfathered in; the standard of care in MA is a Paramedic. Mr. Spirlet asked with the SAFER Grant do we have to hire two additional people. Chief Legendre stated yes, but he is not going to do that and he is not seeking additional firefighters. Mr. Vieira asked why are we doing this now; he encouraged that Chief Legendre apply for the grant and the Town put the money aside and not fund at this time. If we put the money in your budget, you can't apply for the grant. Mr. Vieira suggested setting aside \$100,000.00 of Free Cash and see how we make out with the grant. The economy is changing, the lottery is about to change and we may see other changes. **Motion** made by Mr. Spirlet to put aside \$94,000.00 for the firefighter (to be applied in the Fall) in case the SAFER Grant is not obtained. Second by Mr. Ouellette. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).

4. Beach Avenue/East Beach Road – Mr. Healey reviewed the memo received from Tibbetts Engineering explaining why the Town should proceed with the construction contract as bid. The following reasons were: Deletion of pavement from Beach Avenue would result in the need to re-bid the project; timely completion of Beach Avenue and East Beach Road prior to the summer season; and potential problems with contractor and challenges from other bidders. The bottom line is that going out to re-bid, the Town may face lawsuits and challenges and Riverview Drive can't be included and Beach Avenue must be done first before East Beach Road. We have awarded the bid and the contract will be ready to be signed at the BOS Meeting of April 28<sup>th</sup>. Mr. Vieira noted that the Winter Road Recovery Program must be submitted by April 30<sup>th</sup>; this is good news, we can now consider with the \$100,000.00 taking care of line striping also. Mr. Vieira questioned who sent a letter to Chapter 90 of who is the Town's contact. Mr. Gonsalves stated he did; he named the BOS Chairman and himself. Mr. Vieira stated it should be Mr. Gonsalves and the Town Administrator. At this time, Mr. Lawrence, 200 Atlantic Avenue stated he had a copy of a letter from Attorney Peterson, to Liz Lapointe regarding Chapter 90 and JH Lynch was also cc'd. Mr. Healey stated that letter was totally unprofessional of Ms. Peterson, who is the attorney for the Buzzards Bay Coalition, especially sending the letter to the Town's contractor. Mr. Vieira agreed with Mr. Healey. Mr. Lawrence stated he received the letter by email. Mr. Healey stated there is a campaign of misinformation being spread around; Mr. Vieira and himself spoke with Ms. Lapointe, DOT and was assured the Town is fine. Discussion continued regarding the letter and its' content. Mr. Vieira stated his concern was that funds were being used by a non-profit organization to undermine this; Buzzards Bay Coalition and the Attorney should be held on misrepresentation; if anything, Mr. Vieira stated he would like to see BBC to step forward to help out down there. A simple phone call could have cleared this all up; hopefully, we will have a solution and everyone will be involved in it.

#### **Correspondence – Action Required**

1. **Motion** made by Mr. Spirlet to appoint Steve Ouellette as BOS Rep. on the SRPEDD Commission. Second by Mr. Vieira. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).  
**Motion** made by Mr. Ouellette to appoint Jim Hartnett as JTPG Delegate and Andrew Sousa as JTPG Alternate. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).
2. This item was held on.
3. **Motion** made by Mr. Spirlet to approve the request for the Tripp Family Scholarship 5K Road Race per Police Dept. recommendations. Second by Mr. Ouellette. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).
4. No action taken. Informational only.
5. This item was held on and will be brought back in two weeks after verification from Matthew

Forbes regarding the hanging of a banner across Main Road.

6. No action was taken, the resident will be notified of the Police Dept. recommendation.
7. No action taken. Informational only.

#### **Correspondence - No Action Required**

No action was taken – informational only.

#### **Board Members suggestion of items for future agenda discussion/action**

1. Mr. Vieira requested that a BOS Special Meeting be posted for April 28<sup>th</sup> to address a number of issues including the signing of the contracts for paving.

#### **Other Business**

1. Mr. Ouellette mentioned a Bike Path meeting with Gail Hartnett (Bike Committee) at the Library on April 24, 2014.
2. Mr. Ouellette asked that when an email is sent out from the Veteran's Agent regarding half-staff, he be asked to include the BOS on that email so no one has to track down why the flag is being flown half-staff.
3. Mr. Ouellette noted the agenda was not online due to Ms. Pelland's vacation but asked that Ms. Bouchard be shown how to place it on the website.
4. Mr. Ouellette mentioned it was not good news for Cable; they would be short money for Data Processing.
5. Mr. Vieira stated there was good news, the Town, under the WRRRP was given \$100,000.00 for road repairs due to the winter's damage and we may get some help from the Lottery Fund for our bottom line.

#### **Executive Session – 8:40 PM**

**Motion** made by Mr. Spirlet to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to approve Executive Session Minutes of March 31, 2014. Second by Mr. Vieira. The Board voted 2 in favor, 1- nay (Ouellette) and 2-absent (Dutra, Sullivan).

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

#### **Open Session – 8:43 PM**

**Motion** made by Mr. Ouellette to adjourn the Board of Selectmen Meeting. Second by Mr. Spirlet. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).

#### **Adjournment.**

Respectfully submitted,

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

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