

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
MAY 19, 2014**

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

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.

At this time, Chairman Vieira announced that Fire Chief Legendre has suffered an accident last evening and is in RI Hospital ICU; our thoughts and prayers go out to him and his family. Also, as a reminder, Memorial Day Services will be on Monday, May 26th beginning at 8:00 AM. The information is available on the website.

Westport Land Conservation Trust – RE: Conservation Restrictions for Bazar, Brewster and Constantine properties.

Chris Detwiller, Westport Land Conservation Trust was present. Mr. Detwiller summarized all the material that was submitted to the Board. There are three properties being donated to the Land Trust and are part of the MA Conservation Land Tax Credit Program; as part of the program, CR's need to be granted on the properties; the Conservation Commission has agreed to hold the CR's at their April 29th meeting. Mr. Sullivan asked if these were straight CR's; Mr. Detwiller replied yes. Mr. Spirlet stated at this time, the Town is receiving taxes on these properties and by your description, they are probably undevelopable but the CR still gives a minimum amount of taxes but by doing this, they will now be totally off the tax rolls and the owner won't lose use of the land, but we will be without the benefit of taxes to the Town. Mr. Detwiller stated the Conservation Commission will hold the CR and the Land Trust will own the property. Mr. Vieira stated that we have been asking for consideration to the Town and we have talked about this in the past; now the land is being donated to the Land Trust so it is totally off the tax rolls. Mr. Detwiller stated he didn't believe there was talk about land being donated to the Trust but either way, he did not speak with the property owners in regards to consideration. Mr. Vieira stated that there is approximately 100 acres and only one parcel is under Ch. 61; if the Land Trust is taking the property as a gift, what is the CR for. Mr. Detwiller stated it enables the Town to have an interest in the property and a say in it also. Mr. Spirlet asked if the Town assumes the liability. Mr. Detwiller stated no, the property owner is to maintain all legal liability. Mr. Sullivan stated he could not find the Brewster property on the GIS; Mr. Detwiller stated because it is still under the owner's name: Jennifer Lees, her name changed due to marriage; it is listed as 0 Division Road. Mr. Sullivan stated the three properties coming off the tax rolls total right now total \$1.2 million. Mr. Detwiller stated that the Constantine property is retaining 10 acres. Mr. Vieira stated conserving land is a good thing but, we will need real estate values to help with our budget. Mr. Detwiller stated there was a study in Dartmouth that showed development helps growth but it has costs associated with it also; and properties that abut CR land, their values go up. Mr. Vieira stated it would be good to look at that study, especially by the Planning Board; we should have a study done for Westport. Mr. Spirlet stated

that whether we vote this up or down, the land is going to be donated. Mr. Detwiller stated the land has already been donated, this only provides an opportunity to partner with the Town.

Motion made by Mr. Ouellette to approve the Conservation Restrictions for the Bazar, Brewster and Constantine properties. Second by Mr. Sullivan. The Board voted 3 in favor; 1-opposed (Spirlet); and 1-absent (Dutra).

Christopher Gonsalves, Hwy Dept. - RE: Appointment of Seasonal Employees (Jordan Costa and Christopher Ciano); and Approval of Engineering Services for Sodom Road and Narrows Avenue Intersection Improvements.

Present: Christopher Gonsalves, Christopher Ciano and Jordan Costa. Mr. Gonsalves stated he was recommending these two men as Seasonal Workers.

Motion made by Mr. Spirlet to appoint Christopher Ciano and Jordan Costa as Seasonal Workers. Second by Mr. Ouellette. The Board voted 4 in favor; 1-absent (Dutra).

Mr. Gonsalves stated he worked with Tibbetts Engineering to correct the intersection of Sodom Road and Narrows Avenue. This will be done using Chapter 90 monies that come in July.

Motion made by Mr. Spirlet to approve the Engineering Services Agreement with Tibbetts Engineering for the intersection of Sodom Road and Narrows Avenue. Second by Mr. Ouellette. The Board voted 4 in favor; 1-absent (Dutra).

Public Hearing – RE: An application request from Keith & Robin Millea, 25 Wachusett Drive, Sutton, MA for a six-month seasonal trailer permit for recreational purposes to locate a trailer on 101 East Beach Road. The property is known on Assessor’s Map 76A, Lot 32.

The public hearing was opened at 6:40 PM. Present: Keith Millea. No abutters were present. Mr. Vieira noted all the paperwork was in order. Mr. Ouellette questioned the BOH notice regarding no tight tank. **Motion** made by Mr. Spirlet to approve the transfer of a six-month seasonal trailer permit for Keith Millea at 101 East Beach Road. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra). The hearing is closed at 6:42 PM

Christine Quinn, COA Director – RE: Request to fill a Part-Time Aid for Social Day Program and a Part-Time Outreach Worker.

Ms. Quinn explained the different positions to the Board and that they would be at no cost to the Town; both positions would be under 19 hours a week. Ms. Quinn explained the Outreach Program. Also, Mr. Spirlet asked if the Auditor's Report issues were being addressed. Mr. Lombard stated that on June 2nd, Mr. Roselli will be at the BOS meeting to review his report. Ms. Quinn stated her Board was addressing the issues in the report.

Motion made by Mr. Ouellette to approve the request to fill both positions. Second by Mr. Sullivan. The Board voted 4 in favor; 1-absent (Dutra).

Discussion – RE: Setting the date for the Override and ballot.

Superintendent Dargon asked if this item could be tabled because the School Committee will be addressing the September 9th date at their next meeting on May 20th. Town Clerk Samson stated that the longer this matter is put off, the harder it will be for her to plan for an election; she hoped the School Committee would make a decision and come back to the BOS so a decision can be made. Ms. Samson stated it was not up to her, the School Department or anyone but the Board of Selectmen to decide on this date. Ms. Samson stated she will do what she has to, to ensure the integrity of the voters, the Town and the voting process. Mr. Vieira stated he hoped to finalize this on June 2, 2014.

Motion made by Mr. Spirlet to take September 9th off the list of options. Second by Mr. Vieira.

Motion is withdrawn. Discussion continues regarding the September 9th date. Melissa Avila, Melissa Pacheco and Wayne Sunderland spoke on this matter. This item is tabled until June 2, 2014. No votes were taken.

Public Hearing – RE: A petition from National Grid and Verizon proposing to install a new pole #1 on Thomas Street, 150 ft. south of pole 18 Benoit Street to service a new customer. Plan marked – Massachusetts Electric Company and Verizon New England, Inc.. Plan No. 16716838. Dated: 04/18/2014.

The public hearing was opened at 7:43 PM. There were no representatives from National Grid or Verizon. No abutters were present. Police and Highway recommendations were received in favor of the petition. **Motion** made by Mr. Spirlet to approve the pole location request for new service on Benoit Street. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra). The hearing was closed at 7:45 PM.

Appointments – None.

Action Items

1. **Motion** made by Mr. Ouellette to approve a One-Day Liquor License for Holy Ghost Club on Monday, May 26, 2014 for a wedding. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Dutra).
2. **Motion** made by Mr. Spirlet to approve of tree removal by Nstar for parcel 54-0-56 and 279 Hix Bridge Road. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).
3. **Motion** made by Mr. Spirlet to accept the donation of \$3,000.00 from the Nichols Foundation for the Outreach Program. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra).
4. Present: Elaine Ostroff and John Pelletier. Mr. Vieira asked that this item be put on hold for a couple of weeks, not a long delay, but at least until things are finalized down there. Discussion ensued. Mr. Spirlet asked that “pending funding from CPC” and a disclaimer be inserted showing the CPC vote. Mr. Lombard stated he and Ms. Ostroff would talk to CLE so this does not have to be rebid again. No votes were taken.
5. **Motion** made by Mr. Ouellette to approve of the Release and Settlement Agreement with IW Harding Construction Co. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).
6. Discussion ensued regarding the request for reinstatement of the stipends to the Board of Registrar of Voters. **Motion** made by Mr. Sullivan to ask the Town Administrator and Business Manager to look into the Board's options and to direct the Selectmen's Secretary to do a survey of surrounding communities as to who is paid stipends and whether they are elected or appointed. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Dutra).

Minutes

Motion made by Mr. Spirlet to approve the Regular Meeting Minutes of April 22, 2014. Second by Mr. Ouellette. The Board voted 3 in favor; 1-abstention (Sullivan); 1-absent (Dutra).

Motion made by Mr. Sullivan to approve the Regular Meeting Minutes of May 5, 2014. Second by Mr. Spirlet. The Board voted 4 in favor; 1-absent (Dutra).

Motion made by Mr. Sullivan to approve the Special Meeting Minutes of April 28, 2014 with amendment. Second by Mr. Spirlet. The Board voted 4 in favor; 1-absent (Dutra). * Amendment: page 3 delete “stock” insert “stop”.

Motion made by Mr. Sullivan to approve the Special Meeting Minutes of May 12, 2014. Second by Mr. Spirlet. The Board voted 4 in favor; 1-absent (Dutra).

Motion made by Mr. Sullivan to approve the Annual Town Meeting Minutes of May 3, 2014 with

amendment. Second by Mr. Spirlet. The Board voted 4 in favor; 1-absent (Dutra). * Amendment: change “Stephen” to “Steven”.

Question and Answer Period – None.

Town Administrator Report – None.

Correspondence Requiring Action

1. No votes were taken; Mr. Gonsalves of the Highway Department was advised of the Police recommendation. Mr. Gonsalves will be speaking with the homeowner on the line of sight issue.
2. Discussion ensued regarding the interchange project of Rte. 177, Rte. 6 and Beeden Road due to the project at Lincoln Park. Wayne Sunderland stated he has given his opinion to the Planning Board; Dartmouth did not even consider Westport in their plan. Mr. Sunderland then explained the plan and stated that Westport should have been consulted on this; he stated he had some serious reservations with this plan. Mr. Vieira asked that Mr. Cressman in Dartmouth be given a call tomorrow morning on this before it is discussed at a public hearing. Mr. Gonsalves stated it is Westport's road but Dartmouth maintains it. Mr. Ouellette stated that Economic Development tried three times in the past but were pushed aside. Mr. Sunderland stated that some part of Beeden Road will be eliminated; this is a severe effect on Westport.

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

Other Business

1. Mr. Vieira reminded everyone of the Memorial Day procession.
2. Mr. Sullivan sent well wishes to the Chief Legendre and wished Firefighter Lopes, who came home over the weekend a continued recovery.
3. Mr. Vieira asked that a letter be sent to Senator Rodrigues regarding the Chapter 70 and Lottery funds for Local Aid.

Executive Session – 8:09 PM

Motion made by Mr. Sullivan to enter into Executive Session pursuant to MGL Chapter 30A, Section 21 to approve Executive Session Minutes of April 22, 2014, April 28, 2014, May 5, 2014 and May 12, 2014 and to discuss labor negotiations and strategy with respect to ongoing litigation. Second by Mr. Spirlet. The Board voted 4 in favor; 1-absent (Dutra).

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

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

Open Session – 9:10 PM

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

Adjournment.

Respectfully submitted,

Diane Pelland,
Administrative Asst/Confidential Clerk

APPROVED: _____
R. Michael Sullivan, Clerk
Board of Selectmen