

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
JULY 14, 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: Timothy J. King, 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.

Public and Board Member Comment

1. Mr. Vieira stated this was the first meeting with the new Town Administrator – the Board welcomed Mr. King. Mr. Vieira noted a couple of new changes to the agenda but mentioned that a Question and Answer will be taken if there is any.

Acknowledgments & Recognitions

1. Mr. Vieira mentioned the 59th Annual Westport Fair this week, it is from July 16th through the 20th.
2. Mr. Sullivan stated the 4th of July Parade was a success and had a good turnout despite the weather. Good Job by David Palmer, Ann Boxler, volunteers and all involved.
3. Mr. Vieira noted that Fire Chief Legendre is back on-board again since his accident and Firefighter Lopes was the Parade Marshall this year; he is coming back strong but still has a long way to go. The Board wished both men continued recoveries.

Town Administrator Report

1. Department of Revenue. Mr. King reported that the DOR was in Town Hall today. A meeting was held with himself, former Town Administrator Healey and former Business Manager Steve Lombard, a couple of Finance Committee members, the Town Accountant and Treasurer. A report will be prepared by the DOR; he is looking forward to their report on the Town's finances. Mr. Vieira noted that if any Board member had any questions they could stop in and see the DOR personnel or phone the BOS Office in order to speak with them; they welcome any input.
2. Beach Avenue-Universal Access Engineering Design Contract. Mr. King stated he reviewed the engineering proposal from CLE and his only recommendation is that the Board approve the selection of CLE Engineering in the amount of \$13,900.00 plus miscellaneous expenses but only for Task 1 Preliminary Assessment & Feasibility and Task 2 Preliminary Design. He would recommend holding on Tasks 3 & 4 until the preferred design is arrived at; he does not have any issues with Tasks 3 & 4. Ms. Elaine Ostroff stated her concern of not going beyond 1 & 2 because the engineer had the expectation of not going beyond 1 & 2 to start. Her concern is not doing the full contract. Mr. King stated he was not proposing any change in the Scope of Work; but Tasks 3 and 4 go into permitting. Ms. Ostroff stated that if we don't have to go out to bid for 3 & 4, then she has no problem doing it this way because 1 & 2 are only preliminary. Mr. Sullivan stated the biggest part of this project is getting up and over the dune. Mr. Vieira

stated he had no problems with this and he believed the Board was all on the same page with this. **Motion** made by Mr. Sullivan to approve Tasks 1 & 2 for Preliminary Assessment and Design. Second by Mr. Ouellette. The Board voted unanimously in favor.

3. Plumbing Inspectors. Mr. King stated that Mr. Souza has a concern over the level of service available for Town residents with only one Plumbing Inspector. He has submitted three names of potential Plumbing Inspectors. Mr. King stated one inspector has provided a resume; Jason Camara. Mr. Ouellette suggested putting the position out to the public to get a response. Mr. Sullivan stated he would like the Town Administrator to check on having a Main Inspector and Assistant Inspectors. Mr. Vieira stated he would encourage looking at having multiple inspectors appointed. Also, the position will be posted and placed on the website. **Motion** made by Mr. Dutra to appoint Jason Camara as Interim Plumbing Inspector. Second by Mr. Sullivan. The Board voted unanimously in favor.
4. Executive Session. Mr. King stated a portion of the Executive Session dealing with personnel issues has been postponed and rescheduled for the next BOS Meeting.
5. Employment Hires – Police and Highway. **Motion** made by Mr. Spirlet to offer a conditional offer of employment to Jarrod Levesque as a Police Officer. Second by Mr. Dutra. The Board voted unanimously in favor. **Motion** made by Mr. Sullivan to offer a conditional offer of employment to Robert Alves as a Special Equipment Operator in the Highway Department. Second by Mr. Ouellette. The Board voted unanimously in favor. Mr. Alves and Mr. Gonsalves were present. Mr. Alves introduced himself and gave a brief background of himself. He stated he would like to start in two weeks, giving notice to his present employer. The Board wished him success.
6. Sisson Verdict. Mr. King informed the Board of the guilty verdict. Mr. King stated he was drafting a policy for the disposal of equipment and would be presenting it to the Board for approval.
7. Town Hall Custodian-Tom Medeiros. Mr. King stated that Mr. Medeiros was released from the hospital last Thursday and is home resting and recovering and hopefully will be back to work soon.

Jim Hartnett, Planning Board – RE: Authorization for Appropriation of Funds for Expenditure of Surety for completion of the Definitive Plan of Lisbor Lane and Pine Needle Estates (Berard Court); and response regarding Briggs Landing.

Present: Jim Hartnett, Town Planner. Mr. Hartnett explained the request for authorization to release the surety funds for completion of the Definitive Plan of Pine Needle Estates (Berard Court), the balance of this account is estimated to be \$58,044.00 and for completion of the Definitive Plan of Lisbor Lane, the balance of this account is estimated to be \$51,521.00; both of which are held by the Treasurer's Office. **Motion** made by Mr. Dutra to approve the expenditure of sureties being held for Berard Court and Lisbor Lane. Second by Mr. Ouellette. The Board voted unanimously in favor.

Discussion then continued regarding Briggs Landing. Mr. Hartnett stated that within the layout of Brownell Street and the intersection of Tickle Road there is an underground drainage system designed to handle surface runoff from the roadway. If the road remains private, the maintenance and inspection of this drainage system will be the responsibility of the developer and/or the homeowner's association but if the road is accepted by the Town, maintenance will be the Town's responsibility but it will be minimal. Mr. Ouellette stated there was runoff about 1ft. wide and it was going through someone's property; it was not as bad as before but it was happening. Mr. Vieira stated he did not see anything happening when he looked. Mr. Gonsalves stated that he will take a ride and check it out with Mr. Hartnett. Mr. Vieira asked Mr. Hartnett to check on whether a bond could be obtained or maybe

attaching something on the real estate tax bills, so the Town won't be liable; we need options so the Homeowner's Association is responsible; a lot has been done on this already but there is still more to go. Mr. Hartnett stated that the Homeowner's Association will only be created once so many homes are sold but he will look into options. Mr. Ouellette mentioned the fact that this project is a 40b.

Public Hearing – RE: An application request from Mark Petrosso, 928 Sodom Road, Westport, MA for a six-month trailer permit during construction of a new residence. The property is known on Assessor's Map 70, Lot 5-A, subplot (2).

The public hearing was opened at 6:34 PM. Present: Mr. Petrosso. No abutters were present. Mr. Petrosso stated he is building a new home and is asking for a temporary trailer permit; hopefully, his home will be completed in the next 3-4 months. **Motion** made by Mr. Spirlet to approve a temporary trailer permit for six-months. Second by Mr. Ouellette. The Board voted unanimously in favor. The hearing is closed at 6:35 PM.

Discussion – RE: BOS Stipends (recommendation of transfer of \$10,000.00 from #5114 Professional Services to #5102 Board to cover partial stipend amount).

Mr. Vieira stated that \$10,000.00 has been identified and can be transferred from Personnel Services, basically from the Town Administrator's line; right now, we are not covering the BOS stipends at all. Mr. Vieira asked the pleasure of the Board as to whether they prefer to be paid over the next few months or over a 12-month period. Mr. Dutra stated Town Meeting voted to fund the position but did not vote to appropriate the funds; in his opinion, where the salary was set but we don't have the money for it, is to vote to continue the salaries as long as the money lasts and if it runs out, we run out and then we can deal with it in a year from now at Town Meeting; it was left on our shoulders to find the money. Mr. Spirlet stated he felt there was only one option, and that was to go the way they are going, if it runs out in 3-4 months, basically it is 1/3 of the salary, or we could take the money over the longer period. **Motion** made by Mr. Ouellette to move the transfer until Town Meeting in the fall. Second by Mr. Dutra. The Board voted unanimously in favor.

Discussion – RE: Comcast Licensing.

Mr. Vieira stated it is the recommendation of the Town Attorney to approve the transfer of Charter to Comcast; an email was received from Attorney Jenkins; Attorney Hewigg is the attorney working on the transfer. **Motion** made by Mr. Dutra to move approval of the transfer with Town Administrator review and the recommendation from the Town Attorney. Second by Mr. Ouellette. The Board voted unanimously in favor.

Action Items

1. **Motion** made by Mr. Spirlet to approve the MOU between the Town of Westport and LAW, Local 254 (Town Hall, Library, Cemetery & Dispatcher). Second by Mr. Dutra. The Board voted 4 in favor, 1-abstention (Ouellette). For clarification, Mr. Dutra stated that the Union can come back if anything is negotiated with the Police or Fire but not the School Department.
2. **Motion** made by Mr. Dutra to approve the contract with Narragansett Improvement Company for the Town Roadway Improvements – base bid only. Second by Mr. Ouellette. The Board voted unanimously in favor.
3. **Motion** made by Mr. Dutra to direct the Town Administrator to review and recommend a Travel Reimbursement Policy. Second by Mr. Ouellette. The Board voted unanimously in favor.
4. See Town Administrator Report.
5. **Motion** made by Mr. Dutra to approve One-Day Liquor Licenses for Westport Land Conservation Trust and Westport Rivers, Inc. Second by Mr. Ouellette. The Board voted

unanimously in favor.

6. **Motion** made by Mr. Ouellette to approve a Release of Lien for Book 8357, Pages 243-244. Second by Mr. Dutra. The Board voted unanimously in favor.
7. **Motion** made by Mr. Sullivan to accept the \$100.00 donation from the Westport Taxpayers Association to be used for the COA Outreach Program. Second by Mr. Spirlet. The Board voted unanimously in favor.

Appointments

1. **Motion** made by Mr. Dutra to appoint A. Max Kohlenberg to the Energy Committee. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. **Motion** made by Mr. Ouellette to appoint Judith D. Turner to the Council on Aging. Second by Mr. Dutra. The Board voted unanimously in favor. *Ms. Turner was present to meet the Board and introduce herself, she has volunteered at the COA for 10 years. The Board thanked her for her service.
3. **Motion** made by Mr. Ouellette to appoint the following Finance Committee Representatives: Gary Carreiro and Shana Shufelt to the ADA Transition Plan Committee, Mark Carney to the Tax Incentive Program Committee, Gary Carreiro to the Agricultural/Open Space Preservation Trust Fund and John Miller to the Capital Improvements Planning Committee. Second by Mr. Dutra. The Board voted unanimously in favor.
4. **Motion** made by Mr. Ouellette to appoint Stanley H. Cornwall to the Commission on Disability. Second by Mr. Dutra. The Board voted unanimously in favor.
5. **Motion** made by Mr. Ouellette to appoint David Paddock as an Alternate Member on the Historical Commission. Second by Mr. Sullivan. The Board voted unanimously in favor.
6. **Motion** made by Mr. Ouellette to appoint Paul Somerson as a Regular Member on the Historical Commission. Second by Mr. Sullivan. The Board voted unanimously in favor.

Minutes

Motion made by Mr. Sullivan to approve the Regular Meeting Minutes of June 2, 2014. Second by Mr. Ouellette. The Board voted unanimously in favor.

Correspondence Requiring Action

1. **Motion** made by Mr. Ouellette that the Highway Surveyor and Town Administrator review the 235 Robert Street matter and to forward the correspondence to Town Counsel. Second by Mr. Sullivan. The Board voted unanimously in favor.
2. **Motion** made by Mr. Dutra to approve the "No Parking" request from Stephen Ferreira for the Sprint Mud Run subject to the Police Recommendation. Second by Mr. Ouellette. The Board voted unanimously in favor.
3. This request was withdrawn by Mr. Roy.

Board Members Suggestions for Future Agenda Discussion / Action

1. Mr. Sullivan stated he spoke with Jeff Bull and the Beach Committee would like to give some recommendations for the access on Beach Avenue; also, they would like to discuss permits for the beach and passes for fishermen. Mr. Vieira suggested that a meeting of the Beach Committee, Safety Officer, Recreation and the Town Administrator be held to work on this before coming to the Board. Mr. King stated he will work on this.
2. Mr. Ouellette stated there is a problem at East Beach due to no designation of where the end of Town Beach is; apparently beach goers were on trailer property. Mr. Dutra stated that Conservation Commission and the Landing Commission should be involved.

3. Mr. Spirlet stated that he has received complaints about too many stickers being needed on cars for various reasons like the beach pass, Hix Bridge Landing and the Transfer Station. We should consider one pass, like an all-season pass that is good for all. Mr. Spirlet asked that the Town Administrator look into this and come back to the Board with a recommendation.

Other Business

1. Mr. Ouellette asked that everyone keep track of the weather that is coming; also, he has received complaints of fireworks again and erratic drivers.
2. Mr. Sullivan stated he has received concerns of vehicles speeding on the paved section of East Beach Road; he would like to ask the Police Department to run radar down there. Mr. Vieira stated the Police are out there and active.
3. Mr. Vieira stated that Mr. King spoke briefly in his report on the closure, to some degree of the Highway Surveyor court case, the costs associated were with the District Attorney's Office, the cost to the Town was paying the salary of the Highway Surveyor; we did not have any Town Counsel in court it was handled by the District Attorney's Office; there is a hold on his retirement and the Town Administrator will be working with State Officials on this; there is a pending court date in September.

Question & Answer

1. John Alden asked that with the transfer of license, what the difference between Comcast and Charter were. Mr. King stated the present infrastructure will be retained and the billing, so far, will remain the same; mostly it will be Comcast programs. Mr. Ouellette noted that the Town has a 10-year contract, of which we are about two years into, but things can change. Mr. Vieira stated it looks like we are getting a better deal but we will be watching.

Executive Session – 7:06 PM

Motion made by Mr. Sullivan to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to discuss strategy with respect to collective bargaining and approval of Executive Session Minutes of May 19, 2014. Second by Mr. Ouellette. The Board voted unanimously in favor.

Roll Call Vote: Mr. Sullivan-aye. Mr. Ouellette-aye. Mr. Dutra-aye. Mr. Spirlet-aye. Mr. Vieira-aye. Mr. Vieira announced that the Board would return to Open Session following the Executive Session in order to adjourn.

Open Session – 7:40 PM

Motion made by Mr. Ouellette to adjourn the Board of Selectmen Meeting. Second by Mr. Dutra. 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