

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY  
JULY 28, 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** - None.

**Acknowledgments & Recognitions**

The Board presented George E. Foster an Official Citation recognizing his service to the Town and his retirement as the Town's Treasurer for the past 25 years.

**Senator Rodrigues and Representative Schmid – RE: Legislation for Injured Firefighter.**

Present: Senator Rodrigues and Representative Schmid. Senator Rodrigues stated he was happy to report the 1<sup>st</sup> Home Rule Petition filed to allow for a “Special Override” has been passed and signed into law. This was most time sensitive due to getting on the November ballot. The 2<sup>nd</sup> Home Rule Petition for special borrowing has passed the Senate and is in the House now. Rep. Schmid stated it is in the House on its 3<sup>rd</sup> reading and have been assured it should pass this week. Mr. Vieira stated he appreciated the cooperation and help through this from both of these gentlemen; sometimes it just considered routine but some well deserved recognition goes to both the Senator and Representative.

**Discussion – RE: Treasurer's Office, Appointment of Interim Town Treasurer; and Principal Clerk temporary increase of hours; Vote to Approve Short-Term Borrowing for Capital Improvements.**

Present: Christine Sylvia and Stella Farias. Mr. King stated with the retirement of Mr. Foster, there is a vacancy in that position; Town Meeting voted to change this elected position to an appointed position but it must go the ballot at the next election; under MGL, the Board of Selectmen have the authority to appoint an interim person until the next election. Mr. King stated he was recommending Christine Sylvia as the Interim Treasurer; she is currently the Assistant Treasurer. This position is a Department Head and exempt from FLSA and would not be part of the Union. Ms. Sylvia is not a resident but Town Counsel has opined that residency is not required. Mr. King stated he recommended Ms. Sylvia be paid at an annual rate of \$53,964. (90% of the retired Treasurer's salary) and this position will be 40 hours; Ms. Sylvia also understands she will only hold this position until the April, 2015 local election. Mr. King also recommended that the Assistant Treasurer position be left vacant indefinitely; and that the Principal Clerk position held by Stella Farias be increased temporarily to 40 hours from 35 with no increase in wage. Discussion continued with Ms. Sylvia resigning from her Union position; and a leave of absence while as a Department Head. Mr. Spirlet stated that there is no concern that Ms. Sylvia can go back to her position as Assistant Treasurer and the Union after the election. Mr. Vieira stated there was concern of her role as an Officer of the Union and then becoming Management but that

has been taken care of by Ms. Sylvia whereas she will take a leave of absence from her position to assume the Treasurer's position.

**Motion** made by Mr. Spirlet to appoint Christine Sylvia as Interim Treasurer, effective immediately, until the April, 2015 election and that she recognizes that she must step down from the Union during this time. Second by Mr. Ouellette. The Board voted unanimously in favor.

**Motion** made by Mr. Dutra that the Principal Clerk position be increased to 40 hours on a temporary basis with no hourly increase in wage until the April, 2015 election; the increase in hours is effective immediately. Second by Mr. Ouellette. The Board voted unanimously in favor.

**Town Administrator Report and Discussion – RE: Parking at Beach Avenue, Acoaxet Road and the Head of Westport.**

Hix Bridge Dredging Project – Mr. Vieira noted this is at no cost to the Town, it is being done with State & Federal funds.

Mass. Dept. of Revenue Evaluation of Westport Finances – Mr. King noted the DOR Personnel are done and will not be coming back to Westport; there should be a report in 4-6 weeks.

Beach Avenue Access Project – Mr. King stated there would be a kick-off meeting this Friday at 10:00 AM, he has invited members from the Access Committee as well as Swift Lawrence and Elaine Ostroff. Mr. King stated the purpose of this meeting is to introduce the project and he thought it was appropriate to invite anyone interested or involved. Mr. Vieira questioned why Mr. Lawrence was involved in the selection of the design/engineer. Mr. King stated it was his understanding that he was involved in the selection of the engineer. Mr. Vieira then questioned in what capacity did he represent the Town. Mr. Sullivan stated they should ask Elaine Ostroff on his involvement; he may have made some suggestions to Elaine. Discussion continued regarding who was involved and the kickoff meeting. Mr. Vieira suggested that Mr. King give the Board an update prior to Friday on this and a clarification as to what went into the selection of the design and engineer. Mr. King stated he would find out.

319 Project – Mr. Vieira asked that the Board consider some kind of update on this matter. Mr. Vieira stated he would like the Town Administrator to speak with Tom Schmitt, WRWA President regarding what the Town has paid and what the State has paid. The Board signed bills last week for engineering expenses on this. The Water Resource Committee has been on this for quite some time and is quite concerned about this; the WRWA recommended that we not move forward; perhaps one problem, is the engineer was the point person of contact for this grant instead of Jack Healey; Mr. Vieira asked that Mr. King take the lead on this with Mr. Schmitt and to form their own opinions and forward their recommendation.

East Beach Road – Mr. King stated he rode around with Chris Gonsalves and viewed the trailers at East Beach, which are encroaching on Town property. Mr. King stated he invited those property owners to a meeting on August 6<sup>th</sup> at 1:00 PM to meet with him in order to explain what is happening.

Affordable Housing Committee – Mr. King stated he met with representatives from AHT and he apologizes, it was his misunderstanding that they were coming before the Board, when in fact they were not. Mr. Vieira stated it was his understanding they did not get the first round of funding and asked Mr. Dutra, who is on this committee if he would speak to this. Mr. Dutra stated they were turned down for the tax credits, which is not unusual; what has not happened is the developers meeting with the State to find out what the issues were causing the AHT to meet prematurely that afternoon; once we have the information we can discuss what this will mean for the project and then we can come back to this Board. Mr. Vieira encouraged the Board to have a conversation with the AHT on what the vision will be for this project based on the funding that was attempted; and if there is another avenue. Mr. Dutra stated that we are queued-up in line for the tax credits; many are turned down at least a minimum of two times before being accepted. We are looking at a mix of rental income and the State is looking

at the mix; and until we get that decision, it is premature to come before this Board and have an intelligent conversation. Mr. Vieira agreed but he would like a discussion and input with the AHT prior to. Mr. Dutra agreed also but the AHT needs the information from the State before coming to the BOS with a meaningful discussion and presentation.

Beach Avenue continued – Mr. Sullivan began a discussion regarding Beach Avenue Access Project and the review by Town Counsel of the Memorandum of Understanding and the changes. Mr. King stated that some of the decisions will need to come from the Board or involve the abutting neighbors and agreements with them. Mr. King stated he would recommend waiting to see the recommendations of access. Mr. Sullivan stated he did not provide Mr. King with the almost 80% recommendation from Town Counsel on this project, which dove tails the CLE project. There is a lot of work ahead with this Board in regards to what Beach Avenue may look like; it not only involves the MOU, but a lease and a lot of activity. Mr. Sullivan stated it was up to the Board if they wanted to bring this back in two weeks because it all depends on Atty. Jenkins recommendations. Discussion continued regarding other options such as using Towne Avenue or Boathouse Row for a turnaround. Mr. Vieira stated he would look to the Town Administrator, Highway, Beach Committee and Commission on Disability for a recommendation on a turnaround; if there are options, we can schedule it for next meeting. Mr. Sullivan stated he was waiting for the legal opinion. Mr. Spirlet stated he could not see spending money on legal fees until we see what Town Meeting does; he would not want to go into an agreement until after Town Meeting. Mr. King stated he met with Safety Officer Bell and they looked at Acoaxet Road and with the creation of an active beach area with limited parking, it will encourage parking on other roads; he does not recommend changing parking on Acoaxet. Mr. Vieira stated he was looking for a parking plan on this area; one issue is the fact that a Beach Pass was needed; one problem is that vehicles are from out of Town or part of a Trust; this is a legitimate concern. Mr. Bull, Beach Committee member stated there is a very clear policy regarding Trust-held property but sometimes it is contested at the Town Clerk's Office; but in all defense, there were many people who wanted a pass because they were friends of a Trustee; names have to be listed in the Trust. We are looking at the possibility of mailing out a letter to the Trusts requesting a list of those who are actually in the Trust but as long as there is a tax bill, they can have a pass. Mr. Vieira stated we need a policy and we need fairness to those who live there for access; Acoaxet Road has a similar problem with parking and so does the Head of Westport. Mr. Dutra stated there was a meeting at the Head of Westport and there was a recommendation of moving the boulders back, but that will be coming in two weeks along with reports of how to improve traffic and parking. Discussion continued regarding the Head of Westport issue. Mr. Vieira suggested the Town Administrator take the lead with the Landing Commission, Beach Committee and Public Safety to get some recommendations together. We don't have a plan yet and we should; the Head should be a priority and public safety should drive this. Mr. Bull stated the hope was that for Beach Avenue, this would be a test year but so far he has not heard any complaints and people are using the resource; we have not put any additional parking and the Highway needs to hard-pack the area from Towne Avenue to the Knubble; there is a lot of confusion as to where you can park due to signage; and we are meeting with the Commission on Disability the 1<sup>st</sup> or 2<sup>nd</sup> Wednesday of August. Mr. Vieira stated that we need recommendations from the Fire and Police. Mr. Dutra stated we need input for the next meeting for Beach Avenue, Acoaxet, the Head and Hix Bridge Road. Mr. Ouellette noted that every other beach in Town has parking areas not on roads; Beach Avenue is on the road with no parking area. Mr. Bull stated there was concern from the Commission on Disability that there should be hard-packing from Towne Avenue to the end. Mr. Gonsalves stated according to Narragansett, it will be up to Towne Avenue and he will maintain from there; there were two signs pulled out but he found them on the beach; there is some confusion over parking.

**Christine Quinn, COA Director – RE: the filling of Outreach Worker position; appointment of**

**Jennifer Chandanais as Social Day Program Aid; and permission to post and hire an Asst. Director and 2 Social Day Care Aids for the Social Day Program.**

Present: Christine Quinn, Marcia Liggin, Karin Bergeron and Cathy Davis. Ms. Quinn stated the positions will be for 19 ¾ hours, no benefits and at no cost to the Town; the Outreach Worker is funded by a grant from the ARAW; the Social Day Care Program Aides and Assistant Director are funded by the Social Day Program Revolving Account.

**Motion** made by Mr. Ouellette to appoint Julie Shanahan as Temporary Outreach Worker. Second by Mr. Sullivan. The Board voted unanimously in favor.

**Motion** made by Mr. Sullivan to appoint Jennifer Chandanais and Martha Fontaine as Social Day Care Program Aides. Second by Mr. Ouellette. The Board voted unanimously in favor.

**Motion** made by Mr. Dutra to allow the posting of the Assistant Director, Social Day Program position and to recommend. Second by Mr. Ouellette. The Board voted unanimously in favor.

A discussion ensued regarding the Food Pantry. Mr. Vieira stated it was moved from the COA due to a lack of space but we need to have monitoring at the Town's level over this even though it is at the Church; this is no reflection on the Church who are helping us out and I am sure are doing a good job but there is a lot of concern, especially since it left the COA. Mr. Vieira stated the Town should have some involvement in this because residents are benefiting from this; he does not want to see this go completely to the Church because the Town is getting funds for this from Boston; questions are being asked as to whether they are donating to the Town or the Church. Mr. Dutra stated one of the issues is cash donations; they need to know who it is going to. Mr. Spirlet stated that he would also like to see the COA still accept donations if someone brings them to the COA. Ms. Liggin stated that Heather is still handling the Food Pantry as always; she has noted this in the Shorelines paper, that checks are noted for Food Pantry; it is still the same way except the checks and donations are going to the Church marked for the Food Pantry. Mr. Vieira asked that this is coordinated with the Town Administrator; Mr. King stated he will send the Board a memo going forward.

**Action Items**

1. **Motion** made by Mr. Spirlet to accept the new CORI Policy. Second by Mr. Sullivan. The Board voted unanimously in favor.
2. **Motion** made by Mr. Sullivan to accept the Personal Vehicle Expense Reimbursement Policy. Second by Mr. Spirlet. The Board voted unanimously in favor.
3. **Motion** made by Mr. Dutra to accept the Procedures for Disposal of Surplus Property Policy. Second by Mr. Ouellette. The Board voted unanimously in favor.
4. **Motion** made by Mr. Dutra to approve of a One-Day Liquor License for Holy Ghost Club for 08-02-14. Second by Mr. The Board voted unanimously in favor.
5. **Motion** made by Mr. Sullivan to accept the donation of \$3,600.00 (\$300.00 per month) to the COA from the Friends of Westport COA to be used towards Social Day for special activities/outings. Second by Mr. Spirlet. The Board voted unanimously in favor.
6. **Motion** made by Mr. Spirlet to award the bids placed on Municibid as presented. Second by Mr. Dutra. The Board voted unanimously in favor. All Town seals are to be removed from the vehicles before pickup. Awards were as follows:

2000 GMC 3500	Robert Buchholz, Stoudsburg, PA	\$ 1,902.01
1982 GMC Topkick	Anton Tomko, Elizabeth, PA	\$ 1,551.00
1998 Chevrolet CK 3500	Mick Estok, Hopewell, NJ	\$ 1,278.00
2000 Chevrolet Silverado 2500	Gilbert Souza, Westport, MA	\$ 651.00
1999 Chevrolet Silverado 2500	Gilbert Souza, Westport, MA	\$ 631.00
1989 Chevrolet G-Series Van	Gilbert Souza, Westport, MA	\$ 530.00
1992 Ford F350	Gerald Lewandowski, Westport, MA	\$ 726.00

Mr. Sullivan asked if this was inline with the new policy. Mr. King stated yes. Mr. Sullivan asked if the bids compared to scraping the vehicles. Mr. Ouellette stated that they were above the going rate for scrap.

### **Appointments**

1. **Motion** made by Mr. Spirlet to appoint John L. Ciccotelli to the Energy Committee. Second by Mr. Sullivan. The Board voted unanimously in favor.

### **Minutes**

1. **Motion** made by Mr. Dutra to accept the amended Regular Meeting Minutes of June 16, 2014. Second by Mr. Ouellette. The Board voted unanimously in favor. \*Amendment: page 7 – fix order of annual appointments.
2. **Motion** made by Mr. Sullivan to accept the amended Regular Meeting Minutes of July 14, 2014. Second by Mr. Spirlet. The Board voted unanimously in favor. \*Amendment: page 1 – insert “Ann Boxler”.

### **Correspondence Requiring Action**

1. No action was required. Notification from the Board of Health that Nelia Williams will be managing the Betterment Program and working with the Board of Health again this year.
2. **Motion** made by Mr. Spirlet to approve of the parking request of Elizabeth Wax, 93 Howland Road for parking on Beach Avenue for a short wedding ceremony and to send the request to the Police Department so they can coordinate this event with Ms. Wax. There will be no Police Details required and no Parking Tickets to be issued for the 7-8 cars that will be there. Second by Mr. Sullivan. The Board voted 4 in favor, 1-opposed (Ouellette). \*Exact date to be clarified.
3. Mr. Vieira stated he spoke with Mr. Russell on this matter and there will be a meeting with the Town Administrator, Police and Highway Dept., etc. Mr. King stated a meeting is being arranged with Mr. Russell, he could not meet this week due to his son's wedding but we will iron out any issues next week. **Motion** made by Mr. Dutra to table this request until next BOS Meeting with a recommendation from the Town Administrator. Second by Mr. Sullivan.  
The Board voted unanimously in favor.

### **Question and Answer Period** – None.

### **Board Members Suggestions for Future Agenda Discussion / Action** – None.

### **Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting**

Mr. Vieira stated that Diane Pelland found this language which can give the Board some discretion regarding items not anticipated; hopefully, we never have to use it but if we need to, it is listed.

### **Board Member Comments**

1. Mr. Spirlet noted the Westport Fair did an excellent job this year and even with the weather, they surpassed last years attendance and with no problems; they do a great service to the Town.
2. Mr. Ouellette also congratulated those involved with the Fair, he was glad they did so well despite the weather. Driving in Town is still a problem, there are a lot of accidents, especially to the beach access areas; he may ask the Chief to post the radar. Mr. Sullivan stated the Chief did two tests along East Beach Road and Main Road, if there is another problem area, we should ask him to monitor.
3. Mr. Vieira stated he appreciated the Town Administrator updating some of the policies; one of

the challenges going forward is the Budget, it is very tight and we ask that everyone work within their personnel and expense sides. We need to honor Town Meeting and we don't have an alternative to that.

**Executive Session** – 7:40 PM

**Motion** made by Mr. Sullivan to enter into Executive Session pursuant to MGL Chapter 30A, Section 21 to hear complaints or charges made against an employee(s) of the Town of Westport; and approval of Executive Session Minutes of June 5, 2014, June 16, 2014 and July 14, 2014 and to consider to vote to release of Executive Session minutes. Second by Mr. Ouellette. The Board voted unanimously in favor.

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

Mr. Vieira announced the Board would return to Open Session in order to adjourn, also, Executive Session will be held in the Town Administrator's Office in order for the Cable personnel to properly shutdown the equipment without having to rush.

Note: Mr. Ouellette recused himself from Executive Session due to being a licensed plumber and having dealt with Mr. Labonte.

**Open Session** – 8:40 PM

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

**Adjournment.**

Respectfully submitted,

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

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