

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
SEPTEMBER 08, 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 of Selectmen recognized two businesses in Town by presenting Certificates of Achievement to Driftway Meadows, LLC – 30th Anniversary, accepting were Joan and Michael Travers; and Bayside Restaurant – 40th Anniversary, accepting were Alicia Carroll and Catherine (Carroll) Spivey (daughters of Robert and Nance Carroll).

James Coyne – RE: Proclamation for Ataxia Awareness Day.

Mr. Coyne was present to accept a Proclamation for Ataxia Awareness Day. Mr. Coyne explained ataxia and why its awareness is so important. Mr. Coyne also stated that Governor Patrick has signed into law a bill that will bring much needed awareness and public education; also, Ataxia Awareness Day is September 25, 2014, so a yard sale is being held on Sunday, September 21, 2014 at the Watuppa Plaza, 151 State Road, Westport with all proceeds going to ataxia research.

Town Administrator Report

Perry Property House – informational / no votes taken.

Electric Vehicle Use Plan – Mr. Spirlet asked how many cars can be charged at a time on the charging station. Mr. King stated two.

Subdivision Surety – informational / no votes taken.

Domestic Violence Leave Act – informational / no votes taken.

Early Sunday Package Store Opening Hours – informational / no votes taken.

Procurement Law Change – informational / no votes taken.

Hix Bridge Dredge – informational / no votes taken.

Town Hall / Highway Garage UST – informational / no votes taken.

Public Access Cable Project Phase Two in the Public Schools – informational / no votes taken.

Beach Avenue Parking, “The Knubble” and Accessibility – informational / no votes taken.

Head of Westport “No Parking” Sign Vandalism – informational / no votes taken.

Town Hall Annex – Mr. Vieira asked Mr. King to look into the use of CPC funds to repair the drainage problems at the Annex.

Ben Booth, Dharma Voyage, Inc. - RE: Hix Bridge Landing Permits.

Mr. Booth stated Dharma Voyage is a 501(c)(3) nonprofit organization and is requesting the Board to consider issuing a limited number of guest parking permits for Hix Bridge Landing which would help

in the development, growth and running of a new venture in Town, a Community Rowing Program. Mr. Booth stated this would benefit Westport residents and one of the long-term goals would be to create an after school program. We will target primarily Westport residents but would like to welcome other neighboring communities to also enjoy our wonderful resource. The passes would be used for rowing time only, usually 1 to 1 ½ hours at a time when on the river. We are only looking for five passes and they could be issued on a sort of pilot program for six months to see how it goes, revisit it and see if there has been much disturbance to the residents. Mr. Booth stated the rowing program generally runs from April to November. Mr. Booth stated this is a new program, there seems to be interest in it and he would be the person in charge of the passes. Mr. Spirlet stated presently, there are 400 paid resident permits that have been issued and his concern is the limited parking space; also, Mr. Spirlet asked if Mr. Booth had looked into using the Town Farm to launch from there. Mr. Booth stated there was no area to launch. Mr. Spirlet also suggested parking at Town Farm and carpooling. Mr. Sullivan suggested that Mr. King research this and come back to the Board with a specific recommendation. Mr. Ouellette noted there have been other groups in the past such as Fly Fishermen, that the Board has said no to, so this will have to be well-thought out. Don Dufault, Westport Fishermen's Association, stated he has participated in this program, it is a great chance to share our beautiful resource and he hoped the Board would give this request some consideration.

Motion made by Mr. Sullivan to have the Town Administrator take the task, do some research and come back to the Board with recommendations. Second by Mr. Dutra. The Board voted unanimously in favor.

Susan Branco, Library Director – RE: Appointment of Jennifer Rizk as After-School Assistant.

Ms. Branco stated there were 31 applications received; 4 applicants were interviewed and following the interviews, Jennifer Rizk was chosen. This is for an after-school program which varies in attendance. Ms. Rizk has a wonderful background in working with Middle and High School children on giving guidance, counseling and homework. The funding of this position is from the leftover monies from the Library Expansion Fund Account; the donor recommended using the leftover funds to get this type of extra help. The position was advertised in places like Umass Dartmouth, Westport Community Schools and BCC. A lot of applications came from websites that are not familiar and contained a lot of backgrounds that don't apply to this position. Mr. Spirlet noted that Westport residents should be given preference and asked if Ms. Branco felt Ms. Rizk was the most qualified person for the position. Ms. Branco stated Ms. Rizk was the most qualified and her Board always looks toward Westport residents first but they needed to put the person who was the best fit; it is a difficult position to fill with the hours expected which is 2 PM to 4:30 PM – 5 days a week. **Motion** made by Mr. Dutra to appoint Jennifer Rizk as the After-School Assistant per recommendation of the Library Director. Second by Mr. Ouellette. The Board voted unanimously in favor.

Michael Sullivan – RE: Request for a representative to the Middle School Building Committee.

Mr. Sullivan stated this request came from the School Business Manager Praveen Singhal. School Committee member Carolina Africano stated this committee is to look at how we move the School Buildings forward; the membership is open to anyone, parents/architects; we are looking for a broad-based representation. Ms. Africano stated the Board of Selectmen participation is welcomed and the next meeting will be Monday, October 6, 2014 at 4:00 PM at the High School. Discussion ensued. Mr. Vieira stated he toured the Middle School today with Mr. King, who is on-board with this already. Mr. Vieira encouraged any Board of Selectmen member to attend. No votes were taken.

Michael Sullivan – RE: Request for a representative to Budgetary Advisory Committee.

Mr. Sullivan stated this is the second year that an invitation has been extended to the Board for representation to this group. Shana Shufelt, Finance Committee Vice Chairman and Chair of the

Budgetary Advisory Committee stated this committee was formed to improve the budget process because communication was problematic between the Selectmen/School Committee/Finance Committee. This group does not vote on anything or make any decisions, our goal is to share information between the boards and about being transparent and it provides a forum where the groups can actually talk to each other; there is two placeholders from each group as well as the Town Administrator, Business Manager and School Superintendent; all slots have been filled except for the Selectmen. Mr. Vieira stated this has been discussed in the past and his position is based on the Finance Committee handbook which states the budget making responsibility belongs directly with the Executive Branch of Government, the Board of Selectmen and it goes on to say it is not advisable for the Finance Committee to take the budgeting role directly, their primary statutory role is as objective advisory to Town Meeting. Mr. Vieira stated that it is not the charge of an appointed Finance Committee to set up an advisory committee. Mr. Vieira stated he takes offense to the idea that there is no communication; Mr. Sullivan is our communications person with the School and he attends meetings regularly. Mr. Vieira stated it is important to have dialogue between boards and he believes the Board is doing that; the Finance Committee would like to control this process by having a sub-committee. Mr. Dutra stated originally, this was the idea of the BOS not the FinCom about 4-5 years ago; each of these committees have unique roles in the budgeting process, which puts us in conflict with each other; we as Selectmen have a unique responsibility in developing the budget and the Finance Committee has the responsibility of recommending the budget to the Town Meeting; and the School Committee has unique quasi independent powers to take their budget directly to the legislative body; they need to coordinate with the BOS and can be overridden by the BOS but they still have independent standing to go directly to the legislative body. A number of communities around the State have created committees like the Budget Advisory Group to mitigate inherent tensions that exist between these three bodies. This is a good idea in having to deal with declining/diminishing budgets, to have three boards working together with six members to get a consensus to go to Town Meeting. Mr. Dutra stated he supported this but in addition, he would like to see included the Town Accountant, Town Administrator and School Superintendent so we have the folks who have access to the numbers. Mr. Vieira stated the School Committee is an Executive branch of government for the School Department and by statute the BOS is the Executive branch for all others, other than the Schools; we do have a representative of this Board who serves on the School Committee, who serves as liaison and reports back to this Board. Mr. Vieira stated the Finance Committee has an advisory role; the Budgetary Advisory Group becomes a lobbying group. We need to sit down as we did last year with the Business Manager/Town Administrator, have an approved budget by December, turn it over to the Finance Committee, walk away from it, let the FinCom do whatever they want with it and this keeps an independent process which is described in the FinCom handbook put out by the State of MA and MMA. Mr. Sullivan stated the one thing we don't do very well is communicate; as a liaison, he is to come back to the board to report and seek direction, which he does not believe happens often enough, which is one of the reasons he shares Chairman Vieira's concern. Mr. Sullivan stated, however, that his sense of this is that it is a communication tool with no voting but an exchange of information; he did not feel that two members were necessary but suggested participation by sending a member along with the Town Administrator and to have an alternate member. Ms. Shufelt stated the FinCom is looking for the best way to advise the Town of the budget; we are not making the budget, the BOS are creating the budget but most of the time, one of the things we don't have is the insight as to the decisions that were made in creating the budget and the guidance given. Ms. Shufelt stated we are not making decisions, only gathering the information and bringing it back to our respective boards. Discussion continued.

Motion made by Mr. Dutra to appoint a representative and an alternate to the Budgetary Advisory Committee and to direct the Town Administrator and Town Accountant to be staff support to this committee. Second by Mr. Ouellette. The Board voted 3 in favor, 2-opposed (Spirlet, Vieira). Mr. Sullivan suggested that Chairman Vieira would be a good choice to represent the Board given his

concerns about the process. Chairman Vieira declined. Mr. Spirlet stated the best qualified person we are sending to the Budgetary Advisory Committee is the Town Administrator. Mr. Ouellette stated it is great to be transparent; any help for the Town Administrator's first budget process is good; the more talk we can do, the better. **Motion** made by Mr. Dutra to appoint R. Michael Sullivan as our main liaison and Richard Spirlet as alternate. Second by Mr. Ouellette. The Board voted unanimously in favor. **Motion** made by Mr. Spirlet that any BOS member serving as an advisory/liaison to another board, following any meetings they have attended, reports immediately back to the board with a recap from their assigned boards. Second by Mr. Sullivan. The Board voted unanimously in favor.

Discussion – RE: Enforcement of Parking and Dog Control Bylaws with Volunteers and Constables for Cherry & Webb, Beach Avenue, Head of Westport and Hix Bridge Landing.

Mr. Vieira stated Mr. King is waiting for recommendations from the Police Chief and Beach Committee. **Motion** made by Mr. Dutra to follow the recommendation of the Town Administrator to hold on having this discussion until the Beach Committee and the Police Chief can weigh in. Second by Mr. Ouellette. Discussion: Mr. Vieira stated these have been problems since the spring and we need to address the parking issues and enforcement issues; we have people walking dogs on the beach and a parking problem at the Head, it is our responsibility. Discussion continued. This matter will be on the next BOS Agenda. No final vote was taken. Mr. King will look into this matter.

Discussion – RE: MOA for Beach Avenue turn-around.

Mr. Sullivan asked for a placeholder for the BOS next meeting – September 22nd.

Action Items

1. **Motion** made by Mr. Dutra to approve the Designer Selection Policy as submitted. Second by Mr. Sullivan. The Board voted unanimously in favor.
2. **Motion** made by Mr. Dutra to approve the Cross-Road Banner Policy and Application / Permit forms as submitted. Second by Mr. Spirlet. The Board voted unanimously in favor.
3. **Motion** made by Mr. Spirlet to approve the renewal of the Shellfish Aquaculture License for Kerian Fennelly. Second by Mr. Dutra. The Board voted unanimously in favor.
4. State Law Change regarding Collective Bargaining: Mr. Vieira stated that Mr. King can be the designee according to this change in the State Law. Mr. Dutra stated our bylaws don't have the Town Administrator as the Chief Executive Officer, so we have to appoint someone; we need to keep Mr. Sullivan in this capacity for this year, especially with negotiations not going so well and then we can change reps for next year. Mr. King stated he will contact the School Superintendent and explain this. **Motion** made by Mr. Dutra to appoint Mr. King as alternate for Mr. Sullivan and to revisit this matter for next year's representative to the School Committee's Collective Bargaining unit. Second by Mr. Ouellette. The Board voted unanimously in favor.
5. **Motion** made by Mr. Spirlet to approve the contract with PJ Keating for the road construction and completion of Berard Court and Lisbor Lane. Second by Mr. Ouellette. The Board voted unanimously in favor.
6. **Motion** made by Mr. Spirlet to approve of the Release of Lien for Book 10028, Pages 227-234. Second by Mr. Ouellette. The Board voted unanimously in favor.
7. **Motion** made by Mr. Ouellette to approve of two One-Day Liquor Licenses for Holy Ghost Club for a fundraiser on 09-13-14 and a wedding on 09-20-14 subject to Police recommendation. Second by Mr. Sullivan. The Board voted unanimously in favor.
8. Review recommendation from Michael Sullivan and Tim King of billing to Buzzards Bay Coalition for additional costs associated (including legal costs) with re-bidding due to Beach Avenue: Mr. Sullivan stated that Mr. King has done some research on this but as a

background history, when we decided to hold off on signing the contracts to pave Beach Avenue and East Beach Road, there was some concern which was brought to our attention by Mr. Vieira, that we might run into legal issues by not issuing the contract; which in turn, led to a discussion of what legal costs and/or legal actions we may incur. As a result of that discussion, Buzzards Bay Coalition made an offer to share in the extra costs associated with those actions. Mr. King stated that engineering invoices totaled \$5,818.58 covering the first bid process are “additional costs”; legal invoices totaled \$3,220.00 relating to Beach Avenue, including a possible MOA or MOU; so, the Town has incurred additional costs of \$9,038.58 to date, except for the legal fees of the September billing which we don't have yet. Mr. Sullivan stated that we did not incur costs associated with our initial concern which was being sued by the low bidder of the first bid. Mr. Sullivan did speak with Buzzards Bay Coalition and they did not want to appear to be in the position of reneging; at the April 28th BOS Meeting, a representation from BBC stated that in order to halt the paving of Beach Avenue and to allow an alternate access design to develop further, the BBC would share any costs related to the road bidding process with a maximum of up to \$10,000.00; what is implied, is any additional costs. Discussion continued. Mr. Vieira asked that Mr. Sullivan and Mr. King work on this and come back to the next meeting with a recommendation. Mr. Sullivan stated he wanted to make clear that the offer did stand, however, he did not want to see this as piling on to a very generous offer; the discussion of the MOA /MOU was something we chose to do and beyond the scope of the original concern. Again, Mr. Vieira stated to work on this and come back with a recommendation. Mr. Sullivan stated the action this Board took saved the Town \$60,000.00 by not paving. No votes were taken; this matter will be addressed on September 22, 2014.

Appointments

1. **Motion** made by Mr. Spirlet to appoint Durre Kidwai to the Recreation Commission. Second by Mr. Ouellette. The Board voted unanimously in favor. Ms. Kidwai was present.
2. **Motion** made by Mr. Spirlet to appoint John Rezendes to the Cable Advisory Board. Second by Mr. Dutra. The Board voted unanimously in favor. Mr. Rezendes was not present but was interviewed by Mr. King.
3. A letter will be sent to Stacy L. Vilao regarding her request for appointment to the Conservation Commission, which has no vacancies at this time. No vote was taken. Chairman agreed to write a letter thanking the applicant and informing her that no vacancy currently exists.
- 4, 5, 6, 7. **Motion** made by Mr. Dutra to appoint Sean Leach (BOH Rep), Jim Walsh (BOH Rep), Chris Capone (ConCom Rep), Andrew Sousa (Hwy Rep) and Elaine Ostroff (COD Rep) to the Open Space Committee. Second by Mr. Sullivan. The Board voted unanimously in favor. The appointment of Tim Gillespie (Recreation Rep) was held pending contact with the Recreation Commission due to the fact that Mr. Gillespie could not attend meetings.

Minutes

Motion made by Mr. Sullivan to approve the Regular Meeting Minutes of June 30, 2014. Second by Mr. Dutra. The Board voted unanimously in favor.

Motion made by Mr. Sullivan to approve the Regular Meeting Minutes of August 11, 2014. Second by Mr. Spirlet. The Board voted 4 in favor, 1-abstention (Dutra).

Motion made by Mr. Sullivan to approve the Regular Meeting Minutes of August 25, 2014. Second by Mr. Dutra. The Board voted unanimously in favor.

Correspondence Requiring Action

1. **Motion** made by Mr. Dutra to approve the request as recommended by the Shellfish Constable.

Second by Mr. Ouellette. The Board voted unanimously in favor.

2. **Motion** made by Mr. Ouellette to accept the resignation letter of Selena Howard and to send a letter of thanks and to post the position. Second by Mr. Dutra. 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 – None.

Other Business

1. Mr. King announced there will be a Public Workshop for the Comprehensive Master Plan on Saturday, September 27th from 9AM to 12:30 PM at the Westport Library. The public is encouraged to participate.
2. Mr. Spirlet congratulated the Town of Dartmouth on their Anniversary celebration and parade.
3. Mr. Spirlet asked that everyone please remember and be vigilant on Thursday, September 11th. Mr. Ouellette reminded everyone that Westport lost one of their own on that day.
4. Mr. Ouellette stated he still has not received the budget numbers; he would like the number of building permits issued and some sort of guesstimate on housing development, including major ones in the planning stages.
5. Mr. Ouellette stated if it was alright with the Board, he would be talking with the Superintendent about doing a Holiday Tree for the kids to put up any decorations they want on the Town Hall front tree.
6. Mr. Sullivan mentioned that with 9/11 coming, residents may want to stop by the Fire Station on Hix Bridge and view the piece of the WTC which is on display.
7. Mr. Ouellette reminded everyone of voting on Tuesday for the Primary, the polls will be open from 7AM to 8PM; he asked if everyone voting could try to work around the school opening time due to buses arriving.
8. Mr. Vieira asked that correspondence received from the Board of Health be clarified by Mr. King.

Executive Session - 8:03PM

Motion made by Mr. Sullivan to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to approve Executive Session Minutes of July 28, 2014, August 11, 2014 and August 25, 2014. 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 that the Board would return to Open Session in order to adjourn.

Open Session – 8:05 PM

Motion made by Mr. Ouellette to adjourn the Board of Selectmen meeting. Second by Mr. Spirlet. The Board voted unanimously in favor.

Adjournment.

Respectfully submitted,

APPROVED: _____
R. Michael Sullivan, Clerk

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