

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
MAY 04, 2015**

Members Present: Craig J. Dutra, Chairman
R. Michael Sullivan, Vice Chairman
Antone C. Vieira Jr.
Richard M. Spirlet
Steve Ouellette, Clerk

Also present: Timothy J. King, Town Administrator

Chairman Dutra 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.

Pledge of Allegiance

Chairman's Announcement - Under MGL Chapter 30A, section 20(e) – Meeting being recorded.

Public and Board Member Comment

1. Mr. Dutra reminded everyone that Annual Town Meeting would begin on Tuesday, May 5, 2015 and could continue to Wednesday, May 6, 2015. He encouraged attendance and for those with children, Child Care Services are being offered from 6:45 PM to 9:30 PM. Also, Mr. Dutra stated there will be a Special Town Meeting on Thursday, May 7, 2015.
2. James Coyne stated the sign for the Town Hall Annex is almost ready but a change in its location is being requested to the south side of the flag pole. The sign will be up before Memorial Day. The new sign is made of aluminum not wood; it states the various offices located in the Annex. Mr. Coyne recognized the people who donated to make this sign happen. **Motion** made by Mr. Sullivan to approve of the requested sign location. Second by Mr. Ouellette. The Board voted unanimously in favor. Mr. Ouellette reminded Mr. Coyne to check with the Building Dept. for Dig-Safe.

Acknowledgments & Recognitions – None.

Town Administrator Report

YRC Property on Borden Street – Mr. King stated he spoke with Lance Collins from YRC Freight about the Borden Street property. The property was under contract but they were unable to consummate the deal and the property is again on the market. Mr. Collins stated they have certification that the property meets environmental requirements. Mr. King stated the Board also asked that a status of the road damage be researched; Mr. King stated obtained a report from Highway Surveyor Christopher Gonsalves and he states the damage to Borden Street was from a bad winter not YRC Freight. No votes taken.

Time Warner-Charter-Comcast – Mr. King stated he has provided the Board with letters from Comcast announcing the termination of the attempt to merge with Time Warner and Charter. Mr. King stated that Charter will continue to be the Westport's provider. No votes taken.

Town Hall Tree – Mr. King stated that one of the evergreen trees on the Town Hall front lawn is dead and he will be making arrangements with the Highway Dept. to remove it; Mr. King stated he believed this was the tree that has been used for Christmas. **Motion** made by Mr. Ouellette to allow removal of

the tree. Second by Mr. Sullivan. The Board voted unanimously in favor. Mr. Dutra asked if options could be looked at in replicating the Town's Christmas Tree.

Police Station Feasibility Study – Mr. King stated that Reinhardt Associates has met with the Police Chief and a draft spatial needs report has been prepared; Mr. King will email a copy of the report to the Board and it is available in the Selectmen's Office for review. The Police Station Building Committee will be reviewing this report and making comments or suggestions for changes. Mr. King stated that Reinhardt has also gone completely through the Police Station identifying all the building's deficiencies; that will be presented in their next report. No votes taken.

Knubble Dune Restoration Project – Mr. King stated he has presented a monthly update on this project. They are in the process of selecting a firm to provide engineering services to design handicap accessibility. No votes taken.

Time and Attendance Upgrade – Mr. King stated it is still undergoing beta testing during this most recent two-week pay period; the vendor is still resolving a few bugs in the system; following this implementation, the COA will be next for installation. Mr. Spirlet stated that once the bugs are worked out, the rest of the Town should be installed without any problems; Mr. King stated that each department will require some tweaks. No votes taken.

Town Auditor – Management Letter Follow-up – Mr. King stated he has provided the Board with a follow-up memo from Tony Roselli regarding a couple of items requested from their last meeting. Mr. Vieira stated it was not much of a memo; it didn't talk much about the items; hopefully we are not being charged for this; there was not much regarding the 319 Grant. Discussion ensued. **Motion** made by Mr. Sullivan to authorize Mr. Vieira to go back to Mr. Roselli to seek clarification of whether the 319 expenses were properly authorized and what could have been done to reduce the other Town's expenditures beyond what was anticipated. Second by Mr. Spirlet. Discussion continued and the motion was withdrawn; the Board directed the Town Administrator to come up with recommendations on this matter.

Quinn Property – Mr. King stated a report has been received from George Campbell, Environmental Engineering regarding the latest groundwater sampling round and the they are below standards. The overall data is declining, which is a good thing, we are heading in the right direction. No votes taken.

Middle School Supplemental Testing – Mr. King stated that Mr. Campbell did some supplemental testing of the Middle School and we should have that report by the middle of May; there will be more sampling when remediation is conducted. No votes taken.

Middle School – Youth League Basketball – Mr. King stated he met with representatives from the League to discuss use of the WMS gymnasium for after the school is turned over to the Town. Most of the issues are easily addressed; the only major cost issue will be the need for ongoing testing, which could be in an estimate of \$7,000. a year. The testing would not need to be done if there was no use by the Basketball League. Mr. Vieira asked for consideration of a meeting with Rep. Keating regarding the requirements of the EPA; perhaps the Chairman and the Town Administrator could meet on a decision making process of the EPA; his understanding is there is some flexibility with the guidelines; do we demolish the building, if we use the building what can it be used for; he would hate to have to pay an engineer to tell us the use of the building; let's see if we can deal directly with the EPA. Mr. Dutra stated we need to discuss with the School, a transition plan; there are residual uses, some are related to the Town, some to the School and some to third parties; we have to look at the responsibilities level and costs to all parties. This is not a turn-key operation; we need an understanding because we can't negotiate in good faith with the basketball leagues if the Town is not owning up to its responsibilities and the School is not doing its share of maintaining that building.

Motion made by Mr. Sullivan to establish a Transition Committee between the BOS and the School Department & Committee to manage the transition away from a Middle School to a general all purpose facility. Second by Mr. Ouellette. The Board voted unanimously in favor. Mr. Dutra stated it should

be one or two BOS, Town Administrator, one or two School Committee members and the School Superintendent Dargon who should meet first and then with Rep. Keating after. Mr. King will contact his office.

Public Hearing – RE: An application request of Brendan Collins for the transfer of a six-month seasonal trailer permit for recreational purposes to locate a trailer on 5 East Beach Road. The property is shown on Assessor's Map 76A, Lot 2.

The public hearing was opened at 6:15 PM. Present: Brendan Collins. No abutters were present. Mr. Collins stated he has purchased the property and would like to locate a trailer on the property for seasonal use. Mr. Ouellette asked if Mr. Collins was aware this is an environmentally sensitive area. Mr. Collins stated yes, he has already been to Conservation for approval. **Motion** made by Mr. Spirlet to approve of the transfer of a six-month seasonal trailer permit for 5 East Beach Road. Second by Mr. Sullivan. The Board voted unanimously in favor. The hearing is closed at 6:20 PM.

Public Hearing – RE: an application request for the transfer of a Motor Vehicle Repair License to Wilfrid's Garage, Inc., 427 Main Road, Westport, MA – Christopher Cotta and Joan Lisa Steadman, owners. Vehicle limit request is 17.

The public hearing was opened at 6:30 PM. Present: Joan Lisa Steadman and Christopher Cotta. No abutters were present. Mr. Dutra noted the application seemed in order. Ms. Steadman stated they would be closing on the property as of tomorrow pending the license transfer tonight. **Motion** made by Mr. Sullivan to approve the transfer of a Repair License to Wilfrid's Garage, Inc. Second by Mr. Ouellette. The Board voted unanimously in favor. The hearing is closed at 6:35 PM.

Discussion – RE: Request for approval of Samurai Sprint Mud Run – Steve Ferreira.

Present: Steve Ferreira and Rob Russell. Abutter present: Ed Howe. Mr. Ferreira explained the request for the Mud Run. This event will be the same as last year and will be using Police Details. A lengthy discussion ensued regarding the event, parking, serving of beer, zoning issues and agricultural questions. Mr. Dutra read the Police recommendation. **Motion** made by Mr. Vieira to approve the request based on the Police recommendation and with obtaining a One-Day Liquor License. Second by Mr. Sullivan. The Board voted unanimously in favor. Mr. Dutra stated that tonight, only the issue of the mud run was discussed; the larger issues were not on the table; on the next agenda, the winery will be addressing their applications for entertainment licenses for the winery and brewery.

Beverly Bisch, COA Director – RE: Permission to post and hire Van Driver.

Present: Marcia Liggin, Muriel Koskoska and Karin Bergeron. Ms. Liggin stated this is a replacement for one of their van drivers; it is 19 ¾ hours with no benefits. The position is funded by the Transportation Revolving Spending Account. Mr. Spirlet asked if comp-time was given; Ms. Liggin stated no, that matter has been resolved. **Motion** made by Mr. Ouellette to approve of the request to post and hire. Second by Mr. Sullivan. The Board voted unanimously in favor.

Board of Assessors – RE: Assistant Assessor position; Town Administrator recommendation.

Present: Jack McDermott, Robert Grillo, Steve Medeiros. Mr. King reviewed his memo regarding the Assistant Assessor Position/Consultant. Mr. King recommended that the Board of Selectmen vote to authorize the Town Administrator to work with the Board of Assessors on a contract for a Consulting Assessor, to be effective July 1, 2015. The Board of Assessors were in agreement. Mr. Spirlet questioned if this would be a 1099 or a regular employee; Mr. King stated it will be a 1099 if it is with

Mr. Withington; if a corporation, it will be a 1099 with no benefits. Mr. King stated the contract will contain the contract amount, scope of services, terms of work and payments being based on deliverables. Mr. Dutra stated this will be a contract with Mr. Withington and the Board of Assessors. Mr. Vieira read into the record, a section of Mr. King's memo regarding the current Asst. Assessor. Mr. Sullivan asked if this position would receive benefits; Mr. King stated no. Mr. King stated he checked with the Treasurer. Mr. Vieira stated that is wrong, he does get benefits. **Motion** made by Mr. Vieira to accept the Town Administrator's recommendation. Second by Mr. Sullivan. The Board voted unanimously in favor.

Tony Connors, Energy Committee – RE: Lease and PILOT for Landfill.

This matter was passed over.

Dianne Baron & Tracy Priestner – RE: School Building Committee Presentation.

Present: Dianne Baron, Tracy Priestner and Dr. Anne Dargon. A power point presentation was given to the Board regarding the future of the Schools relating to the importance of Article 6 on the Annual Town Meeting warrant. No votes were taken. The Board thanked the School Building Committee for their presentation.

At this time, Mr. Spirlet recognized Veteran's Agent Brad Fish in the audience and invited him to the BOS table to be introduced to everyone. Mr. Fish thanked everyone for the opportunity to serve and stated the BOS would not be disappointed.

Action Items

1. **Motion** made by Mr. Sullivan to approve a One-Day Liquor License for the Holy Ghost Club on May 24, 2015 for a Clamboil. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. Discussion ensued regarding a proposal for engineering services for groundwater exploration study. **Motion** made by Mr. Vieira to forward this matter to the Water Resources Management Committee for recommendation. Second by Mr. Ouellette. The Board voted unanimously in favor.
3. **Motion** made by Mr. Spirlet to approve the “Run for the Fair 5K” request from the Westport Fair Committee based upon the Police recommendation. Second by Mr. Ouellette. The Board voted unanimously in favor.
4. **Motion** made by Mr. Ouellette to approve the “Race for the Water” from the Westport Fishermen's Association based upon the Police recommendation. Second by Mr. Sullivan. The Board voted unanimously in favor.
5. **Motion** made by Mr. Sullivan to approve of an additional six-month extension of a trailer permit for Matthew Haines, 1403 Main Road. Second by Mr. Spirlet. The Board voted unanimously in favor.
6. Discussion ensued regarding an agreement for audit services with Roselli, Clark & Associates. **Motion** made by Mr. Vieira to approve a one-year contract extension with Roselli, Clark & Associates. Second by Mr. Sullivan. The Board voted unanimously in favor. **Motion** made by Mr. Vieira to authorize the Town Administrator to begin a proposal process for auditing services. Second by Mr. Ouellette. The Board voted unanimously in favor.
7. Mr. Spirlet spoke on the issue of a drainage easement (Lincoln Park); most of the drainage is being contained on the property and some is going to Beeden Road; the overflow is on the west side (Westport). There is water draining down Rte. 177 onto Town-owned property. Mr. Spirlet stated that at Town Meeting, the State is looking for an easement to do this drainage. Mr. Spirlet stated his concern was who is maintaining this and who will be cleaning this. If there is going to be drainage, we should give that section of land to the State and let them be responsible for maintaining and cleaning it; we could sell or give the land to them so it is their responsibility. Mr. Spirlet stated that

as it stands now, he will vote against this because the Town will be held responsible; he recommends passing over this; it is a bad deal for the Town. Mr. Vieira stated the WRMC raised these issues with the ConCom and Planning; it is on the warrant. Mr. Dutra stated he appreciated Mr. Spirlet's concerns being raised but without drainage, the water will drain and secondly when we talk about this at ATM, a lot of dangerous traffic issues will be resolved; we should also remind everyone of what is at stake. Mr. King stated that Town Meeting will be voting to authorize the BOS to enter into an agreement for the easement.

8. Mr. King noted there was an increase in the monthly payments for the Town's Electric Vehicle; new amount would be \$344.11 per month, which is an increase of \$7.26 per month. **Motion** made by Mr. Ouellette to approve of a 3-year lease with Milford Nissan. Second by Mr. Sullivan. The Board voted unanimously in favor.
9. Ms. Liggin explained the request to waive the reduction in payscale for the new COA Director Beverly Bisch. Ms. Liggin stated that Ms. Bisch was hired with an annual salary of \$55,000. but the Personnel Bylaws state she must work at 90% for the first year and then go to 100% salary. Ms. Liggin stated the Board of Selectmen have the option of waiving the partial pay period. Ms. Bisch is in her sixth week of employment and is doing an excellent job. There is nothing but positive feedback from everyone. Ms. Bisch immediately took on a large project and completed in a timely manner; everyone is impressed with her. Ms. Liggin stated the COA Board is basing their recommendation on what has been accomplished in so short an amount of time and on the Policy for Professional Employees pay, which Ms. Liggin read aloud. Ms. Liggin stated they have gone to the Personnel Board and they have approved of this. Mr. Sullivan asked if additional funding was needed. Ms. Liggin stated no, it is in the budget. Mr. Sullivan stated as liaison to the COA, he has heard nothing but good things about Ms. Bisch also. Mr. Spirlet stated we have a policy in place, nothing has changed since she applied for the job, he would suggest waiting the six months. Mr. Dutra felt this was a suspect policy but stated he believed this is a management position, however, if the COA feels that she is performing to that level, then you need to conduct and conclude a probationary evaluation and make that part of your recommendation; what is before us tonight is a good faith recommendation on what you have seen thus far; at that time, it can be brought back; he was uncomfortable putting it at 100% based on her performance without a performance review. Mr. Ouellette stated we increased that position by \$10,000. Mr. Dutra stated he agreed with Ms. Liggin but it was not done right from the beginning and he would not like to set a bad precedent. Mr. Dutra stated he would like to see all parties come together, make a recommendation of her position and reinstate her at 100%. Mr. Vieira agreed to the breakdown of professional staff but the Personnel Board is suggesting that Ms. Liggin is inline; Mr. Vieira stated he was inclined to say let's correct this and we can make exceptions to employees such as the Veteran's Agent. **Motion** made by Mr. Vieira that based on the recommendation of the Council on Aging and the Town Administrator that the pay be increased to 100% effective Monday, May 11, 2015. Second by Mr. Sullivan. Discussion ensued. The Board voted 4 in favor, 1-opposed (Ouellette).
10. Discussion ensued regarding the approval request for an extension on the Head of Westport Lease with the WRWA and the Landing Commission. **Motion** made by Mr. Ouellette to approve a one-year extension with the following conditions: insurance certificate indemnifying the Town, the attached diagram being named and included in the agreement and a side note for the house clearance for access. Second by Mr. Sullivan. The Board voted 4 in favor, 1-opposed (Spirlet).
11. **Motion** made by Mr. Vieira to post in-house the vacant Transfer Station position subject to appropriation; being returned to the BOS with a recommendation; and that consideration is given to Town residents. Second by Mr. Spirlet. The Board voted unanimously in favor.

Appointments

1. This matter, "Confirmation of Representation on BOEM Massachusetts Renewable Energy Task Force" is being forwarded to the Energy Committee for consideration.
2. **Motion** made by Mr. Ouellette to appoint Brad C. Brightman to the Capital Improvements Planning Committee, Custodian of the Tax Title Properties, Educational Fund Committee and Tax Incentive Program Committee. Second by Mr. Spirlet. The Board voted unanimously in favor.
3. **Motion** made by Mr. Ouellette to appoint, as submitted, the Democratic Poll Workers and Extra Poll Workers. Second by Mr. Dutra. The Board voted unanimously in favor. (see attached list)
4. **Motion** made by Mr. Spirlet to appoint Jarrod Levesque as a Full-Time Police Officer effective May 10, 2015. Second by Mr. Ouellette. The Board voted unanimously in favor.
5. **Motion** made by Mr. Vieira to approve the request of Police Chief Pelletier to offer Nicholas Frustaci, a contingent offer of employment subject to his completion of the Full Time Police Academy, a successful physical and psychological screening, background check and any other training deemed necessary. Second by Mr. Spirlet. The Board voted unanimously in favor.
6. Mr. Andrew Motta was present; stating this is a salary position only with no benefits. **Motion** made by Mr. Vieira to appoint Kyle Desrosiers as a Seasonal Cemetery Laborer as recommended by the Cemetery Foreman. Second by Mr. Sullivan. The Board voted unanimously in favor.

Minutes – None.

Selectmen Liaison Committee Reports

1. Mr. Spirlet stated the CIPC met and made ATM recommendations.
2. Mr. Sullivan stated the School Committee voted on a proposed contract – no agreement was reached; this matter will be going back to the table.
3. Mr. Ouellette stated he will be meeting with SRPEDD and a report will be coming to the Board; and the EDTF will meet tomorrow night to get our funds and we will be meeting on the STOD and other issues.
4. Mr. Dutra spoke on the School Committee meeting and in going forward with the Feasibility Study and coming to an agreement on the placement of grades.

Question and Answer Period – None.

Board Members Suggestions for Future Agenda Discussion / Action

Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting – None.

Other Business

1. Mr. Spirlet stated that Friday night at White's is a fundraiser for the Westport Public Schools.
2. Mr. Ouellette reminded everyone of westporttownmeeting.com for anyone wanting to see the questions for ATM.
3. Mr. Vieira questioned Article 3, the amount being different from what was voted. Discussion ensued. No votes were taken.
4. Mr. Sullivan mentioned an electronics recycling event on May 27, 2015 at WRWA from 9-12PM.

8:25 PM

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

Adjournment.

Respectfully submitted,

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

APPROVED:

Steven J. Ouellette, Clerk