

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY  
OCTOBER 06, 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** – None.

**Town Administrator Report**

**Noquochoke Village Status** – Mr. King stated the Affordable Housing Trust and The Community Builders will be attending the BOS Meeting on November 3 for a status update. Mr. Dutra stated there will be a tour on October 28<sup>th</sup> in Chatham to view a project done by TCB, which is very similar to what we are trying to do here in Town. Mr. Dutra encouraged Board members that if they could make it, it would be worthwhile.

**Parking Enforcement** – Mr. King stated he has communicated with the individuals interested in volunteering and has asked them to reapply next spring if they are still interested because the beach season is over for this year.

**FY'16 Municipal Budget** – Mr. King informed the Board that Departmental Budget forms have been sent out and are due back by 10/31/14. This will be a discussion for the next BOS meeting. Mr. Vieira asked if directions were given for developing the budgets. Mr. King stated yes, level service and to budget at current salary rates. Mr. Vieira suggested this be an item on the next BOS agenda.

**Drift Road Parking Recommendations/Landing Commission** – Mr. King stated the Landing Commission has submitted a plan showing proposed changes to the parking along Drift Road at the Head. This will be considered at a later date.

**Water TTHM Status** – Mr. King stated the DEP seemed pretty positive in terms of the TTHM status and the Town's efforts to address this problem.

**Donation of Property** – This is a small lot being offered by Stafford and Barbara Hart but it abuts a Town-owned lot and combined would be a buildable lot. He is finalizing information dealing with this property. Mr. King stated this matter will be on the next BOS Agenda for discussion.

**Town Hall Annex** – Mr. King stated that repairs to the deterioration of the foundation at the Annex, according to an estimate received from Pioneer Basements would be \$11,755.00. Mr. King stated this project could wait until Town Meeting in 2015 but the BOS should not consider investing money into this building until a long-term decision is made for use of the building.

**Energy Matters** – Mr. King stated he has been working with SRPEDD and several south coast communities on a group RFP for energy aggregation for an opportunity to obtain a lower rate for electricity for the Town, both residents and businesses. Mr. King will keep the Board updated.

**Road Salt** – Mr. King stated the cost of road salt has increased, with the lowest bid coming in at \$70.44 per ton as compared to \$48.77 per ton from last year. We are looking at an additional cost possibly in

excess of \$40,000.00. Mr. Ouellette asked if Mr. King looked into the regional purchase. Mr. King stated this is the regional purchase price.

Master Plan Public Meeting – Mr. King stated he attend the public meeting last Saturday; attendance was small but the information and ideas were interesting.

Understanding Free Cash – Mr. King supplied the Board members with a MA Dept. of Accounts Intern Report explaining Free Cash for informational purposes.

### **Selectmen Liaison Committee Reports**

Cable Advisory Board / Steve Ouellette – Mr. Ouellette stated there is nothing at this time to report. Mr. Vieira mentioned that the projector in this meeting room should be mounted and we should have wireless microphones. Mr. Spirlet agreed, a smart board would be great. Mr. Ouellette stated there will be a meeting in two weeks; at the last meeting, they spoke about the upgrades being done right now.

School Committee Liaison / R. Michael Sullivan – Mr. Sullivan stated he missed the last meeting, however, the Selectmen are being invited to attend the next Executive Session. Mr. Vieira stated unless the Board members felt differently, he was very comfortable with Mr. Sullivan and Mr. King attending and reporting back. Mr. King stated he attended a meeting held today at the High School; Senator Rodrigues was in attendance and a presentation was given to some of the School Committee members and a couple FinCom members; the discussion was regarding the MSBA, who will be sending a team to do a study review of all the buildings and submitting a report to the School and the MSBA.

Designer Selection Committee / Tim King – Mr. King stated the Board will need to appoint a Designer Selection Committee to evaluate proposals for the design of the Police Station and he was looking for suggestions. Mr. Spirlet suggested Chief Pelletier, Mr. King, William Gifford and he had a couple of others he would be contacting. Mr. King stated this matter will be addressed at the next meeting.

### **Discussion – RE: In-house Revaluation Cost-Benefit Analysis**

Attending were Westport Assessor's Steve Medeiros and Robert Grillo, Westport's Assistant Assessor Ellis Withington, Town of Little Compton, RI Assessor Leonard Duckworth and Patrick Donovan, Visions Government Solutions. Mr. Vieira stated the Board members have been supplied with a copy of the In-house Revaluation Cost-Benefit Analysis from the Dept. of Revenue. Mr. Vieira stated he thought it would be good to have a discussion on revaluation. Mr. Vieira stated that issues regarding this matter do crop up and we have transparency issues compared to other towns; we do have a GIS online; and if anyone has a problem, they should be contacting the Board of Assessor's Office, not the Board of Selectmen. Mr. Vieira stated that from time to time he has received complaints about the assessment information available on the town website as well as some complaints about specific property assessments, especially those along the river as being under assessed. Discussion ensued regarding the makeup of the Assessor's Office and how the process for assessing is conducted. Mr. Donovan then gave a brief presentation of the services/software offered by his company. Mr. Duckworth then spoke on the experience of Little Compton's use of Visions and how the process in Little Compton is pretty much the same process used in Westport. Mr. Duckworth stated that Little Compton has 3,500 parcels and they have about 100 abatements per year. Mr. Withington stated that Westport has 9,000 parcels and about 40 abatements a year. Following the presentation, Mr. Medeiros and Mr. Grillo agreed that the assessment information presented on the website could be more comprehensive but the cost of installing software to add more detail to their system was expensive. Mr. Vieira noted the Board of Assessors are comfortable going forward but if the funding is there, they would like to add more detail. Mr. Medeiros stated that if anyone has a problem with their taxes, they should talk to the Assessors and not the Selectmen; Mr. Vieira stated he agreed but the Board of Selectmen do have a responsibility to the taxpayer to try to help. Mr. Grillo stated that every year, we have irate customers; we don't go out to every house but he is proud of the work the Assessors do. Mr.

Vieira stated he was asked to put this item on the agenda. He requested that the Assessors release more of their unneeded overlay reserve for abatements if it was not needed, it could be used for other purposes. Mr. Spirlet stated that more people watch the BOS Meetings and hopefully, the information is out there and it is clear. Mr. Withington agreed.

**M. Ryan Wagner – RE: Proposed agricultural improvements on APR Property, Medeiros Farm, Sodom Road**

Present: Carol Trocki, Mosaic Land Management representing Mr. Wagner. Ms. Trocki stated the property was bought in 2013 and Mr. Wagner has been doing renovations to the property. The farm is protected under the Agricultural Preservation Restriction Program. The Town is co-holder on the APR with the Commonwealth of MA, so the State requires Town approval also. The renovations are for a farm pond and two culverts under the existing farm road. Ms. Trocki stated last week, they went before the Conservation Commission and they are in agreement and have given their approval for the APR renovations. Ms. Trocki stated this property was all farmed at one time; but overtime, some of it was allowed to revert back to wetlands. This is a permanent restriction.

**Motion** made by Mr. Sullivan to approve the request for agricultural purposes. Second by Mr. Spirlet. The Board voted unanimously in favor.

**Christine Quinn, COA Director – RE: Request for appointment of Catherine Lynch – Assistant Social Day Care Director**

Present: Christine Quinn. Ms. Quinn requested that Catherine Lynch, a Town resident, be appointed to the position of Assistant Social Day Care Director. The position is part-time with no benefits and no cost to the Town. Mr. King stated the proper procedure was followed. **Motion** made by Mr. Spirlet to appoint Catherine Lynch. Second by Mr. Sullivan. The Board voted unanimously in favor. Ms. Quinn also commended Connie McQuoid for handling two positions for the past several months and she did a very good job of doing so.

**Discussion – RE: Westport TTHM Update**

This item was under the TA Report. No further comment or actions were taken.

**Discussion – RE: MOU for Beach Avenue turn-around**

Mr. Sullivan gave a power point presentation on the Beach Avenue area. Mr. Vieira stated this was a good presentation, it shows how we have gotten to where we are; one challenge is in reference to the walking distance for handicap and at some point, we need to talk about what we are going to do; and a public hearing will be needed for the MOU. Mr. Sullivan stated the MOU will have to go to Town Meeting; Town Counsel has worked on an MOU and a lease for a portion of the grant but both will have to go to Town Meeting. Mr. Sullivan stated it was important to allow the Commission on Disability to weigh in. Mr. Vieira noted communication received from a resident down there, who is also an environmental engineer, voicing concerns of the proposal. Mr. Sullivan stated he did receive the correspondence and some good points were given, at this time, Mr. Sullivan suggested putting off the MOU for another two weeks.

**Motion** made by Mr. Dutra to put the MOU on the next agenda, two weeks from now. Second by Mr. Sullivan. The Board voted unanimously in favor.

**R. Michael Sullivan – RE: Grant application for Beach Avenue plan**

Present: Mark Rasmussen, Buzzards Bay Coalition. Mr. Rasmussen stated that an opportunity came up within the last two weeks for this grant application from the State and this type of opportunity only comes around once a year. He has looked it over and it is a perfect fit for Beach Avenue and hopefully, it would get the BOS support. The grant would be for the dune restoration and boardwalk access work

from the turn-around to the Knubble. The deadline for application is this Friday, October 10<sup>th</sup>. There is \$1.5 million available statewide; you will probably want to go for around \$280,000., which is what is usually given. The Town must be the applicant; Buzzards Bay is willing to assist in drafting the proposal on behalf of the Town and the Board can decide later whether they want to accept the grant. This is a direct fit with the MOU.

**Motion** made by Mr. Dutra to work with Buzzards, on behalf of the Town, on the application for Coastal Resiliency Program; for dune restoration and a turn-around. Second by Mr. Ouellette. Discussion ensued. Mr. Vieira questioned Mr. King as to whether the Board had authority to do this with a public road and did the Town have liability. Mr. King stated the Board could authorize this but personally, he had a couple of questions on it. Discussion ensued regarding the design, the dune restoration and the access. Mr. Vieira stated right now, it seems to be working down there; a turn-around would be good but why the big urgency; how can we move forward without the Commission on Disability weighing in; there could be some legal issues. Mr. Spirlet stated one issue is to keep the road open to the Knubble so there is handicap access to a mat, which goes right to the water; we could use all the help we can get from the Coalition for things such as jetties or rocks down at East Beach. Mr. Spirlet stated he would support any help in that area because the road has just been finished and all it will take is one storm to undo the work on East Beach Road, which is such a critical road. Mr. Spirlet stated we are spending too much time on Beach Avenue, when we have a causeway causing problems. Mr. Rasmussen stated the grant fits the Knubble but we should keep up on East Beach. Mr. Vieira noted the concern from a resident down there. Mr. Sullivan stated he did not know the solution but this grant dove-tails nicely with Beach Avenue. Mr. Vieira read excerpts from the correspondence received from the Beach Avenue resident. Mr. Vieira noted the grant will eliminate 600 ft. of road and we don't know if this is legal. Mr. Sullivan stated it was respectful to wait two weeks to hear from COD on a document that becomes effective immediately but this grant is an opportunity and we still have time to hear from COD on this and it should be considered tonight. Mr. Spirlet asked why apply for a grant for a road we control; we don't need to go to Town Meeting for the mats. Mr. Sullivan asked if the grant would spell out a contingency for the Town. Mr. Rasmussen stated the grant will layout all the steps. Mr. Spirlet stated this is not the only grant, there may be others in the pipeline; we don't have the authority to close the road. Mr. Sullivan stated we are not closing the road before we take the appropriate steps to do that and obtain the appropriate permission. Mr. Harkins, WRMC stated there is one issue that no one has talked about, which is where do we come up with the 25% match. Mr. Rasmussen stated there is a 25% local match, which the Coalition will pledge to secure from other sources if the grant is approved. Mr. Sullivan stated that CPC funds can be used in this area. Swift Lawrence, Atlantic Avenue, an abutter to Beach Avenue, stated that he has been asked to help with the MOU and a ramp over the dunes to the Town property so we don't have to rely on the Land Trust; he has no concerns about access and the turn-around would be right where you park, it has not gone through yet, so there should be no concern about going 200 ft. Mr. Vieira stated the concern was the 3<sup>rd</sup> access at the Knubble; the most attractive area for access according to the COD is WLCT land which is both the river side and the ocean side for flat ground. Ms. Ostroff, COD Chair stated there has been a lot of discussion on various points of access; a very important point of access is on the Land Trust property and we have been working with them on this; recently, we have received an approval from the National Endangered Species Program for the use of mobi-mats which will be used with either a boardwalk or not; the mats are here so we plan to do a test/use sometime this month; the Knubble area is the most useful for anyone with mobility issues. Mr. Vieira stated that parking to that has to be as close as possible, but we have been told, within the law, within 200 ft. Ms. Ostroff stated that MA Architectural Board was given a plan of at least 400 ft., and were open to that, we would have to work with it, but at previous meetings, the distance was 200-250 ft.. Ms. Ostroff stated the MA Architectural Bd. said if the COD felt that access was okay, they would be okay with it also. Mr. Vieira stated if that is the case, we need to know before we go forward with this grant; especially if it is allowed under state

statute. Mr. Spirlet stated he understood what the COD is saying; but if there was nothing there he would support it but, it is very difficult to accept with a Chapter 90 road right there with mobi-mats; the gem of the whole Knubble is the Knubble. Mr. Vieira stated that if access exists now, the State has told us they may be willing to take up to 400 ft. if the COD recommends it. Ms. Ostroff stated that the COD has not made that recommendation. Mr. Sullivan stated that right now, there is 400 ft. of road, just a place to park your car, if a boardwalk is put in, the boardwalk becomes a resource and a destination and the road takes away from the limited area we have. Mr. Vieira stated there is a history of our Town of having access to the Knubble and parking in the area, we have all seen the pictures; the Board is sensitive to what the ADA compliance is. The boardwalk is not a negative but there are issues. Arthur Sweetser, 34 Whistler Point Road, stated he was excited to hear that there was no land swap but a turn-around was being given that would benefit the Town; as a local resident, the access is an issue; no one disabled would have any easy time and to his knowledge, no one disabled has used that road in the last five months. Mr. Sweetser stated the use of any funds to finish the last few hundred feet would be great to get back what was down there; this is a win/win. We certainly have other areas in Town that do need attention but here we have a solution for this area and it seems to be dissipating; as a resident, Mr. Sweetser asked for the Board's support. Mr. Vieira stated there have been disabled people down there and we have been thanked by a number of people for providing an access; bringing in sand will block 400-600 ft. and the access to the Knubble; this is the most critical for the COD and for the elderly. Mr. Sweetser stated that if the BOS did not act, there will be no preservation down there and no access; the MOU seems to solve the issues and the grant will bring the necessary funding. Mr. Vieira stated a COD member called and said this made no sense to them, they do not want to see the road abandoned and they have access to the end of the road now. Mr. Sullivan stated he has spoken with a lot of people around Town privately and he did not realize that there is an "us and them" attitude in various parts of Town; Mr. Sullivan stated he won't be part of that, he is pursuing what is best for the Town; there is details that need to be worked through and COD needs to be a part of that. Bill Burns, WRMC member spoke to Mr. Sullivan regarding grants; his questions related to the mention of CPC funds being used, who initiates the grants, where does the money come from, how is it administered by the State, and what is the feeling on getting this grant, are we going to get it after so many failed grant attempts? Mr. Sullivan deferred to Mr. Rasmussen on the grant but Mr. Sullivan stated we should ask, if we don't we won't know. Mr. Rasmussen stated that writing a grant proposal is a gamble and you have to put your best foot forward; this is a close fit and a lot of grants just like this one were awarded; our chance at success is good for around \$280,000. based on last year and he agrees with Mr. Sullivan, you put the grant in and hope for the best; the money would come from the State Executive Office of Affairs and managed by the Coastal Zone Management.

At this time, Mr. Vieira stated there is a motion and a second on the floor and he reminded the Board that this motion would require that the Commission on Disability to post a meeting and have a discussion within 48 hours because the deadline is this Friday; and this Board would also have to post a meeting to review the grant to see if we are going to sign-off on it, unless we give authority to submitting a grant without ever seeing what it speaks of; but we have already as a Board taken a vote not to do that; if the Town Administrator would review it and recommend to us, we would have something to vote on. Mr. Sullivan asked to review the motion because he thought the Board was empowering the Buzzards Bay to write the grant on behalf of the Town and we have seen the outline of the grant and we need to have clarified that the grant application is along the lines of what we have been presented with so far because in no way was he planning on reviewing this any further; Mr. Dutra stated he was not reviewing it any further either. Mr. Vieira stated we have a policy regarding approval of grants in the name of the Town of Westport; we can't play ignorant to the fact of what the grants says, we need knowledge of it, it also has to be recommended by the Town Administrator and he has to work with all third parties; the BOS has a responsibility to the Town. Discussion continued. Mr. Vieira called the vote: The Board voted 3 in favor, 2-opposed (Vieira, Spirlet). Mr. Vieira stated to Mr.

Rasmussen, the direction would be for him to work with the Town Administrator on developing the grant and as Chair of the Board he would like to see a copy before it goes out and he does not plan on signing it, without seeing it. Mr. Rasmussen stated it is due in Boston by 5:00 PM on Friday; Mr. King stated he was off on Friday; Mr. Rasmussen stated that cuts the time down a little bit. Mr. Rasmussen asked if late Thursday be okay to get it to the Board for review; the Board stated electronic copy would be fine. Mr. Rasmussen stated that either the Chairman or the Town Administrator would have to sign off.

**Motion** made by Mr. Dutra that in the absence of the Chairman, the Board authorizes the Clerk of the Board to sign off on the grant. Second by Mr. Ouellette. The Board voted unanimously in favor. Mr. Harkins requested that a copy of the grant proposal be sent to the WRMC.

### **Action Items**

1. **Motion** made by Mr. Spirlet to approve Scallop Season opening on Saturday, October 18, 2014. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. The Board accepted the recommendation of Lt. Bell to not install a stop sign in the location of Atlantic Avenue and Acoaxet Road. No votes taken.
3. **Motion** made by Mr. Spirlet to accept the recommendation of the Town Administrator to install a "Dead End" sign at the intersection of Charlotte White Road and Bayberry Drive and to have the brush/trees cleared from the "Dead End" sign located at the intersection of Bayberry & Laurel. Second by Mr. Sullivan. The Board voted unanimously in favor.
4. **Motion** made by Mr. Spirlet to approve of the Lease Agreement for Town Owned-Sanford Road Farm Land with Westport United Youth Soccer. Second by Mr. Ouellette. The Board voted unanimously in favor.
5. **Motion** made by Mr. Sullivan to award the bid for Screened Sand to G. Lopes Construction for the Highway Department. Second by Mr. Spirlet. The Board voted 4 in favor, 1-abstention (Dutra).
6. Invitation for the MMA Fall Conference for Selectmen; Mr. Vieira will be attending.
7. **Motion** made by Mr. Sullivan to accept the resignation of Sybil Burba from the Commission on Disability and to send a letter of thanks. Second by Mr. Ouellette. The Board voted unanimously in favor.
8. **Motion** made by Mr. Ouellette to approve and sign the November 4<sup>th</sup> State Election Warrant. Second by Mr. Spirlet. The Board voted unanimously in favor. Mr. Dutra stated there would be a gubernatorial debate with both Democratic and Republican governor candidates next Friday, October 17<sup>th</sup> at 4PM at UMass Dartmouth.
9. **Motion** made by Mr. Spirlet to approve a Release of Lien for Book 7829, Pages 198-200. Second by Mr. Ouellette. The Board voted unanimously in favor.
10. **Motion** made by Mr. Spirlet to approve ABCC Form 43 for a change of Sunday Package Store Hours to allow opening for sales at 10:00 AM. Second by Mr. Sullivan. Discussion ensued. The Board voted 3 in favor, 2-opposed (Vieira, Ouellette).

### **Appointments**

**Motion** made by Mr. Ouellette to appoint Suzanne Alden to the Westport Economic Development Task Force. Second by Mr. Spirlet. The Board voted unanimously in favor. Mr. Ouellette stated Ms. Alden is the first female on the Task Force. Ms. Alden was present.

### **Minutes**

**Motion** made by Mr. Dutra to approve the Regular Meeting Minutes of September 22, 2014 with amendment. Second by Mr. Ouellette. The Board voted 4 in favor, 1-abstention (Sullivan).  
Amendment: Page 1 – correct attendance – Sullivan absent, not present.

### **Question and Answer Period**

Elaine Ostroff – asked if a policy regarding Remote Participation for meetings could be considered because periodically, the members of the Commission on Disability are not well enough to attend but they could participate by phone. Mr. Dutra stated he believed the Board would have to adopt a policy and each individual board would have to adopt whether they wanted to allow it; this Board made a policy not to use remote participation because of the volume of work we have but individual boards need to make their own decision; we need to adopt a policy that can be used for all boards in Town. Mr. King stated he would work on a policy and present it on the next agenda. Bill Burns stated that when he was on Conservation, they voted against a vote by phone; the reason being, if you can't make a meeting, then you are not there. Mr. Vieira stated this will be addressed at the next meeting.

**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. Ouellette asked if Mr. King could find out which farm in the North end is using a farm cannon; it has been going off every five minutes.
2. Mr. Ouellette stated the School needs to be contacted because they did not know that the rain garden project had been stopped.
3. Mr. Vieira announced a Press Release from the Police Department regarding Animal Control sponsoring a cat spay/neuter day on October 16<sup>th</sup> at Westport Fire Station #1, 54 Hix Bridge Road. A suggested donation is \$35.00 per cat.

### **Executive Session – 9:05 PM**

**Motion** made by Mr. Ouellette to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to discuss negotiation strategy and to approve Executive Session Minutes of 09-08-14. Second by Mr. Sullivan. The Board voted unanimously in favor.

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

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

### **Open Session – 9:30 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,

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

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