

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
DECEMBER 15, 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

Charter Cable Television - Mr. King stated he has spoken with Tom Cohan regarding the cable TV service charges; each Town building is to receive one cable TV drop and one box at no charge; additional drops/boxes will be charged; if any department/building gets a bill, Mr. King asked that it be sent to him and Mr. Cohan will correct it. Informational only-no votes taken.

Free Cash Adjustment - Mr. King stated he has been advised by the Town Accountant that Free Cash will be adjusted downward by \$204,413.00 bringing the Free Cash total to \$1,704,320.00. The error was health insurance payments for FY'14 being paid out of the wrong account; the payments should have come out of the General Fund but were charged to the monies collected from retirees in our Agency Fund. Mr. Sullivan asked for a detailed report; Mr. King stated he would get it from the Town Accountant. Mr. Dutra questioned the \$200,000+ error, where did it come from; Mr. King stated the health insurance costs were under-charged to the wrong account. Mr. Sullivan stated he would like to see where it came from. Mr. Vieira stated that Free Cash is now at \$1.7million; he would like some backup material to the dollar amount from the Town Accountant; also, we have no indication that we have a corrected letter from the State. Informational only – no votes taken.

Electricity Prices - Mr. King stated the cost of electricity will be increasing; the Town's contract with Direct Energy expires in December, so he has been obtaining competitive quotes from several companies; so far, Constellation Energy, with a two-year bid, is at 10.43¢ /kwh and is good until 01/02/2017; Direct Energy is at 12-14¢. Mr. Sullivan questioned if this will be billed through NStar; Mr. King stated yes. Mr. Vieira stated he looked this material over before the meeting and he was okay with it. **Motion** made by Mr. Dutra to approve going with Constellation Energy, for two years, at 10.43¢ per kwh. Second by Mr. Ouellette. The Board voted unanimously in favor.

Route 88 MADOT Projects - Mr. King stated MADOT has two projects: Project 608080-Resurfacing and related work on Route 88 from Drift Road to Old County Road and Project 608081-Resurfacing and related work along Route 88 from John Reed Road to Drift Road. Mr. Vieira stated there are problems with John Reed Road and we need to know who is liable for this road, the Town or the State; research needs to be done. Mr. King stated the Highway Department is uncertain but we will need a definitive answer as to State ownership; more research will be done. Mr. Sullivan asked if the Town plowed that road; Mr. King stated yes. Informational only – no votes taken.

Town Hall Roof Leak - Mr. King updated the Board regarding the opinion of the contractor who replaced the Town Hall roof; the water coming in is due to rain water entering through the chimney; he has suggested putting a cap on the top of the chimney. Mr. King is in the process of obtaining a mason to look at the chimney. Mr. Spirlet stated that Mr. King may want to contact Ed Brum because he is a trouble shooter for major roofs; Mr. King stated he will speak with him. Informational only – no votes taken.

Beach Avenue DEP - Mr. King stated he has spoken with Attorney Goldrosen and DEP regarding the “Cease and Desist” order. The DEP is in the process of drafting a settlement agreement and Mr. King has provided the Board with a copy of an email from Atty. Goldrosen. Informational only – no votes taken.

Environmental Bond Bill - Mr. King stated he has received a synopsis of the items contained in the bill from Rep. Paul Schmid; one of the suggested projects that the Town may want to consider is a study of the impact of the causeway on East Beach. Mr. Sullivan stated there are two components to this bill and Buzzards Bay will give us a hand on the application; he will be reporting back on this to the Board. Mr. Bill Burns stated the WRMC is currently working with a firm in Town; we have supplied an attorney on the first plan and this should come back to the WRMC. Mr. Sullivan stated he agreed but this project will have two benefits, coastal erosion and flushing of the river, which was not in the grant. Mr. King stated he spoke with Mr. Schmid on this but did not receive a letter. Informational only – no votes taken.

Hixbridge Road Bridge - Mr. King presented an inspection report of Hix Bridge; a number of deficiencies were listed. The Town is responsible for any repairs. Mr. King stated this will need to be incorporated into Capital. Informational only – no votes taken.

Police Station Designer Selection - Mr. King stated the committee has selected four firms to interview; two were interviewed this week and two will be interviewed next week. Mr. King stated the committee will have a recommendation for next meeting. The study will cost approximately \$25,000.00. Mr. Vieira stated we should have discussion on what we will spend and what our options are. Mr. King stated this will be a feasibility study with four options. Informational only – no votes taken.

Capital Improvement Plan and Budget - Mr. King stated he continues to discuss and adjust the Capital Improvement Plan; he has received the School Department's priorities and will be incorporating them into the plan; some changes were made after speaking with the Fire Chief also. Mr. King stated he will be presenting the plan to the Board soon. Informational only – no votes taken.

FY'16 Municipal Budget - Mr. King stated that discussions are continuing with Department Heads regarding the FY'16 Budget. Informational only – no votes taken.

COA Director - Mr. King stated the committee has decided to re-advertise the COA Director position; they were not satisfied with the qualifications of the candidates. Mr. King stated the COA Director position is currently vacant; there is a salary amount for the position; at this time, Marcia Liggin and the COA Principle Clerk Eileen McCarthy-Mendonca have stepped up and are in charge of the COA. Informational only – no votes taken.

Public Hearing – RE: Application requests from G. Souza's Hillside Motors, Inc., Gilbert Souza, Jr. owner/manager to transfer the location of a Class II Motor Vehicle License from 1121 State Road to 800-D American Legion Highway; request for a Repair License to be located at 800-B&D American Legion Highway; and for a temporary trailer permit for the construction of a sales office to be located at 800-D American Legion Highway. Vehicle limit request for Class II is 76 and Repair is 17.

The public hearing was opened at 6:25 PM with Mr. Vieira reading the notice aloud. Present: Gilbert Souza, Jr. No abutters were present. **Motion** made by Mr. Spirlet to approve of the transfer of a Class II License to 800-D American Legion Highway with a vehicle limit of 76; to approve of a Repair

License at 800 B&D American Legion Highway with a vehicle limit of 17; and to approve of a six-month temporary trailer permit to be used as a sales office while office is under construction at 800-D American Legion Highway; if sales office is not completed within six months, applicant is allowed to come back to request an extension of time if needed. Second by Mr. Dutra. The Board voted unanimously in favor. The public hearing is closed at 6:28 PM.

Public Hearing – RE: Application request for Change of New Officers and Directors for Acoaxet Club, Inc., 152 Howland Road.

The public hearing was opened at 6:29 PM with Mr. Vieira reading the hearing notice aloud. Present: Attorney Richard Desjardins. No abutters were present. Mr. Desjardins stated he will be in touch with Senator Rodrigues and Representative Schmid because the ABCC procedure for Change of New Officers and Directors is something new for clubs. We have elections every year to change directors and officers and if this is a yearly requirement, this is going to be difficult and costly. Mr. Desjardins stated a different system is needed; he understood the BOS had nothing to do with this but he felt he wanted to be heard on it. **Motion** made by Mr. Sullivan to approve of the Change of New Officers and Directors for Acoaxet Club, Inc. Second by Mr. Ouellette. The Board voted unanimously in favor. The public hearing is closed at 6:31 PM.

Public Hearing – RE: Application request for Change of Manager for Holy Ghost Club, 171 Sodom Road – Roland D. Souza, Jr., Manager.

The public hearing was opened at 6:40 PM with Mr. Vieira reading the hearing notice aloud. No abutters or representative from the Holy Ghost Club were present. **Motion** made by Mr. Sullivan to approve the Change of Manager request for the Holy Ghost Club – Roland D. Souza, Jr. Second by Mr. Dutra. The Board voted unanimously in favor. The public hearing is closed at 6:43 PM.

Gary Sherman, Shellfish Constable – RE: Aquaculture sites.

Gary Sherman was present. Mr. Sherman stated he was requesting letters from the Board of Selectmen to the Division of Marine Fisheries for a survey 60 feet off of sites #7#4 in the Westport Branch Aquaculture Zone to be able to move those sites to deeper water because where they are located presently, they are dry part of the time due to the tide cycle; if approved, these sites will be leasable. Mr. Sherman also stated a vote by the Board of Selectmen was needed to change the outside 200-acre areas from 5-acres per applicant maximum to become up to 25-acres per applicant in the Town's Aquaculture Regulations. This change would not require a hearing under Section 28 but Mr. Sherman would recommend a letter from the Board requesting a survey be done so as not to delay the process. **Motion** made by Mr. Dutra to send a letter to the Division of Marine Fisheries requesting a survey sixty (60) feet off of sites #3 and #4 in the West Branch Aquaculture Zone. Second by Mr. Ouellette. The Board voted unanimously in favor. **Motion** made by Mr. Ouellette to approve changing the outside 200-acre area from 5-acres per applicant maximum to become up to 25-acres per applicant in the Town's Aquaculture Regulations; and to request a DMF survey of this 200-acre zone, if required. Second by Mr. Dutra. The Board voted unanimously in favor.

Veronica Beaulieu – RE: Educational Fund Committee. -

This item was passed over.

FY'16 Budgets – RE: Discussion on balancing operational budgets for FY'16 including Town Administrator's reorganization recommendations.

Mr. King stated he met today with Department Heads and reviewed the Option #1 Budget. Mr. King stated we came up with an alternative to significantly revise the budget as it was proposed. Mr. King

then reviewed his memo to the Board dated 12/15/14. (see attached). Mr. King also presented a revised Capital Improvements Plan which includes school projects. Mr. Sullivan requested a spreadsheet be put together. Mr. Vieira stated that based on these recommendations \$150,000. was being taken from OPEB and \$174,000. from Operating Revenues and suggesting the use of Free Cash to replace those amounts. Mr. Dutra asked about the proposed 16 positions; Mr. King stated that will be down to 2.5 positions to be vacant; there are no projected layoffs; the 2.5 positions will be 1-Highway, 1-Town Hall Custodian and a ½ – Cemetery with the custodial services being covered by outside services. Mr. King stated no restructuring was discussed with the Department Heads. Mr. Vieira stated that instead of working within the operating budgets, we are using Free Cash. Mr. Dutra stated that Capital has always been a gray area (non-recurring expenses); OPEB is a Reserve Fund (not operating expenses), so we are looking at using \$54,000. in Free Cash for operating expenses; he stated he was not convinced that some of our Free Cash is from underspending in the budgets. Mr. Ouellette stated this proposal is better and he was glad the Department Heads went with it. Mr. Dutra stated he was glad this was a productive meeting and thought Mr. King did a good job. Mr. Sullivan referred to the draft of Financial Policy Goals and Procedures and asked if the Board could agree on a 2-3 year goal for Stabilization at 7% (\$2million) because we should be putting money away each year and agreeing on a time frame. Mr. Vieira stated we have one policy, which we have not waived for this year, and that is the use of one-time funds; right now, \$700,000. of Free Cash is being put into the operations; he does not want to see layoffs either but we are back to the no layoffs scenario and using one-time funds to operate; the Police Chief has put cruisers in his budget. Mr. Dutra stated there is a parking lot for Macomber; is that capital improvements or operations; and are these depreciable items. Mr. Ouellette stated the Police and Fire gave back \$200,000.; this is less than 5% of what we have coming back; we were certified at \$1.7million and we are talking about \$54,000. Mr. Vieira stated we will need money for negotiations for the school and town side. Mr. Sullivan stated that a big chunk was going to Stabilization. Mr. Vieira stated we are not balanced; we have no commitment from the Unions as to no increases; there is not much for OPEB and we can't say we will deal with Capital next year; we need to prepare; are any of the budgets being reduced? Mr. King stated some are reduced over what was requested. Mr. Sullivan stated we need long-term goals which will guide us; Mr. King has put some into Capital and OPEB, which is something we have not done before. Mr. King stated eventually, Capital should be funded with operational revenues. Mr. Dutra stated we agreed there was something to be gained with Human Resources by using the Highway, Cemetery and Transfer Station. Mr. Vieira stated the Highway Department has nine people right now; Mr. King stated he has budgeted for ten people, the Foreman position will be vacant and one is a retired laborer. Mr. Vieira stated we don't have two Foremen positions vacant; one position is not filled; we are losing personnel, what will happen to efficiencies. Mr. Dutra stated we have met with the Board of Health and talked about the ability to put a DPW together with the skill sets that will be available for peak periods; the Board of Health said they have no problem with taking over the Transfer Station, what they were worried about was the operating budget but in terms of manpower, they bought that idea; there is not clear, indirect costs. Mr. Vieira asked what would happen in February with the Cemetery having two people and the Transfer Station having a medical issue. Mr. Spirlet stated we have to pay OPEB each year, it is an operating expense; the unknown will be the Middle School and it won't be cheap; the Board of Health's understanding was that they keep the budget and get rid of the Transfer Station and the individuals but the money must follow them; this is not a landfill, it is a Transfer Station; we are simply putting like quality together but we will still have a problem and every year the auditor and DOR say the same thing – put more money into OPEB. Mr. Spirlet stated we are making Free Cash the norm and not the exception; we need to live within our budgets. Mr. Sullivan stated he needs to do some OPEB homework because it is not clear when our obligations are due. Discussion ensued regarding OPEB. Mr. Sullivan stated that OPEB is an obligation we need to address; he would like more information on

the timeline. Mr. Spirlet questioned Snow & Ice. Mr. Sullivan stated the budget tonight shows not using Free Cash for operating costs; this budget begins to do what we said we will do; do we have a timeline for goals and are we ready? Mr. Vieira stated in regards to one-time funds – we can suspend this; bargaining – where is the money for this; the impact of personnel will hit us hard. Mr. Spirlet stated we have nothing in our savings account (Stabilization) if we have a major catastrophe. Mr. Sullivan stated that Point #6 tried to codify our goal. Mr. Dutra stated that OPEB falls outside; borrowing, Free Cash, recurring Annual Operating Expenses are what we need to look at; he would like to look at the vacant positions that are being proposed to be filled because he was not convinced of the need to have them re-filled. Mr. Dutra stated we should ask Department Heads why they are refilling those positions when they have been vacant for 8-9 months and their department is turning back money. Mr. Vieira asked Mr. King about the efficiencies of operations; did Management speak to these positions. Mr. King stated that experienced personnel was working 35 hrs/week; it would be more beneficial to have 40 hrs/week. Mr. Vieira stated we need to institute the use of Time Clocks by everyone and in regards to OPEB, we need to speak with the Unions on these retirees and we have not included collective bargaining. Mr. Sullivan stated the schools are going up 3%, he assumed raises were included in that percent. Mr. Vieira stated the schools were at 45%, they have had layoffs and are restructuring; and we need to deal with 9-C cuts that will be coming; the MMA will be reassessing and there will be additional cuts. Mr. Vieira asked Board members if they were comfortable with this because it has shifted to using Free Cash. Mr. Sullivan asked if Mr. King could set time frames for draft goals such as Stabilization, Operating Budget, etc.; to do this all in one year is very difficult so Mr. Sullivan asked if Mr. King could look at the restructuring and tackle one item this year and the others during other years. **Motion** made by Mr. Sullivan to have Mr. King come back with a breakdown of what is split between the Town and Schools and to set time frames for draft goals such as Stabilization and Operating Budgets. Second by Mr. Ouellette. The Board voted unanimously in favor. Mr. Vieira stated the Board needed to look at addressing the Financial Director's description and the Cemetery retirement. Mr. Spirlet stated he liked part of Mr. Sullivan's motion but we are losing the point of restructuring; we should get two parts done. Mr. Sullivan stated that Mr. King may want to look at the rate. Wayne Sunderland stated he was speaking to the layoffs, not filling positions and the approval of a Finance Director, it was confusing to him and asked where the logic was. Mr. Ouellette stated that with the retirement of Mr. Foster as Treasurer, it was to be our focus.

Discussion – RE: MGL Ch.59, Section 5C Residential Tax Exemption; co-sponsored by Chairman of the Finance Committee and Chairman of the Board of Selectmen.

Charles “Buzzy” Baron was present to speak on the Residential Tax Exemption. Mr. Baron stated this was created to subsidize taxes paid by people with the lowest assessment in Town by those who have the highest assessment in Town. The Assessors will need to find out which are owner occupied. The discount is computed by the total assessment and averaged out; it can take up to a 20% discount for owner occupied homes. Mr. Baron stated this does not apply to second homes or commercial. The impact is greater on lower assessments and does not get applied other than to owner-occupied; higher assessments subsidize lower assessments, meaning that high assessed properties pay more but the total tax levy stays the same. It will increase the tax rate and reduce the total assessed value of the Town. This is a redistribution of tax payments. Mr. Baron stated his neighbor, who owns an expensive home suggested this in order to help the lower assessed homeowner; this will help people who are having problems. This is not a one-on-one relationship; this is a need for additional revenue. Mr. Vieira stated Mr. Baron spoke with him on this matter and asked that he co-sponsor this item. Mr. Vieira stated, last week, he was asked to sign a form which asked if the Town had a residential exemption, so we need to speak with the Board of Assessors on this. Mr. Vieira stated that Somerset, Barnstable and Waltham were among thirteen communities who have this; it helps position those people for a reduction in their

taxes; the impact in these communities was good. Mr. Vieira stated the law allows the Board of Selectmen to vote this and pass it on to the Board of Assessors; this will cover people who can't afford additional taxes; we need to consider this down the road; this could generate more revenues which could be passed on. Mr. Robert Grillo, Board of Assessors member, stated he has spoken with a couple of assessors about this and some questions were raised; this needs to be researched more and be brought back with a data report of what has happened in other places. Ms. Betty Slade, resident, stated it was important that we don't say it generates revenues; she understands the argument but it is important to be clear, it will not generate revenue. Mr. Vieira stated it is not just low-end, these are folks whose taxes could be reduced by \$1,000.00 and those same folks maybe in favor of an override due to the fact that they have saved on their taxes. Ms. Slade stated she agreed, but again, it does not generate revenues in itself. Mr. Spirlet stated it does not generate revenue for the Town but it does for the individual. Mr. Steve Medeiros, Board of Assessor member, asked that the BOS do not use a \$1,000.00 figure because people will be looking for that. Discussion ensued regarding this proposal. Mr. Sullivan stated this is nice for addressing the elderly who are having trouble paying their taxes; this is worth taking a look at; people at average, will probably pay the same. Mr. Sullivan stated he would like to see a question on the ballot regarding this. Mr. Medeiros stated there is a down-side for people who don't own because landlords will pass this onto their renters; this will cause more abatements and the overlay figure is going to go up. Mr. Medeiros stated summer residents are not here to defend themselves, this is not fair and equitable. Discussion again continued. Mr. Vieira asked Mr. Medeiros as Chairman of the Assessors, if he would call Waltham and Barnstable to speak with their Assessors. Mr. Medeiros stated there are seven cities and six towns that have this, which is mostly in the Boston area; the Town of Somerset did this when the power-plants moved in; Nantucket and Tisbury, it makes sense for them to do this; Barnstable it makes sense due to high-end summer property but all of these are like taking a small group with nice properties, high taxes and no kids in school. Mr. Vieira asked if the Assessors were willing to at least look at it and have discussions regarding it. Mr. Ellis Withington, Asst. Assessor, stated he spoke with Waltham and Brookline about this already. Mr. Bill Burns stated other communities have a mill rate: trash, sewer, etc. included in their taxes; there is a lot of protected land in Westport and the Town is desirable; we can't compare Somerset to Westport low homes, we need to compare valuations and services. Discussion again continued. Mr. Grillo stated the Board of Assessors may have personal feelings but the reality is, it is not our decision to make, it is the Board of Selectmen; a lot of this is new and he has done a lot of reading on it; he looked at the Sudbury Report and it showed all the implications and effects on the community; just take twenty minutes and look it over because you need to understand it before a decision is made; look at all the little subtleties. Mr. Vieira stated the State must have a value on it. Mr. Burns stated that Mr. Grillo's opinion is a good reason for an outside assessment. Mr. John McDermott, Board of Assessors member, asked what the cost of a reval by an outside firm was and what does it cover in terms of services; is it inside or outside of the residence or is it a drive-by inspection. Mr. King stated he was not sure. Mr. Vieira asked how much was in the account. Mr. McDermott stated around \$40,000.00. Mr. Medeiros stated it should be inside for every property; if the Town can afford it, it was a good idea. Mr. Ouellette asked if Mr. Vieira was going to sign the form for the Assessors to get the tax bills out. Mr. Vieira stated he would sign it but he will not sign it without seeing the proper documents just 15 minutes before a meeting; secondly, it was given for signature before another meeting, again there are items that need to be looked at prior to. Mr. McDermott stated the Assessors are not the only ones involved in this process, the Town Clerk, Accountant and Treasurer must provide components also. Mr. Vieira stated he understood, that is why we voted on a Finance Director.

R. Michael Sullivan – RE: MOU Beach Avenue / Discussion – RE: John Lenard's letter request of October 16, 2014 / Mark Rasmussen & Sara Quintal, Buzzards Bay Coalition – RE:

Clarification and Board's interest in acceptance of grant, Town's financial interest, and grant match.

Present were Mark Rasmussen and Sara Quintal, Project Manager. Mr. Sullivan gave a presentation of the MOU for Beach Avenue. Mr. Sullivan stated this was a non-binding agreement; the documents that come out of this agreement will however be binding and will have to be brought to Town Meeting for approval. Mr. Sullivan stated the components of the MOU are the road, dunes and Pond Meadow restoration. Mr. Sullivan stated that CZM has offered a grant to work with the dunes portion and Buzzards Bay Coalition (BBC) is willing to work to secure funding. Mr. Sullivan then highlighted a list of selling points: a Town Beach is developed, there is more improved access for public safety, the Town saved \$60,000. by not paving, there are no maintenance costs, the Town maintains ownership with no land swapping, it addresses abutters and neighbors concerns and addresses stormwater issues. Elaine Ostroff, Commission on Disabilities, stated the MOU gives intent, it does not cover everything; the COD's concern is not to lose our access; it will be an engineering challenge. Mr. Sullivan stated at this time, we are waiting to see how BBC did with funding; Coastal Zone Management (CZM) is more toward protecting; the whole project is not to burden the Town with costs; the Grant Award of \$120,000. match will be raised by BBC. Mr. Sullivan stated that Mr. Lenard wrote a nice letter stating his concern of the boardwalk washing away with the first big storm; BBC will be addressing the engineering, along with Mr. Lenard's concern. Mr. Vieira stated Mr. Lenard is an engineer and an abutter. Mr. Sullivan stated he did call Mr. Lenard but he could not make this meeting. Mr. Sullivan stated there was an email today congratulating Mark Rasmussen on this. Mr. Sullivan asked if there were any questions concerning the MOU. Mr. Tom Hancock, resident, stated he had two concerns with the MOU; Mr. Sullivan stated this is not to be construed as a binding agreement, if it is non-binding why does it have something to do with a public road; what about the concerns of the people and the Highway Surveyor who wanted it paved; history tells us the cost of maintaining an unpaved road, look at White Oak Run for example; it was stated we saved \$60,000. by not paving the access to the Knubble, what cost is it to maintain an unpaved road; the Town will not be involved in maintaining (#1-D), what happens when one of those parties don't abide by the MOU. Mr. Hancock stated he felt this was a means to placate a small number of people in Town. Mr. Sullivan stated as for non-binding, the point of the MOU is to do the work and the other documents that will come out of this MOU will be binding; the MOU is to guide us; as for paved vs. gravel, it is a good deal for the Town and we will have a turn-around. Mr. Hancock stated this will have to be plowed, it is a public road. Mr. Sullivan stated a lot has been considered on this already; the contribution will have a document. Mr. Bill Burns stated that anyone down at Gooseberry Island can see the erosion is really bad, it is all flat; the Town applied for a resiliency grant, but it was turned down. Mr. Burns then spoke on grants that have been applied for and which have been turned down; his point to Mr. Sullivan, was that as a Town entity, the WRMC invited Mr. Rasmussen to speak on potential grants. Mr. Sullivan stated that in looking back, we could see our applications were lacking, but the BBC is willing to help us. Mr. Spirlet stated he was totally against this; the road has been open for 100+ years to cars and he agrees with Mr. Hancock, we are causing a problem, this is a public road; why not do this where there is no road and create a beach. Mr. Spirlet stated he reviewed the MOU, a 600 ft. walk is hard for the handicap, will we be using Chapter 90 funds to maintain the boardwalk; the Highway Dept. does not have enough manpower; how are we replenishing the dunes. This is a travesty of justice putting in a boardwalk; we have a beautiful road now. Mr. Spirlet stated he read the opinion from K&P regarding leasing the land as a turn-around; it is not a good option for the Town; public ways can't be closed, only discontinued by Town Meeting; recommending the layout is part of the MOU; it is foolish of us to give up something we own; why give up our right; there will only be parking with a beach pass, and this summer there was not a big influx of people, so he would support a non-binding question on the ballot in regards to this. Mr. Spirlet asked how we can get a grant assuming people will want to give up their rights to the road. Mr.

Sullivan stated the Town will not be paying \$40,000., it will be BBC and private donations; the MOU will provide multiple opportunities to kill this because there will be a lot of follow-up activity; there will be no land-swap and no give-away, the Town will maintain ownership. Mr. Spirlet stated if no chapter money is used and if the Town Meeting does away with it, who will maintain the road and who has the liability and possible lawsuits. Mr. Sullivan stated the last 1/3 of the road will change status to pedestrian use, not vehicular traffic. Mr. Spirlet stated that frontage will be lost. Mr. Sullivan stated that still has to be discussed. Mr. Vieira asked if this has been presented to the COD for access; is the turn-around still in the plan, along with sand on the road, boardwalk and handicap turn-around. Ms. Ostroff stated we only don't want to lose the handicap spaces. Mr. Vieira asked if the Land Trust was opposing this; Mr. Sullivan stated no. Mark Rasmussen stated it is a principle engineering challenge to restore the dunes, create handicap access, create a turn-around and boardwalk but we will figure it out. Mr. Vieira stated all this was just for the last 1/3 of the road. Mr. Dutra stated this matter should be moved along. Mr. Ouellette stated it was mentioned that this was being done for a small amount of people; he did not care what income someone has, he was going to address this matter like any other matter. Mark Rasmussen stated the date for developing with the Town should be changed from December 31st to March 31st. **Motion** made by Mr. Dutra to approve the Memorandum of Understanding with the following caveat; this is a non-binding document that needs to be worked out with the Charlton Dock Corporation and the Westport Harbor Improvement Corporation. Second by Mr. Ouellette. The Board voted 4 in favor, 1-opposed (Spirlet). **Motion** made by Mr. Ouellette to accept the FY'15 Green Infrastructure for Coastal Resilience Grant for a partial award of \$120,569.00 subject to agreement between the Town and Buzzards Bay Coalition with the provision of local match. Second by Mr. Sullivan. The Board voted 4 in favor, 1-opposed (Spirlet).

Action Items

1. See agenda item.
2. **Motion** made by Mr. Dutra to blanket approve the annual renewal of all Annual Liquor Licenses with the exception of Mediterranean Cafe for Calendar Year 2015 with the caveat that they are in full compliance with all issues, including payment of taxes. Second by Mr. Ouellette. The Board voted unanimously in favor. (see attached list)
3. **Motion** made by Mr. Dutra to blanket approve the annual renewal of all Common Victualler, Innholders, Entertainment and Automated Amusement Licenses for Calendar Year 2015 with the caveat that they are in full compliance with all issues, including payment of taxes. Second by Mr. Ouellette. The Board voted unanimously in favor. (see attached list)
4. **Motion** made by Mr. Dutra to approve the annual renewal of all Class I, II and III Motor Vehicle Licenses, Motor Vehicle Repair Licenses and Storage Licenses for Calendar Year 2015 with the exception of 4-5 licenses which are not in compliance and not active; those licensees presently not compliant, must come into compliance by being up-to-date with taxes and in good standing with the Town requirements before issuance of their licenses. Second by Mr. Ouellette. The Board voted unanimously in favor. (see attached list)
5. **Motion** made by Mr. Ouellette to approve of the ABCC Seasonal Population Estimate of 10,000 for 2015. Second by Mr. Dutra. The Board voted unanimously in favor.
6. **Motion** made by Mr. Spirlet to approve of the Annual Liquor License Report for 2014 to the ABCC. Second by Mr. Ouellette. The Board voted unanimously in favor.
7. **Motion** made by Mr. Sullivan to accept the Police recommendation of not installing a Dead End sign on Second Avenue as requested by Mr. Larry Niles. Second by Mr. Dutra. The Board voted unanimously in favor.
8. **Motion** made by Mr. Spirlet to approve a ballot question as follows: "Shall the Town continue to maintain Beach Avenue to the Knubble as a public road to provide public access and parking for

Town residents with Beach Permits”. Second by Mr. Vieira. The Board voted 4 in favor, 1-opposed (Dutra). This is a non-binding question.

9. The BOS Meeting Schedule was approved as follows: January 12 & 26, February 9 & 23, March 9 & 23, and April 6, 2015.
10. Town Administrator King stated he will work on this more the Time Clock issue and get back to the Board.
11. This item will be held until next BOS meeting. (Independent Assessment of properties)
12. **Motion** made by Mr. Ouellette to send to the Planning Board the proposed zoning amendments for Article 4, Section 4.0.1 for the Planning Board to hold a public hearing for consideration and input. Second by Mr. Dutra. The Board voted unanimously in favor.
13. **Motion** made by Mr. Dutra to table this item until next BOS meeting. Second by Mr. Ouellette. The Board voted unanimously in favor. (Residential Tax Exemption)
14. This item was held until next BOS meeting. (Buzzards Bay Coalition bill)
15. **Motion** made by Mr. Dutra to move forward with the Town Administrator's recommendation regarding the Finance Director's job description. Second by Mr. Spirlet. The Board voted unanimously in favor.
16. This item was held until next BOS meeting. (Non-Union employees pay increase)
17. **Motion** made by Mr. Dutra to approve the ballot question language for changing the Treasurer position from elected to appointed. Second by Mr. Ouellette. The Board voted unanimously in favor.

Appointments

Motion made by Mr. Dutra to appoint Christine Vezetinski to the Historical Commission as an Alternate Member. Second by Mr. Ouellette. The Board voted unanimously in favor.

Minutes

Motion made by Mr. Ouellette to approve the Regular Meeting Minutes of November 17, 2014 with amendments. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Dutra).

*Amendments: page 4 – delete “values” insert “assessments”. Page 8 – under Liaison Reports, #2 – delete wording and insert “Mr. Sullivan stated very important meetings with the School will be coming due to the closing of the school.

Motion made by Mr. Ouellette to approve the Regular Meeting Minutes of December 1, 2014 with amendments. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

*Amendments: page 4 – change “town” to “towns” and delete sentence “Mr. Connors stated the natural gas pipeline is compromised and the market for electricity generated by natural gas” and insert “Mr. Connors stated the natural gas pipeline is compromised and the market is controlled by the need for electricity being generated by natural gas; NStar is stating they can't get enough natural gas into New England because the pipeline is too small to handle it; that is their justification”. Page 6 – insert “unidentified”.

**Mr. Dutra leaves meeting at 10:05 PM.

Selectmen Liaison Committee Reports – None.

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 mentioned the School Department would be closing the days after Christmas and New Years for their administrative and custodial staff; due to a memo received from Town Hall and Annex employees requesting this be allowed for them, he asked if this gesture would be extended to the Town Hall and Town Hall Annex employees also. Discussion ensued regarding giving the day after Christmas (12/26) and allowing employees to use a day of their own for the day after New Years (01/02) and that this be a one-time event and allowed only if both days were used. **Motion** made by Mr. Sullivan to empower the Town Administrator to come up with an agreement for this request. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra). Mr. Vieira asked that Mr. King poll people quickly on the agreement due to the time frame.
2. The Board Members wished everyone Happy and Safe Holidays.

Executive Session – 10:15 PM

Motion made by Mr. Ouellette to enter into Executive Session pursuant to MGL Chapter 30A, Section 21 to discuss Collective Bargaining and to approve Executive Session Minutes of 11-17-14. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

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

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

Open Session – 10:50 PM

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

Adjournment.

Respectfully submitted,

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

APPROVED: _____
R. Michael Sullivan, Clerk