

**Westport Finance Committee (Fincom)**  
**Meeting Minutes**  
**Westport Town Hall**  
**November 17, 2015**

**Present:** Mark Carney (MC), Shana Shufelt (SS), Dick Brewer (DB), Gary Carreiro (GC), Hugh Morton (HM), Charles “Buzzy” Baron (BB), Bob McCarthy (BM), Karen Powell (KP)

**Absent:** Tracy Priestner (TP)

**Attending:** Craig Dutra (CD), Chair of BOS, R. Michael Sullivan (RMS), Tim King (TK), Town Administrator

SS, Chair, opened the meeting at 7:00 p.m. with the traditional salute to the flag.

**Minutes:** 10/13 was presented for approval. DB motioned and MC seconded to approve as presented. All were in favor with KP, BB, BM abstaining.

11/10 was presented for approval. BB made a minor change to add under Article 3 “This is a non-binding article in that once the transfer is made to the School Department, it is to be used at their discretion. Dr. Dargon assured the committee that it is going to be used only for the items in the article and she will forward to the committee documentation showing exactly how the money was spent, if approved at town meeting.” BB motioned and BM seconded to approve as amended. The vote was unanimous in favor.

**Reports:**

<b>Administrator:</b>	None.
<b>School Building:</b>	None.
<b>Accountant:</b>	None.

**Special Town Meeting:**

**Article 5:** This is to transfer \$215,440 from the CDBG Recapture Fund to the Affordable Housing Trust Fund for the purpose of re-instituting the housing rehab program. The actual amount is \$189, 770.18 and will have to be amended on town meeting floor. This program, if restarted, will give low and moderate income homeowners the ability to apply for assistance from the Trust in rehabbing their property. It is a lien forgiveness program and will be paid back or recaptured when the property is sold or goes into an estate. BB motioned to recommend and GC seconded. The vote was 5-3 in favor with DB, MC and BM opposing.

**Article 6:** This article is to authorize the BOS to petition the Court for special legislation to cover medical co-pays for Steve Lopes after his retirement pertaining to his injuries sustained on the job. BB motioned to recommend. BM seconded and the vote was unanimous in favor.

**Article 12:** This is to transfer \$500k Stabilization and \$200k to Capital Stabilization from free cash. If all articles are approved at town meeting as recommended, there will not be enough for this article. CD stated that the BOS voted to support this and not the article for the School. SS said that this is the last article and can be amended to use whatever free cash is left over. HM motioned to not recommend this article. BM seconded and the vote was 7-1 with DB opposing.

Article 10: This is to allow the BOS to enter into agreements with solar arrays on properties in Westport for payments in lieu of taxes. The reason is that now these solar arrays are taxed as personal property and depreciate over time. With a PILOT, the cost would be fixed for the life of the property and it gives the developers better control over setup costs. It is currently being challenged in the courts by other towns. MC motioned and GC seconded to recommend this article. The vote was 7-1 with BM opposing.

Article 9: This article is to amend a current by-law for Sewage Disposal to mirror the State laws. KP motioned and GC seconded to make no recommendation as it has no financial implications. The vote was unanimous.

Article 11: This article is to discontinue a portion of Beach Avenue. HM recused himself from the discussion. RMS and Jeff Bull (JB), Beach Committee, were in attendance to discuss this article. (See handouts). SS began by laying some ground rules on discussion and reading the motion from the Moderator. The motion is: *“That the Town discontinue as a public way that portion of Beach Avenue east of Town Avenue depicted on a plan entitled: “Discontinuance Plan - Beach Avenue” dated 11/03/15, prepared by Thompson Farland, and authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain, or other means, pursuant to agreements with record owners and upon such terms and for such consideration as the Board deems appropriate, interests in land within said discontinued portion of Beach Avenue for conservation and passive recreation purposes, and to provide for public access to Town and other conservation lands in a manner compatible with such purposes; and further to authorize the Selectmen to enter into all agreements and take all other actions necessary or appropriate to carry out the acquisitions authorized hereto.”* The BOS says this is not a financial article and SS disagrees. SS began discussion by recapping the three key points of this article which are: “1. Discontinue the defined section of Beach Ave as a public way, ie abandon our legal right-of-way over property owned by others. 2. Grant the Selectmen power to acquire rights to the land under the abandoned right-of-way from the owners. 3. Grant the Selectmen power to do other minor miscellany related to acquiring those rights.” Then SS went over the questions posed to TK that had come up at the BOS meeting the previous night. 1. Discontinuance would result in a reduction of state funding, what is the amount of the associated reduction? Approximately \$707 less in Chapter 90 funding. 2. How frequently is sand removed from the roadway under routine maintenance, do we know the cost associated with each removal? Approximately 4 hours twice a year at \$75 per hour which is \$600. 3. Does the highway department currently have on hand equipment to maintain the road as it is today? Yes. 4. If we abandon the road and a dune road is installed, who would be responsible for maintaining that dune road, and does that entity have the required equipment? The Town would be responsible, though their may be outside funding. 5. The future proposal includes installment of a boardwalk using money outside of our operating budget, are there any assumptions about who will maintain and repair that boardwalk after the initial installation? Specifically, will it become the responsibility of any town entity? Same as #4. 6. What is the current actual spend against the legal budget for FY16 and what portion of that is related to this article? What portion is related to the overall project? Are there any expected legal costs associated with this article if it is approved or not approved? The assumption is the cost of negotiating the Consent Agreement with DEP is not related to this article. The legal costs incurred through October are being compiled and will be available soon and any legal costs in November have not been billed yet. If the Article is approved, there will be some additional legal costs associated with the review and approval of any easements, leases, licenses and any contract reviews associated with the construction project. 7. If this article is approved but the proposed project does not proceed, is there any financial risk other than our loss of the roadway

asset? No. 8. One concern related to our potential liability associated with improperly maintaining the current roadway and the need to introduce a turnaround in the area to minimize our risk of future litigation. Do we have any information about whether the risk exists or whether a turnaround mitigates that risk in some way? There is no additional liability risk.

Much discussion continued with RMS and JB as to what each one saw as the plans for Beach Avenue and the beach itself going forward. Ultimately, the committee would like to see the Memorandum of Understanding and any agreements coming out of it which RMS assured would be signed prior to December 1<sup>st</sup>. Tom Hancock entered with copies of the current MOU that was signed in December of 2014. SS charged MS with getting some cost estimates from the Highway Surveyor as to the upkeep of this roadway. BM wants all financial information pertaining to this in order to make an informed decision on whether to recommend this article or not. GC motioned and BB seconded to defer the vote until December 1<sup>st</sup> at 6pm pending RMS providing all necessary documentation next week. The vote was unanimous with HM abstaining.

Adjournment and next meeting: There being no further business to come before this meeting, a motion to adjourn the meeting at 9:25 p.m. was made by MC and seconded by GC and the vote in favor was unanimous. The next regularly scheduled meeting will be on December 8<sup>th</sup> at 7 p.m. at the Westport Town Hall. The most immediate posted meeting will be on December 1<sup>st</sup> at 6 p.m. at the Westport High School.

Respectfully submitted,

Nicole Botelho, Recording Clerk