

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY  
JANUARY 12, 2015**

**Members Present:** Antone C. Vieira Jr., Chairman  
Richard M. Spirlet, Vice Chairman  
Steven J. Ouellette  
Craig J. Dutra  
**Also present:** Timothy J. King, Town Administrator  
**Absent:** R. Michael Sullivan, Clerk

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**

Mr. King began by informing the Board that a letter has been received from the Police Union in regards to the days after Christmas and New Years. The Union is asking for the extra day compensation (day-off) as was given to the Town Hall and Annex. Mr. King stated this day off was for non-essential personnel. Discussion ensued. Mr. Vieira asked Mr. King to respond that the BOS support and appreciate the services they provide but their request is being denied; the budget won't allow it.

1. **Water System TTHM Compliance Efforts** – Mr. King stated he met with Ryan Trahan, Linda Correia and James McLaughlin, DEP about the Town's efforts to bring the water system into compliance. The DEP is satisfied with the programs in place and with the levels of the TTHM's for the past year. Mr. King stated he has provided the Board with a brief summary from Mr. McLaughlin.
2. **Hixbridge Road Bridge Dredging Project** – Mr. King stated the Army Corps of Engineers will be completing a feasibility study for this project. A report on the project status has been presented to the Board. The Corps will pay the first \$100,000. for the study and the balance of the cost (\$50,000.-\$100,000.) will be split 50/50 with the Town; the Town will be obtaining funding/reimbursement from the State for the local share, which has been earmarked by the State. Mr. King stated the Board has been provided with a draft "Cost Sharing" agreement between the Corps and the Town and it is being reviewed by Town Counsel. This agreement will be brought back before the Board for approval. Mr. Vieira suggested that a letter be sent to Senator Rodrigues so the local share will be covered as discussed; we need to get that in writing.
3. **Beach Avenue MOU** – Mr. King provided the Board with a fully signed MOU for Beach Avenue for their records.
4. **COA Director Applications** – Mr. King stated the deadline for applications has passed; the Committee will now be reviewing the resumes and discussing them at their next meeting.
5. **Revaluation RFP** – Mr. King stated he has been working with the Board of Assessors on an RFP for an outside firm to conduct a re-valuation. We are using the City of Taunton's RFP as a template. Taunton's cost was \$5/parcel without field review and another \$5/parcel with field review; Westport has approximately 10,000 parcels. Mr. Vieira stated we are only getting prepared if the Town elects to do this. Mr. Dutra stated we have to do a review every so many

years, so it is good we are looking at this; also, he is glad to see Mr. King working with the Assessors on this.

6. **Time & Attendance Software and Hardware** – Mr. King stated the Treasurer has arranged a meeting with the firm that provides our payroll services to discuss this issue; Mr. King will keep the Board updated.
7. **Electric Vehicle** – Mr. King stated he has completed the specs for soliciting the acquisition of an electric vehicle; he has also had a firm look at the back of the Town Hall for the location of a charging station.
8. **Cemetery Foreman Position** – Mr. King informed the Board the Cemetery Foreman position has been posted internally.

**Public Hearing – RE: An application request from Westport Club, Inc., 904 Main Road for a Change of Manager – Laura Borden.**

The public hearing was opened at 6:15 PM. Mr. Vieira read aloud the Public Hearing Notice. Present: Laura Borden and Edith Camara. Mr. Ouellette asked Ms. Borden if she had checked with the Police Department regarding TIPs Certification. Ms. Borden stated that has already been taken care of and everyone has been certified. **Motion** made by Mr. Spirlet to approve the Change of Manager for the Westport Club, Inc. to Laura Borden. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan). The public hearing is closed at 6:18 PM.

**Gary Sherman – RE: Memorandum of Understanding for reopening areas of the West Branch.**

Shellfish Constable Gary Sherman and Shellfish Advisory Board member John Borden were present. Mr. Sherman stated with this MOU, the Town will be reclaiming 82 acres in the West Branch; there is still a small area that is closed due to the presence of ducks and geese. This will be a seasonal, conditional area based upon rainfall. Grasshopper Point area (BB:3.12) will be an open status year round and the Judy Island area (BB:3.19) shall remain in the open status from November 1 thru April 30, as long as conditions allow; basically the same plan that is followed in the East Branch. **Motion** made by Mr. Spirlet to approve of the MOU & Management Plan for portions of the West Branch. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Sullivan). Mr. Ouellette asked that this information be placed on the website. Mr. Sherman also asked if the Board would consider approving the Shellfish Aquaculture License for Al Lees. Mr. Sherman stated there was an oversight of time and Mr. Lees' license expires on January 24<sup>th</sup> but the Board won't be meeting until January 26<sup>th</sup>, causing a lapse. Mr. Sherman stated that Mr. Lees is in full compliance with all regulations. Mr. Vieira questioned if this required a public hearing; Ms. Pelland stated no, it is a renewal only. **Motion** made by Mr. Ouellette to approve the renewal of the Shellfish Aquaculture License for Al Lees. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).

**Discussion – RE: Borden Street - water runoff, icing, parking, stop sign.**

Building Inspector Ralph Souza and Highway Surveyor Chris Gonsalves were present. Mr. Vieira stated there is a problem with the trucking company located on Borden Street regarding water runoff down to the strip mall; a letter has been sent to the Trucking Co. because this is the second year having to deal with this problem. Mr. Gonsalves presented pictures he took of the road. Mr. Souza stated there is a power issue with the building; the electricity has been turned off because the property is for sale and without power, the water pumps are not working; water is usually pumped out to PVC pipes and retained on the property, now the water flows up and out under the garage doors and onto the road. Mr. Vieira asked about the strip mall. Mr. Souza stated a new restaurant has taken over, Kathy's, and it is twice the size of what Steve's Place was; there is excavation that has taken place in the back of the building so he placed a call to BOH Agent Jim Walsh to see what that was about, perhaps there is

runoff coming from there. Mr. Vieira stated last year, there were icy conditions and people could not stop at the stop sign at the end of the road; the conditions are back again; the WRMC has been trying to address the stormwater problems in that area. Mr. Souza stated that south on Borden Street, you can see water is pouring out from the terminal building. Mr. Vieira stated, can't we send a letter to the property owner and advise them that they will be billed because they are responsible for this; and what about the stop sign issue. Mr. Gonsalves stated that is a new issue, water is coming out of the parking lot. Mr. Vieira stated that is not a new issue, it is the same as last year and it was happening even before the new business moved in; the property owner has to do something about truck turns. Mr. Spirlet stated maybe they can put in dry wells; but we need to come up with a solution; what about a trench. Mr. Souza stated water is coming from the hill and the building and is freezing over the catch basin, that is why he is trying to get the power turned back on so the pumps start working again; there is three dry wells; the pumps are in place but an electric meter needs to be installed. Mr. Souza stated he has spoken with Joe deGeorge, Manager from Yellow Freight to get this moving. Mr. Gonsalves stated he has been removing ice from that area today and last time. Mr. Vieira asked Mr. King to put a letter together to the property owners and to add in all information from tonight including their responsibility in this. Mr. Spirlet stated maybe we can place a lien on the property. Lynn Assad, 25 Borden Street stated this has been a problem because water pours out under the garage door of the trucking company; the past five years have been a problem with the last two years being the worse; at least with the pumps running, there was very little runoff; the property has not been maintained; there are three dead pine trees hanging over and in the road; there has been no response from Yellow Freight and there is still contamination and monitoring of wells on the property. Mr. Vieira asked Mr. Souza to look into the contamination and asked if there were any 21E's in Town because there should be a record of these available. Mr. Spirlet stated there should be a keeper of these records. Ms. Assad stated the stop sign, where it is placed is too far back, at the stop sign you can't see down Route 6 and asked if the sign could be moved to the end of Borden Street; you take your life in your hands because of no visibility. Mr. Gonsalves stated he was going to talk to the State, because they own property there, to place barriers and to be able to move the stop sign. Ms. Assad stated there is no runoff from the apartments because there are retainers; we had to have berms put on our properties by the Town to keep the water out; there are no drains on either side of the street and the catch basin freezes over. Mr. Vieira asked if a letter was received from the new owners and if they were willing to work with the Town. Mr. Souza stated that Ed Costa owns both plaza properties and he will be contacting him tomorrow. Mr. Vieira stated to any abutters present, that the Town was working on a resolution to these issues.

#### **Discussion – RE: School Department's Public Access TV position for FY'15.**

School Committee Member Carolina Africano and School IT Robert Nogueira were present. Ms. Africano stated the whole budget is \$70,000.; the School Department did an upgrade and we have met with the Cable Advisory Board and it was determined that \$35,000. would not produce anyone. We need a full-time person to build a department and provide support; this will be an academic position. The problem is we wanted to post the position at \$35,000. but that would have been to start a half year; so we are looking at \$70,000. for funding the position for one year with a promise for the following year; we would like to have the \$35,000. released to kick start the project; we want to put productions on the cable. Mr. King stated we don't have the dollars. Mr. Vieira asked where the money was because Town Meeting voted to create a revolving account at \$100,000. Mr. Dutra asked can we repost because of a wrong line item spent. Mr. Ouellette stated we can ask Town Meeting to spend. Mr. Dutra stated in the absence of a STM, we can have a STM within the ATM to cover prior years bills. Mr. Vieira stated we need a good audit. Ms. Africano stated if you back out the costs, the money should be there. Mr. Spirlet stated we put a lot of money upfront for the School to upgrade; of the

\$140,000., \$70,000. went to the School, now you want \$35,000. more and we still have not upgraded the Town side; what happens next year if we are shorted; the Town is running 2-3 channels. Mr. Spirlet stated we broadcast from four different places and our equipment is junk; he could not see making a commitment to the School. Ms. Africano stated she spoke with Superintendent Dargon so there is not two sides but just one entity. Mr. Vieira stated why not bring this back after Mr. King speaks with Mr. Nogueira and have him come back with a plan for short-term and one for long-term plan with the funds we have. Ms. Africano stated she pointed out to the School Committee that \$100,000. which was appropriated was not going to be enough; we should have one entity running this. Mr. Vieira stated the first meeting should be between Mr. King and the people who work on this and then have the Cable Advisory weigh in. Mr. King stated he was ready to meet anytime. Mr. Dutra stated if the money can be identified in FY'15 budget, can we move forward. Ms. Carolina stated they were ready to post the position. Mr. Nogueira stated one combined department under one direction can be done. Mr. Spirlet stated he was concerned about the upgrades on the Town side. In another matter, Mr. Vieira stated that Ms. Africano mentioned a Building Use Committee meeting and you mentioned \$318,000. for three years for modulars; the MSBA will be meeting this Wednesday in Boston and a vote will be taken on support of a new building and feasibility study with reimbursement at around 40-50%; the cost and design will be around a three-year period. Mr. Dutra stated if we are this far along and the MSBA is coming, this should be revisited. Mr. Vieira stated he was bringing this up tonight on the next steps due to the costs associated; be aware of it because warrant articles may be needed. Mr. Dutra stated this Board has not taken a formal position and should suggest to the School Committee that with the decision of the MSBA, they should revisit closing the Middle School. Mr. Vieira stated they should be aware of the options available to them. Mr. Dutra stated that closing the Middle School is not a done deal. Mr. Dutra stated for three years we have been sending the kids to school, only to find out it is a safe place. Mr. Vieira suggested that it may be necessary to consider all on the table; we should have another opinion on the environmental impact; we are looking at a ½ million to \$700,000. which needs to be identified, possibly Free Cash and a warrant article will be needed. Ms. Africano invited the BOS to the School Committee Meeting on Wednesday; they should have two bids for modulars by then. Discussion continued. Mr. Vieira asked that Valerie Bain, Cable Coordinator be contacted to film the School Committee Meeting on Wednesday, it will be at the WHS Auditorium beginning at 5:00 PM.

#### **Discussion – RE: Employee Files / Human Resource Functions.**

Mr. Vieira stated we do not have a Human Resource Department and presently, Tim King and Denise Bouchard are part of the Human Resources, with Denise overseeing the files. Mr. Vieira stated that in reviewing the BOS minutes, he found issues that had no follow-up; we need to have one central employee file, especially for evaluations, keeping track of disciplinary actions, etc. so this matter needs to be addressed. Mr. Dutra stated there should be one central personnel file; each department can have their own file and that is fine but one central file is needed. Mr. King stated he will draft a policy regarding personnel files. Mr. Vieira stated that Ms. Bouchard is doing a good job keeping these files but if no one is sending her copies of letters, then she can't keep the files up to date. Mr. Spirlet stated the Town Administrator should be the one to follow-up within two weeks; and he would like one step further and that is to have the personnel files located in the Town Administrator's Office under lock and key; the Town Administrator should have total responsibility, especially where this is dealing with personnel matters. Mr. Spirlet stated those files should contain all information regarding the employee including information of personal things they have done. Mr. Vieira stated that last year, the BOS decided that a follow-up with an employee was within 12 months and the Town Administrator needed to do that follow-up but the personnel files were missing information.

### **Discussion – RE: Warrant Article on Town Administrator's Duties & Responsibilities.**

Mr. Vieira read aloud the proposed article for Town Meeting regarding the Town Administrator's Duties & Responsibilities. Mr. Vieira stated this is a summary of what was done prior; this is to see if the Board has an appetite for putting this article on the ATM warrant. Mr. Dutra stated he supported putting this on the warrant but he would also like to see the prior draft that was done by the Adhoc Committee for Town Government Structure from about 3-4 years ago to be used as comparative document; this would be the article before it was amended or any substitutions were used. Mr. Dutra suggesting putting this matter to the next BOS meeting on 01-26-15 so the information can be placed in the BOS packets.

### **Discussion – RE: Role of the Finance Director.**

Mr. King presented a job description for the position of Finance Director and stated the position was ready to be posted. Mr. Dutra stated a stipend was built into the budget for this; it will be interesting who will apply; this should be posted internally first. **Motion** made by Mr. Dutra to post the Finance Director internally. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

### **Action Items**

1. **Motion** made by Mr. Dutra for a letter to be sent to the New Bedford City Council in support of their efforts to petition for a "Temporary Issue Lottery Ticket" for raising money to fund the South Coast Rail Service. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).
2. Mr. Dutra stated the information received from Town Council and information received by Mr. Spirlet from the Boston VSO on the Veteran's Agent have both concurred with the BOS's ability to have the VA report to the BOS through the Town Administrator. Mr. Spirlet stated the Boston VSO said the BOS hired the Veteran's Agent and he is your responsibility; all area VA's report to either a Town Administrator, Town Manager or whoever according to that city or town's laws; the Boston VSO made it very clear that he does not get involved in Town matters. **Motion** made by Mr. Dutra to place on file the information received through both conversations with Town Council and Boston VSO in regards to the Veteran's Agent. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).
3. The approval of a bill for Buzzards Bay Coalition will be held on due to Mr. Sullivan's absence.
4. Mr. King stated after he met with the Department Heads, he took the initial budget and modified it using the BOS guidance in relation to public safety and created two alternative budgets; Alternative #3 and Alternative #4; some of the line item changes that are reflected in both budgets are: stipends for elected boards and the Registrars are significantly reduced in the amount of \$66,290.; the School Dept. budget is \$106,785. higher than the \$455,193. original budget so this higher number was used; a smaller increase in Snow & Ice to \$25,000. rather than \$75,000.; a \$9,369. reduction in the Library budget; a \$10,000. decrease in Recreation; and postponement of some of the Capital Improvement Budget items to reduce the amount to be paid by operating revenues from \$174,000. to \$74,000. Alternate Budget #3 – does not provide for any public safety staff reductions and it puts back a Highway Dept. position, so the total net reductions would be \$364,996., which leaves a total for Alternate 3 at \$34,914,692. Now, Alternate Budget #4 – has no layoffs and includes only a reduction of ½ position in the Cemetery Dept., so the total net reductions would be \$200,769., which leaves a total for Alternate 4 at \$36,076,919. Mr. King stated there still remains a few budgetary items that are unknown such as Regional School Budget increase, Health Insurance Premium Rate increase and Collective Bargaining Wage increases. Mr. Vieira stated reductions were made after meeting with the Department Heads on a variety of items but he did not see any reduction in Operating Budgets;

he stated he understood the strategy being used by the Dept. Heads and the School Dept. increase won't cover steps; we have met with departments twice on this. Mr. King stated that departments were opposed to any further reductions; they are at bare bones now. Mr. Vieira stated Auditor Roselli said we need a reduction in staffing; we need to look at how we are running our departments. Mr. Ouellette stated we have not been giving enormous amounts of money to our departments. Mr. Vieira stated that Roselli said some offices are able to reduce staffing; the Town Administrator was charged to reduce by \$400,000. and he does not see it. Mr. King stated that of the two options, Alternate 3 has a \$365,000. reduction and Alternate #4 has a \$200,000. reduction; the BOS needs to make a decision on stipends; he felt that by reducing or eliminating some projects such as sidewalks and capital projects there would be \$540,000. Mr. Vieira stated look at the Transfer Station, should it be privatized or closed; there are no negotiation funds set aside; and we can't do the same as in the past. Mr. Ouellette stated he asked for budgets to be developed without layoffs; Mr. Vieira stated and it was done. Mr. Ouellette stated we have the money, there is plenty in the bank. Mr. Spirlet stated the auditor and DOR both have said that we can't use one time funds for operating; yet, every year we vote to. Mr. Ouellette stated we underestimated the funds. Mr. Dutra stated there has been a study of the Transfer Station for Pay as You Throw, other communities have it and charge for the bags; the opportunities are there; the BOH did adopt some of the recommendations but they did not go far enough. Mr. Vieira stated that income (\$200,000. to \$250,000.) is generated from the Transfer Station but we are not in the business of trash; we either get the income or close it or privatize it but it is worthwhile to look at; Mr. Vieira stated that he personally uses the Transfer Station. Mr. Ouellette stated as a clarification, we are not spending all of the money, just using some of the money to level service, which will still give us money to put in the bank; we are putting a lot of money aside, more than most Towns do. Discussion continued. William Harkins asked if there were turn-backs from several departments at the end of the year, doesn't that show they can operate at a lower amount. Mr. Vieira stated no, capital projects were in that; some commitments were there but the PO's showed no funds available; we have some things in place to help us but we have to address our spending. Mr. Ouellette stated then lets work on it right now. Mr. King stated the options were before the Board; he would like the Board to let him know which budget to go with or he would come back with another budget. Mr. Vieira stated he will take a look and come up with a budget in 24 hours. Mr. Spirlet stated he would like to see it; he does agree with some of the other stuff in Mr. Kings'. Mr. King stated that several Department Heads recommended eliminating the cost of reorganization; reduce the School Budget; and use Free Cash. Mr. Vieira stated he was disappointed; this has been a problem in the past, especially with Department Heads being part of the Union; it is difficult to wear two hats. Mr. Spirlet stated we have to give the Finance Committee a budget; we have reduced Snow & Ice, Capital has been cut down to \$74,000.; and the School Dept. is 54% of our budget. Mr. Ouellette stated there is still money coming in for Capital. Mr. Dutra welcomed Mr. Vieira to take another stab at it; he was disappointed there were no cuts; the Board has discussed that no department was taken off the table but the three biggest players are protected. **Motion** made by Mr. Dutra that no department is exempt for budget reductions. Second by Mr. Vieira. The Board voted 3 in favor, 1-opposed (Ouellette) and 1-absent (Sullivan). Mr. Vieira stated to Mr. King, there is the vote, now take \$400,000. out of operations with no department being exempt.

5. Mr. King stated he spoke with Charles Tavares, NStar Rep and was told that timers could not be installed on the lights at Bicentennial Park, they operate only with light sensors but the Town could have them taken down and we purchase our own lights with timers and NStar would install a meter so we can pay for the electricity. Mr. King stated he also learned that NStar will not allow the Town to install any private equipment on NStar's utility poles so he will look to see if

there are existing locations to put lights. Mr. Ouellette stated it was a shame we can't put timers; we will have to decide if we want to hire a contractor. Mr. Gonsalves, Highway Surveyor stated he will talk to the Fire Station because they were able to get some free poles. Mr. Vieira asked Mr. King to let NStar know to shut and take down the lights. This matter will be revisited.

### **Appointments**

1. Mr. Vieira stated there was one vacancy on the Community Preservation Committee and two applicants Betty Slade and Richard W. Brewer but Mr. Brewer has send a letter withdrawing his name. **Motion** made by Mr. Dutra to appoint Betty Slade to the Community Preservation Committee. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

### **Minutes**

1. Mr. Vieira stated Mr. Sullivan, even though absent, sent his amendments. **Motion** made by Mr. Dutra to approve with amendments the Regular Meeting Minutes of December 15, 2014. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).  
\*Amendments: page 2- change "Liggins" to "Liggin" and page 9 – insert "This is a non-binding question".

**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. Vieira stated there was an article in Southcoast Today and Westport Schools were rated at 98.8% for proficiency; the School Department should be recognized.

### **8:05 PM – Executive Session**

**Motion** made by Mr. Spirlet to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to discuss strategy with respect to Union Negotiations. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

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

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

### **8:30 PM – Open Session**

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

### **Adjournment.**

Respectfully submitted,

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

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