

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY  
DECEMBER 29, 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 6:06 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**

1. **FY'14 Balance of Turnbacks** – Mr. King provided an updated Balance of Turnbacks from the Town Accountant. This reflects the increased Health Insurance expense; it also had a corresponding impact on Free Cash. The final total was \$582,768.73. Mr. Sullivan asked for more of a breakdown.
2. **Free Cash Determination** – Mr. King reviewed the memo from the Town Accountant as to how Free Cash is determined. Discussion ensued regarding the figures. Mr. Vieira reviewed the Basic Free Cash Calculation and asked that the Town Accountant fill in the figures for each of these line items.
3. **Water System TTHM Compliance Efforts** – Mr. King reviewed the memo received from Ryan Trahan of the EPG to MassDEP which summarized the successful efforts by the Town to comply with the ACO. There was a decrease in the TTHM levels since the bleeders were installed and the Town's efforts to identify in-Town water well sites. Also given to the Board was a copy of an email from James McLaughlin regarding a meeting to discuss long range water system planning. **Motion** made by Mr. Dutra to request a meeting with DEP to discuss the delayed construction of the water treatment plant in light of the new information. Second by Mr. Ouellette. The Board voted unanimously in favor.
4. **Town Hall Roof Leak** – Mr. King stated he spoke with Ed Brum, who has offered to look at the Town Hall chimney to determine if there is a leak source. Mr. King stated that Wes Norman, a former custodian for the Town Hall, believes the chimney needs to be re-pointed and sealed because of the wind driving the rain into that area. Mr. King stated he will have a report for the Board. Mr. Vieira stated twice we have used CPC funds to correct this.
5. **Police Station Designer Selection** – Mr. King stated the Committee has interviewed the final two architectural firms and is making a recommendation to the Board, which is mentioned later on the agenda, for Reinhardt Associates. **Motion** made by Mr. Dutra to accept the recommendation of the Police Station Designer Selection Committee for Reinhardt Associates, not to exceed \$25,000. for a Feasibility Study. Second by Mr. Ouellette. Mr. King stated he would be coming back to the Board with a contract. Discussion ensued. Mr. Vieira asked if they would be looking at other buildings, what was the parameters of the feasibility study. Mr. King reviewed the scope of services, including four options, will be brought back the Board will have

to review. Some of the options will include renovating and adding an addition to the existing Police Station, renovating a portion of the Middle School for a Police Station, construct a new station adjacent to the Fire Station on Hix Bridge Road or construct a new Police Station on a not-yet determined site. Mr. Vieira asked why not look at the Town Hall as an option. Mr. King stated where would be put Town employees in the meantime. Mr. Vieira stated if they are looking at the Middle School for renovations, we may be put Town employees from the Town Hall and Annex there, it may be economically feasible and put the Police Station in the Town Hall; he was not saying to go that route, but if we are paying for a study, why not look at the Town Hall. Mr. Vieira stated the Police Chief has mentioned a number of times that the Town Hall is more than adequate for a Police Station. Mr. Sullivan stated he agreed with Mr. Vieira, we need a more comprehensive review of all Town buildings before shuffling everyone around. Mr. King stated if they were looking at two buildings to renovate; two very expensive Capital Improvement projects either simultaneously or in sequence, they would probably be looking at an excess of at least \$10-15 million dollars. Mr. Vieira stated he was not interested in spending \$25,000. to find out down the road, it should have been done differently; Mr. Vieira asked what the rush was; we are not even sure where the money will come from. Mr. Ouellette stated if renovations are done on the Town Hall, it will not be able to keep it's historical designation, especially with the upgrades of the cells and bathrooms, and having to meet today's codes. Mr. Vieira stated he takes the Chief's comments seriously and there are examples of it across the state. Mr. Dutra stated we should table this for about a month or two because the School is still in the queue with the MSBA and if turned down on the Middle/High School project, where will we be; the Police Department is a pressing issue but if approved or turned down, we will have to make a determination; our other option would be to award the bid without a price structure. Mr. King stated we can modify the options for the study, that is allowed; and by adding another building to the scope of services may not change the cost. Mr. Dutra stated his concern was adding "new construction" to the mix because they were not giving themselves the ability to evaluate because renovations are more expensive than building new. Mr. Vieira stated he agreed with Mr. Dutra; we are asking people to look at various options; the Police have been patient and he has spoken with the Chief who feels this building would be a viable option; if we look at the buildings we are trying to maintain now, add the Middle School to that on July 1<sup>st</sup>, we are trying to balance buildings, costs and staffing levels we have now; he does not see it coming all together financially. Mr. Spirlet stated the Middle School is coming to us on July 1<sup>st</sup>, we should have some answers by then from DEP/EPA in regards to the Middle School; also, he was not sure if the Town Hall was historical; as for the Police Station in this building, the renovations would be too costly due to code and if you wanted a certified Police Station, it would not be in this building. Mr. Spirlet stated we could probably put an addition on the Fire Station for less money. Mr. Sullivan stated we need outside expertise on the big picture; we need to look at all the buildings especially when we hear from the MSBA; we have only looked at the Police Station, we need to look at a broader assessment after a determination from the MSBA. Mr. Vieira stated he agreed and the Police Station is very important and they have been patient but maybe 60 days will buy us some options. Mr. Dutra withdrew his motion. Mr. Ouellette withdrew his second. **Motion** made by Mr. Sullivan to table this matter to February 23, 2015. Second by Mr. Spirlet. The Board voted 4 in favor, 1-opposed (Ouellette). Mr. Ouellette stated he felt they should be chipping away at this; he did not want to end up like the Dartmouth Police Station.

6. **Mass Department of Revenue** – Mr. King stated the DOR continues to seek clarification on some aspects of the Town's financial statements – COA Revolving Funds, Water Enterprise Fund and Local Receipts. Mr. King also presented a copy of the Town Accountant's responses. Mr. Vieira asked who was handling the Water Enterprise, Mr. King stated Denise Bouchard is

handling the billing and Terry Provencal is handling the receipt amounts.

7. **Hixbridge Road Bridge** – Mr. King stated he has spoken with Daniel Palmer regarding the inspection report and there will be a meeting in January with himself, Chris Gonsalves and perhaps George Mello to discuss the specific bridge maintenance needs.
8. **Municipal Lighting Authorities** – Mr. King stated a letter was received from Representative Schmid regarding his response to the Board's inquiry about House Bill 2927 – an act relative to municipal lighting authorities. To date, the bill has been sent to study by the Telecommunications, Utilities and Energy Committee. Rep. Schmid stated he will continue to monitor and advocate for it's progress.
9. **FY'16 Operating & Capital Improvements Budgets** – Mr. King stated as a follow-up to the Board's last meeting, there are 203 retirees receiving health insurance benefits (OPEB) with 65% of them being School Department retirees; and \$753,100. of the FY'16 Capital Improvement projects are funded with operating revenues or Free Cash; of these, \$210,000. are School related projects.
10. **John Reed Road** – Mr. King stated a memo was received from Jim Hartnett regarding the legal status of John Reed Road and the same opinion was obtained from Sean Leach as well; the State plows and maintains the road. Mr. King stated the Town takes care of Old John Reed Road. Mr. King stated he will be contacting a representative from the State regarding maintenance issues of this road. Christopher Gonsalves stated DCR owns it and maintains it; it is their responsibility and the road needs to be repaired; there is at least \$300,000. in repairs. **Motion** made by Mr. Dutra to send a letter to the DCR requesting funds be provided for a significant level of maintenance to the road; and copies of the letter be sent to Senator Rodrigues and Representative Schmid. Second by Mr. Ouellette. The Board voted unanimously in favor.

#### **Donald & Linda Harrop – RE: Lighting at Bicentennial Park.**

Donald & Linda Harrop were present to speak about the lighting at Bicentennial Park. Mr. Vieira stated surveys were sent out to the abutters regarding the lighting and in addition a letter was received from Police Chief Pelletier, which Mr. Vieira read aloud; Chief Pelletier commented on the documented merits of the benefits of lighting such as illumination of activities taking place, a deterrence to crime and a reduction in the fear of crime. Chief Pelletier also pointed out, in his opinion, that before any changes are made to the park, a discussion should take place to address the long-term plan for the Park due to disrepair. Mrs. Harrop stated that every time the lights are on, there is after-hours use and it continues all night long; she has placed calls to the Police on the noise from the park from playing basketball and skateboarding; she can call 5-6 times and only get one response. The lights come on around 5:00 PM but are now coming on at 11:15 PM and shutting off at 7:00 AM; the park hours posted are 9:00 AM to Dusk. Mr. Dutra stated this makes no sense, the lights should coincide with daylight savings. Mrs. Harrop stated the drug activity and/or vandalism happens during the daytime; she has offered the Police to come to her house to observe. Mr. Harrop stated the problem is the lights being on all night and the noise from playing basketball. Mrs. Harrop stated the lights illuminate all of the park so when the warm weather comes back, so will the problems. Mr. King stated he has met with the Harrops and Police Chief Pelletier; the Police Dept. had the floodlights installed originally and from time to time, the lights don't operate and NStar has fixed them. Mr. Dutra stated it is not a bad idea to have the lights on during open hours because it is a public space being used, when it is reasonable; the Police Chief makes reference to security in his letter but we need to be consistent with the hours; we don't want the lights on during the evening hours. Mr. Dutra stated we don't have a functioning Recreation Commission presently. Mrs. Harrop stated she spoke with the Recreation Commission and they directed her to speak with the Board of Selectmen. Mr. Dutra stated part of the problem is there is no Recreation Budget; if we want to support the park, CPA funds could be used for

upgrades with the Highway doing some of the work; as for Police issues they come and go; either we close it down or we fix it and have rules and regulations in place. Mr. Dutra stated we sent out surveys to 52 abutters and for the most part, they were in favor of the lights. Mr. Spirlet stated the hours as presently stated to “dusk” is not enforceable; and we should have parking for certain hours only.

**Motion** made by Mr. Spirlet that the park hours are 7:00AM to 9:00PM – lights off at 9:00PM (April 1 to November 30); lights off at 7:00PM (December 1 to March 31) and no parking allowed from 9:00PM to 7:00AM – parking tickets will be issued. Second by Mr. Dutra. The Board voted unanimously in favor.

The Board also directed Mr. King as follows:

1. To speak with the existing members of the Recreation Commission on establishing a town-wide policy as it relates to their jurisdiction; and
2. To speak with NStar Rep. Charles Tavares on the hours of lighting and to have a timer installed to accommodate those hours; and
3. To speak with the Police Chief and make him aware of the established hours of the park, park lighting and hours of parking; and
4. To speak with the Highway Department in regards to signage.

The Board thanked Mr. & Mrs. Harrop for coming in. Mrs. Harrop stated she looks forward to having the lights off.

#### **Marcia Liggin & Muriel Kokoszka – RE: COA request to setup a Gift Account.**

Marcia Liggin and Muriel Kokoszka were present. Ms. Liggin stated the COA is requesting the BOS approve a new Gift Account and change the name of the Clinic Gift Revolving Account to Activities Revolving Account. Ms. Kokoszka stated when the revolving account was setup in 1994 according to Chapter 44, Section 53E, half of the account was not separated from the Gift Account. They also kept the name “Gift Account” but it was really a revolving account. Ms. Kokoszka stated the Town Accountant and COA records are still kept with gifts and donations and the fees in the Gift Account are called Clinic Gift Account. The Auditor, back in 2013, stated in his report that under Article 9, it is required that gifts and donations be kept separate from fees because they are under different roles in the MGL. Ms. Liggin stated for the COA to separate the two, the Town Accountant is requiring the COA to get a written acceptance from the BOS to set up a new Gift Account to receive only gifts and donations; and the Clinic Gift Account will be set up under a new name “Activities Revolving” which was voted at ATM 2014 under Article 8 to reauthorize the revolving fund. Ms. Kokoszka stated there is no limit on the gift account and it does not require Town Meeting; the activities also has no limit and was approved at the 2014 Town Meeting; this will allow for what the auditors are calling a clean start. Mr. King stated that Auditor Tony Roselli has suggested doing this; and have cited us for having revolving accounts affecting our levy limits. Ms. Liggin questioned what happens with the funds we have; are we an enterprise fund or special account and does this need to be on the warrant; the issue is, what is it. Mr. King stated Mr. Roselli suggested an enterprise fund. Ms. Kokoszka stated an enterprise fund is a special revenue fund; one thing that the bureau who sets our tax rate does not want. Mr. Vieira stated the COA was voted as self-supporting with the Town paying for a COA Director. Mr. King stated the DOR sets the standard; take our Water Enterprise Fund (which is a small account), the Auditors treat it as a Special Revenue Account.

**Motion** made by Mr. Sullivan to approve the request of the COA for a new Gift Account and to change the name of the Clinic Gift Revolving Account to Activities Revolving Account. Second by Mr. Spirlet. The Board voted unanimously in favor. Mr. Vieira thanked Ms. Liggin and Ms. Kokoszka for all their help on this matter.

**Public Hearing – RE: An application request of Roger S. Duarte & Gayla W. White for a six-month seasonal trailer permit for recreational purposes to locate a trailer on 54 East Beach Road. The property is shown on Assessor's Map 76A, Lot 69.**

The public hearing was opened at 6:49 PM. Mr. Vieira read the hearing notice aloud. Present were Roger Duarte and Gayla White. No abutters were present. Mr. Ouellette asked about the BOH sign off; Ms. Pelland responded this is for a transfer only, the sign off from the BOH will be in the spring. It was noted all paperwork was in order for transferring the permit only. **Motion** made by Mr. Spirlet to approve of the transfer of a six-month seasonal trailer permit for Roger Duarte and Gayla White, 54 East Beach Road. Second by Mr. Sullivan. The Board voted unanimously in favor. The hearing is closed at 6:50 PM.

**Police Station Designer Selection Committee – RE: Police Station Feasibility Study.**

\*See TA Report – Item #5.

**Norbert Medeiros – RE: Application for use of the Community Center.**

Mr. Norbert Medeiros was present and representing Top Rope Promotions. Mr. Medeiros stated he has done a lot of fundraisers with one being held last March at the Westport High School. Mr. Medeiros stated he had submitted the application on November 20<sup>th</sup> for an event planned for January 9<sup>th</sup> but he would have to move the date due to having to promote the event and not enough time to do so. Mr. Medeiros stated he has used the facility in the past without any problems and Top Rope Promotions does carry a \$1million liability policy and do hire Police Details for events; there maybe anywhere from 100-150 attendees and he would like to host an event every 3-4 months in order to raise money for local groups. Mr. Spirlet noted the event is for two hours but the community center would be needed for at least 7 ½ hours for setup and breakdown, plus the event. Mr. Spirlet stated if approved, Mr. Medeiros would have to hire a janitor to clean up after the event and a special rider would be required to indemnify the Town. Mr. Medeiros stated he was a former teacher in Town and he ran shows in 2005 with no incidents; this would be a private event and he would set a limit of attendance. Mr. Spirlet stated this is a lot of liability for little money; also, parking at the Annex is limited to maybe 50-75 vehicles and that would be pushing it. Mr. Medeiros stated he tries to tailor the event to the building. Mr. Spirlet asked Mr. Medeiros why come to Westport for this. Mr. Medeiros stated again, he was a former teacher and he has a big interest in wrestling. Mr. Spirlet stated he did not believe the Town Hall Annex was conducive to this type of event. Mr. Vieira stated he agreed with Mr. Spirlet about the Annex and all the funds seem to be going back to the PAL in Fall River; most of the use of the Community Center is for recreational such as basketball practices, birthday parties, showers and local activities. Mr. Sullivan stated there seems to be a lot of questions involved with this request, so he would direct Mr. Medeiros to work with Mr. King to address the Board's concerns or for Mr. Medeiros to look at another facility. Mr. Spirlet questioned the capacity of the Community Center. Mr. King stated he would find out. Mr. Ouellette stated he had concerns over the amount of heat, the use on the septic and water system; the costs outweigh the rental fee that will be charged. At this time, the Board directed Mr. King to work with Mr. Medeiros but could not allow the rental of the Community Center for such an event at this time.

**SRPEDD - RE: Regional Transportation Plan.**

Present were Lisa Estrela-Pedro, Director of Highway Planning and Shayne Trimbell, Director of Transit. Ms. Estrela-Pedro stated she was speaking on the Regional Transportation Plan, which addresses all modes of transportation, including highways and bridges, rail and air travel, buses and other forms of mass transit, bicycles, pedestrians and seaport facilities. Ms. Estrela-Pedro stated the last plan was completed in 2012 and the next plan is to be completed in 2015. Ms. Estrela-Pedro stated

there is an online survey for everyone and SRPEDD will be distributing information at the Town Hall for taking the survey. Ms. Estrela-Pedro stated SRPEDD is looking for input from Westport for the 2015 plan and discussed what has been identified in 2012, which were safety concerns at the intersections of Route 88 and HixBridge Road, Route 6 and Gifford Road and Route 177 and Gifford Road; Mr. Ouellette also mentioned an impact study on flooding on Route 6 and the bike path, which stops at Fall River /Westport line near White's Restaurant and dumps people out into traffic. Mr. Vieira noted that Selectmen Ouellette and Town Planner Hartnett both work with SRPEDD on various issues. Mr. Dutra stated that Noquochoke Village has a plan for a sidewalk to the old Lincoln Park project/retail development site. Ms. Estrela-Pedro stated she would get the comprehensive plans; a study was done of that area. Mr. Vieira asked if Ms. Estrela-Pedro could send a list of projects, proposed and completed for the Board to review; he would also like to see a walking route from Westport High School to the Middle School to the Head of Westport. Ms. Estrela-Pedro asked Mr. Vieira if the Town was part of the Safe Roads to School Program because the Schools would need to partner on this request. Mr. Vieira stated we definitely need to add the schools and sidewalks. Mr. Ouellette stated he would like to move forward with the list plus any additional discussions that will be needed; he stated that when the summary is sent, it can always be added to. Mr. Sullivan stated criteria needs to be more flexible. Mr. Vieira stated that people wanted sidewalks but not if they had to come out of the street; the Board is supportive of sidewalks but we don't want to shorten our streets; we are approving the concepts, nothing else. Mr. Spirlet stated a new layout should be done from the center-line, not start with the sidewalk and work your way out. Mr. Spirlet stated he would not vote on a bike path that goes by railroad tracks; it should be re-routed for safety issues, especially down by Route 6. Ms. Elizabeth Collins stated that Old County Road should be considered for sidewalks because students walk all the time; there is some sidewalk and then there is none; it is safety issue. Ms. Estrela-Pedro stated she will be sending a summary for the Board's review and hopefully, the Board will put some additions to the list. The Board thanked Ms. Estrela-Pedro and Mr. Trimbell for coming in.

**Affordable Housing Trust – RE: BOS Approve and sign the amended Purchase & Sale Agreement for Noquochoke Village.**

Present: Elizabeth Collins, Craig Dutra, Elaine Ostroff and Leonardi Aray. Mr. Dutra stated, as discussed previously with the BOS, we need to do an extension on the Purchase and Sales Agreement with TCB (The Community Builders); some tweaks have been made on the document. Mr. Aray reviewed the changes that were made. The changes included: Changing the closing date to June 1, 2016; description of the affordability mix scenarios; explanation of the contingencies associated with the closing date; the Seller agreeing to diligently pursue the approval of Town Meeting for (a) the sale of the premises as required under Section 23(b) of the Agreement and for (b) the approval of a PILOT Agreement as described in Section 21 of the Agreement; the Buyer shall obtain all permits at least sixty (60) days prior to the date of closing; the original P&S is silent on the timing as to when to obtain such permits; the seller delegating its rights to approve of the Approved Plans to the Westport Affordable Housing Trust; and plans and specifications to be completed six (6) months prior to the closing date; the original P&S asks for 120 days. Mr. Aray stated he has submitted the changes, all thresholds have been met; the deadline is to 2016 and we must work together on securing a PILOT; and the Board of Selectmen will still have control of the land. Mr. Sullivan stated he spoke with Ms. Collins earlier today on this; he still disagrees with rentals and would encourage home ownership. Mr. Sullivan stated he still had a couple of questions on the 2<sup>nd</sup> paragraph of the amended agreement (date to December, 2016). Ms. Collins stated the agreement will be going back to Town Counsel for review and small corrections.

**Motion** made by Mr. Dutra to proceed with the Purchase and Sales Agreement as presented tonight. Second by Mr. Ouellette. Discussion ensued. Pam Costa, resident, stated the only issue she has is that the approval of the plans should stay with the BOS. Mr. Dutra stated that major plans have to go to the Planning Board who has jurisdiction; the Town is the property owner and changes will need to be negotiated with the Planning Board; this project is no different than any other project in Town, it will need to go to any and every regulatory Board in Town, if required. Mr. Vieira stated we are only delegating some responsibility to the Trust; this project has more positives than negatives. Mr. Spirlet stated he believes this is being tied up too long to June, 2016 and the BOS should have final say. Mr. Spirlet noted under item #20-Open Space, they wanted both properties; he feels that they should use whatever is needed and all the rest of the land not used comes back to the Town; why are we giving our land away? Ms. Collins stated that even though that is not what is being discussed, she hopes also that it stays with the Town for the Town to watch over the property because there is dumping of mattresses and tires going on. Mr. Dutra stated that is not being discussed tonight. Mr. Vieira summarized what has already been done; he stated that tonight, what is before the BOS is the 1<sup>st</sup> amendment only; Town Meeting will have the final say. Bill Harkins, resident, asked if this is to help low-income families in Town. Ms. Collins stated up to 70%; it will also help families who have moved away and want to come back to Town; the median income determines. Mr. Sullivan asked what the median income was. Mr. Aray stated in Westport it is \$67,000., a little lower than the surrounding area. Mr. Dutra stated that Westport is pretty consistent with surrounding areas; we did a survey of Town employees, looked at who owned, rented and what the demand was. Ms. Collins stated there will be a forum in April and invited Mr. Harkins to attend. Mr. Vieira stated this will service elderly trying to stay in our community and new couples just married; this affords rental options for them. Ms. Collins stated Greenwood Terrace pays 30% of the area median income; it is a nice project. Mr. Sullivan questioned June 2017, was it a carryover or an additional date; also, the PILOT needs to be looked at. Ms. Collins agreed. Mr. Dutra stated that TCB will be paying for any permits and AHT will be going to CPC. Mr. Dutra stated right now, we are just keeping the project going; the P&S has run out and needs to be extended. Mr. Ouellette stated this will help in stopping 40b projects and encourage affordable housing in Town to meet our percentage that we are not up to; it shows we are making an effort. The Board voted 3 in favor, 2-opposed (Sullivan, Spirlet).

**Discussion – RE: Veterans Agent's responsibilities under MGL Chapter 115 and the Board of Selectmen's Administrative direction through the Town Administrator or his designee.**

Gerald Leboeuf, Veteran's Agent was present. Mr. Vieira stated in a letter from the Veteran's Agent, he states that he reports directly to the BOS and not the Town Administrator. Mr. Vieira stated it is on the agenda tonight to clarify this and to see how the BOS wants to see the day-to-day responsibilities performed; there has to be a chain of command.

**Motion** made by Mr. Dutra that tonight's discussion item be limited to the powers of the Board of Selectmen through the Town Administrator with respect to the Veteran's Agent. Second by Mr. Spirlet. Discussion ensued. Mr. Dutra stated his motion is so there is no discussion about budgets, fiscal issues, etc. and he was in agreement with Mr. Vieira, this same thing came up when the prior Town Administrator Jack Healey was here and is coming up again with Mr. King; this discussion has been placed on the agenda under a very specific item and it would be a violation of the Open Meeting Law if we were to have discussions on anything other than the rules and responsibilities. Mr. Vieira stated, in fairness to all parties, we are trying to establish who is in charge and the responsibilities involved, not take away the responsibilities of the VA; someone has to be in charge of the day-to-day operations and to be respectful of how those day-to-day operations work; and in regards to how we deal with personnel for vacations, sick time, etc. everybody has to fill out a form so we can keep track of it; we went through a FLSA, where we had violations and have corrected that, we have a time clock but we

need someone overall who is responsible for this and the Town Administrator has been struggling with it because of what has been done in the past; there has to be a recognition of the responsibilities we have delegated to the Town Administrator and there has to be some kind of chain of command. Mr. Vieira stated he tried to reason with Mr. Leboeuf about this in a one-on-one conversation.

The Board voted unanimously in favor.

Mr. Vieira stated was a meeting prior to tonight with Mr. Leboeuf, Mr. Spirlet and Mr. King on this. Mr. Spirlet stated we are not getting involved with his duties as a VA under Ch. 115 and we are not saying you can't take a vacation, training day or personal day, all we are saying to do is send an email to our designee, Mr. King; this is done with the Police and Fire and everyone else. Mr. Sullivan thanked Mr. Leboeuf for doing a heck of a job as the Veteran's Agent; he has seen Mr. Leboeuf interact with his clients, he has a nice touch and does Veteran's events very well. Mr. Sullivan stated that Mr. Leboeuf has asked for clarification of his direct reporting and the BOS should consider codifying their relationship with him. Mr. Vieira stated we have the same policy with everyone in Town; the BOS delegate duties to the Town Administrator; this is not the first time this has been done. Mr. Leboeuf stated his position has been codified and he has it in his possession. Mr. Sullivan asked if this issue has been addressed by the Board. Mr. Dutra stated he was hearing dual opinions; his opinion is that we have used and delegated budgets, time off, etc. to Department Heads; the BOS is the Executive power and we have chosen to delegate some of it to the Town Administrator but we have never codified it. We have not put in writing the delegating of administrative powers to the Town Administrator, which should be brought to Town Meeting. Tonight, Mr. Leboeuf is challenging our interpretation. Mr. Dutra stated he was airing with past practice and will only change that if someone comes in with an opinion from Town Counsel that says we can't; Mr. Leboeuf is saying he will not take direction from the Town Administrator, only the BOS; now, we have someone gone rogue. Mr. Dutra stated in his six years, we have never had any Department Head take this stand; we have been re-missed in changing our laws. Mr. Leboeuf thanked any Veteran in the audience tonight for showing up; he took issue with the "going rogue" comment; and he will not report to a COA Director, which is proposed on the re-organization. Mr. Dutra stated tonight is just for the practice of delegating administrative duties to the Town Administrator; but there are other issues here. Mr. Dutra stated to Mr. Leboeuf that whenever there were budget problems, you came before the BOS and we approved; when it came to spending for the Veterans, we always took Mr. Leboeuf's recommendations and funded. Mr. Leboeuf stated he was reading the law and he does want to work with the BOS; why is he being chastised? Mr. Vieira asked Mr. Leboeuf if he believed in the chain of command; Mr. Leboeuf replied yes. Mr. Vieira stated Mr. Leboeuf always wants to challenge the chain of command, this goes beyond Mr. King, it was the same track record with the prior Town Administrator; what the BOS is asking for, is to respect what we are asking, which is that your direct supervisor is the Town Administrator; as for the COA Director, you can be involved in those discussions. Mr. Leboeuf stated the BOS was trying to make him do things that are not becoming. Mr. Spirlet stated that Mr. Leboeuf was doing a great job for the Veterans by standing up for the budgets; we are not micro-managing but Mr. Leboeuf reports his days off to the Town Administrator, not the BOS members. We are not asking of you, what is not asked of others. The Town Administrator is our designee; let him know of your vacation, personal days, etc.; this has nothing to do with the job you do for the Veterans. Mr. Vieira stated we do not have a Human Resource Department, so we need to keep track of everything; we went through a FLSA and found that we need some kind of accountability and we have to acknowledge a chain of command. Mr. Vieira asked Mr. Leboeuf if he checked with any other agents for examples of how other Towns handle this. Mr. Leboeuf stated no but he has read the law over and over and he proposes that he reports to the BOS. Mr. Leboeuf stated he had to go with what he believed in. Lino Rego, Richard Benevides and Justin Latini gave comment on tonight's discussion. Mr. Leboeuf stated if there is no transfer of authority; there is no problem. Mr. King stated a Town Administrator needs to have some supervisory authority



over BOS appointees and he was not interfering with Mr. Leboeuf's duties; the BOS however, need to make a decision if they want an Executive Secretary or a Town Administrator. Mr. Dutra stated the BOS need the Town Administrator to be their agent; the Town Administrator won't interfere with the duties of the VA; the BOS look to the Town Administrator for oversight on budgets, grants, etc. and these types of things need to go through the Administrative Chain of Command; as for the day-to-day organization of the VA Office, that is left to Mr. Leboeuf but we need Administrative oversight. Mr. Dutra stated he would be the first to admit he would like tighter language for the Town Administrator position; if there is a policy disagreement with the Town Administrator, a clarification is needed from the BOS but the Town Administrator oversees the budgets and the people who are appointed. Mr. King stated Town Counsel has repeated the State law and the BOS is the Executive Branch and the BOS can delegate the Town Administrator as their agent.

**Motion** made by Mr. Sullivan to codify that the Veteran's Agent is accountable to the Board of Selectmen but reports administratively to the Town Administrator; clarification/opinion will be sought on this motion from Town Counsel. Second by Mr. Spirlet. The Board voted unanimously in favor.

### **FY'16 Budgets**

Mr. King updated the BOS that one position in the Highway will not be filled; the Town Hall Custodial position will not be filled, it is being handled by an outside agency; and a half position from the Cemetery will not be filled; as for the Town Hall Maintenance position, either the Highway or an individual contractor will cover. Mr. Vieira stated the Highway only has nine employees. Mr. King stated he spoke with Wes Norman, Cemetery, and his proposal will have to be addressed with the Union. Mr. Ouellette stated there is no reason to cut positions; we have plenty of funds. Mr. Vieira asked how are we going to balance the budget; have you reviewed the operating revenues. Mr. Sullivan stated he would like time to review Mr. King's memo. This matter will be handled at a Special Meeting scheduled for Thursday, January 8, 2015 at 5:30 PM; it will be the only matter on the agenda.

### **Action Items**

1. **Motion** made by Mr. Dutra to approve of the Overall Financial Policies as a working policy. Second by Mr. Spirlet. The Board voted unanimously in favor. This will be sent to the School Department and the Finance Committee.
2. The stipends for the Board of Selectmen were tabled for now; Mr. Ouellette stated the departments come first.
3. **Motion** made by Mr. Spirlet to approve of the wording for a non-binding ballot question for outside Revaluation Assessment of properties in Town. Second by Mr. Vieira. The Board voted 3 in favor, 2-opposed (Ouellette, Dutra). Wording: "Shall the Town of Westport contract with an outside firm to conduct the 10-year revaluation of the Town's property assessments; not to exceed \$200,000."
4. **Motion** made by Mr. Dutra to table the approval of the Buzzards Bay Coalition bill. Second by Mr. Ouellette. The Board voted four in favor, 1-opposed (Vieira). Mr. King explained the breakdown that he provided to the Board. Mr. Vieira asked that Mr. Sullivan sit down with BBC and work on this. Mr. Sullivan stated he would meet with Mr. King and George Mello on this also.
5. **Motion** made by Mr. Dutra to offer to Non-Union employees the same 1% as the LAW Contract employees; subject to available funds. Second by Mr. Ouellette. The Board voted unanimously in favor.
6. Mr. Sullivan explained there was a previous problem with a water billing customer. He stated he investigated by going to the residence, measuring the water and found out she was being overcharged. Mr. Sullivan stated he spoke with Denise Bouchard on this, but for some reason we

are doing it again and the bills are going out incorrect. Mr. King stated he would take care of this matter.

7. **Motion** made by Mr. Sullivan to accept the following donations to the new COA Gift & Donation Account to be used for the “best use” by the WCOA and to send letters of thanks. Second by Mr. Dutra. The Board voted unanimously in favor. \*\$100. - VFW WA&R Ouellette Post #8502; \$100. - Manuel Vale; \$20.-Shirley Berube; \$50. - Joan Tripp in honor of Pamela Buttrick; \$3,000.-Neil & Sylvia Van Sloun; and \$75.00 Gift Card from Lees Market.
8. Discussion ensued regarding updating the Time Clock system. Mr. Spirlet stated this was started two years ago; where is it at. Mr. King stated the time clocks are junk, especially for the Highway Department; he has provided the Board with some information regarding an automated time and attendance software. Highway Surveyor Chris Gonsalves stated it is an outdated system; swipe cards would work best in the Highway Department especially when there are call-backs. Mr. Dutra asked Mr. King to bring to the Board a recommendation of the best cost to update. Mr. King stated that last time, there were concerns from the Treasurer and IT person. Mr. Vieira asked Mr. King to work on this and clear this matter up.

**Appointments** - None.

### **Minutes**

**Motion** made by Mr. Ouellette to approve the Regular Meeting Minutes of December 8, 2014 with amendments. Second by Mr. Dutra. The Board voted unanimously in favor.

\*Amendments: page 1- change “substantially” to “substantive”; page 3 – change “start” to “goal”; page 4 – change “overhead” to “ongoing” delete “process” and insert “half from”

**Motion** made by Mr. Ouellette to approve the Special Meeting Minutes of December 11, 2014 as submitted. Second by Mr. Dutra. The Board voted unanimously in favor.

**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** – None.

**10:05 PM**

**Motion** made by Mr. Dutra to adjourn the Board of Selectmen Meeting. Second by Mr. Ouellette. 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