

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY  
FEBRUARY 9, 2015**

**Members Present:** Antone C. Vieira Jr., Chairman  
Richard M. Spirlet, Vice Chairman  
Craig J. Dutra  
R. Michael Sullivan, Clerk

**Absent:** Steven J. Ouellette  
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.

**Chairman's Announcement** - Under MGL Chapter 30A, section 20(e) – Meeting is being recorded.

**Public and Board Member Comment**

1. Mr. Vieira spoke with Mr. Ouellette and he will not be able to attend tonight's meeting but Mr. Ouellette stated that if the Board comes to some agreements on the budget that would be okay, if not, the Board is posted for tomorrow evening, where we can continue.

**Acknowledgments & Recognitions**

Mr. Vieira stated he was not sure if Mr. Norman would be present tonight because of the weather, but the Board has a citation that will be presented recognizing his retirement, which was effective this past week, along with other acknowledgments from other parties for the work that has been done by Mr. Norman. This matter will be addressed at a later meeting.

**Town Administrator Report** – No report due to Town Administrator being on vacation.

**Jeffrey Abrams – RE: Request for change of hours for Kozy Nook Restaurant**

Present: Jeffrey Abrams. Mr. Abrams stated he would like to be able to serve a Bloody Mary or Mimosa at breakfast when requested. **Motion** made by Mr. Spirlet to approve of the change of hours request for Kozy Nook Restaurant to serve alcoholic beverages: Monday through Saturday, 8AM to 11PM and Sunday, 10AM to 11PM. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Ouellette).

**Action Items**

1-4: Mr. Vieira stated the focus of this meeting will be the budget; he has asked Ms. Provencal, Town Accountant to be present for this review and hopefully, the Board will get this budget to the Finance Committee tomorrow evening. Mr. Vieira stated we all received an electronic detailed budget from the Town Administrator; he then met with Ms. Provencal to go over the math, some changes had to be made to support in principle the motions made by this Board; the bottom line however, has not changed and the budget is somewhat balanced. Mr. Vieira stated that the highlighted changes are not definite and were made with his understanding of what the Board wanted; they are up for discussion this evening. Mr. Vieira reviewed the changes, stating that he worked working with the bottom line and then went back to the Reserve; changes were made to the Reserve Fund, Finance Director, Legal, PINE, Police, Highway, Snow & Ice, Cemetery and Capital Improvement. Mr. Vieira stated that

beginning with Legal, it was decreased to \$85,000.; PINE, Mr. Vieira stated he did not believe the Board ever voted this, so he pulled the Director and Secretary out of the budget; under Public Safety, the Police Budget did not reflect the Board's last vote, so it was increased to \$2,950,641.00; Highway Dept. increased to \$774,451.00; Snow & Ice increased to \$93,695.00; Cemetery decreased to \$146,698.00; Capital Improvement at \$0.00, lumped into Free Cash, not the Operating Budget; Finance Director – no monies budgeted; and the Reserve Fund increased to \$77,376.00, to face some of the challenges that may be coming with this budget. Discussion ensued regarding the changes and why. Mr. Vieira stated these changes put back one position in the Highway (laborer) and one position in the Cemetery (full position). Mr. Vieira stated one big factor is the School Department increases and he has contacted the Superintendent so she can bring this to the School Committee because it came in at a ½ million over last year in General Expenses and a ½ million in Special Ed as well; this prompted him to question it. Mr. Dutra stated he could not support any school budget that was spending money to close the Middle School because we should be proceeding down the path of building a new Middle/High School and working on a Feasibility Study, which he supports, but spending money on temporary classrooms, the cost of renovating and relocating students which at best is a temporary solution he could not. Mr. Vieira stated to keep in mind, he was not even suggesting that he was endorsing this budget but he was trying to get it to balance. Mr. Dutra stated the budget went up with the escalation factor, which was very generous and included was an allowance for steps and lanes, included also, was what they said was necessary; they came back to our last meeting stating they may need another \$100,000. but what I am being told this evening is that they need another ½ million dollars. Mr. Vieira stated he was not telling Mr. Dutra this evening, this is what we all received and we all thought we were voting on a budget that we could pass on to the Finance Committee; Mr. Vieira stated when he received the detail, which he went along with the motion from the last meeting, which was what the majority of the Board endorsed; what he was trying to do was make sure the math worked according to the motion; and it can work, using one-time revenues. Mr. Vieira stated the Board was provided with the 5-year Revenue comparisons; one of the issues is over-estimating revenues. Ms. Provencal stated she provided a revised FY'16 Estimated Revenues Sheet; the first column is her estimates and the second column contains Mr. King's. Ms. Provencal then explained her estimates and the major discrepancy between her estimates and Mr. King's is Estimated Local Receipts by \$533,400.00. Mr. Spirlet stated he supported Ms. Provencal's estimates because there is no major construction of a new restaurant or hotel in Town, so we are basically where we have been for the past couple of years. Mr. Dutra stated we are talking about a 12% increase from where the receipts were two years ago; his concern is that we begin to equate Free Cash with one-time Revenues; but \$450,000. of the so-called one-time Revenues are monies we collected from Local Receipts for the past two years; now whether you want to call it conservative budgeting or want to reduce it, fine, but we can't continue to call, what is almost 30% of our Free Cash, to equate one time cash with one-time revenues when nearly a third of that is money coming in, as it has come in for the past two-three years from the three largest local receipts: excise tax, hotel tax and meals tax. Mr. Dutra stated the fact that excise is highly sensitive to the economy and in '08 and '09 that went through the floor but it has been going up steadily for the past several years; he could see having a discussion for taking that down a bit because of the volatility of the excise tax alone but because we use it as local receipts and that is part of our tax structure, he has a problem calling all of it Free Cash; we are working with one-time revenues when in fact, 25-30% of that is part of our tax base. Mr. Spirlet stated that is what DOR is stating and our auditor. Mr. Dutra stated that an estimated increase in Overlay is even more of a slippery slope because a big property owner could file an appeal and we are looking at reassessing the Town, could put some money into the Overlay account, so the fact that we are trying to do a 100% reassessment, talking about assessed values and a 10% increase (\$10,000.) in Overlay, that would be the number one candidate for being conservative. Mr. Vieira stated he did not disagreed with most of what Mr. Dutra was saying but

for clarification of re-assessment, whether we do it separately, in-house or an outside firm, by law we have to do it and the cost associated with that is already budgeted at \$80,000. and we have a warrant article for another \$20,000. for a total of \$100,000. set aside; it is more of a question of how we do it and the reaction of folks once it is done; but the other piece in terms of whether we over-estimate the revenues because we think it is more realistic than tighter, that is a valid question; if it goes forward and when we set the tax rate and DOR looks at it (this is where the Accountant is looking at it), they say what are you estimating for receipts next year and we say 12% over, typically, they won't approve that and we will have to build a big case, which we can with the argument we just had, but the DOR will not just rubber stamp and say okay we are going to give you that kind of increase; so let's say we do it, and the Governor next year has to address the State Budget, and if there are adjustments at the State level next year, we don't have that Free Cash coming in and we don't have the Free Cash left over this year, we could in effect have a negative Free Cash; it is a chancy situation. It could work either way, but it starts off with a budget generated on salary increases for all Unions this year and next year and other factors that are taking away, these are recurring expenses each year once those salary increases are negotiated and if it is a negative Free Cash for next year we have to take that off the top, so we could conceivably be looking at next year's budget before we start at already being in the hole by about a \$1.2million. It is coming to rest now, only because when we starting looking at what we were trying to do, we did not address some of the positions, like the Union is asking what we are going to do about a Town Hall custodian that has not been replaced; at some point we either have to budget for it or come up with another service, the Union questioned the position at the Cemetery; as Management, we have the right to argue how we are going to handle those positions, so far, we have three Union positions open, and we are not even at the level we were at last year, and those are recurring expenses but the work has to get done somehow and we have to look at salaried positions, so to say we are going forward with a balanced budget even before we look at the Schools which is pretty sizable, we have a problem. Mr. Vieira stated he was not trying to change the votes from last time, but if the Board wanted to go with those votes, then we have to look at the line items and fine tune them and come up with something tonight to balance; these are only his suggestions. Mr. Spirlet stated we put \$77,000. in the Reserve Fund but for the last 5 years, we budgeted \$50,000. now we are going up roughly another \$27,000. Mr. Dutra stated he did not believe we touched the \$50,000., a couple of times we used it for but we did not get to that point. Mr. Vieira stated it can be left at \$25,000. if the Board wants but we have all seen the questions from the Finance Committee regarding all the changes and discussions of reorganization and the tightness in which we have pushed some of these budgets, it makes sense to put a little bit more; if you are going to have a \$30million budget it makes sense to have some money; typically, 5-6 years ago, we had approximately \$70-\$100,000. in Reserves, now we have it down to \$25,000. Mr. Vieira stated we know right now that the BOH and the Transfer Station are not going to make it this year and that is what the Reserve Fund is for. Mr. Sullivan stated that Ms. Provencal's biggest concern is over-estimating revenues; local receipts and State Aid is down \$120,000. Ms. Provencal stated she kept it level because she was told the Governor was going to leave local aid alone so she left it at FY'15 level. Mr. Vieira stated at the MMA Meeting he has said he would not touch it this year but he was not giving any guarantees for next year. Ms. Provencal stated based on that statement, she kept it level. Mr. Sullivan asked if any of it was out of line from two years ago, say FY'14 actuals, which is what Mr. King used as a guideline. Mr. Sullivan stated he also asked Mr. King for all revenue line items to be broken down as to how we got there and he has not received it yet; this will help next year's strategy. Mr. Sullivan stated that whether the Board used Ms. Provencal's or Mr. King's figures, we should still have a track of how we got there. Discussion again ensued regarding local receipts/revenue. At this point, Mr. Vieira stated lets say there is some agreement among Board members to go along with a larger amount in revenues, based on the math, we are out of balance by \$68,000. in addition, we need to look at some non-recurring expenses that are going to be in the

operating budget that will have to come from Free Cash this year; so going into next year, whatever level we take for non-recurring expenses, that is fine, but if we are going to do recurring expenses in the operations, we are going to have to show the impact of that in the following year. Mr. Sullivan asked if there were any other parts of this budget that Mr. Vieira had concerns about that were being funded with one-time funds. Mr. Vieira stated yes, some of the positions we have not clarified and any salary increases for this year and next; we have to do something about those positions; Mr. Sullivan asked if those were the positions that were stuck back in; Mr. Vieira stated that is not all of the positions. Mr. Sullivan questioned why Cemetery was only \$21,000.; Ms. Provencal stated Mr. King only put back a ½ position, this was the rest of the position to make a full position. Mr. Vieira stated that part of this has to do with Mr. Kings' reorganization, with some of it being approved by the Board and some still subject to. Mr. Vieira stated he tried to pull out all of them and not have a grievement with the Board, like the \$20,000. for the Finance Director, not that we would not have a Finance Director, just saying we have to do it with existing funds because as a Board, under this reorganization, we were not going to take money and apply it to the operations, instead we were going to use money that is already in the operations. Mr. Sullivan stated we have no provisions for wage increases for FY'16 and FY'15 retro. Mr. Vieira stated that will be recurring; in addition, we also need to settle on three cruisers for next year; there is a need for them and if we don't have a capital budget, half of the time they have been in capital and half of the time they have been in the operating budget as separate articles; we also have a front loader that went down today and we have to have some kind of commitment or we will have to shut down the Highway Dept. because we don't have the equipment to operate it, so there are ongoing expenses that we can use from Free Cash but if we use other areas other than Free Cash, we have to identify that. Mr. Vieira stated that all he was saying is that from an operational standpoint, certainly the salaries and the personnel issues, we need to talk about these operations and the costs of these operations and where the funds were coming from. Ms. Provencal stated that in speaking with Mr. King and with the Middle School closing, the Town will be covering the expenses such as utilities, where are those funds coming from. Mr. Vieira stated we are looking at Free Cash and that is why he is trying to do the math. Discussion continued regarding the budgets, free cash and receipts. Mr. Spirlet reviewed the changes and the where free cash has been used and the need to use the free cash. Mr. Dutra stated Mr. King's budget reflects actual receipts for 2014 and we are on track. Mr. Sullivan stated that Mr. King's budget of \$4.5million was based on figures from two fiscal years ago; the \$4.5m is there, so why not use it. If we look at the excise tax, he is projecting \$2.5m and looking at actual it is \$2.139m; we budgeted for \$1.990m, which reflects what happened two years ago. Mr. Spirlet stated we are never going to get it to the penny, he just did not want the Board to over-project. Mr. Dutra stated the first five months receipts for this year are pretty much the same as the last year's for receipts. Mr. Vieira stated that once you base a budget on revenues and they don't come in, you have to re-adjust in the middle of the year. Mr. Dutra stated customarily at the end of every year, we have departments sitting on hefty surpluses and if we are sitting here trying to fill positions that have not been filled yet this year, it is safe to stay on the expenditure side. Mr. Vieira stated we have not budgeted for positions that have not been filled this year; we are going to have three vacancies coming and there are still other positions we have not talked about. Mr. Sullivan asked if it was a true statement that Mr. King has gone back two fiscal years in his estimations, this is not what we have done in the past, but am I correct in my clarification; Ms. Provencal stated yes. Mr. Vieira stated we are being optimistic on the revenue side and if that doesn't work, we will address it and we will be aggressive with the DOR; but in the budget the big major items that are still not in there and we need to think about are uses of Free Cash for Health Care, which according to the Treasurer is increasing by 3% (about \$85,000.); there maybe an increase in the Diman (which could be upwards of \$100,000.) and the three positions (which some are budgeted for); and we can't forget about Snow & Ice. Mr. Sullivan questioned Mr. King's work page because it did not include boat and farm and miscellaneous

recurring; Ms. Provencal stated he may have included boat and farm under "other excise" and misc. recurring could have been rolled into something else. Discussion again continued regarding where free cash was being used and what balance would be left. Ms. Provencal gave a breakdown of budgets that may overspend their expense lines by year's end; this could be due to outstanding purchase orders though. Mr. Vieira also mentioned that major equipment has let go in the Highway Dept. this past week and in addition to Ms. Provencal's list, there is the BOH and Transfer Station, Veterans Benefits (which Mr. Vieira put back to last years level) and Retirement, under the Union contracts some of these retirements cost \$20,000. and the people are entitled to it but we need to know ahead and we need to budget for it in the line items. Mr. Vieira stated in moving on, the Board voted on the budget last time, and in staying with an aggressive receipts part of it, we know we are out of balance by \$68,000., we need to address as a Board if we are endorsing those three positions and advertising to fill them or not, which are Town Hall Custodian, Highway Dept. and Cemetery Dept. some of these are budgeted but if we can get a commitment from the Board, we will know the figures we are using. Mr. Dutra stated that if Mr. King budgeted for contracted outside services for custodial, the position should be an offset of those services; Mr. Vieira agreed. Mr. Vieira stated that we will have to work within the budget, if we fill the custodial position, that will just about use up the contracted services; Mr. King accounted for the custodial services and not the maintenance part of it. Mr. Sullivan asked if Mr. King's recommendation included custodial service or outside services. Mr. Vieira stated he thought it was just a dollar amount. Mr. Vieira stated the Board has gotten notification from the Union on this position and we are trying to address that. Mr. Dutra stated in this budget there is no extra money for custodial services; Mr. Vieira stated correct but there is in the Cemetery Budget because money was put back in for one person, where Mr. King only had a ½ person.

**Motion** made by Mr. Spirlet to advertise the Highway Department position. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Ouellette).

**Motion** made by Mr. Spirlet to advertise the Cemetery Department position. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Ouellette).

Mr. Vieira stated that everyone loves the cleaning services even the Police Chief but the problem is that it is not the whole job; we need someone to shovel, change light bulbs, spread salt and check situations happening during the day; right now, we have a Town Administrator trying to do these things and when he is not available, the Highway Dept. is doing it and that can't be happening. Mr. Vieira stated he spoke with the Highway this morning and they are concerned about getting the roads going not shoveling out the entrances. Mr. Vieira stated what he would like to do is budget it in the same as last year and have Mr. King come back with a recommendation of how to do this; so, we won't advertise that until Mr. King is back but we will advertise the other two.

**Motion** made by Mr. Dutra to keep the budget at last year's level for maintenance and to have the Town Administrator weigh in with a proposal for next meeting. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Ouellette).

Mr. Sullivan questioned the number of hours that the custodial services were pulling. Mr. Vieira stated 5 days a week (3 heavy and 2 light) in addition to covering the Town Hall, they are also covering the Annex and Police Station. Mr. Vieira stated we know we are at \$68,000., Ms. Provencal will make the adjustments on the positions for the budget; and we need a dollar amount for any retirements, Ms. Provencal will put out a notice to the Unions for a heads up of anyone who is anticipating retiring so we can budget for it; and then as a Board, we will have to talk Union strategy in terms of dollar amounts and so forth. Mr. Dutra noted the Board did vote to go with a Finance Director.

**Motion** made by Mr. Dutra to reduce the Reserve Budget from \$77,000. to \$56,000. and put \$21,000. back to the Finance Director; Mr. Sullivan stated he would second the motion with the caveat that the Board be provided with copies of the before and after Organizational Charts from Mr. King. Discussion ensued. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Ouellette).

Mr. Vieira stated he would now like to talk about adjustments for the Health Care, Diman and Retirement. Discussion ensued regarding Feasibility Study at \$700,000. and Stabilization at \$400,000. already being voted on and reducing the operating budget by \$68,000. to balance. Mr. Vieira stated that Ms. Provencal is doing the math so we can see what we have for Cemetery, now we have to figure out some kind of increase for Diman, which will be around \$100,000. and Health, which will be around \$85,000. and of the \$68,000. Mr. Vieira stated that Ms. Provencal will look at where we stand with retirees.

**Motion** made by Mr. Sullivan for an additional \$253,000. to the budget in addition to the Snow & Ice. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Ouellette).

Mr. Vieira stated we have now used \$1.35m of Free Cash out of \$1.7m. Mr. Dutra stated we now need to address the request from Mr. Gonsalves for Snow & Ice.

**Motion** made by Mr. Dutra to authorize deficit spending of the Snow & Ice Budget, not to exceed an additional \$150,000. to the already budgeted \$70,000. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Ouellette).

Mr. Vieira stated that with the \$150,000. voted on, we are at \$1.5m Free Cash; Mr. Vieira suggested leaving it at that and for Finance Committee purposes, we have a balanced budget. Mr. Dutra stated the Board has just covered Action Items 1-4. Mr. Vieira called for a motion for forwarding the budget.

**Motion** made by Mr. Spirlet that the Board has voted on a balanced budget leaving \$200,000. in Free Cash and the budget to be forwarded to the Finance Committee. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Ouellette).

**Action Items continued:**

5. Highway Surveyor discussion regarding road maintenance will be tabled until next meeting with Mr. Gonsalves being invited in.
6. Time Clock discussion will be tabled until next meeting. A meeting with Mr. Spirlet, Treasurer, Town Accountant and Mr. King with Harper's regarding a Time Clock system will be held on 2/23 and more information will be available for the BOS Meeting that evening.
- 7 & 8. Town Hall & Annex maintenance coverage have been addressed with the budget; for now the Highway Dept will continue maintenance of snow removal until Mr. King's return for discussion.
9. Town Administrator warrant article will be tabled until next meeting. Mr. Sullivan requested a narrative from Mr. King as to what is different from what is presently on the books.
10. Beach Avenue warrant articles will be tabled until next meeting when a full Board is present.
11. ATM Warrant will be tabled until next meeting. Mr. Vieira stated the warrant can be finalized at the 23<sup>rd</sup> meeting and go to the FinCom by March 10<sup>th</sup>. Mr. Vieira also requested that the ballot initiative drop-dead date be requested from the Town Clerk and the information be forwarded to the Board.
12. Planning Board request will be tabled until next meeting; a request will be sent to the Planning Board to be present to explain the Build-out Analysis request.
13. **Motion** made by Mr. Dutra to approve of the Screening Committee for the Veterans Agent; comprised of 2 members from the American Legion, 2 members from the VFW and BOS Rep. Richard Spirlet. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Ouellette).

**Appointments** – None.

**Minutes - Motion** made by Mr. Dutra to approve the Emergency Meeting Minutes of January 26, 2015. Second by Mr. Spirlet. The Board voted 3 in favor, 1-abstention (Sullivan), 1-absent (Ouellette).

**Selectmen Liaison Committee Reports** – None.

**Question and Answer Period** – None.

At this time, Mr. Tim Field, President of the Westport Taxpayers Association and Mr. Gregory Jonsson,

Secretary of the Westport Taxpayers Association asked to read letters to the Board. Mr. Field's letter was regarding Capital Exclusions, Debt Exclusions & General Overrides; Mr. Jonsson's letter was regarding Tax Assessments and Reorganization. Letters are attached. No actions taken.

**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 called for a Moment of Silence for the passing of James Thibault, a former Firefighter in Westport, his mother was a teacher in Town and he still has children in Town; he was also known for his chicken BBQ; he will be missed in the community.
2. Mr. Spirlet recognized the Highway Department for a good job during the snow storm. Mr. Vieira stated the Highway Dept. has had many plowing challenges with lanes not being wide enough and navigating cul-de-sacs, in addition to having equipment breakdown and losing outside snowplow contractors to other towns that pay more per hour.
3. Mr. Vieira called attention to an email scam going around stating it is from Charter who is conducting updates and asking for email passwords, etc. Mr. Vieira asked that residents be aware and not to respond with any personal information. Mr. Spirlet stated that is good advice, never give out any personal information to a company calling if you did not initiate the call. Mr. Sullivan noted that these scams target the elderly.
4. Mr. Vieira also wanted everyone to know that the Highway Department is not intentionally plowing the snow into driveways after the driveway has been shoveled. There is no other way to plow the roads except down one side at a time and there will be some snow at the end of your driveway; there really is no place to put the snow; we all need to back off and try to understand the process.
5. Mr. Vieira asked if everyone could keep an eye out for their neighbors, especially due to our recent weather, check on them and help them shovel; the Highway will do all they can but individuals helping each other is needed.

### **8:00 PM – Executive Session**

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

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

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

### **8:15 PM – Open Session**

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

### **Adjournment.**

Respectfully submitted,

**APPROVED:** \_\_\_\_\_

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

R. Michael Sullivan, Clerk