

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
MAY 02, 2016**

Members Present: R. Michael Sullivan, Chairman
Craig J. Dutra, Vice Chairman
Antone C. Vieira Jr.
Steven J. Ouellette
Shana M. Shufelt, Clerk

Also Present: Timothy J. King, Town Administrator

Chairman Sullivan called the Board of Selectmen meeting to order at 5:35 P.M. in the Westport Town Hall, 816 Main Road, Westport, MA with the reciting of the Pledge of Allegiance by all present.

5:35 PM - Executive Session

Motion made by Ms. Shufelt to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (1) to discuss the discipline or dismissal of, or complaints or charges against a public employee; contract negotiations; and to approve Executive Session Minutes of April 5, 2016 and April 19, 2016. Second by Mr. Vieira. The Board voted 4 in favor, 1-absent (Dutra).

Roll Call Vote: Ms. Shufelt-aye. Mr. Vieira-aye. Mr. Ouellette-aye. Mr. Sullivan-aye.
Mr. Sullivan announced that the Board would return to Open Session following the Executive Session. Mr. Dutra arrived at 5:37 PM after the vote to enter into Executive Session.

6:05 PM – Open Session

Pledge of Allegiance

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

At this time, Chairman Sullivan reminded everyone, at the Tax Collector's request, that all of the tax bills will be mailed out on Friday, May 6, 2016 and will be due on Monday, June 6, 2016.

Public and Board Member Comment – None.

Acknowledgments & Recognitions - None.

Appointments and/or Resignations

1. **Motion** made by Mr. Ouellette to appoint Craig Dutra to the Bristol County Advisory Board. Second by Mr. Vieira. The Board voted unanimously in favor.
2. **Motion** made by Mr. Ouellette to appoint Shana Shufelt to the Sick Leave Bank Committee. Second by Mr. Vieira. The Board voted unanimously in favor.
3. **Motion** made by Mr. Ouellette to appoint Antone C. Vieira, Jr. to the Capital Improvements Planning Committee (part-time). Second by Mr. Vieira. The Board voted unanimously in favor.
4. **Motion** made by Mr. Ouellette to appoint Shana Shufelt to the Safety Regulation Board. Second by Mr. Vieira. The Board voted unanimously in favor.
5. **Motion** made by Mr. Ouellette to appoint Shana Shufelt as liaison to the School Committee and the Budget Advisory Group. Second by Mr. Vieira. The Board voted unanimously in favor.
6. **Motion** made by Mr. Vieira to appoint Zachary Shay and Cody Smith as Reserve Police Officers per the Town Administrator's recommendation and requested by Chief Pelletier. Second by Mr.

Ouellette. The Board voted unanimously in favor.

7. **Motion** made by Mr. Vieira to appoint Steven J. Ouellette as BOS Rep and James Whitin as Planning Board Rep for SRPEDD. Second by Mr. Dutra. The Board voted unanimously in favor.
8. **Motion** made by Mr. Vieira to appoint James Hartnett-Representative and Andrew Sousa-Alternate Representative to the Joint Transportation Planning Group. Second by Mr. Ouellette. The Board voted unanimously in favor.
9. **Motion** made by Mr. Ouellette to re-appoint Jarrod Levesque as Full-Time Police Officer per Chief Pelletier's recommendation. Second by Mr. Dutra. The Board voted unanimously in favor.
10. **Motion** made by Mr. Ouellette to appoint Nicholas Frustaci as Full-Time Police Officer per Chief Pelletier's recommendation. Second by Mr. Vieira. The Board voted unanimously in favor.
11. **Motion** made by Mr. Vieira to appoint Denise Pare as Part-Time Volunteer Coordinator for the COA per the Town Administrator's recommendation. Second by Mr. Ouellette. The Board voted unanimously in favor.

Action Items

1. **Motion** made by Mr. Dutra to accept the donations to the COA in the amount of \$87.00. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. Mr. King stated at the December STM, the Town appropriated money from Free Cash to pay for costs associated with the design of a new police station; the first task has been completed and Construction Monitoring Services, Inc. has been recommended. Mr. King stated he has been in the process of negotiating a contract with them and the negotiations are completed. Mr. King stated the contract has been reviewed by Town Counsel, who made some very modest modifications, and he was now recommending it be approved. Mr. Sullivan stated this contract is contingent upon us moving ahead. Mr. King stated there are two components to it; under Article 4-Compensation is \$36,000 to take us to the point of the initial pre-design stages; if the project is not approved by Town Meeting, it will go no further at that point but if approved by election or debt exclusion, then we would proceed with the rest of the contract, which is \$220,000. Mr. Dutra asked what was budgeted originally. Mr. King stated \$585,000. Mr. Sullivan stated this is a small component of the \$585,000. Discussion ensued. Mr. King stated that all services needed at this time are included in the core contract. **Motion** made by Mr. Vieira to approve the OPM Contract with Construction Monitoring Services, Inc. (CMS) for the Project Management/Clerk of the Works services for the new Westport Police Station project per the Town Administrator's recommendation. Second by Mr. Dutra. The Board voted unanimously in favor.
3. Discussion ensued regarding the parking at Hix Bridge. **Motion** made by Mr. Dutra to allow business owners, whose business is associated with or dependent upon water access, to be able to obtain a Hix Bridge Parking Permit subject to the opinion of the Landing Commission. Second by Mr. Ouellette. The Board voted unanimously in favor. Mr. King will research this and get back to the Board.
4. **Motion** made by Mr. Dutra to allow COA Director Bisch to advertise the part-time Meal Site Manager due to the pending resignation of Coral Sadeck. Second by Mr. Ouellette. The Board voted unanimously in favor.
5. Discussion ensued regarding the lease. **Motion** made by Mr. Dutra to approve the provisional lease for the Head of Westport between the Landing Commission and the Westport River Watershed Alliance. Second by Mr. Ouellette. The Board voted unanimously in favor.
6. Mr. Sullivan stated the Highway Dept. has prepared the MS4 Permit, which is how we deal with all of our point sources/stormwater. Mr. King stated that MS4 is a federal requirement for stormwater; there has been an approved permit for the State of Massachusetts and the Town is required to comply with all the requirements, some of which will not be required for a couple of years. Mr. Vieira noted that the Watershed also worked with the Highway Dept. on this and submitted a letter endorsing the plan. **Motion** made by Ms. Shufelt to approve the NPDES PII Small MS4 General Permit Annual Report. Second by Mr. Ouellette. The Board voted unanimously in favor.

Liquor Licenses – None.

Town Administrator Report

Town of Westport Board of Assessors Tax Levy Limit and Recap Sheet: Mr. King stated the Assessors have completed the process for setting the tax rate at \$7.91/\$1,000; the final Tax Rate Levy Limit sheet and Recap Sheet approved by the Department of Revenue has been provided to the Board. Mr. King stated the tax bills will be going out at the end of the week.

Westport Council on Aging: Mr. King stated he provided the Board with an article from the South Coast Prime Times about the Westport Senior Center.

Westport School Feasibility Study: Mr. King stated the Massachusetts School Building Authority Designer Selection Panel, along with Superintendent Dargon, Antonio Viveiros and Dianne Baron have selected Jonathan Levi Architects for Designer Services for the Westport School Feasibility Study.

FY 2017 Municipal Budget, CIP and Town Meeting Articles: Mr. King stated with additional revenue from New Growth and a decrease in the amount needed for the Overlay, the Finance Committee was able to fund the School Department budget at the level the School Committee requested, fund a 2% wage increase for all employees and increase the amounts budgeted for Snow & Ice and Veterans' Services. Mr. King stated that a balance in Article 4 of the 2015 Special Town Meeting will be used to fund the CIP requests for the Senior Center parking lot (\$50,000), and Microsoft Office (\$40,000). Mr. King stated some of the funds will be transferred to the Capital Equipment Stabilization Fund (\$41,538), provide money for unanticipated higher costs in FY'16 Snow & Ice (\$20,000) and Veteran's Expenses (\$10,000). Mr. King stated this article will also be used to provide the funding for a couple of relatively small town meeting article requests (\$20,000 and \$7,000). Mr. Sullivan asked if any Board Member had any questions on this; no questions received. Mr. Vieira stated he had questions on the operating budget. Mr. Vieira stated he applauds Mr. King because he watched the Finance Committee Meeting; the Finance Committee was a bit aggressive, in his opinion, where they gave an additional 3.5% increase over the 2% increase the BOS already gave to full-time elected officials. Mr. Vieira stated he does not know if the FinCom realized the BOS gave a 2% increase; it seemed at the end of the meeting before they voted, Mr. King explained it to them but they still voted a 5.5% total increase for the elected officials; Mr. Vieira stated he was not saying the elected officials are not doing their job or anything like that but it certainly provides the BOS with some challenges for negotiations with Unions and Non-Union employees for when we are addressing evaluations; even before we have an evaluation process, we are giving raises. Mr. Dutra stated he found it ironic that we are offered cues by the Finance Committee of doing things at the last minute and after things are published; then this thing came out, literally, a week before Town Meeting. Mr. Dutra stated they have the power to make a recommendation on an article, but to take it a step further to make recommendations about items in the budget, that falls solely on the responsibility of the Board of Selectmen, and to not take into consideration that this Board has to negotiate contracts with Unions and with employment agreements. Mr. Dutra stated at no time was this Board or the Personnel Board contacted or consulted by the Finance Committee on this particular item; when we do that, we get blasted by the Town Moderator and the Finance Committee. Mr. Dutra stated he was shocked and horrified when he saw what happened in that meeting yesterday. Mr. Dutra stated he was not saying it was a bad idea, but the way it was handled was poor. Ms. Shufelt stated in regards to the Capital Improvement article, they did change Article 9; when asked about Information Technology, we did have \$160,000 on the warrant, if she was reading it right now, we are actually recommending \$150,000 for the network upgrade but they actually changed the amount for the information technology by \$40,000 for the Microsoft Office; Ms. Shufelt stated she did not have a problem with that. Ms. Shufelt stated it is a change in the Capital line item, we did not see. Mr. King stated the BOS have discussed this several times. Mr. Vieira stated we actually did have discussion on this and recommended it. Ms. Shufelt stated the FinCom had multiple discussions on this; she was just pointing out the change on the warrant. Discussion ensued. Mr. Vieira stated he was surprised with the FinCom identifying the salaries of just four people. Mr. Sullivan stated

one of the things we can do for the coming year is that we will have to be a little more out there with the time-line, maybe after December, we can lock down the budgets and hopefully before December is out, we vet some of these things before someone goes to the Finance Committee. Mr. King stated the elected officials feel they are not obligated to come before the BOS with any presentation or to include it in their budget request. Mr. Sullivan stated as long as we have an open and codified door for these discussions. Mr. Vieira stated in all fairness to those elected officials, they have cooperated with us for hiring and forgoing salary increases; there is two sides to the coin and he respects that, although he is disappointed with the Finance Committee; there should have been at least some reaching out to the Chair and us before this happens. Mr. Vieira stated there are ramifications on both sides without communications. Mr. Dutra stated his biggest objection was the realm of appointed officials; he thought the timing of it was poor but the real boundary that was crossed was singling out an appointed position and putting it into a class that really was not part of the article; the article covers elected positions, not appointed positions and we had a budget amendment to a budget that we submitted, made at a FinCom Meeting, where we had no consultation. Mr. Dutra stated a recommendation was made but we can decide whether to spend the money or not; the money is not spent, it is our money. Ms. Shufelt stated that Town Meeting appropriates the money, not the BOS or the FinCom; but there is a practical concern here. Ms. Shufelt stated she did not have the motions in front of her but she suspects that the motion from the FinCom on the elected article will be an amount that is different from the warrant. Ms. Shufelt stated this Board already made their official recommendation to approve that article as printed in the warrant; it is likely that the motion on the floor will be different, so do we, as a Board, feel like our previous motion is okay or do we actually want to take a position on what is likely to be the amended motion. Discussion ensued. **Motion** made by Mr. Dutra to recommend a 2% increase and that the BOS cannot support the Finance Committee recommendation as presented. Second by Mr. Vieira. The Board voted unanimously in favor. Ms. Shufelt noted that she is no longer opposed to Article 4 (which was in the minutes also) and explained. Ms. Shufelt stated this did not have to be corrected tomorrow night. Mr. Dutra stated he had a conversation with Mr. King about the process for producing the warrant and how it needs to be changed. Mr. Dutra stated that by the time this Board found things that needed to be changed, the warrant was already printed and the control of the warrant had left our office. Mr. Dutra stated that our staff is handing information off to the Accountant's Office and neither the BOS nor the FinCom are reviewing what has been reflected from both of our deliberations and so there were some mistakes, which we are going to have to correct tomorrow. **Motion** made by Mr. Dutra that he recommends in going forward that this Board be the last eyes; that the Chairman and the Clerk review the warrant, along with the staff, before it goes to the printer. Second by Mr. Vieira. Discussion: Mr. Sullivan stated the reason the warrant was handed off is because the clerk in the Accountant's Office is the recording clerk for FinCom; the document is actually handed off to the FinCom for their comments to be added, at which point, it becomes their warrant to bring to Town Meeting. Mr. Sullivan stated the warrant never comes back to the BOS once it is handed off. Mr. Sullivan stated we could ask for the warrant to come back once FinCom adds their comments. Mr. Dutra stated yes, because there was no indication that FinCom reviewed because there was an error. Mr. Vieira stated the more eyes on this, the better. Mr. Dutra stated there was no review by the leadership of this Board or the FinCom. The Board voted unanimously in favor. Mr. Vieira stated he was opposed to Article 2 – City of Fall River water bill; he asked for clarification, received it and is now supportive of it, but that is not reflected on the warrant. Ms. Shufelt stated the BOS should consider a position on all the articles and not just the BOS ones; for example, the BOS have not taken a position on the Police Station article. **Motion** made by Mr. Vieira to support Article 22 as a Board. Second by Mr. Ouellette. The Board voted unanimously in favor. **Motion** made by Ms. Shufelt to recommend a yes vote on Article 6 (to revoke the Enterprise Fund for the Transfer Station). Second by Mr. Vieira. Discussion ensued. The Board voted 3 in favor, 2-opposed (Dutra, Ouellette). Discussion ensued regarding Article 9 – list of Capital items. No votes were taken and article will be clarified tomorrow night before Town Meeting. At this time, Mr. Jon Alden, 192 Drift Road, referred to Article 36 and the legality of the article for a couple of wordings including changing 1884 to 1848 and that the

Head of Westport is a public landing, not a Town landing as mentioned throughout the article. This matter will be referred to Attorney John Eichman.

Town Meeting Warrant: Mr. King stated the warrants for Town Meeting have been printed and copies are available.

Discussion Items – None.

Minutes

1. **Motion** made by Mr. Ouellette to approve with amendments the Regular Meeting Minutes of April 5, 2016. Second by Mr. Vieira. The Board voted 4 in favor, 1-abstention (Shufelt). Amendments: page 4- under Town Administrator Report – delete the first “Beach Avenue section” insert under the second “Beach Avenue” section, “ConCom approved the emergency work at their last meeting but deferred a decision on the NOI for 30 days”.
2. **Motion** made by Mr. Ouellette to approve with amendments the Regular Meeting Minutes of May 2, 2016. Second by Mr. Vieira. The Board voted unanimously in favor. Amendments: page 1 - reorganize sections “Acknowledgments & Recognitions” with “Reorganization of the Board”; and under Acknowledgments, delete “Dutra” and insert “Sullivan”; page under Article 4 – correct vote by deleting Sullivan and inserting Shufelt.

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

1. End of the Year Budget Transfer Request – Town Hall/Annex - \$5,000 from Personnel Services to General Expenses. Mr. King stated the amount budgeted for the maintenance position salary was in excess due to the hiring date of an employee. Mr. Sullivan asked, is this to pay bills. Ms. Pelland explained the account being depleted and requested that the transfer be approved tonight so it may go to FinCom who were meeting the next night, so that bills can be paid; bills from the last warrant have not been paid and are being held on. Mr. Vieira asked what repair bills were for the Annex. Ms. Pelland stated there was a problem with the heating system at the Annex and a problem with the water. Mr. Vieira stated he wanted to see the purchase orders on those. Mr. Vieira stated we have an Accounting Office that sees this going into a hole and not addressing it; we need to know that with a purchase order, we are going to go into a hole. Mr. Sullivan asked if there were purchase orders for these items; Ms. Pelland stated possibly no, because the amounts were under \$500. Mr. Vieira stated the request is for \$5,000; Ms. Pelland stated the amount is to cover all bills, not just the purchase orders. **Motion** made by Mr. Ouellette to approve the request. Second by Ms. Shufelt. Mr. Sullivan stated they would like to have seen this sooner and he would like to see what line items are causing this. Discussion ensued. Mr. Sullivan asked that information be obtained from the Accounting Office as to when this problem started and how should it have been addressed. Motion and second were withdrawn.

Other Business

1. Mr. Ouellette reminded everyone that Annual Town Meeting was tomorrow, May 3, 2016 at the Westport High School beginning at 7:00 PM.
2. Mr. Vieira stated “hats off” to Mr. Ouellette for coming up with another purpose for cow. Mr. Ouellette stated he has put together “Team COW” (Clean Our Westport), a roadside cleanup crew. He has obtained sponsors such as Paul Schmid and Westport Campgrounds and businesses like Country Liquors and Janet's Country Store, Westport Wine & Spirits (there is a bunch); and we

bought T-shirts and have volunteers to help clean up the area/roadside, hopefully before the Memorial Day Parade. Mr. Ouellette said the team spends a couple of hours picking up trash; they are always accepting volunteers.

7:35 PM

Motion made by Mr. Ouellette to adjourn the Board of Selectmen's Meeting. Second by Ms. Shufelt. The Board voted unanimously in favor.

Adjournment.

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

APPROVED: Shana M. Shufelt, Clerk