

**BOARD OF SELECTMEN
SPECIAL MEETING MINUTES
MONDAY
SEPTEMBER 26, 2016**

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

Also Present: Timothy J. King, Town Administrator

Chairman Sullivan called the Board of Selectmen meeting to order at 6:00 P.M. in the Westport Town Hall, 816 Main Road, Westport, MA.

Pledge of Allegiance

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

Public Hearing – RE: Discussion of Special Town Meeting Warrant Article to Establish a Department of Public Works

Chairman Sullivan stated there will be a Special Town Meeting held on Tuesday, November 29, 2016 to deal with three subjects: the creation of a Department of Public Works; transferring the nominating authority of Animal Inspectors from the Board of Health to the Board of Selectmen; and a transfer of funds for dealing with the costs of the Middle School. Mr. Sullivan stated this public hearing tonight is because the Board of Selectmen are looking for the public's feedback whether positive or negative and to hear your concerns and suggestions on the DPW proposal. The Board is in listening mode tonight; this is not a fully formed proposal as of yet and this proposal has not been discussed or fully debated in length by this Board. Mr. Sullivan stated the idea was to combine several departments: Highway, Cemetery, Custodial Dept., Waterline Dept. and Transfer Station; the concept is to try to have one department of people, still individual or sub-groups if you will, allowing for flexibility to move personnel where needed; this is a step towards modernization and consolidated departments with appointed officials; this is done in many other communities.

Mr. King stated that currently there are a Highway, Cemetery and Building Maintenance Departments, all of which report through the Town Administrator to the Board of Selectmen; there is also a Transfer Station, which is overseen by the Board of Health. Mr. King stated from his understanding the Transfer Station used to be in the Highway Department back in the '80's. This proposal does not really change much; it puts the three operations plus Roads/Streets, Cemetery, Buildings/Grounds maintenance and Waterline under a Department of Public Works overseen by a DPW Director. There will be no net additional employees; the costs are essentially equal, with a small savings. Mr. King stated he would expect a DPW Director to have an engineering degree and in effect be a Water System Operator, so we do away with having to contract for those services. There would be a DPW Operations Manager, who would assign the day-to-day operations. Mr. King reviewed the number of employees: 8 F/T and 2 Seasonal employees working on roads/streets, 3 F/T employees for Solid Waste, 2 F/T and 2 Seasonal employees working on the Cemetery, 2 F/T employees working on the Buildings & Grounds.

Mr. Sullivan asked Mr. King to explain the funding of this proposal. Mr. King stated the current and proposed budgets are essentially the same; right now, we have a vacant Cemetery Foreman's position and from his understanding, that person did the Administrative work and dug graves with the other employees doing the rest of the work; and there is money in the Highway Department Budget which

was earmarked for a Working Foreman (unfilled position) and we have a cost of about \$10,000 for a water systems operator, which we will not have to contract out for. Mr. King stated these three positions would cover the cost of a DPW Director.

Mr. Sullivan stated people have asked about the timing of this and why do we need to move ahead with this proposal. The idea is to make a change for the next fiscal year beginning July 1, 2018. In order to implement this change and have a budget in place, we need Town approval to move forward, we need to petition the State Legislature to grant us the permission in order to execute the change in late fall/early winter, giving us the time to have it in place for our Annual Town Meeting, in our budgets. Mr. Sullivan stated there is the possibility that we wait another year and bring it to a different Town Meeting but the idea is to move ahead and try to make it effective for FY'18.

Mr. Vieira stated the concept of a DPW has been discussed many, many times and he is not totally opposed to that, if it is people working together. We are looking at one model vs another model; we need to have a discussion of other models. Mr. Vieira stated the concept of the Cemetery is a little bit offensive to him and it needs to be made clear that the Superintendent of the Cemetery is probably more responsible than most in terms of contacts with people, selling lots, etc; if you take that responsibility and put it in a DPW that is going to be responsible for all kinds of things then we need to talk a little bit more about that; also, from the historical aspect and what has been done in these particular positions, he is willing to talk about these things but he is uncomfortable representing it that way this evening, with no offense to Mr. King because he has not had a chance to discuss it with the Board. Mr. Vieira noted on the materials received tonight, that the Highway was showing 8 full-time and 2 seasonal employees; in the past, we had 13, so there is already a reduction of five in the Highway Dept. and we have not had a second custodial in 4-5 years.

Ms. Shufelt stated one of the problems we are trying to address is that we are going to continue to have budgetary pressure over all Town and that will put pressure on staff reduction; there is only one relief and that is staff reduction because 80% of our budget is labor. Ms. Shufelt stated one of the things she wants to look at is how to protect our staff, a valuable resource we already have and we also want some flexibility especially if we are not able to grow staffing in the future. Ms. Shufelt stated it is important that we create a structure that has career pathing and advancement potential for employees so that they will have the ability to cross-train, gain skills and managerial abilities, while providing a path forward. Ms. Shufelt stated the other problem on the table is that the Town Administrator has too many people reporting to him and too many other entities, although they do not report to him, that he still has to keep an eye on; if we can take some of these responsibilities such as custodial and waterline, and shift some of the responsibilities away from the Town Administrator, it will allow him to focus on other areas. Ms. Shufelt stated so, if we are looking forward, she wanted to make sure the focus was on flexibility, career pathing and opportunities and making sure we are doing it right. Ms. Shufelt stated maybe a DPW is the way, maybe not, but that is what she will be focusing on.

Mr. Dutra stated Mr. Vieira and Ms. Shufelt have spoken to many issues except for the fact to Ms. Shufelt's point, over the past six years we have systematically cut the budget and cut staffing; and to Mr. Vieira's point, every time we have a vacancy and were faced either filling the vacancy or laying someone off, we didn't fill the vacancy; which is somewhat reorganization by default. We need to try to find a way to be proactive in finding a way to have the best employment possible, given our scarce resources. We have come to a point where the pot is not going to get bigger for annual operating expenses for the Town, therefore, this is one way of trying to leverage our best assets and maximize our opportunities. Mr. Dutra stated there are many unanswered questions and many things the Board needs to discuss and explore before we come to a proposal that we want to vote on and then decide what we will be voting on.

Mr. Sullivan called for public input:

Maury May – Economic Development Task Force and Water Resources Management Committee - congratulated the Board on trying to achieve efficiency and streamline Town government. He noticed that one thing lacking in the plan is the privatization of the Transfer Station; there have been studies that show there could be a \$100,000 to \$200,000 savings if privatized and the employees could be used somewhere else. Mr. Vieira noted the Transfer Station has been researched by the Finance Committee; most recently, a revenue report from 2009-2015 shows the costs and revenues of the recyclables; the Board of Health has increased the efficiency of the Transfer Station but getting a true cost of the Transfer Station will be a challenge for the Finance Committee; there has been a lot of time and effort put into it, we have visited other Transfer Stations/Communities and have brought in bids. Mr. Vieira stated that it is a revenue generating piece with the recyclables.

Wayne Sunderland – stated he did not see the crushing, rushing need for this; maybe there is a corrective action needed at the Transfer Station but it should not affect a well-run Cemetery and Highway Departments. If there is an issue with a particular department, correct it. Mr. Sunderland stated we are looking at a \$100,000+ Director to oversee this combination. Mr. Sunderland stated one problem with both Cemetery and Highway is that they are under-staffed and under-equipped but they are departments that are running efficiently; maybe what is needed is a thought-out plan in the future. Mr. Vieira stated he was not suggesting there was a problem with the Transfer Station but there has been a problem for the last six months with the Cemetery Dept., the problem being a lack of employees and a lack of manpower at the Highway Dept. Mr. Vieira stated he is looking at four new positions and this is a problem. Mr. Vieira stated in all fairness though, we are trying to gather input.

Tom Hancock – stated there are a couple of issues, firstly, a lack of communication about this hearing; in May, a DPW was not an issue but now, a Special Town Meeting is being called, why not hold on this until the Annual Town Meeting because STM draws a lot less people; secondly, it was mentioned no additional costs, it is probably going to cost more money, it is probably small money but meanwhile we are paying for a Fire Station, an \$8m+ Police Station and we are facing a school issue. Mr. Hancock stated a Finance Committee member said this sounds like an additional body with a clipboard; that is his opinion also. Mr. Hancock stated he would be more receptive if it was an elected DPW person. Ms. Shufelt stated this was talked about in July and two other separate BOS Meetings in which this date was set for tonight; it was placed on the Town's website and placed in three papers; she asked what would be a better way to get the message out there. Mr. Sunderland stated there is four newspapers in this community and we only heard about it once in the Fall River Herald News, why not put an ad in the Legal Section or a sign outside of the Town Hall. *Clarification: notice was placed in four publications, plus the Town's website.

Nicole Botelho, Assistant Town Accountant – stated there are some good and bad points because she has read most of the proposals; she looked at some of the numbers and she thought that a little more thought needs to go into the proposal such as cross-training, which she thinks is a good idea, but the cost associated with cross-training has not been looked into yet; there are three different departments which require three different licenses, some require no licenses but others require bigger licenses; she believed that is one aspect that needs to be factored into the proposal. She stated some of the problems with the Cemetery Dept. for the past couple of months is due to an unfilled, 100% funded position, so without a foreman, things aren't running smoothly and a lot of problems are stemming from that.

Robert Alves, Highway Dept – asked if it could be explained where the funding for a DPW Director and Clerk were coming from. He stated no one has seen any paperwork; it was stated that the work force was not being increased but two bodies are being added. Mr. King stated the plan to fund a DPW Director is coming from \$50,000 (Cemetery Administrative position), \$10,000-\$15,000 (a Highway

position that was budgeted for a Hwy employee to become a working foreman), \$10,000 (contractual services being paid to an outside vendor for a water systems operator) and there is an additional \$15,000 (Cemeteries) that won't be expended. Mr. Alves questioned if that money was under the Perpetual Care Fund. Mr. King responded no. Mr. Alves asked Mr. King about the reduction of equipment in Town. Mr. King stated he never said he would be decreasing equipment in Town, he was looking at the possibility of equipment sharing across departments. Mr. Alves stated we share during States of Emergencies. Mr. Sullivan stated there will be no equipment reduction in budgets; perhaps there is a potential over time that we may have less multiples of equipment. Mr. Sullivan stated over the past few weeks, we have been reaching out to departments for their concerns and reasonable suggestions, to tell us what we are missing; this is not about the replacement of equipment. Mr. Alves stated we need replacement of employees and equipment; this Board should have discussed this with the Town Administrator first. Mr. Dutra stated in reality, we made a decision that a public hearing would be held first before we met with the Town Administrator and put together a proposal, we only have a concept paper; and we did notify the Unions months ago during Collective Bargaining; this has also been an agenda item since July. Mr. Dutra stated this may be on too fast of a track for some people's taste but he resented being accused of not noticing anyone. Ms. Shufelt stated in regards to Capital equipment concerns, we don't have enough money to fund all the equipment that we really and truly need; so we are trying to look for opportunities to best leverage the resources we have so that we can replace critical equipment and maintain credible staffing. Mr. Alves stated with the right equipment, we can do the work in-house and not have the cost of subbing-out. Discussion ensued.

Andrew Sousa, 583 Horseneck Road – stated he arrived early before the meeting and spoke with Mr. King on a DPW; he questioned the 0% net increase in costs because if the shift of money goes to a DPW Director, how can we get more done; there would be a savings in Chapter 90 because the Director would handle most of the contracts and bid proposals; right now, a registered engineer handles the Chapter 90 and charges for their work through such. Mr. Sousa stated we are faced with failing stormwater infrastructure, 3ft high grass along side of the roads, and delayed road restructuring. Mr. Sousa stated he was not against a DPW but he hopes that funding could be looked at for an additional small crew because an employee can't be in two places at once. Mr. Sousa asked if the Board would push forward with a DPW with multiple unions; Mr. Sullivan stated yes. Mr. Sousa stated with the shift of resources, how would you get the unions to work together; Mr. Sullivan stated we would ask the question but we are not going to shy away from this effort. Mr. Vieira stated the re-organizational chart is one of the proposals (at about a ¼ of million dollars), and another proposal at about the same cost and he did not believe we have that kind of money to spend; no one is ready to endorse this yet and in all fairness to Mr. King, he was asked to come up with some proposals. Mr. Vieira stated he would not support an additional four people on top of being completely understaffed now. Mr. King stated we are not adding four additional. Ms. Shufelt stated we are rearranging staff. Discussion ensued.

Karen Powell, 878 Pine Hill Road – stated that clearly there is an aversion to a DPW Director perhaps due to badly needed tools and additional manpower. Ms. Powell asked if a different leadership model could be looked at, perhaps, with the three department heads working more closely; give them some shared goals that they will be held accountable to then perhaps, give one of them a promotion, where that person is the leader. Ms. Powell suspected that morale is already difficult in departments because of the budget situation.

Robert McCarthy, Finance Committee – stated we have to have a budget to act on in 30 days prior to the STM. Mr. McCarthy stated in regards to cross-training, say it is snowing heavily and accumulating on a Saturday and the employees are out snow plowing in the evening; you are going to supplement the workforce with Cemetery/Transfer Station personnel but comes Sunday, who is running the Transfer Station; these people will need sleep. As for supervision, this issue was created by not filling positions and should have been addressed years ago, watched and continually developed; that is leadership. Mr.

McCarthy asked how do we get ready for STM if the BOS aren't ready and FinCom needing the budget. Mr. King stated there is no budget that needs to be submitted because there is no cost factor associated. Mr. Sullivan stated it is level-funded but we should get the information to the Finance Committee for consideration.

Christopher Gonsalves, Highway Surveyor – stated he did not understand this; the Highway Department works with all departments; the Landfill digs graves for the Cemetery (same union) making it easier for the Highway Dept. to be out on the road. Mr. Gonsalves stated we help Town Hall, for example, the installing and taking out of air conditioners with the custodian. We work together all the time. Mr. Sullivan stated we don't always hear about the good things, usually only the grievances, which do get resolved, things such as who is cutting the grass. Mr. Gonsalves stated the Board has it all wrong; you are breaking these departments down to create a DPW. Mr. Sullivan stated we have paused on filling some positions because this is in breach right now before we figure out what to do; we don't want to put someone in place and then six months down the road, we change that.

Robert Alves – stated he worked in Brookline before Westport and the Highway, Park and Water Departments never worked together until a State of Emergency, plowing snow. Mr. Alves stated that does not happen in Westport; in a State of Emergency, everyone is suppose to report but the School Dept did not and they could be out plowing. Under the Brookline DPW, if an employee was out sick, someone was not sent to cover that position, they worked among themselves; the cooperation does not happen because there is supposed to be enough employees in a department to cover itself. Mr. Sullivan asked Mr. King to look into this and have it as part of the Board's discussion. Mr. Ouellette stated the School was out plowing because they wiped out one of their trucks during the blizzard; a pole fell on it.

Nicole Botelho – stated we can have two Unions under a blanket DPW, such as the Police Dept. (LAW 254-Dispatchers and the Police Union), all of which report to the Police Chief and it works well with no cross-training. You are looking at 3-4 distinct departments with distinct duties; this is something that would have to be discussed between the Unions due changing of job descriptions. Ms. Botelho stated you would have to have people willing to cross-train. Ms. Botelho stated there should have been a meeting of the Departments involved to hash things out ahead of time. She stated she was not completely opposed to a DPW, if it is done the right way. Also, in the proposal, it was mentioned that \$10,000 (water operator contract for testing) comes from the Water Enterprise Fund; she was not sure if that money can come out and fund something else. Ms. Botelho stated right now, we have one person running both Shellfish and Harbor Enterprise Funds but the money can't be intermingled unless we dissolve the Enterprise funds and make the whole DPW an Enterprise fund, which would take revenue from the general fund; you might want to think about that. Mr. Sullivan stated the Council on Aging has about 9-10 different funds to run the COA; some is an accounting challenge but it can be done as task specific. Mr. Vieira stated he raised that issue earlier, he does not think we can use those monies for a salary from an Enterprise fund. Ms. Botelho stated also, a company used for Chapter 90 has to be certified by MADOT; if not, Chapter 90 won't authorize what is being done, so we may be paying out twice.

Wayne Sunderland – stated it may not effect the budget this year but what about the future; there is no urgency; and consultants can be hired without having to provide benefits such as sick leave and retirement. The Planning Board came out with the 2016 Master Plan and they did not see the need as crucial. Mr. Sunderland questioned, what has been so bad with the department operations that calls for such urgency.

Mr. Sullivan called for any more input. None was received.

At this time, Mr. Sullivan stated our biggest challenge is that we have a fixed piece of pie; we have the luxury of 2 ½% more every year on 2/3's of our budget; a third of our revenue comes from Local Receipts and State Aid, with that amount varying. We are trying to find a reasonable way for costs of living increases while having to handle OPEB, debt service, retirement; one way we struggle with, is attrition; we looked very hard on filling those positions and find efficiencies; we have settled three contracts with basically a 2% raise, with another one in process. Mr. Sullivan stated this proposal will be worked on with the intention of running this Town better; tonight we have heard a lot of good points. Mr. Dutra stated we owe it to the participants tonight, to have the Town Administrator work on this with the Board reviewing it; so at our next meeting we will have a more thought-out proposal. We need to do our due diligence with more information on some of the items that were brought up; we also need to give additional direction to the Town Administrator. Mr. Vieira suggested the Town Administrator looked at a Highway Surveyor/Operations Manager, have the Cemetery go back up to three employees, and building/grounds go back to one and see how that works out; the Transfer Station seems to be running properly; then in a year from now, we may revisit this. Ms. Shufelt thanked everyone for coming out and providing input; she was very interested in their suggestions. Mr. Ouellette stated he was for this idea originally, with Chris Gonsalves in charge and with keeping the staff we have; every year we are getting nailed with Health Insurance and we don't know if we are going to have to have layoffs; as for having cross-trained people, it is always a good idea, if we can come to an agreement. Mr. Ouellette said the rush, is because we are down in the Cemetery and the buildings here, so now would be the time to do this.

Nicole Botelho – commented on the Health Insurance stating the BOS have 100% control over what the percentage is that employees pay; if we consolidate, maybe employees could pay less and that may help morale.

Mr. Sullivan stated we may be looking at a little bit different model based on what we have heard tonight. Mr. Vieira stated he would ask the Town Administrator for another option/model. Mr. King stated he will be glad to do this. Mr. Sullivan stated we will start our discussions at our next meeting. Mr. Dutra noted there maybe four positions, but only one is new, the rest are already existing, they just have new titles.

7:30 PM

Motion made by Mr. Ouellette to adjourn the Special Meeting of the Board of Selectmen. 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