

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
MARCH 03, 2014**

Members Present: Antone C. Vieira Jr., Chairman
Richard M. Spirlet, Vice Chairman
Steven J. Ouellette
R. Michael Sullivan, Clerk
Also present: John F. Healey, Town Administrator
Absent: Craig J. Dutra
Stephen J. Lombard, Business Manager

Chairman Vieira called the Board of Selectmen meeting to order at 5:30 P.M. in the Westport Town Hall, 816 Main Road, Westport, MA with the reciting of the Pledge of Allegiance by all present.

Executive Session – 5:30 PM

Motion made by Mr. Spirlet to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to discuss strategy with respect to collective bargaining and a pending legal matter related to FLSA. Second by Mr. Sullivan. The Board voted 3 in favor, 2-absent (Ouellette, Dutra). **Roll Call Vote:** Mr. Spirlet-aye. Mr. Sullivan-aye. Mr. Vieira-aye.

*Note: Mr. Ouellette arrived into Executive Session at 5:50 PM.

Mr. Vieira announced the Board would resume into Open Session following the Executive Session.

Open Session – 6:45 PM

Request from the Conservation Commission to post/advertise the Conservation Commission Agent position and to lift the hiring freeze.

Present: Paul Joncas, Conservation Commission Chairman. Mr. Joncas stated that due to the resignation of Conservation Agent Tara Martin, whose last day will be March 10th, he is requesting that the BOS lift the hiring freeze and allow the posting/advertisement of the Agent position. Mr. Joncas also stated that if this is approved, they would like to raise the salary of the Conservation Agent with the difference being paid out of the Wetlands Fund.

Motion made by Mr. Spirlet to lift the hiring freeze and to allow the posting/advertisement of the position. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

Mr. Joncas asked the Board, in reference to changing the salary and taking this position out of the Union and making it Non-Union, what the legalities were and what was involved in doing such. Mr. Joncas stated that a raise in the salary would attract more qualified people than at the current rate and keep them here. Mr. Vieira stated that changes such as these are best discussed and decided by the Commission first and then the changes have to be negotiated. The Commission needs to weigh the position and come forward with recommendations. Mr. Vieira stated that he hoped all Boards would look at how they are doing business; he was not sure if someone should be paid at a higher rate than the person leaving, who has the experience and was paid at a lower rate. There are issues internally with the Unions and we need to recognize vacancies. Mr. Vieira asked Mr. Joncas to consider all aspects of these issues when the Commission deliberates on this. Mr. Spirlet stated his opinion is that the position

is advertised as is, with the existing salary and we can work from there. Mr. Sullivan stated that the Conservation Commission may want to wait until contract negotiations are done and to try to get by using outside consultants. Mr. Joncas stated they have a couple of outside consultants that have been used in the past. Mr. Joncas believed that the position was 40 hours with a salary of \$47,000.00. Mr. Vieira stated this was a good starting point, especially for Westport; he suggested looking at the job description and determining how much of this job is management. Mr. Joncas stated in the description, the Agent is in charge of the office. Mr. Vieira asked if a letter of resignation has been received. Mr. Ouellette stated he has not seen an official letter yet. Mr. Joncas stated she has resigned and he sent an email regarding it. Mr. Spirlet asked if she was caught up on her work, especially since she has been out sick; Mr. Vieira stated he was not aware of her being out sick; Mr. Joncas stated she got hurt, not at work; as for existing and outstanding projects, Ms. Martin has stated she will be around as needed especially for Beach Avenue; we will use outside consultants for the other stuff. Mr. Vieira asked that Mr. Joncas get together with Mr. Healey for outside work and to get a clarification of work still outstanding. Mr. Vieira stated she gave two-weeks notice, there should be some professional responsibilities, such as payroll. Mr. Joncas stated that any outside/additional work will be paid for out of the Wetlands Fund.

Motion made by Mr. Sullivan to accept the resignation of Ms. Martin and to send a letter of thanks. Second by Mr. Spirlet. The Board voted 3 in favor, 1-opposed (Ouellette), 1-absent (Dutra). Mr. Ouellette stated he was opposed due to the fact that he has not seen an official resignation letter.

Request from the Romeiros for the Annual Pilgrimage Walk through Westport.

Motion made by Mr. Spirlet to approve of the request from the Romeiros for their Annual Pilgrimage through Westport on March 10th adhering to the Police Department recommendations. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

At this time, Mr. Vieira acknowledged Julie Manley. Mr. Vieira stated there was no question or answer period tonight due to this being a special meeting but Ms. Manley has been emailing and calling on a particular matter, and is here tonight. Ms. Manley asked if the BOS would consider asking the Cemetery personnel to stop cutting trees in the cemetery, in particular, an isolated area from the grove by the Welcome sign to the treeline. Mr. Healey stated he spoke with Wes Norman and he has no plans to continue cutting in that area; as for the Beech Tree, it will remain. Mr. Vieira stated that for now, no cutting will take place and in the future, we will have to expand the cemetery because we have lost acreage but that will be an item on a future agenda because there are some issues and discussion will take place then. *No actions or votes were taken by the Board.

Review and approval of the Special and Annual Town Meeting Warrants.

Special Town Meeting Warrant – amendments: change date in header to May 3rd; insert Waterline Enterprise when amount is received; and insert the information when identified under “From” for Veteran's Benefits. **Motion** made by Mr. Ouellette to approve the STM Warrant with amendments. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

Annual Town Meeting Warrant – amendments: page 1- change date in header to May 3rd ; and under Article 3: delete Highway Surveyor and salary amount due to this being an appointed position not an elected position and correct the total to \$ 236,815.00.

Motion made by Mr. Sullivan to change Article 3 by creating two articles instead of one, breaking out the BOS salaries. No second was received. Mr. Ouellette stated the BOS should remain in the article because they are elected. Mr. Vieira stated that it needed to stay

as written due to the fact that at any time, a Selectman can turn his pay back and at Town Meeting, you can always reduce a figure, not increase one.

Article 16: Mr. Vieira asked for a clarification of this article; to see if the Planning Board spent the prior money given towards the Master Plan (\$25,000) or did it come back or if \$50,000. was being spent on the Master Plan.

Article 18: Mr. Vieira stated that CPC provides a handout report at Town Meeting and by law they are allowed to do this because changes can happen right up to Town Meeting. Mr. Sullivan asked if, seeing as they may be on time this year, could a copy of that report be placed within the warrant. Mr. Vieira stated we could ask, but we can also check with the Moderator to see if he would allow that. **Motion** made by Mr. Sullivan to request that the actual CPC recommendations can be printed in the warrant, unless it can't be done. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Dutra).

Article 20: This will be a handout at Town Meeting.

Article 25: Mr. Vieira stated he supports the Police Chief's position on this; Mr. Dutra has emailed his suggestion of bypassing this article.

Motion made by Mr. Ouellette to approve with amendments the Annual Town Meeting Warrant. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Dutra).

Other Business

1. Mr. Sullivan stated that in working on the Causeway Study, he would like to recognize and thank Bart Henderson, Law Student and Nancy Durfee, SRPEDD for all their help with the Study and grant applications.
2. Mr. Ouellette asked that everyone take extra care with the cold weather; especially to use caution when using fireplaces.
3. Mr. Spirlet commended Mr. Sullivan for spearheading the Causeway project; good job.
4. Mr. Vieira requested that over the next two BOS Meetings on March 10 & 24, there be a focus on sensitive issues that need to be addressed especially with contract negotiations coming such as Management Rights.

Motion made by Mr. Ouellette to adjourn the Board of Selectmen's Meeting at 7:40 PM. Second by Mr. Sullivan. The Board voted 4 in favor, 1-absent (Dutra).

Adjournment.

Respectfully submitted,

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

APPROVED: _____
R. Michael Sullivan, Clerk