

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
WEDNESDAY
APRIL 09, 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: John F. Healey, Town Administrator
Absent: 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.

Reorganization of the Board

Motion made by Mr. Spirlet to appoint Antone Vieira as Chairman. Second by Mr. Sullivan. Mr. Ouellette stated that he would like to be considered for Chairman; he has had an issue with communications; no notice to the Board that the meeting times have changed; a meeting regarding Horseneck Beach Trust and without the BOS present; closing for snow days without polling the members; and having to track down what was happening with the Town Administrator announcing his leaving. Mr. Spirlet stated he agreed these are issues that can be worked out, but since he has been on the Board, he is satisfied with the direction the Board is going in and how it was run last year and would like to continue forward. Mr. Vieira called for any other input. Mr. Dutra stated whereas there is two candidates interested, he would like to have a friendly amendment to have the Board polled because one person was nominated, the other has shown interest; we can either take a poll or vote. Mr. Sullivan stated he appreciated the two retired guys on the Board who work pretty hard and put a lot of time in on this Board because the other three members (Ouellette, Dutra and myself) hold full-time jobs; he stated he would like to continue under the leadership we have had. Polling was conducted: Mr. Sullivan – Vieira. Mr. Spirlet – Vieira. Mr. Dutra – Ouellette. Formal vote was 3 in favor, 2-opposed (Ouellette, Dutra).

Motion made by Mr. Sullivan to nominate Mr. Spirlet as Vice Chairman. Second by Mr. Vieira. Mr. Ouellette stated he had an interest in Vice Chair also; he has heard complaints that the Chair and Vice have been spending too much time together and we should go back to a three-man Board; so, whatever you guys want to do. Again, Mr. Sullivan stated he is satisfied with the job that has been done over the last year; he does not have the same amount of time to dedicate as Mr. Spirlet; he understands that Mr. Ouellette does have a lot of experience being on the Board and he can probably do the job but Mr. Spirlet has done a good job and he would like to continue in the same way. Mr. Vieira asked for the pleasure of the Board. Formal vote was: 3 in favor, 2-opposed (Ouellette, Dutra).

Motion made by Mr. Dutra to appoint R. Michael Sullivan as Clerk. Second by Mr. Ouellette. The Board voted unanimously in favor.

Brian E. Murphy, HUB International New England, LLC – RE: Update and recommendations on handling the Police & Fire AD&D Insurance.

Present: Brian Murphy, HUB International New England Insurance, stated his company handles 25+ municipalities for Police and Fire Coverage; and they have covered the Town in the past from 1991-2003 and still continue to write some school bonds for public officials. Mr. Murphy explained that a

policy can be crafted to fit the Town and its needs. Mr. Murphy noted that Workers Comp does not apply to Police and Fire but they are covered under MGL Ch.41, Section 100. The major players for this type of insurance in MA are Hartford, Chub, VFIS, PanAm and Cook & Company. Mr. Murphy stated the Town needs to appoint a broker with experience in this area due to EMT's/Paramedics, Call Firefighters, etc. in order to work with these companies in structuring coverage. Mr. Vieira explained that at this time, the Town is looking at a number of companies. Mr. Vieira opened it up to the Board for questions. Mr. Sullivan asked if there were different levels of coverage. Mr. Murphy stated that there are different levels and they are based on the increasing of coverage such as Medical Expenses, Disability, etc.; there are catastrophic plans that can be looked at also; Mr. Murphy then continued to explain in detail the structuring. Mr. Ouellette asked if Mr. Murphy had a handout sheet showing prices. Mr. Vieira stated we don't have that because procurement laws don't cover attorney or insurance companies going out to bid, we asked Mr. Murphy to come in, talk about what his particular company can do and give us a background. Mr. Ouellette stated he would want to see hard figures. Mr. Murphy said in order to do that, he would have to look at the employee count, look at loss/runs and fill out an application but he was blocked at doing this because he was not appointed as a broker; it is then that a carrier will quote out; insurance companies will only respond at that point. Mr. Murphy stated that agents know where the specialty companies are but needed to be authorized to contact them. Mr. Healey stated that brokers have been sent our loss/runs and we are working on getting quotes. Mr. Vieira stated this is our first step and over the next couple of meetings we will be getting quotes obtained by Mr. Healey and Mr. Lombard and will be looking at viable brokers for recommendations. We have contacted other cities and towns and how they deal with this; we are gathering information now. Mr. Ouellette asked if the public could look at other quotes from other municipalities. Mr. Murphy stated yes, it was public information and Mr. Vieira stated that is what Mr. Healey and Mr. Lombard are in the process of doing that now; and we are having MIIA look into this also. At this time, Mr. Murphy invited the Board for their consideration of his company due to their experience in this type of coverage. The Board thanked Mr. Murphy for coming.

Minutes – RE: Ratification of vote taken of Regular Meeting Minutes of 03-24-14.

Mr. Vieira noted that the Board, under a deadline of time, approved the minutes at their prior meeting but is asking the Board for a ratification of that vote tonight. Mr. Sullivan noted two amendments, not related to the School piece which were on page 5, last paragraph and page 6, first paragraph.

Motion made by Mr. Dutra to approve the Regular Meeting Minutes of March 24, 2014 with amendments. Second by Mr. Sullivan. The Board voted unanimously in favor.

Awarding of Bid – RE: The paving of East Beach Road and Beach Avenue

Mr. Healey stated the Board has the bid results from Tibbetts Engineering for the paving of East Beach Road and Beach Avenue and the recommendation for awarding is for J.H. Lynch & Sons, Inc. in the amount of \$177,064.95. Also included in the results is a Notice of Intention to Award, which should be signed by the Chairman of the Board. Mr. Vieira brought to the attention of the Board, that this is for both East Beach Road (correction of) and Beach Avenue (the part of the road voted on by the Board last year). Mr. Vieira stated that East Beach Road had to be done fairly quickly because folks will bring in their trailers for the season. **Motion** made by Mr. Dutra to award the bid to J.H. Lynch for East Beach Road on the recommendation of Tibbetts Engineering. Mr. Healey stated the award has to be for both, this is the way the bid was advertised. Mr. Spirlet stated his understanding was three bids were received: Narragansett Improvements, J.H. Lynch and P.J. Keating; the bids were for both units, that is why we got the best bids. Mr. Healey stated the base bid was for Beach Avenue and the Alternate included East Beach Road. **Motion** made by Mr. Spirlet to award the bid to J.H. Lynch on the recommendation of the Town Administrator and Tibbetts Engineering. Second by Mr. Sullivan.

Discussion opened: Mr. Sullivan stated this should be sent to the Conservation Commission and we should hear from the Commission on Disability and the Beach Committee. Discussion ensued regarding scheduling of another meeting for the Board to continue this matter, allowing for the C.O.D. and Beach Committees to meet and bring in their recommendations. Tim Gillespie stated there was a coalition being built around this project and they believe this is going to be a wonderful collaborative effort of creating something down there instead of just looking at paving; we are looking at building something of value and they would like the Commission on Disability and the Beach Committee to sign on to this; already we have a lot of signed on support. We are looking for the opportunity to allow this to happen. Mr. Vieira stated that is why we allowing time for those committees to weigh in on this and rescheduling the meeting. Mr. Gillespie asked if the bid could be awarded separately, getting East Beach Road done first and then Beach Avenue. Mr. Healey stated that the Town has received valid bids and a decision has to be made; we need to get these projects done; if you don't accept the bid, then East Beach Road won't get done either. Mr. Vieira asked the two committees if there was any reason they could not move up their meetings; there is a 48-hour posting and there is no reason you can't meet on Saturday, Sunday and Monday before the BOS Meeting at 6:00 PM. It is important that you folks have your discussions and the Board is open to hearing what proposals you will have. Mr. Dutra stated he would support a BOS Meeting on Monday to hear from the Conservation Commission, C.O.D. and Beach Committee. Discussion again continued regarding the Beach Avenue area and how the combined bid came about. Mr. Healey stated he asked TEC to work with I.W. Harding in doing the repair work down at East Beach Road, we are looking at critical timing here; if we don't award, East Beach will not get repaired and we will have to work with the material that is down there now. Mr. Spirlet stated he did not remember what meeting he made the motion to deal with a Ch. 90 road but there was discussions of where we were going to pave up to, there was communication with the Land Trust regarding a turn-around; then the Commission on Disability and the Beach Committee was in addition to; but my motion was to put back the road that was already there, the Board voted to put back the road unanimously and let the other items flow but by then the asphalt plants closed. We got a reduced price to do both, this is cost effective for the Town; we have already spent a lot of money getting to this point and I stand that we move forward with this. Mr. Sullivan asked if it was possible to have J.H. Lynch pave East Beach Road first and give this last minute proposal a fair shake. Mr. Sullivan stated he was inclined to move ahead on the whole paving project but he would like for the committees to look at this and weigh in on the proposal. Mr. Vieira asked that the Board wait to take a vote on Monday, extending a courtesy and allowing for the committees to meet and for anyone else wanting to weigh in on this; it is Wednesday night, there is a 48 hour posting so committees, post and have your meetings and come back to us on Monday, 4-14-14 – 6:00 PM so we can hear from you. In the meantime, Mr. Healey will be talking to TEC and Harding regarding East Beach Road. Mr. Spirlet stated he was willing to withdraw his motion and Mr. Sullivan withdrew his second. Mr. Vieira stated we can't tell the committees when to meet but he did ask that they please meet and iron out any issues and come back before the Board on Monday with a plan.

Public Hearing – RE: An application request of Judith DeSousa-Bolton & Jeffrey Bolton for a six-month seasonal trailer permit for recreational purposes to locate a trailer on 186 East Beach Road. The property is known on Assessor's Map 76A, Lot 115.

The public hearing was opened at 6:24 PM with the reading of the Public Hearing Notice. Present were Judith DeSousa-Bolton and Jeffrey Bolton. No abutters were present. Mr. Ouellette asked if the Board of Health signed off; Ms. Pelland replied yes. Mr. Vieira stated the application is pretty straight forward. Mr. Ouellette reminded the applicants that it is an environmentally sensitive area. **Motion** made by Mr. Spirlet to approve the transfer. Second by Mr. Ouellette. **The Board voted unanimously in favor.** Mr. Vieira reminded the applicants that they can only get on their lot beginning May 1st. The

hearing is closed at 6:27 PM.

Review of BOS agenda items for Monday 04-14-14

At this time, Mr. Vieira reviewed the meeting items for Monday, April 14th. Mr. Vieira stated that members of the FinCom met with Mr. Healey today regarding balancing the budget; obviously we have to do the same and Mr. Healey and Mr. Lombard will be working on this strategy and get the information out to the Board on Friday so the Board can look at those over the weekend and have a chance on Monday to really address them; the budget is out of balance due to decisions made between December and now; so we need to balance the budget based on new data we have received. Tonight, we have an Executive Session for fact finding and on Monday we will have to make a decision on that. Another issue will be addressing the paving of both roads; we also have to finalize the STM Warrant, our drop dead date is the 14th; and finally we have an issue with the Charter internet piece. Mr. Healey and Keith Novo have been working on this and we will probably be looking at whether we continue with Charter or with Verizon. These are the items for Monday; if the Board is comfortable with this, we can begin at 6:00 PM.

Other Issues

1. Mr. Sullivan congratulated the Mr. Vieira and Mr. Ouellette on their re-elections.
2. Mr. Spirlet congratulated all those who put their hats in the ring, whether they won or not; commend those people for putting their time into the Town.
3. **Motion** made by Mr. Ouellette to authorize the Chairman to sign the Disclosure by Municipal Employee of Financial Interest in a Municipal Contract form which was sent to the BOS by the Town Clerk for Arthur Caesar. Second by Mr. Spirlet. The Board voted unanimously in favor.

6:30 PM - Executive Session

Motion made by Mr. Ouellette to enter into Executive Session pursuant to MGL Chapter 30A, Section 21 to the provisions of G.L. c.30A, §21, ¶1 to hear complaints or charges made against an employee of the Town of Westport and to approve Executive Session Minutes of 03-24-14. Second by Mr. Spirlet. The Board voted unanimously in favor.

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

Mr. Vieira announced the Board would return to Open Session in order to recess and reconvene in WHS Meeting Room B for a Joint Executive Session with the School Committee regarding WMS PCB litigation.

7:40 PM - Open Session

Motion made by Mr. Ouellette to recess the Board of Selectmen's Meeting and to re-adjourn at the Westport High School for an Executive Session with the School Committee.

Adjournment.

Respectfully submitted,

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

APPROVED: _____
R. Michael Sullivan, Clerk