

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
JANUARY 29, 2015**

**Members Present:** Antone C. Vieira Jr., Chairman  
Steven J. Ouellette  
Craig J. Dutra  
R. Michael Sullivan, Clerk

**Members Absent:** Richard M. Spirlet, Vice-Chairman

Chairman Vieira opened the meeting at 6:02 p.m. and publicly announced that the meeting was being recorded.

**Recognition & Moment of Silence:**

Chairman Vieira observed a moment of silence on the passing of Marlene Pelletier. Mrs. Pelletier served on the Personnel Board and was a Precinct Worker for several years. She was also the mother of Police Chief Keith Pelletier.

**Cecil Smith Landfill, Dartmouth, MA:**

Meeting with the Board was Betsy White from the Westport River Watershed Alliance. Ms. White spoke strongly against DEP's project to cap the unlined Cecil Smith Landfill located on Old Fall River Road in Dartmouth and the northern part of the Westport River watershed. She informed the Board that the company chosen by DEP was planning to cap the landfill with over 4 million tons of semi-contaminated soils. The Dartmouth group the Southcoast Alliance for a Cleaner Tomorrow has been fighting this project for the past 3 years. It has come to light recently, through the research of the Town of Dartmouth legal department, that DEP is going against its own safety and health regulations by allowing these COMM-97 soils to be used in an uncapped landfill. The health requirements that their own research department scientists determined were 3 times lower than COMM-97 soils. Ms. White noted that there were 187 wells within a 1 mile radius of the landfill. It is also in the watershed of the upper reaches of the Westport River. Anything dumped in that area will flow down and contaminate the Westport River and has the potential to contaminate existing wells in Westport including the Montessori School on Route 177, the day care on Route 6 and the Macomber School on Gifford Road. She continued by saying that the contaminated soils that will be used to cap the landfill can also travel through the air and be ingested. Six days a week 20 to 30 truck loads will come down that road carrying this contaminated soil. She went on to say that DEP has never considered any other options to cap this landfill. Ms. White requested that the Board of Selectmen send a letter to DEP objecting to the project and stating their support for the Town of Dartmouth in their fight against it. Selectman Dutra made a motion to have Mr. King work with Ms. White and the WRWA to draft a letter supporting the Town of Dartmouth in their efforts opposing the current solution and to develop an equitable solution with DEP. The letter will be sent to DEP with

copies being sent to the Town's state representatives and the Town of Dartmouth. The motion, which was seconded by Selectman Ouellette, was voted unanimously.

### **Citation – Westell Norman Retirement Cemetery Department:**

Chairman Vieira noted that the Board had been planning on giving Westell Norman a citation but Mr. Norman was not present. He stated that it would be given to Mr. Norman at the next Selectmen's meeting.

### **Town Administrator Report:**

Cemetery Foreman Appointment – Mr. King recommended that Andrew Motta be appointed to the position of Cemetery Foreman effective February 7, 2015. Mr. Motta has worked at the Cemetery Department for several years. Selectman Ouellette made a motion to appoint Andrew Motta as the Cemetery Foreman and to ask him to come in to the Selectmen's next meeting so they can meet him. Selectman Sullivan seconded the motion, which was unanimously approved.

### **Westport Financial Futures Presentation:**

Meeting with the Board were representatives from Westport Financial Futures Richard Brewer (chairman), Maury May and Shana Shufelt. He reported that the idea of their group came from former Town Administrator Jack Healey and Business Manager Steve Lombard for a group of independent citizens to look at numbers and to project those numbers out and try to come to some conclusions that would be meaningful to Town officials. Mr. Brewer named the groups members and noted that they all had strong financial or business executive backgrounds. Their mission was to analyze publicly available historical Town financial information, project trends for 10 years (until 2026), report their findings to the Town, remain non-political and focus on the future. They took 5 years of data and projected it out for another 10 years in a spreadsheet. They relied heavily on an actuarial study from 2013. Mr. Brewer stated that they group had several observations: the Town meets budgets every year, as required by law, but not always with operating revenues, the Stabilization Fund balance is \$874,000.00 (what percentage should it be), Other Post-Employment Benefits (OPEB) fund balance is \$1.3 million, capital purchases are made on a regular, but adhoc basis and is under-funded, the Town has manageable debt and an excellent credit rating. Mr. Brewer stated that the gap between revenue and expenses will increase which will have significant implications on Free Cash and available monies for warrant articles, etc. He said according to the actuarial study OPEB (health care) is underfunded by \$39.1 million and the pension by \$15.4 million with a total unfunded liability of \$54 million. The Town has taken some steps to alleviate the problem but it still is an area that needs attention because it is a ticking time bomb. Westport Financial Futures is recommending that capital expenditures should be systematically planned and funded as part of the regular budget process. Mr. Brewer noted that a recent Department of Revenue report stated that a Stabilization Fund should be 5 to 7% of the total budget. The Town is below that target at this time and they are suggesting that it be enhanced to the extent that money is available. Mr. Brewer made the following conclusions: expenses are growing faster than revenues, which results in pressure on maintaining current levels and funds are not available for a number of critical needs (one-time expenses, Stabilization Fund, capital expenses, rational funding for retiree health benefits and pensions). He ended the presentation by stating that each year the Town will be less likely to meet its financial obligations, the

trajectory of revenues and costs indicates serious problems ahead and over a longer period, unfunded liabilities will represent an overwhelming challenge to Town finances.

### **Action Items:**

1). Mr. King stated that he had provided the Board with additional information regarding the costs associated with the Beach Avenue project rebid that he had received from George Mello of Tibbetts Engineering. The grand total for Tibbetts Engineering is \$6,382.70 based on the percentages of the bills that George Mello has identified as being relevant to the rebid. Chairman Vieira stated that they were missing the M.O.U. piece, which was additional costs associated with it identified from Kopelman & Paige of \$4,865.00. Selectman Sullivan replied that those were initiatives that the Town undertook that had nothing to do with the repaving. Chairman Vieira questioned why the Town had authorized Town Counsel to talk to the legal people at the Buzzards Bay Coalition. He asked why the Town was paying for Buzzards Bay's use of the Town attorney. Selectman Sullivan responded because the Board had authorized him to take care of those costs. Chairman Vieira said that he didn't think the Board had ever intended to subsidize Buzzards Bay legal interpretation. He continued by saying that the Town paid \$4,865.00 just on the M.O.U. alone and the correspondence was just between the 2 attorneys, that's directly working on an M.O.U. related to this whole situation and he doesn't think the taxpayers should have to fund that. He continued by saying that if the Town was going to fund 50% you would have an argument but if the Town is going to fund the whole amount it's not appropriate and the Town doesn't have the funds to do that. Selectman Sullivan replied that it was outside the scope of what the offer was and the M.O.U. negotiations were undertaken on the Town's behalf. Selectman Sullivan then made a motion to submit the bill as presented (\$3,471.35) by the Town Administrator. The motion was seconded by Selectman Dutra and was passed with Selectmen Ouellette, Dutra and Sullivan voting yes and Chairman Vieira voting no because of the reasons that he stated.

### **Public Access Cable TV Administration:**

Present were School Superintendent Dr. Ann Dargon and District Network Administrator Robert Noqueira. Mr. King informed the Selectmen that he had met with the School Department to discuss combining the public access operations from the Town and the School into one unit. What they are proposing is to combine the Town and School public access operations and have it managed by the School Department. In the long term it will provide for better coordinated PEG services and planning to ensure equipment compatibility. Mr. King continued by saying that in the short term there are no funds to pay for the position at the School for the balance of FY'15. He said that the Town could include a warrant article to pay for the balance of FY'15 for the months of May and June. Given the gradual assimilation of public access television into the School Department, Mr. King proposed that the cable TV expenses for FY'16 be paid from the Revolving Fund created for that purpose. The sum of \$125,000.00 maximum should be sufficient for the Town and School expenses for FY'16. In the meantime, the Town and School Department should develop a Memorandum of Agreement (MOA) describing the cooperative arrangement for providing public access cable television programming. Mr. King stated that one combined FY'16 budget should be prepared and agreed to as one of the provisions of the MOA. Also included in the MOA, would be a plan for assimilation of any Town employees into the School Department. Beginning in FY'17, the entire public access cable television operation would be managed by the School Department. Mr. King noted that the Cable Advisory Committee could assist with the development of the MOA. Mr. Noqueira said that the School Department had invested a lot in their network and infrastructure. They have dedicated fiber going right to Charter for broadcasting and they

plan on moving the broadcast operation to the high school. Selectman Dutra stated that cable TV consisted of three parts – public access, government access and school government access. What they were proposing was that the government access would stay under the jurisdiction of the Board of Selectmen and public access would be moved to the School Department for administration. Most importantly it will provide an opportunity for students to get involved. Dr. Dargon noted that she and Mr. King had been talking on where they could actually streamline services and this is actually looking at an enhancement of what they already have and being more fiscally responsible. They will be providing some more coordinated services. Dr. Dargon said by getting a Cable TV Director, that person will be working with the students and the staff. They have spent a lot of PEG money to make a state of the art facility in the high school auditorium and they would like to utilize it more out in the community as well. Valerie Bain, Public Access Coordinator, voiced her concern over the School Department having control of municipal access content. She noted that the government channel is controlled by the issuing authority of the cable TV license, which is the Board of Selectmen, educational content is controlled by the School Department and the public access content is controlled by the Public Access Coordinator. She questioned whether the Director would be operating the educational access and the public access and she would still continue with the government access. Mr. King responded that would be part of the discussion they would have in the MOA. Selectman Sullivan asked Ms. Bain if there were ways she could recommend so they could specifically safeguard against some of the concerns that she brought up and still proceed along with the consolidation. Ms. Bain replied that she had been successfully running the government portion for a number of years and she should be allowed to continue in that capacity. She doesn't like that it says the entire public access television would be managed by the School Department. Until she gets more specifics of how the MOA is laid out, she would not be recommending that the Board of Selectmen give up that control. Chairman Vieira stated that there was not much they could do that evening without looking at the MOA, take a look at it for the particulars and fine tune it so they could come to a consensus. He did not think they would be that far off. Selectman Dutra made a motion to accept the initial recommendation of the Town Administrator with respect to negotiating a Memorandum of Agreement with the School Department with respect to management of cable TV operations and further stipulate that the memorandum have a clearly outlined function for the Cable Advisory Committee with respect to overseeing the MOA. The motion was seconded by Selectman Ouellette and was voted unanimous. Selectman Sullivan requested that when they come back with the MOA they also have an organizational chart of before and an organizational chart of after (including functions) so that they will be able to understand who is responsible to who.

### **Action Items Continued:**

3). Selectman Sullivan made a motion to approve the Board of Selectmen report for 2014 Town Report as written. Selectman Ouellette stated that he would like included that the Town had a healthy surplus at the close of FY'14. Selectman Sullivan amended his motion to include Selectman Ouellette's request to include that the Town had \$1.7 million Free Cash certified at the end of FY'14. The motion was seconded by Selectman Dutra and was voted unanimously.

4). After some discussion, Selectman Sullivan made a motion to put an article on the 2016 Annual Town Meeting Warrant to create an Enterprise Fund for the Council on Aging beginning FY'17 for only the portion of the Senior Center's operation which applies to senior day care services provided for the elderly. Selectman Ouellette seconded the motion, which passed with Selectmen Ouellette, Dutra and Sullivan voting yes and Chairman Vieira voting no.

5). Mr. King explained that he had sent to the Board of Selectmen Alternate Budget 5 and Alternate Budget 6. Each of them was built on previous budgets presented to the Board. Alternate 5 was based on Alternate 3 and Alternate 6 was based on Alternate 4. Mr. King noted that he had been meeting with departments heads and discussing their budgets and reductions and they had provided some good suggestions. One of the more important ones relates to the Transfer Station. He is proposing in FY'16 to close the Transfer Station effective July 1<sup>st</sup> and leave \$20,000.00 for a modest recycling program that could be operated at the Transfer Station. One of the smaller changes would be a reduction in Legal Services. Selectman Dutra asked what was the net savings in closing the Transfer Station. Chairman Vieira stated that it would depend what you do with it to some degree because you would still be bringing in revenue for the recyclables; you would have to have a discussion with the Board of Health. Mr. King replied \$70,000.00 or \$80,000.00. Chairman Vieira said that the budgets for the Veterans Services and Veterans Graves should not be reduced. Selectman Dutra stated that he did not agree with closing the Transfer Station and would like to have a discussion with the Board of Health. What should be on the table is keeping it open, instituting pay as you throw and reducing the operating expenses by reducing the hours. Selectman Ouellette noted that he still preferred Option 2 with no layoffs. Selectman Sullivan stated that discussion to close a department like that should be done at a time when they were not under pressure to submit a budget. Selectman Ouellette made a motion to approve the Option 2 budget. Selectman Sullivan seconded the motion for discussion. He asked Mr. King to explain the uses of Free Cash under Option 2. Mr. King responded that none of them relate to the operating budget. Chairman Vieira said one of the big issues is that it doesn't include the retroactive salaries for union and non-union employees for FY'15 as well as increase for FY'16. Chairman Vieira stated that he was not advocating for layoffs, he was just advocating to balance the budget. After more discussion, Chairman Vieira urged the Board to go forward with the motion, which did not include the spending of the \$1.7 million in Free Cash which they would decide at their February 9<sup>th</sup> meeting and balance the budget and then pass it on to the Finance Committee. The motion was passed unanimously.

6). & 7). Meeting with the Selectmen were School Superintendent Dr. Ann Dargon and School Committee Chairman Antonio Viveiros. Dr. Dargon noted that she and the School Committee were pleased that they had been voted into the eligibility period through the Massachusetts School Building Authority (MSBA). There are 8 scheduled deliverables that they have 270 days to accomplish. In modular 1 is an initial Compliance Certification, which is really the contract. Dr. Dargon stated that they were looking for a vote of the Board of Selectmen giving the Chairman the authorization to sign the Certificate of Compliance. After that there's a series of documents that she needs to organize. Dr. Dargon said she was in the process of forming a School Building Committee. By statute the MSBA has certain requirements: a member of the School Building Committee needs to hold the MCPPO certification (a couple of people in the School Department, as well as Mr. King holds that certification), they have to have a local chief executive officer (could be the chairman of the Board of Selectmen or another member of the Board of Selectmen), the Town Administrator, a minimum of 1 School Committee member, the Superintendent of Schools, a local official responsible for building maintenance, the Town Planner James Hartnett (someone who understands construction and school buildings), Carolyn Pontes (the Middle School principal), a member knowledgeable in educational mission and function of facility (Principals Thomas Gastall and Cheryl Tutalo), a local building official or member of local finance committee (Tracy Priestner), members of the community with architectural, engineering and/or construction experience. Dr. Dargon continued by saying that there was also a category entitled Other in which she hoped a student and teachers would volunteer to be on the committee. They have until March to form the School Building Committee. Dr. Dargon noted that there were some things in the School Department they needed to complete. One was an educational profile questionnaire. Another was an enrollment projection. As well as maintenance and capital planning information. The School Superintendent noted that this was an opportunity for them to potentially increase their reimbursement, which is currently 46%. That's a

formula that is non-negotiable. If they provide enough information as a Town that they've made commitments to maintenance and capital planning, they have the potential of increasing it up to 2 more points of reimbursement. They will also need a local vote authorization by Town Meeting, which will be to earmark a dollar amount. Dr. Dargon stated that they would be looking for the full dollar amount for a Feasibility Study. The Feasibility Study would help them decide what Westport truly needs for an educational facility for the students. The School Building Committee will decide what the focus of the Feasibility Study would be. The Town will need vote to appropriate the full amount of the Feasibility Study, although 46% of that study will be reimbursable. Finally, the Town will get invited to go back to MSBA (hopefully in July) and get approval to go forward with the Feasibility Study. Selectman Dutra made a motion to authorize Town Counsel to review the Compliance Certification and then authorize Chairman Vieira to sign it. The motion was seconded by Selectman Ouellette and was voted unanimously. On a motion by Selectman Dutra, which was seconded by Selectman, the Board voted unanimously to have Mr. King work with Dr. Dargon to put together a warrant article not to exceed \$700,000.00 for the Feasibility Study.

8). On a motion by Selectman Dutra, which was seconded by Selectman Ouellette, the Board voted unanimously to table any action on the proposed Personnel Records Policy until after Mr. King discusses it with all department heads.

9). The Board agreed to table the proposed warrant article for a Town By-Law outlining the Town Administrator's duties and responsibilities until their next meeting. The staff is to provide them with the newest version prepared by Selectman Vieira as well as the 2 other versions from 2011 – one prepared by the Adhoc Committee on Town Government Structure and a revised version that was put on the warrant by the Selectmen. Selectman Sullivan requested that Mr. King provide a narrative of the differences between the 3 versions.

### **New Cemetery Foreman:**

Mr. King introduced Andrew Motta, the new Cemetery Foreman.

### **Action Items Continued:**

10). Mr. King informed the Selectmen that the Finance Committee had recommended including a question on the Annual Election ballot for a debt exclusion for \$969,000.00 which would free up some money for the operational FY'16 budget. This money had been approved by the 5/7/13 Special Town Meeting to be borrowed to fund several capital items. Selectman Dutra made a motion to place the question on the election ballot. Selectman Sullivan seconded the motion, which passed with Selectmen Ouellette, Dutra and Sullivan voting yes and Chairman Vieira voting no.

11). Selectman Ouellette made a motion to award the contract (on a fixed fee not to exceed \$25,000.00) for the Police Station Feasibility Study to Reinhardt Associates. The motion was seconded by Selectman Dutra and was voted unanimously.

12). Selectman Sullivan stated that he had prepared a thank you letter for Jerry LeBoeuf because he deserved more than a form letter. He requested that the Board approve it. Selectman Ouellette made a motion to approve and send the letter prepared by Selectman Sullivan. The motion was seconded by Selectman Dutra and was voted unanimously. Chairman Vieira directed Mr. King to work with the

veterans groups to review the job description for the Veterans Service Agent to see if it needs to be revised.

**Approval of 12/29/14 & 1/12/15 Regular Meeting Minutes:**

Selectman Dutra made a motion to approve the 12/29/14 regular Meeting Minutes. Selectman Ouellette seconded the motion – voted unanimously.

Selectman Ouellette made a motion to approve the 1/12/15 Regular Meeting Minutes. The motion was seconded by Selectman Dutra and was passed with Selectmen Vieira, Ouellette and Dutra voting yes and Selectman Sullivan abstaining.

**State of Emergency:**

On a motion by Selectman Dutra, which was seconded by Selectman Ouellette, the Board voted unanimously to lift the State of Emergency declared because of the blizzard (Winter Storm Juno) on January 26<sup>th</sup> & 27<sup>th</sup>.

**Executive Session:**

Selectmen Antone Vieira, Steven Ouellette, Craig Dutra and Michael Sullivan on a roll call vote, voted to enter into executive session at 8:58 p.m. under Massachusetts General Laws Chapter 30A, Section 21, to discuss strategy with respect to Collective Bargaining, to discuss ongoing litigation (DEP – ACO – Beach Avenue) and to approve the 12/15/14 and 1/12/15 Executive Session Minutes. The vote was Selectmen Vieira, Ouellette, Dutra and Sullivan in favor.

**Open Session:**

On a motion by Selectmen Dutra, which was seconded by Selectman Ouellette, the Board voted unanimously by roll call vote to return to open session at 9:26 p.m.

**Adjournment:**

Selectman Sullivan made a motion to adjourn the meeting at 9:27 p.m. The motion was seconded by Selectman Dutra and was unanimously approved.

Respectfully submitted,

\_\_\_\_\_  
Denise Bouchard  
Secretary to the Board of Selectmen

APPROVED: \_\_\_\_\_  
R. Michael Sullivan, Clerk