

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY
APRIL 19, 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 Dutra called the Board of Selectmen meeting to order at 6:00 P.M. in the Westport Town Hall, 816 Main Road, Westport, MA with the reciting of the Pledge of Allegiance by all present.

5:30 PM - Executive Session

Motion made by Mr. Vieira to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to discuss Collective Bargaining for Police, Law and AFSCME. Second by Mr. Sullivan. The Board voted unanimously in favor. **Roll Call Vote:** Mr. Vieira-aye. Mr. Sullivan-aye. Mr. Ouellette-aye. Ms. Shufelt-aye. Mr. Dutra-aye.

Mr. Dutra announced the Board would return to Open Session following the Executive Session.

6:05 PM – Open Session

Pledge of Allegiance

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

At this time, Mr. Dutra congratulated and welcomed the newest BOS Member, Shana M. Shufelt and he also thanked Richard Spirlet for his dedication of six years of service on the BOS. Mr. Dutra also thanked all the voters who came out to vote during the awful weather.

Reorganization of the Board

Motion made by Mr. Ouellette to appoint R. Michael Sullivan as Chairman. Second by Ms. Shufelt. The Board voted unanimously in favor.

Motion made by Mr. Ouellette to appoint Craig J. Dutra as Vice Chairman. Second by Ms. Shufelt. The Board voted unanimously in favor.

Motion made by Mr. Ouellette to appoint Shana M. Shufelt as Clerk. Second by Mr. Sullivan. The Board voted unanimously in favor.

Acknowledgments & Recognitions

Mr. Sullivan called for a Moment of Silence for the passing of the Town's Retired Fire Chief George Dean. Mr. Vieira and Mr. Ouellette recognized Mr. Dean's service also on the Finance Committee and his good input and information on any Town subject.

Tax Classification Hearing – RE: As required under M.G.L. Chapter 40, Section 56, regarding the percentage of local tax levy to be borne by each class of property for the Fiscal Year ‘16

The public hearing was opened at 6:10 PM with the reading of the public hearing notice. Assessors present were Robert Grillo, Steve Medeiros and Jack McDermott. Mr. King stated the Board of Assessors have come up with values and the State has certified them; Westport, like many other municipalities, has one tax rate, which is the same for residential and commercial. Mr. Medeiros

explained that 92% of the Town is residential, so a split rate would give too much burden on the small business community in Town. Mr. Medeiros stated the rate being proposed is \$7.91/\$1,000; this year it was \$7.93/\$1,000, so the rate is decreasing by .02. Mr. Sullivan called for any public input; none was received.

Motion made by Mr. Vieira to go with the rate of \$7.91/\$1,000 as recommended by the Board of Assessors. Second by Mr. Dutra. The Board voted unanimously in favor. The public hearing is closed at 6:25 PM.

At this time, Mr. Grillo stated the BOA have received some directives from the State (MOU) and will be meeting to discuss them but the BOA will be going before the Finance Committee Meeting tonight to discuss our Reval Budget for which we have a warrant article on. Mr. Grillo stated that originally, the BOA agreed that if they had to pass over it, it would be passed over, but we are going to request that those monies be kept in because there are some directives over the next three years from the State that we have to do. Mr. Grillo stated the BOA have already started working on an RFP for some of the stuff and part of the MOU is really requesting support from the Town financially. Mr. Grillo stated the DOR has certain things that we must do and we are still trying to come up with a game plan on the whole thing but we are thinking of outsourcing some of it. Mr. Grillo stated there are some personnel changes coming in the BOA Office causing us to move in a different direction. Mr. Grillo stated that in looking at the directives, they have a technical assistance bureau and his understanding is that the request must come from the BOS. Mr. Grillo stated the BOA has not really had a chance to discuss this but they would like to take advantage of that and work with the bureau because they get to see the entire state and how it works. **Motion** made by Mr. Vieira to move support of the MOU as outlined and give the Assessors an opportunity to come up with a plan and to request the technical assistance. Second by Mr. Ouellette. Discussion: Mr. Vieira asked that when the Assessor's get to a point where you know the dollars that translate into the needs, he is not sure if just holding onto the article is going to do it; in looking at other communities and how they address these issues, as a Board we need to support the Assessors in this. Mr. Grillo stated he appreciated that; and in looking at the monies in the reval and the article for Town Meeting this year, we should be able to get through 2017; this is a 3-year directive but we should be able to get the ball rolling and then get a game plan together in 2017 for monies for the following year. The Board voted unanimously in favor.

Public and Board Member Comment

Appointments and/or Resignations

1. No action was taken; this notice was of upcoming resignations from the Personnel Board to be effective 6-30-16.
2. **Motion** made by Mr. Dutra to appoint Tim Alves as part-time Cable Access Equipment Operator. Second by Mr. Ouellette. The Board voted unanimously in favor. It was requested that Mr. Alves be invited to the next BOS Meeting in order to meet the Board members.
3. **Motion** made by Mr. Ouellette to appoint David Paddock (CPC Rep) and Betty Slade (WHC Rep) to the Guild Property Advisory Committee. Second by Mr. Dutra. The Board voted unanimously in favor.

Action Items

1. **Motion** made by Mr. Ouellette to approve two parking permits, each containing all four registrations of the vehicles to be used by the Nature Conservancy to park near Beach Avenue to monitor the piping plovers. Second by Mr. Dutra. The Board voted unanimously in favor.
2. Mr. Sullivan stated when someone is hired in Town, there are Personnel Bylaws and Union contract rules that allows the Town to pay the individual 90% of their salary for the first six months and 95% of their salary for the next six months; with the individual receiving their full salary after one year; in the case where people are not in the Bargaining units, this Board has routinely, under a provision in the bylaws, overridden this; so if someone has stepped into a position and we feel they are deserving of the full pay, we will allow it; we have done this recently. Mr Sullivan stated the Board

has received a request to bring eight individuals up to 100% of their salary. **Motion** made by Mr. Dutra that according to the Board's past practice, will pay 100% of the compensation for the person in the position effective as of the date of hire changing the policy for compensation. Second by Mr. Vieira. Discussion ensued. Mr. Vieira stated this will allow us to eliminate the probationary period; Mr. King stated that was correct. Mr. Sullivan stated this will be across all units; Mr. Vieira stated it will effect non-bargaining units as well. Mr. Dutra stated we are getting rid of the old policy; we have had a lot of discretion and it has created inequities because some of the departments have come to us and asked for a waiver and others did not and then realized later that they should or could have asked for the waiver and didn't; so it is not like this is a highly paid work force and we struggle to get people in with the minimal we are offering. Ms. Shufelt stated she was not opposed to it at all but is it wise to make a policy decision outside of the contract negotiations. Mr. Vieira stated we are actually doing that as part of the negotiations; we have directed this to be raised as an issue during negotiations and have discussions with the Unions on this as well; in some cases, at 90% some people will be below minimum wage. Mr. Sullivan stated Ms. Shufelt is right, it is not the best union negotiations but it is probably the least offensive position we can take. Mr. Ouellette stated he was going to vote against it, he has consistently voted against it, the structure is there for a reason, to make sure the employee does a good job; the structure is to make sure the Town is making a wise investment and the person is qualified; we have raised the salaries of a number of positions to make them a lot more compatible. Mr. Ouellette stated he was against this in theory; he felt this should have been negotiated. Mr. Sullivan noted that the Board was not eliminating the probationary period. Mr. Sullivan stated that even if we were going to release someone after the probationary period, it would not make a difference what we were paying them. Mr. Vieira stated in reality, we have made a lot of exceptions because of the qualifications; we pay them 90% but we expect 100% of the work in the first year; secondly, we need to be more aggressive in all union and non-union evaluations; we don't that very well as a Board and as departments. Mr. Vieira stated that is more critical than putting the percentage. Mr. Dutra stated that on top of that, we send a message that may not be backed up evaluation data when you give someone an automatic raise, that somehow they have passed or succeeded in their status; he stated he would rather do an old-fashion performance appraisal and if there are any deficiencies or areas that need to be addressed, then do it because otherwise, this is just an automatic ladder. Mr. Dutra stated that is why he is supportive. Vote taken: The Board voted 4 in favor, 1-opposed (Ouellette). **Motion** made by Mr. Ouellette to increase the employees compensation to 100% as previously stated by the Chairman (Deb Bissonnette/Building., Fred Ponte/Transfer Station, Gary Ferry/Highway, Robin Winters/Library, Jacalyn Saulnier/COA, Roger Fortier/COA, William Conlon/COA, Cynthia Kinnane/COA) effective for the next pay period. Second by Mr. Vieira. The Board voted unanimously in favor.

3. ATM Warrant: Town Moderator Steve Fors was present.

Motion made by Mr. Dutra to make corrections within the warrant to keep the warrant structure consistent. Second by Mr. Vieira. The Board voted unanimously in favor.

Corrections: Article 2 – Board of Selectmen placed below the article's figures.

Article 17 – Insert “Building Inspector, Asst. Building Inspector and Building”

Article 37 – Bold and underline article identification.

Article 1: No action taken.

Article 2: **Motion** made by Mr. Dutra to endorse the article as is. Second by Mr. Ouellette. The Board voted 4 in favor, 1-opposed (Vieira).

Article 3: **Motion** made by Mr. Dutra to approve as is. Second by Mr. Ouellette. The Board voted 4 in favor, 1-opposed (Vieira).

Article 4: **Motion** made by Mr. Dutra to approve. Second by Mr. Vieira. The Board voted 3 in favor, 2-opposed (Ouellette/Shufelt).

7:00 PM – Mr. Dutra leaves the meeting.

- Article 5:** **Motion** made by Mr. Ouellette to approve. Second by Ms. Shufelt.
The Board voted 4 in favor; 1-absent (Dutra).
- Article 6:** No action taken.
- Article 7:** No action taken.
- Article 8:** **New Language:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the cost items of a two-year collective bargaining agreement between the Town and the Westport Permanent Firefighters Association, Local 1802, effective July 1, 2014 and further to raise and appropriate and/or transfer from available funds a sum of money to fund the cost items of the first year of a one-year collective bargaining agreement between the Town and the Westport Permanent Firefighters Association, Local 1802, effective July 1, 2016 and/or take any other action relative thereto.
Motion made by Ms. Shufelt to approve as modified. Second by Mr. Vieira.
The Board voted 4 in favor; 1-absent (Dutra).
- Article 9:** No action taken.
- Article 10:** **Motion** made by Mr. Vieira to approve. Second by Ms. Shufelt.
The Board voted 4 in favor; 1-absent (Dutra).
- Article 11:** **Motion** made by Mr. Ouellette to approve. Second by Mr. Vieira.
The Board voted 4 in favor; 1-absent (Dutra).
- Article 12:** No action taken.
- Article 13:** No action taken.
- Article 14:** No action taken.
- Article 15:** **Motion** made by Mr. Vieira to approve. Second by Mr. Ouellette.
The Board voted 4 in favor; 1-absent (Dutra).
- Article 16:** **Motion** made by Mr. Vieira to approve. Second by Mr. Ouellette.
The Board voted 4 in favor; 1-absent (Dutra).
- Article 17:** Amended by inserting: Assistant Building Inspector and Building Department and Building permits.
Motion made by Mr. Vieira to approve as amended. Second by Mr. Ouellette.
The Board voted 4 in favor; 1-absent (Dutra).
- Article 18:** **Motion** made by Mr. Vieira to recommend. Second by Mr. Ouellette.
The Board voted 4 in favor; 1-absent (Dutra).
- Article 19:** **Motion** made by Ms. Shufelt to approve. Second by Mr. Ouellette.
The Board voted 4 in favor; 1-absent (Dutra). The Board asked that Mr. King send the balance of this account to the BOS Members.
- Article 20:** **Motion** made by Mr. Ouellette to support. Second by Ms. Shufelt.
The Board voted 4 in favor; 1-absent (Dutra).
- Article 21:** **Motion** made by Mr. Vieira to support as written with amendment being made at Town Meeting. Second by Ms. Shufelt. The Board voted 4 in favor; 1-absent (Dutra).
Amended amount will be \$241,852. Discussion ensued regarding what would happen depending on Town Meeting vote regarding the Enterprise Fund for the Transfer Station. Mr. Fors stated the Board of Health is in favor or rescinding the vote to establish an Enterprise Fund; who is opposed. Mr. Vieira stated a majority of the BOS would like an Enterprise Fund; he agrees with the BOH. Mr. Fors stated if the BOS are against, then please be prepared to have a presentation showing your argument.
- Article 22:** No action taken.
- Article 23:** No action taken.
- Article 24:** No action taken.
- Article 25:** **Motion** made by Mr. Ouellette to support. Second by Mr. Vieira.
The Board voted 3 in favor; 1-abstention (Shufelt); 1-absent (Dutra).
Mr. Vieira asked that Conservation Commission, Planning Board and the Treasurer be

contacted on this donation for a recommendation. Mr. Ouellette stated that there should be a map showing where this parcel is located; to be used at Town Meeting. Mr. Fors stated the BOS should establish a policy/procedure for accepting donations of land. Mr. Vieira stated we have a process, it was not followed.

Article 26: No action taken. Will bring back to next BOS Meeting. Guild Property recommendations

Article 27: Mr. Sullivan stated the amended amount will be somewhere around \$7,000. Mr. Vieira asked that Mr. King check with the Town Accountant as to where the money for the 2009 article was; because this is an article to amend that vote.

Motion made by Mr. Vieira to amend the amount of article on Town Meeting floor. Second by Mr. Ouellette. The Board voted 4 in favor; 1-absent (Dutra).

Article 28: A lengthy discussion was held on this article beginning with Mr. Sullivan giving a background to the article. Mr. Vieira explained and read the alternative language that could be used. Mr. Fors stated part of this job is to protect the warrant; he would not be able to allow this much of a language change; it is a significant and drastic change and does not look enough like the proposed bylaw. Mr. Vieira asked, why not pass-over at Town Meeting and come back with a simple article in the future to another Town Meeting. Ms. Shufelt stated it would still be possible that Town Meeting won't allow the pass-over. Mr. King suggested removing the article all together. Mr. Fors stated the BOS can remove; they just can't add any articles and he encouraged the BOS to take a position on this article. Input was received from Richard Baressi, Edward Carreiro, Wayne Sunderland and Bob Wood.

Motion made by Mr. Ouellette to remove from the warrant. Second by Mr. Vieira. The Board voted 4 in favor; 1-absent (Dutra).

Article 29: No action taken.

Article 30: No action taken.

Article 31: No action taken.

Article 32: No action taken.

Article 33: No action taken.

Article 34: No action taken.

Article 35: No action taken.

Article 36: No action taken.

Articles 37 & 38: **Motion** made by Mr. Ouellette to reorder these articles (37 will be 38 and 38 will be 37). Second by Ms. Shufelt. The Board voted 4 in favor; 1-absent (Dutra).

Article 37: A lengthy discussion ensued with Ms. Kristie Furrow and Tony Millham speaking on these articles. **Motion** made by Mr. Ouellette to support. Second by Ms. Shufelt. The Board voted 4 in favor; 1-absent (Dutra).

Article 38: **Motion** made by Mr. Vieira to support. Second by Mr. Ouellette. The Board voted 4 in favor; 1-absent (Dutra).

Article 39: No action taken.

Article 40: No action taken.

Article 41: No action taken.

Article 42: No action taken.

Motion made by Mr. Vieira to have Town Moderator Steve Fors work with the Town Administrator Tim King prepare motions for the Town Meeting. Second by Ms. Shufelt. The Board voted 4 in favor; 1-absent (Dutra).

Motion made by Mr. Ouellette to approve the posting of the ATM Warrant. Second by Mr. Vieira. The Board voted 4 in favor; 1-absent (Dutra).

4. The Highway Surveyor contract proposals/amendments was table to next BOS meeting.

5. **Motion** made by Mr. Ouellette to approve the request to allow the Seasonal Trailers to begin using their lots as of Friday, April 29, 2016; as long as it does not affect residency requirements. Second

by Mr. Vieira. The Board voted 4 in favor, 1-absent (Dutra).

6. **Motion** made by Mr. Vieira to approve the one-year contract for FY 2017 with the Fire Department Union (2% increase). Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra). Mr. King noted there will be a separate 3-year contract to be approved and signed after July 1, 2016 for FY'18 (2% increase), '19 (2% increase) and '20 (0% increase but an increase in their educational benefit which would be estimated at \$18,000). Discussion ensued regarding support of the next 3-year contract – no votes were taken.
7. A request for permission to park on Horseneck Road by Anne Wodlinger and James Turner was tabled until a Police recommendation is received.
8. A request for permission to park at the Head Landing for River Day was tabled until a Police recommendation is received.

Liquor Licenses – None.

Town Administrator Report

New Selectperson – Mr. King welcomed Ms. Shufelt as the newest member to the Board.

Beach Avenue – DEP Consent Agreement – Mr. King stated a final decision from the DEP Commissioner has been approved and received; he provided the Board with a copy.

Town of Westport Board of Assessors Tax Base Levy Growth FY 2016 – Mr. King stated that New Growth has been certified at less than the amount he provided to the Board by about \$50,000 less but this is considerably more than the \$270,000 that had been estimated. Mr. Sullivan asked why is it that when we certified free cash last year which included all of our revenues, which included new growth, is it because we could not sort out what was new growth. Mr. King stated the question at the time was when the books are closed out, there is underage in expenses and overages in estimated revenues and it is impossible until the State comes in and does their review of the books to come up with a figure. Discussion ensued regarding free cash, new growth, revenues and tax levy. Mr. Vieira stated it amounted to under-estimating new growth this year; that was not done by the Accountant's Office but by the Assessor's Office. No votes were taken.

DOR MOU – Regarding Assessment – Mr. King provided the Board with the MOU from the Dept. of Revenue (DLS) which identified several actions that the Assessors will need to undertake in the coming year.

Hix Bridge Road Bridge – Mr. King provided the Board with an email from Shane Sousa, MADOT concerning the status of the report on the repair alternatives for the Hix Bridge Road bridge. Mr. King stated he is expecting the report by the end of this week. Mr. Wayne Sunderland offered more information from his files in the form of reports and newspaper articles for Mr. King, if he wished to use them. Mr. King stated he will get the report information to the Board as soon as it is received; the report will be shared with Mr. Sunderland also.

Chapter 90 Funds – Mr. King provided the Board with a copy of the letter received from MADOT announcing the amount of Chapter 90 Funds for the Town. (\$677,225). Mr. King stated this amount is a little bit more than last year. This amount is not shown in the budget online. Mr. Vieira stated that in the past, this Board has signed off on how the Chapter 90 funds are used; we should have some conversation on how we are going to use these monies this year. This amount was slightly higher due to more snowfall last year.

COA Director's Monthly Report – Mr. King provided a copy of the Ms. Bisch's monthly report.

Community Television Monthly Report – Mr. King provided a copy of the Mr. Rezendes monthly report.

Marine Services Director Monthly Report for March – Mr. King provided a copy of the Mr. Leonard's monthly report.

Discussion Items – None.

Minutes – None.

Selectmen Liaison Committee Reports – None.

Question and Answer Period

Tom Hancock - “Future status of the “Cold War Alarm Warning System” located at Briggs Road and Route 88”. Mr. Ouellette also noted there is another of those alarms located at Hix Bridge and Main Roads. Mr. Hancock stated these are Cold War” relics; he has spoken with Barry Beaulieu (EMS) and Chris Gonsalves (HWY) about these and he is requesting that they be preserved and repaired, with perhaps Diman doing the restoration and that they be installed at the Town Hall, Briggs Road Fire Station or Hix Bridge Fire Station or along side the 911 Memorial Beam, unless it takes away from the memorial. Mr. Hancock was looking for the BOS support on the restoration by Diman or CPA funds, etc; he already has the support of the EMS. **Motion** made by Mr. Vieira to support Mr. Hancock looking into this; to allow him to see if there are any CPC funds that can be used and to allow Mr. Hancock to work with the EMS on any recommendations to be brought back to the Board. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra). Mr. Ouellette noted they should check to make sure the alarms are decommissioned because technically, we use those for hurricanes.

Bob Wood - “Question on ATM Article 28”. This question was handled under Action Item #3.

Brandon Sanders - “Question on ATM Article 28”. This question was handled under Action Item #3.

Board Members Suggestions for Future Agenda Discussion / Action – None.

Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting – None.

Other Business

1. Mr. Vieira recognized the newest Board Member, Ms. Shufelt and wanted to recognize, as Mr. Dutra did earlier, Mr. Spirlet's contributions while on the Board for six years.
2. Mr. Ouellette again asked that everyone slow down while driving, the roads are dangerous enough and the Public Safety has been going full time; another young life was lost this past week involving two Westporters. Please be careful out there; if there are bad neighborhoods out there please contact the Police, they may be able to bring down the speed machine. Mr. Ouellette stated at this point, he would like to write to the Governor's Safety Bureau because we are losing lives everyday; it is ridiculous. Mr. Sullivan stated this involved a motorcycle, so it is becoming the season again, please be aware.
3. Ms. Shufelt thanked the Town of Westport and the Board of Selectmen for her first meeting and is looking forward to work with everyone.

Motion made by Mr. Vieira to adjourn the Board of Selectmen's meeting at 9:08 PM. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Dutra).

Adjournment.

Respectfully submitted,

Diane Pelland

Administrative Asst/Confidential Clerk to the Board of Selectmen

APPROVED: _____
Shana M. Shufelt, Clerk