

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY
MARCH 10, 2014**

Members Present: Antone C. Vieira Jr., Chairman
Richard M. Spirlet, Vice Chairman
Steven J. Ouellette
Craig J. Dutra

Also present: John F. Healey, Town Administrator

Absent: R. Michael Sullivan, Clerk
Stephen J. Lombard, Business Manager

Chairman Vieira called the Board of Selectmen meeting to order at 5:00 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

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 and to approve Executive Session Minutes of 02-24-14 and 03-03-14. Second by Mr. Ouellette. The Board voted 3 in favor, 2-absent (Dutra, Sullivan).

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

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

*Mr. Dutra arrived at 5:06 PM.

Open Session – 6:15 PM

Public Hearing – RE: A change of location request of an Annual Restaurant Wine and Malt Liquor License held by Margaritis Papamargaritis d/b/a Mediterranean Cafe & Pizzeria from 549 American Legion Highway to 151 State Road, Unit A.

The public hearing was opened at 6:19 PM. Chairman Vieira read the Public Hearing Notice. Mr. Papamargaritis was not present due to a medical issue. There were no outstanding problems reported by the Police Department and there were no abutters present. **Motion** made by Mr. Spirlet to approve the request for Change of Location for Mediterranean Cafe & Pizzeria to 151 State Road, Unit A. Second Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan). Hearing is closed at 6:21 PM.

Tara Ann Martin and Robert Bouchard – RE: Agreement for an Assistant Public Water Supply Operator.

Present: Tara Martin and Robert Bouchard. Mr. Healey stated that Linda Correia has indicated the need for reliable chlorine and residual testing, which will result in a savings from what we pay a lab now. Mr. Healey recommended this contract. Mr. Spirlet asked who owned the company. Mr. Bouchard stated it was a dual company; owned by himself and Ms. Martin. Mr. Bouchard stated he tests several places in Town now; such as Westport Village, Bubba's Fish and Westport Medical Center. Ms. Martin stated that the DEP is the one who sets the testing schedule that has to be followed. **Motion** made by Mr. Dutra to accept the Town Administrator's recommendation and approve the agreement for an Assistant Public Water Supply Operator with Tara A. Martin and Robert J. Bouchard. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

Terry Provencal, Town Accountant – RE: Discussion of the effect of the warrant articles on balancing the budget with available funds and free cash.

Present: Terry Provencal. Ms. Provencal presented the Board with the latest Cherry Sheet, a 2-page summary of the budget as it stands with the School's numbers from potential funding sources other than Free Cash and a handout of the Local Receipts. Ms. Provencal stated that even before the articles, we are \$195,000.00 in the red. Mr. Vieira stated this is a worst picture in March than December with the articles added in. This will show the Finance Committee the impact of the articles; keeping in mind the figures can be changed. Ms. Provencal stated that if the Town decides to borrow, it should be a debt exclusion. Mr. Vieira mentioned that Article #3 was being placed at the recommendation of the Town Moderator. Mr. Ouellette questioned last year's collectibles; Ms. Provencal stated that FY'13 still has \$175,000.00 outstanding. Mr. Vieira noted that Ms. Provencal did a good job on this; it included a lot of detail. (see attached sheets).

Gary Sherman, Shellfish Constable – RE: Request for appointment of a Deputy Shellfish Constable.

Present: Gary Sherman and Chris Leonard. Mr. Sherman stated that Mr. Leonard was already working as an Assistant Harbormaster and this would just be a slide over to the Shellfish Department. **Motion** made by Mr. Dutra to appoint Chris Leonard as Deputy Shellfish Officer. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

Christine Quinn, COA Director – RE: Discussion of COA Revolving Accounts/Warrant Articles.

Present: Christine Quinn, Marcia Liggins, William Gifford. Ms. Quinn stated the COA was looking to increase the spending limit on three Revolving Accounts: COA Revolving from \$20,000.00 to \$50,000.00 – Social Day Care Revolving from \$80,000.00 to \$110,000.00 – and Senior Center Revolving from \$5,000.00 to \$10,000.00. Ms. Quinn stated that the auditors have recommended spending from these accounts due to the large balances. Mr. Healey stated he asked Ms. Quinn to make this request; and perhaps this could reduce the \$159,000.00 tax dollars used at the COA. Mr. Dutra read from Mr. Roselli's recommendations. Mr. Vieira stated by allowing the increases, there will be a reduction in the budget part that is supplied by the Town. Mr. Gifford stated that each year the problem gets worse; the budgets get fatter each year; the Town should get some and the COA should get some. **Motion** made by Mr. Dutra to go along with the COA Warrant Articles request and to make an adjustment to the COA Budget (which is through taxation) of a reduction of \$65,000.00. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).

Discussion – RE: Policies and Procedures related to Time Clock.

Mr. Healey referred to his memo dated 3/10/14 (see attached); most employees submit their time card or time sheet to their Department Head, who signs off on it; it is then forwarded to the Town Accountant's Office for preparation of the bi-weekly Payroll Warrant, which is submitted to the BOS for review and final sign-off. The time clock system at the Town Hall, Annex and Highway Department are ancient and do not function properly. Mr. Healey recommended that a swipe card system be installed at the Highway Department as a test case. Mr. Vieira asked Ms. Provencal what she felt about this. Ms. Provencal stated she liked the swipe card idea; it would make for easier tracking. Mr. Vieira stated there is software available; this would be good for people with multiple time cards, so there is no duplication of hours and suggested it is looked into. Discussion continued regarding FLSA, working from home and recording clerk positions being much more such as FinCom and CPC. Mr. Vieira asked if Ms. Provencal was familiar with FLSA in regards to duplication. Mr. Vieira stated this needs to be cleared up; working from home should not be an ongoing situation and it needs to be looked at. Ms. Provencal stated there is a need for uniformity. Mr. Dutra stated we need to do a

summary but if we go in the direction of putting in new clocks, it would be good to see a proposal from the Town Administrator and Business Manager. **Motion** made by Mr. Spirlet to charge the Business Manager after reviewing the issues, the past practices, the policies and procedures to make a recommendation, if violations exists, on how to correct them by an in-house audit being done. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan). **Motion** made by Mr. Dutra to recommend that the Business Manager and Town Administrator work together on a swipe card system that will address the issues; the number of terminals needed; the cost of such a system; and the improvement over the current system. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan). **Motion** made by Mr. Spirlet that a policy be put in place to discourage working at home; the exception to the rule, if approved by the Department Head and Town Administrator, then brought to the BOS for notification and it be for a short period of time. Second by Mr. Vieira. The Board voted 2 in favor; 2-opposed (Ouellette, Dutra), 1-absent (Sullivan). **Motion fails.** Mr. Dutra stated he would like this in writing, reviewed by Town Counsel and then placed on the next agenda. Mr. Ouellette asked where the limits were; the Town Administrator works from home; this needs to be in writing. Mr. Dutra stated he wanted it done professionally and in Open Session. Mr. Vieira stated no one was being accused and exceptions can be made; as for being on the agenda, it is.

Appointments – None.

Action Items

1. No action taken.
2. **Motion** made by Mr. Dutra to accept the donations to the Council on Aging in the amount of \$1,410.00. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).
3. **Motion** made by Mr. Dutra to approve the addendum to the Technical Proposal for the Westport Master Plan – Public Participation Assistance subject to review and sign-off by the BOS Chairman. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan). Mr. Vieira noted that the Planning Board has taken the warrant article off dealing with this matter due to the fact that they still have funds from last Town Meeting.
4. No action taken; a petition article for a road acceptance was not submitted.

Minutes

Motion made by Mr. Dutra to approve the Regular Meeting Minutes of February 24, 2014. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

Motion made by Mr. Spirlet to approve the Regular Meeting Minutes of March 3, 2014. Second by Mr. Ouellette. The Board voted 3 in favor, 1-abstention (Dutra), 1-absent (Sullivan).

Question and Answer Period – None.

Town Administrator Report

Mr. Healey stated he forgot to include the capital article, shellfish boat and retaining wall articles in the ATM Warrant; and Treasurer George Foster is asking the Board approve an article for STM for the acceptance of MGL Section 9A, Chapter 200A – Tailings (an alternative procedure for disposing of abandoned funds held by the Town. **Motion** made by Mr. Dutra to approve the articles as mentioned by Mr. Healey and to include the three COA Articles also for ATM & STM Warrants. Second by Mr. Ouellette. The Board voted 4 in favor, 1-absent (Sullivan).

Correspondence – Action Required

1. No action taken. A letter will be sent to the Town of Dartmouth explaining the reason a support

letter is not being sent.

2. **Motion** made by Mr. Dutra to approve the road race request by The Sightings, LLC for September 7, 2014 with the Police Department recommendations being followed. Second by Mr. Spirlet. The Board voted 4 in favor, 1-absent (Sullivan).
3. No action taken. The Inspectors will be asked for a recommendation/backup of this request.

Board Members suggestion of items for future agenda discussion/action – None.

Other Business

1. Mr. Healey mentioned the increase of Insurance Credits due to the Safety Meetings, training, etc; and Workers Comp has been reduced. This has been a group effort and a memo will be sent out to thank everyone involved.
2. Mr. Spirlet wished Firefighter Steve Lopes a speedy recovery and to keep in mind Firefighter Manchester also. Mr. Ouellette wished the firefighters well also and stated that anyone wishing to send a card or small gift for the firefighters should drop them off at the Fire Station. Mr. Dutra stated that this underscores the fact that our firefighters put their lives on the line each time they are called out. Mr. Vieira stated he echoed his colleagues sentiments.
3. Mr. Vieira stated there will be a Personnel Board meeting on Wednesday to have election of officers and a review of the bylaws; he asked that Mr. Healey take focus on this over the next two weeks. Mr. Healey stated he has talked about eliminating references to all contract personnel from the Personnel Bylaws. The intention of the Personnel Bylaws is to provide clear lines of support for Non-Union Employees only; right now, the bylaws are confusing and most of the positions listed are contracted positions. The Personnel Bylaws should only consists of employees who are actually covered by them; once this is done, it will be a smaller document and have more focus. Mr. Vieira asked that the term expiration dates on the appointment list for the Personnel Board be checked and according to the bylaws, Mr. Dutra's position on the Personnel Board should not exist. Mr. Dutra stated he agreed and would like to be taken off the list. Mr. Vieira stated we need to be clear on issues of our employees; this is not a witch hunt. Mr. Healey stated we are trying to correct problems from the past; no, this is not a witch hunt and the employees have done nothing wrong. Mr. Healey stated he will inquire as to who is working from home.

7:45 PM

Motion made by Mr. Ouellette to adjourn the Board of Selectmen Meeting. Second by Mr. Dutra. The Board voted 4 in favor, 1-absent (Sullivan).

Adjournment.

Respectfully submitted,

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

APPROVED: _____
R. Michael Sullivan, Clerk