

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY  
DECEMBER 01, 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:** Timothy J. King, Town Administrator

Chairman Vieira 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.

**Public and Board Member Comment**

James Coyne was present and requested permission from the BOS to move forward on redoing the sign outside of the Town Hall Annex. Mr. Coyne stated a group of concerned citizens have gotten together, similar to what was done with the Town Hall sign, only re-doing the sign with the Department names listed. An estimate has been received from John Fielding Signs and will be paid for with donations. Mr. Coyne stated that no one will be allowed to make a donation greater than \$50.00; already, \$150.00 has been donated. Mr. Coyne stated the checks are to be made out directly to Mr. Fielding and can either be mailed directly to Fielding Signs, Center Street or to Coyne Insurance, Attention: James Coyne. **Motion** made by Mr. Spirlet to allow this matter to move forward. Second by Mr. Ouellette. The Board voted unanimously in favor.

**Acknowledgments & Recognitions** – None.

**Joint Meeting with Board of Health – RE: Transfer Station.**

Board of Health Members John Colletti, Karl Tripp and Sean Leach (arrived after the meeting began) were present. Mr. Vieira stated that basically, Mr. Sullivan asked that you be placed on our agenda to discuss and brainstorm some kind of DPW with the Highway, Cemetery Departments and Transfer Station sharing equipment and personnel. Mr. Colletti stated he does not have a problem with sharing personnel and he does not think the Board would have problems with it, as long as the Transfer Station has the coverage that is needed. Mr. Tripp stated he saw this as a win/win situation. Mr. Dutra stated he was hearing that the Transfer Station will be moved out of the Board of Health, which is different from what Mr. Colletti just said. Mr. Colletti stated he had a different understanding also. Mr. Vieira stated he did not envision it that way either; the budget piece would be under the BOS or part of the DPW and the personnel would still be under the Board of Health in terms of regulations and such; and Mr. King and Mr. Walsh would be working jointly together in certain areas; in terms of manpower and the need for additional staff, with any new hires there would be cross-training based on the need and from a direct supervisory standpoint, there would be some overlapping with the BOH. Mr. King stated the BOH would still have significant functions as related to testing and issues surrounding the disposal/collections of solid waste regulations; this is simply for the day-to-day operations of the Transfer Station. Mr. Dutra stated that as far as the physical site, the BOH would still have some legal responsibilities and jurisdiction; in looking at the chain of command so to speak, it would go from the BOS to the Town Administrator to the personnel at the Transfer Station, as would the management of the employees at the Highway and Cemetery Departments; the benefit we would get out of that would

be the sharing of heavy equipment, equipment operators for peak snowstorms and preparing the Cemetery; we could utilize heavy equipment and personnel more efficiently and have better use of our resources. Mr. Colletti stated for his understanding, the BOS would take over the day-to-day operations of the Transfer Station because there is work constantly needed at the Transfer Station; Mr. Dutra stated yes for this DPW as envisioned and proposed. Mr. Colletti stated alright, but he would rather discuss this with a full Board because one of his members (Sean Leach) has not arrived yet. Mr. Dutra stated his understanding of this relationship in terms of benefits would be more coverage during peak operations, coverage for employees out on an illness or disability and it is better than the options the BOH has right now. Mr. Vieira stated in regards to the day-to-day operations, it would be a relationship between the Highway and Transfer Station in sharing some of the duties and responsibilities during peak periods and coverage for situations which could develop. Mr. Spirlet stated the BOH personnel would be transferred under the DPW and as we replace someone, we can hire someone who has all the qualifications such as a CDL enabling them to work at the Highway, Cemetery or Transfer Station; it will not be someone to just punch tickets; the present personnel will stay until they retire; this will be helpful for when extra people are needed. Mr. Vieira stated what is not clear is if the secretarial/clerical support is part of this. Mr. King stated not necessarily; that is something that will transition over time. Mr. Colletti asked if the BOS would be taking over the budget. Mr. Vieira stated if we are taking over, there is a lot we don't know; we need to coordinate on this; the budget will transfer over as part of the DPW budget, which will have a cemetery piece, water piece and transfer station piece. Mr. Dutra stated that on the day the Transfer Station loses a person due to illness, someone has to transfer down; a committee of one will consult and coordinate with the Town Administrator. Mr. Colletti stated so, all will go through the Town Administrator as far as the day-to-day operations; Mr. Dutra stated yes, all except for the statutory responsibilities of the BOH. At this time, Mr. Leach joined the meeting and asked if there was a savings or are we just reorganizing. Mr. Vieira stated he supported Mr. King on this; we will be able to share personnel, services and equipment; Mr. King will be in charge but there will still be the BOH supervision; the Transfer Station as you told us won't meet it's budget this year; this is an effort to work together, pooling our resources and cross-training so we may not have to layoff people. Mr. Vieira stated the Unions will have to be approached; he was not interested in picking up the Transfer Station Budget. Mr. Dutra stated this is for next fiscal year; we save on costs and at the same time, we are reorganizing with a better skill set. Mr. Leach stated his concern is that we are asking the Town Administrator to perform an extra management task, what happens when he leaves and we are faced with a situation where we have to hire an additional person to pick-up this. Mr. Vieira stated we don't have the money and we can't go pass 2 ½%, the model we have, has not worked for years and we are fast coming to the realization that its not business as usual; right now, you don't have the money to finish the year and you have not given us a figure, when it does happen, you may have to close the Transfer Station an extra day or lay people off; we hold the Town Administrator responsible for the budgets he oversees and it is a matter of accountability; we need to look at present employees and how do we keep them with limited funds. Mr. Sullivan stated there should be no question of where the Transfer Station Budget goes, it will come under the DPW. Mr. Colletti stated he understood that also. Mr. Vieira stated he would agree but right now, there is no clerical under the Transfer Station; maybe this can be coordinated in the first year and then implement in phases by sitting down and coordinating with the Town Administrator. Mr. Vieira asked when the Transfer Station was going to run out of money. Mr. Colletti stated to make clear, we were cut \$58,000.00 and there was a \$2.00/ton up-kick in disposal fees; there has been no mismanagement. Mr. Leach stated up until this year, we have run in the black. Mr. Vieira stated there is a \$233,000.00 budget with no clerical and three employees; your big expense was a backhoe. Mr. Leach stated that after the holidays, we will know better where we stand with the budget; trash tipping fees pay for itself and we are making money there. Discussion ensued regarding the budget, handling

of fees and services to the public and budget projections. Mr. Vieira stated some things are beyond our control but we are here and attempting to work with you on budget gaps and personnel; Mr. King will work with you on budget projections; we need to do business differently. Mr. Colletti stated he had no objection to the theory. Mr. Sullivan asked Mr. King, when the budget is previewed tonight, does it include moving over the Transfer Station in the new DPW. Mr. King stated there was nothing incorporated. Mr. Sullivan asked what the timeline and objective would be. Mr. King stated he will begin a dialogue with the BOH and staff, clean up and clarify the different Union languages, identify clerical staff and labor costs and talk to Mr. Walsh to get a list of commitments for the Transfer Station on a daily basis and see how we can evolve where Mr. Walsh will then have less duties with the Transfer Station and more BOH duties. Mr. Sullivan asked when this would happen; Mr. King stated the 1<sup>st</sup> of July. Mr. Colletti stated he would like Mr. King to give the BOH a figure of what he would like to cut from each of the budgets and allow the BOH to decide where to make those cuts; a copy of the budget for FY'16 was received today and it had cuts on line items, we don't want to see that, we want to make those decisions. Mr. Vieira stated Mr. King has met previously with you and Mr. Walsh on the budget. Mr. Vieira stated more dialogue is needed with the BOH; we are planning on meeting on Monday, 12/08/14 just for the budget and 12/15/14; the plan is to have a balanced budget to present to the FinCom by the end of December; we are willing to work with the BOH on your budgets and any individual departments. The BOS thanked the BOH for coming in. Mr. Vieira recognized Wayne Sunderland, who suggested a committee be appointed consisting of each department that is involved in the DPW and that they meet with the Dartmouth DPW to see a model of how a DPW works.

**Marta Montleon, Diman Superintendent/Director – RE: Reduction of Net School Spending for Diman.**

Present: Marta Montleon, Superintendent/Director of Diman and Paul Jennings, Westport's Rep. to Diman. Ms. Montleon referred to the MA Dept. of Revenue letter to Mayor Flanagan stating "The city received a \$12,428.00 expenditure waiver for the Greater Fall River Diman Vocational-Technical District", which would reduce Fall River's minimum contribution; this will have no effect on the other Town's contributions; if passed, we will adjust our budget. Mr. Dutra stated we can do one of three things: support Fall River's request, oppose it or do nothing, which in effect is a no vote. Mr. Dutra stated the City has gone to great lengths to avoid their obligation; Westport has lived up to our obligation, even above Net School Spending; you state there is no effect but there is an effect on our children's education. Mr. Dutra stated he can't support this because it will hurt the education of our children. Mr. Spirlet stated come next year, we will have to make up the difference; he can't support this either. **Motion** made by Mr. Ouellette not to support the waiver for Diman. Second by Mr. Dutra.

The Board voted unanimously in favor. Ms. Montleon stated it would take a major vote of the Towns to pass the waiver, so with Swansea and Westport voting against, it was now a dead issue.

Mr. Sullivan asked if all four Towns pay the same per student. Ms. Montleon stated no; the DOR comes up with the figure per student based on income and real estate taxes in each Town; according to the formula, Fall River per student is a little under \$3,000., Somerset is \$10,500., Swansea is \$11,000., and Westport is \$12,500.; in January, we will know better the student costs. Mr. Jennings mentioned to the BOS that Diman is looking at 9C cuts to Transportation in the amount of \$127,000.00; this will be taking away from the kids also. Ms. Montleon stated if we can't absorb it, we would pass it on equally per student that we will bill the Town for. Mr. Vieira stated we can't absorb 9C cuts from Diman for this operating budget this year; as a member of the district, it is unfair to pass this on. Ms. Montleon stated that 9C cuts will impact everyone; we are advocating with the State for going below Foundation level. Mr. Vieira asked what Diman's Stabilization was at; Ms. Montleon stated around \$600,000.; Mr. Vieira suggested that the Regional School look at using that Stabilization because if Diman is looking

at coming back to the Towns, we could take a legal standpoint. Mr. Vieira questioned if there was any building expansion for Diman. Mr. Jennings stated that in the agreement, any changes are sent to the State for review; we can't pick and choose sections, all is reviewed and down the road, we could get hurt because at this point, the regional agreement favors the Towns and at a 5.3% increase of an expansion, Westport would be liable. Ms. Montleon stated the regional agreement benefits the Towns; there are three elected and three appointed members and right now, each member has an equal voice and vote; if changed, it would be proportioned by city and town populations; also, currently under the regional agreement, the number of students accepted is based on when the agreement was written; towns with a low quota could get more children to be accepted through their member representatives. Discussion ensued regarding the 1963 agreement and the percentages. Mr. Vieira asked if seats were being left empty. Mr. Jennings stated no, we are filling them. Ms. Montleon stated the school is bursting at the seams; we already have five lunches and our cafeteria is too small so it helps when the 100 co-op students go out. Mr. Jennings stated the population has gone from 700 students to 1,400. Ms. Montleon stated that without the additional students this year, we would not have met our budget. Mr. Sullivan stated our bill went up 10%, he would like to see the breakout of that. The Board thanked Ms. Montleon and Mr. Jennings for coming in and appreciate the work they do.

**Tony Connors – RE: Energy Committee suggestions regarding NStar Rate Increases.**

Mr. Connors stated he would like to make a correction to something he heard from a prior meeting regarding the Direct Energy prices going up and that it probably won't effect us because we have Borrego. Even though we are contracted with Borrego who produces electricity, we don't buy directly from them; we get discounted energy credits from Borrego and we then apply those to our NStar bills. We are and will still be a Direct Energy customer; we get our electricity from Direct Energy and NStar is the distributor; we are still effected by the increase but as the increase goes up, so do our credit reimbursements, this is called Net Metering Credits. Mr. Connors stated the Energy Committee met and would like to pass on two things to the BOS. One is a request that letters be written to Representative Schmid and Senator Rodrigues protesting NStar rates being increased by 29%, which is going to be painful for residents. One of the things we noticed is that there are 41 towns in the Commonwealth that are their own municipal energy companies; and they are only going up 5% as compared to NStar. Mr. Vieira stated he thought they already went up in rates. Mr. Connors stated that National Grid has already been approved. Mr. Vieira stated that it made no difference, letters could still be sent. Mr. Connors stated the second issue is that if the Town wanted to become a municipal utility company, there is House Bill #2927 to allow towns to become their own municipal utilities; we are not saying Westport should but it just leaves the option open if they so chose. Mr. Dutra stated he would have no problem sending letters. **Motion** made by Mr. Ouellette to support both efforts by letters. Second by Mr. Dutra. Discussion ensued. Mr. Sullivan questioned the 29% increase. Mr. Connors stated it was on the total bill and the reason it is going up is the distribution; National Grid has increased by 38%, approved last year. Mr. Sullivan asked what the justification was. Mr. Connors stated the natural gas pipeline is compromised and the market is controlled by the need for electricity being generated by natural gas; NStar is stating they can't get enough natural gas into New England because the pipeline is too small to handle it; that is their justification. The Board voted unanimously in favor. Mr. Vieira asked Mr. Connors in regards to Borrego, we are 90% covered but what happens if next year we are 20% less due to closing the Middle School. Mr. Connors stated we have a 10% margin, the Middle School uses 15-18%, if the school closes completely, we would still have more credits than we could use. Mr. Vieira asked if there was a clause in the contract to deal with going one way or the other and Kopelman & Paige should look into this. Mr. Connors stated the kids have to go somewhere, so we will still be using some amount of energy. Mr. Vieira stated the Town should not be

locked in and we should have some kind of clause for flexibility. Mr. Connors stated we have the ability to sell our credits to any other municipality, school or non-profit; we have great electricity rates locked in and they are marketable; our escape clause, in a sense, is the ability to sell our credits. Mr. Vieira asked Mr. King to look into this. Mr. Sullivan questioned the contract with Direct Energy. Mr. King stated the contract with them will expire; we will have our PPA's for electricity. Mr. Connors stated no, we will still have to get our power from Direct or NStar, so you will have to look at Direct's prices as opposed to NStar's with the rate increase. Mr. King stated he will work with the Energy Committee on this.

**Discussion – RE: FY'16 Budget Overview with recommendations.**

Mr. Vieira stated this is the first time the BOS is seeing this material so a dedicated meeting just for this material will be on Monday, December 8<sup>th</sup>, along with a Tax Classification Hearing with the Board of Assessors; comments can be taken tonight but the BOS will have time to review the material before the meeting on the 8<sup>th</sup>. Mr. King then proceeded to give his presentation of the FY'16 Budget which included revenues, a summary, departmental budgets, cuts and his suggested staff reductions. Mr. King stated this budget did not include any requests from the School Department. Attached is the presentation given by Mr. King. Discussion ensued on various parts of the presentation. No votes were taken. This matter will be continued to Monday, December 8, 2014 beginning at 5:00 PM.

**R. Michael Sullivan – RE: MOU for Beach Avenue turn-around.**

This matter will be addressed at the next BOS Meeting on December 15, 2014.

**Town Administrator Report**

Mr. King asked if the BOS had any objections to the recommendations of Linda Correia and Ryan Trahan for closing the blow-off valves. Mr. Trahan is requesting the DEP to reduce the testing due to good reports. No objections were received.

Mr. King also reported to the BOS, that the Town has been approved for a grant of \$125,569.00 for the Knubble Beach Dune restoration. This matter will be on the next agenda, along with the Memorandum of Understanding for Beach Avenue. Informational only - no vote was taken.

Middle School 319 Grant – Mr. King stated Wayne Perry has completed the final report on this project; a copy of the report will be emailed to the BOS and Water Resources Committee; a hard copy will be in the BOS Office. Mr. Vieira asked what the final cost was; Mr. King responded approximately \$8,000.00. Informational only - no vote was taken.

Police Station Designer Selection – Mr. King stated the Committee will be meeting on tomorrow afternoon to review and discuss the seven statements of qualifications that were received. Informational only - no vote was taken.

State Budget Cuts – Mr. King stated Governor Patrick has announced major mid-year cuts in the FY'15 State Budget; this may have undefined financial ramifications for Westport. Mr. King stated he is expecting more budget reductions including local aid in the FY'16 State Budget. Informational only - no vote was taken.

Town Hall Roof – Mr. King stated there is a leak again in the BOS Meeting Room and the roofing contractor has been contacted; they are responsible for fixing this. Mr. Vieira stated they need to get here asap. Informational only - no vote was taken.

Westport Middle School – Mr. King stated he has attempted to make contact with the EPA regarding the future use of the Middle School; he is also seeking a realtor that specializes in marketing this type of building to determine if there is such a market. Mr. Vieira questioned why not test all the other

buildings. Mr. Sullivan stated this is part of a bigger project; we should be given options on all of the buildings going forward. Mr. King stated he will put together additional options. Informational only - no vote was taken.

Free Cash – Mr. King stated that Free Cash has been certified at \$1,908,773.00, and a copy of that certification is being provided to the BOS, along with the “Balance of Turnbacks for FY '14” and the “FY'14 Actual Local Receipts vs. Budgeted Local Receipts”; most of which account for the increase in Free Cash. Mr. Sullivan questioned the source of some of the funds such as unidentified \$200,000.00 and Employee Benefits at \$362,000.00. Mr. King stated it varies by the need for benefits. Mr. Vieira stated the Treasurer's Office had a difficult time getting a handle on this due to the School and Town having numerous changes. Discussion ensued regarding turnbacks, revenues and receipts. Mr. King stated he will provided a breakdown at next meeting. Mr. Vieira stated we need the local receipts amounts and where they came from; every department put in an effort to turn back monies and on the Town side alone \$780,000.00 was returned. Informational only - no vote was taken.

Capital Improvement Plan and Budget – Mr. King provided the BOS with a draft Capital Improvement Plan which was submitted to the Capital Improvements Planning Committee last week. Informational only - no vote was taken.

FY'16 Municipal Budget – Mr. King stated he has been working on the FY'16 Municipal Budget for the past two weeks, which includes a second meeting with most department heads. Informational only - no vote was taken.

COA Director – Mr. King stated the Search Committee is continuing the process of vetting the candidates for COA Director. Informational only - no vote was taken.

Donation of Land – Stafford & Barbara Hart – Mr. King stated the BOS is being presented with responses from various town departments and committees regarding accepting land from Barbara and Stafford Hart as a donation; what is the Boards' pleasure. **Motion** made by Mr. Ouellette to accept the property. Second by Mr. Dutra. The Board voted unanimously in favor. This will be on the Town Meeting warrant.

Route 88 Overlay Project – Mr. King stated two projects have been approved by MADOT – Project 608801 for resurfacing and related work along Route 88 from the beginning of State Highway just south of Cherry & Webb Lane to just north of Drift Road; and Project 608080 for resurfacing and related work on Route 88 from just north of Drift Road to just south of Old County Road.

Informational only - no vote was taken.

Town Meeting Warrant Articles – Mr. King stated that everyone has been advised that the submission deadline for warrant articles for ATM is Friday, January 16, 2015 by 3:30 PM.

Bi-Centennial Park Lighting – Mr. King stated there has been an ongoing, confusing and challenging problem with the lighting at Bi-Centennial Park. Mr. King suggested the BOS invite in the abutters who are objecting to the use of the floodlights. The Board agreed to bring in the parties to the next meeting.

### **Action Items**

1. **Motion** made by Mr. Dutra to support the Bristol County Mosquito Control Budget for FY'16. Second by Mr. Ouellette. The Board voted unanimously in favor.
2. **Motion** made by Mr. Dutra to approve the request for the Town Hall/Annex closure for one hour on Monday, December 22, 2014 for the annual employees potluck luncheon. Second by Mr. Sullivan. The Board voted unanimously in favor.
3. **Motion** made by Mr. Ouellette to accept the resignation of Joan Wood from the Community Preservation Committee and to send a letter of thanks. Second by Mr. Dutra. The Board voted unanimously in favor.
4. Mr. King stated an agreement was reached with the LAW Union for a 1% increase but this

agreement was never implemented. Mr. Vieira stated the BOS voted this and it was included in the budgets but we have not been paying these people so the Town Accountant is looking for approval to do so; if there is a shortfall, we can make adjustments at Town Meeting by identifying a source before then. **Motion** made by Mr. Spirlet to pay the LAW Union Local 254 according to the agreement. Second by Mr. Dutra. The Board voted 4 in favor, 1-abstention (Ouellette).

5. Consideration for Non-Union employees relating to settlement of the LAW contract is pending Mr. King putting together the cost and source of funds and presenting at the next BOS Meeting.
6. **Motion** made by Mr. Dutra to table a request from LAW regarding December 26<sup>th</sup> and January 2<sup>nd</sup> being given as paid holidays in the interest of parity with the School Department administrative and custodial staff. Second by Mr. Ouellette. The Board voted unanimously in favor.
7. No votes were taken regarding a ballot question for annual election related to moving the Treasurer position from elected to appointed. Mr. King was directed to check with the MMA and maybe Kopelman & Paige for simple wording.
8. Mr. Vieira stated the Town Accountant's assumption is based on the Town Meeting vote in regards to the Highway Surveyor's salary but Town Meeting voted to approve a salary of \$68,523.00 for an elected Highway Surveyor salary, not an appointed position; the BOS did a contract based on \$71,270.00 for the appointed Highway Surveyor salary. **Motion** made by Mr. Dutra to honor the contract with the Highway Surveyor and pay the salary at the level of the contract. The Board voted unanimously in favor.
9. SRPEDD has requested a meeting with the BOS regarding an opportunity to meet and address any transportation issues either existing or future. The Board has agreed to schedule a meeting in the future.
10. **Motion** made by Mr. Dutra to approve a sign request from Peter Brown, Westport United Youth Soccer President and to accept the Police recommendation for "No Parking" along Sanford Road on the east side in the area of "914" and if need be, revisit in the spring for "No Parking" along the west side. Second by Mr. Ouellette. The Board voted unanimously in favor.
11. **Motion** made by Mr. Dutra to accept the resignations of Brian and Kimberley Fernandes from the Recreation Commission and to send letters of thanks. Second by Mr. Ouellette. The Board voted unanimously in favor.
12. **Motion** made by Mr. Sullivan to accept with regrets the resignation of Wes Norman and to recognize Mr. Norman in the future. Second by Mr. Ouellette. The Board voted unanimously in favor.
13. The Board approved meeting on December 8<sup>th</sup> beginning at 5:00 PM with the FY'16 Budgets and with a Public Hearing for Tax Classification scheduled at 6:00 PM and allowing for the BOS to continue with the budgets following the hearing.

**Appointments** – None.

**Minutes** – None.

**Selectmen Liaison Committee Reports** – None.

**Question and Answer Period** – None.

**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. Ouellette reminded everyone of the Tree Decorating Ceremony on Saturday, December 6, 2014 from 1-3 PM on the front lawn of the Town Hall – no rain date. There will be entertainment and refreshments.

**Motion** made by Mr. Ouellette to adjourn the Board of Selectmen Meeting at 10:16 PM. Second by Mr. Spirlet. The Board voted unanimously in favor.

**Adjournment.**

Respectfully submitted,

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

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