

**BOARD OF SELECTMEN
SPECIAL MEETING MINUTES
THURSDAY
DECEMBER 11, 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.

Discussion with Department Heads regarding letter of December 9, 2014

Mr. Vieira stated tonight's meeting was called for the purpose of responding to the letter received from Department Heads (16 Dept. Heads signed) and the four Unions expressing a concern of interaction with the Town Administrator. Mr. Vieira stated the Board has now received a letter from the Department Heads (10 Dept. Heads signed), signed by most of the them, stating "We the undersigned after meeting with the Town Administrator, Tim King on December 10, 2014, agree in the spirit of cooperation that our concerns are heard and will be addressed. We therefore request that our previous letter be held in abeyance. We look forward to working together with the Town Administrator cooperatively in the future to achieve common goals and objectives". Mr. Vieira stated that similar letters have been received from the Police Union, LAW-Local 254 (Town Hall, Cemetery & Dispatchers) and AFSCME Local 1701 (Highway) Unions. At this time, the Fire Union has not rendered a response and we are not sure if they want to be heard or not. Mr. Vieira called for any comments from Board members.

Mr. Ouellette stated that most people were not spoken to; there have been memos between the Town Administrator and Town Accountant; something big like the budget needs to be on the BOS Agenda and the Schools should be made aware; the budget proposal was not in our packets. Mr. Vieira stated there were meetings with the Department Heads; and we, as a Board, have had discussions in Executive Session and the budget was reviewed in Open Session over the last two to three months. Mr. Ouellette stated in Executive Session we discussed not to touch public safety but it was and most leaders were not spoken to as stated. Mr. Vieira stated for the record, we gave a directive to the Town Administrator regarding the budgets and it's impacts and to speak with the Unions and Departments. Mr. Vieira stated he personally sat in on a meeting where Mr. King spoke to the LAW Union about budgets and potential layoffs and stated there was not a vote of this Board, this was his proposal; so to say there was no vote of this Board is not the case. We spoke about adding additional money to people who would be taking on additional responsibilities; we are responding to Department Heads and there has been communications. Mr. Sullivan suggested there was no reason why we should have all this consternation; and asked if Mr. Vieira was suggesting there was no basis for these letters of no confidence. Mr. Vieira stated as a Board, we gave Mr. King direction on how to go forward with some of the challenges we were facing. Mr. Vieira stated Mr. King spoke with Department Heads and various Boards; we have not voted a reorganization, we have talked about the recommendations to the budget, the impacts and potential layoffs both in Open and Executive Session; this Board was aware of everything. Mr. Sullivan stated his understanding of what Mr. Vieira is saying, is there should be no consternation and as a Board, we were all privy to the direction given to the Town Administrator. Mr.

Vieira stated he was disappointed there was not better communications on both sides but as a Board, we should share part of that responsibility because we were giving direction to the Town Administrator. Mr. Ouellette stated that Mr. King came to the Board with what he thought we wanted him to do; in the meantime, we find out that there is \$1.9million available; why didn't Mr. King go to individual Department Heads with a figure to cut. Mr. Ouellette asked Mr. King if he went to the individual Department Head with a figure to cut; Mr. King responded no; Mr. Ouellette stated that is the problem, no communication. Mr. King stated that was not true, there was a lot of communication; he stated he looked at their proposals and put a budget together and spoke with them; he told them of possible reductions in their budgets and the possibility of significant layoffs. Mr. Ouellette asked if the individual departments were given an actual figure to cut from their budget rather than removing an employee or an option of working with you; Mr. King stated no. Mr. Dutra stated he saw the letters and thought it was unfortunate by some people who signed it and by-passing the vehicles used to communicate with the Board; but he was pleased at the request to hold those letters in abeyance; there were one to three Department Heads who did not sign the second letter; in reality, the BOS should have been made aware of the charges before that first letter; a grievance could have been filed; for himself, it was a budget they did not like, a process that could have gone differently but in reality, all this other stuff was piling on and led to this. Mr. Dutra stated he was pleased that the BOS Chairman and the Town Administrator worked together on handling this matter, getting cooler heads to prevail and willing to get back to working on this together. Mr. Dutra stated there is different ways to do a budget, we can say take it out of your budget, but we have not had a good track record in that area; as a Board, we have been responsive, Mr. Ouellette asked for a budget without layoffs once we received notice that we had Free Cash (digging in deeper than what our policy states) and Mr. King did that; again, we have the no layoff scenario, it was in front of us on Monday night, it is not that we have not entertained other scenarios, we are; we encouraged the Town Administrator to move ahead with his proposal and encouraged Department Heads to come forward with their alternative scenarios; everything is on the table, do we agree with revenue projections, do we agree that departments that chronically under-spent and not gone over-budget and that they should be given credit for doing that or should they be held accountable for what may be inflating our Free Cash. Mr. Dutra stated he felt it was a healthy process so far; it is not pleasant and may become more unpleasant as time moves on, but we have options on the table this year over last year. Last year, we had a collapsed time frame and a budget that was thrown into our laps without options. Mr. Dutra stated that he is predicting the Board won't vote on the budget that was submitted to us for several weeks. Last year, we were pushed into a corner, had a narrow range of options, we had less Free Cash and we banked a few things on a potential override, this year we are not doing that. Mr. Dutra stated he was glad the Department Heads signed their letter and are willing to come to the table to talk and assess this situation and we will be able to put some decent proposals forward, not just for our benefit or the Finance Committee but for Town Meeting's benefit; the last couple of years we were down to the wire without options, this year is different. Mr. Ouellette stated last time, we had proposals with Free Cash right from the beginning. Mr. Vieira stated for the record in speaking about Free Cash, would Mr. King update the Board on Free Cash. Mr. King stated that Free Cash is now at \$1.7million, there was a \$200,000. error involving a health insurance payment from the wrong account. Mr. Sullivan asked what the missing thing was; Mr. Vieira stated we don't have that answer yet but what was sent to the State by the Town to be certified was not correct and we questioned it; Mr. King was notified of the corrected amount today. Mr. Sullivan stated he agreed with Mr. Dutra in that, this is a much better situation than last year, we have a lot more cash and fewer obligations; in regards to communications, we have to take some of the blame, we gave Mr. King some big picture direction and we really did not visit the detail until he gave his presentation. Mr. Sullivan stated we wanted to start to fund some long-term items such as capital and OPEB; but he had no idea that we were taking \$750,000. of those two items, and stuffing them into the Town side of the

budget; that throws us in a deficit in a year when we have almost 4% (3.7%) more money in FY'16 than FY'15 plus the \$1.7million in Free Cash; we have created a dire situation on the Town side and we need to redirect Mr. King. Mr. Sullivan stated he would like to see some more alternatives. Mr. Sullivan stated he would like to get a start with some money going to Capital and Stabilization but to do it all in one year to the tune of 3/4's of a million dollars, is a surprise to him; does everybody understand that all that money came out of one-half of the budget and that is why we have less money, when we actually have more money. Mr. Sullivan stated he did not feel that was right; we can get a start on those things and make a big contribution into Stabilization and some money into Capital but the bulk has to come out of Free Cash. Mr. Vieira stated we need to look at gaps; we gave Mr. King a direction and we asked him to talk to the Unions and he did; the budget is based on what the Board told him; there was a lot of discussion with small groups and large groups and even the Finance Committee met with Mr. King and spoke to some groups and it is still ongoing and by next Monday night, we should have some information; we need to build a consensus. Mr. King and I have even sat down with Wes Norman, the Cemetery Department Head who is also a Union member and he came up with suggestions which could impact the Union he is a part of but he made suggestions in terms of moving forward with the Cemetery. Mr. Vieira stated there is a misunderstanding that the Town has a lot of money; right now, we are struggling with operating budgets even though we have more options this year and some flexibility; as a Board, we need to vote to give direction to the Town Administrator, we may have differences of opinion as individuals but we should respect the vote of the Board. Mr. Sullivan stated he only got the information a week ago. Mr. Vieira said to look at the revenues, there are gaps. Mr. Sullivan stated the numbers are what they are, the problem is we sent Mr. King on a mission, where we should have been more consultative throughout the whole process and he would have liked to see how this took shape, it is not fair to take 3/4's of a million dollars out of half of the budget. Mr. Vieira reviewed the letters that were submitted and stated some of it was due to the charge given to Mr. King by the Board. Mr. Sullivan asked if some members were being accused of sabotaging this process. Mr. Vieira cautioned if the shoe fits, so be it; we need to move forward and suggested looking at this as a glass half full not half empty. Mr. Spirlet stated he agreed with Mr. Dutra, especially when the letter of no confidence came in; this was not Mr. King's fault, he was just the bearer of bad news; the Board told him to stay within the budget, and then Mr. Ouellette asked for a budget with no layoffs; Mr. King was only the messenger, there was no reason why the Department Heads could not have come here or been placed on the agenda; everything has been public; we have gotten some money but we are always kicking the can; we have a problem with OPEB and snow removal, things we need to put money into; for example, Mr. King goes to the Police and Fire and tells them they are being cut "xx" amount of people, they should have worked on their budgets and then come to the Board with options; we could have reviewed it in public and the process would have been okay; our Free Cash is now changed to \$1.7million and we are floating numbers and trying to do the best we can. Mr. King stated Mr. Sullivan had a point, looking at OPEB level of contribution and the proposed level of local revenues being proposed for Capital improvements are good discussions; if the Board can settle on those and what the Board thinks is an appropriate level, it gives me and Department Heads a clearer idea on how much money we have left and by how much we need to reduce the budget. Mr. Sullivan stated in taking some responsibility, we needed to give more consultation, especially when we send someone out on a mission that is so very different from what we have done before and then not look at the result and tweak it and most importantly we need to follow up on our initiatives; we need to set goals and where we want to be financially in two to three years; a long-term view will help guide us; before our next meeting, we need to have guidelines distributed and this will help focus our discussions. Mr. Spirlet stated that Mr. King did not have the authority to layoff as suggested; the letters were a miscarriage of justice. **Motion** made by Mr. Spirlet to support the actions of Mr. King as directed by the Board. No second was received. Mr. Vieira stated the Board needs to look back at our last three meetings; we

talked about parts of the reorganization in public session; at one meeting, Mr. Sullivan was asked to back off on a discussion regarding the Cemetery and the Highway because we had not even talked to the Union. Mr. Sullivan stated we gave a direction but did not follow it through to its detail. Mr. Ouellette stated he did not agree, we should have gone to the Department Heads with numbers. Mr. King stated he sent out notices to the Department Heads on November 1st stating that budgets had to be back by December 1st, that left him one month to go over those budgets, to meet with the Department Heads and to get back to the Board on the Monday after Thanksgiving weekend, that is a very narrow time frame. Mr. King stated if he had known this, he would have started the process two months earlier; the Town needs an elongated process in order to have dialogue with the Department Heads on their budgets and what numbers were being looked. Mr. King stated he did not realize what a short time frame this left. Mr. Vieira stated we have a policy on handling one-time funds and we gave Mr. King a direction based on that; maybe this year is a good time to make an exception. Mr. Dutra stated we started early so we did not drop a budget on the FinCom before we digested House One. Mr. Dutra stated the Board was also constrained by tonight's agenda and half of the agenda (Department Heads) are not here. Mr. Ouellette stated he did want to give credit to Mr. Vieira and Mr. King for handling this matter right away; good job. Mr. Sullivan stated we have given direction to Mr. King to take a second look at how we address some of the one-time expenditures and the operating budget. Mr. King stated he would provide a couple of options on how to reduce those and how to increase the revenues for next meeting.

Motion made by Mr. Ouellette to adjourn the Board of Selectmen Meeting at 6:45 PM. Second by Mr. Dutra. The Board voted unanimously in favor.

Adjournment.

Respectfully submitted,

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

APPROVED: _____
R. Michael Sullivan, Clerk