

Town of Shirley

BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

Armand Deveau, Chair

David N. Swain, Vice Chair

Kendra J. Dumont, Clerk

TEL: (978) 425-2600, x200

Fax: (978) 425-2602

Selectmen@shirley-ma.gov

BOARD OF SELECTMEN MINUTES

of September 24, 2012

6:45pm

Ayer-Shirley Regional Middle School Auditorium

The Board of Selectmen convened its meeting on Monday, September 24, 2012. at the Ayer Shirley Regional Middle School Auditorium with Chairman Armand Deveau presiding and Selectmen David Swain and Kendra Dumont, Chief Administrative Officer David Berry and Town Counsel Gary Brackett in attendance.

CALL TO ORDER

Announcement: In addition to the SPACO audio and video taping of this meeting, the Board records the meeting with an audiotape player for the purpose of creating these minutes

TREASURY WARRANTS

Selectman Swain made the **Motion to accept the following Treasury Warrants as presented. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

NEW BUSINESS

1. Special Town Meeting Warrants

Selectman Swain made the **Motion to support Article 9 of the Special Town Meeting Warrant. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

Selectman Swain made the **Motion to support Line Items 422, 541 and 611 in Article 4 of the Special Town Meeting Warrant being contingent upon a Prop 2 ½ override election. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

2. Catacunemaug Road Culvert Project Contract

Having previously approved the contract with Onyx Corporation for the Catacunemaug Road Culvert Project contingent upon the receipt of all required documentation from Onyx, and upon being informed that all such documentation had been received, the Board executed the contract.

3. Appointment of Interim Chief

The Board briefly discussed the need to appoint an interim Police Chief to serve while Chief Massak is away on leave under the Family Medical Leave Act, beginning October 13, 2012 and lasting for up to six (6) weeks.

Selectman Swain asked whether there is a need for the Board to appoint an interim chief, since in the past the current chief had appointed an officer in charge during the chief's absences. It was pointed out that such absences had usually been of a relatively short duration, and not for several weeks.

Chairman Deveau informed the Board that Chief Massak had informed him earlier that day that day that the Chief's recommendation for an appointee would be Sergeant Violette, based on the Sergeant's seniority, and being the Chief's primary support and backup in such situations. Deveau noted that all three (3) Sergeants are qualified to serve as interim chief. He added that the appointment should cause the least disruption. Chairman Deveau stated that he appointee must live within 15 miles of Shirley, as required by the Chief's contract, and ideally work on the day shift already.

In response to an inquire, Town Counsel Gary Brackett responded that if the Chief's contract did not specify that the Chief makes the appointment of interim chief, the authority to make an appointment falls under the Board of Selectmen.

4. Purchase of a Dump Truck

After a brief discussion, Selectman Swain made the **Motion to approve the sole bid from Chapdelaine for the sale to the Town of a one-ton dump truck with a plow for a purchase price of \$46,543 less the trade-in value of \$4,000 for an old truck, for a net price of \$42,543. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

5. Prop 2 ½ Ballot Question and Election

After brief discussion, Selectman Swain made the Motion to place the following Prop 2 ½ question on an election ballot to be held on November 6, 2012, concurrently with the national elections. Selectman Dumont Seconded the Motion as follows:

Shall the Town of Shirley be allowed to assess an additional \$73,495 in real estate and personal property taxes for the purposes of funding the town of Shirley Police Department Salary, Wages & Hourly (Union) expenses, operating expenses associated with said salary expenses, and the Town's share of family health insurance coverage associated with said salary expenses, for the fiscal year beginning July 1, 2012?

David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.

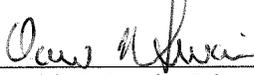
The Board agreed to submit to the State Department of Revenue (DOR) after November 6, 2012 a memorandum stating that the Board of Selectmen will not call another Prop 2 ½ Election for the purpose of voting on the above ballot question or its equivalent, if the November 6th election fails to approve the question. By so doing, as explained by the DOR, the Town will be able to set its tax rate shortly after the November 6th Election, and not have to wait the full ninety (90) days set by statute for the calling of an election after the Special Town Meeting. The ninety (90) days would delay the setting of the tax rate until December 24th, thus preventing the Town from setting the tax rate in time to collect the taxes in February. Instead, the taxes could not be collected until May, creating serious cash flow problems for the Town.

With no further business to discuss, **Selectman Swain made the Motion to adjourn the meeting at 10:15pm. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

Respectfully submitted,
Kathleen Rocco

Date Accepted: Oct 1, 2012

Armand Deveau, Chair



David N. Swain, Vice Chair



Kendra J. Dumont, Clerk