



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

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BOARD OF SELECTMEN MINUTES of February 25, 2013 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, February 25, 2013 at 7:00 p.m. at the Town Offices with Selectman David N. Swain as acting Chair, presiding. Selectman Kendra J. Dumont and Executive Assistant Kathleen Rocco were in attendance. Selectman Armand Deveau was not present.

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

Payroll warrant	# 0134	<u>02/20/13</u>	\$ <u>6,571.93</u>
Payroll warrant	# 6134	<u>02/20/13</u>	\$ <u>22,552.98</u>
Payroll warrant	# 9134	<u>02/20/13</u>	\$ <u>8,852.59</u>
Payroll warrant	# 0529	<u>02/20/13</u>	\$ <u>623.94</u>
Payroll warrant	# 9529	<u>02/20/13</u>	\$ <u>132.73</u>
Payroll warrant	# 0135	<u>02/27/13</u>	\$ <u>5,810.44</u>
Payroll warrant	# 6135	<u>02/27/13</u>	\$ <u>26,573.08</u>
Payroll warrant	# 9135	<u>02/27/13</u>	\$ <u>23,982.78</u>
Payable warrant	# 2343	<u>02/20/13</u>	\$ <u>154,862.85</u>
Payable warrant	# 2353	<u>02/27/13</u>	\$ <u>69,882.27</u>
Payable warrant	# 9373	<u>03/05/13</u>	\$ <u>412,500.00</u>

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

APPROVAL OF MINUTES

Selectman Dumont made the **Motion to accept the Minutes of February 11, 2013. Selectman Swain Seconded. David N. Swain vote Aye and Kendra J. Dumont vote Aye.**

NEW BUSINESS

1. Public Hearing – 7:05pm – Gravel Removal – Safety First, Inc.

Selectman Dumont made the **Motion to open the Public Hearing at 7:05pm. Selectman Swain Seconded. Kendra J. Dumont vote Aye and David N. Swain vote Aye.**

Selectman Dumont read into the Minutes, the Legal Notice as posted:

The Board of Selectmen will hold a Public Hearing at 7:05 p.m. on February 25, 2013 at the Town Offices, 7 Keady Way, for Application for Removal Permit for Soil, Loam, Sand, Gravel or Other Earth Products for: Safety First Patterson Road, Parcel 83 A 6.1, located on 39 Great Road. If you are unable to attend, please forward your written comments to the Board of Selectmen, 7 Keady Way, prior to the Public Hearing.

Selectmen reviewed the Gravel Removal Permit Request stating everything seemed in order. Selectman Swain noting there were no concerns with the Boards and Commissions and further seeing no comments from the audience; **Selectman Dumont made the Motion to close the public hearing at 7:08pm. Selectman Swain Seconded. Kendra J. Dumont vote Aye and David N. Swain vote Aye.**

Selectman Dumont made the **Motion to Approve the Gravel Removal Permit to Safety First Investments, located at 39 Great Road, for earth removal operations for parcel 83A6.1, not to exceed 5,000 cubic yards, permit to expire on December 31, 2013, and with the attached Order of Conditions. Selectman Swain Seconded. Kendra J. Dumont vote Aye and David N. Swain vote Aye.**

2. UMass Lowell – Devens Campus

Enrico Cappucci, the Selectmen's representative for JBOS, update the Board with the proposal of the UMass Lowell having Devens Campus. He asked that the Selectmen support this effort.

Selectman Dumont made the **Motion to support the towns of Ayer and Harvard in considering the locating the a satellite campus for UMass Lowell at Vicksburg Square on Devens. Selectman Swain seconded. Kendra J. Dumont vote Aye and David N. Swain vote Aye.**

3. Economic Development Committee

Enrico Cappucci and Jackie Esielonis gave an update on the recent activities of the Economic Development Committee and their efforts in applying for a DLT Grant through MRPC. Discussion on the Zoning Bylaw Assistance (Lancaster Road) and the Gateway Plan (Lancaster Road)

4. War Memorial Building Trustees

Teresa Richards, Trustee of the War Memorial Building and Norm Albert of the American Legion came before the Board to request help in paying the oil bills for this fiscal year. Mr. Albert read into the record the Shirley Legion's presence in the War Memorial Building.

Selectman Swain stated that at this time, the request from the War Memorial Building has been presented before Attorney Dan Murphy at the DOR and will go before Town Counsel, as well. Selectman Swain noted that the Selectmen support the Veterans, however there is an issue on requesting said funds and how the state law spells out how municipalities may expend public money, noting the Anti-Aid Amendment.

5. Shirley Wayside

Selectman Swain asked to have this tabled at this time.

6. Winslow Funds

Town Treasurer Kevin Johnston explained the purpose for the Selectmen to approve the CAC grant request. He noted that at this time there is approximately \$5,013.50 in the Winslow fund that can be expended. Selectmen stated that they would like to keep a certain percentage in reserve in case of emergencies.

Selectman Dumont made the **Motion to authorize the release of \$4000 to the Community Assistance Collaboration and \$400 to the Council on Aging through the Grace Winslow Trust Fund Earnings.** Selectman Swain Seconded. Kendra J. Dumont vote Aye and David N. Swain vote Aye.

7. Release of Lien – 11 South Street

Selectman Dumont made the **Motion to approve the Release of Lien from the Shirley Housing Improvement Program (SHIP) for Gertrude Carter, 11 South Street for property lien and Agreement which was dated on June 30, 1998, recorded through the Middlesex Southern Registry of Deeds in Book 29390, Page 394.** Selectman Swain Seconded. Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont made the **Motion to approve the Release of Lien from the Shirley Housing Improvement Program (SHIP) for Gertrude Carter, 11 South Street for property lien and Agreement which was dated on June 9, 1999, recorded through the Middlesex Southern Registry of Deeds in Book 30392, Page 063.** Selectman Swain Seconded. Kendra J. Dumont vote Aye and David N. Swain vote Aye.

8. Hill Lane Refinance

Selectman Swain explained that the owners of 5 Hill Lane are trying to refinance their home, however, this property has a deed rider restriction, in which the Board of Selectmen must approve their request. The Town can allow up to 67% of the appraised value of the home. Executive Assistant Kathleen Rocco confirmed with the Principal Assessor, Rebecca Boucher, the amount allowed to refinance was \$167,165.

Selectman Dumont made the **Motion to approve the Refinance of Property located on 5 Hill Lane, Shirley to Andrew and Francine Winslow, in the amount not to exceed One Hundred Sixty-Seven Thousand and One Hundred Sixty-Five Dollars (\$167,165). Selectman Swain Seconded. Kendra J. Dumont vote Aye, and David N. Swain vote Aye.**

9. Driveway Permit

Selectman Dumont made the **Motion to approve the Application for Permit "To Construct &/or Blacktop Driveway or Accessway" on Lot 28 – 8 Gideon Lane for Leif Ronaldson, with the attached Order of Conditions. Selectman Swain Seconded. Kendra J. Dumont vote Aye and David N. Swain vote Aye.**

With no further business to discuss, **Motion and Seconded to adjourn at 8:05 p.m., David N. Swain vote Aye, Kendra J. Dumont vote Aye .**

Respectfully submitted,
Kathleen Rocco

Date Accepted: 3/11/13

Armand Deveau, Chair

David N. Swain
David N. Swain, Vice Chair

Kendra J. Dumont
Kendra J. Dumont, Clerk