

Town of Shirley

BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

David N. Swain, Chair

Kendra J. Dumont, Vice Chair

Robert E. Prescott, Jr. Clerk

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BOARD OF SELECTMEN MINUTES of May 6, 2013 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, May 6, 2013 at the Town Offices with Chairman David N. Swain presiding, with Selectmen Kendra J. Dumont and Robert E. Prescott, Jr. and Executive Assistant Kathleen Rocco in attendance.

CALL TO ORDER

Chairman Swain called to Order the Board of Selectmen's Meeting at 7:00pm

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	# <u>0145</u>	<u>05/08/13</u>	\$ <u>7,412.17</u>
Payroll warrant	# <u>6145</u>	<u>05/08/13</u>	\$ <u>23,016.86</u>
Payroll warrant	# <u>9145</u>	<u>05/08/13</u>	\$ <u>8,823.57</u>
Payable warrant	# <u>2453</u>	<u>05/08/13</u>	\$ <u>96,236.55</u>

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

APPROVAL OF MINUTES

Selectman Dumont made the **Motion to accept the Minutes of April 22, 2013 and April 29, 2013.**
Selectman Dumont Seconded. Kendra J. Dumont vote Aye and David N. Swain vote Aye.

NEW BUSINESS

1. 7:05 Public Hearing for Phoenix Bar & Grill Alteration of Licensed Premise

Selectman Dumont made the Motion to open the Public Hearing at 7:12 pm. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.

Selectman Prescott read the legal notice into the minutes:

The Board of Selectmen will hold a Public Hearing at 7:12 p.m. on Monday, May 6, 2013, at the Town Offices, 7 Keady Way, to discuss alteration of premise for the Phoenix Bar and Grill, located at 4 Ayer Road, Shirley, MA. If you are unable to attend, please forward your written comments to the Board of Selectmen, 7 Keady Way, prior to the Public Hearing.

Executive Assistant Kathleen Rocco noted that there were no public comments.

Phoenix Bar & Grill owners, Jay Howlett and Ed Sherwin were present to answer questions from the Board of Selectmen, regarding their application for alteration of premise. Mr. Sherwin stated that their intention is to build an outdoor patio.

Selectman Dumont had questions about having bands playing outside, due to the noise, she had concerns with the houses nearby. Mr. Sherwin stated that was not their intention, nor can any of the houses see the patio area. The patio area will be removed in the winter. Seating capacity will be approximately 20 people.

Selectman Dumont made the **Motion to close the public hearing at 7:19pm.** **Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.**

Selectman Dumont made the **Motion to approve the Phoenix Bar & Grill patio area as presented.** **Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.**

2. Sign the Warrant for the Annual Town Meeting

1. Accept Annual Town Report

Selectman Dumont made the Motion to take Favorable Action on Article 1.

Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote

- Aye and David N. Swain vote Aye.
2. *Amend Fiscal Year 2013 Budget Vote*
Selectman Dumont made the Motion to take Favorable Action on Article 2. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
 3. *Amend Appropriations for the Current Fiscal Year*
Selectman Dumont made the Motion to take Favorable Action on Article 3. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
 4. *Accept Local Option Meals Excise Tax*
Selectman Dumont made the Motion to take Favorable Action on Article 4. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
 5. *Accept Salary Classification Plan and FY2014 Wage Scale*
Selectman Dumont made the Motion to take Favorable Action on Article 5. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
 7. *Appropriate Omnibus for War Memorial Trustees' Budget*
Selectman Dumont made the Motion to Defer Article 7 to Annual Town Meeting. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
 8. *Appropriate Omnibus Sewer Department Budget for FY2014*
Selectman Dumont made the Motion to take Favorable Action on Article 8. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
 9. *Appropriate Omnibus Ambulance Department Budget for FY2014*
Selectman Dumont made the Motion to take Favorable Action on Article 9. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
 10. *Appropriate Omnibus Curbside Solid Waste/Recycling Budget for FY2014*
Selectman Dumont made the Motion to take Favorable Action on Article 10. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
 11. *Fund Capital Improvement Plan (CIP) Stabilization Plan*
Selectman Dumont made the Motion to remove Article 11 from the Annual Town Meeting Warrant. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
 12. *Approve Five-year Capital Improvement Plan & Capital Budget for FY2014*
Selectman Dumont made the Motion to take Favorable Action on Article 12. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
 13. *Appropriate Capital Budget for FY2014*
Selectman Dumont made the Motion to approve the Capital Exclusion for the amount of \$160,000 for the purchase of the International Plow Sander Dump Truck as presented. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
Selectman Dumont made the Motion to take Favorable Action on Article 13. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.

14. *Repurpose Capital Plan for War Memorial Building*
Selectman Dumont made the Motion to Defer Article 14 to Annual Town Meeting. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
15. *Authorize Transfers for Managing Debt*
Selectman Dumont made the Motion to take Favorable Action on Article 15. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
16. *Renew Limited Additional Property Tax Exemption*
Selectman Dumont made the Motion to take Favorable Action on Article 16. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
17. *Accept Solar Transmission Lease*
Selectman Dumont made the Motion to take Favorable Action on Article 17. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
18. *Accept Deed or Deeds on Abigail Lane, Map 97, Parcel B*
Selectman Dumont made the Motion to take Favorable Action on Article 18. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
19. *Sale/Conveyance of Land – Main Street- Municipal Parking Lot*
Selectman Dumont made the Motion to take Favorable Action on Article 19. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
20. *Establish and Re-establish Department Revolving Funds*
Selectman Dumont made the Motion to take Favorable Action on Article 20. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
21. *Appropriate Chapter 90 Funds*
Selectman Dumont made the Motion to take Favorable Action on Article 21. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
22. *Transfer to the Stabilization Fund for FY2014*
Selectman Dumont made the Motion to take Favorable Action on Article 22. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.
- 6 *Appropriate Omnibus Operating Budget for FY2014*

Line 129 – Town Administrator

Selectman Dumont made the Motion on Line 129 to adjust the budget to \$92,366. Selectman Prescott Seconded. Dumont vote Aye, Prescott vote Aye and Swain vote Aye.

Line 211 – Police Department

Selectman Dumont made the Motion not to approve a new Police Officer with deepest regrets of \$29,670.88. Selectman Prescott Seconded. Dumont vote Aye, Prescott vote Aye and Swain vote Aye.

Selectman Dumont made the Motion not to the requested expenses increase and the recommended amount be \$95,993.00. Seconded. Dumont vote Aye, Prescott vote Aye and Swain vote Aye.

Line 422 – Department of Public Works

Selectman Dumont made the Motion to support the Seasonal Worker subject to a 2 ½ override. Seconded. Dumont vote Aye, Prescott vote Aye and Swain vote Aye.

Line 541 – Council on Aging

Selectman Dumont made the Motion to level fund line item 541, (remove the requested line item of outreach worker, custodian and increase in expenses for a total \$9,055). Seconded. Dumont vote Aye, Prescott vote Aye and Swain vote Aye.

Line 914 – Group Health/Life Insurance

Selectman Dumont made the Motion in Line 914 for a reduction of \$18,500 leaving a the total amount to \$668,500. Seconded. Dumont vote Aye, Prescott vote Aye and Swain vote Aye.

Line 915 – Longevity Pay

Selectman Dumont made the Motion to remove Line 915. Seconded. Dumont vote Aye, Prescott vote Aye and Swain vote Aye.

Selectman Dumont made the Motion for favorable action as amended for Article 6. Selectman Prescott Seconded. Kendra J. Dumont vote aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.

3. Charitable Foundation – Concerts/Flags

Ron Marchetti and Kevin Johnston of the Shirley Charitable Foundation, updated the Board of Selectmen on the upcoming Summer Concert Schedule. Mr. Marchetti noted that this is their 10th year doing the Summer Concerts, and they have scheduled 5 concerts for this summer. Chairman Swain noted that the first concert will be June 28th at 6:30pm, with the food and concession stands opening at 6:00pm.

Selectman Dumont made the **Motion to approve the Summer Concert Schedule put on by the Shirley Charitable Foundation. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.**

Mr. Marchetti spoke about the flag project to refurbish all the avenue of flags, and expanding past the Village and extending the flags at the Center. He stated that they Shirley Charitable has met with the Historical District Committee, and the DPW.

Selectman Dumont made the **Motion to support the extension of the Flags up to the Old Center Town Common. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.**

4. Letter to the Governor – re MCI Mitigation Funds

Town Treasurer Kevin Johnston spoke to the Board of Selectmen regarding the crafting of a letter to the Governor regarding the MCI Mitigation Funds. Chairman Swain noted that after Representative Benson and Senator Eldridge's visit as the Selectmen's last meeting; it might be a good idea to start a letter campaign to the Governor regarding the return of the MCI Funds from last year as well as this year. Mr. Johnston stated that he is crafting a letter but is drawing on information from the Mayor of Gardener's letter, regarding the return of the MCI Funds.

Chairman Swain noted that this is the first time the Selectmen has seen this letter, and would like it back on the agenda for next week. Selectman Dumont would like to see a sample letter as well for the general public. Mr. Johnston stated that he will craft a different letter for the general public, being a little more generic than those from Departments and Selectmen.

OLD BUSINESS -NONE

PUBLIC COMMENTS - None

ANNOUNCEMENTS

Next BOS meeting is May 13, 2013

EXECUTIVE SESSION

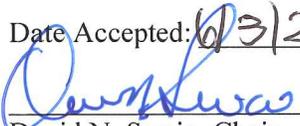
Selectman Dumont made the Motion to go into Executive Session under M.G.L. Chapter 30A, §21 (2) at 9:20pm. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.

ADJOURNMENT

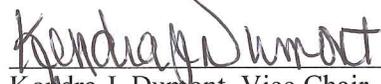
With no further business to discuss, **Motion and Seconded to adjourn at 10:18 p.m., Robert E. Prescott vote Aye, David N. Swain vote Aye, and Kendra J. Dumont vote Aye .**

Respectfully submitted,
Kathleen Rocco

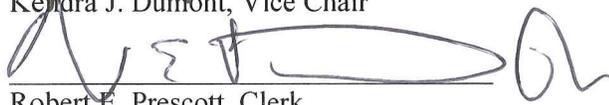
Date Accepted: 6/3/2013



David N. Swain, Chair



Kendra J. Dumont, Vice Chair



Robert E. Prescott, Clerk

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.