

# Town of Shirley

## BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

*Kendra J. Dumont, Chair*

*Robert E. Prescott, Jr., Vice Chair*

*David N. Swain, Clerk*

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### BOARD OF SELECTMEN MINUTES October 28, 2013 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, October 28, 2013 at the Town Offices, Meeting Rooms A & B, with Chairman Kendra J. Dumont presiding, with Selectmen David N. Swain, Robert E. Prescott, and Town Administrator Patrice Garvin in attendance.

#### CALL TO ORDER

Chairman Dumont 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*

#### TOWN ADMINISTRATOR REPORT

Town Administrator Patrice Garvin reviewed with the Board of Selectmen, her weekly report. She noted in her report that she has begun to schedule meetings with Public Safety, Department Heads and Finance Team in preparations of the FY15 Budget. She also reported that the MCI monies will not arrive in time for the Fall STM, noting that the monies will be released in January. Selectman Swain voiced his disappointment in the Patrick Administration regarding those funds.

Town Administrator Garvin has drafted the Motions for the STM, and has forwarded them to the Town Moderator as well as Town Counsel for review. She further noted that the Capital Stabilization number is estimated at \$29,000 and for the General Stabilization - \$69,000. These monies are realized through new growth and the cherry sheet.

She has asked that the CORIs be centralized under the Town Administrator's office and the Board of Selectmen adopt the CORI Policy.

Goals and Objectives Template has been included in the Town Administrator's packet for the Board's review. Chairman Dumont suggested that the Selectman and Town Administrator Garvin have a working session regarding the goals and objectives. Garvin proposed that the goals and objectives be done on an annual basis after each local election in May.

TA Garvin reported that after meeting with the Master Planning Committee and the Finance Team, it is her recommendation that the Town consider purchasing a Drop-off Box, which will allow residents to drop off tax bills, surveys and census information when the building is closed.

The Town Administrator job description is requiring the TA be the ADA Coordinator for the Town. Selectman Prescott made the *Motion to appoint Patrice Garvin as the ADA Coordinator, term to expire June 30, 2014. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

She reported that the vacancy for the position of Conservation Agent has been listed on line with the MMA. Further, TA Garvin will be assisting the Conservation Commission with the job search and will be sitting in on the interviews of the candidates.

<b>TREASURY WARRANTS</b>
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Payroll warrant	<u># 0118</u>	<u>10/30/13</u>	<u>\$ 5,517.19</u>
Payroll warrant	<u># 6118</u>	<u>10/30/13</u>	<u>\$ 24,882.73</u>
Payroll warrant	<u># 9118</u>	<u>10/30/13</u>	<u>\$ 25,993.89</u>
Payable warrant	<u># 2184</u>	<u>10/30/13</u>	<u>\$ 138,871.06</u>
Payable warrant	<u># 9224</u>	<u>11/05/13</u>	<u>\$ 444,278.59</u>

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

<b>APPROVAL OF MINUTES</b>
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Selectman Prescott made the *Motion to accept the Minutes of October 21, 2013. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

<b>OLD BUSINESS</b>
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1. War Memorial Building Lease

War Memorial Trustees Theresa Richards and Norm Albert came before the Board to review the War Memorial Building Lease between the Town and the American Legion. The Trustees noted some concern with Section 14 regarding the phrase “landlord may...” Town Counsel had concern with no notice – advisable to give the legion a 24 hour notice. Trustees are very amendable to what needs to be done.

Further discussion on the typos in the Lease and E-Board’s concern with some of the language in the lease, (ie. *will vs shall*). Chairman Dumont asked for a Motion to accept the lease.

Selectman Prescott made the Motion to accept the War Memorial Lease as presented by Town Counsel. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Theresa Richards noted that the American Legion E-Board had concerns with wording and the legal interpretations of such.

Selectman Swain asked that the Motion just made be amended to read "...Lease as to form, as presented to Town Counsel."

Town Administrator Garvin requested that the approval of the War Memorial Building Lease be held off, until the Lease can be cleaned up and then she will bring it back to the Board of Selectmen for their approval.

2. Adopt STM Warrant

Chairman Dumont noted that on Article One is to transfer \$29,000 into the Capital Stabilization Fund, and on Article Two is to transfer \$60,000 into the General Stabilization Fund.

Selectman Swain made the *Motion to recommend favorable action for Article One of the Special Town Meeting Warrant. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

Selectman Swain made the *Motion to recommend favorable action for Article Two of the Special Town Meeting Warrant. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

Selectman Swain made the *Motion to post the Warrant for Special Town Meeting for Monday, November 18, 2013 at the Ayer-Shirley Regional Middle School at 7:15pm. Selectman Prescott Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

3. Adopt CORI Policy

Selectman Prescott made the *Motion to adopt the Criminal Offender Record Information (CORI) Policy as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

4. Amended Driveway Permit – 20 Townsend Road (formally Lot 2)

The Board of Selectmen reviewed the Amended Driveway Permit for 20 Townsend Road. The applicant, Dan Gardner has decided after his initial driveway permit was approved by the Selectmen on October 7, 2013, would need to be relocated, noting that relocating the driveway would better accommodate the house location. The Department of Public Works has no issues with this request.

Selectman Prescott made the *Motion to approve the Amended Application for Permit "to construct &/or Blacktop Driveway or Accessway", as presented, with the attached Order of Conditions. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

5. Energy Committee Update

Bryan Dumont, Chair of the Energy Committee updated the Board of Selectmen on the Purchase and Sale Agreement regarding the Street Lighting. He noted that Town Counsel has reviewed the P & S agreement and had no issues. Selectman Swain asked Mr. Dumont about the cost to purchase the Street Lights from National Grid. Mr. Dumont stated the Town of Shirley will purchase 209 street lights in the amount of \$1.00. Mr. Dumont noted that of the 26% energy savings for the Town, the street lights are 66% of that savings.

Selectman Prescott made the *Motion to accept the Purchase and Sale Agreement for the Street Lights as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

Bryan Dumont gave an update on the Retro-Fitting of the lights as well as the building envelope of the town owned buildings. He noted that the Town Offices will be done in three phases with respect to the blown in insulation. He stated that Phase III, Building Inspector's Office and Planning Board Office, will be the largest area to do, is scheduled for November 28<sup>th</sup>. Prepping that area will take time, and Town Administrator Garvin is requesting the clearing and moving of the offices be done by the end of business on that Tuesday, November 26<sup>th</sup>, and the Town Offices be closed on Wednesday, November 27<sup>th</sup> and Friday, November 29<sup>th</sup>.

Selectman Swain made the *Motion to close the Town Offices to the employees and the public on November 27<sup>th</sup> and November 29<sup>th</sup>, to allow ABM to do the work as required. Selectman Prescott Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

<b>NEW BUSINESS</b>
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6. Road Crossing & Pavement Cut – 19 Brown Road

Selectman Swain asked where Pole #19 is on the National Grid's drawing.

Selectman Prescott made the *Motion to approve the Road Crossing & Pavement Cut for Pole #19 Brown Road for gas service, provided that National Grid submitted an updated plan showing Pole 19, as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

7. Winter Parking Ban

The Shirley Police Department are seeking the Board of Selectmen's approval for the Town of Shirley Winter Parking Ban that will take effect on November 15, 2013 through April 15, 2014. This enables the Department of Public Works to have cars towed that are parked on a public way and also those parked on the Street during a snowstorm.

Selectman Swain made the *Motion to adopt the Town of Shirley's Winter Parking Ban that will take effect from November 15, 2013 through April 15, 2014. Selectman Prescott Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

#### PUBLIC COMMENTS

Selectman Prescott gave an update on JBOS that he has been attending. He stated that the issue of self government in Devens which would include Ayer, Shirley and Devens, is picking up steam. There will be a round table on November 14<sup>th</sup>, to be held in Ayer to discuss the pros and cons on self-government, with the understanding on leaving MassDevelopment in place.

Norm Albert spoke about his concern on the parking of cars on the corner of Mill Street and Front Street. He would like to see some restriction of the parking in this area, as it has become a safety concern. Selectman Swain concurred and asked that this be deferred to the Police Chief as well as the DPW.

#### ANNOUNCEMENTS

Next Board of Selectmen's Meeting is Monday, November 4, 2013.  
Special Town Meeting is Monday, November 18, 2013 at 7:15pm, ASRSD Middle School Auditorium.

#### ADJOURNMENT

With no further business to discuss, *Motion and Seconded to adjourn at 7:55 p.m., Robert E. Prescott vote Aye, David N. Swain vote Aye, and Kendra J. Dumont vote Aye .*

Respectfully submitted,  
Kathleen Rocco

Date Accepted: 12/2/13

Kendra J. Dumont  
Kendra J. Dumont, Chair

Robert E. Prescott Jr.  
Robert E. Prescott Jr., Vice Chair

David N. Swain  
David N. Swain, 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.*