

# 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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[Selectmen@shirley-ma.gov](mailto:Selectmen@shirley-ma.gov)

### BOARD OF SELECTMEN MINUTES of September 30, 2013 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, September 30, 2013 at the Town Offices with Chairman Kendra J. Dumont presiding, with Selectmen David N. Swain, Robert E. Prescott and Executive Assistant Kathleen Rocco 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*

#### TREASURY WARRANTS

|                               |                 |                      |
|-------------------------------|-----------------|----------------------|
| Payroll warrant # <u>0114</u> | <u>10/02/13</u> | \$ <u>5,130.23</u>   |
| Payroll warrant # <u>6114</u> | <u>10/02/13</u> | \$ <u>22,598.82</u>  |
| Payroll warrant # <u>9114</u> | <u>10/02/13</u> | \$ <u>8,400.61</u>   |
| Payable warrant# <u>2144</u>  | <u>10/02/13</u> | \$ <u>322,989.92</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..*

#### APPROVAL OF MINUTES

Selectman Prescott made the *Motion to accept the Minutes of September 23, 2013. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

**NEW BUSINESS**

1. 7:05 Pole Hearing - Lancaster Road

Selectman Prescott made the Motion to open the Pole Hearing at 7:05pm. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Swain read into the Minutes the Pole Hearing Legal Notice:

*The Shirley Board of Selectmen will hold a public hearing on Monday, August 19, 2013, at 7:05 p.m., at the Town Offices, 7 Keady Way for Verizon New England, Inc., and Massachusetts Electric Company, to discuss on Lancaster Road on the westerly sideline, the placement of a new J Pole numbered 45 ¼ approximately 93 feet south from the center line of Mountain Laurel Circle. Persons unable to attend the public hearing, may forward their comments in writing to the Board of Selectmen, 7 Keady Way, Shirley, MA 01464 prior to the hearing.*

Seeing no comments

Selectman Prescott made the Motion to close the Pole Hearing. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Prescott made the Motion to approve the Order for Joint Pole Relocation for Lancaster Road, On the Westerly sideline, place new pole No. 45 ¼ approximately 93 feet south from the center line of Mountain Laurel Circle.

2. Joint Election – Planning Board

Selectman Swain made the Motion to nominate Heather Hampson as member to the Planning Board. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Chairman Dumont noted that she had talked to the Chair of Planning Board, Jonathan Greeno, and asked if the candidate had gone through State Ethics, as she is currently the ZBA Clerk. Mr. Greeno stated that their administrative assistant had called the State Ethics Board and acknowledged that Heather Hampson will have to file a disclosure with the appointing authority.

Selectman Swain made the Motion to appoint Heather Hampson to the Planning Board, term to expire May 13, 2014. Selectman Prescott Seconded. Robert E. Prescott vote aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Planning Board Chair, Jonathan Greeno made the Motion to Nominate Heather Hampson as member to the Planning Board. Seconded. Tim Bresnahan vote Aye, Susan Synder vote Aye, Bill Carroll vote Aye and Jonathan Greeno vote Aye.

Planning Board Chair, Jonathan Greeno made the Motion to appoint Heather Hampson as member to the Planning Board, term to expire May 13, 2014. Seconded. Tim Bresnahan vote Aye, Susan Synder vote Aye, Bill Carroll vote Aye and Jonathan Greeno vote Aye.

3. Request for Use of Legal Counsel – Planning Board

Planning Board Chair, Jonathan Greeno had presented to the Board of Selectmen a packet regarding the need for Town Counsel review on 206 A Great Road, Special Permits and if refunds are due to the property owner. (See Attached). The special permits for this property dates back to nearly twenty years.

Local Building Inspector Butch Farrar was present to answer questions concerning the permitting. He noted that in 2005 it was in his opinion that the Special Permit needed to be renewed because the foundation had never been inspected or signed off. It is in his opinion that this left the Special Permit open.

Planning Board would like to use their attorneys, Kopelman and Paige, but would ask that the Board of Selectmen's Legal Expense line pay for the attorneys, since the expense line in the Planning Board only has \$1000 for the Fiscal Year.

Selectman Prescott asked that the Planning Board get a quote from their attorneys prior to the Selectmen's approval.

4. Economic Development Committee – Tabled

5. Road Crossing & Pavement Cut

Selectman Prescott made the Motion to approve the Road Crossing and Pavement Cut for 4 School Street, as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Prescott made the Motion to approve the Road Crossing and Pavement Cut for 70 Ayer Road, as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye

Selectman Swain made the Motion to approve the Road Crossing and Pavement Cut for 9 Parker Road, and waive the flat fee of \$50.00, as this is a Town Owned Building, as presented. Selectman Prescott Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye

**OLD BUSINESS - None**

**PUBLIC COMMENTS - None**

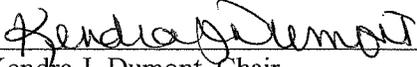
**ANNOUNCEMENTS**

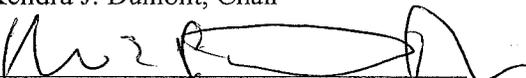
**ADJOURNMENT**

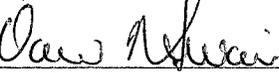
With no further business to discuss, *Motion and Seconded to adjourn at 7:30 p.m., Robert E. Prescott vote Aye, David N. Swain vote Aye, and Kendra J. Dumont vote Aye .*

Respectfully submitted,  
Kathleen Rocco

Date Accepted: 10/7/2013

  
Kendra J. Dumont, Chair

  
Robert E. Prescott Jr., Vice Chair

  
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.*