

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

April 14, 2014
7:00pm

TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, April 14, 2014, at the Town Offices, Meeting Rooms A & B, with Chairman Kendra J. Dumont presiding, with Selectmen David N. Swain, Robert E. Prescott, Town Administrator Patrice Garvin and Executive Assistant Kathleen Rocco in attendance.

CALL TO ORDER

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

TOWN ADMINISTRATOR REPORT

The Town Administrator reported that she met with Finance Committee to discuss the FY15 budget and Town Meeting. She will have Warrant mailed to all Shirley residents. To help with the cost of printing and mailing the Annual Town Meeting Warrant, additional information packet will be handed out to residents at Town Meeting.

TA Garvin has attached information on a new bylaw entitled Integrated Planning Overlay District on Lancaster Road. There is a public hearing scheduled for May 7th with the Planning Board to consider an Article for the Town Meeting Warrant. This Article was brought forth by the Economic Development Committee. The Article has been a place holder on the Warrant and was scheduled to go before the Planning Board on April 2nd, however the April 2nd Planning Board Meeting was cancelled, thus delaying the hearing of the Article until May 7th. Once finalized, all the information will be on file with the Town Clerk's office.

Garvin attached the Ayer Shirley Regional School District's Certified FY15 Budget for Selectmen's review. The School's Assessment is an increase of 8.6%, compared to the 4.88% increase the Town has budgeted. Ongoing discussions are occurring on this matter and the TA will keep the Board informed of those discussions as Town Meeting gets closer. Garvin stated she will be attending Ayer's Town Meeting on May 12th.

The Finance Team met with a representative from Middlesex Retirement last Wednesday. It was a very informative meeting and the Team learned a lot about recent changes to the MA Pension Laws. The Team

also learned that the town may see a change in the Actuarial Evaluation for FY2016. There will be a meeting to discuss this change on May 14, 2104, which she will be attending.

The ZBA Assistant has vacated the position and Town Administrator Garvin had spoken with the ZBA Chair. She discussed waiting until after the Town Meeting to review and fill the position. Ongoing discussion is occurring on what to do in the interim. She will bring the final proposal to the Board regarding the interim decision by Monday, April 28th.

The Department Head Meeting was rescheduled to this week due to the arrival of the Auditors. The Auditors' arrival strained the staff's time and made more sense to reschedule.

The Support Staff Meeting is scheduled for April 28th at 2:00pm.

She noted that the Bylaw Review Committee will hold off on the Police Regulations Bylaw until the New Police Chief has been hired.

The Public Hearing for the Annual Town Meeting Warrant will is scheduled for Monday, April 28th.

Finally, she noted that her April Report to the Residents of Shirley in on the Town's webpage.

TREASURY WARRANTS

Payroll warrant	<u># 142</u>	<u>4/16/14</u>	<u>\$ 4,961.07</u>
Payroll warrant	<u>#6142</u>	<u>4/16/14</u>	<u>\$ 23,826.88</u>
Payroll warrant	<u>#9142</u>	<u>4/16/14</u>	<u>\$ 8,923.25</u>
Payable warrant	<u>#9454</u>	<u>4/14/14</u>	<u>\$ 52.50</u>
Payable warrant	<u>#2424</u>	<u>4/16/14</u>	<u>\$118,158.56</u>

Selectman Prescott made the *Motion to approve 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 approve the Minutes of April 7, 2014. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

OLD BUSINESS

1. Energy Committee Update- Tabled.

NEW BUSINESS

2. Appointments-James Yocum, Democrat to the Board of Registrars; EMT Tyler Farley

Selectman Prescott Moved to approve the Appointment of James Yocum as the Democrat to the Board of Registrars, term to expire June 30, 2017. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Prescott Moved to approve the Appointment of Tyler Farley as an EMT, term to expire on June 30, 2014, subject to probationary period of 6 months. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

3. American Legion – Memorial Day

The Board of Selectmen were in receipt of a letter from the American Legion regarding the Memorial Day Activities.

Chairman Dumont read the American Legion's Commander Lewis Criess Letter for the record:

American Legion Post 183, Shirley, MA, has met and by a vote of members, regrets to inform the town that it will not be able to plan or implement the Town's Memorial Day activities including the parade and reception.

The American Legion Post 183 will conduct brief Memorial Ceremonies at the cemeteries and the bridge to honor our departed comrades, but that is the extent of our engagement this year.

The American Legion Post 183 does not have sufficient active membership to support a parade or luncheon as it has in the past years. We hope that the Town will plan and conduct these activities, remembering the importance of and the solemn occasion of the day to honor those who gave their lives during combat operations in defense of our country.

Should the Town desire to use the War Memorial Building for a luncheon, please notify the Legion so that we can reserve the facility for the Town's use. As with all War Memorial rentals, it will be the responsibility of those who reserve the facilities to set up before the event and clean the facility after use.

TA Garvin noted that she did email and invite Commander Criess to the Selectmen's meeting for his opportunity to give input on the issue.

Chairman Dumont read Commander Criess's response to TA Garvin, for the record:

Good Evening: The item on the BOS agenda should read, "Memorial Day" not Legion Memorial Day. The Legion membership has made their position perfectly clear. It now is up to the Town of Shirley to decide if they want to conduct the other activities associated with Memorial Day observances. The Legion letter to the BOS along with the answers provided to your questions of 10 April should prove the BOS with sufficient information to initiate planning by the Town. There is no further input, negotiation, or discussion required. Neither myself nor any member of American Legion Post 183 will be attending the meeting as a spokesperson for Post 183 to address this subject. I want to make it perfectly clear that I, as the Commander of Post 183, am the only person authorized to speak for the Post on this matter. I am hopeful that the Town will acknowledge it's responsibility and initiate appropriate actions as required. Lou Criess, Commander, Post 183

Chairman Dumont noted that she was stunned by the letter, since Memorial Day is only 6 weeks away. She further stated that she was taken back by the negativity and tone in the matter. She had worked with other Commanders in the past and never had this response. It was noted that the BOS take great offense to this letter.

Selectman Swain echoed Dumont's displeasure and also stunned at the timing of the letter. He stated that the parade has always been under the Legion. Stating that the Selectmen has always been very supportive of the Veterans.

Chairman Dumont recommended that the town form a Committee for Parades and Celebrations.

Selectmen Prescott stated that he asked past Board of Selectmen about Memorial Day, and found that the Legion always organized Memorial Day events. Prescott stated that he would like to see something good and positive come out this.

4. Town Counsel Discussion

After reviewing what Kopelman and Paige had to offer as Town Counsel for the Town Shirley; Chairman Dumont stated that it made sense to switch from Brackett & Lucas to them. She met with Attorney Goldberg and was impressed with her knowledge.

Town Administrator Garvin stated that the lead counsel will be Attorney Lauren Goldberg. Garvin also noted that she further negotiated a reasonable retainer fee for Town Counsel services.

Selectman Swain repeated his praise for Kopelman and Paige as they have a breadth and depth of knowledge.

Selectman Swain Moved that the Selectmen enter into Agreement with Kopelman & Paige as Town Counsel until June 30, 2015. Selectman Prescott seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

5. Economic Development Committee Vacancy Discussion

Selectman Prescott spoke about the Economic Development Committee noting that the Committee has lost some of their members, and has been difficult to get a quorum for their meetings. Selectman Prescott recommended that Bryan Dumont be appointed to that Committee, stating that he would be a great addition noting his involvement with the Energy Committee.

Chairman Dumont noted that Selectman Prescott would be a great addition to the Committee as well.

Selectman Swain Moved to appoint Bryan Dumont to the Economic Development Committee, term to expire June 30, 2015. Selectman Prescott Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont Abstains.

Selectman Swain Moved to appoint Robert Prescott to the Economic Development Committee, term to expire June 30, 2015. Chairman Dumont Seconded. David N. Swain vote Aye and Kendra J. Dumont vote Aye.

6. JBOS Discussion

Selectman Prescott noted that at the last JBOS meeting that he attended, the question rose again regarding the initiative for an Overlay Governance of the Devens Regional Enterprise Zone and should the Selectmen vote to bring the question to a Town Meeting. Both Dumont and Swain had no issues with this going before a Special town Meeting, as long as residents of Devens are polled.

Selectman Swain Moved to put the question of an Overlay District regarding the Devens Regional Enterprise Zone, on a Town Meeting Warrant. Chairman Dumont Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Swain Moved to poll the Devens Residents with regard to governing of Devens. Chairman Dumont Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

7. Kittredge Road Bid Proposal

Town Administrator Garvin reported that the Town received one bid regarding the Parcel 82-C-6, Kittredge Road. Both the Town Accountant and Town Clerk were present at the bid opening. She reported that the bid offer was \$500 for said property, noting that the property is an unbuildable lot with the R1 zoning district which abuts the bidders' property. The Property is worth approximately \$500 and the legal costs are around \$1500. Selectman Swain recommended that the Selectmen meet in executive session at a later date, to discuss the actual costs.

8. Town Administrator's Goals & Objectives

Garvin presented to the Board of Selectmen the Goals & Objectives for the Town Administrator, that was presented in January 14, 2014. Items on the Goals & Objectives are as follows:

I. Personnel

The Town Administrator will manage the employees and set expectations on all areas of work.

II. Budgets

The Town Administrator will keep the Board abreast of all budget impacts to the Town throughout the year.

III. Board of Selectmen

The Town Administrator will work under the general direction of the Board of Selectmen to assist the Board in accomplishing its goals and objectives.

9. Town Administrator 6 month review

Chairman Dumont explained as part of Patrice Garvin's contract, there was a 6 month probationary period followed performance review. Chairman Dumont stated Garvin is at ease and confident in her job. Garvin is in constant communication with the all three Selectmen. Dumont also complimented her on her ability to work with the Finance Committee as well as helping the Board of

Selectmen and Finance Committee work together. She praised Garvin on her ability to save approximately \$100,000 for the Town in Health Insurance.

Selectman Prescott noted that the ball had been dropped in the past. Stating that Garvin did a great job in putting the budget together. Prescott also stated that there is good planning ahead and she has come quite a way in six months.

Selectman Swain stated that the Town needed someone that would take charge. He praised Garvin on her tackling a number of issues and taking significant steps on those issues. Swain looks forward in her continuing that process. He noted that the late Fran Dillon, Selectman from Groton, told him that she was a great hire in Groton, and Shirley is lucky to have her.

PUBLIC COMMENTS

ANNOUNCEMENTS

Town Office will be closed Monday, April 21st for Patriots Day
Next BOS meeting – Monday, April 28, 2014

ADJOURNMENT

With no further business to discuss, *Motion and Seconded to adjourn at 7:40 p.m., Robert E. Prescott vote Aye, David N. Swain vote Aye, and Kendra J. Dumont vote Aye .*

Respectfully submitted,
Kathleen Rocco

Date Accepted: April 28, 2014

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.