

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

February 10, 2014

7:00pm

TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, February 10, 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

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 gave her weekly report for February 10, 2014. She reported she met with the Finance Committee to review the FY15 Operating Budget. The budget was well received and the Finance Committee discussed options moving forward.

She noted that she will be presenting the FY15 Operating Budget to both the Selectmen and the Finance Committee this evening. She has a brief Power Point presentation that touches on the budgets highlights to generate further discussion between the Boards.

The Leadership Team, composing of representatives from Ayer and Shirley Finance Committee, School Committee and Selectmen, will be held on February 25th at 7:00pm, at the Middle School Library. At this meeting the 2 Towns will be discussing the FY15 Operating Budget as well as the discussion regarding the Ayer Shirley Regional School District efforts in the future.

TA Garvin met with members of Council on Aging to discuss the COA Director's position and any opportunities for the Senior Center. Given the limited operating budget, she initiated discussion on how to generate more services for seniors in the Town of Shirley without putting stress on the current budget.

Garvin reported that she is still waiting for an ATM Warrant Article from Nashoba Tech regarding their roof project. She has included a working draft of the ATM Warrant for the Selectmen's review. She further stated that she is awaiting conversation with the Representative Benson regarding the MCI Monies within the Governor's budget. She would like to invite Senator Eldridge and Representative Benson to an upcoming Selectmen's meeting, so the Board can ask for updates and state concerns as the legislature meets to finalize the budget.

With the recent snow storm, TA Garvin thanked the DPW for their hard work and showing again and again their abilities to handle whatever nature throws at us.

TREASURY WARRANTS

Payroll warrant # <u>0133</u>	<u>02/12/14</u>	\$ <u>6,946.55</u>
Payroll warrant # <u>6133</u>	<u>02/12/14</u>	\$ <u>25,907.64</u>
Payroll warrant # <u>9133</u>	<u>02/12/14</u>	\$ <u>10,463.99</u>
Payable warrant# <u>9404</u>	<u>02/04/14</u>	\$ <u>371,541.20</u>
Payable warrant# <u>2334</u>	<u>02/12/14</u>	\$ <u>99,770.69</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 Swain made the *Motion to accept the Minutes of February 3, 2014. Seconded. David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

OLD BUSINESS

1. Energy Committee

Bryan Dumont, Chair of the Energy Committee presented to the Board of Selectmen a check in the amount of \$10,000 for the purchase of solar powered baseball score board for the Shirley Youth Baseball.

NEW BUSINESS

2. 7:05 Public Hearing – Transfer of Liquor License

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

Selectman Swain read the legal notice into the minutes.

The Board of Selectmen will hold a Public Hearing at 7:05 p.m. on Monday, February 10, 2014, at the Town Offices, 7 Keady Way, to discuss an Application for Transfer of License for a Wine and Malt Beverages License Not to Be Drunk on Premises from M & M Convenience, Inc., located at 1 Front Street, Suite 3, Shirley, MA to Taksh Corporated, located at 1 Front Street, Suite 3, Shirley. If you are unable to attend, please forward your written comments to the Board of Selectmen, 7 Keady Way, prior to the Public Hearing.

Mr. Chirag Patel and his Attorney Arthur Pearlman, were present to answer any questions from the Board of Selectmen. Chairman Dumont reviewed the packet and asked if there were any comments from other boards and departments. Executive Assistant Kathleen Rocco noted that the Board of Health responded that M&M Convenience has a balance due to the Town of Shirley in the amount of \$362.50.

Selectman Prescott made the Motion to close the public hearing at 7:10pm. 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 Retail Package Goods Store license to Expose, Keep for Sale, and to Sell Wines and Malt Beverages Not to be Drunk on the Premises and the Common Victualler's License for food for Taksh Corporation dba M&M Convenience, said licenses to expire on December 31, 2014, contingent on the approval from the ABCC. 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 ABCC Form 43 for Transfer of License to Taksh Corporation dba M&M Convenience as presented. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

3. Wayside Discussion

Andrew Danforth, Director of the New England Owned Communities Program, came before the Board of Selectmen on behalf of the residents of Wayside Park, who are looking to do a resident group purchase of the park.

After review of the Agreement, Promissory Note and Rent Regulatory Covenant, Town Counsel recommends that the repayment obligation under the Promissory Note may be assumed by the resident group subject to the Board of Selectmen.

The Rent Regulatory Covenant can be amended with the approval of the Board of Selectmen, as Section 18 of the Covenant does allow for amendment, waiver and/or release of the obligation contained therein with written consent of all parties.

Selectman Swain made the Motion to amend the Rent Regulatory Covenant to suspend the calculation of rent pursuant to the Covenant effective when the residents purchase the park for as long as the residents own the park. The stated purpose of the Covenant was to ensure that the Premises remain affordable "for occupancy by very low, low and moderator income persons and families." Selectman Prescott Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

4. Appointment – Government Study Committee

Selectman Prescott made the Motion to approve the Appointment of Patrice Garvin to the Government Study Committee Bylaw Sub Committee, terms to expire June 30, 2014. 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 Appointment of Amy McDougall to the Government Study Committee Bylaw Sub Committee, terms to expire June 30, 2014. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye

5. Driveway Permits

Selectman Prescott made the Motion to approve the Application for Permit to Construct &/or Blacktop Driveway or Accessway for 3 Gideon Lane with the attached Orders of Condition and stipulate the Certificate of Insurance is updated. 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 Application for Permit to Construct &/or Blacktop Driveway or Accessway for 9 Gideon Lane with the attached Orders of Condition and stipulate the Certificate of Insurance is updated. 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 Application for Permit to Construct &/or Blacktop Driveway or Accessway for 11 Gideon Lane with the attached Orders of Condition and stipulate the Certificate of Insurance is updated. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

6. Road Crossing & Pavement Cut Permit

Selectman Prescott made the Motion to approve the Road Crossing and Pavement Cut Permit for repairing of a gas leak on 28 Brown Road. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

7. 7:10 Joint Public Hearing FY15 Budget

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

Members of the Finance Committee and Board of Selectmen were present.

The Shirley Board of Selectmen and Finance Committee will hold a Public Hearing on Monday, February 10, 2014 at 7:10 p.m. at the Town Offices, 7 Keady Way, to discuss the Town of Shirley's Proposed Operating Budget for Fiscal Year 2015. Persons unable to attend this public hearing, may forward their comments in writing to the Board of Selectmen, 7 Keady Way, Shirley, MA 01464 prior to the public hearing.

Town Administrator Patrice Garvin gave a power point presentation to the Board of Selectmen and the Finance Committee.

Garvin noted that the Town of Shirley will need to consider how it wants to use its one-time monies. She presented two options in regards to the operation budget. There are necessary cuts that need to occur to be able to balance the budget, keeping in mind the Ayer Shirley Regional School and their increasing assessments.

She recommended Option 2, which would make necessary cuts in the operating budget to decrease the deficit without hurting services. The Town will simply have to do more with less. She proposed layoffs and cuts to positions in Town. By making these reductions, the town will save in salaries/wages as well as employee benefits, with the stipulation that the Regional School assessment increase remains at 4.88%.

Mike Swanton, Chair of the Finance Committee concurred with Garvin on recommending Option 2 of the Budget proposal. He further stated that the Town needs to take a hard look at reduction and workforce, noting that revenues through taxation is all the Town has, and is not keeping pace.

Swanton thanked Garvin on the presentation and stated that the Budget Proposal packet makes Finance Committees job much easier during the budget process, noting that the FinCom is an advisory committee.

Selectman Swain asked if the MCI monies can be looked at as part of the Town's state revenue stream, given the fact that the MCI monies is usually included in the House budget. Swanton stated that that money should not be counted on. Garvin noted that she would like to use that money for capital stabilization fund. Further, Garvin would like to wean the Town off the free cash to balance the budget.

Selectman Prescott made the Motion to close the public hearing at 8:03pm. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

PUBLIC COMMENTS

ANNOUNCEMENTS

Town offices will be closed on Monday, February 17th for Presidents' day. Next Selectmen's meeting is scheduled for February 24th.

ADJOURNMENT

With no further business to discuss, *Motion and Seconded to adjourn at 8:07p.m., Robert E. Prescott vote Aye, David N. Swain vote Aye, and Kendra J. Dumont vote Aye .*

Respectfully submitted,
Kathleen Rocco

Date Accepted: Feb 24, 2014


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.