

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

March 31, 2014

7:00pm

TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, March 31, 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 7:05pm

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. She reported on the Nashoba Valley Technical High School's Roof Project is estimated at 2.8 Million. She noted that she has received the warrant article and the motion, but has not received Shirley's assessment for this project. She has estimated a 2.5% increase in the Nashoba budget for FY15. Given that their assessment for the school has decreased for FY15, there may be some room within what has been budgeted for the roof, but more discussion will be needed once she knows the final number.

TA Garvin met with the Police and Dispatch Unions to discuss ground rules and incorporating past MOUs into the one contract document. She mentioned to both Unions that given the fact the Town was about to hire a new Police Chief, it was not the Town's nor the Unions best interest to potentially enter into a three year contract without the input of a new Chief. She is waiting word from both Unions on how they would like to proceed.

Attached for the Selectmen's review was the updated draft on the ATM Warrant. She will be working with the Finance Committee to have a completed document that will be mailed to all of the residents two weeks prior to Town Meeting.

TA Garvin attached a Committee Interest Form that she would like to start using for residents who would like to become members of appointed Committees and Boards in town. The form would establish a process

for appointments and could go on the website. Once completed, the form can be sent to the Chairs of said Committees. If there are no vacancies on a Board or Committee they can remain in her office until vacancies occur.

The Bylaw Review Committee held a Public Hearing on March 31st at 6pm. Public Input was sought on recommendations to alter three bylaws, (Finance Committee, Police Regulations and Financial Affairs), and establish one new bylaw (Street Light Bylaw). These recommended changes will come before the Board of Selectmen once finalized for Annual Town Meeting.

The Finance Committee met last Tuesday evening and unanimously voted to support a 4.88% increase in the Ayer-Shirley regional School Assessment totaling \$259K for FY2015.

Garvin stated that at the last Department Head meeting, she brought forth the amended Personnel Policy regarding Town Hall Hours, Attendance and Site Visits. She will bring the new policy section to the Selectmen for their review and once input has been gathered.

The IAC meeting was held on Monday, March 31st at 3pm to vote on the Health Plan Design. The IAC voted to approve the plan design change titled HMO Blue NE Option v.4 Modified Benchmark, effective July 1, 2014.

TREASURY WARRANTS

Payroll warrant # 0139	<u>03/26/14</u>	<u>\$ 5,225.31</u>
Payroll warrant # 6139	<u>03/26/14</u>	<u>\$ 22,685.50</u>
Payroll warrant # 9139	<u>03/26/14</u>	<u>\$ 22,295.47</u>
Payroll warrant # 0140	<u>04/02/14</u>	<u>\$ 4,927.31</u>
Payroll warrant # 6140	<u>04/02/14</u>	<u>\$ 23,341.16</u>
Payroll warrant # 9140	<u>04/02/14</u>	<u>\$ 8,556.07</u>
Payable warrant# 2394	<u>03/26/14</u>	<u>\$ 305,923.38</u>
Payable warrant# 2404	<u>04/02/14</u>	<u>\$ 52,216.55</u>
Payable warrant# 9434	<u>04/05/14</u>	<u>\$ 444,105.00</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 March 17, 2014. 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 accept the Executive Session Minutes of September 9, 2013. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

OLD BUSINESS

1. Health Insurance

Town Administrator Garvin reported to the Board of Selectmen that the Insurance Advisory Committee (IAC), voted unanimously on the Health Insurance Design Plan. She noted that the Health Design Plan the town is looking is one step closer to the "Benchmark". Further, the Health plan lowers the premium, raises the deductibles and lowers the cost to the Town. The current plan through MIIA was scheduled to increase by 8.9%.

Selectman Prescott made the Motion to approve the Health Care changes as presented, effective July 1, 2014. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

2. Energy Committee

Bryan Dumont of the Energy Committee present to the Board a Letter of Intent which will need to be executed regarding the affirmative vote of the Special Town Meeting held on November 7, 2014 and a vote from the Board of Selectmen regarding its intent to make certain parcel of the property identified in the Town's RFP and on the Assessor's Map as parcels 97 B 14 and 97 B 15. These two contiguous parcels consist of 8.86 acres (+/-) and are located off of Groton Road (Route 225) for exclusive use of and participation in the National Grid Phase II Solar Initiative.

The letter of Intent is provided to potential developers expressing interest in the identified Shirley property(s) and intends that Shirley will enter into a land lease agreement and tax agreements with the developer awarded the RFP by National Grid and/or National Grid directly for the above referenced property(s). Further, the Developer awarded the RFP by National Grid will be required to make an annual lease payment to the Town of Shirley, during the period of construction equal to the amount identified in their response to the town of Shirley's Request for Proposal. The period of construction is mandated to be one year in length or lease.

It was noted that this is a land lease revenue in which the Town could see over the next thirty (30) years.

Selectman Swain asked if this is land that the Town currently owns. Mr. Dumont noted that that land was acquired by tax taking many years ago.

Selectman Prescott inquired if the Tax Taking process is at the tail end.

Motion to approve the Letter of Intent as presented. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

NEW BUSINESS

3. Senator Eldridge

Senator Eldridge came before the board to an update on what the Senate is currently working on. He noted that the budget process will dominate the legislative agenda for the next few months, as they will make hard choices as to which priorities they will continue to fund and what will be cut. During the budget process, Senator Eldridge's priorities will be to:

- Protect local aid to cities and towns, including Chapter 70, lottery aid, SPED circuit breaker, and prioritizing full funding for regional school transportation;
- Maintaining funding for vital social safety net services, including programs to help the homeless, low-income families, at-risk children, those with disabilities, and the elderly;
- Advocating for significant investments in capital infrastructure, including transportation, water, higher education, libraries, and public schools; and
- Protecting the environment, including water infrastructure, such that one percent of the budget is dedicated to the environment.

Senator Eldridge informed the Selectmen that *S.2033, An Act financing improvements to the Commonwealth's transportation system* was recently passed by the Senate and is in a conference committee. He explained that this bond bill will authorize \$13 Billion in capital spending over the next five years to fund improvements to the state's transportation system. This bill will also include \$1.5 billion in spending over the next five years in for the Chapter 90 program to fund local projects such as repairing roads and bridges and requires municipalities to be notified of their Chapter 90 appropriation before March 1st of each year. Also he noted that for the purposes of removing snow and ice, the bill allows the Massachusetts Department of Transportation to spend \$50 Million over their available funds in both fiscal years 2014 and 2015.

Senator Eldridge also commented on that he will continue to work for the Town of Shirley regarding the MCI Mitigation monies and noted that he is confident that the town will receive those monies.

Selectman Swain questioned the extended voting hours and the 'unfunded mandates' the state continually puts on the Cities and Towns. Swain further stated that the Chapter 90 monies need to be released as soon as possible and there are concerns with the capital items and issues with the roads. He asked the Senator about the possibility of additional aid for the Snow and Ice. Senator Eldridge did note there may be a supplemental budget regarding the Snow and Ice. Selectman Swain inquired about the Veterans Benefits regarding the exemption for senior veterans. While understanding it will double the Town's Veterans' budget; the first year is a hit for the Towns. He asked is the State can reimburse the Towns.

Selectman Prescott had the same concerns as Swain.

Chairman Dumont spoke of her concern with the School Regionalization. As the town is having the same issues with the increase as they did last year. She invited the Senator to attend some of the quasi-committee meetings, regarding that issue. She also asked about the Restorative Justice Bill and could the Senator explain it. Senator Eldridge noted that this is a nonprofit that reaches out to the young adults who commit small crimes (ie graffiti), and prevents a criminal record being placed

on these young adults;(noting that this program can greatly reduce recidivism rate and well as build community trust.) The program has a criteria in place in which involves the offender as well as the victim.

4. MassDevelopment – Ed Strazec

Ed Strazec came before the Selectmen to discuss the Shirley Village Growth parcel behind the Middle School. He has been working currently with Shirley's Economic Growth Committee regarding the 35 acres. MassDevelopment is currently looking at building Senior Housing; however housing is not an allowed use in this area, and would require a Super Town Meeting.

The Selectmen agreed that that this would be a positive for the town of Shirley and would like the Economic Development Committee continue with this process.

5. Driveway Permits - tabled

6. Release of Lien – 61 Front Street

Motion to approve the Release of Lien on behalf of the Shirley Housing Program for Laied Slade, 61 Front Street, Book 31067, Page 241 of the Middlesex Southern District Registry. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

7. Police Chief Search Committee Appointments

Motion to approve the appointment of Patrice Garvin to the Police Search Committee as the TA Advisory Member, term to expire June 30, 2014. Seconded. Robert. E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Motion to approve the appointment of Edward Denmark to the Police Search Committee as the Acting Police Chief Member, term to expire June 30, 2014. Seconded. Robert. E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye

Motion to approve the appointment of Donald Palma to the Police Search Committee as the Active Police Chief Member, term to expire June 30, 2014. Seconded. Robert. E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye

Motion to approve the appointment of Charlie Perry to the Police Search Committee as the Retired Police Chief Member, term to expire June 30, 2014. Seconded. Robert. E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye

Motion to approve the appointment of Dennis Levesque to the Police Search Committee as the Fire Chief Member, term to expire June 30, 2014. Seconded. Robert. E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye

Motion to approve the appointment of Richard McGrath to the Police Search Committee as the School Representative Member, term to expire June 30, 2014. Seconded. Robert. E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye

PUBLIC COMMENTS

ANNOUNCEMENTS

EXECUTIVE SESSION

Selectman Prescott made the Motion to go into Executive Session as authorized under M.G.L. c. 30A, §21(2):
To conduct strategy sessions in preparation of negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel, return to open session for adjournment purposes only.
Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

ADJOURNMENT

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

Respectfully submitted,
Kathleen Rocco

Date Accepted: April 7, 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.