

# 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

May 19, 2014  
6:45 pm  
TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, May 19, 2014 at the Town Offices, Meeting Rooms A & B, Selectmen David N. Swain, Robert E. Prescott, Town Administrator Patrice Garvin and Executive Assistant Kathleen Rocco in attendance. Chairman Kendra J. Dumont was not in attendance.

#### CALL TO ORDER

Selectman Swain called to Order the Board of Selectmen's Meeting at 6:45pm

#### EXECUTIVE SESSION

Selectman Prescott moved 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, and return to open session. Selectman Swain Seconded. Robert E. Prescott vote Aye and David N. Swain vote Aye.

#### TOWN ADMINISTRATOR REPORT

Town Administrator Patrice Garvin reported to the Selectmen that the Town Meeting Warrant was posted and sent to the printer. It will be mailed this week to all residents. The Warrant will be posted online.

Garvin stated she met with Town Counsel, Chairman Dumont, Town Clerk and the Town Moderator to review the Town Meeting Warrant. She also noted that they reviewed on how the budget motions would be presented this year at Town Meeting. Garvin stated that this year the Town will be using a true omnibus budget and functions like Land Use will be moved to the floor with one total sum. At that point, those departments within Land Use, can be debated. Once voted, the meeting will move to the next function. She reminded the Selectmen of the functions: General Government; Land Use; Protection of Persons and Property; Department of Public Works; Library and Citizens Services; Debt Service; Employee Benefits; and The Regional School District. A public information session on the Warrant will be held on May 27<sup>th</sup> at 7pm in Meeting Rooms A&B.

TA asked that the Selectmen post the permanent ZBA Clerk position. Further, noting that the position is currently being filled on an interim basis. She would like to advertise and start interviewing potential candidates sometime after Town Meeting. She stated that she would usually invite Board members into those interviews; however there will be no Board Members as of May 31<sup>st</sup>, thus she will be conducting those interviews. The next ZBA hearing is scheduled for June 18<sup>th</sup>. The Selectmen will be making its appointments to the ZBA prior to that hearing.

Finally, the Town Administrator noted that there was a small misprint on ATM Warrant that was mailed out to the citizens of Shirley. She stated that *line #331 – Ayer Shirley Regional School District*, should have identified the High School Excluded Debt Service in the amount of \$364,818. Therefore, she asked that the Selectmen revoke the ATM Warrant which reflects this change and have the foregoing Warrant posted at the Town Offices, U.S. Post Office, Center Town Hall and Hazen Memorial Building.

Selectman Swain moved to revoke the Warrant for the 2014 Annual Town Meeting with the recent change as posted. Selectman Prescott Seconded. David N. Swain vote Aye and Robert E. Prescott vote Aye.

**TREASURY WARRANTS**

Payroll warrant # <u>0147</u>	<u>05/21/14</u>	\$ <u>6,912.96</u>
Payroll warrant # <u>6147</u>	<u>05/21/14</u>	\$ <u>23,891.57</u>
Payroll warrant # <u>9147</u>	<u>05/21/14</u>	\$ <u>9,820.36</u>
Payable warrant# <u>9484</u>	<u>05/19/14</u>	\$ <u>397.49</u>
Payable warrant# <u>2474</u>	<u>05/21/14</u>	\$ <u>106,256.77</u>

Selectman Prescott moved to accept the following Treasury Warrants as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, and David N. Swain vote Aye.

**APPROVAL OF MINUTES**

Selectman Prescott moved to accept the Minutes of May 12, 2014. Selectman Swain Seconded. Robert E. Prescott vote Aye, and David N. Swain vote Aye.

**OLD BUSINESS - Tabled**

1. Energy Committee Update

**NEW BUSINESS**

2. 7:05pm Tree Hearing

Selectman Swain moved to open the public hearing at 7:09 pm for the Tree Hearing. Seconded. David N. Swain vote Aye and Robert E. Prescott vote Aye.

Selectman Swain read the Legal Posting into the Minutes.

*Pursuant to Massachusetts General Law Chapter 87, as amended, the Board of Selectmen will conduct a Public Hearing on Monday, May 19, 2014 at 7:05pm at the Shirley Town Offices, 7 Keady Way, Shirley, relative to the request of property owner Brandon O'Connor, whom requests that various individual trees be removed at 46 Benjamin Road, Shirley, MA: three (3) Maple trees (in a cluster) for the purpose of visibility and driveway location and two (2) Willow trees, partially dead, for the purpose of safety. Said trees have been duly posted in accordance with MGL Ch 87, Section 3. 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.*

Selectmen reviewed the Memorandum from DPW Foreman Paul Farrar. All trees will be removed at owner's expense and owner has agreed to plant at least two more trees on his property. DPW has no objection with the removal of these trees.

Discussion:

Selectman Swain asked if the applicant will be planting trees in place of those being removed and if so, what type of trees will be planted.

Brandon O'Connor, applicant, noted that he will be planting trees to the right of the driveway.

Selectman Prescott moved to close the public hearing at 7:11 pm. Selectman Swain Seconded. Robert E. Prescott vote Aye and David N. Swain vote Aye.

Selectman Prescott moved to approve the removal of 3 Maple Trees and 2 Willow Trees for 46 Benjamin Road, as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye and David N. Swain vote Aye.

### 3. Tax Lien Case - 15 Harvard Road

Stravko & Rebecca Djordjevic of 15 Harvard Road asked to go before the Board of Selectmen regarding the payoff of back taxes and to have the Decree vacated on said property.

Attorney Coppola, who represents the Town on tax liens and foreclosures, reported to the Town that on April 25, 2014, the Town of Shirley became the owner of 15 Harvard Road by virtue of a Foreclosure Decree entered by the Land Court for unpaid taxes.

Town Collector Holly Haase stated that if the Selectmen choose to vacate the Foreclosure Decree, her recommendations are as follows:

- a) Attorney fees for attending BOS meeting of May 19<sup>th</sup>, as well as other fees incurred to vacate the decree are added to the monies owed;
- b) The Betterment assessed to the property be paid in full;
- c) The FY2014 taxes are paid in full;
- d) An escrow account is set up by the Bank to pay taxes moving forward; and
- e) All monies due to the Town are paid with a certified bank check. Amount to be given by the Town Collector and will be calculated to the date payment is received in the Collector's office.

Town Administrator Patrice Garvin stated that she wanted everyone to understand that payment must be made no later than June 9, 2014, as the town will move forward on the eviction process.

Selectman Swain moved to vacate the Foreclosure Judgment on 15 Harvard Road, with the following conditions:

- a) The Betterment assessed to the property be paid in full;
- b) The FY2014 taxes are paid in full;
- c) An escrow account is set up by the Bank to pay taxes moving forward (3 Months);
- d) All monies due to the Town are paid with a certified bank check. Amount to be given by the Town Collector and will be calculated to the date payment is received in the Collector's office; and
- e) Subject to Attorney's fees and other fees incurred to vacate the Decree.

Selectman Prescott Seconded. David N. Swain vote Aye and Robert E. Prescott vote Aye.

TA Garvin wanted to express how Town Collector Holly Haase and Assistant Treasurer Janet Poitras did a great job on this case.

4. Shirley Charitable Foundation – Summer Concert Schedule

Shirley Charitable Foundation Member, Al Collins came before the Board of Selectmen to update the events for Spring/Summer 2014. He noted the Avenue of Flags will now include the Center Common.

The Summer Concerts which started 11 years ago, foster community spirit and have grown in popularity. Collins also remarked that the Shirley Common is the perfect venue for the summer concerts.

Selectman Swain moved to formally accept the concert events for 2014 as presented. Selectman Prescott Seconded. Robert E. Prescott vote Aye and David N. Swain vote Aye.

Selectman Swain moved to formally allow Shirley Charitable Foundation to put Flags up in the Town Center. Selectman Prescott Seconded. David N. Swain vote Aye and Robert E. Prescott vote Aye.

5. Acceptance of Bid – Kittredge Rd.

Selectman Prescott moved to approve the sale of parcel 82-C-6, Kittredge Road, with land area of 2613 square feet, not to exceed \$1,500. Selectman Swain Seconded. Robert E. Prescott vote Aye and David N. Swain vote Aye.

6. Accept the Sex Offender Maps

Selectman Swain moved to formally accept the updated Sex Offender Maps as presented. Selectman Prescott Seconded. Robert E. Prescott vote Aye and David N. Swain vote Aye.

7. Driveway Permits – 8 & 14 Waxon Way; 18 Phoenix St.

Selectman Swain moved to accept the Application for Permit to Construct &/or Blacktop Driveway or Accessway for 8 Waxon Way subject to the attached Order of Conditions as presented. Selectman Prescott Seconded. Robert E. Prescott vote Aye and David N. Swain vote Aye.

Selectman Swain moved to accept the Application for Permit to Construct &/or Blacktop Driveway or Accessway for 14 Waxon Way subject to the attached Order of Conditions as presented. Selectman Prescott Seconded. Robert E. Prescott vote Aye and David N. Swain vote Aye.

Selectman Swain moved to accept the Application for Permit to Construct &/or Blacktop Driveway or Accessway for 18 Phoenix Street subject to the attached Order of Conditions as presented. Selectman Prescott Seconded. Robert E. Prescott vote Aye and David N. Swain vote Aye.

**PUBLIC COMMENTS - None**

**ANNOUNCEMENTS**

Memorial Ceremonies will be held on May 25, 2014 at 2:00pm at Whitely Park  
Monday, June 2, 2014 – Annual Town Meeting at the Middle School  
Monday, June 2, 2014 – Brief Board of Selectmen’s Meeting prior to Annual Town Meeting

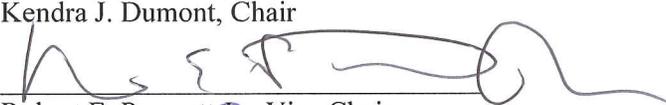
**ADJOURNMENT**

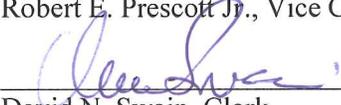
With no further business to discuss, Motion and Seconded to adjourn at 7:38pm. Robert E. Prescott vote Aye, and David N. Swain vote Aye.

Respectfully submitted,  
Kathleen Rocco

Date Accepted: June 2, 2014

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Kendra J. Dumont, Chair

  
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Robert E. Prescott Jr., Vice Chair

  
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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.*