

# Town of Shirley

## BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

*David N. Swain, Chair*

*Kendra J. Dumont, Vice Chair*

*Robert E. Prescott, Jr., Clerk*

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## BOARD OF SELECTMEN MINUTES October 20, 2014 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, October 20, 2014 at the Town Offices, Meeting Rooms A & B, with Chairman David N. Swain presiding, with Selectmen Kendra J. Dumont, Robert E. Prescott, Jr., Town Administrator Patrice Garvin and Executive Assistant Kathleen Rocco in attendance.

### CALL TO ORDER

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

### TOWN ADMINISTRATOR REPORT

Town Administrator Garvin gave her weekly report to the Board of Selectmen. She noted that Lisa Gibbons has been offered a part-time position in the Recreation Office. The Selectmen and Recreation Commission, under MGL 208 Section A, need to approve this arrangement. She asked the Selectmen to vote on this issue in order to proceed with that hire to avoid any conflict of interest issues.

Selectman Dumont moved that the Board allow Lisa Gibbons may work part-time in the Recreation Commission, under MGL 208, Section A, to avoid any conflict of interest issues.. Selectman Prescott Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

TA Garvin had a Department Head meeting last week. At that meeting, she reviewed the FY16 Budget schedule. The budget kickoff is scheduled for Friday, December 12<sup>th</sup>. At that time Departments will receive their budget in preparation of the FY16 budget discussions. She also informed the Departments Heads that there would be a mandatory professional development training scheduled for November. She will inform the Board when this training is scheduled.

Garvin reported that Town was notified of a small claims court date for December 4<sup>th</sup>. This is to recoup money the Town lost when it hired a HR consultant, who never completed their work.

Representative Benson is holding office hours on Monday, November 17<sup>th</sup> at the Shirley Town Offices from 5:30pm to 6:30pm. Garvin encourages all residents to stop by with concerns.

Garvin stated that she was informed by DPW that the salt prices have increased by \$17.78 for FY15. If the town orders the same amount of salt as it did last year, the town would need an extra \$53K. She has spoken to the DPW Foreman and he has expressed his concerns with the increased salt prices. Therefore, TA is requesting that the Board discuss the possibility of leaving approximately \$200K in Free Cash and vote to earmark it for the snow and ice deficit for FY15. She will be requesting the same from the Finance Committee at their Tuesday night meeting.

Garvin noted that she spoke to the DPW Foreman about the upcoming plowing season. DPW Foreman is concerned that there are no private plow contractors available this year. There is a request to raise the rate the town pays for private plow contractors. When the DPW advertised last year for private contractors they received no response. The amount that Shirley pays has not increased in over 4 years and private contractors are being paid well above what the Town pays by the private sector and other Towns.

TA is requesting that the Board of Selectmen allow her office to advertise for the DPW full time laborer position, subject to appropriation at Fall Town Meeting. She explained she is requesting this due to the coming winter season and the concern of getting the help the DPW needs before the winter season arrives.

Selectman Dumont moved to allow the Town Administrator to advertise the DPW Full Time Laborer position, contingent upon approve at Special Town Meeting. Seconded. Robert E. Prescott, Jr., vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Town Administrator is requesting that the Board of Selectmen hold their tax classification hearing on Tuesday, November 18<sup>th</sup>, in case the Town Meeting goes a second night.

Garvin was informed by the Conservation Commission Chairman that Ann Brady has recently resigned from the Conservation Commission. The Conservation Commission is currently seeking any interested residents to serve on the Commission. She stated that if people are interested they can contact her office.

On November 25<sup>th</sup> the Conservation Commission is holding a public meeting to discuss the forest management plan. The Conservation Commission invites all interested parties.

Finally, the Conservation Commission is seeking public input on the Open Space Plan that has recently been placed online.

<b>TREASURY WARRANTS</b>
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Payroll warrant # <u>0116</u>	<u>10/15/14</u>	\$ <u>4,426.96</u>
Payroll warrant # <u>6116</u>	<u>10/15/14</u>	\$ <u>23,784.67</u>
Payroll warrant # <u>9116</u>	<u>10/15/14</u>	\$ <u>9,511.75</u>
Payroll warrant # <u>0117</u>	<u>10/22/14</u>	\$ <u>5,824.19</u>
Payroll warrant # <u>6117</u>	<u>10/22/14</u>	\$ <u>26,954.67</u>
Payroll warrant # <u>9117</u>	<u>10/22/14</u>	\$ <u>11,312.23</u>
Payable warrant# <u>2155</u>	<u>10/08/14</u>	\$ <u>61,593.07</u>

Payable warrant# <u>2165</u>	<u>10/15/14</u>	<u>\$ 22,761.23</u>
Payable warrant# <u>2175</u>	<u>10/22/14</u>	<u>\$ 96,143.97</u>

Selectman Dumont moved to accept the following Treasury Warrants as presented. Selectman Prescott 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 29, 2014. Seconded. Robert E. Prescott vote Aye, and David N. Swain vote Aye.

Selectman Dumont moved to accept the Minutes of October 6, 2014. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

#### **OLD BUSINESS**

1. Energy Committee Update - Tabled

#### **NEW BUSINESS**

2. MassDevelopment Future Plans – Ed Starzec – Tabled

3. STM Warrant –Approval & Take Positions

*Article 1: Supplemental Appropriation for Fiscal Year 2015*

Selectman Dumont moved to recommend favorable action on Line #175 – Planning Board Wages. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to recommend favorable action on Line #176 – ZBA Wages. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to recommend favorable action on Line #141 – Assessor Clerk Wages. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to recommend favorable action on Line #135 – Assistant Accountant Wages. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to recommend favorable action on Line #145/146 – Assistant Treasurer Wages. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to recommend favorable action on Line #145/146 – Treasurer Salary. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to recommend favorable action on Line #145/146 – Tax Title/Foreclosure. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to recommend favorable action on Line #422 – Department of Public Works Wages. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to recommend favorable action on Line #211 – Police Chief Salary. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to recommend favorable action on Line #422 - Department of Public Works Union Wages. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to recommend favorable action on Line #211 – Police Department Wages Union. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to recommend favorable action on Line #913 – Group Health Insurance. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Chairman Swain discussed the Library Trustees' request for an additional \$4,602 in their Line #611 Library Expenses. He stated that he did meet with the Library Director and note that the Library is right on target their budget and feels their request is premature. He further noted that a member of the Board of Selectmen, Library Director, Town Administrator and a Library Trustee should meet to discuss their budget. Swain stated that the Town is considering another Special Town Meeting in February. Chairman Swain is recommending to have the Library's request withdrawn at this time.

Selectman Dumont noted that the Library has not yet realized their savings in energy as the savings will be seen during the winter months.

Selectman Prescott agrees with Chairman Swain as the Library is only three months into their budget.

Library Trustee Beth Quinty requested that the Library line #611 remain on the Warrant and let the discussion on their request go before the Town. She stated that the Library was one of the only ones cut in their budget.

Chairman Swain noted that all departments budgets were reduced due to the energy savings.

Selectman Prescott moved to remove Line #611 – Library Expenses from the Article as presented. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

*Article 2: Appropriate for Capital Item for FY2015*

Selectman Dumont moved to recommend favorable action on Article 2. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

*Article 3: Appropriate for Voting Machines*

Selectman Dumont moved to recommend favorable action on Article 3. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

*Article 4: Repurposing Capital Item in Fiscal Year 2015*

Selectman Dumont moved to recommend favorable action on Article 4. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

*Article 5: Transfer to OPEB Liability Trust Fund*

Selectman Dumont moved to recommend favorable action on Article 5. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

*Article 6: Transfer to the General Stabilization Fund*

Selectman Dumont moved to recommend favorable action on Article 6. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

*Article 7: Transfer to the Capital Stabilization Fund*

Selectman Dumont moved to recommend favorable action on Article 7. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

*Article 8: Authorize Payment of Prior Year Bills*

Selectman Dumont moved to recommend favorable action on Article 8. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

*Article 9: Approve Solar Tax Agreement(s)*

Selectman Dumont moved to recommend favorable action on Article 9. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

*Article 10: Leasing of Land*

Selectman Dumont moved to recommend favorable action on Article 10. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

*Article 11: Approve 43 D Priority Site*

Selectman Dumont moved to recommend favorable action on Article 11. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

*Article 12: Amend Article 1 of the Town Meeting Bylaw*

Selectman Dumont moved to recommend favorable action on Article 12. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

*Article 13: Amend Article XII of the Penalties Bylaw*

Selectman Dumont moved to hold recommendation until Special Town Meeting. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

*Article 14: Cy Pres Petition*

Selectman Dumont moved to recommend favorable action on Article 14. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

*Article 15: Road Acceptance Derby Drive*

Selectman Dumont moved to hold recommendation until Special Town Meeting. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

4. Ratification of Dispatchers' Contract

Town Administrator Garvin explained that she merged all the MOU's and inserted them into one document.

Selectman Dumont moved to approve the Dispatchers' Union Contract as presented, with term to expire on June 30, 2015. Seconded. Robert E. Prescott, Jr., vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

5. Appointments: DPW Part Time Laborer Stephen Carlton; ZBA Member Joshua Bedarian

Selectman Dumont moved to appoint Stephen Carlton as the DPW Part-time Laborer, term to expire on June 30, 2014, with 6 months probation. Seconded. Robert E. Prescott, Jr., vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to appoint Joshua Bedarian as a member to the ZBA, term to expire on June 30, 2014. Seconded. Robert E Prescott, Jr., vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye,

6. Approval- Off Premise Retail Alcohol Beverages Licensees Sunday Opening Time

Executive Assistant Kathleen Rocco explained that there was a recent amendment to the statute governing Sunday Operation Hours for all off-premises alcoholic beverages license holders. On July 23<sup>rd</sup> the Governor approved an amendment to G.L. 136, §6 that will allow licensees to open on Sundays at 10:00am. The law does not go into effect until October 23, 2014. The statutory change will begin on Sunday, October 26, 2014. Upon receipt of request from the license holders, the Local Licensing Authority, (the Board of Selectmen) must approve it.

Selectman Dumont moved to approve Roux's Market's Change of Hours on Sundays to 10:00 am to 11:00 pm to sell Wine and Malt Beverages. License to expire December 31, 2014. Seconded. Robert E. Prescott, Jr., vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to approve Taksh Corporation, dba M&M Convenience's Change of Hours on Sundays to 10:00 am to 11:00 pm to sell Wine and Malt Beverages. License to expire December 31, 2014. Seconded. Robert E. Prescott, Jr., vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye

Selectman Dumont moved to approve Shirley Package Store's Change of Hours on Sundays to 10:00 am to 11:00 pm to sell All Alcohol Beverages. License to expire December 31, 2014. Seconded. Robert E. Prescott, Jr., vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye

7. Road Crossing & Pavement Cut : 5 On the Common Rd; 38 Ayer Rd

Selectman Dumont moved to approve the Road Crossing and Pavement Cut on 5 On the Common Road, with the Orders of Conditions as presented. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to approve the Road Crossing and Pavement Cut on 38 Ayer Road, with the Orders of Conditions as presented. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

**EXECUTIVE SESSION**

Selectman Dumont moved to go into Executive Session at 7:30pm, as authorized under M.G.L. c. 30A, §21(9): To discuss strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining session or contract negotiations with non-union personnel. Return to Open Meeting for adjournment purposes only. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and Kendra J. Dumont vote Aye.

**PUBLIC COMMENTS - None**

**ANNOUNCEMENTS**

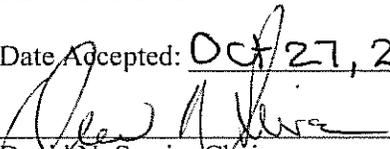
Next Board of Selectmen's meeting is Monday, October 27, 2014.

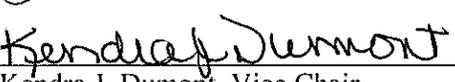
**ADJOURNMENT**

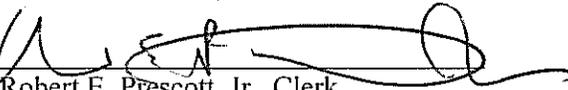
With no further business to discuss, *Motion and Seconded to adjourn, Robert E. Prescott vote Aye , Kendra J. Dumont vote Aye, and David N. Swain, vote Aye .*

Respectfully submitted,  
Kathleen Rocco

Date Accepted: Oct 27, 2014

  
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David N. Swain, Chair

  
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Kendra J. Dumont, Vice Chair

  
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Robert E. Prescott, Jr., 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.*