

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 6, 2014 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, October 6, 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 in attendance.

CALL TO ORDER

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

TOWN ADMINISTRATOR REPORT

Town Administrator Patrice Garvin gave her weekly report to the Board of Selectmen. She noted that the Regional Dispatch Review Committee met with the Town of Ayer's Public Safety Department Heads along with the Ayer's Town Administrator. The group discussed the possibility of creating a regional dispatch between Ayer and Shirley. The grant cycle to create such a dispatch would be in one year. In that year both Towns will look at the positives and negatives, as well as the budgets to create a regional dispatch, including a 5 year plan. Shirley will also look at what it would cost the Town if the town did not regionalize. She further noted that the meeting was very positive and has momentum moving forward.

TA Garvin stated the Leadership Team met with to discuss obstacles that have emerged in past budget preparations between the Schools and the Towns. Further, she noted the Leadership Team consists of representatives from the Town of Shirley and Ayer and the Regional School District. The group decided, after a lengthy discussion, to meet in mid-January 2015 and have all three entities bring: (1) A long term Capital and Facilities Plan; (2) tax impact of current and future debt; (3) five year Budget Plan and (4) efforts/ideas to regionalize services. This effort is to help with the 2016 budget process for the town of Ayer, Shirley and Regional School District.

TA Garvin reported that she and the Moderator will conduct a cable broadcast to discuss the November 10th Special Town Meeting Warrant. She stated that she looks forward to the opportunity to explain to the residents each article that is being brought to the Special Town Meeting.

Garvin reported that the police Union is looking for some more time with the contract. With the incorporation of the MOU's into the contract, along with a new Chief; they want to ensure that language is right up before negotiations can begin.

TA stated that given the changes in the Warrant, she is requesting that the Board advertise for a part-time ZBA Clerk position.

Selectman Dumont moved to allow the Town Administrator to advertise for the part-time ZBA Clerk position. Seconded. Robert E. Prescott, Jr., vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Finally, she noted that Pam Callahan has been offered the part-time position in the Assessor's office. Garvin stated that the Selectmen and Assessors, under MGL 208 Section A, need to approve this arrangement. I need a vote of the Board to proceed with that hire, to avoid any conflict of interest issues. She further noted that the Pam Callahan will file a disclosure form.

Selectman Dumont moved to approve the appointment of Pam Callahan to the part-time position in the Assessor's office, under MGL 208, Section A. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

TREASURY WARRANTS

Payroll warrant # 0115	<u>10/08/14</u>	\$ <u>5,177.09</u>
Payroll warrant # 6115	<u>10/08/14</u>	\$ <u>24,249.80</u>
Payroll warrant # 9115	<u>10/08/14</u>	\$ <u>9,795.91</u>
Payable warrant# 9234	<u>07/31/14</u>	\$ <u>4,872.34</u>
Payable warrant# 9244	<u>10/3/14</u>	\$ <u>477,481.58</u>

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

APPROVAL OF MINUTES Tabled

OLD BUSINESS

1. Energy Committee Update

NEW BUSINESS

2. Appointment – Ambulance – Andrew Downey

Ambulance Director Mike Detillion is requesting that the Board of Selectmen appoint Andrew Downey as an EMT to the Ambulance Department.

Selectman Prescott moved to approve the appointment of Andrew Downey to the Ambulance Department as an EMT, subject to a 6 month probationary period. Term to expire June 30, 2015. Seconded. Robert E. Prescott, Jr., vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

3. 7:05 Public Tree Hearing

Chairman Swain moved to opened the public hearing at 7:05pm. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Prescott read into the minutes the legal notice as follows:

Pursuant to Massachusetts General Law Chapter 87, as amended, the Board of Selectmen will conduct a Public Hearing on Monday, October 6, 2014 at 7:05 pm at the Shirley Town Offices, 7 Keady Way, Shirley, relative to two requests for tree removals. The property owner of 62 Parker Rd (a scenic road) requests two Hickory trees (27" each) be removed because roots are destroying his driveway and a request from the property owner at 8 South Street requests one 10" Maple tree be removed for utility purposes. 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.

Chairman Swain noted there were no comments from the Boards and Departments

Resident on 8 South Street asked when he could cut down the tree, if approved. Selectmen said there is no time table.

Seeing no further discussion:

Selectman Dumont moved to close the public hearing 7:08pm. Seconded. Robert E. Prescott, Jr., vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to approve the request for tree removal of two Hickory Trees on 62 Parker Road, Scenic Road. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to approve the request for the removal of a 10" maple tree located on 8 South Street. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

4. 7:10 Personnel & BOS Board Hearing-

Chairman Swain noted that this hearing is postponed until Spring Time.

5. State Primary Warrant for November 4, 2014

Selectman Dumont moved to approve the State Primary Warrant for Tuesday, November 4, 2014, to be held at the Town Offices from 7:00am to 8:00pm. Seconded. Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

6. 7:15 FinCom & BOS STM Public Hearing

Selectman Prescott opened the Public Hearing for the STM Warrant at 7:16pm. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Prescott read the legal notice into the minutes:

The Shirley Board of Selectmen and Finance Committee will hold a Public Hearing on Monday, October 6, 2014 at 7:15 p.m. at the Town Offices, 7 Keady Way, to discuss the Town of Shirley's Special Town Meeting Warrant Articles. 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.

Discussion:

Town Administrator went through each Article on the Special Town Meeting:

Article 1: Supplemental Appropriations:

TA Garvin explained that the Supplemental Appropriations for several town departments via line item transfers and other funding from new growth revenue. She noted the repurposed surpluses included Planning Board Assistant wages that was eliminated, wages for an Assistant Town Treasurer that was substantially reduced when that person moved into the Treasurer's position, and a reduction in the Treasurer's salary line. Increases included a new clerk's position in the Assessor's office, and increase in hours for the Assistant Town Accountant, money set aside for the tax title/foreclosure proceeding to recoup revenue from long unpaid back taxes and wages for a part-time DPW worker to fill in while one of the DPW Workers is on leave and wages to hire a full time DPW Laborer, with the associated costs.

She reported that other increases included the Police Chief Salary, which went up due to the hiring of an interim chief, and to hire a new police patrol officer and the associated benefit costs for health insurance.

Garvin pointed out that a request from the Library Trustees for an additional \$4602 to shore up the library's expense line.

Library Trustee Beth Quinty and Director Deb Roy came before the Board to explain their concerns, noting the anticipated energy costs the could increase over the winter months. Garvin stated that requested could be funded through free cash, however is not in favor of using one-time revenue source. Chairman Swain noted the there was money in the wage and salary line in which that position has not been filled. That transfer would not require a town meeting vote. Roy noted that money is used for backfill for staff hours. Selectman Prescott asked if they could use the Reserve Fund Transfer, in which FinCom Member Mike Swanton noted that money is only used for unforeseen expenses. TA Garvin stated that request for funds 2 months into the fiscal year is premature. The Board of Selectmen will have further discussion on Library's request..

Article 2: Appropriate Capital Item for FY2015

Article requests funding for the Master Plan \$54,000 and the Police Cruiser \$38,305

Article 3: Appropriate for Voting Machine

Town Clerk Amy MacDougall gave an overview on the need for a Voting Machine. (See Attached)

Article 4: Transfer OPEB Liability Trust Fund

Article requests transfer of \$10,000 to the Other Post Employment Benefit (OPEB) by transfer from Free Cash

Article 5: Transfer to the General Stabilization Fund

Article 6: Transfer to the Capital Stabilization Fund

Article 7: Authorize Payment of Prior Year Bills

Article requests transfer of any available funds a sum of money to pay prior year bills for Lexis Nexis \$164.43; Guardian Information: \$472.51 and King Luminaire: \$3,840.

Article 8: Approve Solar Tax Agreements

Article requests that Board of Selectmen and Board of Assessors to negotiate and enter into tax agreements for: Nextsun Energy – Landfill on Leominster Rd.

Nextsun Energy – Bartkus Property on Walker Rd.

Shirley Water District: Walker Road

National Grid - Groton Road

Article 9: Leasing of Land

Article seeks approval of Town Meeting to allow Board of Selectmen the care, custody and control of all or portion of land on Leominster Road (Landfill); Walker Road (Bartkus Property); and Groton Road. This article will allow long term lease with solar energy production entity.

Article 10: Amend Article 1.4 “Zoning Districts” of the Zoning Bylaw

Article requests that the Zoning Bylaws be amended to add a Mixed Use District. The town currently has a Great Road West and a Great Road East Mixed Use Districts. The town is seeking to create one Mixed Use District.

TA Garvin noted that the next four articles will have a public hearing scheduled for October 15th by the Planning Board and Economic Development Committee

Article 11: Amend Zoning Map, ___ Parcel ___

Article will amend the zoning map to apply the new mixed use district to Lancaster Road.

Article 12: Amend Zoning Map ___ Parcel ___

Article will amend the zoning map to apply the new mixed use district to Great Road.

Article 13: Approve 43 D Priority Site

Article will see if the Town will accept the provisions of Chapter 43D for land on Lancaster Road as a Priority Development Site.

Article 14: Amend Article I of the Town Meeting Bylaw

Bylaw Committee Member Bryan Dumont explained this Article requests to amend Article I of the Town Meeting Bylaw, in which the Selectmen can schedule a Town Meeting.

Article 15: Amend Article XII of the Penalties Bylaw

Bylaw Committee Member Bryan Dumont explained this Article seeks to amend the fines in the Penalties Bylaw which have not been updated since 1970. State Fines are well above the fines that currently exist in this bylaw. Public Hearing on the bylaw will be held on October 14th.

Article 16: Cy Pres Petition

Article seeks permission to have the Town vote to petition the courts to repurpose the use of selected Trust Funds. The Town has money in old Trust Funds for which the purpose of the fund no longer exists. This article asks that these funds be repurposed for the existing High School Debt.

Article 17: Road Acceptance Derby Drive

Article requests the Town Meeting vote to accept Derby Drive as a public way. Public Hearing on this Article on November 5th. TA Garvin noted

Selectman Dumont moved to close the Public Hearing 8:32 pm. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

7. Financial Policies

Selectman Dumont moved to accept the Financial Policies and Procedures. Seconded.
Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

OTHER BUSINESS

War Memorial Vice Chairman Norm Albert came before the Board of Selectmen to announce that the Trustees are collaborating with Leominster Home Depot to form a Team Depot Crew to spruce up the War Memorial Building. He asking for Volunteers and stated that all supplies and labor will be generously donated by Home Depot. The Volunteer to-do List includes painting walls and ceilings, providing or picking up and delivering drinks, snacks or lunch for workers and general cleanup. Mr. Albert stated that no experience is necessary and service hours can be documented for students and Scouts who sign up for the crew. The weekend project is slated for October 16-17th or October 23-24th.

Digital scan vote tabulators

Overview

- Ballots will be of a style where you fill in the oval.
- Scans the ballot and keeps track of the number of votes cast for each contest or question.
- Write-in votes are tallied separately.
- Ballots are similar to the ones we use for the Automark Machine.

Why Tabulators instead of Hand Counting?

- Hand counting is a labor and time intensive process.
- Fewer people to recruit, fewer people to schedule and fewer people to do payroll for
- Difficult to find counters and election officers who can stay as late as we need them to. Generally midnight, sometimes as late as 3am
- Better, less complex process for tabulating results the night of elections
- It streamlines election preparation preparations and Re-allocates time spent preparing for staffing the election and doing paperwork for it to other duties.
- Along these lines, this would be a step in making sure the election process has fail safes in place to protect the town's interest in the election preparations running smoothly.
- It is an alternative an assistant Town Clerk
- The Town Clerk's Office would be open to serve the public the day after the election
- Results available earlier in the night.
- Less costs for police officer

What machine am I recommending?

Dominion ImageCast Precinct vote tabulator.

It is a secure, accurate and reliable machine. It is made in the USA (in Texas) and serviced by a local company in Salem New Hampshire named LHS Associates.

Who Else Uses This Machine?

- Hudson is a large town of 14,000 residents. They are changing over to the ImageCast this November.
- Mansfield, Sherborn, Eastham, Plainville, Hudson & South Hadley in MA have also switched over, but used vote tabulating machines before.
- Used statewide in New Mexico, in 52 of 58 Counties in NY and in a variety of counties and states throughout the U.S. Several Provinces in Canada and country wide in Mongolia and the Philippines.

Who Else Hand Counts and What Size Community Do They Have?

70 communities out of 351

What is the cost?

- \$7,000 for the machine. Package from LHS includes items I will need in addition to the machine.
- Boxes for the ballots, marking pens, pen holders, secrecy sleeves, security seals, rolling cart to move the boxes.
- Programming costs, ballots, shipping, maintenance net difference of \$600 per annual town election, \$800 per Override or Debt Exclusion election, \$300 per primary and \$200 per state election

I can absorb the cost of the programming for the tabulator in this year's budget unless there is an override.

PUBLIC COMMENTS

ANNOUNCEMENTS

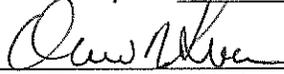
Town Offices will be closed on Monday, October 13, 2014 for Columbus Day
Recycle Day is October 25, 2014
Last day register to vote is October 15, 2014.

ADJOURNMENT

With no further business to discuss, *Motion and Seconded to adjourn at 8:37p.m., Robert E. Prescott vote Aye , Kendra J. Dumont vote Aye, and David N. Swain, vote Aye .*

Respectfully submitted,
Kathleen Rocco

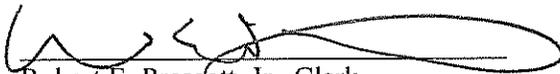
Date Accepted: Oct 20, 2014



David N. Swain, Chair



Kendra J. Dumont, Vice Chair



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.