

Town of Shirley

BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

David N. Swain, Chair

Kendra J. Dumont, Vice Chair

Armand Deveau, Clerk

TEL: (978) 425-2600, x200

Fax: (978) 425-2602

[Selectmen@shirley-ma.gov](mailto>Selectmen@shirley-ma.gov)

BOARD OF SELECTMEN MINUTES of January 9, 2012 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, January 9, 2012 at 7:00 p.m. at the Town Offices with Chairman David N. Swain presiding and Selectmen Armand Deveau and Kendra Dumont and Chief Administrative Officer David Berry

CALL TO ORDER

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

TREASURY WARRANTS

Payroll warrant # <u>0125</u>	<u>12/21/11</u>	\$ <u>6,817.18</u>
Payroll warrant # <u>0525</u>	<u>12/21/11</u>	\$ <u>0.26</u>
Payroll warrant # <u>6125</u>	<u>12/21/11</u>	\$ <u>21,057.07</u>
Payroll warrant # <u>9125</u>	<u>12/21/11</u>	\$ <u>31,086.55</u>
Payroll warrant # <u>0126</u>	<u>12/28/11</u>	\$ <u>4,900.27</u>
Payroll warrant # <u>6126</u>	<u>12/28/11</u>	\$ <u>22,188.69</u>
Payroll warrant # <u>9126</u>	<u>12/28/11</u>	\$ <u>22,568.97</u>
Payroll warrant # <u>0127</u>	<u>01/04/12</u>	\$ <u>5,665.54</u>
Payroll warrant # <u>6127</u>	<u>01/04/12</u>	\$ <u>22,547.94</u>
Payroll warrant # <u>9127</u>	<u>01/04/12</u>	\$ <u>8,800.21</u>
Payroll warrant # <u>0128</u>	<u>01/11/12</u>	\$ <u>5,855.49</u>

Payroll warrant # <u>6128</u>	<u>01/11/12</u>	\$ <u>21,661.34</u>
Payroll warrant # <u>9128</u>	<u>01/11/12</u>	\$ <u>8,656.49</u>
Payable warrant# <u>2252</u>	<u>12/21/11</u>	\$ <u>103,862.16</u>
Payable warrant# <u>9302</u>	<u>12/21/11</u>	\$ <u>125.00</u>
Payable warrant# <u>2262</u>	<u>12/28/11</u>	\$ <u>109,284.00</u>
Payable warrant# <u>2272</u>	<u>01/04/12</u>	\$ <u>395,699.69</u>
Payable warrant# <u>2282</u>	<u>01/11/12</u>	\$ <u>31,922.98</u>

Motion to accept the following Treasury Warrants as presented. Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.

APPROVAL OF MINUTES

Selectman Dumont made the **Motion to accept the Minutes of October 3rd, October 17th and December 12, 2012. Selectman Deveau Seconded. David N. Swain vote Aye, Kendra J. Dumont votes Aye.**

NEW BUSINESS

1. Economic Development Section for the Master Plan

Enrico Cappucci and Jackie Esielionis stated that they had submitted their proposal of the Economic Development Chapter of the Master Plan; and would like to have feedback of their submittal or have the BOS approve the that portion and forward to the Planning Board.

Jackie Esielionis noted that the Step-by-Step Guide of the Chapter 43D does need to have a single point of contact.

Selectman Dumont made the **Motion to appoint David Berry as the single point of contact for the Step-by-Step Guideline for Chapter 43 D. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

Chairman Swain reviewed that Master Plan and had no major concerns. Selectmen Deveau and Dumont had none as well, although Selectman Dumont would like to see this Master Plan on the town's web site. It was noted that once the Planning Board approves the Master Plan, and the new web site is up and running, the Master Plan will be on the Town's web site.

Selectman Dumont made the **Motion to send the Economic Development Chapter of the Master Plan to the Planning Board. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

2. Discussion on Recreation Fields with School Committee

Enrico Cappucci reported to the Selectmen that he did meet with George Ramirez of MassDevelopment regarding the Village Growth Area, specially the use of the second ball field. Mr. Cappucci stated that Mr. Ramirez wanted the Board of Selectmen to know that MassDevelopment wants to be good neighbors and would like to create a MOU (Memorandum of Understanding) for only five (5) years. The MOU would provide an agreement for the use of part of the second ball field Chairman Swain then stated that MassDevelopment is not prepared to develop this area for the next five years. Further discussion on the future of the long term plans with MassDevelopment and MRPC. Chairman Swain stated that, although the School Committee and Mr. Mock could not be present this evening, that the School is fully supporting the land swap of consisting of the corner of Hospital Rd and Elliott Rd. Mr. Cappucci would like to have the Economic Development Committee and the Recreational Fields Committee work together regarding the land for use of fieldsl

Bob Eramo, member of the Recreational Fields Committee commented on who is going to pay for the moving of the fields. He too stated that there should be only a MOU for five years, however noted that MassDevelopment cannot move the fields because of the "Null & Net Loss of Recreation". Mr. Eramo requested that the CAO move forward with the MOU and then work on the RFP for the Ball Fields. CAO Berry is anticipating an MOU soon from Town Counsel. Recreational Fields Committee member Keith Begun asked that once the MOU is signed, they would like the RFP be resubmitted.

3. Green Communities Designation and Grant

Bryan Dumont of the Energy Committee gave a brief update on the Green Communities Designation Grant. At this time, Mr. Dumont reported that there will be full audits done to the Town Offices, Police Department, Hazen Library, Senior Center Highway Department, Center Town Hall and the War Memorial Building regarding energy consumption. Once the packet is submitted, the audit will determine the best use of the grant money. It is the hope the DOER and the Town will enter into a Contract by April.

4. Solar Update

Byran Dumont of the Energy Committee updated the BoS on the progress on the Solar RFP. At this time the town is working with Ms. Beth Greenblatt, a consultant, who is reviewing the contract. Both Selectmen Swain and Deveau noted that the Town is working with the Shirley Water District, using the same attorney, consultant and engineering firm for this venture. The goal is to provide the best outcome for the town of Shirley and the Shirley Water District.

Chairman Swain asked Mr. Dumont on the possibility of moving the Town Offices, Police Department as well as the Middle School from getting electricity from MassDevelopment and moving the buildings to National Grid. Mr. Dumont stated that the Town does not have a contact with MassDevelopment regarding the Town Buildings off Hospital Road, however, the Ayer-Shirley Middle School does have a contract with MassDevelopment. Thus, his concern was to only focus on the Town Buildings getting on the "Grid".

5. Remote Participation at Meetings

Discussion regarding on the Attorney General's office had recently issued regulations providing direction with regard to remote participation at meetings regulated by the Open Meeting Law. To permit remote participation at public meetings, the Board of Selectmen must take specific actions. The Board of Selectmen must by majority vote approve the remote participation for all boards and committees. (See attached Memo)

Selectman Dumont made the **Motion to allow remote participation in accordance with the requirements of 940 CMR 29.10, with the authorization to all subsequent meetings of all local public bodies in town. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

Selectman Dumont made the **Motion to allow remote participation by means of telephone, the Internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all other persons at the meeting location to be clearly audible to one another. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

6. Execute Police and Dispatch Union MOU's

Selectman Dumont made the **Motion to approve the Memorandum of Understanding between the Town of Shirley and Local 205, Massachusetts Coalition of Police. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

Selectman Dumont made the **Motion to approve the Memorandum of Understanding between the Town of Shirley and Shirley Public Dispatchers Association, Massachusetts Coalition of Police, Local 205A. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

7. Execute Police Chief Contract

Selectman Dumont made the **Motion to approve the Contract of Employment Between the Town of Shirley and J. Gregory Massak. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

8. Resignation – Officer George Fichter

Selectman Dumont made the **Motion to accept the resignation of Officer George Fichter with regret. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

9. Appointment – Police Screening Committee

Selectman Dumont made the **Motion to appoint Enrico Cappucci to the Police Screening Committee. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

10. Driveway Permit – Walker & Hazen Roads/Mass Land Bank

Selectmen tabled this item.

11. Winslow Announcement

Town Treasurer Kevin Johnston announced that he had received a letter from the Office of the Attorney General, regarding the Grace E. Winslow Trust, written authorization for use of funds.

The Town of Shirley has requested the Attorney General to provide written authorization for alternative uses of the Winslow Trust funds, pursuant to the terms of the Court Order. The Town submitted written information on the proposed use and a second alternative use for the Winslow Trust funds, at the request of this office.

1. *The Town of Shirley shall combine the Winslow Trust's original principal amount (\$20,000) with the interest accumulated thereon through December 31, 2010 (\$238,998.64) into one account, which shall be maintained thereafter as a separate account to be known as the Winslow Corpus Account (the "Corpus");*
2. *The Town of Shirley shall maintain a separate account to hold the interest earned on the Corpus on and after January 1, 2011 and interest earned thereon (the "Winslow Interest Account");*
3. *The Town of Shirley, through its Board of Selectmen, may use the funds in the Winslow Interest Account at any time: 1) to supplement the Town of Shirley's Council on Aging Senior Center's programs that primarily benefit the poor or needy citizens of the Town of Shirley; and /or 2) to make a grant to the "Shirley Friendship Fund" of the Shirley Charitable Foundation ("SCF") or other programs of the SCF so long as such grant will be used to provide aid or assistance primarily to the poor or needy citizens of the Town of Shirley; and*
4. *The Town of Shirley's Board of Selectmen shall, at least annually, exercise its discretion in determining the timing and the amount of the distributions, if any, from the Winslow Interest Account as set forth in the preceding paragraph.*

Selectmen congratulated Kevin Johnston for his perseverance in this body of work. Selectman Deveau noted that this does justice to the original intent of this gift.

Selectman Dumont made the **Motion to roll \$238,979.14 over to the Grace E. Winslow Principal Balance, (new corpus) Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain Vote Aye.**

12. Annual List of Elected Positions – Town Clerk Amy McDougall

Town Clerk has asked that the Board of Selectmen speak about the Annual Town Election. Town Bylaw sets the date for the election as the first Tuesday after the second Monday in May. This year, the date is May 15, 2012. Town Clerk has the draft of the Public Notice for the Shirley Annual Town Election – Tuesday, May 15, 2012 (See attached). She is proposing to make nomination papers available beginning Tuesday, January 17, 2012.

UPDATE FROM THE CAO

CAO David Berry reported on the process of the RFP's on the Old Hazen Memorial Building and Municipal Building. He further noted that he will be putting together a process to review all town owned property that is in surplus.

With no further business to discuss, **Motion and Seconded to adjourn at 8:20 p.m., David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

Respectfully submitted,
Kathleen Rocco

Date Accepted: _____

David N. Swain, Chair

Kendra J. Dumont, Vice Chair

Armand Deveau, Clerk