



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

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

The Board of Selectman convened its meeting on Monday, July 9, 2012 at 7:00 p.m. at the Town Offices with Chairman David Swain presiding and Selectman Kendra Dumont, Armand Deveau and CAO, Dave Berry in attendance.

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 # 0101	<u>07/03/12</u>	<u>\$ 11,488.02</u>
Payroll warrant # 6101	<u>07/03/12</u>	<u>\$ 24,012.60</u>
Payroll warrant # 9101	<u>07/03/12</u>	<u>\$ 11,028.87</u>
Payroll warrant # 0102	<u>07/11/12</u>	<u>\$ 11,499.52</u>
Payroll warrant # 8102	<u>07/11/12</u>	<u>\$ 11,570.60</u>
Payroll warrant # 9102	<u>07/11/12</u>	<u>\$ 24,800.45</u>
Payable warrant# 2532	<u>06/30/12</u>	<u>\$ 83,483.19</u>
Payable warrant# 2542	<u>06/30/12</u>	<u>\$ 44,484.62</u>
Payable warrant# 9013	<u>07/05/12</u>	<u>\$ 592,323.00</u>
Payable warrant# 9023	<u>07/05/12</u>	<u>\$ 412,500.00</u>
Payable warrant# 9033	<u>07/03/12</u>	<u>\$ 523.00</u>
Payable warrant# 2023	<u>07/11/12</u>	<u>\$ 14,032.17</u>

Selectman Dumont made the **Motion to approve the Treasury Warrants of July 9, 2012, as presented. Selectman Deveau Seconded. Armand Deveau vote Aye, Kendra J. Dumont vote Aye and David Swain vote Aye.**

APPROVAL OF MINUTES

Selectman Dumont made the **Motion to approve the Minutes of June 18, 2012. Selectman Deveau Seconded. Armand Deveau vote Aye, Kendra J. Dumont vote Aye and David Swain vote Aye.**

NEW BUSINESS

1. Reorganization of Board of Selectman

Chairman David Swain made the **Motion to nominate Armand Deveau as Chairman. Selectman Dumont Seconds, with the understanding that these nominations will take effect at the next meeting of July 23, 2012. Armand Deveau vote Aye, Kendra Dumont vote Aye and David Swain vote Aye.**

Selectman Deveau made the **Motion to nominate David Swain as vice chair. Selectman Dumont Seconded. Armand Deveau vote Aye, Kendra Dumont vote Aye and David Swain vote Aye.**

Chairman Swain made the **Motion to nominate Kendra Dumont as clerk. Selectman Deveau Seconded Armand Deveau vote Aye, Kendra Dumont vote Aye and David Swain vote Aye.**

2. SPACO Contract

Rich Dill presented the Selectmen an updated version of the SPACO contract (*See Attached*).

1. Payment Method: It has been modified to reflect the Town shall receive the funds as they have in the past.
2. Membership Fees: Membership Fees will be stricken from the Contract.
3. Contract with SPACO for 10 years: Attorney Solomon is still waiting to hear from Town Counsel Gary Brackett on this matter.
4. Section 9 – Studio Space: Concern with the wording around providing Studio Space for SPACO. Currently the Town does provide an Edit Room and Equipment Room. Chairman Swain does not want to dedicate a particular space in the Town Offices. However, may provide space to SPACO in one of the Town owned buildings. Selectman Deveau noted that the wording in this section, should say “may provide space, if available.” He further stated that is a Contract with a private Contractor. SPACO Access Coordinator, Lou Carreras, stated that he is disappointed with this approach. Selectman Deveau stated that the Town will not be mandated by a private contractor.
5. Insurance: The CAO will work with Rich Dill on SPACO’s request of piggy backing on the general comprehensive insurance with the Town of Shirley.
6. Section 19 B & C: Selectman Deveau would like the language to read the same for both paragraphs regarding the 45 day notice.
7. Annual Fiscal Report: Chairman Swain requested that the Town receive an Annual Report from SPACO.

Rich Dill will report back to the Selectmen with a corrected version of the Contract on July 23rd.

3. Transfer Surplus to Deficit

Chairman Swain explained that the transfers are done in conjunction with the Finance Committee.

Selectman Dumont made the **Motion to authorize the transfer from line item 155.5300 Computer Services transfer to line 155.5307 Computer Expenses in the amount of \$750.00. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

Selectman Deveau made the **Motion to authorize the transfer of \$410.00 Public Building line item 100000.192 to Office Machines line item 100000.159. Chairman Swain Seconded. Armand Deveau votes Aye and Chair Swain votes Aye.**

Selectman Deveau made the **Motion to authorize transfer from the revolving Ambulance Enterprise Fund to wages hourly line item 640231-5103 in the amount of \$1,141.15. Chairman Swain Seconded. Armand Deveau vote Aye and David Swain vote Aye.**

Selectman Deveau made the **Motion to transfer from line 750 short term interest of \$1900.00 move to the Treasurers' expense line item 145. Chairman Swain Seconded. Armand Deveau vote Aye and David Swain vote Aye.**

4. Driveway Permits

Chairman Swain noted the two driveway permits are for the subdivision Apple Orchards. All paperwork has been submitted with the correct sign-offs.

Selectman Deveau made the **Motion to approve a black-top driveway permit for 10 Brandywine Lane, lot number 19 for MUCE Note Acquisition LLC, per the attached orders and conditions. Selectman Dumont Seconded. Armand Deveau vote Aye, Kendra Dumont vote Aye and David Swain vote Aye.**

Selectman Deveau made the **Motion to approve a black-top driveway number two, lot 25 for Gideon Lane for MUCE Note Acquisition LLC, per the attached orders and conditions. Selectman Dumont Seconded. Armand Deveau vote Aye, Kendra Dumont vote Aye and David Swain vote Aye.**

5. Appointments-Energy Committee

Selectman Dumont the **Motion to appoint the following individuals: Andy Deveau, Brian Dumont, Frank Esielionis , Kevin Johnston and Anne Towne to the Energy Committee all terms to expire June 2013. Selectman Deveau Seconded. Armand Deveau vote Aye, Kendra Dumont vote Aye and David Swain vote Aye.**

OLD BUSINESS

6. Longley Road Restrictions

Chairman Swain read a memo from DPW Foreman, Paul Farrar , (*See Attached*), concerning Longley Road is approximately 20 feet wide with a 5 Ton weight limit and approximately 25 feet wide at Townsend Road

and Lawton Road and furthermore between Townsend Road and 2A is approximately 25 to 29 feet wide. Longley Road is measured 30 feet wide at three different places.

Selectman Deveau made the **Motion to take no action on the restrictions for Longley Road. Selectman Dumont Seconded. Armand Deveau vote Aye, Kendra Dumont vote Aye and David Swain vote Aye.**

7. Benches at Net Variety

The primary concern is that individuals are resting on the benches at New Variety drinking Alcoholic Beverages. The BOS has requested the Police Chief become involved and come up with a plan with his officers. Chief Massak was present to explain that he submitted a letter referencing a loitering issue and the consumption of alcoholic beverages. He further explained that initially the Telephone Company put in the benches on a grant at the cost of \$20,000.00. John Guthrie was involved at the time was an Area Vice President for Verizon and at this time, there is no money left for the upkeep of the benches. Therefore, Chief has initiated the foot patrol of his force to patrol this area. Chief Massak explained that one of the pitfalls for the police is to witness consuming alcohol whereas other Towns have imposed a by-law stating an open container law. Possible solutions are to mirror other Towns having dealt with initiating an Open Container By-Law, which would need approval of a Town Meeting and the Attorney General.

Another issue Chief Massak is involved in is the traffic on Frost Street. There have been ongoing meetings with CAO Dave Berry and Mr. Ramirez of MassDevelopment. There is documentation that states Frost Street is a public way and laws supporting various public ways can be enforced. Discussion ensues with debate on possibly new signs that read "Police Vehicles only. Do Not Enter." Thus, directing of any traffic usage by circumventing traffic to go between the Town Buildings. Selectman Deveau noted that resident received a ticket on Frost Street and wondered if Chief could forgive the ticket. Chief noted that there is "No Fix Statute" and Officers cannot fix a ticket once it has been submitted to the Court.

Selectman Deveau made a **Motion to authorize the Police Chief to remove the signs at each end of Frost Street and install new signs at the entrance of the roadway as it enters behind the Police Department sectioning off the area behind the Station by signs that state "Do Not Enter. Police Vehicles Only." With the remainder of the Road open to the public. Selectman Dumont Seconded. Armand Deveau vote Aye, Kendra Dumont vote Aye and David Swain vote Aye.**

8. Clarification of Friday opening decision for Town Offices.

Chairman Swain addresses the questions and concerns on clarifying the staffing and other concerns of the Town Offices. Chairman Swain stated that he would like to see the Building open on until Noon on Fridays, with the employees working their regularly scheduled hours over 4 ½ days rather than the 4 days. He further stated that Fridays will be casual Fridays.

Selectman Deveau agrees with Chairman Swain with the understanding that there can be some flexibility in the four hours on Friday. He further stated that the employees were caught by surprise, and there should be some transition period, with everyone working on Fridays by the first Friday in September.

Selectman Dumont asked for a specific time to start the opening of Fridays. Selectmen noted that they would like to have the building open now on Fridays, understanding this is a transition period and by the first Friday of September, everyone, under the jurisdiction of the BOS, will be open.

CAO will draft a memo for the BOS review and will then send it off to the employees.

ANNOUNCEMENTS

Next BOS Meeting – Monday, July 23, 2012

UPDATE FROM Chief Administrative Officer

- Old Hazen Memorial Library Appraisal, he has acquired a name for having an appraisal for the Old Hazen Memorial Library.
- Signs Replacement for the Town Signs has been ordered.
- Gave an update on the 6 Hill Lane, regarding the foreclosure and sale of the property, which the closing is scheduled for July 19th.
- Catacunemaug Culvert, he is meeting with GPR.
- Harvard Road drainage, he is meeting with the new owners of 71 Harvard Road.
- Spoke about the Sewer Assessment, and Town Counsel opinion on this item.
- Old Municipal Building, closing of that sale is scheduled for July, barring any problems, such as the adverse possession that has been posed.

Memo from Chief for Dispatch payroll

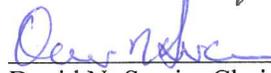
Chief Massak came before the Board to brief them about the dispatcher payroll as well as seeking permission to interview applicants for the two open positions in Dispatch.

He further spoke about the Vehicle Etching Program, which is etching the VIN number on the car door. (*See Attached*)

With no further business to discuss, Selectman Deveau made a Motion go into Executive Session for the purposes of legal issues and will go back into open session for the purpose to adjourn. Seconded. Armand Deveau vote Aye, Kendra J. Dumont vote Aye and David Swain vote Aye.

Respectfully submitted,
Kathleen Rocco

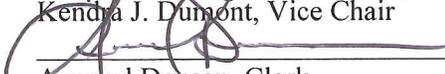
Date Accepted: 7/23/2012



David N. Swain, Chair



Kendra J. Dumont, Vice Chair



Armand Deveau, Clerk