

Town of Shirley

BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

Armand Deveau, Chair

David N. Swain, Vice Chair

Kendra J. Dumont, Clerk

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BOARD OF SELECTMEN MINUTES of September 10, 2012 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, September 10, 2012 at 7:00 p.m. at the Town Offices with Chairman Armand Deveau presiding and Selectmen David Swain and Kendra Dumont and Chief Administrative Officer David 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	# 0110	09/05/12	\$ 6,562.46
Payroll warrant	# 6110	09/05/12	\$ 22,217.99
Payroll warrant	# 9110	09/05/12	\$ 9,318.39
Payroll warrant	# 0111	09/12/12	\$ 6,909.57
Payroll warrant	# 6111	09/12/12	\$ 25,070.96
Payroll warrant	# 9111	09/12/12	\$ 10,590.58
Payable warrant	# 2103	09/05/12	\$ 142,661.25
Payable warrant	# 9213	09/05/12	\$ 412,500.00
Payable warrant	# 2113	09/12/12	\$ 12,150.93

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

APPROVAL OF MINUTES

Selectman Swain made the **Motion to accept the Minutes of August 6, 2012 and August 20, 2012. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

NEW BUSINESS

1. Superintendent Carl Mock

Superintendent Carl Mock and Joyce Reischutz, Chairman of the Ayer Shirley Regional Committee came before the Board of Selectmen to:

- October 3rd the MSBA will give the Region their recommendation of the High School Building Project.
- Reimbursement of allowable costs for the project will be 70.25%
- Regional School vote will be on November 17, 2012 from 8am – 4pm.

Mr. Mock asked the Board of Selectmen to consider having the debt exclusion vote be held on concurrently with the Regional vote.

Chairman Deveau supports having the vote on the same day, however, his recommendation would be the debt exclusion and possible 2 ½ overrides ballot questions be done all on the same day from 7am – 8pm. Joyce Reischutz noted that state law prohibits the Regional School Ballot question to have a vote longer than 8 hours. She stated that it was felt the Saturday vote would be best served from 8am – 4pm for the town.

Mr. Mock noted that he is fearful on the two different time frames and the possible confusion, and feels strongly that the ballots should be held concurrently.

Selectman Swain asked if the information on the assessment is based on the 70.25% reimbursement. Mr. Mock noted that the \$19.4 Million is the total local share, he further stated that numbers are conservative.

It was concluded that the School and Board of Selectmen are in agreement with the November 17th date for the Ballot questions.

Selectman Swain further had concern with the start times for the November 17th vote. He would prefer the start time be from 8am – 8pm.

2. 7:05 Public Forum – Amending Article VII of the Town By-Laws

Selectman Deveau opened the Public Forum at 7:37pm. Selectman Dumont read into the Minutes the following:

The Shirley Board of Selectmen will hold a Public Forum on Monday September 10, 2012 at 7:05 p.m. at the Town Offices, 7 Keady Way, to discuss Amending Article VII Section 14 of the Town By-Laws by Replacing Existing Section 14 (Alcoholic Beverages Open Container Prohibition) and

Amend Article VII of the Town By-Laws by Adding New Section 16 (Marijuana Use Prohibition). Persons unable to attend this public forum, may forward their comments in writing to the Board of Selectmen, 7 Keady Way, Shirley, MA 01464 prior to the Public Forum.

Chairman Deveau felt it important enough to have an informational session of the bylaws being imposed to the public.

Chief Massak came before the Board to explain the reasons behind the changes in these bylaws. With respect to the open container bylaw, at this time there is no enforcement authority with respect to public drinking. This bylaw will allow enforcement on that activity. Chief stated that the marijuana use will have the same effect. It was further noted that these bylaw changes are essentially the same in other communities, such as Ayer and Townsend.

Selectman Swain made a **Motion to close the Public Forum at 7:44pm. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

3. Driveway Permits – 63 Lancaster Road & Lot 8 Morse Circle

Selectman Swain made the **Motion to approve the Application for Permit to Construct &/or Blacktop Driveway or Accessway for 63 Lancaster Road, with Order of Conditions as presented. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

Selectman Swain made the **Motion to approve the Application for Permit to Construct &/or Blacktop Driveway or Accessway for Lot 8 Morse Circle, with Order of Conditions as presented. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

4. Discussion of the Old Hazen Memorial Appraisal

CAO David Berry announced that the Old Hazen Memorial Building was appraised for \$75,000 as a single family home.

Chairman Deveau noted that he felt the appraisal is low, and with depressed housing market, asked if the sale of the building should be delayed until the market picks up.

Selectman Swain stated that the Old Hazen Memorial is a beautiful building but worries the building will fall into disrepair. He would like to proceed with the sale of building and start receiving taxes on the building.

Selectman Dumont asked if the Selectmen should go back to the Buyer and see if he would be willing to renegotiate the sale price. CAO Berry stated that unofficially, the buyer would be willing to purchase the building at \$75,000; \$10,000 higher than his initial bid.

After further discussion, it was agreed that the Selectmen would meet with the buyer to renegotiate the price.

5. Catacunemaug Culvert

CAO David Berry updated the Selectmen with respect to the Catacunemaug Culvert project. He received a letter of recommendation from Doug Miller of GPR, stating the top 3 bidders were certified with the State and he has checked their references. GPR recommends that Onyx Corporation was the low bidder at \$139,589 to do the project.

Discussion on the lease amount of impact to the residents that live off of Catacunemaug Road. Selectmen raised concern with the closure of the road and impact of emergency vehicles as well as school buses. GPR estimated that that road would be shut down for approximately one week. Selectman Swain wondered if was possible that the closure of the road could coincide with a school holiday, ie Columbus Day.

Selectman Swain made the **Motion to award the Contract to Onyx Corporation of Action, Massachusetts, for the Catacunemaug Culvert Project, subject to a successful time frame negotiations with CAO, and price not to exceed \$139,589. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

6. Appointments – Dispatch & PD Custodian

Chief Massak and the Communications Committee had voted unanimously in favor of appointing Cody Roberts as full time dispatcher and Christopher Shea as part time dispatcher.

Selectman Swain made the **Motion to appoint Cody Roberts as a full time Dispatcher, term to expire on June 30, 2013. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

Selectman Swain made the **Motion to appoint Christopher Shea as a part time Dispatcher, term to expire on June 30, 2013. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

Selectman Swain made the **Motion to appoint Brian L. Souther, as Police Department Custodian, term to expire June 30, 2013. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

OLD BUSINESS

7. Update on Sex Offender ByLaw

Chief Massak gave an update on the status of the Sex Offender Bylaw. The Bylaw was approved by the Town in June, 2010, the Town Clerk sent the Bylaw to the Attorney General's Office for approval, and the AG's office sent their 9 page response in January 2011. There will need to be a definitive answer from the Town's Counsel, Attorney Brackett, with respect to the interpretation of law as it relates to this bylaw.

Chief Massak has concerns of the Federal laws versus the State of Massachusetts laws regarding the rights of an individual. He referenced the Sex Offender Bylaw violation with the Town of Ayer, and does not want same to happen to the Town of Shirley.

Selectman Dumont noted that the reason for this update on the Sex Offender Bylaw was due in part to the start of the new school year.

Selectman Swain asked CAO David Berry to contact Attorney Brackett on the status of this issue.

Chief Massak noted that once everything is in place, he will put the Bylaw on the Town's web site and start the mapping on this as well.

CAO UPDATE

- Noted that the Motions for the STM Warrant are in pretty good shape.
- Working on potential language for Prop 2 ½ Ballot question
- Update on the Removal of the Pine Tree in Center Cemetery
- Announcement of receipt of reimbursement of \$29,892.82 from FEMA/MEMA for the October Snowstorm
- Mosquito Spraying in Devens, CAO noted that he would ask if they can expand the spraying into Shirley.
- Transportation Improvement Plan Update. CAO Berry stated that he had sent a letter supporting the proposed bike trails and sidewalks.

Selectman Swain made the **Motion that the Board of Selectmen supports the actions of Montachusett Regional Transportation Authority with regards to the TIP program. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

- Follow up on the request from the Shirley Playgroup regarding the repaving the Basketball Court. CAO Berry asked the Selectmen for their opinion. Chairman Deveau noted that he had a conversation with Sewer Commissioner Butch Farrar with respect to Jim Quinty's question on the stub. Mr. Farrar reported that the sleeve or stub would not work as proposed by Mr. Quinty. Chairman Deveau applauds the Playgroup for their efforts with the playground, however, to only pave the Basketball Court only to have it torn up again, makes no sense. He questioned if the Court can be relocated to another area. Selectman Swain cautioned that between the snack shed there are septic issues and may not be able to relocate the court. Chairman Deveau asked the CAO remind the Playgroup to keep the Sewer Commission abreast of their plans for the LAW playground.

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

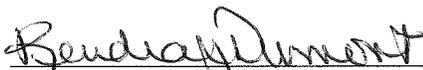
Respectfully submitted,
Kathleen Rocco

Date Accepted: Oct 1, 2012

Armand Deveau, Chair



David N. Swain, Vice Chair



Kendra J. Dumont, Clerk