

# Town of Shirley

## BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

*Kendra J. Dumont, Chair*

*Robert E. Prescott, Jr., Vice Chair*

*David N. Swain, Clerk*

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### BOARD OF SELECTMEN MINUTES DECEMBER 2, 2013 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, December 2, 2013 at the Town Offices, Meeting Rooms A & B, with Chairman Kendra J. Dumont presiding, with Selectmen David N. Swain, Robert E. Prescott, Town Administrator Patrice Garvin and Executive Assistant Kathleen Rocco in attendance.

#### CALL TO ORDER

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

*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*

#### TOWN ADMINISTRATOR REPORT

Town Administrator Patrice Garvin gave her weekly Report:

1. TA Garvin noted that she is continuing to meet with Boards and Committees to introduce herself and discuss the FY15 budget process. Her hope is to bring a unified department budget to the Selectmen and the Finance Committee.
2. The FY15 Budget Process is underway and a schedule and budget preparation Memo has been distributed to the Departments/Boards/Committees. It is TA Garvin's hope to have the Final FY15 Operating Budget present to the Selectmen on February 3, 2014.
3. The Shirley Tax Rate has been set, noting that the official notice from the DOR was received on Friday, November 22<sup>nd</sup>. The FY14 tax rate for the Town of Shirley is \$16.75.
4. The Town will be putting its IT services out to bid in December. At the 2013 ATM, Capital Money was appropriated to update the Town servers. The Town, complying with MGL Chapter 30B, will be putting this project out to bid. Town Administrator Garvin is working on the RFP and hopes to get the project on the Central Register this December. Further, she noted that the IT General Services will be included in the RFP.

5. TA Garvin reported that she has begun the Public Safety Meeting for the Town to prepare for the upcoming winter. She is currently working on an employee phone chain and has drafted an Inclement Weather Policy for the Selectmen's review. She noted that the Library Trustees are reviewing the Policy as well, so there will be one policy for all the Town Employees.
6. TA Garvin is continuing to look at efficiencies in the Town and will be bringing forward plans in the future for the Board's review. One change that has been already implemented is to have all personnel related issues come through the Town Administrator's office, which includes the employee benefits. She noted that the staff has been very accommodating and willing to improve the efficiency of town departments.
7. The Board had its Goals and Objectives Work Session on Monday, November 25<sup>th</sup>. The Goals and Objectives documents were attached to the TA Report.
8. The Conservation Commission Chairman, Nancy Askin and the TA have been interviewing potential candidates for the Conservation Agent. She noted that they have conducted several interviews and will be bringing the final candidates to the Conservation Commission for approval.
9. On December 16<sup>th</sup>, the Personnel Board will be at the next Selectmen's meeting reviewing the Personnel Policy Manuel and the Wage and Classification Schedule.
10. Finally, Garvin met with the representative of MART to discuss the parking at the Shirley Commuter Train Station. After speaking with the DPW Foreman, Paul Farrar, she was informed that the parking spots along the road will be plowed so that commuters can park. Understanding that plowing these parking spaces is not a requirement of Shirley, but additional spaces. The Town is only allowed to invoice MART for the maintenance of 25 spaces. She noted that she is working with the DPW Foreman and Town Accountant to create a plan to address maintenance concerns. She will present a report to the Board of Selectmen in the coming months.

**TREASURY WARRANTS - None**

**APPROVAL OF MINUTES**

Selectman Prescott made the *Motion to accept the Minutes of October 28, 2013, November 4, 2013 and November 18, 2013 as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

**OLD BUSINESS**

1. War Memorial Building Lease

The American Legion E-Board came before the Board to inform them that they have approved the Lease presented before them.

Selectman Prescott made the *Motion to accept the lease agreement for the War Memorial Building as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

2. Energy Committee Update

Bryan Dumont of the Energy Committee came before the board to discuss the need for maintenance for the street lights. He noted that although there is a warranty for 10 years for the lights, the need for maintenance, should there be an accident or a weather related issue, is necessary. He presented to the Selectmen quotes from Wellesley Power, Groton Municipal Electric and New England Utilities. He noted that Groton Municipal were the most cost effective and stated that the Energy Committee voted to recommend Groton Municipal.

Selectman Prescott made the *Motion to accept the Groton Municipal Electric as our Emergency Service Company. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

<b>NEW BUSINESS</b>
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3. 7:05pm Public Hearing – Renewal of Gravel Permits

Motion to open the Public Hearing for Renewal of Gravel Permits at 7:05pm. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Swain read the Legal Notice into the Minutes:

*The Board of Selectmen will hold a Public Hearing at 7:05 p.m. on December 2, 2013 at the Town Offices, 7 Keady Way, for Renewals of Removal Permits for Soil, Loam, Sand, Gravel or Other Earth Products for: Anita Haines, Richard Hatch, J & A Realty Trust, Safety First Investments, and Robert Hart. If you are unable to attend, please forward your written comments to the Board of Selectmen, 7 Keady Way, prior to the Public Hearing.*

Chairman Dumont noted that only Anita Haines and Robert Hart renewed their gravel permits.

*Motion to close the Public Hearing at 7:26pm. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

Selectman Prescott made the *Motion to approve the Renewal of Removal Permit for Soil, Loam, Sand, Gravel or Other Earth Products for Lot 107A 1.1 Townsend Road, up to 5000 cubic yards, with the attached Terms and Conditions. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

Selectman Prescott mad the *Motion to approve the Renewal of Removal Permit for Soil, Loam, Sand, Gravel or Other Earth Products for Parcel 102 B 8.05 – 9 Moore Drive, up to 5000 cubic yards, with the attached Terms and Conditions. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

4. 7:10pm Pole Hearing – Clark Road

Selectman Prescott made the *Motion to open the Pole Hearing at 7:28pm. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

Selectman Swain read the Legal Notice into the Minutes:

*The Shirley Board of Selectmen will hold a public hearing on Monday, December 2, 2013, at 7:10 p.m., at the Town Offices, 7 Keady Way to discuss the Petition for Joint Pole Location for Verizon New England Inc. and Massachusetts Electric Company (NGrid) who request permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways: Clark Road on the westerly sideline, place a New Pole No. 31S approximately 487 feet north from the center line of Morgan Lane. 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.*

Selectman Prescott made the *Motion to close the public hearing at 7:29pm. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

Selectman Prescott made the *Motion to approve Verizon's and National Grid's Petition for a Joint Pole Location for Clark Road on the westerly sideline, to place a New Pole No. 31S approximately 487 feet north from the center line of Morgan Lane. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

5. Renewal of Alcohol and Food License for 2012

*Motion to approve the Common Victualler's License for Food and All Alcohol for the **Bull Run Restaurant** at 215 Great Road, term to expire December 31, 2014, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve the Common Victualler's License for Food and All Alcohol, and the Automatic Amusement License for the **Shirley Club, Inc., dba/ The Phoenix Bar and Grill**, 4 Ayer Road, term to expire December 31, 2014, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve the Common Victualler's License for Food and All Alcohol and for Automatic Amusement (2 Video Games) for **Piccolino Restaurant** at 4 Mill Street, term to expire December 31, 2014, and subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve the Common Victualler's License for Food and All Alcohol and for Automatic Amusement (2 Video Games) for **George Morin Post #183** at 9 Church Street, term to expire December 31, 2014, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve the Common Victualler's License for Food and All Alcohol for **Net Variety, Inc., dba/ Net Variety & Liquors**, at 5 Front Street, term to expire December 31, 2014, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve the Common Victualler's License for All Alcohol for the **Shirley Package Store, Inc., dba/ Ye Olde Cock and Bottle**, at 217 Great Road, term to expire December 31, 2014, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve the Common Victualler's License for Food and Wine and Malt for **Roux's Market**, 27 Front Street, term to expire December 31, 2014, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve the Common Victualler's License for Food for **Courtney's Donuts, LLC, dba/ Dunkin' Donuts**, at 2 Fredonian Street, term to expire December 31, 2014, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve the Common Victualler's License for Food for the **Great Wall Restaurant** at 7 Main Street, term to expire December 31, 2014, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve the Common Victualler's License for Food for **Airport Diner**, term to expire December 31, 2014 subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve the Common Victualler's License for Food for the **Village Pizza** at 1 Front Street, term to expire December 31, 2014, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

#### 6. Renewal of Class II and Class III Permits

*Motion to approve the Used Car Dealer's License – **Class II** – to buy and sell second-hand motor vehicles, for **David Warila dba/Warila's Auto Repair & Sales**, at 200 Ayer Road, term to expire January 1, 2015, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve a Used Car Dealer's License, **Class II**, to buy and sell second-hand vehicles, for **Shirley Garage, Inc.**, 130 Lancaster Road, subject to the attached order of conditions and the Town's By-Laws, term to expire January 1, 2015 . Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve a Motor Vehicle Junk License, **Class III**, for **Shirley Garage, Inc.**, 130 Lancaster Road, subject to the attached order of conditions and the Town's By-Laws, term to expire January 1, 2015 Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve a Used Car Dealer's License, **Class II**, to buy and sell second-hand vehicles, for **Insurance Auto Auctions, Corp.**, 2 Going Road, subject to the attached order of conditions and the Town's By-Laws, term to expire January 1, 2015. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve a Motor Vehicle Junk License, **Class III**, for **Insurance Auto Auctions, Corp.**, 2 Going Road, subject to the attached order of conditions and the Town's By-Laws, term to expire*

*January 1, 2015. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve a Used Car Dealer's License, **Class II**, to buy and sell second-hand vehicles, for **Warila Enterprises, Inc, dba/Burlington Auto Parts**, 127 Hazen Road, subject to the attached order of conditions and the Town's By-Laws, term to expire January 1, 2015. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Motion to approve a Motor Vehicle Junk License, **Class III**, for **Warila Enterprises, Inc, dba/Burlington Auto Parts**, 127 Hazen Road, subject to the attached order of conditions and the Town's By-Laws, term to expire January 1, 2015. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

7. Appointment – Ambulance EMT – Kevin Hayes, Jr. & Amanda Saball

*Selectman Prescott made the Motion to appoint Kevin Hayes, Jr as an EMT to the Ambulance Department, term to expire June 30, 2014. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Selectman Prescott made the Motion to appoint Amanda Saball as an EMT to the Ambulance Department, term to expire June 30, 2014. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

8. Driveway Permits

*Selectman Prescott made the Motion to approve the Application for Permit to Construct &/or Blacktop Driveway or Accessway for 64 Center Road, as presented with the attached Order of Conditions. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Selectman Prescott made the Motion to approve the Application for Permit to Construct &/or Blacktop Driveway or Accessway for 1 Gideon Lane, as presented with the attached Order of Conditions. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Selectman Prescott made the Motion to approve the Application for Permit to Construct &/or Blacktop Driveway or Accessway for 4 Gideon Lane, as presented with the attached Order of Conditions. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

*Selectman Prescott made the Motion to approve the Application for Permit to Construct &/or Blacktop Driveway or Accessway for 109 Lancaster Road, as presented with the attached Order of Conditions. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

9. Pavement Cuts

*Selectman Prescott made the Motion to approve the Road Crossing and Pavement Cut Permit for 15 Front Street for gas service, as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

Selectman Prescott made the *Motion to approve the Road Crossing and Pavement Cut Permit for 5 Front Street for gas service, as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

10. Inclement Weather Policy

Town Administrator Patrice Garvin presented to the Board of Selectmen an Inclement Weather Policy. She noted that there needs to be a policy regarding staffing during adverse weather conditions. Garvin pointed out that this policy is also being reviewed by the Board of Library Trustees.

Selectman Prescott made the *Motion to adopt the Inclement Weather Policy as presented, contingent upon the Library Trustees Approval. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

**PUBLIC COMMENTS**

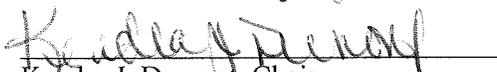
**ANNOUNCEMENTS**

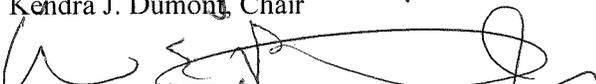
**ADJOURNMENT**

With no further business to discuss, *Motion and Seconded to adjourn at 7:47 p.m., Robert E. Prescott vote Aye, David N. Swain vote Aye, and Kendra J. Dumont vote Aye .*

Respectfully submitted,  
Kathleen Rocco

Date Accepted: Dec 16, 2013

  
Kendra J. Dumont, Chair

  
Robert E. Prescott Jr., Vice Chair

  
David N. Swain, 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.*