



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 27, 2014

7:00pm

TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, October 27, 2014 at the Town Offices, Meeting Rooms A & B, Chairman David N. Swain presiding, with Selectmen Kendra J. Dumont, Robert E. Prescott, Jr., Town Administrator Patrice Garvin and Executive Assistant Kathleen Rocco in attendance.

CALL TO ORDER

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

EXECUTIVE SESSION

Selectman Dumont made the Motion to go into Executive Session as authorized under M.G.L. c. 30A, §21(9) To discuss strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining session or contract negotiations with non-union personnel and return to open meeting session. Seconded. Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

TOWN ADMINISTRATOR REPORT

Town Administrator Patrice Garvin gave her weekly report to the Board of Selectmen. She noted that at the Selectmen's last meeting there was discussion on the possibility of raising the rate for private snowplow contractors. After speaking with the DPW Foreman, he has requested the amount be raised from \$59 to \$70, for private snowplow contractors. The DPW Foremen and the TA believe this will encourage responses to the Town's advertisement of snow-plow drivers, given the surrounding Town's rates.

Selectman Prescott moved to increase the private snowplow contractors rate from \$59.00 to \$70.00 per hour. Chairman Swain Seconded. Robert E. Prescott, Jr. vote Aye, David N. Swain vote Aye and Kendra J. Dumont abstains.

The Winter Parking Ban will be put into effect on November 15, 2014 through April 15, 2015. This ban allows the DPW to have cars towed that are parked on a public way or on the street during a snowstorm.

MRPC informed the TA that the Town has a good chance for the Community Bock Grant, available through the CDHC. She as invited Kevin Flynn, Community Development Director of MRPC, to discuss this grant

opportunity for the Town. The \$3000 needed for this grant process is coming through a special fund for Affordable Housing initiatives. For the Selectman, she attached a brief overview of the block grants as well and activities the grant could cover.

Garvin attached a Memo that she will be sending the Town Employees for the Selectmen's review. The memo is regarding the Town Offices Operating Hours for November and December.

Garvin wanted to inform the board that the dumping of bags that came up at our last meeting has been resolved.

The STM Warrant has been posted and Town Administrator will be working on the motions. She will be meeting with Town Counsel, the Moderator and Town Clerk to go over the Warrant for town meeting. She is anticipating the Town Meeting will go one night, with a positive vote to continue to a date time certain for Derby Drive, which she will go into further under that agenda item. Garvin also stated that FinCom met and supported all of the articles but held their position on the Penalties Bylaw and Derby Drive, due to final review from counsel.

Finally, the Economic Development Committee would like to schedule a Special Town Meeting on Monday, February 23, 2015, with a snow date of Tuesday, February 24th. This meeting will be to vote on the zoning articles that were pulled from this current warrant. Garvin has spoken to the Planning Board's Chairman to let him know that the Planning Board needs to schedule a public hearing in early December. Garvin will be asking the Selectmen to open the Warrant at their meeting after Town Meeting in November.

TREASURY WARRANTS

Payroll warrant	<u># 0118</u>	<u>10/29/14</u>	<u>\$ 4,570.12</u>
Payroll warrant	<u># 6118</u>	<u>10/29/14</u>	<u>\$ 25,839.08</u>
Payroll warrant'	<u># 9118</u>	<u>10/29/14</u>	<u>\$ 27,201.29</u>
Payable warrant	<u># 2185</u>	<u>10/29/14</u>	<u>\$ 190,793.69</u>
Payable warrant	<u># 9255</u>	<u>10/27/14</u>	<u>\$ 6,530.00</u>

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

APPROVAL OF MINUTES

Selectman Dumont moved to accept the Minutes of October 20, 2014. Selectman Prescott Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

OLD BUSINESS

1. Energy Committee Update **TABLED**

NEW BUSINESS

2. Update and Vacate Foreclosure Decree: Parcel 8-C-17 & Parcel 8-A-2.9J12

Town Collector Holly Hasse gave an update to the Foreclosures. She noted that Timothy Coughlin of Parcel 8-C-17 paid \$5,287.13. For Parcel 8-A-2.9J12, Robert & Soria Guadette paid the amount owed of \$19,089.08.

Selectman Dumont moved to approve to vacate Foreclosure Decree for Parcel 8-C-17 Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to approve to vacate Foreclosure Decree for Parcel 8-A-2.9J12. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

3. Establish Veterans Event Gift Fund

Selectman Dumont moved to establish a Veterans Event Gift Fund. Seconded. Robert E. Prescott, Jr. vote aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to accept the gift in the amount of \$500 for the Veterans Event Gift Fund. Seconded. Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

4. Actuarial Valuation

Town Accountant Bobbi Jo Colburn gave an update on the Actuarial Valuation regarding Other Postemployment Benefits Program (OPEB). She noted that the report summarizing the results of an actuarial valuation of the Town of Shirley's Other Postemployment Benefits as of July 1, 2013. The valuation was performed using employee data and financial information provided by the Town.

Town Accountant further noted that the Town should start funding OPEB, however it is not mandated to do so. The current unfunded Actuarial Accrued Liability to the Town is \$4,182,196 for 2013.

5. Refer Derby Drive – STM Warrant Article

TA Garvin noted that the Planning Board will hold a hearing on November 5, 2014. Board of Selectmen has to refer Derby Drive to the Planning Board and then must be filed with the Town Clerk.

Selectman Dumont moved to refer the Plan for Derby Drive to the Planning Board. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David n. Swain vote Aye.

6. Driveway Permits: 17 Leominster Road

Selectman Dumont moved to accept the Application for Permit to Construct &/or Allow Blacktop Driveway or Accessway for 17 Leominster Road, with the attached Order of Conditions as presented. Seconded. Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

7. Appointments – Election Workers

Selectman Dumont moved to appoint Gaynor Bigelbach to Election Worker – Democrat, term to expire June 30, 2015. Seconded. Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to appoint Christopher Quinones - to Election Worker – Republican, term to expire June 30, 2015. Seconded. Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to appoint Laurie Witherell to Election Worker – Unenrolled, term to expire June 30, 2015. Seconded. Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

Selectman Dumont moved to appoint Fran Stenson as an Election Worker and leave open for any other election worker as presented by the Town Clerk. Seconded. Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye and David N. Swain vote Aye.

PUBLIC COMMENTS

ANNOUNCEMENTS

State Election is Tuesday, November 4, 2014 at the Town Offices from 7:00pm to 8:00pm.
Special Town Meeting is Monday, November 10, 2014 at the Ayer-Shirley Middle School Auditorium at 7:15pm.

Chairman Swain updated the Selectmen on the last JBOS meeting, noting that JBOS is looking at a Super Town Meeting in February, 2015 for zoning issues. Swain further spoke of JBOS amending Chapter 498 to not have a Super Town Meeting but just one Town Meeting, with other Towns meeting within the 60 day perimeter. Selectman Prescott asked who was driving this initiative. Swain stated the Town of Harvard was proposing this amendment. Chairman Swain noted that Chapter 498 is a living document.

Chairman Swain reported that each town contribute \$10,000 to fund JBOS.

New Dates for painting the War Memorial Building

Chairman Swain made an announcement for the new dates for painting the War Memorial Building

The War Memorial Trustees are looking for community volunteers for a cooperative project with Team Depot to paint the War Memorial Building on November 7th and 8th, 8:30-5pm. Come for the day or just a few hours, to paint, tape, clean up, move furniture, etc. Please call 978-425-9234 or email lodestone45@verizon.net with your name, contact info and hours of availability for planning purposes.

Be a part of revitalizing this public building that honors all veterans. Home Depot in Leominster is supplying all paint and supplies at no charge with their Team.

A second phase of the project will include refinishing the wood floor, and later replacing the well-worn carpet. Your support will be greatly appreciated; service hours can be documented as needed.

Petition for An Article for Special Town Meeting – November 10, 2014

Chairman Swain read the response from Town Counsel Carolyn Murray:

You have requested an opinion concerning the ability of the Board of Selectmen to include a petitioned article on the warrant for the upcoming November 10, 2014 Special Town Meeting. In my opinion, where the warrant has been posted for such meeting, and where the Town Bylaws require publication of the warrant at least 14 days prior to the date of such meeting, the Board has no discretion to reopen the warrant. The petitioned article must, however, appear on the next Special Town Meeting warrant, or on the warrant for the Annual Town Meeting in the spring.

As you are aware, Article I, Section 6 of the Town's General Bylaws requires: "Notice of every Special Town Meeting shall be given by posting attested copies of the warrant...not less than fourteen days before the day fixed for such meeting and by publication in one or more local newspapers not less than fourteen days before the day fixed for such meeting." This 14-day notice requirement is consistent with state law, G.L. c. 39, §10. The date of the Special Town Meeting is November 10, 2014; therefore, the warrant for the Special Town Meeting must be posted and published no later than October 27. However, it is my further understanding that the Town has already posted the warrant as required by law. Once a warrant is posted, the meeting has an independent legal existence and the warrant cannot be reopened or otherwise altered. Therefore, in my opinion, the Board of Selectmen does not have discretion to reopen the warrant, and further, even if the Board of Selectmen did have such authority, the timing of the submission would make it impossible for the Town to meet the posting and publishing requirements applicable to a special town meeting.

Note further, however, that if there is in fact a special town meeting called in February, such article would be required to appear on the warrant therefor. If no such special town meeting is called, the article would need to appear on an annual or special town meeting warrant in the spring

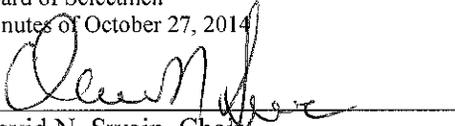
ADJOURNMENT

With no further business to discuss, *Motion and Seconded to adjourn at 7:40 p.m., Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye, and David N. Swain, vote Aye.*

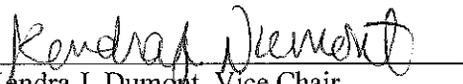
Respectfully submitted,
Kathleen Rocco

Date Accepted: Nov. 10, 2014

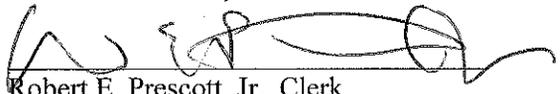
Board of Selectmen
Minutes of October 27, 2014



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.