

Town of Shirley

BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

Kendra J. Dumont, Chair

Robert E. Prescott, Vice Chair

Enrico C. Cappucci, Clerk

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BOARD OF SELECTMEN

MINUTES

August 15th, 2016
7:00 pm
TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, August 15th, 2016 at the Town Offices, Meeting Rooms A & B, Chairman Kendra J. Dumont presiding, with Selectmen Robert E. Prescott, Enrico C. Cappucci, and Town Administrator Patrice Garvin in attendance.

CALL TO ORDER

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

Selectmen Cappucci announced that he would be recording the meeting on his own personal voice recorder.

TOWN ADMINISTRATOR REPORT

The Town Administrator gave her weekly report.

1. Officer Everett Moody has offered his resignation. Due to a State Law Officer Moody is at the mandatory retirement age. Officer Moody has worked for the Town for a large amount of time, and we wish him well in retirement.
2. The Ayer Shirley Superintendent has scheduled a meeting of Wednesday, October 12th from 6-8pm. The Town of Ayer has also been invited. The purpose of the meeting is to get an in-depth understanding of Chapter 70 Funding. I will remind the Board and the Finance Committee as we get closer to the date. I have attached the initial email from the Superintendent.
3. The Governor has signed the Municipal Modernization Bill. I have included brief summaries of the changes the bill has made. Please let me know if you would like further information on these changes and how they could affect the Town.
4. I met with a representative from the state regarding our MassWorks grant. This meeting was to identify ways in which to improve our application.

5. I met with the representatives from the Collins Center that will be helping the Town improve its Financial Policies. As the Board knows the Town received a grant to assist in fine tuning the Financial Policies of the Town, most specifically the use of Free Cash. I will be meeting with the group again on August 30th. The updated policies should be completed by the end of October.
6. Finally, the traffic study for Groton and Townsend Road is almost complete. A preliminary draft has been released to the Town. I have attached this draft. Please let me know if you have any questions. I am working to schedule a meeting with the Police Chief, Fire Chief and DPW Foreman to discuss the findings.

TREASURY WARRANTS

Selectman Cappucci *Motioned to accept the Treasury Warrants as presented. Selectman Dumont Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.*

APPROVAL OF MINUTES

Selectman Prescott *Moves to accept the Board of Selectmen Executive Session Minutes of July 11th 2016 as presented with an additional line added regarding Selectmen Cappucci not speaking with litigants. Selectman Cappucci Seconded. Kendra J. Dumont vote Aye, Enrico C. Cappucci vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passes.*

OLD BUSINESS

1. Energy Committee Update

NEW BUSINESS

2. Vote to authorize MassWorks Grant Application

TA Garvin explains that part of the MassWorks grant application is that the Board of Selectmen must authorize acceptance of potential grant funding for this project.

Selectmen Prescott motions to authorize the MassWorks grant as presented this evening, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

3. MRPC DLTA Grant Contract, Regional Dispatch

Chair Dumont states that this is a grant to look into Regional Dispatch opportunities and potential. Some of these ideas were to combine with the existing center in Deven's / Groton or to create a whole new center with the Town of Ayer. The MRPC will look into these opportunities in greater detail.

Selectmen Prescott motions to authorize the Town Administrator to sign the MRPC DLTA Grant Contract as presented, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

4. Super Town Meeting, October 24, 2016, Discussion

Chair Dumont states that this Super Town Meeting would be about Deven's re-zoning district 6 into an all-purpose innovation and technology zoned area. The backup information for this will be posted on the Town of Shirley Website. Chair Dumont states she believes the public hearing for this should be head during a Board of Selectmen's Meeting.

Selectmen Prescott motions set the date of 10/24/2016 at 7:00pm for a Super Town Meeting, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

5. Election Worker Appointments

Selectmen Prescott motions to appoint Brian Hildebrandt to the position of Election Worker / Warden – Republican for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

Selectmen Prescott motions to appoint Gloria Darby to the position of Election Worker– Republican for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

Selectmen Prescott motions to appoint Tristum Darby to the position of Election Worker– Un-enrolled for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

Selectmen Prescott motions to appoint Gaynor Bigelbach to the position of Election Worker– Democrat for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

Selectmen Prescott motions to appoint Owen Bigelbach to the position of Election Worker– Democrat for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

PUBLIC COMMENTS

Selectmen Cappucci states that there has been more damage to some of the equipment on the football field and none of the equipment is covered on the insurance. Cappucci would like to know how this can be added to the insurance.

Chair Dumont would like to discuss this next meeting so that everyone has time to obtain information.

Selectmen Cappucci states he has a problem with the vote regarding members of Town Department's contacting Town Counsel. Cappucci states that he does not feel comfortable without legal representation so he has contacted the Attorney General's office and filed a complaint against the Board of Selectmen. Cappucci states he received a letter from Town Counsel stating that he was not allowed to speak with them and that there is one executive session after another and it is never clear as to what they are about. Selectmen Cappucci states he had no place to go since one of his most important tools has been taken away, so he had no choice but to file an Open Meeting Law Violation.

Chair Dumont states that this policy was in place years ago when legal fees were getting out of hand much like recently. Dumont states that on at least three occasions she has asked Selectmen Cappucci to speak with Town Administrator Garvin instead of calling counsel immediately to ensure there would be no double bills for the same information.

Chair Dumont read a transcript from a phone message from Selectmen Cappucci to Attorney Brian Maser:

"EC: Hey Brian, Rico. Uh they're at it again. Apparently the Chief uh somehow apparently ___ (name) ___ was aware of what I said at the meeting which was simple to bring up the ___ (name) ___ case which was an interesting case. I have a plan now and I think they are covering up something that is bad, and I think I need to go forward with another agency. So I need to talk to you about that because this is going to be very difficult for them to answer. If I don't hear from you I'm going to go ahead with a full investigation."

Chair Dumont asks Selectmen Cappucci exactly what he believes she is "covering up"

Selectmen Cappucci states he never said covering up but she is going into Executive Session and bringing up other issues and naming names. If she wants to do that she can do that but the other people have to be there.

Chair Dumont states he did say that because she has a transcript of his message, and in regards to names he also brings up names he should not. Chair would like the people to hear what he is accusing her of, and you are allowed to mention a name in a conversation as long as it does not involve their character, discipline, or mental health.

Selectmen Cappucci states names continue to come up and it is wrong. When Town Counsel is writing letters with employees names in them then the person must be made aware. The solution to this is simple, and is to re-train the entire board in executive session principals.

Frank Esielionis would like to know how many letters were received after the announcement of open responses during Selectmen's meeting. Chair Dumont said none and she hopes more will come in during the upcoming weeks.

Selectmen Cappucci points out that interviews were held this morning and he did not know, but is under the belief that all three selectmen should sit in on interviews. When they are not there it puts them at a disadvantage. Cappucci states he would like to rely on his own opinion of candidates.

Selectmen Prescott states that is an attempt to take politics out of the hiring process in Shirley, the Town Administrator brings candidates forward to a Committee of the Department head and the Chairmen of the Board of Selectmen to decide on finalist candidates to bring forward to the entire Board of Selectmen. Prescott says he trusts the Department Heads and Town Administrator to make decisions and the Board should trust their input.

Selectmen Cappucci states that in all fairness there is a difference between a Town Administrator and a Town Manager and it is their responsibility to make decisions on hiring.

Selectmen Prescott states that in order to have all three Selectmen in an interview it would have to be in open session, but who would apply for a position when it is like a Salem Witch Trial.

ANNOUNCEMENTS

- 1. Next Meeting: Monday 8/22/16 at 7:00 p.m.

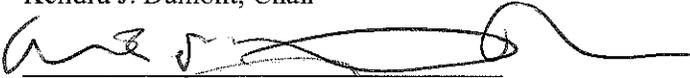
ADJOURNMENT

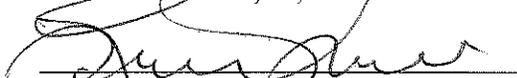
With no further business to discuss, *Selectmen Prescott motioned to adjourn at 7:38p.m. Selectmen Cappucci Seconded ., Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye, and Enrico C. Cappucci, vote Aye.*

Respectfully submitted,
Nathan Boudreau, Executive Assistant

Date Accepted: Sept 12, 2016


Kendra J. Dumont, Chair


Robert E. Prescott, Jr., Vice Chair


Enrico C. Cappucci, 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.