

Town of Shirley

BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

Robert E. Prescott, Jr., Chair

Kendra J. Dumont, Clerk

Enrico C. Cappucci, Member

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BOARD OF SELECTMEN

MINUTES

May 23rd, 2016

7:00 pm

TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, May 23rd, 2016 at the Town Offices, Meeting Rooms A & B, Chairman Robert E. Prescott, Jr. presiding, with Selectmen Kendra J. Dumont, Enrico C. Cappucci, and Town Administrator Patrice Garvin in attendance.

CALL TO ORDER

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

TOWN ADMINISTRATOR REPORT

The Town Administrator gave her weekly report.

1. The Town received assistance to study the Route 225 Townsend Road intersection through a safety program from MRPC. This study would have cost \$36k without the MRPC program. Once the study is completed, it will provide the Town in-depth recommendations to address the intersection's issues. As the Board is aware the number of accidents at the Route 225 Townsend Road intersection averages approximately 4 per year. As I previously stated, the funding is through the MRPC, Unified Planning Work Program (UPWP) grant for safety enhancement on public roadways, which the Town applied for last year.

2. The Finance Committee is meeting on Tuesday, May 24th to discuss the departmental transfers; this is to tie up the end of the year budgets. This is also one of your agenda items for Monday. The closing of the end of the year is progressing and the Interim Town Accountant is working diligently to reconcile with the Treasurer/Collector's office. The FY2015 audit is nearly complete and the Management Letter will be distributed at an upcoming meeting.

3. The ZBA Hearing appeal on the building permit for Patterson Road was continued; due to a schedule conflict with Town counsel. The ZBA has set the next hearing date for Tuesday, June 21st at 7pm to accommodate residents.

4. The Ayer Shirley Regional School's Excess and Deficiency was certified at the beginning of May. The certified amount was slightly over \$911k. As the Board knows the amount of \$60k was withdrawn from the General Stabilization Fund at the Annual Town Meeting to meet their requested increase of 8.5%. I have not heard from the schools regarding their E&D certification.

5. We are working on our Complete Streets application. We are currently working with the DPW on the Prioritization Plan that needs to be submitted. We are meeting next week to finalize the document.

6. The explanation on the Community Compact, and the ways in which the Town is paid from the state is attached. We have set up a tentative contract through the

Collins Center to assist in the development of Financial Policies the Board voted to focus on. I will bring that contract to you for your June 5th meeting, so the money can be paid out in FY2016.

The Economic Development piece is also progressing. The EDC met with Glenn Eaton, Director of the MRPC to discuss possible ways to utilize the Community Compact program. This part of the compact is executed by the Executive Office of Housing and Economic Development. I will inform the Board once I make contact with the Executive Office of Housing and Economic Development to see how we proceed.

7. Finally, I am working with Senator Eldridge's office at the request of Selectman Dumont to address some idling issues regarding the train, as well as times certain trains come through Town. We are trying to coordinate a meeting with Keolis and MART, to help the Town address these issues.

Town Administrator Garvin concluded her report.

TREASURY WARRANTS

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

Payroll warrant	147	5/18/16	\$ 4,999.47
Payroll warrant	6147	5/18/16	\$ 33,353.29
Payroll Warrant	9147	5/18/16	\$ 1,719.25
Payroll warrant	148	5/25/16	\$ 4,891.13
Payroll warrant	6148	5/25/16	\$ 34,922.78
Payroll warrant	9148	5/25/16	\$ 14,477.51
Payable warrant	2246	5/18/16	\$223,675.06

APPROVAL OF MINUTES

Board of Selectmen Regular Meeting of May 11th 2016

Selectmen Cappucci states that he cannot vote to approve these minutes on the basis that they were not recorded and that there is a disagreement in regards to what was said or not said during the course of the meeting. Cappucci states that the disagreement is in regards to him speaking with Conservation Agent Fleming about a driveway permit and TA Garvin's request that he go through the Town Administrators Office in regards to issues with agenda items. Cappucci states the problem with the minutes is in regards to a misunderstanding in what he said as an answer to that request.

Chairman Prescott then replied that he was believed the minutes to be accurate but that from now on everything will be recorded. Prescott states there is a process in town where people are hired to do the process for the Selectmen. Prescott believes that when the DPW Foreman brings an application forward he believes it to be complete and thorough and that is the process.

Selectmen Cappucci states that he has the spare time to do extra work into applications and do his job.

Selectmen Dumont stated that when TA Garvin was hired it was agreed that the selectmen would allow Garvin to do her job and she is pleased with the independent job as well as the daily communication between Garvin and the Selectmen.

Chairman Prescott Motioned to approve the minutes of the May 11th 2016 meeting as presented. Selectman Dumont Seconds the Motion. Enrico C. Cappucci votes No, Kendra J. Dumont Abstains, Robert E. Prescott votes Aye. Motion Fails.

OLD BUSINESS

1. Energy Committee Update

Bryan Dumont came forward with lease amendments regarding the Solar field on Groton Road. The lease states that they have found the property to be Town of Shirley property due to being taken from tax lean.

Selectmen Dumont Motioned to approve the amendment to the Groton Road Solar Lease Agreement. Selectman Cappucci Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote aye, Robert E. Prescott vote Aye. Motion Passes

NEW BUSINESS

2. Potential Bi-Weekly to Weekly Expense Warrant Discussion

TA Garvin states that the bi-weekly pay warrant initiated last year is not as efficient as planned and she would like to go back to a weekly expense warrant. The Selectmen would need to come in every Thursday to sign the Warrant weekly for this to work.

Selectmen Cappucci Motioned to move to a weekly expense warrant to be signed by the Selectmen. Selectmen Dumont Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote aye, Robert E. Prescott vote Aye. Motion Passes

3. Public Hearing 7:10 – National Grid – Install Pole on Townsend Road

Chairman Prescott read the following:

The Shirley Board of Selectmen will hold a public hearing on Monday, May 23rd, 2016 at 7:10 p.m. at the Town Offices, 7 Keady Way for National Grid, to discuss the placement of one (1) S.O. Pole on Townsend Road beginning at a point approximately 30 feet north of the centerline of the intersection of Squannacook Road. 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 Cappucci Motions to enter into public hearing on the matter of the Townsend Road Pole. Selectman Dumont Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye.

A representative from National Grid spoke on the need of this pole to stabilize a pole on private property for a new home.

Selectman Cappucci Motions to close public hearing on the matter of the Townsend Road Pole. Selectman Dumont Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye.

Selectman Dumont Motions to approve the Townsend Road Pole. Selectman Cappucci Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott abstains. Motion Passes.

4. Public Hearing 7:15 – National Grid – Install Pole on Leominster Road

Chairman Prescott read the following:

The Shirley Board of Selectmen will hold a public hearing on Monday, May 23rd, 2016 at 7:15 p.m. at the Town Offices, 7 Keady Way for National Grid, to discuss the placement of one (1) S.O. Pole on Leominster Road beginning at a point approximately 1650 feet east of the centerline of the intersection of Lunenburg Town Line. 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 Cappucci Motions to enter into public hearing on the matter of the Leominster Road Pole. Selectman Dumont Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye.

A representative from National Grid spoke on the need of this pole being to replace a pole in order to upgrade the pump station.

Tim Hatch of Maple Street asks what paper the public hearing was put in and was answered by Executive Assistant Boudreau. Hatch then asked if anyone could give an explanation as to what is going on at the pump station that would require a new pole.

The representative from National Grid answered that the pole is currently in disrepair and she does not know exact reasoning but to go underground for the station the pole will need to be replaced.

Jim Thibault stated that he was the inspector when the pump station was put in and this pump station is for an existing home.

Selectman Cappucci Motions to close public hearing on the matter of the Leominster Road Pole. Selectman Dumont Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye. Motion Passes.

Selectman Dumont Motions to approve the Leominster Road Pole. Selectman Cappucci Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott Aye. Motion Passes.

5. Joint Election of a Planning Board Member

Chairman Prescott reads the following:

The Shirley Personnel Board and Board of Selectmen will hold an election on Monday, May 23rd at the Town Offices, 7 Keady Way, to elect a member of the Shirley Planning Board. Any persons interested in serving on the Planning Board are asked to send letters of interest to Executive Assistant Nathan Boudreau at Town Hall or nboudreau@shirley-ma.gov no later than 5/19/2016 at noon. 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.

Planning Board Member Thomas Vachon opened the meeting of the Planning Board for the purpose of the Joint Election.

Vachon states that since there is no chairman or vice-chairman present they will need to appoint a temporary chairman.

Planning Board Member Bill Lampros nominates Thomas Vachon to be the temporary chair for the purpose of this meeting. Sarah Widing Seconds. Lampros vote Aye, Widing votes Aye, Vachon Votes Aye. Motion Passes and Thomas Vachon is acting Chairman of the Shirley Planning Board.

Planning Board Member Sarah Widing motions to appoint William Oelfke to the Planning Board for a term to expire at the 2017 Shirley Annual Town Election. Lampros vote Aye, Widing votes Aye, Vachon Votes Aye. Motion Passed.

Selectman Dumont Motions to appoint William Oelfke to the Planning Board for a term to expire at the 2017 Shirley Annual Town Elections. Selectman Cappucci Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

6. Joint Election of a Recreation Commission Member

More time requested on this matter

7. Appointment to Joint Board of Selectmen (JBOS)

Selectmen Dumont volunteers to join the Joint Board of Selectmen

Selectman Cappucci Motions to appoint Kendra Dumont to the Joint Board of Selectmen. Selectman Prescott Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye. Motion Passes.

8. Cash Management Policy

TA Garvin states that the policy has made its rounds through the financial departments and the Finance Committee recommends its adoption by the Board of Selectmen. Garvin states that this will just tighten up the handling of cash within the Town.

Selectmen Cappucci would like to thank David Swain for serving the town in his capacity of Selectmen and all other capacities. Cappucci states that he will hold true to his campaign promise of transparency and will meet with all boards to find out how he and the entire board can serve the people the best they can. Cappucci looks forward to working with the committees.

Chairman Prescott then informed Mr. Cappucci that this was not the end of the meeting and that he was seeking a motion to approve the Cash Management Policy.

Selectman Cappucci Motions to approve the Cash Management Policy. Selectman Dumont Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

9. 43D Expedited Permitting Guidebook Update

TA Garvin states that this is an update to the guidebook to make the Executive Aide be the contact person for the 43D Expedited Permitting.

Selectman Cappucci Motions to approve the update to the 43D Expedited Guidebook to make Executive Aide Nate Boudreau the 43D contact person. Selectman Dumont Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

10. Departmental Transfers

TA Garvin states that she is requesting departmental transfers to deal with budgetary shortcomings at the end of the Fiscal Year. * Full List Attached.

Transfer #1

TA Garvin explains that this is a transfer of \$48,000 to the Police Department to cover overtime.

Selectmen Cappucci states that in all his years within law enforcement this is the highest transfer he has ever seen. He states one way he would save on costs was hiring police officers that are already academy trained and able to hit the ground running on day one.

Chief Thomas Goulden states that it was a choice to send the two new Police Officers to academy and that he tends to not hire "gypsy cops" because they sometimes bring bad habits from other departments. Goulden states the just because a candidate brings a full time certification does not

mean they are a perfect Police Officer. Goulden states he does not like writing a departmental transfer letters and he knows the Selectmen feel the same way about reading them, and that once the two officers are out of academy in August the over time would fall back in line.

Selectman Dumont Motions to approve the transfer of \$5,000 from 122 Selectmen, \$5,000 from 141 Assessors, \$5,000 from 145 Treasurer / Collector, \$6,000 from 155 Computer, \$2,500 from 159 Office Machines, \$5,000 from 171 Conservation Commission, \$17,500 from 914 Health Insurance, and \$2000 from 176 Land Use, Totaling \$48,000 to account 211 Police Department. Selectman Cappucci Seconds the Motion. Enrico C. Cappucci vote No, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Transfer #2

TA Garvin explains that this transfer would be for 5,000 from General Insurance to Legal to cover unexpected litigation.

Selectman Cappucci Motions to approve the transfer of \$5,000 from General Insurance to Legal. Selectman Dumont Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Transfer #3

TA Garvin explains that would be 6,000 from Public Buildings into Accounting due to employees leaving and an overlap in the training of the new Assistant Town Accountant.

Selectman Cappucci Motions to approve the transfer of \$6,000 from Public Buildings to Accounting. Selectman Dumont Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Transfer #4

TA Garvin explains that this is due to a snow and ice deficit totaling 2,549.00.

Selectman Cappucci Motions to approve the transfer of \$2,549 from Land Use and Streetlights to Snow and Ice. Selectman Dumont Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Transfer #5

Selectman Cappucci Motions to approve the transfer of \$10,000 from Building Inspector and Election to Communications. Selectman Dumont Seconds the Motion. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

11. Drive Way Permit – 42 Parker Road

Selectman Dumont Motions to approve the driveway permit for 42 Parker Road. Selectmen Cappucci Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye. Motion Passes.

12. Road Cut Permits – 29 South Street

Selectman Dumont Motions to approve the Road Cut permit for 29 South Street. Selectmen Cappucci Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

PUBLIC COMMENTS

Janet Tice asked for clarification on the Planning Board openings. TA Garvin stated that all things would be announced via public notice in the foreseeable future.

ANNOUNCEMENTS

1. Next Meeting: Monday 6/6/16 at 7:00 p.m.

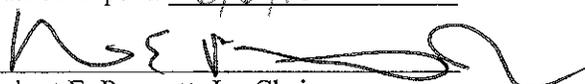
The Selectmen will now enter into Executive Session returning only to adjourn

ADJOURNMENT

With no further business to discuss, Motion and Seconded to adjourn at 8:34 p.m., Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye, and David N. Swain, vote Aye.

Respectfully submitted,
Nathan Boudreau, Executive Assistant

Date Accepted: 6/6/16


Robert E. Prescott, Jr., Chair


Kendra J. Dumont, Clerk


Enrico C. Cappucci, Member

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.

FY 2016 DEPARTMENTAL TRANSFER REQUESTS

Transfer #

1

Line #	<u>From:</u>	Amount
122	Selectmen	\$ 5,000.00
141	Assessors	\$ 5,000.00
145	Treasurer/Collector	\$ 5,000.00
155	Computer	\$ 6,000.00
159	Office Machines	\$ 2,500.00
171	Conservation Comm	\$ 5,000.00
914	Health Insurance	\$ 17,500.00
176	Land Use	\$ 2,000.00
TOTAL		\$ 48,000.00

Line #	<u>To:</u>	Amount
211	Police	\$ (48,000.00)
TOTAL		\$ (48,000.00)

2

945	General Insurance	\$ 5,000.00
TOTAL		\$ 5,000.00

151	Legal	\$ (5,000.00)
TOTAL		\$ (5,000.00)

3

192	Public Buildings	\$ 6,000.00
TOTAL		\$ 6,000.00

135	Accounting	\$ (6,000.00)
TOTAL		\$ (6,000.00)

4

176	Land Use	\$ 2,049.00
424	Street Lights	\$ 500.00
TOTAL		\$ 2,549.00

423	Snow & Ice	\$ (2,549.00)
TOTAL		\$ (2,549.00)

5

241	Building Inspector	\$ 5,000.00
162	Election	\$ 5,000.00
TOTAL		\$ 10,000.00

251	Communication	\$ (10,000.00)
TOTAL		\$ (10,000.00)

TOTAL TRANSFER \$

71,549.00

TOTAL TRANSFER \$

(71,549.00)