



# 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 August 20, 2012 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, August 20, 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 # 0107	<u>08/15/12</u>	<u>\$ 12,823.31</u>
Payroll warrant # 6107	<u>08/15/12</u>	<u>\$ 22,994.29</u>
Payroll warrant # 9107	<u>08/15/12</u>	<u>\$ 10,902.99</u>
Payroll warrant # 0108	<u>08/22/12</u>	<u>\$ 12,230.06</u>
Payroll warrant # 6108	<u>08/22/12</u>	<u>\$ 24,361.27</u>
Payroll warrant # 9108	<u>08/22/12</u>	<u>\$ 11,209.94</u>
Payable warrant# 2073	<u>08/15/12</u>	<u>\$ 51,667.47</u>
Payable warrant# 2083	<u>08/22/12</u>	<u>\$ 124,774.35</u>

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

## NEW BUSINESS

### 1. Debt Approval – Town Treasurer

Town Treasurer Kevin Johnston came before the Board of Selectmen to inform them that the bids for re-financing for \$600,000 in capital debt have been received. There were two bids received and Mr. Johnston accepted the low bid from Unibank, providing a total budget savings of \$25,000 in interest costs over the next 6 fiscal years.

Selectman Swain made the **Motion in order to reduce interest costs, the Treasurer is authorized to provide for the sale and issuance of refunding bonds under Massachusetts General laws, Chapter 44, Section 21A, to refund all or any portion of the remaining principal of redemption premium of, and interest on any of the Town's Municipal Purpose Bonds dated April 15, 2002;; that the bonds shall be issued in an amount not to exceed \$607,500, in order to pay the principal and interest on the bonds to be refunded, the redemption premium, and the costs of issuance of the refunding bonds; and that the Treasurer is authorized to take an and all action to execute such documents as may be necessary or desirable to carry out this transaction. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

### 2. 7:05 Public Tree Hearing – Main Street Bridge

Selectman Dumont read into the record;

*Pursuant to Massachusetts General Law Chapter 87, as amended, the Board of Selectmen will conduct a Public Hearing on Monday, August 20, 2012 at 7:05pm at the Town Offices, 7 Keady Way, relative to the request of Department of Public Works, whom request that numerous and various individual trees and brush to be removed. Said trees and brush are located at the following location: 10 feet on either side of the Main Street. Said Trees have been duly posted in accordance with MGL Ch 87 Section 3. 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 Swain made a **Motion to open the Public Hearing at 7:09pm. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

Chairman Deveau explained that in an effort to repair the Main Street Bridge, the removal of 10 feet of trees and brush on either side of the bridge are necessary for the Division of Highway Inspectors to assess the condition of the bridge.

Town Resident Jim Quinty spoke to the concern of the danger of the intersection of Lancaster Road as well as Leominster Road. Chairman Deveau agreed, but clarified to Mr. Quinty this process of the cutting down brush and trees is solely to allow the for inspection of the bridge.

Seeing no further comments, Selectman Swain made the **Motion to close the Public Hearing at 7:14pm. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

Selectman Swain made the **Motion to authorize the DPW to cut the trees and brush within 10 feet on either side of the Bridge, in accordance with the Public Hearing. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

3. One Day Liquor License – American Legion

Selectman Swain made the **Motion to grant George J. Morin Post 183 a Special License for the Sale of Wines and Malt Beverages only, to be Drunk on the Premises Under Chapter 138, Section 14 of the Liquor Control Act for a Motorcycle Ride for the Shirley Fire Department Fund Raiser, to be held September 22, 2012, (rain date of September 23, 2012), on the grounds of the War Memorial Building from Noon – 6:00pm. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

4. Appointments – Election Clerks & Election Workers

Selectman Swain made the **Motion to approve the appointments of the Election Clerks, Election Workers and Election Warden as presented, with terms to expire June 30, 2013. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye. (See attached).**

5. Driveway Permits

Selectman Swain made the **Motion to approve Millers Paving’s Application for Permit to Construct &/or Blacktop Driveway or Accessway for 17 Apple Rock Way per the attached Orders of Condition and the Supplemental Order of Condition. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

6. STM Warrant

CAO David Berry reviewed the latest draft of the Special Town Meeting Warrant. After discussion with the Town Accountant and Town Treasurer, it was decided to remove the debt management article.

CAO further reported that:

Article 1 : *Payment of Prior Year Bills – Sewer Payment in lieu of Betterments*

Article 2 : *Payment of prior year bills – Ambulance Enterprise Fund*

Article 3 : *Amend Appropriations for FY13*

- Line Item #711 General Fund Debt Service - There should have 3 more line items with regard to long term debt interest and short term debt interest.
- Line Item #211 – Police Department - Chairman Deveau asked if the Board can get the numbers from the Police Department’s Executive Secretary with respect to the Police Department’s expenses as well as the cost of a Police Officer. CAO Berry did clarify that

the Police Department's expenses do include the body armor as well as costs associated with uniform purchases.

- Line Item 124 Personnel Expenses – CAO Berry stated that the Personnel Board is advocating for the Salary and Job Description Analysis at a cost of \$10,000. Chairman Deveau asked if the reclassification of the Salary Grid and Wage would be presented at the Annual Town Meeting. Paul Przybyla, Chairman of the Personnel Board, stated that it the goal. Selectman Dumont wondered if this would prevent the Town Employee Evaluations. Mr. Przybyla stated it would not.

Selectman Dumont wanted to further review the request of the Police Officer, Library, DPW and COA Director. Her concerns are on sustaining these positions in future years. CAO Berry referred to the Town Accountant's projections on these positions. Mr. Berry stated that FY14 and beyond is projected to have increasing deficits.

Chairman Deveau feels comfortable to go before the voters and asking them to raise and appropriate. Selectman Swain noted that this will add to the Town's structural deficit.

Article 6. *Appropriate for Repair of Drainage onto Harvard Road*

CAO explained that this request of \$15,000 is a partial solution to the Harvard Road drainage. The requested amount would cover the cost of materials to do the work. The Labor and Equipment will be covered by other sources.

Article 7 & 8 *Amend Article VII, Town By-Laws*

CAO noted that Article 7 is a rewrite of the existing bylaw regarding the open container law and Article 8 will be addressing and adding a section to the bylaw regarding marijuana.

Article 9 *Amend Section VI, Subsection C.I.c. of the Regional School District Agreement*

Selectmen discussed that this article is contingent upon the approval of the High School Renovation. Selectman Dumont expressed concern that that if the renovation of the high school fails there is no back up plan.

Article 10 *Transfer Land for Sale/Conveyance by Selectmen (parcels 82-C-6 and 121-B-1)*

CAO David Berry and Selectmen discussed the town parcels that are available for sale. Selectman Swain recommended that CAO start the process on putting 56 Fredonian up for sale.

Article 11 & 12 *Transfer to General Fund and Capital Stabilization Fund*

Chairman Deveau noted that these are Standard Articles for the Warrant.

Selectman Swain made the **Motion to close the Special Town Meeting Warrant. Selectman Dumont seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

## **OLD BUSINESS**

### 7. Energy Committee Update

Bryan Dumont came before the Board to update on the project with EPG and the proposed facility that is to be constructed on Town owned and Shirley Water District property. At issue, the power lines that go down Walker Road in National Grid territory, and EGB cannot cross those lines. However, the town of Shirley, according to MGL Chapter 166, Section 24, can own 25 feet under Walker Road, thereby allowing EPG to connect to Devens Property.

Selectman Swain made the **Motion that the Board of Selectmen grant permission to the Energy Committee's owner's agent to authorize EPG to construct a pole and/or wire to transmit electricity for light, heat and power, across and under a public ways to land owned by Devens Utility Department, including the right of way of National Grid, which would be underground. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

The next item Mr. Dumont spoke about was the Solarize Shirley Project. At this time, they have signed 4 major contacts with 60+ A-rated sites for premium for solar. He wanted to remind all that to participate in this program, one must apply by September 15, 2012.

Mr. Dumont also noted that the RFQ will be going out on August 22<sup>nd</sup> with regard to looking at energy efficiency on the Town Owned Buildings.

## **OTHER BUSINESS**

- Selectman Dumont inquired if Selectman Swain had completed the CAO Evaluation Forms. Selectman Swain stated that he will get them to the Selectmen soon.
- Sue Heinz of the Shirley Playgroup came before the Selectmen to ask if the Town can do a sewer tie-in to the LAW. Her reason, as the Playgroup is getting ready to pave the Basketball court, it was discover that area goes over the point of installation.

Chairman Deveau stated that after conversations for Butch Farrar of the Sewer Commission, the costs to tie in could go as high as \$50,000. He further noted that this is complicated by the High School Renovation, which is a deciding factor on the fate of the LAW.

Chairman Deveau and Selectman Swain queried the Shirley Playgroup on the procurement procedures regarding the town owned property. They noted that there must be 3 quotes as well as all bids must include prevailing wage.

Jim Quinty asked, with regard to the sewer connection, if it is possible to hook the stub and end it at the beginning of the basketball court. He noted that he is going to try to get on the Agenda for the Sewer Commission with respect to this request. However, he will need support of the Selectmen, since this is Town Owned property. Chairman Deveau will speak to Butch Farrar on this.

- Frank Esielionis of the Energy Committee wanted to announce the they will be illuminating the down town area of Shirley very soon. Chairman Deveau stated that there are 14

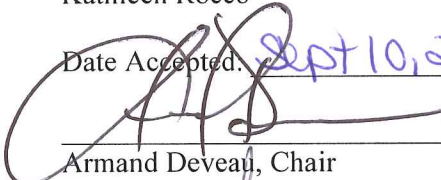
ornamental lights in the Village and only 7 are light at this time. The Energy Committee will be relighting all 14 with LED's at 1/10<sup>th</sup> of the electrical consumption that the Town uses now.


- Police Chief Massak wrote a memo to the Selectmen, notifying of the rash of break-ins. He has put another Officer on due to the break-ins.

With no further business to discuss, **Motion and Seconded to adjourn at 8:26p.m., David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

Respectfully submitted,  
Kathleen Rocco

Date Accepted. Sept 10, 2012

  
Armand Deveau, Chair

  
David N. Swain, Vice Chair

  
Kendra J. Dumont, Clerk