

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 6, 2012 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, August 6, 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 #9104	<u>7/25/12</u>	\$ <u>24,415.79</u>
Payroll warrant #0105	<u>8/01/12</u>	\$ <u>12,606.89</u>
Payroll warrant #6105	<u>8/01/12</u>	\$ <u>22,728.73</u>
Payroll warrant #9105	<u>8/01/12</u>	\$ <u>10,659.21</u>
Payroll warrant #0106	<u>8/08/12</u>	\$ <u>12,446.19</u>
Payroll warrant #6106	<u>8/08/12</u>	\$ <u>22,619.07</u>
Payroll warrant #9106	<u>8/08/12</u>	\$ <u>10,810.80</u>
Payable warrant#2053	<u>8/01/12</u>	\$ <u>109,806.87</u>
Payable warrant#9203	<u>8/01/12</u>	\$ <u>161,516.25</u>
Payable warrant#9093	<u>8/05/12</u>	\$ <u>412,500.00</u>
Payable warrant#2063	<u>8/08/12</u>	\$ <u>26,695.67</u>

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

APPROVAL OF MINUTES

Selectman Swain made the **Motion to accept the Minutes of July 23, 2012. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

NEW BUSINESS

1. 7:05pm Public Tree Hearing – Harvard Road & Center Cemetery

Chairman Deveau opened the Public Hearing at 7:05pm.

Selectman Dumont read the following legal notice into the Minutes:

Pursuant to Massachusetts General Law Chapter 87, as amended, the Board of Selectmen will conduct a Public Hearing on Monday, August 6, 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 be removed. Six (6) trees are located at the following locations: 19 Harvard Road, 61 Harvard Road, and 71 Harvard Road; and two (2) trees located at the Center Cemetery. 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..

Chairman Deveau explained that at the request of the DPW, there will be a number of trees to be removed on Harvard Road, due to new poles being installed. There will be no cost to the Town as National Grid will absorb all the costs associated with the project.

Chairman Deveau explained the request from the DPW regarding the removal of the Eastern White Pine, approximate age is 150 years, in the Center Cemetery is necessary. The tree, as noted in the photos provided, is growing the middle of the Phinehas Whitney family plot. Chairman Deveau noted emails received from Robert Adam, Harley Holden, Don Reed in favor of keeping the tree, and explaining the historic value of the tree, (see attached).

Chairman Deveau stated that in his opinion the tree needs to come down, for the tree does possess potential damage to the historical monuments.

Selectman Swain stated that after seeing the pictures supplied by DPW Foreman Paul Farrar, he has changed his mind, and agrees that the tree will need to be removed. However, he questioned if the tree can be bolted and who was going to pay for the removal?

Selectman Dumont stated that should the Town save the historic trees or should the Town save the historic head stones. She had concerns if the Town removes the tree, will it cause further damage to the head stones.

DPW Foreman Paul Farrar stated the cost to remove the tree is approximately \$3000. He explained that “cable wrapping” the tree will cause more problems. As for who is responsible for the cost of removal of the tree, this would fall under the Cemetery Commission. At this time, the Commission has approximately \$6000 in their perpetual care account.

Cemetery Commission member, Fran Grey stated that the root structure of the tree has caused damage to the historic stones, and is in agreement that the tree needs to come down. Cemetery Committee members Fran Grey and Ray Farrar were in agreement that the tree should be removed.

Paul Przybyla commented that he would like to see a professional arborist come in and give an opinion on the tree. He further stated that he would be willing to pay, as a concern resident, for this service.

Selectman Swain made the **Motion to close the Public Hearing at 7:32 p.m. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

Selectman Swain made the **Motion to remove the Center Cemetery Pine Tree, as indicated in the pictures supplied by the Department of Public Works, and funding of the removal to come out of the Cemetery Commission Perpetual Care Fund. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

Selectman Swain made the **Motion to take down the trees on Harvard Road, as submitted on the Legal Notice list with funding by National Grid. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

2. 7:10pm Public Tree Hearing – Leominster & Catacunemaug Rd

Selectman Swain made the **Motion to open the hearing Public Hearing at 7:33pm. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

Selectman Dumont read into the Minutes the Legal Notice:

Pursuant to Massachusetts General Law Chapter 87, as amended, the Board of Selectmen will conduct a Public Hearing on Monday, August 6, 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 be removed. Eleven (11) trees/bushes are located on Leominster and Catacunemaug Roads to proceed with the installation of a new culvert on Catacunemaug Road. 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

Chairman Deveau stated that these trees in various different sizes are in the vicinity of where the damaged culvert is, thus they need to be removed for the repair.

Seeing no further discussion, Selectman Swain made the **Motion to close the Public Hearing at 7:35pm. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

Selectman Swain made the **Motion to approve the removal of eleven (11) trees/bushes located on Leominster and Catacunemaug Roads in order to proceed with the installation of the new culvert on Catacunemaug Road. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

3. Update on School Building Project

Murray Clark, Chairman of the School Building Committee for the Ayer Shirley Regional High School, came before the Board of Selectman to update them on the project.

He noted that the Committee has

- Several working groups in place;
- Hired owner's project manager;
- Hire an architectural firm – Symmes Maini & McKee Associates; and
- Hired a contractor for when the High School building is approved.

Mr. Murray stated that they are only applying to the MSBA for a High School Project with the base enrollment of 495 students.

Carl Mock, ASRSD Superintendant gave an overview - power point presentation to the Board, (see attached).

Carl Mock spoke at length about the Middle School Debt Structure and how the District will split the debt between the Town of Shirley and Ayer. He noted that the Warrant Article, to be submitted, for the Fall STM, will be the mechanism for Ayer to share in the Middle School debt.

Mr. Mock spoke about the School District's concern with the spiral of children going to other school districts, in which is a cost of approximately \$2.3Million. The Ayer Shirley HS is 50 years old and is not current with the ADA and Fire Codes, as well as it is not a green building. The current high school was designed for the 20th century learning not the 21st century learning. He noted that the time is right to move on with this project and the MSBA is supporting their efforts.

Mr. Mock emphasized that the High School is the only option that they are looking at, as the affordability of a Middle-High School cannot happen.

Alex Pritkin, Architect from Symmes, Maini & McKee Associates presented an overview of the new footprint of the ASRDHS. He noted that the project, once approved, should be completed by August of 2015.

Chairman Deveau asked how much has changed from the original proposal, noting the LAW will now remain open, and the Middle School will remain the same as well. He further asked what the real cost of this project is.

With respect to the elementary school LAW, Mr. Mock noted that they are looking at getting that building up to code, as that is the only issue. Mr. Mock stated that they are going to work with both communities with respect to the share debt on the Middle School.

Chairman Deveau asked if the \$56Million High School Project also included the football stadium. Mr. Pritkin stated that the MSBA does not reimburse certain items in this project, however, the School Building Committee have identified those items that are in need of repair or upgrade. They are as follows:

1. Concessions Building with storage, bleachers and Field Lighting;
2. Outbuildings for the Buildings & Grounds;
3. Costs related to the Auditorium; and
4. Costs related to the replacement of the gym floor.

School Building Committee Chair, Murray Clark, commented that those 4 items, which are not covered by the MSBA will be on the ballot as separate debt exclusions items as well as the High School Renovation.

Selectman Dumont asked if there is an alternate plan if these debt exclusion items do not pass. Carl Mock stated that they have no other plan in place, but emphasized that the failure of the vote will be devastating to the future of the region. He also noted that all other options are extremely negative.

Carl Mock remarked that the Towns need to come to some reconciliation on sharing the debt of the Middle School, as it will help the affordability associated with the High School project.

Selectman Swain asked what are the costs to run the new high school.

Mr. Murray noted that there is a Facility Working Group that is currently reviewing this and are getting a good sense of operating expenses going forward.

However, Mr. Mock cautioned that the operating costs will be somewhat higher, but will be efficient and running well.

Chairman Deveau noted that what the School is up against is, as a community, can this Town afford the renovation of the school as well as the other needs.

4. Update on JBOS – Rico Cappucci

Enrico Cappucci, the Board of Selectmen's Representative for JBOS, came before the Board, to give an update on the DLTA Planner. On March 2012, all three towns and Devens agreed to go with MRPC and appoint a DLTA Planner. As of July 2012, the Towns of Harvard and Ayer backed out of the project, and the project failed.

He reported that the JBOS needs to look at Chapter 498 again. It is unfortunate, in his opinion, that the communities, Harvard, Ayer, Shirley and Devens fail to come to some sort of an agreement.

Mr. Cappucci noted that the Town of Harvard will like to become the Police Department for Devens, however, as pointed out by Cappucci, there is no access from Harvard into Devens. He also informed the Board of Selectmen that in two years, Devens Police (State Police), will go out to an RFP, open to Ayer, Harvard and Shirley.

Mr. Cappucci remarked that it is important the Town of Shirley continue with a presence at the JBOS meetings to protect the Town's interest with respect to Devens. He further noted the Devens School is renewing their contract with the Town of Harvard. Mr. Cappucci stated the Ayer Shirley

Regional School District and School Committee should be advised of this and have the opportunity to bid on the lease as well.

5. Release of Lien - 114 Walker Road (See Attached)

Selectman Swain made the **Motion to release the lien for 114 Walker Road for Thomas Pond and Sarah B. Pond. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

6. Appointments

- Government Study Committee

Selectman Swain made the **Motion to appoint Deb Delaite, Bryan Dumont and Mark Prokowiew to the Government Study Committee, term to expire June 30, 2013. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

- Historical Commission – Reappointment

Selectman Swain made the **Motion to appoint Jodie Rachman to the Historical Commission, term to expire June 30, 2013. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

- Household Hazardous Waste Oversight Committee

Selectman Swain made the **Motion to appoint David Berry and Donald Farrar as alternate members of the Household Hazardous Waste Oversight Committee, Jackie Esielionis as member of the Household Hazardous Waste Oversight Committee, terms to expire June 30, 2013. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

7. Sign Election Warrant

Selectman Swain made the **Motion to approve the Election Warrant as posted, to be held on Thursday, September 6, 2012 at the Town Offices from 7:00am to 8:00pm. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

8. Draft of Special Town Meeting Warrant Articles

CAO David Berry stated the Draft STM Warrant, (*see attached*), before the Selectmen do not have the explanations at this time. He also noted that he would like to meet with the Town Accountant to finalize some of the numbers with respect to the Article 3.

Chairman Deveau raised concern on funding sources on some of the Articles, especially Article 3 & 4. The sale of the Old Municipal Building is still pending and the MCI monies are still in question as to the amount the Town is to receive. Selectman Swain asked that Mr. Berry contact the DOC and with respect to the latter.

Selectman Dumont questioned in Article 3, line #124 – Personnel – Salary Survey. She thought the amount of the survey was to be around \$5000 and felt the \$10,000 was on the high side. She asked if the Town could review the resent survey done by the Town of Townsend. Selectman Swain noted that this item will have to go out as a RFP, should it pass.

Selectman Swain stated that in Article 3, Line Item #426 – Harvard Road Drainage. He recommended this should be Warrant Article, with money to be expended by the DPW.

Selectman Swain inquired about any surplus property in Town. CAO David Berry is gathering the information. Chairman Deveau noted that the Surplus Property comes under the Economic Development. Swain concurred, but wondered about the loose house lots the Town may have.

Chairman Deveau noted that the Selectmen are not prepared to make any recommendation on the STM Warrant at this time.

Selectman Dumont stressed her concern on the funding some on the positions in Article 3, and the sustainability of those positions moving forward. CAO Berry will have the Town Accountant plug in some numbers for the next 5 years' projection with respect to those concerns.

CAO Berry also noted that the Town is still waiting on the School's Article to be inserted in to the STM Warrant. He also reminded the Selectmen that the Warrant will be need to be finalized by August 31st.

OLD BUSINESS

9. CAO Performance Evaluation

Chairman Deveau had made the requested changes in the Performance Evaluation and incorporated them into the document before the Selectmen. (*See Attached*). He will send one copy to the Selectmen's office and the one to the Personnel Board.

Selectman Dumont had no problems with the document, but would like this form to be in conjunction with the Supervisor Evaluation Form that was accepted by the Personnel Board. CAO Berry questioned why are the Selectmen using two forms? Dumont noted that the evaluation form created by Chairman Deveau is more goal and objectives orientated and is different from the standard supervisor form.

Selectman Swain stated that he had no problems with the evaluation form created by Chairman Deveau, but he would like to use the Personnel Board's form as well.

Chairman Deveau has concern on how to blend the two forms. After some discussion, Chairman Deveau directed Selectman Swain to redo the goals and objectives evaluation form, and bring his version back to a Board of Selectmen's meeting, in the near future.

With no further business to discuss, **Motion and Seconded to adjourn at 10:00 p.m., David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

Respectfully submitted,
Kathleen Rocco

Date Accepted: _____

Armand Deveau, Chair

David N. Swain, Vice Chair

Kendra J. Dumont, Clerk