

# Town of Shirley

## BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

David N. Swain, Chair

Kendra J. Dumont, Vice Chair

Armand Deveau, Clerk

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### BOARD OF SELECTMEN MINUTES of January 23, 2012 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, January 23, 2012 at 7:00 p.m. at the Town Offices with Chairman David N. Swain presiding and Selectmen Armand Deveau and Kendra Dumont and Chief Administrative Officer David Berry

#### 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 # <u>524</u>	<u>01/11/12</u>	\$ <u>347.89</u>
Payroll warrant # <u>9154</u>	<u>01/11/12</u>	\$ <u>79.15</u>
Payroll warrant # <u>129</u>	<u>01/18/12</u>	\$ <u>5,250.12</u>
Payroll warrant # <u>6129</u>	<u>01/18/12</u>	\$ <u>21,915.64</u>
Payroll warrant # <u>9129</u>	<u>01/18/12</u>	\$ <u>8,619.32</u>
Payroll warrant # <u>130</u>	<u>01/25/12</u>	\$ <u>8,665.15</u>
Payroll warrant # <u>6130</u>	<u>01/25/12</u>	\$ <u>27,021.40</u>
Payroll warrant # <u>9130</u>	<u>01/25/12</u>	\$ <u>25,680.25</u>
Payable warrant# <u>9322</u>	<u>12/15/11</u>	\$ <u>5,101.17</u>
Payable warrant# <u>9312</u>	<u>01/10/12</u>	\$ <u>1,230.95</u>
Payable warrant# <u>2292</u>	<u>01/18/12</u>	\$ <u>102,925.59</u>
Payable warrant# <u>2302</u>	<u>01/25/12</u>	\$ <u>100,895.80</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.**

### **APPROVAL OF MINUTES**

Selectman Dumont made the **Motion to accept the Minutes of June 27, 2011, August 8, 2011 and December 14, 2011. Selectman Deveau Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye.**

### **NEW BUSINESS**

#### **1. Recognition of Volunteers for the October Snowstorm**

Chairman Swain and the Board of Selectmen wanted to recognize the following businesses who stepped up beyond the call-of-duty during the October Snowstorm. They are as follows:

- Spring Hill Marriot-Devens, MA.
- Village Pizza-Shirley, MA.
- Shirley Dunkin Donuts-Catalano Co.

Selectman Dumont noted that Spring Hill Marriot donated the towels to the fire department, which were used for the Shelter.

The Selectmen presented to each business a Certificate of Appreciation which Chairman Swain read into the Minutes.

*On behalf of the Board of Selectmen and the Town of Shirley, we would like to extend to you our sincere appreciation for your support and aid to comfort those at the Emergency Shelter during the 2011 October Snowstorm*

#### **2. Staffing & Funding with Police Department**

Police Chief Maasak presented to several different budget scenarios regarding Police Department staffing. (See attached)

- |           |   |
|-----------|---|
| Budget 1. | Chief explained this budget would replace the officer that recently resigned.   |
| Budget 2. | Reflects hiring an additional officer effective May 2012  |
| Budget 3. | What the Police Department is projecting for funding in FY13 - \$588,000.   |
| Budget 4. | Level funded scenario. \$563,000 in which Chief stated is "bare bones".   |
| Budget 5. | Budget includes the hiring of an additional officer; bringing the total up to 10 officers. The budget for this is \$609,000 |

Chairman Swain noted that he would like to see an additional officer so Chief can start doing his administrative duties than rather filling in for shifts. He further explained that the Town has once again been turned down for Fast Cop Grant. Selectman Deveau asked the Chief if an additional officer would help out for the prisoner watch. Chief acknowledged that with another officer, it would relieve the situation with the prison watch.

Selectman Dumont asked the Chief how unusual is it for the Chief of Police to work a shift? Chief noted that there are towns in the western part of the state that do have the Chief work a shift. He also stated that with him working a 4-2 shift, there is a \$17,000 cost savings to the Town.

CAO Berry noted that with the additional officers, it does not reflect the increase to Health benefits to the Town.

**3. Appointment: Conservation Commission Agent; Police Screening & COA Member**

Conservation Commission Chair, Nancy Askin, came before the Board to present Conservation Commission's candidate for the vacated position of Conservation Agent. Selectmen acknowledged that Mr. Schneider's résumé looks great and have no issues.

Selectman Dumont made the **Motion to appoint Stephen Schneider as the Conservation Agent, subject to a CORI background check, term to expire June 30, 2012. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

Council of Aging has a vacancy on their Board, at their meeting the COA voted to recommend Mr. Al Cheverett as a member.

Selectman Dumont made the **Motion to appoint Al Cheverett to the Council of Aging, term to expire June 30, 2014. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

**4. 7:05pm Public Tree Hearing – Shirley Meeting House**

Selectman Dumont made the **Motion to open the Public Tree Hearing at 7:20pm. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

Chairman Swain read into the minutes:

*Pursuant to Massachusetts General Law Chapter 87, as amended, the Board of Selectmen will conduct a Public Hearing on Monday, January 23, 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. Said trees are located at the following location: Shirley Meeting House. 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..*

Robert Adam, Chairman of the First Parish Meeting House Organization, requested 11 trees be removed from the property near the First Parish Meeting House. The Organization's concern about the trees or "volunteer trees" (that are 50 years old), is the shade from the trees near the First Parish Meeting House, has allowed mold to grow on the church. Other concern is trees allow the squirrels to get into the church, and they have damaged the organ, which was \$1500 repair. Mr. Adam stated that the removal of the trees is in the best interest of preserving the Meeting House.

Don Reed, chairman of the Historic Commission, stated that his committee, although did not take a formal vote, did have an informal discussion regarding the removal of the trees, and they too support the First Parish House Meeting Organization's request.

Selectman Deveau had a subsequent discussion with DPW Foreman, Paul Farrar, and stated that Mr. Farrar does not want all 11 trees cut down. Of the 11 trees requested and marked, Mr. Farrar felt that 4 of trees, which are shade trees, could be trimmed and pruned. The other 8 trees are indeed either diseased or dead and thereby putting the Meeting House in jeopardy. Selectman Deveau stated that he did visit the site and is in agreement with Paul Farrar. He recommended that a member from Shirley Historical Commission, the First Parish Meeting House and Selectman Dumont visit the area to make a determination on the trees.

Mr. Adam corrected Selectman Deveau on the term shade trees, and remarked that a shade tree is by definition planted by the Town, such as a Maple. These trees in question are not shade trees, and are a detriment to the building. Selectman Deveau asked if there is intent to replace those trees with shade trees. Mr. Adam stated that that the Historical Commission did meet with an arborist several years, but do not have a plan in place at this time, but should have a plan for the entire Common.

Chairman Swain stated that there needs to be more clarification, as this information differs from the original correspondence and recommends that the public hearing be continued.

Selectman Dumont made the **Motion to continue the Public Hearing to February 6, 2012 at 7:05pm. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

#### **5. Proposed Emergency Shelter Guidelines**

Chairman Swain read into the minutes the Regional Emergency Shelter Guidelines. (See Attached)

Chairman Swain stated the reason for the Guidelines was to “Fine Tune” everything that went on during the October Snowstorm. Selectman Dumont raised concern on communicating to the Town when the shelter would be open. CAO Berry noted that the Town of Ayer has a brochure and will be used for this propose as well as sandwich boards for notifying the public on emergencies.

Selectman Deveau focused on the area of advanced notification. He stated that the Town needs to have a better handle and have better management of an emergency. He suggested, as an example, that if power outage is over 24 hours, that would then trigger the opening of the shelter. The concern is when could people expect the opening of the shelter. Selectman Deveau reviewed the guidelines and had questions on the 3<sup>rd</sup> paragraph *REIMBURSEMENTS – F.E.M.A./ M.E.M.A. will offer*; should state *may offer*. Selectman Deveau noted the paragraph titled *SHELTER WORKERS*, should clarify the phrase “*shelter workers shall be from an agency...*”. The last paragraph titled *SHELTER MONITORING*; Selectman Deveau questioned the last line ... *Such security could include a Police Detail*.

Chairman Swain noted that this is just a first pass on this document.

#### **6. BOS Schedule of Meetings**

The Board of Selectmen reviewed the Schedule of Meeting of January – June 2012, (See Attached) have no issues with the schedule.

#### **7. Fredonian Street Lot – TABLED**

#### **8. Center Town Hall Request – Farmers’ Market**

Chairman Swain discussed the Center Town Hall seeking permission to hold a weekly farmers’ market on the Center Town Common on Thursdays from 3pm – 7pm from July through early October. The Center Town Hall Committee will be the market manager with support from the Bull Run Restaurant as a promotional partner and participant. Jodie Rachman, chairperson for the Center Town Hall Committee, sent her request detailing the event. In her letter she stated that the Center Town Hall Committee understands that each farmer/vendor must possess the proper permits for what they are selling. The committee will have an application with their rules/regulations and request a copy of the permit from each applicant. Further, the Nashoba Board of Health will come and inspect the market initially and will check that each vendor has the proper permits. The Center Town Hall Committee will charge a set-up fee to each farmer/vendor and the proceeds will go into an account for the Center Town Hall which is held by the Shirley Charitable Foundation and is meant to be used the Center Town Hall Committee for fund raising events, equipment and supplies that will benefit the building.

Selectman Dumont fully supports this event one hundred percent. Selectman Deveau raised concern with the parking of the vehicles and possibly damaging the lawn on the Commons. Chairman Swain noted that vendors will park their vehicles on the gravel drive (Seth Chandler Way). Selectman Deveau applauds and supports the Farmers’ Market, but would like to see some guidelines in place.

#### **9. Open ATM Warrant**

Selectman Dumont made the **Motion to open the Annual Town Meeting FY13 Warrant effective January 23, 2012 and close the Warrant on March 15, 2012. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

#### **10. CAO Performance Evaluation**

Selectman Dumont reported that on advice of Town Counsel, the CAO Performance Evaluation should be done in a three step process. First step: each Selectman is to meet with the CAO and review the evaluation process with him. Second Step: The results of the Performance Evaluation will be held in an open meeting to define goals and agendas and allow 15 days for response from the CAO. Third step: a letter from the Selectmen regarding the outcome and placed in CAO’s personnel file. She further cautioned the Selectmen not to do the evaluation on the CAO this evening, and follow Town Counsel’s advise on this procedure.

CAO Berry was not aware of the Performance Evaluation until December, 2011. Selectman Deveau noted that this performance evaluation is the incorrect form, for this form was used for the past Town Administrator. Selectman Deveau reminded the Board that the Interim Town Administrator, Ron Marchetti, had stated that during the process of creating a job description and set a criteria, he needed all three Selectmen agree on this process; in which all three did agree.

Fred Williams and Jackie Esielionis spoke to the Selectmen about the job of the CAO. Both Williams and Esielionis were on the search committee for the CAO. They spoke about setting priorities and management and doing the right things the right way. Both offered their involvement in helping the CAO, and would ask that on this committee the members would be Fred and Claudette Williams, Frank and Jackie Esielionis and Ron and Deb Marchetti.

**UPDATE FROM THE CAO**

CAO Berry reviewed what he had been working on. He informed the Board the Economic Development Committee has developed projects, such as the District Local Technical Assistance (DLTA) Grants, Shirley Village Growth and the Economic Development Management.

The MBTA will be having hearings on the rate changes and change in rail service. Mr. Berry stated that at this time there are no hearings locally and has sent a letter to request hearings in the Fitchburg area.

Vicksburg Square Super Town Meeting may be scheduled for late March.

Town Clerk announced that the Zoning Bylaw Amendments have been certified by the Attorney General's Office.

Selectman Deveau announced that he will be out of Town for the month of February and has not formally requested remote participation, but if the need arises, he will make himself available.

With no further business to discuss, **Motion and Seconded to adjourn at 8:55 p.m., David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

Respectfully submitted,  
Kathleen Rocco

Date Accepted: \_\_\_\_\_

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David N. Swain, Chair

\_\_\_\_\_  
Kendra J. Dumont, Vice Chair

\_\_\_\_\_  
Armand Deveau, Clerk