



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 July 23, 2012

7:00pm

TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, July 23, 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

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|------------------------|-----------------|----------------------|
| Payroll warrant # 0103 | <u>07/18/12</u> | \$ <u>13,228.83</u> |
| Payroll warrant # 6103 | <u>07/18/12</u> | \$ <u>24,597.37</u> |
| Payroll warrant # 9103 | <u>07/18/12</u> | \$ <u>11,650.75</u> |
| Payroll warrant # 0104 | <u>07/25/12</u> | \$ <u>12,485.25</u> |
| Payroll warrant # 6104 | <u>07/25/12</u> | \$ <u>21,907.80</u> |
| Payable warrant# 2552 | <u>06/30/12</u> | \$ <u>65,031.07</u> |
| Payable warrant# 9462 | <u>06/22/12</u> | \$ <u>26,335.00</u> |
| Payable warrant# 9472 | <u>06/22/12</u> | \$ <u>17,455.00</u> |
| Payable warrant# 9482 | <u>06/22/12</u> | \$ <u>324,604.39</u> |
| Payable warrant# 9492 | <u>06/30/12</u> | \$ <u>3,663.51</u> |
| Payable warrant# 2033 | <u>07/18/12</u> | \$ <u>147,689.22</u> |

| | | |
|------------------------------|-----------------|----------------------|
| Payable warrant# <u>2043</u> | <u>07/25/12</u> | <u>\$ 47,735.97</u> |
| Payable warrant# <u>9043</u> | <u>07/18/12</u> | <u>\$ 56,155.25</u> |
| Payable warrant# <u>9053</u> | <u>07/17/12</u> | <u>\$ 100.67</u> |
| Payable warrant# <u>9063</u> | <u>07/26/12</u> | <u>\$ 156,084.99</u> |
| Payable warrant# <u>9073</u> | <u>07/16/12</u> | <u>\$ 546,804.84</u> |
| Payable warrant# <u>9083</u> | <u>07/31/12</u> | <u>\$ 6,080.30</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

Motion to accept the Minutes of June 25, 2012 and July 9, 2012. Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.

OLD BUSINESS

1. Final Review of draft SPACO Contract

Final edits of the SPACO Contract were received and the final review of the SPACO Contract was presented by Rich Dill, member of the Cable Advisory Committee. (See attached)

Rich Dill reviewed all the corrected items with the Board of Selectmen.

Selectman Swain made the **Motion that the Town of Shirley and SPACO enter into a Contract dated July 23, 2012, and Contract to expire on April 24, 2022. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

2. Government Study Report

Chairman Deveau opened the discussion with the Board of Selectmen, in explaining that at the Annual Town Meeting of 2009, the Board was directed to have a Town Government Study Committee and make recommendations to the Board. Chairman Deveau stated that the Board is obligated to bring this back to a future Town Meeting. He further asked past Government Study Committee member, Bryan Dumont, on his views of the Government Study Committee.

Mr. Dumont noted that there are approximately 17 policy and procedures that have been implemented. He also stated that the some of the recommendations, particularly the Government Study's recommendation on the Treasurer's office to reduce staff, which was unfair due to unfunded mandates imposed by the State.

Selectman Dumont asked if the Government Study Committee should be reappointed. Mr. Dumont will get back to the Selectmen on regarding the members of that committee. If appointed the term will only be until June 30, 2013.

NEW BUSINESS

3. Driveway Permits – 33 Squannacook & 1 Pumpkin Brook

Selectman Swain made the **Motion to accept the Driveway Permit for 33 Squannacook Road, with the attached Order of Conditions. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

Selectman Swain made the **Motion to accept the Driveway Permit for 1 Pumpkin Brook, with the attached Orders of Conditions. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

4. CAO Evaluations – Responsibilities & Goals

Chairman Deveau stated that he had submitted a narrative evaluation on CAO Berry rather than using approved Personnel Board's Evaluation form which uses a numerical system. A question was brought forth on whether the Personnel Board should be informed on the Narrative Evaluation. Chairman Deveau reported that he, Ron Marchetti and David Berry met with Personnel Board to review the proposed evaluation form, and has stated that the Personnel Board approved the form and amendable using this for this position at this point. (See Attached)

Selectman Swain stated that he does not have an issue with the overall thought process, but had questions on each of the categories. He questioned the category on *Succession Management*, which is not used typically in Municipal Government, citing that the CAO cannot oversee the hiring of employees of the Fire Chief, since he is a strong chief. Chairman Deveau noted that the Town needs to be proactive in this area rather being reactive. He further noted the need to hire in the DPW. Selectman Dumont also had several questions with regard to the categories and the use of this form versus the Personnel Board's form.

Selectman Swain as well as CAO David Berry noted that there are areas that he should be evaluated on, as that is under the Executive Assistant's job description.

Chairman Deveau stated that this form will be a supplemental to the standard job performance evaluation, with one evaluating on how well he does his job and the other one will evaluate on what he does. He further noted that they should revisit this in 6 months.

Selectman Dumont raised concern on this evaluation will be done on a trial basis. She also questioned if the job description is a living document? She stated that the job description should not change; only the goals and objectives. She recommended that the this form be revised for the next Board of Selectmen's meeting and that Town Counsel review this proposed evaluation form to see if it is legal.

5. One Day Liquor License – St. Anthony’s Bazaar

Selectman Swain made the **Motion to approve the Special License for the Sales of Wines and Malt Beverages only to be Drunk on the Premises Under Chapter 138, Section 14, of the Liquor Control Act for St. Anthony’s Annual Bazaar, to be held on August 3rd and August 4th, 2012 from 5:00pm to 10:00pm. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

6. Historical Commission – Appointments

Selectman Swain made the **Motion to appoint Peter Kidd to the Historical/Historic District Commission, term to expire June 30, 2014. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

Selectman Swain made the **Motion to appoint Donald Reed to the Historical/Historic District Commission, term to expire June 30, 2013. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

Side note, Mr. Berry noted that there will need to be appointments for the Household Hazardous Waste Oversight Committee. He has suggested that Jackie Esielionis be appointed a member, while Mr. Berry and Butch Farrar be appointed as alternate members.

7. Extension on Closing Date for Old Municipal Building

CAO Dave Berry discussed with the Board of Selectmen the need for the extension of the closing date for the Sale of the Old Municipal Building. He explained that there is a dispute with the abutter on the left side of the building, regarding an adverse possession on one of the parcels. Lawyers for Town, Seller and Abutter are working out the details for an amendable solution. It has been discussed that front part of the parcel in question could become an easement .

Selectman Swain made the **Motion to sign the extension for the closing date of the Old Municipal Building on or before August 31, 2012. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

8. Certificate of Compliance – 6 Hill Lane

Discussion on the foreclosed property of 6 Hill Lane, in which Town Counsel, Judy Pickett recommends that the contingent upon the receipt of the sale of the property, that \$19,785 to be paid to the Town of Shirley prior to closing. The property was foreclosed and the Selectmen voted several months ago not to exercise any of the options in the deed rider concerning the affordability of the property. The Deed Rider does require that the Town be paid any excess over a defined “Maximum Re-Sale Price”, which is determined by the sale price (\$130,000) and the bank’s appraised value (\$164,000). The Deed Rider formula for determining the amount to be paid to the Town is $\$130,000 - (.67 \times \$164,500) = \$130,000 - \$110,125 = \$19,785$.

Selectman Swain made the **Motion to confirm that pursuant to the term of the Housing Development Support Program Deed Rider (“Deed Rider”) for Lot No. (7), Hill Lane, Shirley, MA, recorded at Middlesex South Registry of Deeds at Bk. 31934, Pg. 039, and contingent upon the Town’s receipt of \$19,785.00, the excess proceeds described in Section 4 of the Deed Rider, the property will be free of the rights and restriction contained in the Deed Rider. Lot No. 7 has a property address of 6 Hill Lane, Shirley, MA.. Selectman Dumont Seconded. David Swain vote Aye, Kendra Dumont vote Aye and Armand Deveau vote Aye.**

9. Special Town Meeting Warrant Articles – Discussion

Selectmen reviewed the Special Town Meeting Warrant proposed schedule and the draft Warrant Articles. (see attached)

CAO David Berry noted that the first two articles are for FY12 and FY13 Sewer Betterments. Chairman Deveau raised concern on the passage of these articles, FY12 will need 9/10th vote and FY13 will require 2/3rd majority vote.

Mr. Berry noted that the other articles “b, c, d and e” emphasizes numbers based on the full year, and has not been pro-rated at this time. Mr. Berry will meet with the Town Accountant to review the numbers.

Selectmen asked that Article 5, Sale of the Fredonian Lot (Municipal Parking Lot), be removed from the Warrant.

Selectman Swain asked that the CAO Berry to research any outstanding Past Warrant Articles that need to be closed out.

Selectman Swain made the **Motion to open the Special Town Meeting Warrant on July 23, 2012 and closing on August 20, 2012. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

10. 8:30pm -Solarize Shirley – New England Clean Energy Presentation

John Elkind, Project Manager for New England Clean Energy, gave an update to the Board of Selectmen regarding the Solarize Shirley Program. He noted that at this time, approximately 159 names expressed interest in the program for solar electricity. Further, his company has used an imaginary to view some 154 homes with respect exposure to the Sun, with the ideal being southern exposure.

Some discussion focused on the need to advertized the project, the deadline date to take advantage of this offer to Shirley households and businesses is September 30th. Chairman Deveau stated that they have held 2 informational meetings as well as using SPACO to inform the public.

Selectman Swain noted that the two local banks are offering special financing for this program.

UPDATE FROM Chief Administrative Officer

David Berry gave an overview on the Catacunemaug Road Culvert Project, noting that this project includes the redesign of the Leominster Road and Catacunemaug Road intersection as well as the replacement of the culvert. Once the project begins, the goal is to have minimal closure of the road.

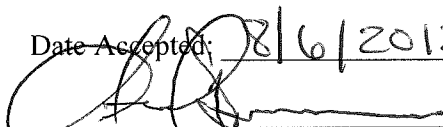
Selectman Swain asked how this project is going to be funded. Chairman Deveau stated that monies to pay for this project will come out of Chapter 90. Discussion on the priority list of Chapter 90 projects, in which Chairman Deveau noted that the Culvert is of emergency nature, due to the collapse of the culvert.

Selectman Swain made the **Motion to approve that the DPW expend Chapter 90 monies for the Catacunemaug Culvert and Intersection of Leominster Road and Catacunemaug Road, using a budget estimate of \$175,000. Selectman Dumont Seconded. David N. Swain vote Aye, Kendra Dumont vote Aye, Armand Deveau vote Aye.**

With no further business to discuss, **Motion and Seconded to adjourn at 9:17 p.m., David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

Respectfully submitted,
Kathleen Rocco

Date Accepted: 8/6/2012



Armand Deveau, Chair



David N. Swain, Vice Chair



Kendra J. Dumont, Clerk