

Town of Shirley

BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

Kendra J. Dumont, Chair

Robert E. Prescott, Jr., Vice Chair

David N. Swain, Clerk

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BOARD OF SELECTMEN MINUTES of July 22, 2013 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, July 8, 2013 at the Town Offices with Chairman Kendra J. Dumont presiding, with Selectmen David N. Swain, Robert E. Prescott and Executive Assistant Kathleen Rocco in attendance.

CALL TO ORDER

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

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># 0103</u>	<u>07/17/13</u>	<u>\$ 12,853.72</u>
Payroll warrant	<u># 6103</u>	<u>07/17/13</u>	<u>\$ 23,414.32</u>
Payroll warrant	<u># 9103</u>	<u>07/17/13</u>	<u>\$ 10,082.28</u>
Payroll warrant	<u># 0104</u>	<u>07/24/13</u>	<u>\$ 13,163.23</u>
Payroll warrant	<u># 6104</u>	<u>07/24/13</u>	<u>\$ 23,459.99</u>
Payable warrant	<u># 2553</u>	<u>06/30/13</u>	<u>\$ 52,377.05</u>
Payable warrant	<u># 2563</u>	<u>06/30/13</u>	<u>\$ 13,127.98</u>
Payable warrant	<u># 9033</u>	<u>07/09/13</u>	<u>\$ 5,483.58</u>
Payable warrant	<u># 2024</u>	<u>07/10/13</u>	<u>\$ 448,173.99</u>

Payable warrant	<u># 9044</u>	<u>07/15/13</u>	<u>\$ 569,012.27</u>
Payable warrant	<u># 2034</u>	<u>07/17/13</u>	<u>\$ 178,639.67</u>
Payable warrant	<u># 2044</u>	<u>07/24/13</u>	<u>\$ 7,334.22</u>
Payable warrant	<u># 9055</u>	<u>07/26/13</u>	<u>\$ 51,948.15</u>
Payable warrant	<u># 9064</u>	<u>07/31/13</u>	<u>\$ 7,610.00</u>

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

APPROVAL OF MINUTES - None

NEW BUSINESS

1. Conflict of Interest – Town Clerk

Town Clerk Amy McDougall asked the Selectmen to discuss whether they would like to exempt additional positions regarding the Conflict of Interest Mandatory Education and Training. She noted that she has a draft list of the positions that should be exempt. (See attached)

Selectman Swain reviewed request from Town Clerk and recommended to table this agenda item at this time. Further it was noted that the Selectmen had already, in past Selectmen's meeting approved the COA's request to exempt those volunteers.

Discussion on the intent of the Law regarding the Conflict of Interest, and who is subject to said law. Ms. McDougall recommended that the Selectmen refer to the Attorney General's office and call the "Attorney of the Day" with their questions and concerns.

2. Town Collector – Request

Town Collector Holly Haase has requested the Selectmen consider closing the Town Offices to the public on Fridays. One concern is the safety issue. She stated that the Town Clerk, Sewer, and Recreation are not open on Fridays, and the Assessors are open every other Friday, thus leaving her office as the only office open to the Public on the first floor. She further stated that as an elected official it is her choice to open to the public. (see attached)

Chairman Dumont noted that Chief Massak had a representative from Jasonics to look into the viability of installing a panic button in the Town Collector's office. It was noted that the cost of install is approximately \$1000 with \$10.00 monthly fee for service. Although needed, Selectman Swain stated this cost has not been built into the current budget.

Selectman Prescott asked Ms Haase what the impact was to her office regarding fielding questions or direction when the other offices are closed to the public. Ms. Haase noted that maybe a one-third of her day is dealing questions that do not concern her office.

Selectman Swain made the Motion to close the Town Offices on Fridays to the general public, and the general public be allowed to make appointment with those elected boards. Selectman Prescott Seconded. David N. Swain vote Aye, Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.

3. Cemetery Committee Discussion

Chairman Dumont stated that she had a discussion with DPW Administrative Assistant Pam Callahan regarding managing the invoices as they relate to Cemetery Burials. At this time, the invoices go to the Cemetery Commission and they approve all the bills. Selectman Swain stated that the Cemetery is appointed by the Selectmen as well as the DPW, noting that ultimately the Board of Selectmen are responsible.

DPW Foreman Paul Farrar spoke to the matter, stating his concern on invoices being processed in a timely manner. DPW knows what needs to be done and what bills are legitimate.

Selectmen agree that the invoices for the cemetery will go through DPW for approve and then to Executive Assistant Kathleen Rocco for final approval and submitted to accounting.

Mr. Farrar further discussed the Cemetery budget and his concern for budgeting for burials. The Selectmen will review his concerns, and seek advice from Town Accountant.

4. Comcast Discussion

Rich Dill, President of SPACO, came before the Board of Selectmen to discuss Comcast's recent filing with the FCC seeking a finding of "Effective Competition" in order to have the base rate unregulated. Mr. Dill stated that he has been in communication with Attorney William Solomon with regard to the Petition for Special Relief, and will act as a conduit for information. Attorney Solomon had filed an extension on the Petition.

The second issue Rich Dill brought to the Selectmen's attention is the bringing fiber between the Town Office and the Middle School. This will allow the school to do live broadcasts.

Rich Dill also noted SPACO will submit their annual report to the Selectmen. He further stated that Superintendent Carl Mock will be an ex-officio member of SPACO.

5. Driveway Permits & Road Crossings

Selectman Swain made the Motion to support the Application for Permit "To Construct &/or Blacktop or Accessway" for Lot 1 Townsend Road, with Order of Conditions presented and subject to a Public Tree Hearing. Selectmen Prescott Seconded. David N. Swain vote Aye, Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.

Selectman Swain made the Motion to support the Application for Permit “To Construct &/or Blacktop or Accessway” for 14-16 Village Drive, with Order of Conditions as presented Selectmen Prescott Seconded. David N. Swain vote Aye, Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.

Selectman Swain made the Motion to support the Application for Permit “To Construct &/or Blacktop or Accessway” for 21-23 Village Drive, with Order of Conditions as presented. Selectmen Prescott Seconded. David N. Swain vote Aye, Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.

Selectman Swain made the Motion to support the Application for Permit “To Construct &/or Blacktop or Accessway” for Lot 1 -#124 Townsend Road, with Order of Conditions presented and subject to a Public Tree Hearing. Chairman Dumont Seconded. David N. Swain vote Aye, Robert E. Prescott Abstains and Kendra J. Dumont vote Aye.

Selectman Swain made the Motion to support the Application for Permit “To Construct &/or Blacktop or Accessway” for Lot 7 - #7 Devarney Court, with Order of Conditions as presented Chairman Dumont Seconded. David N. Swain vote Aye, Robert E. Prescott Abstains and Kendra J. Dumont vote Aye.

Selectman Swain made the Motion to approve the Road Crossing and Pavement Cut Permit for National Grid for 156 Ayer Road for new gas service. Selectman Prescott Seconded. David N. Swain vote Aye, Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.

Selectman Swain made the Motion to approve the Road Crossing and Pavement Cut Permit for National Grid for 6 Lancaster Road for new gas service. Selectman Prescott Seconded. David N. Swain vote Aye, Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.

Selectman Swain made the Motion to approve the Road Crossing and Pavement Cut Permit for National Grid for 3 Lancaster Road for new gas service. Selectman Prescott Seconded. David N. Swain vote Aye, Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.

Selectman Swain made the Motion to approve the Road Crossing and Pavement Cut Permit for National Grid for 63 Parker Road for new gas service. Selectman Prescott Seconded. David N. Swain vote Aye, Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.

6. Temporary Liquor License – St. Anthony’s Parish Bazaar

Selectman Swain made the Motion to approve the 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 St. Anthony’s Annual Bazaar, to be held on August 2nd and August 3rd, 2013 from 5:00pm to 10:00pm. Selectman Prescott Seconded. David N. Swain vote Aye, Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.

7. Energy Committee

Bryan Dumont, Chairman of the Energy Committee, came before the Board to request approval from the Selectmen regarding Net Metering Credits.

Mr. Dumont explained the allocation available to Net Metering Credits as of June 17, 2013 was approximately 52 Megs; by July 10th, the remaining allocation available was under 37 Megs. Mr. Dumont explained that there is an urgency to “grab” the power at a reduced rate, and referred to the Memo from the owner’s agent, Beth Greenblatt, of Beacon Integrated. In Ms Greenblatt’s Memo, she explains the timing of buying net metering credits and the significant competition for net metering credits from assets that have received SREC qualification and are in the position to get a cap allocation of net metering credits.

Selectman Swain made the Motion that the Board of Selectmen support Energy Committee’s request from Beth Greenblatt of Beacon Integrated Solutions, to get the best deal on net metering rate available. Selectman Prescott Seconded. David N. Swain vote Aye, Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.

OTHER BUSINESS

8. Request for Legal Counsel

Executive Assistant Kathleen Rocco brought before the Board, two Requests for Legal Services for the Town of Shirley.

- Board of Health member, Butch Farrar requested the use of Town Counsel to review the Apple Orchards Agreement to clean up hazardous waste. With the recent decision from Planning Board, concern is this could put the Town in a jeopardizing circumstance. The Board of Selectmen at this time denied the request, asked that the Planning Board and Board of Health communicate with each other as well as come before the Board of Selectmen. (See Attached)
- Town Treasurer Kevin Johnston requested use of Legal Counsel to record the Deed for Parcel 82-C-6 and for another other legal requirements to dispose of this parcel. (See attached).

Selectman Swain made the Motion to authorize the Town Treasurer the usage of Town Counsel and prepare the Deed for Parcel 82-C-6. Selectman Prescott Seconded. David N. Swain vote Aye, Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.

OLD BUSINESS - None

PUBLIC COMMENTS

ANNOUNCEMENTS

Chairman Dumont announced the following:

- Next Board of Selectmen’s meeting will be held on August 5th at 7pm, at the Middle School
- Special Town Meeting will be held on Monday, August 5, 2013 at 7:15pm at the Middle School
- Farmer’s Market will be on Thursday from 4-8pm
- Concert on the Commons will be on Friday, July 26th.

ADJOURNMENT


With no further business to discuss, **Motion and Seconded to adjourn at 8:50 p.m., Robert E. Prescott vote Aye, David N. Swain vote Aye, and Kendra J. Dumont vote Aye .**

Respectfully submitted,
Kathleen Rocco

Date Accepted: 8/5/2013


Kendra J. Dumont, Chair


Robert E. Prescott, Vice Chair


David N. Swain, Clerk

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.