

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 8, 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>0101</u>	<u>07/03/13</u>	\$ <u>14,854.79</u>
Payroll warrant # <u>6101</u>	<u>07/03/13</u>	\$ <u>24,244.68</u>
Payroll warrant # <u>9101</u>	<u>07/03/13</u>	\$ <u>10,895.61</u>
Payroll warrant # <u>0102</u>	<u>07/10/13</u>	\$ <u>12,331.34</u>
Payroll warrant # <u>6102</u>	<u>07/10/13</u>	\$ <u>23,957.05</u>
Payroll warrant # <u>9102</u>	<u>07/10/13</u>	\$ <u>10,570.70</u>
Payable warrant# <u>2533</u>	<u>06/30/13</u>	\$ <u>10,299.39</u>
Payable warrant# <u>2543</u>	<u>06/30/13</u>	\$ <u>53,851.88</u>
Payable warrant# <u>2014</u>	<u>07/03/13</u>	\$ <u>17,705.83</u>
Payable warrant# <u>9014</u>	<u>07/05/13</u>	\$ <u>1,056,742.59</u>

Payable warrant# 9024

07/26/13

\$ 51,664.00

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

APPROVAL OF MINUTES

Selectman Prescott made the **Motion to accept the Minutes of June 17, 2013 and June 24, 2013. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.**

Selectmen Prescott made the **Motion to accept the Minutes of June 26, 2013. Chairman Dumont Seconded. Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.**

NEW BUSINESS

1. Health Insurance Update

Town Treasurer and Benefits Coordinator Kevin Johnston gave an update of the Health Insurance, as requested by the Board of Selectmen. Johnston noted that all current subscribers are current as to date, nine former subscribers are still trying to make payments and five others are not paying. Selectman Swain recommends that those who do not pay either attach or garnish wages or attach a lien to their homes.

Selectman Prescott focused on the insurance offered to elected officials and part-time employees. Executive Assistant Kathleen Rocco stated that Lancaster's Town Administrator had gathered information from several surrounding communities regarding Selectmen who are offered insurance. (see attached)

Johnston referred to Chapter 32B regarding compensated officials. He stated that the Town has to provide those who are compensated, some form of insurance. However, Selectman Prescott noted that the officials and Part time employees receive the same 75% as the full-time employees. Prescott stated that he would like to see a snap shot on what other Towns are doing with elected, part-time and volunteers on the insurance; fairness issue with the full time employees in the Town.

Johnston stated that 32B is very complex, and noted that the on-call firemen receive insurance, as voted in at Town Meeting – stressing that vote is in perpetually. Rocco suggested that Town Counsel advise the Town regarding the rules on MGL Chapter 32B.

Selectman Prescott asked to gather more data regarding this issue and come back to the Board on September 9th.

Selectman Swain asked about the HRA and where it stands at this time. Johnston stated the Unions are not all aligned at this point. He further stated that the Insurance Advisory Committee can recommend but the Selectmen made the decision on the insurance. At this time, two of the unions have not agreed to the change.

Selectman Prescott noted that the Town has to get in line with the other communities regarding the insurance. It is his understanding that Shirley is one of 40 communities left that has not joined in the GIC program.

2. Public Tree Hearing – 7:05pm

Selectman Swain read into the Minutes the following Legal Notice:

Pursuant to Massachusetts General Law Chapter 87, as amended, the Board of Selectmen will conduct a Public Hearing on Monday, July 8, 2013 at 7:05 pm at the Town Officers, 7 Keady Way, relative to the request of property owners, whom request that numerous and various individual trees be removed. Ten (10) trees are located at the following locations: 72 Horsepond Road (2), 74 Horsepond Road (3), 75 Horsepond Road (4) and 155 Groton Road (1). 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 Prescott made the Motion to open the Public Tree Hearing at 7:05pm. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Chairman Dumont stated that she spoke to DPW Foreman Paul Farrar regarding the removal of said trees. Noting that she did not have an issue with the removal of the trees; her only concern was the insurance. Executive Assistance Kathleen Rocco stated that the Town would be named in the Certificate of Insurance from the Tree Cutting Company.

Selectman Swain looked at all the trees in question and agreed the trees posed definite hazard to the power lines.

Seeing no further questions, Selectman Prescott made the Motion to close the public tree hearing at 7:10pm. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Prescott made the Motion to allow the tree cutting as presented, Selectman Swain added: with a copy of Certificate of Liability from the person doing the tree cutting. Selectman Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

3. Appointments: DEC, Ambulance & Ayer PD

Selectman Prescott made the Motion to appoint William Castro and John Oelfke to the Devens Enterprise Commission. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Prescott made the Motion to appoint Matthew Callahan to the Ambulance Department as an EMT, term to expire June 30, 2014. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Prescott made the Motion to appoint the Ayer Police Department, as presented, as the Town Of Shirley Special Police Officers, term to expire June 30, 2014. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

4. FY14 Payroll Certification(s) and Payroll Summary Sheets(s)

Selectman Prescott made the Motion to approve the FY14 Payroll Certifications and Payroll Summary Sheets as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

5. War Memorial Building Lease

War Memorial Trustee, Theresa Richards, came before the Board to review the proposed War Memorial Building Lease with the Shirley American Legion. After discussion regarding edits, Ms Richards will email to Executive Assistant Rocco a copy of the lease with the markups. The Lease will be submitted to Town Counsel for review.

6. Energy Committee

Bryan Dumont, Chair of Energy Committee, Beth Greenblatt of Beacon Integrated Solutions discussed Energy Savings Performance Contract. (see attached)

Beth Greenblatt gave an overview regarding the Energy Savings Performance Contract. She noted that her company works directly for the Municipality and as an advocate and technical resource in the development and implementation of the performance contract.

Discussion on what the State Law provides regarding the procurement options for public entities. She noted MGL c. 30B regarding goods and services, leases and energy procurements, and further explaining the MGL c. 25A§ 11c and 11i –energy management services (performance contracting).

Greenblatt explained the Town's finances contractual construction investment obligations through traditional or alternative short and long-term borrowing. The Energy Services Company – ABM, is paid for construction activities based on progress payments managed and approved by the Town. Further, she noted that the Annual Debt Service is paid from realized savings, thus debt exclusion is not required and there is no financial impact to taxpayers.

ABM reviewed the savings that their company will provide. Selectman Swain had questions on the streetlights and streetlight savings. ABM confirmed that the savings will come from the Town owning the lights and not National Grid. Further, as Mr. Dumont stated that lights are under a ten year guarantee, with ABM giving a one year guarantee on the lights.

Chairman Dumont asked about the Measurement Verification. Both ABM and Beth Greenblatt explained how the metrics will be measured and how the Federal Protocols that the State has adopted on the verification. ABM responded that they have only written nationally two checks. Greenblatt referred to the Town's part in this process, in which they have the responsibility of a maintenance program, to ensure the most efficiency in the systems.

Kevin Johnston member of the Energy Committee, spoke about the financial part regarding this project. He explained the capital cost of \$683,854 less the Green Community Grant Funds of (\$100,000) less the Utility Rebates (\$12,981) bringing the Net Project financing to \$570,873 with an interest rate of 3.50%. Johnston reviewed with the Selectmen the spreadsheet detailing the Energy Committee Performance Contracting Responsibility and the Town of Shirley's Preventive Maintenance Responsibility. (See attached)

7. STM Discussion/Warrant

Selectman Swain made the Motion that the Board of Selectmen schedule a Special Town Meeting for Monday, August 5, 2013 at 7:15pm at the Ayer Shirley Regional Middle School, subject to the Middle School availability. 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 open the Special Town Meeting Warrant for Articles to be held on August 5, 2013. Selectman Prescott Seconded. David N. Swain vote Aye, Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.

Selectman Swain made the Motion that to see if the Town will vote to borrow the sum of \$570,873 in order to initiate an energy savings program (Performance Contracting) in Town owned buildings in accordance with MGL chapter 25A, with the repayment of the borrowing to be made from guaranteed energy saving accumulated during the life of the borrowing, subject to Town Counsel's review. 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 close the Special Town Meeting Warrant. Selectman Prescott Seconded. David N. Swain vote Aye, Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.

After brief discussion and verification from Treasurer Kevin Johnston that the wording in the Article was approved by Bond Counsel, and need for clarification on length of contract from Town Counsel; Selectmen deferred their recommendation at this time.

8. License to Use State Owned Real Property with Dept. of Correction

Selectman Prescott made the Motion to accept the License to Use State Owned Real Property with the Department of Corrections on their Second 5 (five) year Lease from September 30, 2013 to September 30, 2018, as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

9. Request for Legal Services Form

Executive Assistant Rocco asked that the Selectmen review the Request for Legal Services Form, regarding the use of Town Counsel. She explained that with a limited budget of \$25,000 in Legal, it has become difficult to manage.

Chairman Dumont concurs and stated that she had that same request from the past Town Administrator.

Selectman Swain noted that he would like to have a Purchase Order attached with the Form.

Selectman Swain made the Motion to approve the Request for Legal Services Form with the addition of the Purchase Order Requirement on all invoices and duly notify all Boards,

Commission and Lawyers. Selectman Prescott Seconded. David N. Swain vote Aye, Robert E. Prescott vote Aye and Kendra J. Dumont vote Aye.

10. MRPC Agreement

Selectman Prescott made the Motion to accept the MRPC Agreement as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

OLD BUSINESS - None

PUBLIC COMMENTS

Announcement of the Farmers's Market on Thursdays from 4pm – 8pm
Announcement of Summer Concert on Commons on Friday, starting at 6pm.

ANNOUNCEMENTS

Selectman Prescott remarked on the letter from Dick Hatch and his resignation from the Montachusett Regional Transportation Committee. It was noted that Mr. Hatch served on that board for many years. Selectmen would like to thank him for his all his efforts. Selectman Swain spoke of his work with the train station and Mohammad Kahn.

ADJOURNMENT

With no further business to discuss, **Motion and Seconded to adjourn at 9:15 p.m., Robert E. Prescott vote Aye, David N. Swain vote Aye, and Kendra J. Dumont vote Aye .**

Respectfully submitted,
Kathleen Rocco

Date Accepted: August 19, 2013

Kendra J. Dumont
Kendra J. Dumont, Chair

Robert E. Prescott, Jr.
Robert E. Prescott, Jr., Vice Chair

David N. Swain
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.