



# Town of Shirley

## BOARD OF SELECTMEN

7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

*David N. Swain, Chair*

*Kendra J. Dumont, Vice Chair*

*Robert E. Prescott, Jr., Clerk*

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## BOARD OF SELECTMEN

### MINUTES

July 28, 2014

7:00pm

TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, July 28, 2014, at the Town Offices, Meeting Rooms A & B, with Chairman David N. Swain presiding, with Selectboard Members Kendra J. Dumont, Robert E. Prescott, Town Administrator Patrice Garvin and Executive Assistant Kathleen Rocco in attendance.

#### CALL TO ORDER

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

#### TOWN ADMINISTRATOR REPORT

Town Administrator Garvin gave her weekly report for July 28, 2014. She reported that Fire Chief Dennis Levesque has notified her recently Shirley Fire Department had two firefighters graduate from the On Call/Volunteer Recruit Firefighter Training program. These firefighters are Devin Hayes and Tyler Farley; both completed 320 hours of training attending classes on nigh and weekends. Chief Levesque looks forward to working with both firefighters.

TA Garvin asked for permission to post for an alternate Wiring Inspector. She will be asking the current Wiring Inspector and the Building Inspector to work with her on getting the appointment filled. She will update the Board as they move forward.

Garvin noted that she has reached out to Senator Eldridge's office and Representative Benson's office to voice Selectmen's concerns regarding the Governor's recent \$2.2 Million veto of the Department of Corrections budget. Noting that this cut will impact the MCI mitigation money the Town receives. Both the Senator's and Representative's offices assured her that the veto is being addressed. She will update the Board as the veto is debated.

Garvin met with members of the American Legion, as well as the Chairman of the Energy Committee Bryan Dumont, to discuss a payment plan for the War Memorial Lease. The Legion has decided to ay \$625/mo and

then in March conduct a review of all the utility bills to determine the amount needed to cover the utility costs for the remaining fiscal year. She presented the lease between the American Legion and Selectmen for their approval.

Selectman Dumont moved to approve the Warm Memorial Building Lease between the American Legion and the Board of Selectmen as presented. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.

TA reported that the Board of Selectmen has received a letter from the War Memorial Trustees in which they are seeking a Warrant Article that gives care, custody and control of the War Memorial Building. She noted that she has stated in a previous meeting with the Trustees, Town Counsel has given the opinion that the Trustees already hold care and custody through the wording of the old lease, but control per statute is with the Board of Selectmen. She further stated that a Town Meeting vote cannot go against the statute to give control to the War Memorial Trustees. Garvin noted that she had spoken to War Memorial Trustee Theresa Richards today to discuss the care and custody of the Building.

Theresa Richards came before the Board of Selectmen to express her concern on what is the role of the Trustees are. Noting that currently they are not on the lease and what like a definition on care, custody and control of the War Memorial Building. TA Garvin stated that Town Counsel was clear, "care and custody" will go the Trustees, but the "control" has to stay with the Board of Selectmen per Statute.

Richards invited Garvin to attend the next Trustee meeting on August 11, 2014 and also informed Chairman Swain that he is a member of the War Memorial Trustees.

Garvin suggested that the Trustees define what is "Care and Custody" mean to the Trustees, the Selectmen already know where the "control" lies.

The IAC met and the decided to go with the MIIA Dental Plan, which is not a contributory plan as discussed at a prior meeting. However, we are asking that due to the concession of the health plan insurance this past spring, the \$4,000 approve the Selectmen go to offset some of the premiums the employees currently pay for dental. Currently employees pay 100% of the premium for Dental. The \$4000 would be applied toward this premium. Both Garvin and Executive Assistant Rocco explained that due to monthly costs, the IAC had voted for the lesser amount. Suggestion to have the \$4000 offset the premium.

Selectman Dumont moved to that the \$4000 that was previously approved be transferred to offset cost of the premium of the dental insurance for current employees and future employees. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote and David N. Swain vote Aye.

COA Director Kathryn Becker has asked that Carolyn Schold, who was working as temporary dispatcher under the Senior Work-Off Program, be appointed as the Back-up Dispatcher for MART, during vacations/absences. Ms. Schold has already done her MART training/testing.

Selectman Dumont moved to appoint Carolyn Schold as Back-Up Dispatcher for MART, term to expire June 30, 2015. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott vote Aye and David N. Swain vote Aye.

**TREASURY WARRANTS**

Payable warrant# <u>2574</u>	<u>06/30/14</u>	<u>\$ 6,973.66</u>
Payroll warrant # <u>0103</u>	<u>07/16/14</u>	<u>\$ 14,764.79</u>
Payroll warrant # <u>6103</u>	<u>07/16/14</u>	<u>\$ 26,011.76</u>
Payroll warrant # <u>9103</u>	<u>07/16/14</u>	<u>\$ 12,427.19</u>
Payroll warrant # <u>0104</u>	<u>07/23/14</u>	<u>\$ 15,217.20</u>
Payroll warrant # <u>6104</u>	<u>07/23/14</u>	<u>\$ 25,032.65</u>
Payroll warrant # <u>9104</u>	<u>07/23/14</u>	<u>\$ 12,030.26</u>
Payable warrant# <u>2045</u>	<u>07/23/14</u>	<u>\$ 193,782.99</u>
Payable warrant# <u>9055</u>	<u>07/16/14</u>	<u>\$ 146.93</u>
Payable warrant# <u>2055</u>	<u>07/30/14</u>	<u>\$ 166,037.71</u>

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

**APPROVAL OF MINUTES - Tabled**

**OLD BUSINESS**

1. Energy Committee Update

Bryan Dumont, Chairman of the Energy Committee, came before the Board of Selectmen to announce that their bid on the National Grid Solar Development was selected on the parcel off Groton Road (Route 225). The parcel is 8.8 Acres of Town Owned Property, and a contract will be awarded by National Grid to Borrego Solar Development. The Land Lease is projected to be \$20,000 a year for 20 years with a 10 year extension. The Tax Revenue is projected to be \$10,000 - \$15,000 per year. The Energy Committee has already supplied them with the required tax documents which will be forwarded to the Principle Assessor to get the actual tax value.

Bryan Dumont further stated that this will have to be fully operational in one year from the official date of notification. National Grid will be paying both land lease and taxation directly to the Town of Shirley.

Selectman Dumont moved to recommend that the Energy Committee enter into talks with Borrego Solar Development and National Grid for the Town Owned Parcel off Groton Road. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott, Jr. vote Aye and David N. Swain vote Aye.

**NEW BUSINESS**

2. Conservation Commission – Open Space Plan

Nancy Askin, Chairman of Conservation Commission and Nadia Madden, Conservation Agent came before the Board of Selectmen for their comments regarding the Open Space Plan. Nancy Askin stating that there is a need for feedback from the Boards. Nadia Madden noted that the Open Space Plan is in draft form and will need a letter of review from the Board of Selectmen

Chairman Swain stated that the Open Space Plan is an ongoing project for the past three Conservation Agents, noting the scope of the Project is immense.

Prescott asked what the time line is on this Plan as he is a member of the Economic Development Committee, and would like Conservation Commission engage with them, noting it would be a good idea to partner with Economic Development, as this is part of the Master Plan.

Nancy Askin encouraged that the Economic Development Committee write a Letter of Review regarding the Open Space Plan.

Chairman Swain noted on page 27 – regarding *hazardous and dangerous conditions*: he noted that the LAW School and the field next to the school had been remediated some years ago. Swain also stated the Middle School with respect to hazardous and dangerous conditions had been remediated as well. He would like Conservation Commission to address it.

On page 42, *access to water waterways*; Swain pointed out that Fredonian Pond is private property. Conservation Agent Nadia Madden stated that they are in the process of eliminating that section in the Open Space Plan, but would ask that the Selectmen incorporate that in their letter of review.

Selectman Dumont noted on page 3, *meeting the requirements of Massachusetts environmental and energy plan*: has the Town met these requirements and what would that entail? Madden noted that the Town has met most of these requirements, but she further stated that Open Space Plan will allow the Town to be eligible for land grants as well as recreational grants, thus opening the Town up to receive money from the State.

Selectman Prescott spoke of the need for sidewalks in the Town; asking if there is this something that a grant through the state could focus on. Askin stated that this may fall under MRPC, but she will look into it.

Dumont asked about Page 9; *Increase in water use in the Town*. Askin stated that this is a generic paragraph, noting that if a subdivision came in, it does put pressure on Town services.

Selectman Dumont asked Town Administrator Garvin to look into what percent of our land is open space and nontaxable.

Conservation Agent Madden and Conservation Committee member Nancy Askin responded that they believe there is at least 800 acres of Conservation Land, with other land that would have conservation restrictions,(ie Chapter 61), but would not be nontaxable.

Dumont asked that Conservation Commission look into partnering with SPACO regarding educating the Town in some of the programs that the Conservation Commission is doing.

3. Driveway Permit – 13 Nehemiah Road

Selectman Dumont moved to approve the Application for Permit “to construct &/or Blacktop Driveway or Accessway” for 13 Nehemiah Road, for David McQuinnan, with Order of Conditions as presented. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott, Jr. vote Aye and Kendra J. Dumont vote Aye.

4. Mass Grant Authorization

Town Administrator Garvin updated the Board of Selectmen on the progress of the replacement of the Main Street Bridge. She noted that original engineering costs for the bridge is approximately \$58,000 and had MASS DOT reduce that amount by \$10,000, as they will do the survey. With that being said, Garvin would like to apply for a MASS Works Grant to offset the construction costs of the bridge. This grant program currently will offset some costs of bridges for communities under 7000 population. She is asking the Board of Selectmen permission to submit an application for the MASS Works Grant.

Selectman Dumont moved to allow the Town Administrator to apply for the MASS Works Grant. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott, Jr. vote Aye and David N. Swain vote Aye.

5. Declare Surplus – COA and PD

Selectman Dumont moved to declare the items as presented as surplus for COA and Police Department. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott, Jr. vote Aye and David N. Swain vote Aye.

6. Approval of Warrant for State Primaries

Selectman Dumont moved to approve the Warrant for State Primaries to be held on September 9, 2014 between the hours of 7:00 am and 8:00 pm. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott, Jr. vote Aye and David N. Swain vote Aye.

7. Police Chief Search Discussion (vote may be taken)

Chairman Swain stated the Police Chief Search Committee,( comprised on 3 current Chiefs, 1 retired Chief, Town of Shirley Fire Chief, and the Middle School Principle), narrowed down the list to 9 candidates and of the 9 the Committee chose 4 candidate to go before the Board of Selectmen. One candidate dropped out.

The Selectmen interviewed 3 candidates on August 18<sup>th</sup>; the Selectmen requested SPACO provided them copies of that meeting in order to review those interviews.

Selectman Dumont stated that she felt any of the three candidates would make a good Police Chief for the Town of Shirley. However, she was looking for the best fit for the Town of Shirley. She noted that Candidate #2 was the most engaging, all his answers were concise and firm. Dumont also remarked that he was familiar with the area, as he grew up in Westford. He has a military background, and pro Second Amendment. She further stated that she liked the fact the he is more concerned with the whole Police Department and that he has researched the Town’s PD, would like to have the PD accredited, which would help in attaining grants.

Selectman Prescott concurred that all 3 finalists would make a good Police Chief for Shirley. However he narrowed it down between Candidate #1 and Candidate #2 and was more inclined to go with Candidate #1. Prescott felt Candidate #1 is an active Chief from a small town. He further stated this candidate was seasoned and was a good fit for what this Town was looking for.

Chairman Swain remarked that any of the candidates could be the Police Chief in Shirley. He noted that he was leaning towards Candidate #1, but after review of the tapes, he changed his mind and felt Candidate #2 answered the questions more directly. Further, Swain stated that Candidate #2 was more forth coming with an incident that happened several years ago in Brookline, New Hampshire. Swain commented that Candidate #2 management style would be a good fit in Town, and liked the fact that Candidate #2 was black and white, no gray area. Chairman Swain stated he would throw his support for Mr. Goulden.

Selectman Prescott would like to see the outcome of the background checks as well as the Waiver on Goulden.

Selectman Dumont moved to allow the Town Administrator to enter into Contract Negotiations with Thomas Goulden, II, as Police Chief, provided that Background Checks come clear and the Waiver is presented. Selectman Prescott Seconded. Kendra J. Dumont vote Aye, Robert E. Prescott, Jr., vote Aye and David N. Swain vote Aye.

#### PUBLIC COMMENTS

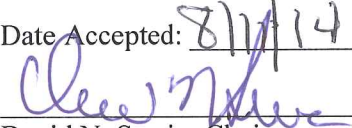
#### ANNOUNCEMENTS

Chairman Swain updated the Board on JBOS Subcommittee decision on the Senior Housing proposal. He stated that the subcommittee has decided to present to MassDevelopment, one Warrant Article for the Super Town Meeting for the development of the senior housing. He noted that it is very important that the Towns and the Devens Community stand united on this development.

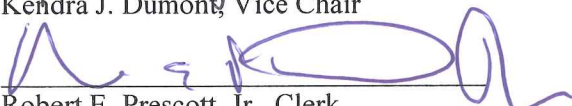
#### ADJOURNMENT

With no further business to discuss, *Motion and Seconded to adjourn at 7:58 p.m., Robert E. Prescott, Jr. vote Aye, Kendra J. Dumont vote Aye, and David N. Swain, vote Aye.*

Respectfully submitted,  
Kathleen Rocco

Date Accepted: 8/11/14  
  
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David N. Swain, Chair

  
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Kendra J. Dumont, Vice Chair

  
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Robert E. Prescott, Jr., 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.*