

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 March 3, 2014 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, March 03, 2014 at the Town Offices, Meeting Rooms A & B, with Chairman Kendra J. Dumont presiding, with Selectmen David N. Swain, Robert E. Prescott, Town Administrator Patrice Garvin 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

TOWN ADMINISTRATOR REPORT

Town Administrator gave her weekly report for March 3, 2014. She reported that she met with the Leadership Team on Tuesday, February 25th to discuss the Regional School District's future needs as well as the FY15 Budget. Selectmen, School Committee Representatives and Finance Committee members from Ayer and Shirley were present at the meeting. The results of this meeting were to form two groups: one to meet and discuss the impending FY15 Budget and the second group will meet and discuss how to move forward given the information presented by the Superintendent. Superintendent Mock stated his concerns in how the School Assessment is determined and the need to address the issue.

TA Garvin noted that she met with members of the Economic Development Committee, Chairman Kendra Dumont, and representatives from Devens to discuss the Village Growth area in Shirley.

A representative from Unipay, presented to the Finance Team online payment options for the recreation programs that are offered through the Recreation Commission. The system is used by many Towns and will make registering for programs more efficient. The online payment creates efficiencies in other departments as well. There is no fee for the service. The fee is factored into the registration price. Garvin attached the contract and asked that the Selectmen authorize the TA to sign. She recommended that the Contract be executed for one year.

Selectman Prescott made the Motion to authorize the Town Administrator to sign the Agreement for the Provision of Online Tax and Fee Collection Services through Unipay Gold for one year. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Town Administrator Garvin reported that Senator Eldridge was not able to attend this meeting with Representative Benson. He has been scheduled for Monday, March 31st.

Garvin stated that she met with the Personnel Board last week and discussed additional personnel policies. Those policies would include a Schedule of Work Policy coupled with Attendance and Tardiness. Also, the Personnel Board is looking at a Site Visit Policy. The Personnel Policy Manual is a living document and will change as directed by the Personnel Board. The HR report has been delayed, but the Personnel Board is working with the consultant to get all the job descriptions submitted.

Finally, TA Garvin announced that Police Chief Massak will be retiring at the end of June, 2014.

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| TREASURY WARRANTS |
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| Payroll warrant # <u>0535</u> | <u>02/26/14</u> | \$ <u>39.22</u> |
| Payroll warrant # <u>6535</u> | <u>02/26/14</u> | \$ <u>400.04</u> |
| Payroll warrant # <u>9535</u> | <u>02/26/14</u> | \$ <u>88.29</u> |
| Payroll warrant # <u>0536</u> | <u>02/26/14</u> | \$ <u>354.08</u> |
| Payroll warrant # <u>9536</u> | <u>02/26/14</u> | \$ <u>19.06</u> |
| Payroll warrant # <u>1001</u> | <u>02/26/14</u> | \$ <u>0.00</u> |
| Payroll warrant # <u>0136</u> | <u>03/05/14</u> | \$ <u>5,086.53</u> |
| Payroll warrant # <u>6136</u> | <u>03/05/14</u> | \$ <u>23,294.66</u> |
| Payroll warrant # <u>9136</u> | <u>03/05/14</u> | \$ <u>8,972.73</u> |
| Payable warrant# <u>2364</u> | <u>03/05/14</u> | \$ <u>55,727.80</u> |

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

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| APPROVAL OF MINUTES |
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Selectman Prescott made the Motion to accept the Minutes of February 24, 2014. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

OLD BUSINESS

1. Joint Meeting with Finance Committee – FY15 Budget

Discussion on the FY15 Budget and review of which option, as presented by the Finance Team and TA Garvin, would be officially recommend to the Town of Shirley. TA Garvin has stated in past meeting that Option 2, in which reflects the necessary cuts in the operating budget to decrease the deficit without hurting services. The Town will simply have to do more with less. She is proposing layoffs and cuts to positions in Town. By making these reductions, the town will save in salaries/wages as well as employee benefits. She further proposed that the Regional School assessment increase remain at 4.88%. Further, under Option 2, the Town would need to use some of its Free Cash, but not as much as in Option 1. Garvin estimated using no more than \$100,000 to fill the deficit under this option.

Chairman Dumont asked Mike Swanton, Chair of Finance Committee, if there was a vote taken with regard to the Finance Team's FY15 Proposed Operating Budget. Swanton stated that there was no formal vote taken, however, FinCom does not support using one time funds to solve the deficit in the operating budget. Understanding there is a need to generate revenue or reduce expenses, Finance Committee supports Option 2 as presented by the Town Administrator.

NEW BUSINESS

2. Representative Benson

Representative Jen Benson gave an update to the Board of Selectmen. She noted that she is currently the acting chair of health care and finance. She discussed some of the other committees that she is involved with. Benson noted that the Governor's budget is his wish list on priorities, which the House and Senate produce their own budgets. She spoke about the MCI funds and that once again the Governor's budget did not include mitigation monies to the Town of Shirley. She will advocate for Shirley regarding those funds. Chairman Dumont asked Benson if there was a way to separate prison mitigation funding so it comes directly to the Towns rather than through the Department of Correction. Benson stated that they cannot separate the monies out of the DOC line item, as it is a direct appropriation and it cannot be earmarked. She also spoke about the Governor's budget did not increase local aid to cities and towns.

Selectman Swain asked Benson about the anaerobic digester project that would be located at MCI. Benson was unaware of that project.

Swain inquired about the Chapter 90 monies could be released in April rather than later. She noted that is up to Governor Patrick on expending those funds.

Swain brought up the strain on the DPW with regard to snow and ice, was there a possibility that the state might supplement those communities hit hard this winter. Benson noted that she would advocate for that.

Prescott asked about the possibility of reworking the state funding formulas so the state rather than the school districts oversee some of the special education costs.

3. School Committee Member – Jim Quinty

School Committee Member, Jim Quinty came before the Board of Selectmen to review the proposed amendment to the Ayer Shirley Regional Agreement – incurring of debt and be included as an Article in the Annual Town Meeting.

He is proposing the following:

Section X – Incurring Debt (current language with proposed amendment)

The District School Committee is empowered to incur debt consistent with the terms and conditions of G.L. Chapter, 71, Section 16. Except for incurring of temporary debt in anticipation of revenue, for an issuance of debt which is less than two percent (2%) of the District's total annual budget in the fiscal year in which the Committee votes to incur the debt, the process that appears in subsection (d) of Chapter 71, Section 16 will be followed. For an issuance of debt equal to or greater than two percent (2%) of the District's total annual budget in the fiscal year in which the Committee votes to incur the debt, the process that appears in subsection (n) of chapter 71, section 16 will be followed. Notwithstanding the above, the Committee by majority vote may choose to follow the process that appears in subsection (n) of chapter 71, section 16, for an issuance of debt which is less than two percent (2%) of the District's total budget in the year in which the Committee votes to incur the debt.

Section X – Incurring of Debt (proposed language as result of changes/deletions.

The District School Committee is empowered to incur debt consistent with the terms and conditions of G.L. Chapter , 71, Section 16. Except for incurring of temporary debt in anticipation of revenue, the process that appears in subsection (d) of Chapter 71, Section 16 will be followed.

After further discussion, the Selectmen are uncomfortable with the language as presented. Selectman Swain asked that there should be discussion and comparisons with other regional school districts and maybe have this amendment on the Fall Town Meeting.

School Committee member Jim Quinty will recommend to his committee to table this item at this time.

4. Economic Development Committee Update

Jackie Esielionis, member of the Economic Development Committee came before the Board to update them on what the Committee is working on. For few years, Economic Development Committee has been working with MassDevelopment on the area on the Shirley side of the Nashua River to ensure that whatever goes there meets some kind of plan that Shirley agrees to. There was a town wide Charrette, with the result that the Town preferred a mixed use community with low impact housing and retail development.

Few months ago, MassDevelopment inquired about the possibility of putting elderly housing there, but indicated that, if that were to occur, it would require a super town meeting as it would exceed the housing cap which determines the number of homes allowed there.

On February 25, 2014, there was a meeting with Economic Development Committee, Town Administrator Garvin, Chairman Kendra Dumont and MassDevelopment to discuss the possibility of going forward with a 60 unit elderly housing complex over a 5 acre site near the Town Complex. The exact site has not yet been selected but it is expected that the location will leave room for future retail development.

Economic Development is asking the Board of Selectmen to support this endeavor and follow through at the JBOS discussions with fellow board members from Ayer and Harvard.

Esielionis touched on the Apple Orchard Estates. The Economic Development Committee has been in discussions with Steve Goodman of Apple Orchards. Past discussion indicated that he would be in favor of foregoing building 34 homes and be allowed to build two 24 unit apartment buildings. Goodman is interested in providing assisted living facility in that development. It is expected that he will bring a proposal to the Economic Development Committee in the near future.

The EDC would like the Board of Selectmen to request three grants of services from MRPC. The deadline for this application is March 14, 2014. The grant requests are reviewing zoning districts in the Shirley Village area to ensure the entire parcels are included in one zoning district rather than have their lots split-zoned. Help identify the existing inventory of Commercial/Industrial opportunities and see the potential in some abutting properties that could be incorporated into C/I zoning districts. Finally, request assistance with Economic Development Self-Assessment Tool and the process.

Esielionis spoke about the Bartkus land on Walker Road as well as other Town Owned land parcels. EDC had previously discussed doing an RFP which would invite C/I real estate agents to submit proposals to help sell property. EDC would like to have someone who can advise the Town as to whether its best to subdivide the land or sell it as one large parcel. The EDC would request that RFP be issued and that some of the money from the sale of this land be used to support hiring for three years of a part time Economic Development Director.

5. Winslow Fund

Al Collins, President and Kevin Johnston, Administrator of the Shirley Charitable Foundation, came before the Board of Selectmen regarding the Winslow Funds. Johnston noted that the Calendar Year 2013 Grace Winslow Trust Fund Earnings available for grant award is \$4,268.47.

Collins reported that all the money granted to the Community Assistance Collaborative for 2013 had been used in accordance with the application and was spent as it was supposed to be with helping the poor and the needy in Town. He stated that the CAC used the funds for fuel assistance, food deliveries to homebound elderly and disabled residents.

Collins spoke about the current funding cycle is awkward and would like the application process open one now and another round in the summer, when the charity organizations begin to build their budgets. After the initial change, the annual could continue on a summer schedule.

Selectman Swain made the Motion to open the grant application cycle for the Winslow fund, with a deadline of two weeks from today. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Swain made the Motion to grant the release of remaining funds CY2012, from the Winslow Trust Fund to the Community Assistance Collaborative, effective immediately. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

6. Revote Health Benefits Write-Off

Town Accountant Bobbi Jo Colburn came before the Board Of Selectmen to recommend to them to revoke the Health Benefits Write-Off, noting that there was a lien issued that she was not informed of.

Selectman Swain made the Motion to write off \$22,737 from the Health and Dental Insurance Withholding Account that was not paid. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

7. Appointment – Custodian

Selectman Prescott made the Motion to appoint Patrice Fullhart as the part time Custodian, term to expire June 30, 2014, contingent on the CORI check. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

8. One Day Liquor License – CTH – Taste of Ireland

The Center Town Hall and The Shirley Meeting House will be hosting the Taste of Ireland on the 8th of March.

Selectman Prescott made the Motion to approve the Temporary Wine and Malt License for the Taste of Ireland to be held at the Center Town Hall on Saturday, March 8, 2014 from 7:00 pm to 10:00 pm. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

EXECUTIVE SESSSION

Selectman Prescott made the Motion to go into Executive Session as authorized under M.G.L. c. 30A, §21(2): To conduct strategy sessions in preparation of negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel, return to open session for adjournment purposes only. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

PUBLIC COMMENTS

ANNOUNCEMENTS

ADJOURNMENT

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

Respectfully submitted,
Kathleen Rocco

Date Accepted: March 10, 2014

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.