

# 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

### May 5, 2014

### 7:00pm

### TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, May 5, 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

#### TOWN ADMINISTRATOR REPORT

Town Administrator Garvin gave her weekly report. She noted that the Board of Selectmen's office were notified that some of the members of ZBA have decided not to renew their terms and will resign from the board effective May 31, 2014. There was also one member who is moving at this time and notified the Board of that vacancy. Garvin stated that the ZBA now has only 1 alternate member, and it is an important appointed Board in the Community. She has reached out to residents who she thinks will work well on the ZBA and will bring them to the Selectmen Meeting of May 19<sup>th</sup> for appointment.

Garvin reported that she had her first Support Staff Meeting. She reviewed the Warrant and discussed various issues. These meetings will be held quarterly.

The Police Chief Search Committee met last week and are off to a good start. They want to hear from the stakeholders regarding this hire. Questions have been drafted for the Selectmen and Members of the Police Department. The Committee wants to hear what the town is looking for in a new Police Chief. Responses are due in her office on Monday, May 12<sup>th</sup> at noon. The responses will be reviewed by the Committee and interview questions will be drafted.

The Town has placed a lien on a property for a past employee who owed money to the Town due to unpaid health benefits. Due to the town's late filing of this lien, the Town was not alerted of an auction that took place 8 days prior to the Town's filing. TA Garvin stated that there were two other liens on this property. Town Counsel has stated that the Town should not place any more resources in seeking this money due to the

timeliness of the filing and that there will be little money left on the property once the other liens and mortgages are paid. Garvin asked that the Selectmen vote to release the lien.

Selectmen were informed that there was a payment plan in place, but was not enforced. Selectman Swain asked who was responsible for ensuring the plan was in place and carried out. TA Garvin noted that the responsibility fell under the Treasurer.

Selectman Prescott moved that that Town approve the Release of Lien for Dolores Walker of 46 Myrtle Avenue, Fitchburg, MA, recorded in the Worcester North Registry of Deeds, Book 8085, Page 56, in the amount of \$22,737.39. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

TA Garvin stated that she had the Town Accountant do a comparison of what the Town is proposing for FY2015 and what was appropriated on FY2014. She noted that the municipal expenses in FY 2015 had dropped 3.99%. Revenues went up \$266k for FY2015 total revenue

Finally, the Fire Chief's contract is ready for ratification. The Contract is for a three year contract which calls for a 2% COLA increase for FY2015, which is in line with all nonunion employees. FY2016 & Fy2017 are open will tie to what nonunion employees receive in those upcoming fiscal years. The purpose is to give increases that the budget will allow. The changes are in an effort to make the contract more in line with the Personnel Policy Manuel the Board adopted in January. Once the performance evaluation piece of the manual is drafted it will be implemented the same way with the Fire Chief.

**TREASURY WARRANTS**

Payroll warrant	<u># 9144</u>	<u>04/30/14</u>	<u>\$ 28,487.59</u>
Payable warrant	<u># 2454</u>	<u>05/07/14</u>	<u>\$ 314,408.09</u>

Selectman Prescott made the *Moved to approve 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..*

**APPROVAL OF MINUTES**

Selectman Prescott made the *Moved to approve the Minutes of April 28, 2014. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.*

**OLD BUSINESS**

1. Energy Committee - ABM

Bryan Dumont, Chair of the Energy Committee, Paul Parker and Robert Redege of ABM, presented to the Board of Selectmen the close out package and Operation & Maintenance Manuals for the War Memorial Building, Fire Department, Senior Center, Hazen Memorial Library, Police Department and Town Offices, as well as the Town wide street lights.

**NEW BUSINESS**

2. 7:05 pm Public Hearing – Wage & Salary

Chairman Dumont opened the Public Hearing at 7:35pm.

Selectman Prescott moved to open the Hearing at 7:05pm. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Swain the Legal Notice into the Minutes:

*The Shirley Personnel Board and Board of Selectmen will hold a Public Hearing on Monday, May 5, 2014 at 7:05 p.m. at the Town Offices, 7 Keady Way, to discuss the proposed Wage Scale and Salary Classification Plan for Fiscal Year 2015. Copies of the proposed Wage Scale and Salary Classification Plan may be obtained at the Selectmen's Office or the Town's website, [www.shirley-ma.gov](http://www.shirley-ma.gov). 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*

Personnel Board Chair, Paul Przybyla was present to answer any questions or concerns.

Discussion:

TA Garvin noted that the Treasurer/Benefits Coordinator should read Treasurer. The Building Inspector should read Building Inspector/Facilities Manager. Paul Przybyla stated that the Survey is not complete, and currently working with Town Counsel to get a survey report and refund from the Company hired to gather the information for the Survey.

It was noted that the Town Employees will receive a 2% COLA straight across the board. At this time the employees will not receive a step increase.

Selectman Prescott moved to close the public hearing at 7:38pm. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Prescott moved to approve the Proposed Wage Scale and Salary Classification Plan for Fiscal Year 2015, with the edit, as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

3. 7:10 pm Pole Hearing – Walker Rd

Chairman Dumont opened the Pole Hearing for Walker Road.

Selectman Prescott opened the Pole Hearing for Walker Road at 7:38pm. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Swain read the Legal Notice into the Minutes.

*The Shirley Board of Selectmen will hold a public hearing on Monday, May 5, 2014 at 7:10 p.m., at the Town Offices, 7 Keady Way for National Grid who requests permission on Walker Road to install 1 SO Pole beginning at a point approximately 1822 feet North East of the centerline of the intersection of West Main Street, and National Grid to install 1 SO Pole and Anchor for the Railroad Traffic Signal. 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.*

Discussion: Resident Paul Przybyla asked if someone could contact the MBTA with regards to the wire across from the Train Depot. He noted there should be some pole put in place on the same side as the station and not running across the main street.

Selectman Prescott moved to close the Public Hearing at 7:42pm. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Prescott moved to approve the Order for National Grid request to install on Walker Road 1 SO Pole beginning at a point approximately 1822 feet North East of the centerline of the intersection of West Main Street and for National Grid to install 1 SO Pole and Anchor for the Railroad Traffic Signal. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

4. 7:15 Continuation of April 28<sup>th</sup> Public Hearing on ATM Warrant

Selectman Prescott moved to Continue the Public Hearing from April 28<sup>th</sup> regarding the ATM Warrant. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Discussion:

Town Administrator Garvin explained Article 2 – Supplemental Appropriations.

**Line Item 423 – Snow and Ice Removal Expenses** – Approved for FY14 for \$79,000  
Proposed Increase - \$83,282 – FY2014 Revised Budget - \$162,282

**Line Item 192 – Public Buildings** – Approved for FY2014 \$133,585  
Proposed Increase - \$31,387 – FY2014 Revised Budget - \$164,972

**Line Item 543 – Veterans Benefits** – Approved for FY2014 \$72,465.38  
Proposed Increase - \$25,614 – FY2014 Revised Budget - \$98,079.38

**Line Item 211 – Police Chief Salary** – Approved for FY2014 \$87,443.20  
Proposed Increase - \$10,523.24 – FY2014 Revised Budget \$97,966.44

Selectman Swain moved to closed the Public Hearing with regard to the Annual Town Meeting Warrant. Selectman Prescott Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

5. ATM Warrant – Take Positions on Articles

**Article 1: Accept Annual Town Meeting**

Selectman Prescott moved to recommend favorable Action on Article 1. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 2: Supplemental Appropriation of funds for Fiscal Year 2014**

Selectman Prescott moved to recommend favorable Action on Article 2. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 3 Accept Salary Classification Plan, FY2015 Wage Scale and Contracts**

Selectman Prescott moved to recommend favorable Action on Article 3. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 4: Appropriate Omnibus Operating Budget for FY2015 (See Appendix)**

Selectman Prescott moved to recommend favorable Action on Article 4. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 5: Nashoba Valley Technical High School Roof Project**

Selectman Prescott moved to recommend favorable Action on Article 5. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 6: Appropriate Sewer Commission's Budget for FY2015**

Selectman Prescott moved to recommend favorable Action on Article 6. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 7: Appropriate Ambulance Department Budget for FY2015**

Selectman Prescott moved to recommend favorable Action on Article 7. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 8: Appropriate Curbside Solid Waste/Recycling Budget for FY2015**

Selectman Prescott moved to recommend favorable Action on Article 8. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 9: Approve Five –Year Capital Improvement Plan & Capital Budget for FY2015**

Selectman Prescott moved to recommend Action at Town Meeting on Article 9. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 10: Appropriate Capital Item for FY2015**

Selectman Prescott moved to recommend favorable Action on Article 10 pending finding a funding source. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 11: Establish & Re-establish Departmental Revolving Funds**

Selectman Prescott moved to recommend favorable Action on Article 11. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 12: Adopt Protective Zoning Bylaw Entitled, "Integrated Planning Overlay District"**

Selectman Prescott moved to recommend to Hold on Article 12, until Annual Town Meeting. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 13. Amend Zoning Map**

Selectman Prescott moved to recommend to Hold on Article 13, until Annual Town Meeting. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 14: Adopt Article XXX Streetlights By-Law**

Selectman Prescott moved to recommend favorable Action on Article 14. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 15: Amend Article IV of the Financial Affairs By-law**

Selectman Prescott moved to recommend favorable Action on Article 15. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 16: Special Legislation – Town Collector & Town Clerk Position**

Selectman Prescott moved to recommend favorable Action on Article 16. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 17: Renew Limited Additional Property Tax**

Selectman Prescott moved to recommend favorable Action on Article 17. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 18: Transfer to the General Stabilization Fund**

Selectman Prescott moved to recommend favorable Action on Article 18. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**Article 19: Transfer to the Capital Stabilization Fund**

Selectman Prescott moved to recommend favorable Action on Article 19. Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

6. Finalize the ATM – Tabled

7. Ratification of Fire Chief Contract

Selectman Prescott moved to ratify the Fire Chief Contract for Dennis Levesque, as presented. Selectmen Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

8. Driveway Permits – 11 Squannacook Rd; 40 Squannacook Rd; 46 Benjamin Rd

Selectman Prescott moved to approve the Driveway Permit for 11 Squannacook Road with the attached Orders of Condition as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Prescott moved to approve the Driveway Permit for 40 Squannacook Road with the attached Orders of Condition as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

Selectman Prescott moved to approve the Driveway Permit for 46 Benjamin Road with the attached Orders of Condition as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

9. Road Crossing & Pavement Cut – National Grid – Leominster Rd

Selectman Prescott moved to approve the Road Crossing & Pavement Cut for National Grid on Leominster Rd, with the attached Orders of Condition as presented. Selectman Swain Seconded. Robert E. Prescott vote Aye, David N. Swain vote Aye and Kendra J. Dumont vote Aye.

**PUBLIC COMMENTS**

**ANNOUNCEMENTS**

**EXECUTIVE SESSION**

Selectman Prescott moved that the Board go into Executive Session at 8:10 pm 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.

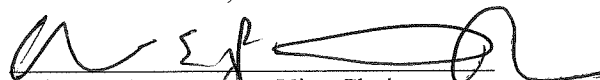
**ADJOURNMENT**

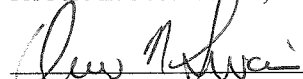
With no further business to discuss, *Motion and Seconded to adjourn . Robert E. Prescott vote Aye, David N. Swain vote Aye, and Kendra J. Dumont vote Aye .*

Respectfully submitted,  
Kathleen Rocco

Date Accepted: May 12, 2014

  
Kendra J. Dumont, Chair

  
Robert E. Prescott, Jr., 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.*