

# Town of Shirley

## BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

*Robert E. Prescott, Jr., Chair*

*David N. Swain, Vice Chair*

*Kendra J. Dumont, Clerk*

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### BOARD OF SELECTMEN MINUTES June 29, 2015 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, June 29, 2015 at the Town Offices, Meeting Rooms A & B, Chairman Robert E. Prescott, Jr., presiding, with Selectmen Kendra J. Dumont, David N. Swain, and Town Administrator Patrice Garvin in attendance.

#### CALL TO ORDER

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

#### TOWN ADMINISTRATOR REPORT

Town Administrator Garvin gave a brief update to the Selectmen. She announced there will be a public forum on Tuesday, June 30<sup>th</sup> at 7:00pm for the proposed development of a greenhouse for salad production.

#### TREASURY WARRANTS

Payable warrant# 2016	<u>07/01/15</u>	\$ <u>6,737.47</u>
Payroll warrant # 0151	<u>06/17/15</u>	\$ <u>6,860.36</u>
Payroll warrant # 6151	<u>06/17/15</u>	\$ <u>37,018.77</u>
Payroll warrant # 9151	<u>06/17/15</u>	\$ <u>2,570.54</u>
Payroll warrant # 0152	<u>06/24/15</u>	\$ <u>7,267.35</u>
Payroll warrant # 6152	<u>06/24/15</u>	\$ <u>36,611.05</u>
Payroll warrant # 9152	<u>06/24/15</u>	\$ <u>16,711.31</u>
Payable warrant# 2515	<u>06/17/15</u>	\$ <u>54,119.07</u>

Payable warrant# <u>9535</u>	<u>06/22/15</u>	\$ <u>200.00</u>
Payable warrant# <u>2525</u>	<u>06/24/15</u>	\$ <u>198,580.01</u>
Payable warrant# <u>2535</u>	<u>06/30/15</u>	\$ <u>94,782.02</u>

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

#### **APPROVAL OF MINUTES**

Selectman Swain moved to accept the Minutes of June 15, 2015. Selectman Dumont Seconded. David N. Swain vote Aye Kendra J. Dumont vote Aye, and Robert E. Prescott, Jr. vote Aye.

Selectman Swain moved to accept the Executive Session Minutes of May 4, 2015. Selectman Dumont Seconded. David N. Swain vote Aye Kendra J. Dumont vote Aye, and Robert E. Prescott, Jr. vote Aye.

#### **OLD BUSINESS**

##### 1. Energy Committee Update

Chairman Prescott asked Bryan Dumont, Chair of the Energy Committee to answer questions regarding the Solar Farm located on Patterson Road.

Betsy Colburn of Center Road; expressed concerns on the review process by the Planning Board regarding the proposed Solar Farm on Patterson Road. Colburn felt the perception of the special permit that was awarded to National Grid was snuck through. She stated she had concerns on the environmental impact on the two water wells owned by the Town of Shirley.

Ann Towne, member of the Energy Committee and Commissioner for the Shirley Water District, stated that everything had been done to protect the town's water supply and the solar project was more than 300 feet away for the wells.

Betsy Colburn commented that the permitting process on the Town's side was not followed, according the Bylaw. Town Administrator Garvin stated that the solar tax agreement was an article on the Town Meeting Warrant, which was sent to every household in Town. Garvin further stated that under MGL 40A, Solar Development cannot be prohibited, as advised by Town Counsel.

Colburn commented on the concerns of the battery container storage for this Solar Farm project. Bryan Dumont stated the batteries being used were lithium, housed in a metal container, sealed and alarmed, on a 48" x 48" cement pad; to insure there will be no contamination to the water supply.

Bryan Dumont stated that the Energy Committee believes that they did their due diligence in this project

Betsy Colburn asked that the Selectmen initiate a Special Permit under the Zoning Bylaw regarding this project, stressing the need for an open and transparent process.

Selectman Swain stated that the Planning Board needs to ask more questions and bring in experts on these matters.

2. Budget Coordinating Committee Update

Garvin reported the BCC is collecting data and hopes to have a plan in place. They are discussing the need for public forums in September regarding the issue of an override.

<b>NEW BUSINESS</b>
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3. Auditor Report Update – Dick Hingston

Dick Hingston of Giusti, Hingston and Company, came before the Board of Selectmen to give his report on the audit for Fiscal Year 2014.

Mr. Hingston discussed the following:

Tax Lien: It was noted that the Town Collector's office took responsibility for the Tax Liens and began utilizing the Town Collector's software to maintain the Tax Lien detail in a more efficient manner. There was a significant amount of data verification and data entry required in order to transfer prior information into the tax lien software. During the process, the Collector noted errors in the previous listings. The Collector made the necessary corrections and deleted the duplication parcels for the Collector's Tax Lien receivables. However, the information related to the corrections was not forwarded to the Town Accountant.

*Recommendation: The Collector should advise, through a formal process, the Town Accountant of any changes made to the tax lien accounts due to the correction of errors. Town Accountant should review the correction for validity.*

Reserve for Subsequent Year's Expenditures: Mr. Hingston stated that at year end the Town must make a journal entry to reflect free cash votes, made at town meetings prior to June 30<sup>th</sup>, that will be used to support the subsequent year's budget. The entries are made to reduce the unreserved fund balance/retained earnings so that "free cash" can be properly certified. The journal entry made in June 2014 included an amount that was voted at the June 2, 2014 town meeting to support the current year's budget. As a result, the free cash certified as of July 1, 2014 was understated. The amount understated is not lost because it will roll forward and help the Town's free cash certification as of July 1, 2015.

*Recommendation: The Town verify that the year-end journal entry made to the Reserve for Subsequent Year's Expenditures only votes for the subsequent year.*

Sewer User Charges: Mr. Hingston stated that the Town has had difficulty in reconciling the Sewer User Charges outstanding list to the general ledger. As of June 30, 2014, the list varied from the general ledger by \$15,358. The general ledger was higher than the list. As of June 30, 2013 and June 30, 2012, the variances were \$9,543 and \$5,859, respectively.

*Recommendation: The Town and Sewer Department work together to develop procedures that will allow them to reconcile the accounts receivable on a monthly basis.*

Cyber Security: Mr. Hingston noted that in recent months, several municipalities in Massachusetts have had cyber-attacks on their computer systems. The attacks range from annoying intrusions to an attempt to transfer millions of dollars out of a town's bank account. As a result it has become increasingly important to keep town employees keenly aware of the constant threat of cyber-attacks.

*Recommendation:* The town should have ongoing discussion on how to mitigate the cyber-attacks. Topics should include Policies, Training and Technical Controls.

Authorization of Warrant: Beginning in July, 2014, the process for approval of warrant changed so that the Board of Selectmen now sign a "warrant summary sheet". This process brought to light the fact that, in many instances, the warrants were signed after the checks were released by the Treasurer. MGL Chapter 41; Section 52, requires that warrants be approved by the Board of Selectmen before they are paid by the Treasurer. Currently, the Board of Selectmen must come to the Town Offices in order to review and sign the warrants. Other options are available that will allow the Board to authorize the warrants in a timely manner.

*Recommendation:* There are third party electronic signature platforms such as DocuSign, that allow people to electronically sign documents. The websites are typically secure and allow users to upload documents for their review and electronic approval.

GASB Statement #68 – Accounting and Financial Reporting for Pensions: Statement #68 establishes the methodology that must be used by governments to determine the "net pension liability" of the pension plan. The Town's share of the plan's net pension liability will be reported in the Town's Statement of Net Position. Reporting the net pension liability will have a significant impact of the Town's net position. Currently, the pension system's unfunded liability is only reported in the Required Supplementary Information section of the Town's financial statements and does not impact the Town's State of Net Position. The Town's share of the Middlesex County Retirement System's unfunded actuarial accrued liability per the January 1, 2104 valuation is \$8,716,272. The required implementation date of State #68 for the Town is June 30, 2015.

Since the unfunded "other post-employment benefits" (OPEB) liability is similar to the net pension liability, the Governmental Accounting Standards Board has proposed reporting the entire OPEB liability in the State of Net Position. Currently, the reporting of the OPEB liability is being phased in over a thirty year period.

#### 4. Appointment – Police Officer

Chairman Prescott noted that the Selectmen did interview 5 candidates for the Full Time Police Officer opening. He stated that all candidates would be excellent choices. Selectmen Swain and Dumont agreed that any one of the candidates would be a good choice.

Selectman Swain moved to appoint Matthew Euliano as the Full Time Police Officer, subject to completion of training and contingent on an appointment slip.. Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

Selectman Swain moved to appoint David Lange as Full Time Dispatcher, subject to completion of courses. Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

5. War Memorial Building Lease

Town Administrator Garvin explained the War Memorial Building Lease is up for renewal. She sat down with legion members , John Guthrie and Aaron Griffin to discuss the lease. All agreed a renewal of a one year lease would be best.

Selectman Swain moved to enter into a one year lease with the George J. Morin Post 183 Inc., American Legion. Seconded. David N. Swain vote Aye, Kendra J. Dumont vote and Robert E. Prescott, Jr. vote Aye.

6. Joint Election – Board of Assessors

Present at the Joint Election for the Board of Assessors were Selectmen Robert E. Prescott, Jr., Kendra J. Dumont, David N. Swain, and Assessors Paulette Arakelian and Dottie Wilbur.

Assessor opening due to the resignation of Ronald Marchetti.

Assessor Arakelian read a summary on the ad for the opening of the position of Assessor was placed, where the ad was placed and for how long, as well as the candidates that the Board of Assessors interviewed.

The following candidates spoke of their qualifications: (resumes attached)

Pam Caulkins  
Jonathan Greeno  
Betsy Colburn-Mirkovic  
Hans Onsanger

Both boards agreed to have a secret ballot. TA Garvin collected the ballots and announced the results. There were 5 ballots collected: 3 – Jonathan Greeno, 1 - Betsy Mirkovic and 1 – Pam Caulkins.

Selectman Swain moved to appoint Jonathan Greeno for a 1 year term for Assessors. Paulette Arakelian Seconded. David N. Swain vote aye, Kendra J. Dumont vote aye, Robert E. Prescott, Jr., vote aye, Paulette Arakelian vote aye and Dottie Wilbur vote aye.

7. Town Inspection Fees

Town Administrator Garvin asked the Fire Department and the Building Department to review their permit fees' list, noting that fees have not been increased for some time.

Fire Chief Levesque requested permit fees increase for the Smoke, Tank Truck and Fire Suppression by \$10.00 and the Fire Alarms will increase from \$25 to \$50

Selectman Swain moved to increase permit fees for Smoke, Tank Truck and Fire Suppression to \$10 per visit and Fire Alarms from \$25 to \$50 effective July 1, 2015. Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

Local Inspector Butch Farrar briefed the Selectmen on his request for increase on permits. He noted that many fees had not been increased for over 12 years.

Selectman Swain moved to approve the Building Fee Permit Schedule as presented, effective August 1, 2015. Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

8. Annual Appointments

Selectman Swain noted that there are over 300 appointments and would ask that the Board appoint as presented. He further noted that Nancy Askin is stepping down from the Conservation Commission as a member. He applauded her commitment on the commission.

Selectman Swain moved to approve the appointments that are highlighted as presented with the exception of the Conservation Commission. Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

9. Surplus to Deficit Transfers

Selectman Swain moved to transfer from line item 155 Computer Operations to Line 122, the sum of \$500. Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

Selectman Swain moved to transfer from line item 155 Computer Operations to Line 151 Legal Expenses, the sum of \$2800. Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

Selectman Swain moved to transfer from line item 945 General Insurance to Line 424 Street Lights, the sum of \$4500. Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

10. Solar Tax Agreement – Hatch Property

TA Garvin briefed the Selectmen on the Solar Tax Agreement, noting that this was reviewed by Town Counsel and approved by the Board of Assessors and awaits the Selectmen's signatures.

Selectman Swain moved to enter into a Tax Agreement for real and Personal Property between the Town of Shirley, Massachusetts and SLX Project 1080, LLC as of June 29, 2015. Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

<b>PUBLIC COMMENTS</b>
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Selectman Swain updated the Board on the JBOS meeting that was recently held in Harvard Old Library. He reported the Town of Harvard's take on the Super Town Meeting and why 3 or the 4

articles passed in Harvard. Swain stated that JBOS will be meeting on a quarterly basis with one representative from each town, noting the JBOS Chair will be Shirley. He further reported that JBOS would like to set potential Super Town Meeting Dates: second Monday of October and second Monday of May. Dumont and Prescott had no issues with those dates.

Selectman Dumont read from a prepared statement that the Board of Selectmen at no time try to deceive or doing anything wrong with respect the Annual Town Meeting and the Town Administrator's Contract.

**ANNOUNCEMENTS**

Next Board of Selectmen's meeting is July 13, 2015.

**ADJOURNMENT**

With no further business to discuss, *Motion and Seconded to adjourn at 9:12 p.m., David N. Swain vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.*

Respectfully submitted,  
Kathleen Rocco, Executive Assistant

Date Accepted: \_\_\_\_\_

  
Robert E. Prescott, Jr. Chair

  
David N. Swain, Vice Chair

  
Kendra J. Dumont, 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.*