Town of Shirley BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812 Kendra J. Dumont, Chair Robert E. Prescott, Vice Chair

Enrico C. Cappucci, Clerk

TEL: (978) 425-2600, x200 Fax: (978) 425-2602 Selectmen@shirley-ma.gov

BOARD OF SELECTMEN MINUTES December 12th, 2016 7:00 pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, December 12th, 2016 at the Town Offices, Meeting Rooms A & B, Chairman Kendra J. Dumont presiding, with Selectmen Robert E. Prescott, Enrico C. Cappucci, and Town Administrator Patrice Garvin in attendance.

CALL TO ORDER

Chair Dumont called to Order the Board of Selectmen's Meeting at 7:00 pm.

TOWN ADMINISTRATOR REPORT

- 1. Last week the School Committee passed a motion to join in on a fixed 25% net metering program, pending legal review. The ASRSD has already started the budget for next year, so they won't be including the savings until they have better numbers a year from now. This change will result in real savings for the schools, thus the Towns.
- 2. I wanted to update the Board on the Ambulance funding that passed at the November 19th Special Town Meeting. According to the Fire Chief all shifts for the month of December, excluding Christmas, have been filled. The increase from \$50 to \$100 hard calls has seemed to result in more participation, thus enabling the ambulance to get out the door sooner.
- 3. The financial policies group had their last formal meeting. The document is on the Finance Committee's agenda on December 13th. While discussing reserves and undesignated fund balance it occurred to the group that in three short years the Town's position has done a 180. As I stated at Town Meeting the reserves are healthy and growing and the undesignated fund balance (non-appropriated funds) is strong. I equate this to all the hard work the administration has done to improve the financial position of the Town of Shirley. Moving forward into Fiscal Year 18 we will be in a better position to address any shortfalls.

4. The moving of some departments is progressing. The Recreation Department was successfully moved to the second floor. As the Board knows this is a project that has been in the works for a long time. Now that the Town has hired a Facilities Coordinator the move has finally begun. The next move will be to place the Inspections Department in a more visual and accessible office, which is on the first floor. This move will accommodate the public much better.

5.

TREASURY WARRANTS

Selectman Prescott Motioned to accept the Treasury Warrants as presented. Selectman Dumont Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

APPROVAL OF MINUTES

Selectman Prescott Moves to accept the Board of Selectmen Regular Session Minutes of November 28th 2016 as presented. Selectmen Cappucci Seconds. Kendra J. Dumont vote Aye, Enrico C. Cappucci vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passes.

Selectman Prescott Moves to accept the Board of Selectmen Regular Session Minutes of November 19th 2016 as presented. Selectmen Cappucci Seconds. Kendra J. Dumont vote Aye, Enrico C. Cappucci vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passes.

OLD BUSINESS

1. Energy Committee Update

NEW BUSINESS

2. Public Hearing 7:05pm: Pole Petition, National Grid, Catacunemaug Road, Install Pole12-84

Selectman Prescott Motioned to open the Public Hearing for National Grid to install a pole on Catacunemaug Road at 7:08pm. Selectman Cappucci Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

Representative from National Grid spoke on this stating that it is a guide pole replacing another guide pole.

Selectman Prescott Motioned to close the Public Hearing for National Grid to install a pole on Catacunemaug Road at 7:10pm. Selectman Cappucci Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

Selectmen Prescott Motions to approve the Pole Petition from National Grid as presented. Selectmen Cappucci, Seconds. Kendra J. Dumont vote Aye, Enrico C. Cappucci vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passes.

3. <u>Public Hearing 7:10pm: Annual Common Victicular (CVL) Food, Alcohol and Automatic</u> Amusement License Renewals

Selectman Prescott Motioned to open the Public Hearing for Food, Alcohol and Automatic Amusement License Renewals at 7:11. Selectman Cappucci Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

Selectman Prescott Motioned to close the Public Hearing for Food, Alcohol and Automatic Amusement License Renewals at 7:13. Selectman Cappucci Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

Selectmen Prescott made the following motions, Seconded by Selectmen Cappucci to which all were in favor and passed by all Selectmen with the exception of the Bull Run which Selectmen Prescott abstained.

Motion to approve the Common Victualler's License for Food and All Alcohol for the Bull Run Restaurant at 215 Great Road, term to expire December 31, 2017, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley.

Motion to approve the Common Victualler's License for Food and All Alcohol, and the Automatic Amusement License for the Shirley Club, Inc., dba/ The Phoenix Bar and Grill, 4 Ayer Road, term to expire December 31, 2017, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley.

Motion to approve the Common Victualler's License for Food and All Alcohol and for Automatic Amusement (2 Video Games) for Piccolino Restaurant at 4 Mill Street, term to expire December 31, 2017, and subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley.

Motion to approve the Common Victualler's License for Food and All Alcohol and for Automatic Amusement (2 Video Games) for George Morin Post #183 at 9 Church Street, term to expire December 31, 2017, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley.

Motion to approve the Common Victualler's License for Food and All Alcohol for Net Variety, Inc., dba/ Net Variety & Liquors, at 5 Front Street, term to expire December 31, 2017, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley.

Motion to approve the Common Victualler's License for All Alcohol for the Shirley Package Store, Inc., dba/ Ye Olde Cock and Bottle, at 217 Great Road, term to expire December 31, 2017, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley.

Motion to approve the Common Victualler's License for Food and Wine and Malt for Roux's Market, 27 Front Street, term to expire December 31, 2017, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley.

Motion to approve the Common Victualler's License for Food for Courtney's Donuts, LLC, dba/ Dunkin' Donuts, at 2 Fredonian Street, term to expire December 31, 2017, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley. Motion to approve the Common Victualler's License for Food for the Panda Chinese Restaurant at 7 Main Street, term to expire December 31, 2017, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley.

Motion to approve the Common Victualler's License for Food for Airport Diner, term to expire December 31, 2017 subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley.

Motion to approve the Common Victualler's License for Food for the Shirley Brick Oven Pizza at 1 Front Street, term to expire December 31, 2017, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley.

Motion to approve the Common Victualler's License for Food for the Village Pizza at 7 Front Street, term to expire December 31, 2017, subject to all laws of the Commonwealth and the By-Laws of the Town of Shirley.

4. Public Hearing 7:20pm: Transfer of Alcohol License, From Joseph J. Howlett to Shreebar LLC

Selectman Prescott Motioned to open the Public Hearing for the Transfer of Alcohol License, From Joseph J. Howlett to Shreebar LLC at 7:23. Selectman Cappucci Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

Attorney Finklestein and Karen Barrett states that they have filed the application with all proper monies and forms to be sent to the ABCC along with a detailed business plan.

Selectman Prescott Motioned to close the Public Hearing for the Transfer of Alcohol License, From Joseph J. Howlett to Shreebar LLC at 7:26. Selectman Cappucci Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

Selectman Prescott Motioned to approve the transfer as presented. Selectman Cappucci Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passed,

5. Elected Board Position(s) Vacancy Appointment

a. Planning Board Joint with Board of Selectmen

Bill Oelfke opened the meeting of the Shirley Planning Board. All in favor. Motion Passes.

Votes Cast for Full Member:

Bill Oelfke – John Gailey Sarah Widng – John Gailey Janet Tice– John Gailey Bill Lampros– John Gailey Kendra Dumont– John Gailey Robert Prescott– John Gailey Enrico Cappucci– John Gailey

With John Gailey being elected that opens an Associate Planning Board seat to which Barbara Yocum has expressed interest.

Votes Cast for Associate Planning Board Member

Bill Oelfke – Barbara Yocum Sarah Widng – Barbara Yocum Janet Tice– Barbara Yocum Bill Lampros– Barbara Yocum Kendra Dumont– Barbara Yocum Robert Prescott– Barbara Yocum Enrico Cappucci– Barbara Yocum

Barbara Yocum has been elected as an Associate Member of the Planning Board.

Bill Oelfke motions to close the planning board meeting. All in favor. Motion Passes

b. Library Trustees Joint with Board of Selectmen

Juliana O'Keefe was elected unanimously by the two available members of the Library Board of Trustees and the Board of Selectmen.

6. Acknowledge Open Meeting Law Complaint, Authorize Counsel to draft a response

Chair Dumont acknowledges an Open Meeting Law Complaint filed by Alfrda Cromwell.

Selectman Prescott Motioned to allow Town Counsel to draft a response to this complaint. Selectman Cappucci Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passed.

7. Enter the HGAC Buy Consortium for purchase of Fire Engine, Vote may be taken

Selectman Prescott Motioned to enter into a contract with HGAC for the purchase of a Fire Engine. Selectman Cappucci Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passed.

8. Items to be declared Surplus, Vote may be taken

TA Garvin states that Patrice Fullhart has found numerous items in her efforts to clear out the basement (list attached)

Selectman Prescott Motioned to approve the surplus and trash list as presented. Selectman Cappucci Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passed.

PUBLIC COMMENTS

Keith Begun updated the Board on their successful move and an insurance meeting scheduled for 12/19/2016.

Frank Esielionis states that it is the best job in the world to deliver bags to the elderly in the community. He and the Board thank all that are involved in that effort.

ANNOUNCEMENTS
ADJOURNMENT
With no further business to discuss, Selectmen Prescott motioned to adjourn at 7;42p.m. Selectmen Cappucci Seconded., Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye, and Enrico C. Cappucci, vote Aye.
Respectfully submitted, Nathan Boudreau, Executive Assistant
Date Accepted:
Kendra J. Dumont, Chair
Robert E. Prescott, Jr., Vice-Chair
Enrico C. Cappucci, 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.



Legal Notice Board of Selectmen Notice of Vacancy on Shirley Planning Board

The Shirley Planning Board and Board of Selectmen will hold a meeting on Monday, December 12th, 2016 at the Town Offices, 7 Keady Way, during the regularly scheduled Board of Selectmen's meeting to appoint a member of the Shirley Planning Board. Any persons interested in serving on the Panning Board are asked to submit letters of interest to Executive Assistant Nathan Boudreau at Town Hall or nboudreau@shirley-ma.gov no later than 12/9/2016 at noon.

Shirley Board of Selectmen & Planning Board

December 5, 2016

William Oelfke, Chair Shirley Planning Board 7 Keady Way Shirley, MA 01464

CC: Planning Board Clerk, Town Administrator

Dear Mr Oelke,

I am writing you today to inform you that I must resign from the Shirley, MA Planning Board effective December 5, 2016. I understand that this is inconvenience to the Board but I have to do this for personal reasons.

I wish you and the Board well in the future.

Sincerely,

Thomas Vachon

13 Gideon Lane

Shirley, MA 01464

978-822-0676

Nate Boudreau

From:

johnagailey@gmail.com

Sent:

Wednesday, December 07, 2016 3:12 PM

To:

Nate Boudreau

Bill's Email

Cc: Subject:

Shirley Planning Board

Hello Mr. Boudreau,

My name is John Gailey. I am currently an associate member on the planning Shirley Planning Board and am interested in becoming a full time member due to the newly vacant seat. Thank you

John

Town of Shirley BOARD OF SELECTMEN



7 Keady Way, Shirley, MA 01464

Tele: (978)425-2600 ext. 200

Fax: 978)425-2602

John Gailey

Appointment to: Planning Board Member

Term to Expire: Spring 2017 Annual Town Election

We, the undersigned Board of Selectmen of the Town of Shirley, hereby appoint you to serve in this capacity subject to all applicable state and local laws and regulations until your term has expired.

Given under our hands in Shirley, Massachusetts on 28-NOV-2016

You must take this form to the Town Clerk's Office to be sworn in prior to participating.

Robert E. Prescott - Vice Chair

Enrico E. Cappucci- Clerk

Then personally appeared the within named John Gailey, who gave oath that he/she would faithfully discharge the duties incumbent on him/her as named above for the Town of Shirley.

^{*}Upon swearing in of Appointee, the Town Clerk provides copies to BOS, applicable Board/Committee/Commission, & Town Clerk



Legal Notice Board of Selectmen Notice of Vacancy on Shirley Library Board of Trustee

The Shirley Library Board of Trustees and Board of Selectmen will hold a meeting on Monday, December 12th, 2016 at the Town Offices, 7 Keady Way, during the regularly scheduled Board of Selectmen's meeting to appoint a member of the Shirley Library Board of Trustee. Any persons interested in serving on the Library Board of Trustee are asked to submit letters of interest to Executive Assistant Nathan Boudreau at Town Hall or nboudreau@shirley-ma.gov no later than 12/9/2016 at noon.

Shirley Board of Selectmen & Library Board of Trustee

Nate Boudreau

From:

juliakokeefe@gmail.com

Sent:

Tuesday, December 06, 2016 12:12 PM

To:

Nate Boudreau

Subject:

Letter of interest: Library Trustee position

Dear Nate,

In response to your recently posted vacancy notice, I would like to express my interest in serving on the Library Board of Trustees.

Upon moving to Shirley in June, 2014, I became an enthusiastic library patron and contributor. I have been very impressed with the helpful staff and vibrant facility, a great testament to the support of the town. In the past few months, I have been attending the Trustees meetings as an observer, appreciating their commitment to sound stewardship of the library's fiscal, human, and physical plant assets. It would be a privilege to join them.

For the past twelve years, I have worked at Anthem Blue Cross, currently as the Executive Administrative Assistant to the Vice President of Behavioral Health. I have a good working knowledge of budget processes, as well as a deep respect for the values of confidentiality and transparency, so vital in the workings of both business and government.

I plan to attend the meeting of the Shirley Library Board of Trustees and Board of Selectmen on December 12. Thank you for considering my request.

Sincerely,

Julia Kane O'Keefe 21 Village Drive

Home phone: 978-425-5663 Mobile: 201-317-9574

Town of Shirley BOARD OF SELECTMEN



7 Keady Way, Shirley, MA 01464

Tele: (978)425-2600 ext. 200

Fax: 978)425-2602

Julia Kane O'Keefe Appointment to: Library Board of Trustees

Term to Expire: Spring 2017 Annual Town Election

We, the undersigned Board of Selectmen of the Town of Shirley, hereby appoint you to serve in this capacity subject to all applicable state and local laws and regulations until your term has expired.

Given under our hands in Shirley, Massachusetts on 28-NOV-2016

You must take this form to the Town Clerk's Office to be sworn in prior to participating.

Robert E. Prescott - Vice Chair

Enrico E. Cappucci- Clerk

Then personally appeared the within named Julia Kane O'Keefe, who gave oath that he/she would faithfully discharge the duties incumbent on him/her as named above for the Town of Shirley.

	Amy R. McDougall, Town Clerk	
	Shirley, Ma. Date:	2016
I, Julia Kane O'Keefe received a copy of (Check Applic	eable:	
Massachusetts Open Meeting LawMassachusetts Conflict of Interest Summmary &Town of Shirley Sexual Harassment PolicyTown of Shirley Acceptable Use Policy (Technology)	_	
on [date]	Initials:	
Email:.	Phone:	

^{*}Upon swearing in of Appointee, the Town Clerk provides copies to BOS, applicable Board/Committee/Commission, & Town Clerk



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General One Ashburton Place Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:
First Name: Alfreda Last Name: Cromwell
Address: 439 Pond Street
City: Weymouth State: MA Zip Code: 02190
Phone Number: +1 (781) 335-6524 Ext.
Email: alfreda.cromwell@gmail.com
Organization or Media Affiliation (if any):
Are you filing the complaint in your capacity as an individual, representative of an organization, or media? (For statistical purposes only) Individual
Public Body that is the subject of this complaint:
☐ City/Town ☐ County ☐ Regional/District ☐ State ☐ State ☐ County ☐ Regional/District ☐ State ☐ Sta
Name of Public Body (including city/ town, county or region, if applicable): Shirley Board of Selectmen
Specific person(s), if any, you allege committed the violation: Kendra Dumont, Robert Prescott
Date of alleged violation: 11/1/16 11/9/16

Description of alleged violation:

Describe the alleged violation that this complaint is about, if you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

My name is Alfreda Cromwell. I was an officer with the Shirley Police Department and was recently wrongfully terminated by the board of selectman on November 9, 2016.

On November 9, 2016, the board of selectman held an executive session to determine whether there was just cause to terminate me. requested that this meeting be public (in which my request was granted). Many members of the public attended. During this meeting, a secret note was passed between the town administrator Patrice Garvin, Selectman Robert Prescott and Chairwoman Kendra Dumont. They did not disclose this information with myself, the public or Selectman Rico Cappucci. I believe that this act was an intentional violation of the open meeting law because essentially, communications through passing the note withheld information from me and the public. In this executive session they voted 2-1 to terminate me for untruthfulness. Ultimately, the public nor I did not have the opportunity to hear all of what was communicated in this executive session. This occurred in front of the public and captured on video. See video link www.youtube.com/watch?v=HCH06nWFLYE).

In summary, I was accused of giving false testimony in a previous executive session hearing on November 1, 2016. This was not true and I provided a witness who testified in the executive session. This witness provided testimony on my behalf and corroborated my testimony. During the session, the board of selectman did not offer a witness to testify, but offered a written statement by her.

In addition, I requested that the meeting on November 1, 2016 be conducted in public. During this meeting, I gave a brief statement. After reading the statement aloud, the members of the public gave me a standing ovation, cheered and applauded me. Subsequently, Chairwoman Dumont instructed that all members of the public be removed in which they were removed by state police troopers and other officers. I believed that this was a blatant violation of the open meeting law because I specifically exercised my right to have this meeting open to the public. Although a general instruction to the public was given at the beginning of the meeting about disruptive behavior, the members of the public were not given the warning to be silent before being removed.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

request that the public body provide the note that was passed during the executive session (by Mrs. Garvin, given to Mr. Prescott, and then given to Mrs. Dumont) and produce its contents within the executive session minutes and documents. I would also request that they provide their answers to the Attorney General's Office for review.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge

Signed:

For Use By Public Body

Date Received by Public Body: Date Received by AGO:

Page 2

Garvin, Patrice

From: Patrice Fullhart Sent: Thursday, December 08, 2016 9:36 AM To: Garvin, Patrice Surplus List and Trash list for dumpster Subject: Municibid List 1: Battery Backup for Server APC Replacement cart#43 Shipped to Kathy Rocco on 4/2014 For old system 2: 3 Wooden Chairs with Arms in good condition 3: 10 wooden chairs without arms in good condition 4: 4 Radiation detection machines from 1993 5: Large wooden desk in good condition 6: 2 boxes of toungue and groove pine boards- 60 pieces 2 foot lengths Obtained for senior center wainscoating 7: Easel - Dry erase 8: Metal File desk – 4 Drawers with filing capability 9: 7 Old wooden children's school desks in good condition 10: 1 small wooden children's round table in good condition 11: 1 IBM Selecta typewriter – still works 13: 13 Metal and Plastic chairs Bought for 250th Anniversary 14: 1 Lacrosse net Trash List - Broken or damaged beyond repair 4 Brown cloth swivel chairs - soiled 1: 2: 2 Old wooden credenzas cabinets - cracked and damaged beyond repair 3: 3 Shredders all broken 1 Matrix printer – broken 4:

- 5: 3 old Laser printers broken
- 6: 1 Battery backup for tower broken
- 7: 5 bikes all broken and in need of repair been in the basement for years.
- 8: 3 blue executive chairs soiled
- 9: 10 commodes and used buckets unsanitary
- 10: 5 pairs of old wooden crutches
- 11: 1 long folding metal table rusted legs unsafe