

# 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*

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## BOARD OF SELECTMEN MINUTES September 26th, 2016 7:00 pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, September 26th, 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

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

### TOWN ADMINISTRATOR REPORT

TA Garvin gave her weekly report:

1. The Town received a MassDEP award in the amount of \$2,750, for its efforts in the sustainable materials recovery program. I have attached the award letter for your review.
2. You have been invited to the Lager with Legislatives event on Wednesday, October 19<sup>th</sup>, 5:30pm - 7:30pm at Gervais Ford in Ayer.

### TREASURY WARRANTS

*Selectmen Prescott motions approve the treasury warrants as presented, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

### APPROVAL OF MINUTES

*Selectmen Prescott motions to accept the minutes of the August 29<sup>th</sup> Regular Meeting of the Board of Selectmen, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

### OLD BUSINESS

1. Energy Committee Update

**NEW BUSINESS**

2. Public Hearing 7:00 Chapter 498 (Devens) Zoning Changes

*Selectmen Prescott motions to open the public hearing at 7:05pm, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

Thatcher Kezer and Peter Lowitt from Devens came forward to discuss proposed zoning changes that will go before Shirley Town Meeting. This proposal would take a small portion of residential land and change it to commercial land.

Chair Dumont asked if this would go into any area's considered conservation since it is so close to the Oxbow National Wildlife Refuge.

Mr. Kezer states that this project will not go into any portion of the refuge that is not already considered residential.

Tim Hatch asked why this notice was not posted properly 14 days before the hearing and why there was no Planning Board Public Hearings held before bringing this zoning change forward as mandated by MGL 40A.

Mr. Kezer states that the process for re-zoning in Devens is defined by a specific law meaning they are not required to fall under the rules of Massachusetts General Law 40A.

Mr. Kezer states that this re-zoning is strictly in the name of economic prosperity. If this can become a new biomedical facility then it will bring many jobs and tax dollars to the region.

*Selectmen Prescott motions to close the public hearing at 7:30pm, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

3. Public Hearings 7:10pm: Accepting the Layout of Village Drive

*Selectmen Prescott read the following:*

The Shirley Board of Selectmen will hold a public hearing on Monday, September 26<sup>th</sup> at 7:10 p.m., at the Town Offices, 7 Keady Way to consider the petition of Phoenix Pond, LLC, for Town Road Acceptance of Village Drive according to M.G. L. Chapter 41, Section 81U. 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.

*Selectmen Prescott motions to open the public hearing at 7:32pm, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

*Selectmen Cappucci states that he will be recusing himself from this vote as he lives on Village Drive*

Town Administrator Garvin announced that the Shirley Planning Board voted in favor of sending this forward to Town Meeting to be considered a Public Way.

Chair Dumont sought questions regarding this matter and there were no public issues.

*Selectmen Prescott motions to close the public hearing at 7:32pm, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

*Selectmen Prescott motions to accept the layout of Village Drive as presented this evening, Selectmen Dumont seconds. Prescott vote Aye, Dumont votes Aye, Cappucci abstains. Motion Passed.*

4. Ambulance Appointments

*Selectmen Prescott motions to appoint Michael McQuaid to the position of EMT with a term to expire 6/30/2017 Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

5. Mart Dispatcher Appointment

*Selectmen Prescott motions to appoint Scott Harmon to the position of Mart Dispatcher with a term to expire 6/30/2017 Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

6. Finance Team Update

Chair Dumont read aloud the receivables report by Cheryl Wright.

Accountant Donna Allard states that both Treasurer Collector Smith and she have recently taken a course regarding new best practices and look forward to implementing some in the foreseeable future. Allard states that although she would have liked to see things done by this time she is confident in that 2016 will be closed and free cash will be certified soon.

Selectmen Cappucci would like to give the previous Accountant and Treasurer a chance to respond to the report that he believes is very critical of their work.

Chair Dumont states that the report was not critical of any employee but instead current practices that Mrs. Wright believes could be better suited.

TA Garvin states that none of this is meant to talk down any previous employee but instead to point out a tremendous amount of work that is needed to begin practicing best practices.

7. Temporary Board of Registrars Appointment

*Selectmen Prescott motions to appoint Daryl Eli to the position of Temporary Member Board of Registrars with a term to expire 6/30/2017 Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.*

8. Early Voter Information

Clerk McDougall announced that Shirley will be participating in Early Voting and passed out a memo that goes over the early voting times for the entire region. \* *Memo Attached*

9. Full Time Police Officer Appointment

*Selectmen Prescott motions to appoint Bethany Bonczar to the Position of Full Time Police Officer with a term to expire 6/30/2017 Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes No. Motion Passed.*

10. Driveway Permits

*Selectman Prescott Motions to approve the Driveway Permit for 32 Hazen Road. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.*

11. Road Cut Permit

*Selectman Prescott Motions to approve the Road cut Permit for 43 Horsepond Road. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.*

**PUBLIC COMMENTS**

**ANNOUNCEMENTS**

- 1. Next Meeting: Wednesday 10/11/16 at 7:00 p.m.

**ADJOURNMENT**

With no further business to discuss, *Motion and Seconded to go into Executive Session and return only to adjourn at 8:23 p.m., 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

Board of Selectmen

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.*