

# Town of Shirley

## BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

*Enrico C. Cappucci, Chair*

*Holly J. Haase., Vice Chair*

*James D. Wilson, Clerk*

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## BOARD OF SELECTMEN

### MINUTES

### February 21st, 2017

### TOWN OFFICES

The Board of Selectmen re-convened its meeting in open session on Monday, February 21st 2017 at the Town Offices, Meeting Rooms A & B, Chair Enrico Cappucci, presiding, with Selectmen Holly Haase, Selectmen James Wilson and Town Administrator Patrice Garvin in attendance.

Selectmen Cappucci asked to open our meeting with discussion on the Patterson Road Solar project. He introduced Town Counsel Attorney Aikman from KP Law and Attorney Sheehan who is representing the plaintiffs. Attorney Sheehan asked if the Board would allow Betsy Colburn-Mirkovic to speak to the Board.

Mrs. Colburn-Mirkovic gave the board a complete explanation of what she and the plaintiffs were requesting to protect the water supply for future years on the Patterson Road site. She noted the list of concerns that they have repeatedly tried unsuccessfully to have heard. Overall she said their goal was not to stop but the project, but to make sure that we protected the land, wildlife and water in the area. After she finished she thanked the board for hearing the concerns of the plaintiffs. Attorney Sheehan gave a brief overview / timeline of the legal proceedings. It was decided that the attorneys for the Town, the Plaintiffs and Solar City would meet to work towards a resolution.

#### TOWN ADMINISTRATOR REPORT

Town Administrator Patrice Garvin gave her weekly report:

I spoke to the Collins Center regarding the Financial Policies. Once the Board has had an opportunity to review the draft policies the representatives from the Collins Center will be able to come to a March selectmen's meeting.

The Town Accountant and the Assistant Town Accountant will be attending school for three days in March. Per the employee contract the Board must be notified of the training.

I was asked to prove the total cost of the following investigations:

ADP Management: \$2,686.50

Boxborough Police Department Internal Affairs: \$00.00

Safety and Respect in Workplace (Heartle): \$18,230

Risk Management Advisors: \$16,789

TOTAL=\$37,706

I was asked to provide the total legal cost for the recall. As of December 31, 2016 the town has paid a little over \$19k. I have attached a spreadsheet that shows a breakdown of the legal budget, for the first six months of the fiscal year.

I have completed the FY18 budget. Nate and I will be putting books together next week. The budget was able to be balanced without drawing from the General Stabilization Account, which was a goal for the FY18 budget. Having strong reserves is consistent with good financial management. The FY18 budget is mostly level funded on the municipal side. The schools increase in assessment has again taken most, if not all, of the new revenue for FY18. This will be an ongoing concern for future budgets. I am planning to make a formal presentation of the budget on Monday, March 6th.

I am asking that the Board take a vote on a formal vote for a letter to the Woman's Institute for Housing, as the Board may remember this is the group heading up the assisted living project on Hospital Road. This will provide needed tax credits to the project. It is my understanding this project is still going through the state and federal process for approval.

*Selectman Haase Moves to send a letter of support to the Women's Institute pending the final project benefits the Shirley Senior Community. Selectmen Wilson Seconded. Enrico C. Cappucci vote Aye. Holly Haase vote Aye. Jim Wilson vote Aye. Motion Passes.*

Finally, the job posting for the COA has been posted online and is scheduled to be in the local paper. I have reached out to the Council on aging director and the union regarding transition. Members of the COA will be at your next meeting, Monday February 27, 2017.

#### **TREASURY WARRANTS**

*Selectman Haase moves to accept the treasurer warrants as presented. Selectman Wilson Seconded. Enrico C. Cappucci vote Aye, Holly J. Haase vote Aye, James D. Wilson vote Aye. Motion Passes.*

#### **APPROVAL OF MINUTES**

Selectmen Haase would like the minutes of February 3<sup>rd</sup> and February 6th to be re-done and returned in a fashion that is more comparable to that of the Massachusetts General Law Open Meeting Guideline.

*Selectman Haase Moves to not accept the minutes of the February 3<sup>rd</sup> and February 6<sup>th</sup> 2017 Board of Selectmen's Meeting at this current time. Selectmen Wilson Seconded. Enrico C. Cappucci vote Aye. Holly Haase vote Aye. Jim Wilson vote Aye. Motion Passes.*

#### **OLD BUSINESS**

1. Annual Town Meeting Warrant

Town Administrator Garvin went over the current working Annual Town Meeting Warrant.

2. Town Communication Committee

Selectmen Haase is accepting volunteers to be considered for the Communications Committee and will present names at a later date.

3. Regional Dispatch - Will meet with the Selectmen on 3/20/2017
4. Aggregation Presentation – Will meet with the Selectmen on 3/13/2017
5. Devens MBTA Assessment – Will meet with the Selectmen on 3/13/2017
6. Control Audit Recreation Commission – Mr. Begun will be meeting with Auditor Hingston this week to discuss this issue.

<b>NEW BUSINESS</b>
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7. Joint Appointment of Recreation Commission Member  
The COA requested the Board table this item until after they meet. .

8. Main Street Bridge Project, Bid Award  
TA Garvin announced that New England Infrastructure, Inc. has submitted the lowest bid for the Main Street Bridge at 685,600.00

*Selectman Wilson Moves to accept the bid from New England Infrastructure Inc. for 685,600.00 for construction of the Main Street Bridge. Holly Haase vote Aye. Jim Wilson vote Aye. Motion Passes.*

9. CDBG FY17 Grant Update -  
Brian Keating of the MRPC announced that the application for the year will be due March 10<sup>th</sup> and they are heading towards a successful application.

10. Selectmen Liaison Assignments  
Selectmen discussed department liaison assignments for emergency situations. (Assignments attached)

11. Union Request For Executive Session  
The Board agrees to meet with the Clerical Union next Monday regarding their request.

12. Driveway Permit  
*Selectman Haase Moves to accept the driveway permit for 12 Morse Circle. Selectmen Wilson Seconded. Enrico C. Cappucci vote Aye. Holly Haase vote Aye. Jim Wilson vote Aye. Motion Passes.*

13. One Day Liquor License

*Selectman Haase Moves to approve the one day liquor license for St. Anthony's Mardi Gras event. Selectmen Wilson Seconded. Enrico C. Cappucci vote Aye. Holly Haase vote Aye. Jim Wilson vote Aye. Motion Passes.*

14. Open Meeting Law Complaint

Chair Cappucci read the Open Meeting Law Complaint from Bryan Dumont.

*Selectman Haase Moves to authorize Town Counsel to respond regarding this issue. Selectmen Wilson Seconded. Enrico C. Cappucci vote Aye. Holly Haase vote Aye. Jim Wilson vote Aye. Motion Passes.*

Chair Cappucci request Town Administrator Garvin provide town counsel with a recording of the meeting in question.

**SELECTMEN REPORTS**

**PUBLIC COMMENTS**

Jim Yocum asked about moving Town Meeting

Keith Begun asked about the status of asking Jean Haertl to meet with the Board of Selectmen. Chair Cappucci stated that Mrs. Haertl denied meeting.

**ANNOUNCEMENTS**

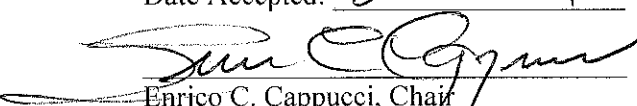
Next Meeting 2/27/6/17 at 7:00

**ADJOURNMENT**

With no further business to discuss, *Motion made and seconded to adjourn at 8:12 p.m. All in favor. Motion Passes.*

Respectfully submitted,  
Nathan Boudreau, Executive Assistant

Date Accepted: 3-13-17

  
Enrico C. Cappucci, Chair

  
Holly J. Haase, Vice Chair

  
James D. Wilson, 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.*

	<b>Documents used</b>
<b>1</b>	<b>Liaison Assignment List</b>
<b>2</b>	<b>Open Meeting Law Complaint – Bryan Dumont</b>
<b>3</b>	<b>Draft Annual Meeting Warrant</b>
<b>4</b>	
<b>5</b>	
<b>6</b>	
<b>7</b>	
<b>8</b>	
<b>9</b>	

## **BOARD OF SELECTMEN LIAISON ASSIGNMENTS**

### **Department/Board-Committee**

### **Selectman**

DPW	Selectman Jim Wilson
Police Department	Selectman Jim Wilson
Fire Department	Selectman Jim Wilson
Financial Departments	Selectman Holly Haase
Conservation	Selectman Jim Wilson
Land Use (Planning/ZBA)	Selectman Jim Wilson
Library	Selectman Holly Haase
Council on Aging	Selectman Ricco Cappucci
Veteran's	Selectman Ricco Cappucci
Energy Committee	Selectman Ricco Cappucci
Finance Committee	Selectman Holly Haase
School Committee	Selectman Ricco Cappucci
Assessors	Selectman Ricco Cappucci
Recreation	Selectman Holly Haase