

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

TEL: (978) 425-2600, x200

Fax: (978) 425-2602

Selectmen@shirley-ma.gov

BOARD OF SELECTMEN

MINUTES

February 27th, 2017

TOWN OFFICES

The Board of Selectmen convened its meeting on Friday, February 27th 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.

TOWN ADMINISTRATOR REPORT

1. I spoke to Ed Starzec of Mass Development and asked him about preference given to Shirley Residents for the Elderly Housing Units being built on Hospital Road, discussed at your last meeting. Mr. Starzec stated the following: *"equal preference for residents of the three towns and Devens, to the extent that such a preference is allowed by law."* It seems to provide a single Town with preference did not meet the quota, therefore all towns were combined. I am told Mr. Starzec can be at the 3/12/17 meeting along with Thatcher Kezer to discuss this topic.
2. A question was raised at the last meeting regarding whether or not legal bills can be made public. It appears that legal bills are public documents but would have to be redacted once a FOIA request was submitted.
3. We are meeting with the low bidder, New England Infrastructure Inc., out of Hudson MA, that was approved at your last meeting, for the Main Street Bridge project on Thursday, March 9th. The purpose of this meeting is to discuss a timeline and milestones for the project.
4. The FY18 Budget is completed and is going to be placed on the Town's website. This begins the discussions with the Board of Selectmen and the Finance Committee. The Finance Committee is meeting Tuesday, February 28th to discuss the FY 18 budget as well as a Reserve Fund Transfer. The Transfer requested is for the legal budget. As discussed in the last selectmen's meeting the legal budget has been overloaded in the first six months of the fiscal year. Once the reserve fund transfer is presented to the Finance Committee and a plan is in place moving forward, I will report back to the selectmen.

- I wanted to remind the Board that nomination papers can be obtained in the Town Clerks office for the upcoming May election. The final date to file nomination papers is March 13th. I have attached two documents, both of which are online, titled: 1. Timeline for Candidates and 2. Position on 2017 Annual Town Election Ballot. If anyone has questions they can contact the Town Clerks office during the Town Clerk's business hours.

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

Selectman Hasse Moves to accept the minutes of the February 3rd 2017 Board of Selectmen's Meeting. Selectmen Wilson Seconded. Enrico C. Cappucci vote Aye. Holly Haase vote Aye. Jim Wilson vote Aye. Motion Passes.

Selectman Hasse Moves to accept the minutes of the February 9th 2017 Board of Selectmen's Meeting with additional documents. Selectmen Wilson Seconded. Enrico C. Cappucci vote Aye. Holly Haase vote Aye. Jim Wilson vote Aye. Motion Passes.

OLD BUSINESS

- Annual Town Meeting Warrant
- Town Website Committee Charge

Selectmen Haase states that she is receiving a lot of interest in this committee and requests more especially a COA member. Haase will have appointments within the upcoming weeks.

- Regional Dispatch
- Aggregation Presentation
- Devens MBTA Assessment
- Control Audit Recreation Commission

Selectmen Haase notes that she has put together a letter to be sent to the District Attorney's Office and would like Board approval to send said letter. **Letter Attached**

Selectman Hasse Moves sign a letter to Attorney Mary F.P O'Neil regarding the investigation into the Shirley Recreation Commissions Financial Practices. Selectmen Wilson Seconded. Enrico C. Cappucci vote Aye. Holly Haase vote Aye. Jim Wilson vote Aye. Motion Passes.

NEW BUSINESS

7. Ratify Clerical Union Proposal and Bargaining Team

8. Joint Appointment of a Recreation Commission Member

Recreation Member H.K Begun motioned in joint session to appoint Jay Duffner to the Shirley Recreation Commission with a term to expire with the 2017 Spring Annual Town Elections. All in Favor. Motion Passes.

9. Recycling Clean Up Day

Former members of the Shirley Recycling Committee came forward to speak regarding handing out small bags to hold a Shirley Recycling Day. They would like to recycle these bags without paying as a service to the Town.

Selectmen recommended speaking with the Shirley Board of health regarding this cleanup day.

Selectman Hasse Moves to allow the "recycling committee" to leave bags at Town Hall to be handed out as well as use the Town dumpster pending Board of Health approval. Selectmen Wilson Seconded. Enrico C. Cappucci vote Aye. Holly Haase vote Aye. Jim Wilson vote Aye. Motion Passes.

10. COA Director Position

COA Member Donald Parker asks for more time so that the COA may have the opportunity to discuss this issue as a board.

11. Open Meeting Law Complaint

Selectmen Cappucci read the request and requested that it was forwarded to Town Counsel.

Cappucci has many questions of the person making this complaint as there are no records of a person named James Alton in the Town of Shirley.

Selectman Hasse Moves to send this to Town Counsel to review and respond. Selectmen Wilson Seconded. Enrico C. Cappucci vote Aye. Holly Haase vote Aye. Jim Wilson vote Aye. Motion Passes.

12. Safety and Respect at Work (Heartle)

The Board of Selectmen requested that this was put on the agenda for this evening due to the fact that there was some serious oversight after reviewing the full report. It is a disturbing document that needs to be reviewed and investigated.

Chair Cappucci states you cannot have 29 pages of serious questions regarding integrity, discrimination, and abuse of power without having a very serious investigation. Cappucci states no one is blaming Chief Goulden for anything at this time but he does believe this needs to be investigated and decisions need to be made regarding the allegations within this report.

Selectmen Wilson agrees that Chief Goulden deserves a fair shake and he would like to discuss what was done with him, were the measures taken satisfactory, and what his plan from here is.

Selectmen Haase believes there is a divide in the Shirley Police Department and it is very concerning. Between this and what is happening all over town, it reflects badly on us as a Town and how we treat people.

Selectmen Cappucci stepped down as Chair to speak. Selectmen Wilson has stepped in as Chair Pro Tem

Selectman Cappucci Moves to hold a meeting to determine what manner the Board of Selectmen is going to use to investigate the allegations made within the Heartle Report. Selectmen Haase Seconded. Enrico C. Cappucci vote Aye. Holly Haase vote Aye. Jim Wilson vote Aye. Motion Passes.

Selectman Cappucci Moves that Chief Thomas Goulden is placed on paid administrative leave pending an investigation in the Heartle Report. Selectmen Haase Seconded. Enrico C. Cappucci vote Aye. Holly Haase vote Aye. Jim Wilson vote Nay. Motion Passes.

Selectman Cappucci Moves to name Sgt. Samuel Santiago be in charge of the Shirley Police Department until further notice. Selectmen Haase Seconded. Enrico C. Cappucci vote Aye. Holly Haase vote Aye. Jim Wilson vote Aye. Motion Passes.

SELECTMEN REPORTS

PUBLIC COMMENTS

Betsy Colburn Mirkovic and Pam Torres requested a breakdown of the costs accrued during the recall election.

Pam Torres requests that one of the Board Members be the one to bring the information regarding the investigation into the Recreation Commission to the District Attorney's Office. Selectmen Haase stated that she would bring it herself.

Elizabeth Quinty asked if the current Board has seen the minutes from the meeting when Mrs. Heartle came. The Board states that they did not and needed more information. TA Garvin states that she would get the Executive Session Minutes.

ANNOUNCEMENTS

Next Meeting 3/6/17 at 7:00

ADJOURNMENT

With no further business to discuss, *Motion made and seconded to adjourn at 8:08 p.m. All in favor. Motion Passes.*


Respectfully submitted,
Nathan Boudreau, Executive Assistant

Date Accepted: 3-6-2017


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.

	Documents used
1	Letter Regarding Recreation Committee from Attorney Mary F.P. O'Neal
2	Communications Committee Charge by Selectmen Holly Haase
3	One day liquor license for the Shirley Rod and Gun yearly events
4	
5	
6	
7	
8	
9	



THE COMMONWEALTH OF
MASSACHUSETTS
MIDDLESEX DISTRICT ATTORNEY
15 COMMONWEALTH AVE..
WOBURN, MA 01801

MARIAN T. RYAN
DISTRICT ATTORNEY

Tel: 781-897-6700
Fax: 781-897-6701

Ms. Patrice Garvin, Administrator
Town of Shirley
7 Keady Way
Shirley, MA 01464-2812

February 3, 2017

RE: Recreation Committee

Dear Ms. Garvin:

I am an Assistant District Attorney in the Special Investigations Unit of the Middlesex District Attorney's Office. I am currently handling the review of the certain activities of the Recreation Committee based upon information that has been provided to the District Attorney's Office.

Our office will be working with the Shirley Police Department as we guide our investigation. Please be aware that the course of any investigation done by our office will be at the sole discretion of Middlesex District Attorney's Office.

If you have any questions, please contact me at (781) 897-6778.

Sincerely,

A handwritten signature in cursive script that reads "Mary F.P. O'Neill".

Mary F.P. O'Neill
Assistant District Attorney

Garvin, Patrice

From: O'Neill, Mary (DAA) <mary.o'neill@state.ma.us>
Sent: Friday, February 03, 2017 2:47 PM
To: Garvin, Patrice
Subject: MDAO contact / Recreation Committee
Attachments: shirley town adm.pdf

Good Afternoon Ms. Garvin,

I am writing merely to introduce myself as a point of contact as it relates to the investigation into the Recreation Department, and to make the town aware that any investigation will be at the sole discretion of the District Attorney's Office. Please don't hesitate to contact me if you have any questions or information you wish to share.

Kind regards,

Mary F. P. O'Neill
Assistant District Attorney
Middlesex District Attorney's Office
15 Commonwealth Avenue
Woburn, MA 01801
Tel: (781)897-6778
Fax: (781)897-6701

To: The Board of Selectmen

From: Holly J. Haase, Selectmen

Date: February 13, 2017

Re: Creation of a Communications Committee

Below is an outline I have put together for the creation of a committee to help get information out to the voters in Shirley about our government and upcoming issues or votes. I am requesting that the Board allow me to move forward to create this committee.

Communications Committee

The main goal will be to get information out to the public about government, policies being review, public meetings or hearings and any closings or delays in a timely manner.

The committee should be made of up to five members with a member of the Board of Selectmen serving as an advisory member.

Items to be reviewed:

- Social Media: Facebook; Twitter; Instagram; other
- Update the Town of Shirley website
- Local Newspapers
- Town Blog possibility
- Other suggestions or ideas

This is brief and will need to be refined. Once the committee is formed the members will create a mission statement and present a plan to the Board of Selectmen.

Please let me know if there is anything you would like to add to the charge of the committee.

Number
01-04-17

Fee
\$150.00

**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF SHIRLEY**

This is to Certify that:

Craig Carpenter, Bar Manager
Name
Shirley Rod & Gun Club, Inc. Kitredge Road, Shirley, MA 01464
Address

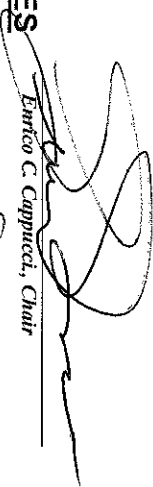

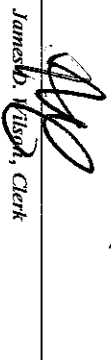
**IS HEREBY GRANTED A SPECIAL LICENSE
FOR THE SALE OF WINES AND MALT BEVERAGES ONLY, TO BE DRUNK ON THE PREMISES
Under Chapter 138, Section 14, of the Liquor Control Act.**

2017 Shirley Rod and Gun Events (as listed on back of license)

This license is granted in conformity with the Statutes and ordinances relating thereto, and
expires *One minute past the* Unless sooner suspended or revoked.
scheduled time of event

**THIS LICENSE MUST BE POSTED IN A
CONSPICUOUS PLACE ON THE PREMISES**

February 13th 2017
Date


Bartolo C. Cappucci, Chair

Holly J. Higgins, Special Chair

James B. Wilson, Clerk