

# Town of Shirley

## BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812  
Holly J. Haase, Chair

Enrico C. Cappucci, Vice Chair

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### BOARD OF SELECTMEN MINUTES October 2, 2017 Town Office Building – Meeting Room A&B

#### 1. Call to Order

The Board of Selectmen convened its meeting at 7:00pm in open session on Monday, October 2, 2017 at the Town Offices, Meeting Rooms A & B. Members present were Chair Holly Haase, Enrico Cappucci and Town Administrator Patrice Garvin.

#### 2. Announcements

Chair Haase began the meeting with a moment of silence in memory of the lives lost and affected by the terrible incident in Las Vegas, Nevada.

Chair Haase announced that there will be a Special Election to elect a member of the Board of Selectmen on November 7<sup>th</sup> and Special Town Meeting on November 13<sup>th</sup> at Ayer Shirley Middle School.

#### 3. Meetings with other officials, boards or committees – (votes may be taken on any of these items)

##### a. Authorize Town Election Warrant – November 7, 2017 Special Election

Clerk Oelfke presented the Selectmen with 5 copies of the Special Election for the November 7<sup>th</sup> election to be signed and distributed as mandated by Mass General Law.

*Selectmen Cappucci motioned to authorize the special election on November 7<sup>th</sup> 2017. Chair Haase seconds. All in favor. Motion passed.*

#### 4. Appointments

*Selectman Cappucci motioned to appoint Jane Detillion to the position of Election Worker with a term to expire on 6/30/2018. Chair Haase Seconded. All in favor. Motion Passed.*

*Selectman Cappucci motioned to appoint Carol Evans to the position of Election Worker with a term to expire on 6/30/2018. Chair Haase Seconded. All in favor. Motion Passed.*

*Selectman Cappucci motioned to appoint Max Goodwin Jr to the position of Part-time Dispatcher with a term to expire on 6/30/2018. Chair Haase Seconded. All in favor. Motion Passed.*

*Selectman Cappucci motioned to appoint Doris Huxley to the Cultural Council with a term to expire on 6/30/2020. Chair Haase Seconded. All in favor. Motion Passed.*

*Selectman Cappucci motioned to appoint Laurie Witherell to the position of Election Clerk with a term to expire on 6/30/2018. Chair Haase Seconded. All in favor. Motion Passed.*

## 5. Town Administrators Report

I am almost ready to submit the Technical Assistance Grant for the prioritization plan under the state's Complete Streets program. As the Board knows this grant program provides money to improve a town's mobility. I am awaiting one more document from the MRPC, since they will be the ones helping to draft the prioritization plan. I have submitted a sample prioritization plan from another community for you to get a sense of what the Town will be looking at for potential projects.

I wanted to inform the Board that we received a check from the film company for use of the Cemetery. The total received from the film company was \$2,000. This money will be transferred to the cemetery line at Town Meeting in order to pay a consultant to implement the new Cemetery software. All the data from the old software has to be reentered manually.

The Library is planning to celebrate its 20 years. The Library is planning an event on Thursday, October 26th in the evening. A formal invitation will be sent soon, so please save the date.

The MIAA representatives were out to provide an update on possible rates for FY19. The Town had high claims over the last 15 months, see attached loss runs. This will affect our rate for next year. I wanted to the Board to be aware of this possibility as we begin to plan for FY19.

Finally, the Board is meeting Wednesday, October 4th with the Ayer Board of Selectmen and public safety officials. Attached is a draft MOU that will be discussed at that meeting; for the possibility of regionalizing our Dispatch.

## 6. Public Hearings

### a. Public Hearing: 7:10pm; Joint Pole Petition NG and Verizon Catacunemaug Road

Selectmen Cappucci read the following:

The Shirley Board of Selectmen will hold a public hearing on Monday, October 2, 2017 at 7:10 p.m., at the Town Offices, 7 Keady Way for Verizon and National Grid who requests permission to install 1 jointly owned Catacunemaug Road beginning at a point approximately 0 feet North/West of the centerline of the intersection of Wheeler Road and continuing approximately 40 feet in a west direction. 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 Cappucci motions to open the public hearing. Chair Haase seconds. All in favor motion passed.*

Selectmen Haase noted that due to a clerical error the word "pole" is missing from the notice and if anyone has an issue than this may be tabled.

Dana Bigelbach noted that the pole is on the edge of her property and has recently exploded causing her to want to know where the new pole will be place in relation to her home and trees.

A representative from National Grid came forward and noted that this is a request from the Former DPW Foreman in order to install a support pole in order to send more power to the adjacent water facility. The pole will be in front of 24 Cateacunemaug Road. The pole in front of Ms. Bagelbach's home will not be moved.

Tim Hatch noted that the Public Hearings where not published 2 times and asked who paid for the notices.

Selectmen Cappucci noted that the individual boards pay unless they can bill a third party for the hearing.

The National Grid Representative noted that this is not an energized pole and is strictly a support pole to remove a support wire from a tree, at the request of the DPW.

*Selectmen Cappucci motions to close the public hearing. Chair Haase seconds. All in favor motion passed.*

*Selectmen Cappucci motioned to authorize this pole petition contingent upon that all proper procedures for advertising have been followed. Chair Haase seconds. All in favor. Motion Passed.*

b. Public Hearing: 7:15pm; Storm water Bylaw Amendments for Town Meeting

Selectmen Cappucci read the following:

The Board of Selectmen will hold a Public Hearing at 7:15 p.m. on Monday, October 2, 2017, at the Town Offices, 7 Keady Way, to hear public opinion regarding proposed changes to Town By-law, Article XXXII, Stormwater Management Control By-law, Section 7.0. Information regarding the proposed changes can be found on the Town of Shirley Website. If you are unable to attend, please forward your written comments to the Board of Selectmen, 7 Keady Way, prior to the Public Hearing.

*Selectmen Cappucci motions to open the public hearing. Chair Haase seconds. All in favor motion passed.*

Planning Board Chair Bill Oelfke came forward to discuss this bylaw amendment.

The proposed changes to the amendment are:

FROM:

Public Hearing. The Board shall make a determination of the completeness of an application within twenty-one (21) calendar days from the submittal. The Board shall hold a public hearing within twenty-one (21) calendar days of the receipt of a complete application as specified by the regulations and shall take final action within twenty-one (21) calendar days from the time of the close of the hearing unless such time is extended by agreement between the applicant and The Board. Notice of

the public hearing shall be given by publication and posting and by first-class mailings to all abutters at least fourteen (14) calendar days prior to the hearing. The Board shall make the application available for inspection by the public during business hours at Shirley Permit Granting Authority office. All expenses associated with the notice of Public Hearing shall be at the applicant's expense. The Board, at its discretion, may hold concurrent public hearings for other hearings required under state, federal or local law or Bylaws.

Start of Development. Prior to the start of development the following items must be met. 1. There shall be a fourteen (14) calendar day waiting period from the close of the hearing to allow for any appeals of the Permit Granting Authority's procedures and subsequent decision. Any and all appeals shall be rectified before any Start of Development.

TO:

Public Hearing. The Board shall make a determination of the completeness of an application within twenty-one (21) calendar days from the submittal. The Board shall hold a public hearing within sixty five (65) calendar days of the receipt of a complete application as specified by the regulations and shall take final action within twenty-one (21) calendar days from the time of the close of the hearing unless such time is extended by agreement between the applicant and The Board. The Planning Board will request feedback from other Town Departments after receipt of the application but prior to the Public Hearing. Notice of the public hearing shall be given by publication and posting and by first-class mailings to all abutters at least fourteen (14) calendar days prior to the hearing. The Board shall make the application available for inspection by the public during business hours at Shirley Permit Granting Authority office. All expenses associated with the notice of Public Hearing shall be at the applicant's expense. The Board, at its discretion, may hold concurrent public hearings for other hearings required under state, federal or local law or Bylaws.

Start of Development. Prior to the start of development the following items must be met. 1. There shall be a twenty one (21) calendar day waiting period from the close of the hearing to allow for any appeals of the Permit Granting Authority's procedures and subsequent decision. Any and all appeals shall be rectified before any Start of Development.

Tim Hatch noted that this did not run two consecutive times in a local publication and he does not feel proper notice was given before discussing the proposed bylaw changes. He also noted that there is a page missing from the Planning Board minutes discussing this matter.

Mr. Oelfke asked Chair Haase to consider postponing this due to the issue with the public posting.

Mr. Cappucci notes that the decision here is simply if they are going to move this forward.

Betsy Colburn Mirkovic believes the proposed changes are positive but there should be more substantive changes.

Selectmen Cappucci states that these changes would begin on the Planning Board and does not want to overstep them.

Planning Board Chair Oelfke noted that these changes are more on the administrative side with more substantive changes being brought forward at a later date.

*Selectmen Cappucci motions to continue this matter indefinitely. Chair Haase seconds. All in favor. Motion passed.*

7. New Business – (votes may be taken on any of these items)

a. Accept 2017 MART Drug and Alcohol Policy

*Selectmen Cappucci motions to accept the MART Drug and Alcohol Policy contingent on Council on Aging approval. Chair Haase seconds. All in favor. Motion passed.*

b. Common Victualler License (Food) – Shirley Sub Shoppe

*Selectmen Cappucci motions to approve the Common Victualler license for Shirley Sub Shoppe. Chair Haase seconds. All in favor. Motion passed.*

c. ABM – Report of 8/2/2017

Chair Haase requests that ABM come in to discuss a report they had previously sent.

Town Administrator Garvin said she would contact them to set up a presentation.

8. Old Business

a. Special Town Meeting Warrant Draft Review/FY2018 Budget

Town Administrator Garvin reviewed the draft warrant including the addition of an article requesting funding for Teenage Anxiety and Depression Solutions (TADS) requesting funding for \$2,000.00.

*Selectmen Cappucci motions to add an article to the Special Town Meeting requesting \$2,000.00 for TADS. Chair Haase seconds. All in favor. Motion passed.*

b. DPW-Update, Thatcher Kezer, Mass Development

Thatcher Kezer of MassDevelopment came forward to discuss an intermunicipal agreement for management services overseeing the Shirley DPW.

Kezer is supportive of this endeavor but there still needs to be a conversation held regarding scope and expectation.

Town Administrator Garvin requests the Board give her permission to work with Mr. Kezer to draft a Memo of Understanding between the Town of Shirley and MassDevelopment.

*Selectmen Cappucci motions to allow Town Administrator Garvin to work on a MOU regarding MassDevelopment and the Shirley DPW. Chair Haase seconds. All in favor. Motion Passed.*

c. DPW Plow Drivers Rate, Discussion

Town Administrator Patrice Garvin noted that the Seasonal Plow Driver rate is currently \$18.01 per hour but under the new HR Study they would make \$18.92.

*Selectmen Cappucci motions to change the per hour pay of Seasonal Plow Drivers from \$18.01 to \$18.92. Chair Haase seconds. All in favor. Motion passed.*

d. Longley Acres Insurance - TABLED

Town Administrator Garvin noted that Conservation Agent Fleming is closer but still needs more time on this matter.

e. Status of funds for OSRP maps

Betsy Colburn Mirkovic came forward to discuss funds that were set aside for mapping through MRPC in a previous year. The Open Space and Recreation Committee was unaware they needed to request monies be carried over from one fiscal year to the next.

Chair Haase asked Town Administrator Garvin to check if this money is available and if not to bring it to Special Town Meeting as a request.

9. Selectmen's Comments and/or Liaison Reports

Chair Haase discussed a potential Annual Town Meeting article allowing On Call Fire Departments to use their credible service towards retirement.

10. Other business unforeseen at the posting of the agenda.

11. Public Comments

12. Minutes

*Selectmen Cappucci motions to approve minutes of September 11<sup>th</sup> 2017 as presented. Chair Haase seconds. All in favor. Motion passed.*

**13. Adjournment**


With no further business to discuss, Mr. Cappucci moved to adjourn the meeting at **8:24p.m.** Chair Haase seconded the motion. Unanimously in favor. Motion Passed.

Respectfully submitted,  
Nathan Boudreau, Executive Assistant

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



Holly J. Haase, Chair



Enrico C. Cappucci, Vice Chair

*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) National Grid Public Hearing Notice
- 2) Stormwater Bylaw Amendment Public Hearing Notice
- 3) MART 2018 Drug and Alcohol Policy
- 4) 10/02/2017 Draft Special Town Meeting Warrant
- 5) Minutes of September 11, 2017