

Town of Shirley

BOARD OF SELECTMEN



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

Enrico C. Cappucci, Vice Chair

TEL: (978) 425-2600, x200
Fax: (978) 425-2602

Selectmen@shirley-ma.gov

BOARD OF SELECTMEN MINUTES October 23, 2017 Town Office Building – Meeting Room A&B

1. Call to Order

The Board of Selectmen convened their meeting in at 6:00pm in Executive Session.

Selectmen Cappucci read the following as the reason for executive session:

G.L. c. 30A, sec. 21(a)(2) - To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. Specifically to discuss Police and Dispatchers Contract specifically to discuss recent Clerical Union requests;

And

Pursuant to GL c 30A, s 21(a)(3), the Board intends to convene in executive session to discuss strategy with respect to potential litigation concerning enforcement of a settlement agreement, as an open meeting may have a detrimental effect on the bargaining or litigating position of the public body; Specifically Goulden Separation Agreement.

Selectmen Cappucci motioned to leave Executive Session and reconvene in Open Session. Chair Haase seconds. All in favor. Motion passed.

The Board of Selectmen reconvened 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

- Special Town Election for Selectmen – November 7, 2017
- Special Town Meeting – November 13, 2017
- Halloween at the Town Office Building – October 30, 2017, 3 – 5 pm
- Town of Shirley Government Fair – November 4, 2017, 10am – 2 pm

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

- a. Town Accountant Appointment – Karen Shree Barrett

Finance Committee Member O'Keefe came forward to recommend Mrs. Karen Barrett to the position of Town Accountant. Mrs. Barrett is extremely experienced and has held this position in the past.

Selectmen Cappucci asked Mrs. Barrett about her past experience implementing MUNIS Accounting Software.

Barrett notes that she was the project manager and training manager for a rollout of this software with her previous employer. If needed she would be able to implement a similar program here in Shirley.

Selectman Cappucci motioned to appoint Karen Shree Barrett to the position of Town Accountant with a term to expire on 6/30/2018. Chair Haase Seconded. All in favor. Motion Passed.

b. Tree Warden Appointment - TABLED

Chair Haase requests that the candidates for this position attend the next meeting of the Board of Selectmen.

c. Joint appointment of member of Planning Board – Barbara Yocum

Chair Oelfke notes that there is only one applicant for this position but she is already an Associate Member of the Planning Board, and the Planning Board unanimously recommends Barbara Yocum.

Selectmen Cappucci moved to appoint Barbara Yocum to the Planning Board with a term to expire at the 2018 Town Elections. All in favor. Motion Passed.

d. Appointment to Conservation Commission – Marie Elwyn

Selectman Cappucci motioned to appoint Marie Elwyn to the Conservation Commission with a term to expire on 6/30/2020. Chair Haase Seconded. All in favor. Motion Passed.

e. Recommended Appointment to Devens Enterprise Commission – Robert Markley

Selectman Cappucci motioned recommend the appointment of Robert Markley to the Devens Enterprise Commission. Chair Haase Seconded. All in favor. Motion Passed.

4. Town Administrators Report

I am happy to announce that the Town has received a Technical Assistance Grant in the amount of \$38,174; these funds will allow MRPC to assist the Town with our Complete Streets Prioritization Plan. As the Board knows the Complete Streets Grant Program has money available for Town roads and walkways. To access these funds Towns need an approved prioritization detailed plan with cost estimates. I am requesting that the Board authorize me to sign the attached contracts to begin work on the plan.

At the November 6 Board of Selectmen's meeting, the Assessors will be coming in for the annual Tax Classification Hearing. As the Board knows this hearing is a required step to set the tax rate.

The Finance Committee is meeting on Tuesday, October 31 to finalize positions on the Special Town Meeting Warrant. Once the Warrant is given a final review by Town Counsel it will be posted, as required, by the end of next week. I am scheduling a meeting with Town Counsel, the Moderator, and Town Clerk so we can review warrant articles prior to Town Meeting.

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

a. Public Hearing: 7:15pm: Storm water management Bylaw

Selectmen Cappucci read the following:

“The Board of Selectmen will hold a Public Hearing at 7:15 p.m. on Monday, October 23, 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.”

Selectman Cappucci motioned open the joint public hearing at 7:15pm All in favor. Motion Passed.

Planning Board Chair Bill Oelfke explained the following changes:

PROPOSED BY-LAW CHANGE:

To see if the Town will vote to amend Town By-law, Article XXXII, Stormwater Management Control By-law, Section 7.0 as follows:

FROM:

7.0 Permits and Procedures

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:

7.0 Permits and Procedures

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.

Chair Haase requested public input to which there was none

Selectman Cappucci motioned close the joint public hearing at 7:15pm All in favor. Motion Passed.

Selectman Cappucci motioned to place the proposed bylaw change on the Special Town Meeting Warrant All in favor. Motion Passed.

b. Continued Public Hearing: Apple Orchards Street Acceptance

Chair Haase announced that this is a continuation of the public hearing regarding Acceptance of Apple Orchard.

A Representative of MUUS notes that a recent walk through of the property went well with the only issue being the low number of trees on the property.

Planning Board Chair Oelfke noted that the Clerk of the Works and the Devens DPW Commissioner did a drive through and checked on a few catch basins where several issues were found. They also checked the plan for trees and noted that approximately 40 had been missing.

A representative of MUUS noted that this project has been going on for almost 2 decades and none of these maintenance issues have been brought up before this time. The company placed as many trees as they could and could not plant trees in certain areas due to soil type and contamination. They are not requesting approval for the whole project but for just four specific roads. The company also wishes they could have been there for the walk through.

Chair Haase notes that the Planning Board recommends the Board of Selectmen send this acceptance forward contingent upon obtaining an as-built plan.

Lee Mirkovic asked if there is a fund put aside to deal with future issues.

Selectmen Cappucci noted that if accepted all funds would be released by the planning board.

Selectman Cappucci motioned close the public hearing. All in favor. Motion Passed.

Selectman Cappucci motioned to place the proposal on the Special Town Meeting Warrant contingent upon bond amount confirmation and receipt of an as-built plan. All in favor. Motion Passed.

c. Lawton Road Discussion of Driveways

Mr. Larry Shepard came forward to discuss the state of driveways on Lawton Road since the repaving of the road. Shepard notes that the DPW has come down to remedy the issue by placing a berm, but there is still a lot of water and he is concerned about the driveway washing out.

Town Administrator Garvin notes that there will most likely be an Interim DPW Director named at the next meeting and one of his first priorities will be to check into this issue.

Mr. Shepard asked about banning trucks on Lawton Road

Chair Haase noted that there could potentially be a speed study as well as a pavement plan, but banning trucks would be a bit much. She can personally attest to the trucks speed on many of the roads in Shirley.

d. Town Meeting Warrant Selectmen Positions

Article 1 Accept Open Space and Recreation Report

Selectman Cappucci motioned a favorable vote of this article. All in favor. Motion Passed.

Article 2 Amend FY18 Classification Schedule

Selectman Haase motioned a favorable vote of this article. All in favor. Motion Passed.

Article 3 Funding Collective Bargaining Agreements 5

Selectman Cappucci motioned a favorable vote of this article. All in favor. Motion Passed.

Article 4 Prior Year Bills 2017

Selectman Cappucci motioned a favorable vote of this article. All in favor. Motion Passed.

Article 5 Supplemental Appropriation of Funds for Fiscal Year 2018

Selectman Cappucci motioned a favorable vote of this article. All in favor. Motion Passed.

Article 6 Transfer to OPEB Liability Trust Fund

Selectman Cappucci motioned a favorable vote of this article. All in favor. Motion Passed.

Article 7 Transfer to Land Acquisition Trust

Selectman Cappucci motioned a favorable vote of this article. All in favor. Motion Passed.

Article 8 Authorize Appropriation for Town Offices Boiler

Selectman Cappucci motioned a favorable vote of this article. All in favor. Motion Passed.

Article 9 Schoolhouse Number 8 Floor Repair

Selectman Cappucci motioned a favorable vote of this article. All in favor. Motion Passed.

Article 10 Landfill Expenses

Selectman Cappucci motioned a favorable vote of this article. All in favor. Motion Passed.

Article 11 Transfer to the General Stabilization Fund

Selectman Cappucci motioned a favorable vote of this article. All in favor. Motion Passed.

Article 12 Transfer to the Capital Stabilization Fund

Selectmen chose to make no recommendation on this article

Article 13 Road Acceptance Morse Circle

Selectmen chose to make no recommendation on this article

Article 14 Road Acceptance Apple Orchards

Selectmen chose to make no recommendation on this article

Article 15 Temporary Moratorium on Medical Marijuana

Selectmen chose to make no recommendation on this article

Article 16 Temporary Moratorium on Recreation Marijuana

Selectmen chose to make no recommendation on this article

Article 17 Proposed Change Stormwater Management Town Bylaws

Selectman Cappucci motioned a favorable vote of this article. All in favor. Motion Passed.

Article 18 Revolving Funds Bylaw

Selectman Cappucci motioned a favorable vote of this article. All in favor. Motion Passed.

e. Sign Special Town Meeting Warrant

Selectman Cappucci motioned to sign the Special Town Meeting Warrant. Chair Haase seconds. All in favor. Motion Passed.

6. Selectmen's Comments and/or Liaison Reports

7. Public Comments

8. Minutes

Selectmen Cappucci motions to approve minutes of October 2nd 2017 as presented. Chair Haase seconds. All in favor. Motion passed.

9. Adjournment

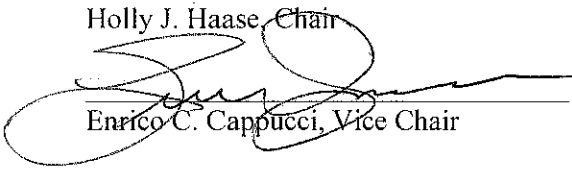
With no further business to discuss, Mr. Cappucci moved to adjourn the meeting at **8:28p.m.** Chair Haase seconded the motion. Unanimously in favor. Motion Passed.

Respectfully submitted,
Nathan Boudreau, Executive Assistant

Date Accepted: 11/7/17



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) *STM Warrant*
- 2) *Stormwater Bylaw Amendment Public Hearing Notice*