

**Date: April 14, 2008**

*Date Minutes Approved: April 28, 2008*

## **BOARD OF SELECTMEN MINUTES**

**Present:** Jonathan Witten, Chair; Elizabeth Sullivan, Vice-Chair; and Andre Martecchini, Clerk.

**Absent:** No one was absent.

**Staff:** Richard MacDonald, Town Manager; John Madden, Finance Director; and C. Anne Murray, Department Secretary.

The meeting was called to order at 7:30 PM.

OPEN FORUM - No items were discussed.

### **7:35 P.M. PROPOSED CHANGES TO CEMETERY RULES & REGULATIONS**

Ms. Patricia Pappas, Cemetery Director, was present to discuss this proposal with the Board. The Cemetery Trustees are recommending two changes to the Rules and Regulations of the Cemetery Department. A mark-up showing the proposed changes dated April 2008 was included in the Selectmen's packets.

Ms. Pappas explained both changes are under the section entitled "Memorial and Rules for Memorial Work," and are as follows:

1. To change the rules that currently allow for only one flush marker per grave to allow for two (2) flush markers per grave.
2. Under Columbarium Engravings to include wording that will not only assure for consistency in the engraving, but also insure that if an error is made the "Monument dealer and their employees will be responsible for any and all damages caused by poor workmanship by replacing the granite panel and all other existing engravings on that panel."

Ms. Pappas explained that there are 4 niches per panel so if an error is made on one then the entire panel has to be replaced.

Mr. Martecchini moved that we amend the Rules and Regulations of the Cemetery Department as shown on the "Mark-up to Show Proposed Changes: April 2008." Second by Ms. Sullivan.

Vote: 3:0:0.

### **LOCAL HOUSING PARTNERSHIP RE: RFP FOR FRANKLIN STREET PARCEL**

Ms. Diane Bartlett, Chair of the Local Housing Partnership (LHP), and Ms. Christine Stickney, Planning Director, were present to discuss this item of business with the Board.

This is the next step in an ongoing project to ultimately have a third-party renovate the Grange and the adjacent closed Fire House on Franklin Street as single-family affordable housing. As the Fire House is under the care and custody of the Board of Selectmen it was suggested by legal counsel that the Board should vote to change its usage for the purposes of affordable housing so the awarding of the proposal to rehabilitate the existing structure could be made to Habitat for Humanity.

Ms. Sullivan made a motion that was seconded by Mr. Martecchini. After further discussion, however, Ms. Sullivan withdrew the motion.

In discussing this matter Mr. Witten suggested that there is a need for clarification from Town Counsel as to whether the Selectmen can lease a municipal building for more than 10 years. Depending on the legal opinion there may be a need to transfer the care and custody to the newly formed Affordable Housing Trust.

It was ultimately agreed that the motion could be made in such a way as to allow for the change in usage so that the contract could be awarded to Habitat to Humanity. In the interim, Mr. MacDonald will seek clarification from Town Counsel to answer the question: "Can the Board of Selectmen lease a public (municipal) building for more than 10 years?"

Ms. Stickney asked if Habitat can have access to the buildings for further inspections. The Board indicated that Habitat representatives / contractors may do inspections in the building if accompanied by Town staff, but that no work may begin until the Purchase and Sale is completed.

Mr. Martecchini moved that the Board of Selectmen accept the proposal by South Shore Habitat for Humanity, submitted on February 28, 2008 and clarified on March 3, 2008, to develop two (2) units of affordable housing on two parcels of land with existing structures located at #153 and #159 Franklin Street in Duxbury, and further to authorize the Town Manager to issue a Notice of Award to South Shore Habitat for Humanity for this purpose and to negotiate a lease agreement. Second by Ms. Sullivan. Vote: 3:0:0.

#### **VENDOR LICENSE REQUEST (Hot Dog Cart): JAKE GENEREUX**

Present for discussion of this item were Mr. Jake Genereux and his mother, Ms. Wendy Genereux.

Mr. Genereux explained to the Board that he is seeking a vendor's license to sell hot dogs, chips, and cold drinks (water and soda) from a hot dog cart to be located on the Town Pier. He would like to begin operation on or about Friday, May 23, 2008 and continue to until Labor Day or into the fall, weather permitting. His hours of operation would be 11:00 AM until 6:00 PM Wednesdays through Sundays. He provided a picture of the hot dog cart to the Board for their review.

Mr. Witten noted that Mr. Genereux's proposal had been circulated to Town Departments. While there were no objections, there are a number of requirements regarding the various permits to be obtained, including a Food Establishment Permit, propane permit, Doing Business As (DBA) Certificate, and the Vendor's License. In addition, the Board will require proof of general liability insurance. Given that Mr. Genereux is a minor, the Board discussed with Mr. Genereux and his mother the addition of an adult co-signer. The Board clarified that the adult could be like a "silent partner" in that the adult would not be required to be present to operate the cart, but that the license would be issued under both parties' names. Mrs. Genereux indicated that she and husband would be willing to support Jake's application in that way.

Mr. Martecchini moved that the Board grant a General License for the Operation of a Hot Dog cart at the Town Pier to Mr. Jake Genereux from May 22 through October 31, 2008, subject to the following conditions:

1. Provision of Proof of General Liability Insurance to the Board of Selectmen's office prior to operation of the cart;
2. Submission to a Criminal Background Check (CORI);
3. Inspection of the Cart by the Duxbury Board of Health;
4. Receipt of a Food Establishment Permit by the Board of Health;
5. Receipt of a DBA certificate from the Duxbury Town Clerk;
6. Operation of the cart per rules outlined in the Harbormaster's memorandum of April 10, 2008;
7. Receipt of a propane permit from the Fire Department;
8. Operation of the cart per rules outlined in the Fire Department memorandum of April 10, 2008.
9. Payment of License Fee (\$20.00).

10. Signed Workers Compensation Affidavit stating that either Workers Compensation insurance is provided, or that Mr. Genereux is a sole proprietor with no employees.
11. Signed R.E.A.P. form (certification of State tax compliance)
12. An adult co-signer is included.

Second by Ms. Sullivan. Vote: 3:0:0.

#### DUXBURY BEACH TRIATHLON: Brian Noyes

Mr. Brian Noyes, Race Director of the Duxbury Beach Triathlon, was present to discuss the plans for this summer's event. If approved the date will be Saturday, September 27, 2008. Due to the tide schedule this year's start time will be 10:30 AM, which is a bit later than in the past. The Powder Point Bridge will be closed from 10:30 AM to approximately 12:30 PM. As in the past a meeting of all the public safety departments will be held to coordinate the event. The bridge closure, the use of reverse 911 to notify residents in the area, and the parking at Blakeman's have all helped to make the event run smoothly.

Mr. Noyes also mentioned that this event has been a significant fundraiser for several charities, including the Police Athletic League (PAL).

Ms. Sullivan asked Mr. Noyes to contact the Duxbury Beach Reservation regarding the parking at Blakemen's as that was not mentioned in their comments.

Mr. Martecchini moved That Mr. Brian Noyes, as a representative of the Duxbury Beach Triathlon, is granted permission to hold a triathlon event in Duxbury on Saturday, September 27, 2008, beginning at 10:30 AM, contingent on the following:

- 1) That the event is conducted under the conditions described in a Memorandum to Barbara Ripley from the Duxbury Beach Triathlon, dated April 4, 2008;
- 2) That the Duxbury Triathlon will hire five (5) firefighters / EMT, at the current overtime rate, for the duration of the swim.
- 3) That tent and sign permits are obtained from the Building Department;
- 4) That any structures, platforms, and/or electrical work are inspected by the Building Department prior to the event, and
- 5) That all signs be removed within 72 hours after the event.

Second by Ms. Sullivan. Vote: 3:0:0.

#### 8:00 P.M. AQUACULTURE HEARINGS

Mr. Witten explained that this order of business is a Public Hearing and as such was duly advertised with a Public Hearing Notice published in the April 2, 2008 the *Duxbury Clipper*.

Present for the hearings were: Mr. Al Hoban, Chair of the Shellfish Advisory Committee, Mr. Don Beers, Harbormaster & Shellfish Constable, and the aquaculturists, whose grants were being discussed tonight: Mr. John Brawley, Mr. Joseph Grady & Mr. Richard Loring ( Mr. Loring was not present.), Mr. Charles White (not present), and Mr. Dan Pittenger.

Mr. Al Hoban, Chair of the Shellfish Advisory Committee, initiated the discussion by explaining that Mr. Charles White was not able to attend tonight's meeting. He requested the Board open Mr. White's hearing, but continue it to a date and time certain, by doing so there would not be a need to re-advertise it.

Mr. Martecchini moved to continue the hearing of Charles White to April 28, 2008 at 7:30 PM (or shortly thereafter). Second by Ms. Sullivan. Vote: 3:0:0.

Mr. Hoban said each of the aquaculturists came before the Shellfish Advisory Committee on March 27, 2008 and followed a specific procedure under the bylaws for a compulsory review of the grantee's grant. The review consists of inquiries into the investment made, the activity regarding the grant, the seed used and the source of the seed. In each case the Shellfish Advisory Committee was recommending favorable action regarding the lease extension. Mr. Hoban reviewed each individually and each grantee was then asked to speak briefly about their grant.

John Brawley: Mr. Hoban said Dr. Brawley applied for 10 year lease. Dr. Brawley has been very actively working the grant and the SAC recommends approval with the lease extension to become effective 04/09/09. Dr. Brawley was asked about his experience growing scallops and replied that he received the seed too late for the scallops to grow to restaurant size, but the scallops grown were able to be used for some restoration activities in Buzzards Bay. This coming year Dr. Brawley will be receiving scallop seed earlier and hopefully the scallops will grow to restaurant size.

Ms. Sullivan moved that the Board of Selectmen grant to John Brawley, for ten (10) years, a license and lease effective 4/22/09 to plant, grow, cultivate, and dig authorized shellfish during the period of this license and lease in and on the flats and waters situated in Duxbury, Massachusetts on a certain parcel of land designated as grants NAE 2006-1263-01 and NAE 2006-1263-02, under the terms and conditions as set forth in the provisions of Chapter 130 of M.G.L. and the Duxbury special Shellfish Regulations. Second by Mr. Martecchini. Vote: 3:0:0.

Joseph Grady & Richard Loring: Mr. Hoban explained that this is a jointly-licensed grant to Mr. Grady and Mr. Loring. The Grady-Loring grant is for a two-acre flat that they actively work on a part-time basis. The request is for a ten year lease and the SAC recommends favorable action. Mr. Grady mentioned that he and Mr. Loring are about to plant their 6<sup>th</sup> crop of oysters. They have been working the grant part-time since 2002. Mr. Grady also explained that they have 2 grants because their first grant had to be downsized due to some historical eel grass beds so a second grant was approved, which is side by side to their original grant but in a different quadrant.

Ms. Sullivan moved that the Board of Selectmen grant to Joseph M. Grady & Richard Loring, for ten (10) years, a license and lease effective 4/14/08 to plant, grow, cultivate, and dig authorized shellfish during the period of this license and lease in and on the flats and waters situated in Duxbury, Massachusetts on a certain parcel of land designated as grant NAE 2004-4364, under the terms and conditions as set forth in the provisions of Chapter 130 of M.G.L. and the Duxbury special Shellfish Regulations. Second by Mr. Martecchini. Vote: 3:0:0.

Dan Pittenger: Mr. Hoban indicated that Mr. Pittenger is an active part-time grower. The SAC recommends approval of Mr. Pittenger's license and lease extension.

Ms. Sullivan moved that the Board of Selectmen grant to Dan Pittenger, for ten (10) years, a license and lease effective 4/14/08 to plant, grow, cultivate, and dig authorized shellfish during the period of this license and lease in and on the flats and waters situated in Duxbury, Massachusetts on a certain parcel of land designated as grant NAE 2004-3999, under the terms and conditions as set forth in the provisions of Chapter 130 of M.G.L. and the Duxbury special Shellfish Regulations. Second by Mr. Martecchini. Vote: 3:0:0.

#### **DISCUSSION OF HEALTH INSURANCE RATES**

Ms. Sullivan explained that the Town of Duxbury is self-insured. The Insurance Committee meets about every 6 weeks to monitor the health insurance plans to assure there are sufficient funds (reserves) to cover the claims. The Insurance Committee consists of Ms. Sullivan (Selectman), Mr. MacDonald (Town Manager), Mr. Madden (Finance Director), Ms. Conway (Town Treasurer) Mr. Frank Mangione (Fiscal Advisory Committee—Chair), Ms. Anita Stiles (Ins. Benefits Coordinator), a representative from Blue Cross Blue Shield (BCBS), and Mr. Peter Savage (Town Health Consultant - Cook & Co.). At a recent meeting the Committee reviewed the performance of each of the health plans to set the rates for the next fiscal year. Ms. Sullivan mentioned that one of

the factors that has helped to manage the costs was the great response from the employees to transfer from the more expensive and outdated Master Health Plus Plan to either the Blue Care Elect (PPO) or the Network Blue (HMO).

Ms. Sullivan said that a commitment was made to the employees that the Committee would look at the rate structure for the following year based on the performance (i.e., claims) of each individual plan so that one plan does not subsidize the other plans. As a result there are a range of rate increases. She added that in setting the rates the Committee is projecting to set the rate in an attempt to break even.

Ms. Sullivan stated the Insurance Committee's recommendation is as follows regarding the new insurance rates for FY '09:

Master Health Plus Plan rates will increase by 20%.  
Blue Care Elect (PPO) Plan rates will increase by 5%.  
Network Blue (HMO) rates will increase by 10%.  
Medex (Medicare Supplemental Plan) - There will be no increase.

Ms. Sullivan made the following observations regarding the above plans:

**Master Health Plus Plan:** This plan is no longer being offered by BCBS to new customers, but has been continued for those customers who have employees enrolled in it. Ms. Sullivan explained that this is a "relic" as there are no negotiated prices so if an insured goes to the doctor the costs are higher. Fewer employees are on this plan each year.

**Blue Care Elect (PPO) Plan:** This plan is fairly equivalent to the Master Health Plus Plan, but does have negotiated prices. The costs have been kept down due to a three-tier drug pricing schedule and higher co-payments.

**Network Blue (HMO):** The HMO also has negotiated prices, a three-tier drug pricing schedule and higher co-payments. This year it did not perform quite as well, but still did better than the national average. Something in consideration for future years is another HMO plan with higher deductibles and/or other restrictions, but that is a discussion for the future.

In discussion it was mentioned that because Duxbury is self-insured the Town is not able to competitively shop for other company's plans. In addition, a number of the (union) contracts commit the Town to BCBS and all of the contracts would have to be negotiated in order for a change of company to be made. Currently the Town / Employee premium split is 75% Town -25% Employee for active employees and 50% Town – 50% Employee for Retirees. The Town does make dental insurance available, but the employee pays 100% of the premium.

Mr. MacDonald also mentioned that Government Insurance Commission (GIC) was a topic of conversation. Since the GIC does not currently have the ability to provide a HMO plan in Plymouth County, nor does it include BCBS it is not an option for Duxbury at this time.

Information about the new rates will be distributed to employees with their next pay check. If there are any questions employees and retirees are encouraged to attend the Employee Benefits Fair on May 1<sup>st</sup> in the Mural Room. (See Announcements for further details.)

Ms. Sullivan moved that the Board of Selectmen establish the new rates for FY'09 as follows:

Master Health Plus Plan rates will increase by 20%.  
Blue Care Elect (PPO) Plan rates will increase by 5%.  
Network Blue (HMO) rates will increase by 10%.  
Medex (Medicare Supplemental Plan) - There will be no increase.

Second by Mr. Martecchini. Vote: 3:0:0.

## **BUSINESS**

### **EVENT PERMIT REQUESTS**

Mr. Witten mentioned that the Board has received 2 event permit requests for:

- 1) Cape Cod Getaway MS 150 Bike Tour
- 2) Bay Farm Montessori Road Race

**Cape Cod Getaway MS 150 Bike Tour:** This is an annual event fundraising event in which the bicyclists pass through Duxbury. This year the event will be on Saturday, June 28<sup>th</sup> from 8 AM (set up) to 2 PM (departure). The bicyclists usually pass through between 9:15 AM and noon. The request was reviewed by the appropriate Town departments and there were no objections, but some department conditions, which should be included on the event permit.

Mr. Martecchini moved that the Board of Selectmen grant to the National Multiple Sclerosis Society (Central New England Chapter) permission to conduct a portion of their 23rd annual Great Mass Getaway Bike Tour in the Town of Duxbury on Saturday, June 28, 2008, contingent on the following:

- 1) Four police detail officers are required for the event. (Please contact the Police Department.)
- 2) A Fire Department Detail is required (Please contact the Fire Department.)
- 3) Permits must be obtained for any tents, signs, and/or electrical work. Platforms, staging, and/or temporary structures must be inspected.. (Please contact the Inspectional Services Department.)
- 4) Contracts for porta-potties must be provided to the Board of Health prior to the event.
- 5) Any food that is distributed must be pre-packaged.
- 6) A copy of the organization's insurance policy, naming the Town of Duxbury as additional insured, must be supplied to the Selectmen's office, prior to the event. (DONE.)
- 7) A copy of the School Building Use Permission Form must be provided to the Selectmen's office, prior to the event. (DONE)

Second by Ms. Sullivan. Vote: 3:0:0.

**Bay Farm Montessori Academy Road Race:** This is the 3<sup>rd</sup> year for this event, which is a 5K walk/run/fun Road Race, which begins and ends at the Bay Farm Montessori Academy. The request was reviewed by the appropriate Town departments and there were no objections, but some department conditions, which should be included on the event permit.

Ms. Sullivan moved that the Board of Selectmen grant to Ms. Barbara Hayes, as a representative of the Bay Farm Montessori Academy, permission to hold a 5K Walk/Run/Fun Road Race on May 4, 2008, beginning and ending at the Bay Farm Montessori School, contingent on the following:

- 1) Two police detail officers must be in place for the event. (Contact the Police Department for arrangements.)
- 2) Permits must be obtained from the Inspectional Services Department for any signs, tents, or structures.
- 3) A copy of the school's insurance policy, naming the Town of Duxbury as additional insured, must be supplied to the Selectmen's office, prior to the event. (It was noted that this has been received.)

Second by Mr. Martecchini. Vote: 3:0:0.

**TOWN MANAGER BRIEF:**

1. **Save As You Throw (SAYT)** –Mr. MacDonald indicated he was asked to report back to the Board and the public on Save As You Throw (SAYT). Mr. Buttkus has provided him with the following information:

| WHEN                           | # of TRAILERS | TONNAGE | TOTAL COST* |
|--------------------------------|---------------|---------|-------------|
| Before Single Stream Recycling | 5             | 100     | \$9,700.00  |
| AFTER Single Stream Recycling  | 3             | 60      | \$5,820.00  |
| CURRENTLY (SAYT)               | 1.5           | 30      | \$2,910.00  |

\*based on \$97.00/ ton and with the average of 20 tons per trailer

2. **Fee Reviews** – A department head meeting is scheduled this week. At that time Mr. MacDonald will talk to the staff about the need to review fees and to have any changes reviewed by the Fiscal Advisory Committee.
3. **War Memorial Committee** – Mr. MacDonald mentioned that last summer he named an ad hoc committee to come up with some recommendations regarding the World War I (WWI) Memorial. The WWI Memorial used to be in Boomer Square across the street from the Town Hall. It apparently was moved when some roadway work was done years ago and was missing since then. This past year it was located, but is in pieces. The War Memorial Committee has been meeting regularly and will be coming to the Board with a recommendation for a site. In the interim, the Committee has also been working with the CPC for restoration funds to fix the WWI Memorial.
4. **New Town Hall Hours effective May 5, 2008:**  
Mr. MacDonald again announced that the hours of Town Hall are changing as of May 5<sup>th</sup> as follows:  
Mondays 8 AM -7 PM;  
Tuesdays –Thursdays 8 AM -4 PM  
Fridays 8 AM -12:30 PM

**ANNOUNCEMENTS**

1. **Annual Health & Benefits Fair for Employees and Retirees:** Mrs. Sullivan announced the Annual Health & Benefits Fair for Employees and Retirees will be on Thursday, May 1, 2008 from 11:30 AM to 1:30 PM in the Mural Room at the Town Hall. Employees and retirees are encouraged to attend to get answers to any questions they may have about the various health insurance plans.
2. **Next Board of Selectmen Meeting:** Mr. Witten announced that due to the Patriots' Day holiday on Monday, April 21<sup>st</sup> the Board will not meet next week. The next meeting will be on Monday, April 28, 2008.

**MINUTES:** April 7, 2008

Ms. Sullivan moved that the Board of Selectmen approve the Minutes of April 7, 2008, as presented. Second by Mr. Martecchini. Vote: 3:0:0.

**Committee Appointments/Re-appointments – NONE.**

It was, however, mentioned that the Board plans to appoint the Trustees to the Affordable Housing Trust at its next meeting. If anyone is interest they are encouraged to fill out and submit a Talent Bank as soon as possible.

**In addition, appointments to the (Zoning) Board of Appeals will be taken up at the next meeting.**

**Ms. Murray mentioned that most Board and Committee terms expire as of June 30th. In preparation for this, she will be distributing to Chairs of Boards and Committees in May a snapshot of their membership and the names of potential candidates so that they can plan for appointments or re-appointments.**

## **ADJOURNMENT**

**Mr. Martecchini moved for adjournment at 8:45 PM. Second by Ms. Sullivan. Vote: 3:0:0.**