

Date: May 12, 2008

Date Minutes Approved: May 19, 2008

BOARD OF SELECTMEN MINUTES

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

Absent: No members were absent.

Staff: Richard MacDonald, Town Manager; John Madden, Finance Director; and Barbara Ripley, Executive Assistant.

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

OPEN FORUM

Diane Bartlett, Chairman of the Local Housing Partnership, announced that the Town has filed a Planned Production Plan with the State. The State has also issued new regulations. Under the new regulations, Duxbury is expected to produce 26 affordable units per year, reduced from 38 units per year.

SOLAR CHALLENGE UPDATE

Mr. James Savicki, member of Sustainable Duxbury, was present. He reported that Duxbury has exceeded the goal of enlisting 150 participants in the Community Solar Challenge, and that we are on our way to a possible 300 participants. The deadline has been extended to June 30, 2008. The Town is entitled to one solar panel installation for 150 participants, and two panels for 300 participants. No money is required from the Town. All of the funds come from matching contributions by the Massachusetts Technology Cooperative.

Mr. Savicki reported that the best location for the solar panel(s) would be the schools. There is a heavy educational component to the project. He has been in contact with John Heinstadt of the School Committee. It will be important to coordinate the installation around planned roof replacement projects.

Mr. Martecchini moved that the Board designate Richard MacDonald as the point-of-contact for the duration of the Clean Energy Choice Community Solar Challenge. Second by Ms. Sullivan. Vote: 3:0:0.

ISLAND CREEK PROJECT ELIGIBILITY LETTER FROM MASS HOUSING

Mr. Witten noted that, in January 2008, the Selectmen were given an opportunity to comment on a site eligibility application for the proposed Island Creek development expansion. One of the comments on which all of the Selectmen agreed pertained to a portion of the project that was slated for commercial development. The land area proposed for commercial development is not zoned for commercial uses. The Selectmen commented that, absent a re-zoning approved by Town Meeting, that the application for commercial development submitted to Mass Housing cannot be approved pursuant to a comprehensive permit. Nonetheless, in the project eligibility letter from Mass Housing, the commercial component is approved.

Mr. Witten said that he is very concerned about the ability of Mass Housing to usurp the right of Town Meeting to determine zoning in the Town of Duxbury.

Ms. Sullivan noted that a commercial component to this project might be beneficial in some ways. Nonetheless, she agreed that this should be up to Town Meeting. Mr. Martecchini also agreed. By consensus, it was agreed that the Selectmen would write a letter to Mass Housing inquiring as to why this concern had been ignored.

REVISIONS TO DRAFT LOCAL INITIATIVE PROJECT (LIP) RULES

Mr. Witten noted that the Board previously agreed to circulate the November 9, 2008 version of the Draft LIP Rules (as written by the Local Housing Partnership) to the Town's land use boards for comment. However, before circulation, he proposed five minor changes to the proposed text. The only proposed change that generated any discussion was with regard to the appraisal portion of the submission requirements. The original draft required the appraiser to be selected from a DHCD list. Mr. Witten said that this could be problematic if the DHCD discontinues or fails to maintain their list. He suggested requiring an appraiser certified by the Massachusetts Appraiser Institute. By consensus, all of Mr. Witten's suggestions were adopted. The amended version will be circulated to the Land Use Boards this week.

AFFORDABLE HOUSING TRUST APPOINTMENTS

The Selectmen reviewed some of the responsibilities of the Affordable Housing Trust. It was agreed that the Affordable Housing Trust will not necessarily manage the Housing Assistance Program. The Selectmen are responsible for establishing the guidelines for the Housing Assistance Program. They could turn over its management to the Affordable Housing Trust, but they are not required to.

Ms. Sullivan noted that, with or without responsibility for the Housing Assistance Program, that the tasks of the Affordable Housing Trust will involve a heavy financial component. She would like to see one member come from a primarily financial background. So far, none of the applicants have this background. Ms. Sullivan commented that, in her opinion, land use board members are not the most desirable candidates for the Trust, since the land use board members have an opportunity to comment on these projects at another stage. Mr. Witten disagreed, stating that it is crucial to have this kind of input very early in the process. Mr. Martecchini said that he would like to see housing advocates make up the Trust, so he wanted to be sure that a Local Housing Partnership member is appointed.

It was agreed to appoint three of the four members tonight, and to appoint the fourth member next week after further consideration.

All board members agreed that the extensive experience offered by Ms. Laura Shaefer (Duxbury resident, Executive Director of the Plymouth Affordable Housing Trust and Director of the Plymouth Redevelopment Authority) was extremely desirable for the Board. All members also agreed that the historic preservation experience of Ms. Himes is desirable since the Trust will likely be working with existing properties.

It was noted that trustees serve for a term of two years, except that two of the initial trustee appointments shall be for a term of one year (in order to achieve staggered terms). Mr. Martecchini said that it is extremely likely that the members would be re-appointed after their first term, so that it is inconsequential as to who is appointed to the one-year vs. two-year terms.

Mr. Martecchini moved that the Board appoint Ms. Laura Shaefer and Ms. Martha Himes to the Affordable Housing Trust, for terms to expire on June 30, 2010. Second by Ms. Sullivan. Vote: 3:0:0.

Ms. Sullivan moved that the Board appoint Mr. Brendan Keohan to the Affordable Housing Trust, for a term to expire on June 30, 2009. Second by Mr. Martecchini. Vote: 3:0:0.

DUXBURY BEACH RESERVATION: WILDLIFE EDUCATION CENTER

Present were:

Ms. Margaret Kearney, Duxbury Beach Reservation (DBR) President

Mr. Shawn Dahlen, DBR Technical Committee Chair

Mr. Don Beers, Duxbury Harbormaster

Mr. Michael Pforr, Assistant Harbormaster & Endangered Species Officer

Ms. Kearney explained that Ms. Anna Miller made a large gift to the DBR in memory of her late husband, Mr. Robert G. Miller, who had been a DBR trustee for many years. A small part of this gift will be used to re-build the Harbormaster shack at the east end of the Powder Point Bridge, transforming it into a wildlife education center. The bulk of the gift will go to long-term preservation efforts of the DBR.

The proposed wildlife education center will include display cases, maps, an office for the Endangered Species Officer, and All-Terrain Vehicle storage. The building will be 2 ½ stories high, and will offer spectacular views. The architect is Julia Chuslo. There are also plans to improve the comfort facilities, possibly by moving two portable toilets to the first crossover area, and to place all portable toilets in shed-like buildings.

The anticipated completion date is the end of this year's summer season.

Further news about Duxbury Beach included the fact that the windy spring weather has blown away all the piping plover nests. The birds will re-build them, but it will delay the time when all portions of the beach can be opened.

ONE-DAY LIQUOR LICENSE: MR. CHARLES LEONARD FOR THE DUXBURY BAY MARITIME SCHOOL/ Opening of the Bay: May 23, 2008

Ms. Sullivan recused herself from voting on this license, since the event is being sponsored by her employer.

Mr. Martecchini moved that the Board approve a one-day liquor license to hold a reception on the school's campus on Friday, May 23, 2008, from 6:30 pm to 11:30 pm, subject to all of the conditions listed on the permit. Second by Mr. Witten. Vote: 2:0:1 (Ms. Sullivan abstained.)

TOWN MANAGER'S BRIEF

- 1) Bond Sale: Under the direction of the Finance Director and Treasurer, the Town is re-financing the remaining \$1.3 million balance on bonds previously issued. The Town had very favorable results for the bond sale today, with twelve firms submitting bids. The net interest cost for the new bonds is 3.02%, where the former interest cost had been 7.5%. This translates into a savings of \$63,621 over the next ten years. In order to proceed the Selectmen must approve the refunding results. Mr. Martecchini made the following motion:**

I, the Clerk of the Board of Selectmen of the Town of Duxbury, Massachusetts (the "Town"), certify that at a meeting of the board held May 12, 2008 of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the sale of the \$3,125,000 General Obligation Municipal Purpose Loan of 2008 Bonds of the Town dated May 15, 2008 (the "Bonds"), to Eastern Bank at the price of \$3,158,777.45 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on December 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2008	\$155,000	3.25%	2014	\$290,000	3.25%
2009	315,000	3.25	2015	280,000	3.25
2010	310,000	3.00	2016	275,000	3.75
2011	310,000	3.00	2017	115,000	3.50
2012	300,000	3.25	2018	105,000	3.75
2013	290,000	3.25	2022	380,000	3.85

Further Voted: that the Bond maturing on December 15, 2022 (a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Bond due December 15, 2022

<u>Year</u>	<u>Amount</u>
2019	\$105,000
2020	105,000
2021	100,000
2022*	70,000

*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated April 29, 2008 and a final Official Statement dated May 12, 2008 each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: to authorize the execution and delivery of a Bond Purchase Agreement dated May 12, 2008 between the Town and Eastern Bank, providing for the sale of the Bonds on a negotiated basis, including the provisions relating to the termination of the financial advisory relationship with Eastern Bank.

Further Voted: to authorize the execution and delivery of a Refunding Escrow Agreement to be dated May 22, 2008 between the Town and U.S. Bank National Association, as Refunding Escrow Agent.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds, as applicable, for the benefit of the holders of the Bonds from time to time.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed with the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal official bulletin board of the Town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L. c.39, s.23B as amended.

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

- 2) **Construction Costs:** Building permits for construction in the amount of \$1.815 million were issued by the Inspectional Services Department in the month of April.
- 3) **Fire Department Grant:** Firefighter Rob Reardon successfully pursued a grant from U.S. Smokeless Tobacco. The department will receive a Polaris Ranger 6 x 6 utility vehicle.
- 4) **Retirement:** Anita Stiles, Insurance & Benefits Coordinator, will be retiring from the workforce on June 30, 2008. She has worked for the Town for three years and has been a great asset.
- 5) **Volunteer Award Banquet:** Mr. MacDonald nominated Mr. Ken McCarthy as the Outstanding Duxbury Volunteer of 2008. Mr. McCarthy (Finance Committee Chair) was honored at a banquet on May 7, along with all the other nominees. The overall winner was Mr. Dick Whitney, a Council on Aging volunteer and former Finance Committee member. The Town is lucky to have such outstanding volunteers.
- 6) **FY10 Budget Working Group:** The first meeting of this group will take place on May 14, 2008.
- 7) **Town Hall Hours Reminder:** Effective May 5, Town Hall hours are:
Monday: 8 AM to 7 PM
Tuesday – Thursday: 8 AM to 4 PM
Friday: 8 AM to 12:30 PM
- 8) **Transfer Station:** The Save-As-You-Throw program is functioning quite well. While there are still “bugs” to be worked out, response has been positive overall. Data on revenues and costs will be presented at the next meeting.

MINUTES

Ms. Sullivan moved to approve the minutes of April 28, 2008 as presented. Second by Mr. Martecchini. Vote: 3:0:0.

ADJOURNMENT

Mr. Martecchini moved for adjournment at 9:05 PM. Second by Ms. Sullivan. Vote: 3:0:0.