

Date: May 19, 2008

Date Minutes Approved: June 2, 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 C. Anne Murray, Department Secretary.

The meeting was called to order at 6:30 PM.

Mr. Witten moved that the Board of Selectmen go into Executive Session to discuss strategy with respect to litigation since an open meeting may have a detrimental effect on the town's litigating position and to consider the purchase, exchange, taking, lease, or value of real property since an open meeting may have a detrimental effect on the negotiating position of the town and to reconvene in Open Session in accordance with Mass. General Laws Chapter 39, Section 23B. Second by Ms. Sullivan. Roll call vote: Ms. Sullivan "aye"; Mr. Martecchini "aye"; Mr. Witten "aye".

Entered Executive Session at 6:30 PM and re-convened in Open Session at 7:30 PM.

Mr. Witten began Open Session by explaining the Board was in an Executive Session regarding two matters; one of litigation and the second regarding the purchase of real property.

OPEN FORUM

Ms. Mary "Pixie" Lampert brought to the Selectmen's attention growing concerns about large numbers of motorcyclists who have been gathering and riding down Washington ST and disturbing the peace of a residential neighborhood. She asked the Selectmen to consider putting forth a noise abatement bylaw or other bylaw to restrict the assembly of large groups of motorcyclists or any other group that is disturbing the peace in residential neighborhoods.

ISLAND CREEK OYSTERS—RECOGNITION OF AWARD

The following Duxbury oystermen were present for this item of business: Mr. Shore Gregory, Mr. Don Merry, Mr. Michael George, Mr. Dick Loring, Mr. Christian Horne, Mr. Billy Bennett, Mr. John Brawley, Mr. Mark Bouthillier, and Mr. John McCluskey.

Mr. Gregory, Island Creek Oysters' Director of Business Development, spoke for the group. He explained that the first national competition by the National Shellfish Association and the East Coast Shellfish Growers Association for oysters was recently held. In a field of 19 Eastern oyster competitors, that were judged by top chefs and food writers/critics in about 20 categories, Island Creek Oysters were the overall winners. The oystermen appreciate the opportunity that has been given to them by the Town and expressed their thanks to the Board and to the Harbormaster and his staff for all their support.

Members of the Board congratulated Island Creek Oysters on their win and applauded the efforts of the oystermen.

MEETING OF WATER & SEWER COMMISSIONERS

At approximately 7:35 PM, Mr. Martecchini moved that the Board adjourn the meeting as Selectmen in order to meet as the Water & Sewer Commissioners, with the intent of re-convening as Selectmen afterward. Second by Ms. Sullivan. Vote: 3:0:0.

Mr. MacDonald requested the Board to sign the commitment so the water and sewer bills can be sent out.

Ms. Sullivan moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the amount of \$481,379.93 for water, sewer, and service. Second by Mr. Martecchini. Vote: 3:0:0.

Mr. Martecchini moved that the Board adjourn the meeting as Water & Sewer Commissioners in order to re-convene as the Board of Selectmen. Second by Ms. Sullivan. Vote: 3:0:0.

TOWN TREASURER RE: BOND SALE (Water Projects)

Ms. Beth Conway, Town Treasurer, was present. She explained that the bond transactions were discussed at the last Board of Selectmen's meeting. The appropriate paperwork was executed at that time, but the Department of Revenue misplaced some of the paperwork so there is a need for the Selectmen to sign some documents that are in their signature file.

EASEMENT FOR DAMON WELLS

Mr. Joe Grady explained Board is being asked to execute documents regarding an easement for the Damon Wells. Town Meeting did approve of the Damon Wells easement by passing Article 39 at the Annual Town Meeting in March 2008. The document has been reviewed by Town Counsel and approved as to form. The easement allows Verizon to place poles upon which NStar Electric Company equipment can be installed.

Mr. Martecchini moved that the Board of Selectmen approve and execute an easement to NStar Electric Company, their successors and assigns, or any licensee from it, for the perpetual right and easement to locate, relocate, erect, and construct, reconstruct, install, lay, dig-up, operate, maintain, patrol, inspect, repair, replace, and remove a line with the necessary poles, wires, cables, etc. for the transmission of electricity on Lot A on Church Street on a plan entitled: "Plan of Land in Duxbury, Mass, dated May 24, 1978 Whitman & Howard Inc. Engineers and Architects" which plan is record with the Plymouth County Registry of Deeds. Second by Ms. Sullivan. Vote: 3:0:0.

PRESENTATION OF OPEN SPACE & RECREATION PLAN

Present for discussion of this item of business were Mr. Scott Zoltowski, Chair of the Open Space and Recreation Committee; Mr. Joe Grady, Conservation Administrator; and Ms. Elizabeth Nollner, Conservation Intern.

Mr. Zoltowski explained that the purpose of the Open Space Plan is to systematically examine Duxbury's open space and recreational needs and to produce a plan to serve as a guide. The Open Space plan incorporates the results of public surveys and the input from many of the Town's Boards and Committees. Mr. Zoltowski named and thanked the members of the Open Space and Recreation Committee, who worked so diligently on the Open Space Plan: Pat Loring (CPC), Jay Curran, Paul Costello, Paula Harris, Harold Moody (Planning Board). He also acknowledged the help of Mr. Art Vautrain, Ms. Kay Foster, and

Ms. Holly Morris. He appreciated the input and assistance of the other Town boards. The Plan is currently being circulated as a draft and further comments are welcome for inclusion in the final version.

Mr. Grady acknowledged Ms. Nollner's work in compiling and formatting the report. He mentioned that the draft will be available shortly on the Town website and hardcopies are available for review at the Town Halls. The Plan contains 8 maps in total and 3 were shown to give the audience some idea of the wealth of information contained.

At the Selectmen's urging Mr. Grady explained the importance of having an approved Open Space Plan. In order to qualify for State Self-Help Grants, which are primarily for buying open space, a community must have an approved Open Space Plan. Open Space Plans are only approved for 5 years. To illustrate the value, Mr. Grady mentioned that Duxbury will be applying for a Self-Help Grant regarding the purchase of the Camp Wing (Crossroads for Kids property) and is expecting to receive reimbursement of \$400,000. or more if approved. So there is a significant value to having an approved Open Space Plan.

Ms. Sullivan opined that Duxbury has done a good job of acquiring open space, but she believes the town also needs to plan for the stewardship costs as there is a price to maintaining open space; for example the cost of clearing trails for recreational use. **Mr. Madden** indicated that he agreed and discussions have been initiated regarding a more stable form of funding those costs.

CONTINUED DISCUSSION OF AFFORDABLE HOUSING TRUST APPOINTMENTS

Ms. Sullivan asked her colleagues for their indulgence. The first meeting of the Affordable Housing Trust has been scheduled for May 21st at the Senior Center. Several people have been invited to that meeting who would like to hear more about the committee and what would be entailed.

It was agreed to postpone making the remaining appointment to this committee until the next Selectmen's meeting on June 2nd.

BUSINESS

Ms. Sullivan moved that the Board of Selectmen grant to Mr. Jack Hamilton, as a representative of the Friends of the Duxbury Council on Aging, a One-Day Wine & Malt License to hold a function in conjunction with the COA golf tournament on Monday, June 2, 2008 from 5:00 PM to 9:00 PM, at the Duxbury Senior Center, contingent upon the following:

1. That at the start of the event, the Master of Ceremonies, or some other person responsible for the event, explain to the participants where the fire exits are for the room that the function is being held in;
2. That the caterer, Elm Street Catering, provide a Temporary Food Caterer's permit application and a menu to the Board of Health prior to the event; and
3. That proof of liquor liability insurance, naming the Town of Duxbury as additional insured, be provided to the Selectmen's office prior to the event (done).

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

Town Manager's Brief

Mr. MacDonald mentioned the following items:

1. The Massachusetts Technology Collaborative (MTC) Clean Energy Choice® Grant: **Mr. MacDonald** said he has received notification that Duxbury has qualified for an

\$8,330. MTC Clean Energy Choice matching grant. Duxbury has qualified because MTC matches the voluntary premiums paid by local ratepayers

- 2. S. Shore Chamber of Commerce Meeting: Mr. MacDonald indicated he will be attending a S.S. Chamber of Commerce Meeting on June 3rd regarding transportation needs on the South Shore. The invitation was limited to one representative of each community so he will be attending on behalf of the town.**
- 3. Metropolitan Area Planning Council (MAPC) Hazard Mitigation Plan: Mr. MacDonald announced he recently met with representatives of the MAPC, who explained that they had received a FEMA grant which will allow them to prepare a hazard mitigation plan for Duxbury. The Town had already committed \$3200. last year towards the cost. The MAPC Hazard Mitigation Plan will help Duxbury to deal with any number of hazardous situations to minimize loss of life and property in extreme situations.**
- 4. DPW DIRECTOR SEARCH: The committee has met a couple of times and shortly will hold some candidate interviews.**
- 5. Budget Working Group: The Group has started the task of looking at the next fiscal year's budget. This is an ongoing task.**

Ms. Sullivan mentioned that she was volunteering at a S.S. Hospital Golf Tournament today. She mentioned that a number of the doctors from the Emergency Room had very complimentary things to say about the Duxbury Fire / Paramedic Squads.

Bonus Shellfish Season

Mr. Martecchini moved that the Board declare the following Bonus Shellfish Season for June 2008 because of abundant shellfish resources,

- 1) for the commercial harvesting of softshell clams.**
- 2) for the commercial harvesting of quahog clams.**
- 3) for the recreational harvesting of Soft Shelled Clams.**

in accordance with the Memorandum by Donald C. Beers, Harbormaster/Shellfish Constable dated May 15, 2008. Second by Ms. Sullivan. Vote: 3:0:0.

Announcements

Mr. Witten made the following announcements:

- 1. Memorial Day Parade: The parade forms between 9:45 AM and 10 AM in front of the Myles Standish Cemetery. At 10 AM the parade marches through Hall's Corner and proceeds up Depot Street to the First Parish Church, where an annual Memorial Service is held.**

Mr. Martecchini added that his daughter, Emily, will be reading the Gettysburg Address.

- 2. For Employees & Retirees: A reminder that Open Enrollment ends this Friday, May 23rd. Open Enrollment is the period during which employees / retirees may change from one health insurance plan to another or enroll in an insurance plan they do not presently have.**

- 3. Memorial Day: Next Monday, May 26th is Memorial Day. The Town Offices will be closed and there will be no Selectmen's meeting. The next Selectmen's meeting will be on Monday, June 2nd.**

Minutes

Ms. Sullivan moved that the Board of Selectmen approve the May 12, 2008 Minutes, as presented. Second by Mr. Martecchini. Vote: 3:0:0.

Committee Appointments/Re-appointments

Zoning Board of Appeals --[postponed to June 2, 2008]

At approximately 8:10 PM Ms. Sullivan moved to adjourn the meeting of the Board of Selectmen. Second by Mr. Martecchini. Vote: 3:0:0.