

Date: June 30, 2008

Date Minutes Approved: July 14, 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 7:37 PM.

OPEN FORUM

Mr. John Day, 226 Mayflower Street, was present along with approximately fifteen other supporters of the Duxbury Animal Shelter. He requested to have a discussion of the Animal Control operation placed on a future agenda. Specifically, the group is proposing that the Animal Control operation be moved from the control of the Police Department to the Board of Health. It was agreed to place this matter on the agenda for September 8, 2008.

POLE-HEARING #1 (CHURCH STREET)

Present were:

Mr. Daryl Crossman, Rights-of-Way Manager, VERIZON NEW ENGLAND, INC.

Ms. Karen Rae, Rights-of-Way Manager, N-STAR ELECTRIC COMPANY

Certified letters with notification of the hearing date and time were mailed to abutters on June 18, 2008.

Mr. Crossman explained that VERIZON and N-STAR propose to place four new poles on Church Street to provide service to a new pumping station for the Damon Well.

Mr. Tom Barafalo, son-in-law of Mr. and Mrs. John and Shirley McCormack (333 Church Street) was present to inquire about the pole location. He explained that it was difficult to find the location of the proposed poles from the plan.

Mr. Witten and Ms. Sullivan agreed that the plan is difficult to read, because it is not to scale. Mr. Crossman explained that Massachusetts General Laws do not require the pole location plans to be to scale. Mr. Witten and Ms. Sullivan said that given the availability of Massachusetts Geographic Information Systems (Mass GIS), and the Town's GIS system, that it should be manageable to produce scaled plans. Mr. Witten added that since the utilities do not provide as-built plans, the Town has no real record of where these poles end up on Town property. The plans simply show the distance from existing poles. If one of the existing poles is taken down, determining the location would be very difficult.

After Mr. Crossman explained the location more completely, Mr. Barafalo, and Mr. & Mrs. McCormack appeared to be comfortable with the pole location.

Mr. Peter Titus (225 Church Street) explained that he is an abutter to the new pumping station. In addition to the four poles which are the subject of this hearing, there are poles on his private property. (The utilities have an easement for these poles.) Two of these poles are going to be removed and placed elsewhere. He wants to be sure that he will not

lose power and telephone as a result. Ms. Karen Rae assured Mr. Titus that this will not happen. She emphasized, however, that those poles are not the subject of the current hearing. This hearing concerns only those poles on Town property.

Mr. Stan Merry, 705 Temple Street, said that his property on Church Street is bog-land. Therefore, he does not have an objection to the poles.

Mr. Martecchini moved that the Board grant the petition from VERIZON and N-STAR for four new poles on Church Street, to be erected substantially in accordance with the plan marked: VZ N.E., Inc., No. 2008-24, dated 6/3/08. Second by Ms. Sullivan. Vote: 2:1:0 (Mr. Witten opposed.)

POLE-HEARING #2 (HIGH STREET)

Present were:

Mr. Daryl Crossman, Rights-of-Way Manager, VERIZON NEW ENGLAND, INC.
Ms. Karen Rae, Rights-of-Way Manager, N-STAR ELECTRIC COMPANY

Certified letters with notification of the hearing date and time were mailed to abutters on June 18, 2008.

Mr. Crossman explained that VERIZON and N-STAR propose to place one new pole on High Street, and to re-locate one pole on High Street, in order to support the existing pole line and to provide service to a new development.

There were no comments or questions from the public.

Mr. Martecchini moved that the Board grant the petition from VERIZON and N-STAR to place on new pole on High Street, and re-locate one pole on High Street, substantially in accordance with the plan marked: VZ N.E., Inc., No. 2008-27, dated 6/03/08. Second by Ms. Sullivan. Vote: 2:0:1 (Mr. Witten abstained.)

POLE-HEARING #3 (VINE STREET)

Present were:

Mr. Daryl Crossman, Rights-of-Way Manager, VERIZON NEW ENGLAND, INC.
Ms. Karen Rae, Rights-of-Way Manager, N-STAR ELECTRIC COMPANY
Mr. Eric Braiser, Builder for 34 Vine Street
Mr. and Mrs. Patrick and Molly Smith, Buyers for 34 Vine Street

Certified letters with notification of the hearing date and time were mailed to abutters on June 18, 2008.

Mr. Crossman explained that VERIZON and N-STAR propose to place two new poles on Vine Street in order to provide service to a new residence.

Mr. Barton Briggs (26 Vine Street) explained that he is a direct abutter to the new residence. He questioned why these two new poles are needed. The home previously located on 34 Vine Street (which had been torn down) was serviced by pole #337/3. Can this existing pole be used, he asked?

The builder explained that the new house is at a different elevation than the old house. In order to drop the service in, it needs to come from a different pole. Then, Mr. Crossman explained that the second pole is required to support the new pole. Otherwise, there would be too great a distance between two poles.

Mr. Briggs explained that the land was essentially stripped by the builder. Now, in place of trees, there are two new poles to look at. At the very least, betterments should be provided to the existing homeowners.

Mr. Braiser said that he realizes that Mr. Briggs is unhappy with the construction of the new house. However, he said that the proposed poles are hidden among existing trees. He does not feel that they stand out.

Ms. Sullivan said that, on the plan, it looks as though the new pole is directly in front of the front door of the new residence. Mr. Crossman and Ms. Smith explained that it is to the left of the property. Ms. Sullivan again remarked that the plans make it impossible to see the true location of the poles, since the plans are not to scale.

Mr. Witten asked whether there were any alternatives to the proposed locations. Ms. Rae explained that the service could go underground, but that the homeowners would have to pay for that.

Mr. Witten explained that the neighborhood issues are difficult, but that the telephone and electric service is necessary. He again asked Mr. Crossman to provide scaled plans in the future. Ms. Sullivan said that she will not be willing to grant any pole petitions in the future, if scaled plans are not provided. She asked for the names of the engineers for NSTAR and VERIZON, so that she could communicate this to them as well.

Mr. Martecchini moved that the Board grant a petition from VERIZON and NSTAR to place two new poles on Vine Street, substantially in accordance with the plan marked: VZ N.E., Inc. No. 2008-22, dated 6/03/08. Second by Ms. Sullivan. Vote: 3:0:0.

The Selectmen requested that Mr. Crossman ask the engineers to review this proposal again. If they feel that an alternative plan is feasible, please bring back to the Selectmen at a future date.

FEE HEARING

The following members of the Fiscal Advisory Committee were present: Mr. Frank Mangione (chair); and Mr. Friend Weiler. The Town's Treasurer/Collector, Ms. Beth Conway, was also present.

In accordance with the Town's bylaws, this fee hearing was advertised in the Duxbury Clipper on June 11, 2008. All proposed fees were available for review in the Town Clerk's office and the Duxbury Free Library.

Mr. MacDonald explained that the Finance Department and the Fiscal Advisory Committee have been working hard to do a review of all Town Fees. All Department Heads were asked to provide information pertaining to actual costs of their services or programs, as well as comparisons of the charges for these services in other Towns, before making recommendations for changes. All recommendations received careful review by the Finance Department and Fiscal Advisory Committee.

Mr. Mangione commended Department Heads for their hard work on the project. He said that one of the goals of future fee reviews will be to condense fees whenever possible. We seem to have multiple fee categories for very similar services. It might be a good idea to stream-line these.

Town Clerk Fees

Ms. Nancy Oates was present to discuss her department's fees. She recommended the elimination of certain outdated fees, and the increase of certain others:

SEE APPENDIX—TABLE I (TOWN CLERK PROPOSED FEE CHANGES)

Ms. Oates did note that she would like to amend the proposal to eliminate the fee for a certificate of marriage to be married out of state. This service is not allowed by the General Laws.

Ms. Sullivan moved to approve the changes to the Town Clerk fee schedule as advertised, with the exception that the fee for a certificate of marriage to be married out of state be eliminated. Second by Mr. Martecchini. Vote: 3:0:0.

Board of Selectmen Fees

Ms. Ripley, who administers fees for the Selectmen office, said that the goal of the fee review was to maximize fee revenue while not allowing our fees to become out of line with neighboring towns. She provided a fee comparison with seven other municipalities. Several new fees were recommended, and several fees were recommended for increase:

SEE APPENDIX—TABLE II (BOARD OF SELECTMEN PROPOSED FEES)

Ms. Ripley did note two errors on the proposed Selectmen fee schedule: 1) The current fee for a new gasoline storage permit is \$5.00, not \$200.00 as listed on the schedule (typographical error). The large fee increase is due to the fact that the \$5.00 fee is markedly outdated. The application for a new gasoline storage permit is complicated and requires a public hearing; and 2) The fee for a Common Victualler's License cannot exceed \$25.00 without prior approval of Town Meeting.

Mr. Martecchini moved to approve the proposed fee changes for the Board of Selectmen office, except that the fee for a Common Victualler's License shall remain at \$25.00. Second by Ms. Sullivan. Vote: 3:0:0.

Treasurer/Collector Fees

Ms. Conway explained that the following fees are recommended for change at this time:

SEE APPENDIX—TABLE III (TREASURER/COLLECTOR PROPOSED FEE CHANGES)

Ms. Sullivan agreed with the fee proposals. However, she said that if we raise the fee for a Municipal Lien Certificate, that we should offer the service of faxing the certificates when requested. Ms. Conway agreed.

Mr. Martecchini moved that the Board approve the proposed fee changes for the Treasurer/Collector Department. Second by Ms. Sullivan. Vote: 3:0:0.

Board of Health Fees

Mr. Scott Lambiase, Director of Inspectional Services noted that Board of Health fees have not been updated since 2004. Therefore, numerous changes are recommended. In addition, several new fees have been added:

SEE APPENDIX—TABLE IV (BOARD OF HEALTH PROPOSED FEE CHANGES)

Inspectional Services Fees

Mr. Lambiase, Director of Inspectional Services, noted that the only proposed fee changes for the Inspectional Services Department are for electrical permits. They have not been updated since 2004:

SEE APPENDIX—TABLE V (INSPECTIONAL SERVICES PROPOSED FEE CHANGES)

Mr. Martecchini moved that the Board approve the proposed fee changes for the Inspectional Services Department. Second by Ms. Sullivan. Vote: 3:0:0.

Weights & Measures Fees

Mr. Lambiase, Director of Inspectional Services, recommended the following changes to fees for the Weights & Measures Department:

SEE APPENDIX—TABLE VI (WEIGHTS & MEASURES PROPOSED FEES)

Mr. Martecchini moved that the Board approve the proposed fee changes for Weights & Measures. Second by Ms. Sullivan. Vote: 3:0:0.

The fee hearing was closed at approximately 8:55 PM. There will be a second fee hearing on July 14, 2008 to address fees for several other departments.

CONTINUED DISCUSSION OF THE TARKILN BUILDING

Mr. Witten reminded everyone that, at the last meeting, it was agreed to form a committee to discuss an alternative plan for the Tarkiln Building, since the previous plan failed at the 2008 Annual Town Meeting.

Mr. Mangione, Chairman of the Fiscal Advisory Committee, and member of the Public Safety Building Feasibility Study Committee noted that the Tarkiln site is still “on the table” as a potential public safety facility site. Mr. Martecchini said that the two groups should agree to maintain communication.

It was agreed that the goal of the committee should be to make a proposal for the building and site for the 2009 Annual Town Meeting.

After discussion, Ms. Sullivan moved to appoint the following persons to a one-year term on the Tarkiln Building Study Committee: R. Tag Carpenter, Robert Emmett Cronin, Susanna Sheehan, Myrna Walsh, Jon Witten, and one member of the Historical Commission (to be determined). Second by Mr. Martecchini. Vote: 3:0:0.

YEAR-END DEPARTMENTAL TRANSFERS

Mr. Madden noted that Chapter 77 of the Special Acts of 2006 allows for certain year-end transfers between departments, upon approval of the Board of Selectmen and the Finance Committee. Mr. Madden explained the need for ten transfers, all of which were agreed upon by the Board of Selectmen:

SEE APPENDIX—TABLE VII (YEAR-END DEPARTMENTAL TRANSFERS)

OTHER BUSINESS

Proposed Event on Duxbury Town Green: Ms. Ripley stated that the Duxbury Business Association and the Duxbury Rotary Club are considering an event for the Town Green in August. They would like to hold a family movie night. Popcorn would be available. Box dinners could be provided by local merchants. Before going through a public hearing for abutters, the applicants seek the Board's opinion on whether this would be an appropriate use of the Town Green. By consensus, the Board implied they had no outright objections to the application. They would be willing to hold a public hearing to learn the views of the abutters.

One-Day Liquor License: Mr. Martecchini moved that the Board of Selectmen grant a One-Day All-Alcohol License to Mr. Patrick Browne, as a representative of the Duxbury Rural & Historical Society, to hold a private event at the Nathaniel Winsor, Jr. House on July 11, 2008 from 6:00 PM to 10:00 PM, subject to the conditions as listed on the license. Second by Ms. Sullivan. Vote: 3:0:0.

DPW Union Contract: Mr. Martecchini moved that the Board execute the agreement between the Town of Duxbury and Duxbury Municipal Employees, AFSCME Council 93 Local 1700, Duxbury DPW Employees, for the period from July 1, 2008 to June 30, 2009. Second by Ms. Sullivan. Vote: 3:0:0.

Execution of Beach Lease: Ms. Sullivan moved that the Board execute the annual lease between the Town of Duxbury and the Duxbury Beach Reservation, Inc., for the property known as Duxbury Beach, from July 1, 2008 to June 30, 2009. Second by Mr. Martecchini. Vote: 3:0:0.

Town Manager Brief: Mr. MacDonald noted the following items: 1) The interview process for a new DPW Director is nearly complete; 2) Proposals for Percy Walker Pool renovation design services have been received. Mr. Martecchini will assist in the review process for these proposals; 3) Article 5 of the March 10, 2007 Special Town Meeting authorized the Town to petition the legislature for the ability to assess betterments for Gurnet Road seawall repairs. This proposal has been languishing in the State legislature. Mr. MacDonald worked this week to push this forward. Representative Calter called this morning to say that the bill should receive favorable action prior to the House of Representative's summer recess; 4) A complete update on the Save-as-You-Throw Program at the transfer station will be given at a Selectmen meeting in the near future; and 5) Flyers were given out prematurely at the Transfer Station this week regarding asbestos. The Town Manager will research this problem and make a formal announcement as soon as possible.

Town Manager Contract: Ms. Sullivan said that she is pleased to announce that the Selectmen have agreed upon a new three-year employment contract for the Town Manager. The Selectmen agreed that they are very pleased that this agreement has been reached. Mr. MacDonald expressed his pleasure at working for the Town of Duxbury, and thanked his staff. Ms. Sullivan moved to execute a three-year employment contract with Mr. Richard MacDonald for his services as Town Manager. Second by Mr. Martecchini. Vote: 3:0:0.

Minutes:

- Ms. Sullivan moved that the Board accept the minutes of June 11, 2008 as written. Second by Mr. Martecchini. Vote: 3:0:0.
- Ms. Sullivan moved that the Board accept the Executive Session minutes of June 11, 2008 as written, with the contents to remain sealed until the need for confidentiality has passed. Second by Mr. Martecchini. Vote: 3:0:0.
- Ms. Sullivan moved that the Board accept the minutes of June 16, 2008 as written. Second by Mr. Martecchini. Vote: 3:0:0.

Appointments: The following appointments were made:

SEE APPENDIX---TABLE VIII: APPOINTMENTS

Economic Advisory Committee (EAC): Ms. Sullivan noted that she met with Ms. Anne Antonellis, Duxbury Business Association President, who was happy to hear about some of the business-friendly initiatives being worked on by the Board. At the next meeting the Board of Selectmen will work to select new members for the EAC.

Bonus Shellfish Season: Mr. Martecchini moved that the Board of Selectmen approve a Bonus Shellfish Season for the month of July per the guidelines contained in a memorandum from the Harbormaster dated June 25, 2008. Second by Ms. Sullivan. Vote: 3:0:0.

ADJOURNMENT

Mr. Martecchini moved for adjournment at 9:25 PM. Second by Ms. Sullivan. Vote: 3:0:0.