

Date: October 6, 2008

Date Minutes Approved: October 20, 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; and Barbara Ripley, Executive Assistant.

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

OPEN FORUM

No items were discussed.

FOLLOW-UP DISCUSSION RE: COMCAST P.E.G. (PUBLIC, EDUCATION, GOVERNMENT) CHANNELS

Attorney William Hewig, of Kopelman & Paige, P.C., was present. He is representing the Town of Duxbury in cable contract negotiations.

Members of the Cable Advisory Committee who were present included: Mr. William Kearney (chair); Mr. Richard Miller, and Mr. Richard Sigrist.

Attorney Hewig explained that the major issue in negotiations is the public programming. Right now, the Town has 3 public channels, "P": Public; "E": Education; and "G": Government. Another issue is the capital investment that COMCAST will make into our cable services.

He explained that the deadline for settling the contract is October 18. However, the deadline is flexible since the Town and COMCAST are actively involved in negotiations. If the Town fails to continue negotiating, COMCAST could force a formal hearing. It is not believed that this will be necessary.

The current offer by COMCAST includes (subject to change):

- The upgrade of our I-NET. This connects the origination points to one another. The I-NET will carry video signal only. It will not carry telephony or data.
- Seven origination points (places that can be broadcast from): Town Hall, Performing Arts Center, Alden School, Duxbury Middle School, Duxbury High School, Senior Center, Fire Station.
- If the Town chooses to continue the three-channel option, COMCAST will spend 5.0% of its annual revenue on the three channels. This cost will be passed through to customers.
- If the Town chooses to eliminate one channel, COMCAST will spend 3.5% of its annual revenue on the two channels. This cost will be passed through to customers.

- **COMCAST will provide \$90K worth of equipment for the school studio, and COMCAST will cover \$90K of the Town's legal fees. There will be no pass-through to customers of these costs.**

Most of the discussion centered on whether to eliminate the "P" channel. Mr. Miller said that the "P" channel is a very valuable commodity, and it would be short-sighted of the Town to give it up. Ms. Sullivan agreed. She said that youth today is getting more and more technology savvy. As the years go on, they are likely to be able to make excellent use of the additional option. Mr. Martecchini disagreed. He said that we have had the channel for many years, and have made very little use of it. He does not like having the rate-payers bear the cost of something that is not used. He also noted that while some public access programming is very valuable, some can actually be offensive. The Town will have very little ability to control the programming.

Mr. Martecchini wondered whether the "G" channel could be shared, since there is a considerable amount of "dead" time on the channel now.

Mr. John Britten, 16 Upland Road, was present. He had formerly hosted a program on the Duxbury Public Access channel. It primarily consisted of interviews with Town officials and citizens. He said that he is very unclear about what would happen if the Town gives up the "P" channel. The PAC (Public Access Channel) organization, which includes Kingston and Plymouth, could be utilized. However, it is unclear whether they would be able to broadcast in Duxbury. It is also unclear what the charges would be. The Town has the opportunity to join the PAC organization.

Attorney Hewig explained that, if the Town gives up the "P" channel, that there could be a provision in the contract to preserve the right to re-activate it. However, the rules governing re-activation are very strict, and difficult for Towns. One of the requirements would be that the Town would have to guarantee that there would be programming for 80% of the available time.

Mr. Witten asked whether a public hearing is necessary for the process. Mr. Hewig responded that the requirement for a public hearing was actually met in 2002, when the Town started negotiations with Adelphia (later replaced by COMCAST). Mr. Witten felt that another opportunity for public comment would be in order. Mr. Hewig agreed to help the Town set this up for a tentative date of November 3, 2008 at 7:45 PM.

DISCUSSION OF LOCAL INITIATIVE PROJECT RULES

Ms. Diane Bartlett, Chairman of the Local Housing Partnership was present.

Mr. Witten explained that these rules establish guidelines for Local Initiative Project applications to the Town of Duxbury. The Board of Selectmen charged the Local Housing Partnership with developing the rules. They were modified slightly by the Board of Selectmen in May 2008. Ms. Bartlett explained that the rules need to be formally adopted by the Selectmen, in order to be able to deal effectively with new applications. One of the delays occurred because the Board has not yet received feedback from other land use boards and committees. However, Mr. Martecchini and Mr. Witten noted that the draft rules were distributed to the other boards last spring. If changes are desired, these can be made in the future. Ms. Sullivan said that a good forum for these comments might be at the next Land Use Summit. Mr. Witten suggested having a Land Use Summit six months after the last one, which was held in June 2008.

Mr. Martecchini moved that the Board of Selectmen adopt the Comprehensive Permit Rules for Endorsement of Local Initiative Projects by the Duxbury Board of Selectmen, dated November 9, 2007 and revised May 12, 2008. Second by Ms. Sullivan. Vote: 3:0:0.

AMERICAN DREAM DOWNPAYMENT INITIATIVE (ADDI)

Ms. Ripley explained that ADDI offers down-payment assistance to first-time home buyers who meet certain income requirements. ADDI is funded through the Department of Housing and Community Development (DHCD) and is administered by the South Shore Housing Development Corporation, in cooperation with participating towns and participating lenders. To become a participating town, all that is required is a letter from the Town, stating its interest. Each applicant is eligible for up to a \$10,000.00 loan for their down-payment. If the home buyer lives in the home for five years, the loan is forgiven.

After discussion, Mr. Martecchini moved that the Town of Duxbury apply for participation in the American Dream Down-payment Initiative Program. Second by Ms. Sullivan. Vote: 3:0:0.

ONE-DAY LIQUOR LICENSE: LAURA MELTON FOR ST. JOHN'S CHURCH/ CELEBRATION & FUNDRAISER ON NOVEMBER 1, 2008

Ms. Sullivan moved that the Board grant a one-day Wine & Malt license to hold a celebration and fundraiser at the Duxbury Senior Center on November 1, 2008 from 6:30 PM to 10:00 PM, subject to the conditions listed on the license. Second by Mr. Martecchini. Vote: 3:0:0.

TOWN MANAGER BRIEF

Water Department Award: The Centers for Disease Control and Prevention presented an award to the Duxbury Water Department for its consistent and professional adjustment of the water fluoride content to the optimum level for oral health for twelve consecutive months.

Construction Costs: Construction cost estimates for the Town of Duxbury were \$1.4 million in September. This is down slightly from last year. The Building Department notes that there has been very little activity for the current month, reflecting the current economy.

Budget: Mr. MacDonald is very concerned about Question One on the State Election ballot. This calls for an elimination of the State tax, which will naturally affect cities and towns. Mr. Martecchini suggested that the Board of Selectmen hold a discussion about Question One on October 27, and invite Senator Hedlund, Representative Webster, Representative Calter, and the School Committee.

SELECTMEN ANNOUNCEMENTS

USS Duxbury Bay: Mr. Martecchini reported that a reunion of the USS Duxbury Bay crew was held on October 2, 2008 in Duxbury. The reunion included a wreath-laying ceremony from the Powder Point Bridge, and a luncheon at the Duxbury Senior Center. Attendees had served on the ship anywhere from 1940 to 1966. For many of them, it was their first visit to the namesake town of their ship. They were very impressed by the Town, and extremely grateful for the Town's hospitality. The weather cooperated and it was a beautiful occasion. Mr. Martecchini extended thanks to the Town Manager, the Harbormaster, the Police and Fire Departments, the Senior Center staff, Joe Shea, and Barbara Ripley.

Legal Advice for Veterans: Veterans may receive free legal assistance by telephone on Thursday, October 16, 2008 from 5:30 PM to 7:30 PM, on matters pertaining to benefits, family issues, employment concerns, landlord/tenant matters or other legal issues. Veteran's may call 617-338-0610 to participate.

Food and Fuel Assistance for Seniors: Seniors, aged 60 and over, are urged to contact the Outreach Department of the Duxbury Senior Center at 781-934-5774 x105/106 if they are in need of assistance with food and/or fuel costs this winter. Confidential referrals of seniors are also welcomed. Ms. Sullivan noted that citizens can save lives by referring needy seniors to the Outreach Department. If residents notice someone who appears to need help, they are urged to refer them.

Food and Fuel Assistance for Non-Seniors: Fuel help is available through the South Shore Community Action Council, 265 South Meadow Road, Plymouth (508-746-6706). Food stamp assistance is available through the Department of Transitional Assistance "SNAP" program, 61 Industrial Park Road Extension, Plymouth (508-732-3100).

MINUTES

Mr. Martecchini moved that the Board approve the minutes of September 29, 2008 as written. Second by Ms. Sullivan. Vote: 3:0:0.

ADJOURNMENT

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