

Date: October 27, 2008

Date Minutes Approved: November 3, 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 7:00 PM.

ENTERED EXECUTIVE SESSION

Upon convening Mr. Witten moved that the Board of Selectmen go into Executive Session to discuss matters regarding the King Caesar Fund, which are of a confidential nature, as the fund's purpose is to provide medical relief for the financially-needy residents of Duxbury, in accordance with Mass. General Laws chapter 39, section 23b, and then to reconvene in open session. Roll Call Vote: Mr. Witten – aye; Ms. Sullivan—aye; Mr. Martecchini—aye.

RECONVENED IN OPEN SESSION

Having completed the business of the Executive Session the Board re-convened in Open Session at approximately 7:25 PM, but waited until 7:30 PM for live broadcast before continuing.

At 7:30 PM Mr. Witten mentioned that the Board convened at 7:00 PM and went into an Executive Session to discuss a matter regarding the King Caesar Fund.

OPEN FORUM

Audience member (Unidentified): Asked the Board if questions from the public would be allowed during the discussion of Ballot Question One on the State Election Ballot?

ANSWER: Mr. Witten responded that questions would be taken.

Audience member (unidentified): Asked the Board if there will be an article on the Annual Town Meeting warrant to reduce the Community Preservation Act (CPA) tax surcharge as was suggested at a previous Selectmen's meeting? **ANSWER:** Ms. Sullivan indicated the proponent withdrew his request, and she pointed out the proponent was at the back of the room. Mr. Jim Sullivan did acknowledge that he had withdrawn the request, but indicated it might go forward through other means.

PRESENTATION OF USS DUXBURY PLAQUE: Joe Bikowski

On October 2nd, at a reunion of crew members of the USS Duxbury Bay, a wreath laying ceremony was held on the Powder Point Bridge followed by a luncheon at the Duxbury Senior Center. Mr. Bikowski presented to the Board of Selectmen a beautiful wood plaque as a thank you to the Town for the warm reception and hospitality shown during the recent reunion of the USS Duxbury Bay crew members. The plaque includes the names of crew members who attended the reunion, responded but were unable to attend, or passed away during the past year, and the dates that they served.

Mr. Bikowski made a point to thank Ms. Ripley for her assistance and to publicly commend Harbormaster Don Beers for all his help.

SENIOR TAX WORK-OFF PROGRAM: Dick Finnegan, Deputy Assessor and Joanne Moore, Council-on-Aging Director

Ms. Moore and Mr. Finnegan came before the Board to discuss a request to increase the number of allowed participants in the Senior Tax Work-off Program from 10 to 15 participants.

Ms. Moore explained the Senior Tax Work-off Program has been in effect for 14 yrs. It permits older residents (65 Yrs. +) to reduce their property taxes by volunteering for the Town. Participants receive up to a \$750. tax credit after completing 97.5 hours of work. The program has been viewed as a win-win situation as it helps some seniors to afford to stay in their homes and provides much needed help, esp. seasonal assistance, to town departments. Ms. Becky Ford, who works at the Senior Center, oversees the program.

Mr. Finnegan indicated the Assessors support the request and that for FY'10 the request would represent an allotment of \$11,500.00. The request is being made now as the new year for the program begins in November and usually the required hours are attained by March with the credit to be given on the August property tax bill.

Someone questioned why it only allows for those ages 65 or older when State guidelines set the age at 62 and older? Ms. Moore and Mr. Finnegan explained the regulations do allow for local guidelines to be set, and to keep it consistent with other programs Duxbury adopted the age requirement of 65 years or older.

Ms. Sullivan moved that the Board of Selectmen increase the Senior Tax Write-off Program to an eligible enrollment of 15 participants for FY'10. Second by Mr. Martecchini.
Vote: 3:0:0.

WATER MANAGEMENT: George Wadsworth, Chair-Water Advisory Committee

Mr. George Wadsworth, Chair -Water Advisory Committee, and Mr. Paul Anderson, Duxbury Water Superintendent, were present to discuss with the Board water usage limits and the impact they will have on Duxbury. They explained the State has a policy instituted through the Water Management Act, which sets the amount of water usage allowed by a community. Duxbury (along with other communities in the area) is held to an unassessed basin usage limit of 65 gal./person/day. Communities are supposed to meet the requirements by 2017, but also by 2009 to have a plan to show marked improvements.

Duxbury's water withdrawal is currently greater than the 65 gal/person/day limits. Based on Mr. Wadsworth calculations it would appear that only a small percentage (0.52%) withdrawn from the aquifer is not returned to the aquifer, but that DEP is not recognizing that with the limits they are imposing. Mr. Witten explained the DEP theory is that they are looking at it as a basin involving all communities, not just an individual community.

Conclusion: If the Department of Environmental Protection (DEP) mandates the limit then it is expected that Duxbury will have to dramatically reduce (by 100 million gallons less) its withdrawal and this will have a substantial effect on quality of life. Revenue is also impacted by the amount of water pumped. It is expected that Duxbury would have to institute mandatory water bans and increase rates.

NUCLEAR ADVISORY COMMITTEE (NAC): DUXBURY EMERGENCY PLANS

Present for this item of business were Ms. Mary "Pixie" Lampert, Fire Chief Kevin Nord, Dep. Chief William Carrico, and members of the Nuclear Advisory Committee.

The Selectmen were provided with a six-page summary of the updates/changes being recommended and a 37-page document which shows where all the changes would be

incorporated into the Town of Duxbury Radiological Emergency Response Standard Operating Procedures. Both documents were prepared after a substantial review by the Nuclear Advisory Committee (NAC) and the Duxbury Emergency Management Agency (DEMA) officials.

Ms. Lampert went over some of the recommendations and provided examples. There was not sufficient time this evening to complete the discussion. It was pointed out that the Massachusetts Emergency Management Agency (MEMA) only allows for changes once a year. Therefore, it was agreed to continue the discussion on or about 8:00 PM at the November 17th Board of Selectmen's meeting. In the interim, the recommendations will be posted on the EOC website and interested parties can review the Plans on file at the library and the Town Manager's Office.

There was one item that the Selectmen were asked to address immediately. Chief Nord mentioned the RACES equipment has not been operational for about six months. Entergy was notified in March 2008, but it has not been fixed yet. Therefore, Chief Nord requested the Selectmen vote to send a letter to Entergy to notify them of this and to request replacement the RACES equipment as soon as possible.

Mr. Martecchini moved that the Board of Selectmen send a letter to Entergy to request the replacement of the RACES equipment as soon as possible. Second by Ms. Sullivan.
Vote: 3:0:0.

BUSINESS

Town Manager's Brief

Mr. MacDonald reported on the following:

1. **Pilgrim Nuclear Station 2008 Siren Test:** A test of the emergency sirens in all five towns within the emergency zone of Pilgrim Nuclear Station will be held at 3:45 PM on Wednesday, November 12, 2008. The test will be a 3-minute siren tone. This is only a test and people should not be alarmed by it.
2. **Comcast Price Adjustments:** A letter was just received from Comcast indicating that due to higher costs they will be increasing prices by 3.6% under the current contract.
3. **Economy/Hiring Freeze:** We are concerned about the projected revenues given the recent economic news and therefore Mr. MacDonald said he will be informing the department heads tomorrow that he is instituting an immediate hiring freeze.

Announcements

1. FLU CLINICS:

The Board of Health will hold public Flu Clinics at the Duxbury Senior Center, 10 Mayflower ST, on the following dates and times:

Thursday, November 6, 2008 from 10:00 AM to Noon

AND

Thursday, November 13, 2008 from 5:00 PM to 7:00 PM

2. PRESIDENTIAL ELECTION on Tuesday, November 4th

Polls: Just a reminder that the Presidential Election is on Tuesday, November 4th and in Duxbury the polls will be open from 6 AM to 8 PM at the Duxbury Middle School Gymnasium, St. George Street, Duxbury.

Absentee ballots for the Presidential election are available at the Town Clerk's Office during regular Town Hall hours. By law, all absentee voting in person at the Town Clerk's Office ends on Monday, November 3, 2008 at NOON. If you have questions contact the Town Clerk's Office at 781-934-1100; Ext. 150.

3. TOWN COUNSEL TO ASSIST WITH WARRANT ARTICLES

Duxbury Town Counsel Robert Troy will be available to assist with the writing of warrant articles on Wednesday, November 12, beginning at 1:00 PM. Please call Barbara Ripley in the Selectmen's office for an appointment.

MINUTES: *October 20, 2008 and October 20, 2008 (Executive Session)*

Ms. Sullivan moved that the Board of Selectmen approve the Minutes of October 20, 2008 as written. Second by Mr. Martecchini. Vote: 2:0:1 (Mr. Witten abstained.)

Ms. Sullivan move that the Board of Selectmen approve the Executive Session Minutes of October 20, 2008 as written and since the business has not be completed that they remain sealed until such time as the business is completed. Second by Mr. Martecchini. Vote: 2:0:1 (Mr. Witten abstained.)

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS - NONE

**BONUS SHELLFISH SEASON -for softshell clams & quahogs in November 2008
AND BONUS SHELLFISH SEASON - for OYSTERS in November 2008**

Mr. Martecchini moved that the Board declare a temporary Bonus Shellfish Season for the month of November for the following:

- 1) for the commercial harvesting of softshell clams. (Regulations per attachment B & C of the memorandum from the Harbormaster dated October 20, 2008.)
- 2) for the commercial harvesting of quahog clams for the month of November. (Regulations per attachment A & C of the memorandum from the Harbormaster dated October 20, 2008.)
- 3) for the recreational harvesting of Soft Shelled Clams for the month of November. (Regulations per attachment D of the memorandum from the Harbormaster dated October 20, 2008.)

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

Mr. Martecchini moved that the Board declare a temporary recreational Bonus Season for Oysters during the month of November on the following Wednesdays only: November 5th, 12th, 19th and 26th, 2008 with a bag limit as prescribed in the Shellfish Rules and Regulations at six (6) quarts per week per family permit. All the Shellfish Rules and Regulations, law, terms and conditions shall apply. Second by Ms. Sullivan. Vote: 3:0:0.

**8:30 P.M. DISCUSSION OF QUESTION ONE ON STATE ELECTION BALLOT
(Elimination of State Income Tax)**

The Board of Selectmen invited State Senator Robert Hedlund and State Representatives Daniel Webster and Thomas Calter to discuss with the Board and the citizens of Duxbury

the potential impact of Ballot Question One on the State Election Ballot of November 4, 2008 (elimination of the State Income Tax). All three gentlemen were present for the discussion.

Representative Webster initiated the discussion by providing an overview of Question 1, which is a binding referendum question, asking the voters to vote on whether the state personal income tax rate should be reduced to 2.65 % for the tax year beginning on or after January 1, 2009, and to eliminate the tax for all tax years on or after January 1, 2010.

Representatives Webster and Calter and State Senator Hedlund each spoke briefly of their perspectives of the financial situation and cited statistics and/or examples based on their experiences. From the comments made there seemed to be general consensus that the current system is flawed and does allow for waste and corruption. While it was acknowledged that there is a faction of the public that believes passage of this question would either force reform or at least send a message, the concerns expressed were that passage might go too far. Some comments were also made in speculation of how the State Legislature (Beacon Hill) will react if Question 1 passes.

It was pointed out that the impact would be within the current fiscal year, and therefore without an immediate source to replace that revenue, the reality is that significant cuts would have to be made. Since much of the State's budget includes mandated funding items there is only a smaller pool of budget items from which cuts can be made. One of those, considered the easiest fix for the Legislature, would be to cut to Local Aid. If Local Aid (i.e. the portion of the State budget which is revenue returned to municipalities) is cut then the domino-effect would be that on the municipal levels significant cuts would be required to balance budgets, unless some untapped revenue sources could be discovered or there are substantial overrides approved.

Mr. Martecchini questioned the State Officials, whether there has been any talk on Beacon Hill about changing Proposition 2 ½? Rep. Webster responded that he was not aware of any discussions. It may be that is premature, but he said he would not be surprised if Prop. 2 ½ were adjusted or suspended.

Several of the School Committee members raised the issues of the "unfunded mandates" for special needs education. Ms. Sullivan mentioned that last week, when a meeting with the State Officials was held, a request was made that they file legislation which would undo the State mandates. Senator Hedlund mentioned that similar actions had been attempted in the past but were never enacted.

To wrap the discussion up, Ms. Sullivan said she would make an affirmative motion as that is the practice of the Board.

Ms. Sullivan moved that the Duxbury Board of Selectmen support Question 1 on the State Election Ballot on November 4, 2008. Second by Mr. Martecchini. Vote: 0:3:0.

ENTERED EXECUTIVE SESSION

Ms. Sullivan moved that the Duxbury 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 reconvene in Open Session, solely for the purpose of adjournment, in accordance with Mass. General Laws Chapter 39, Section 23b.

Ms. Murray was excused and left the meeting as the Board entered Executive Session.

Ms. Sullivan reported that at 11:00 PM the Executive Session business was completed and she moved for adjournment of the Executive Session and to reconvene in Open Session to adjourn. Second by Mr. Martecchini. Roll call vote: Mr. Witten – aye; Ms. Sullivan—aye; Mr. Martecchini—aye. Meeting adjourned.