

**Date: November 3, 2008**

*Date Minutes Approved: November 10, 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**

No items were discussed.

### **EVENT PERMIT: ANNE ANTONELLIS FOR THE DUXBURY BUSINESS ASSOCIATION/ HOLLY DAYS ON NOVEMBER 30, 2008**

Mr. Steven Antonellis was present on behalf of Ms. Anne Antonellis. He explained that this is the third annual Holly Days celebration, during which a trolley takes holiday shoppers between four different commercial areas in Duxbury, and during which local businesses are showcased. Ms. Sullivan moved that the Board grant permission for the Holly Days Celebration, to be held on Sunday, November 30, 2008 from Noon to 4:00 PM, subject to the conditions listed on the permit. Second by Mr. Martecchini. Vote: 3:0:0.

### **DISCUSSION OF BUS SERVICE ROUTE IN DUXBURY (GATRA): FRANK GAY & JOANNE MOORE**

Mr. Frank Gay was present to describe progress on bringing bus service to Duxbury. After Duxbury decided to join GATRA (Greater Attleboro Transportation Regional Authority), Marshfield decided to join also. This has made it possible to link the two routes. Service will run between the Stop & Shop Plaza in Pembroke to Independence Mall in Kingston, with several stops in Duxbury and Marshfield along the way. Mr. Gay provided maps and schedules. The next step will be to contract with a provider. It is expected that service will start just before Thanksgiving.

Mr. Martecchini asked how the State budget cuts might affect this program. Mr. Gay responded that 80% of the funding is from federal monies. The other 20% comes from the Town's MBTA assessment, which has already been committed. Therefore, funding is secure for the immediate future.

### **SCHOOL BUILDING PROJECTS**

Ms. Susan Skeiber, School Superintendent, and Mr. Peter Etzel, School Business Manager, were present. Ms. Skeiber said that, in July 2007, the Town sent three requests for funding to the School Building Authority. One of those requests, the Chandler School roof, made it into the pipeline. It is expected that this will come before the Town Meeting in March 2009. However, the other two requests were not granted. New procedures require the re-

**submission of non-granted funding requests during each funding cycle. (They are not just carried over.) The two remaining requests are for replacement or renovation of the middle and high schools, since they are nearly the end of their expected lifespan of fifty years.**

#### **MOTION FOR DUXBURY MIDDLE SCHOOL**

**Ms. Sullivan made the following motion:**

Resolved: Having convened in an open meeting on November 3, 2008, the Selectmen of Duxbury, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated October 28, 2008 for the Duxbury Middle School located at 130 St. George Street, Duxbury, MA which describes and explains the following deficiencies and the priority categories for which Duxbury may be invited to apply to the Massachusetts School Building Authority in the future. These priorities include

- #1: Replacement or renovation of a building, which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists. Duxbury Middle School meets this priority due to the aging of the facilities systems.
- #2: Elimination of existing severe overcrowding. Duxbury Middle School meets this priority in the inadequate cafeteria; insufficient space for appropriate special needs services, and inadequate administrative and guidance office space.
- #5: Replacement, renovation or modernization of the heating system in a schoolhouse to increase energy conservation and decrease energy-related costs in the schoolhouse. Duxbury Middle School meets this priority due to the aging systems.
- #7: Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements. Duxbury Middle School meets this priority in the insufficient space to fully implement a true middle school model, provide for the services of students with special needs and the insufficient cafeteria space.

; and hereby further specifically acknowledge that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

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

#### **MOTION FOR DUXBURY HIGH SCHOOL**

**Mr. Martecchini made the following motion:**

Resolved: Having convened in an open meeting on November 3, 2008, the Selectmen of Duxbury, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated October 28, 2008 for the Duxbury High School located at 130 St. George Street, Duxbury, MA which describes and explains the following deficiencies and the priority categories for which Duxbury may be invited to apply to the Massachusetts School Building Authority in the future. These priorities include

- #1: Replacement or renovation of a building, which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists. Duxbury High School meets this priority due to the aging of the facilities systems.
- #2: Elimination of existing severe overcrowding. Duxbury High School meets this priority in the inadequate cafeteria; insufficient space for appropriate special needs services, and inadequate administrative and guidance office space.
- #3: Prevention of the loss of accreditation. Duxbury High School meets this priority in the issues that were identified by NEASC in its summary. These include issues regarding technology, appropriate classroom and teacher work space, and inadequate cafeteria space.

- #5: Replacement, renovation or modernization of the heating system in a schoolhouse to increase energy conservation and decrease energy related costs in the schoolhouse. Duxbury High School meets this priority due to the aging systems.
- #7: Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements. Duxbury High School meets this priority in the insufficient space to fully implement programs that will address programs that prepare students with 21<sup>st</sup> century skills, provide for the services of students with special needs and the insufficient cafeteria space.

; and hereby further specifically acknowledge that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

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

**PUBLIC HEARING: CABLE CONTRACT WITH COMCAST CABLE COMMUNICATIONS, INC.**

**The hearing was opened at 7:52 P.M. Mr. Witten read the public hearing notice into the record:**

Please take notice that the Board of Selectmen of the Town of Duxbury, Massachusetts, as Issuing Authority for a cable television license under M.G.L. c.166A, will hold a public hearing on Monday, November 3, 2008 at 7:45 p.m. The public hearing will be held in the Selectmen's Meeting Room at Duxbury Town Hall, 878 Tremont Street, Duxbury, Massachusetts. The purpose of the public hearing will be to determine whether to issue a cable television renewal license to Comcast, and the scope of the Town's future PEG Access operations. All applications, reports, statements and amendments to be considered at the hearing that constitute public records under state law are available for public inspection during regular business hours and for reproduction at a reasonable fee. Members of the public are invited to attend and be heard.

**Next, Mr. Witten introduced Attorney William Hewig, of Kopelman & Paige, PC. Attorney Hewig is representing the Town of Duxbury in cable contract negotiations, and has agreed to conduct the public hearing.**

**Mr. Hewig explained that the Town is operating under a contract signed between the Town and Adelphia Cable Communications in 1994. This was a ten-year contract, and therefore expired several years ago. However, the conditions still prevail. The 1994 contract provided three channels to the Town: P (Public), E (Educational), and G (Government). It also provided I-Net connections between certain buildings in Duxbury.**

**The Town negotiating team has asked COMCAST to explain what they would provide if the Town agreed to give up one of its channels (the "P" channel). COMCAST has offered to provide 3.50% of gross annual revenues for the operation of the remaining two channels. In addition, COMCAST will provide \$90,000.00 worth of cable production equipment for the School Department. COMCAST will provide \$90,000.00 to cover prior legal fees. The Town would like to see 3.75% of gross annual revenues for the channels, but is in agreement with the rest.**

**In addition, if the Town would like to join with other local towns for the PAC-TV service, it would cost Duxbury \$180,000.00 to lay the lines for this purpose.**

**Ms. Sullivan commented that she would like to see the COMCAST proposal if all three channels were kept.**

**Mr. Brian Donnelly, 14 Bristol Drive, asked about the cost to rate-payers of the COMCAST proposal. Mr. Hewig responded that it would cost \$2.36 per month for the average subscriber, in the two-channel scenario.**

**Mary Lynn Carson, 21 Washington Street, suggested that giving up a channel could be short-sighted. She said that we live in the information age, and that communication is more and more important.**

**Mr. Robert Fitzpatrick, member of the Cable Advisory Committee (CAC), said that after much discussion, the recommendation of the CAC is to reserve the right to a three-channel option. This could be by keeping it now, or by being sure that there is a buy-back option.**

**Mr. Richard Miller, 42 Washington Street, said that the current bandwidth of the P channel is more valuable than anything we might buy back in the future. He said that the strength of the signal available on our P channel is comparable to a fire hydrant. If we sell it to COMCAST, they will break it apart. The new bandwidths will produce signal as though it were coming through a soda straw.**

**Mr. Dick Sigrist, 21 Union Bridge Road, CAC member, said that he surveyed numerous towns about the issue. He has not found a single town, out of 20, that have given up their P channel.**

**Ms. Sullivan commented that it is hard to know what the future could bring in terms of communication. She would hate to give up our future options. However, before making a decision, she would like to see the terms of a three-channel proposal from COMAST.**

**Mr. Bill Campbell, 60 Humphrey's Lane, said that the third channel is a tool that transcends the money that is involved.**

**Mr. Frank Mangione, 19 Sampson Street, Fiscal Advisory Committee Chair, asked whether \$90,000.00 is enough to equip a cable studio at the schools. If not, where would this money come from?**

**Mr. Martecchini said that he is not a proponent of continuing the third channel. He said that we can continue all three types of programming (public, educational, and government) on two channels. He said that Duxbury has had little interest in providing public programming. This was true even when our studio was in great condition.**

**Mr. Richard Miller said that he questions whether it would really cost \$180,000.00 to run cable for PAC-TV participation. He expects it would be somewhat less.**

**Ms. Catherine Maloney, from COMCAST, was present and said that she could provide a three-channel proposal later this week.**

**Ms. Sullivan moved to continue the hearing to December 1, 2008 at 7:45 PM. Second by Mr. Martecchini. Vote: 3:0:0.**

#### **TOWN MANAGER BRIEF**

**Energy Contracts: Upon the advice of our representative from Metromedia Energy, we delayed the finalization of our contract for natural gas. This worked to our benefit as the price came down during those intervening weeks.**

**Construction Costs:** Permits for \$849,000.00 worth of construction were obtained in October. This is a substantial reduction from last year at this time. This affects our new growth, which in turn implies less tax revenue.

**Rapid-Dialing Notification System:** Mr. MacDonald will be working to develop a policy for the appropriate use of the rapid-dialing notification system. Some residents objected to its use for announcing that tax bills are due.

#### **DISCUSSION OF MILLBROOK CROSSING APPLICATION**

The developers of the Millbrook Crossing project have applied for a project eligibility letter from the State (Mass. Housing Corporation). Once we receive official notification from the State that this application has been received, the Selectmen have thirty days to provide comments on the application. The Planning Director, Ms. Christine Stickney, reviewed the application and provided some comments to the Selectmen. Mr. Martecchini said that he agreed with Ms. Stickney's recommendations, and would like to incorporate them in the Board's letter to Mass. Housing. Mr. Witten said that he agrees with some of the comments, but would like to add some additional points. It was agreed that Mr. Witten would draft a letter to be discussed at the meeting of November 17. Staff will make sure that this falls within the comment period. If not, staff will apply for an extension.

#### **ANNOUNCEMENTS**

- 1) The polls will be open from 6:00 AM to 8:00 PM at the Duxbury Middle School tomorrow for the presidential election. Ms. Sullivan thanked our Town Clerk for opening the polls an hour earlier than required, to make it easier for Duxbury commuters. The State does not require polls to be opened until 7:00 AM.
- 2) The Board of Health will hold public flu clinics at the Duxbury Senior Center, 10 Mayflower Street, on the following dates and times:
  - Thursday, November 6, 2008 from 10:00 AM to Noon
  - Thursday, November 13, 2008 from 5:00 PM to 7:00 PM
- 3) Shellfishing Closure: The Division of Marine Fisheries has closed the Kingston Center CCB43.3 area to shellfishing from November 1, 2008 to April 1, 2009. Notice of the closure is posted on The Town Hall bulletin boards.

#### **ADJOURNMENT**

Ms. Sullivan moved to adjourn the meeting at 9:12 PM. Second by Mr. Martecchini. Vote: 3:0:0.