

Date: February 23, 2009

Date Minutes Approved: March 2, 2009

BOARD OF SELECTMEN MINUTES

Present: Jon Witten, Chair; Elizabeth Sullivan, Vice-Chair; and Andre Martecchini, Clerk.

Staff: Richard MacDonald, Town Manager; and C. Anne Murray, Department Secretary.

The meeting was called to order at 6:45 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 7:00 PM. Mr. Witten mentioned that the Board had been in an Executive Session to discuss a matter regarding the King Caesar Fund.

OPEN FORUM --No items discussed.

DPW DIRECTOR RE: ISOLATED STOP SIGNS

Mr. Peter Buttkus, DPW Director, and Mr. Joe Shea, Highway Safety Committee-Chair, were present for discussion of this item.

Mr. Buttkus explained at the urging of some residents the Highway Safety Committee did inspect and discuss the area at the intersection of Jeremiah Drive and Cordwood Path. Even though this is a dead end circle, as a driver is on Jeremiah Drive, approaching Cordwood Path, either going up or down the hill a driver can't see the Cordwood Path intersection.

Mr. Shea said the Highway Safety Committee unanimously supported installing stop signs at this intersection.

Ms. Sullivan pointed out that stop signs at such a location would likely only serve as a visual cue to a driver of the intersection and would not have police enforcement. Mr. Shea agreed, but he feels that the visual warning to a driver would be beneficial.

Ms. Sullivan moved that the Board of Selectmen authorize, in accordance with the provisions of Chap. 89, Section 9 of the General Laws, the following streets are designated as stop streets at the intersection and in the direction indicated:

NORTHBOUND DRIVERS	SOUTHBOUND DRIVERS
On Jeremiah Drive at Cordwood Path	and on Jeremiah Drive at Cordwood Path

And that the Traffic Rules and Orders are hereby amended.
Second by Mr. Martecchini. VOTE: 3:0:0.

DISCUSSION OF TOWN MEETING ARTICLES

[Note: ATM refers to Annual Town Meeting. STM refers to Special Town Meeting.]

PUBLIC SAFETY BUILDING FEASIBILITY STUDY COMMITTEE (PSBFSC)

Present for discussion of the articles were:

**Mr. Neil Johnson, Chair of the Public Safety Building Feasibility Study Committee (PSBFSC)
 Fire Chief Kevin Nord and Deputy Chiefs Christopher West and William Carrico
 Mr. Robert Hayes and Mr. Emmett Sheehan, members of the Board of Cemetery Trustees
 Mr. Frank Mangione, Chair of the Fiscal Advisory Committee
 Ms. Ripley, Executive Assistant to the Town Manager**

Mr. Witten recognized Mr. Neil Johnson, PSBFSC –Chair, to explain Articles 33, 34, and 35, and the recommendations of the Committee.

In beginning his presentation, Mr. Johnson provided to the Selectmen a packet of handouts, which included: an table providing an overview of the three articles (below), an aerial view with the proposed sites drawn in, projected tax rate impact sheets for each of the options, the architectural renderings of the proposed buildings with floor plans, and a “schematic estimate,” i.e., list with costs for the basic required upgrades to the Duxbury Fire Station for the \$1 Mil option to be discussed. Extra copies were distributed to the press and among the audience.

Mr. Johnson gave the following overview of the three articles, and pointed out on the aerial view where the proposed locations would be.

OVERVIEW OF PUBLIC SAFETY BUILDING PROPOSALS FOR MARCH 2009 ANNUAL TOWN MEETING			
ARTICLE #	Article 33	Article 34	Article 35
PROPOSED FACILITY	Combined Facility Police & Fire	New Police Station	Upgrade existing Fire Headquarters
*TOTAL PROJECT COST (TPC)	*TPC=\$14,275,000	TPC=\$7,750,000	TPC=\$5,200,000
**GROSS SQUARE FOOTAGE (GSF)	**GSF=31,000 sq. ft.	GSF=17,320 sq. ft	new GSF=8,000 sq. ft. code upgrade GSF=8,525 sq. ft.
TYPE OF CONSTRUCTION	All new construction	All new construction	New administrative and crews quarters wing. Bring remainder of building up to code and repair.
LOCATION PROPOSED	on Tremont Street between the Senior Ctr. and the active cemetery.	on Mayflower St. north of the Transfer Station	Where it currently is on Tremont ST
***ESTIMATE CONSTRUCTION COSTS (ECC)	Proposed designers fee 7.8% of ***ECC plus extra services budget.	Proposed designers fee 8% of ECC plus extra services budget.	Proposed designers fee 8% of ECC plus extra
PUBLIC SAFETY BUILDING FEASIBILITY STUDY COMM. VOTE (on 2-11-09)	To <u>not</u> recommend this article	to recommend this article	to recommend repair only (for under \$1 Million.) See explanation under Article 35.

In discussing the Articles, Mr. Johnson and Chief Nord made the following comments:

Article 33 (Combined Police and Fire Facility):

- **At last year's ATM a message was sent that the residents wanted the PSBFSC to go back and explore in greater depth the feasibility of a combined station with the expectation that there would be cost savings in a shared facility.**
- **Mr. Johnson said the committee did so, but found that the only parcel that would be suitable, given response times, is the "cemetery" parcel.**
- **The Board of Cemetery Trustees are opposed to the targeted parcel being used, even though a land swap was planned so that they would not be losing cemetery space.**
- **The projected tax rate impact in FY 2011 for that Average Single Family Home valued at \$662,483. would be an additional tax of \$238.39.**
- **Between the Cemetery Trustee and resident opposition and some legal hurdles the PSBFSC voted NOT to support Article 33. [The recommendation to the Selectmen is a motion for Indefinite Postponement (IP).]**

Article 34 (New Police Facility)

- **The current Police Facility is in deplorable condition between water and termite damage. In addition, the modern day Police Force includes both male and females and that necessitates appropriate changing and rest room facilities.**
- **Also current law enforcement requires new facilities features for the safety of the police, the offenders and the public. For example, Police facilities should have salley ports, i.e., an area an officer can drive in to where a garage door can come down and be locked behind the vehicle. This reduces the chance of a suspects escaping when being brought into the station. Another example is separate holding cells for various populations: adult males, adult females, juvenile males, and juvenile females. The current facility does not have those. Renovation costs would be more than building new separate holding facilities; even if the current site had the space, which it doesn't.**
- **The PSBFSC did look at a number of locations. There were issues with all of them, but the Committee felt the proposed parcel was the best option and a suitable use for this parcel of Town-owned land.**
- **The projected tax rate impact in FY 2011 for the Average Single Family Home (valued at \$662,483.) would be an additional tax of \$129.31.**

Article 35 (Upgrade existing Fire Station)

- **In order to fully upgrade the existing Fire Headquarters to a facility that (a) takes care of current problems, including water leakage, (b) MIIA safety compliance defects, (c) space and growth needs for the Administration, Firefighting Staff, and apparatus for the long-term (20-30 years) and (d) ADA compliance, the Total Project Cost is estimated as \$5,200,000.**
- **The PSBFSC, in consideration of the financial times, also looked at a "short-term fix" to correct just the most necessary repairs to make the station useable for an additional five years, and is prepared to recommend a \$1 Mil. Amendment. It is a less extensive repair/renovation of the basic required upgrades, but does not provide for future growth.**
- **Chief Nord explained that if Article 35 for the full project does not pass, the he will have to come back to the Town for at least \$1 Mil in immediately needed repairs. Given this the PSBFSC will consider amending the \$5.2 Mil project to recommend a \$1 Mil "short-term fix" project.**
- **For the full \$5.2 Mil project: The projected tax rate impact in FY 2011 for the Average Single Family Home (valued at \$662,483.) would be an additional tax of \$86.76.**

- For the \$1 Mil project: The projected tax rate impact in FY 2011 for the Average Single Family Home (valued at \$662,483.) would be an additional tax of \$18.00.

Discussion of Tax implications:

Using the figures shown above the projected tax rate impact in FY 2011 for that Average Single Family Home (valued at \$662,483.) would be:

If Both Article 34 and 35 (\$5.2 Mil) pass, then:	\$129.31+ \$86.76 = \$216.07 Total
<u>If Both Article 34 and 35 (\$1. Mil amendment) pass, then:</u>	<u>\$129.31 + \$18.00 = \$147.31 Total</u>
Difference (approx. \$70.00 rounding)	\$ 68.76

The PSBFSC is reviewing the alternatives under Article 35 at a meeting on Wednesday and will have a final recommendation following that meeting.

PUBLIC COMMENTS: Individuals in the audience were invited to ask questions or comment. The following are some of the comments and questions asked and the answers provided.

Mr. Y Oktay, 16 Seabury Point, questioned a statement made that the \$1 Mil proposal to do just repairs to the current Fire Headquarters would be only a "5-year fix" because a new roof or new HVAC system should last considerably longer. In response Chief Nord responded by clarifying the earlier remarks. He agreed that Mr. Oktay is correct those items should last longer. The \$1 Mil renovation only takes care of immediate repairs and does not address anticipated future 20% growth of staff; additional equipment needs, projected to be two pieces of apparatus; and additional administrative space required to manage the increases.

Mr. Robert Hayes, Member of the Board of Cemetery Trustees, asked if the PSBFSC looked at renovation of the existing Police Station? ANS.: Mr. Johnson replied that all options had been explored, including this one. The current Police Station location is too small to allow for the expansion needed. In addition, the Police Station is in such deplorable condition and so outdated that to renovate it would be more expensive than to build new construction.

Mrs. Ruth Rowley, 546 Washington ST, asked for procedural clarification. In the past projects were brought forward to Town Meeting in several steps. Typically, Town Meetings would be asked for approval of design funds, and subsequently for approval of construction funds once the project was designed and costs were known. She voiced the concern that with the various options and ballot questions the public would be confused on what they are voting on. ANS.: Mr. Johnson explained that in today's financial climate there is a greater tendency to "fast track" projects because costs go up significantly over time. Mr. Martecchini added that Mrs. Rowley is correct regarding past practice, but the downside is that you risk having the voters approve the design phase and then not fund the construction. He believes by presenting it as a whole project there is less chance of that happening and funds being wasted.

Mr. Emmett Sheehan, a member of the Board of Cemetery Trustees, commends the PSBFSC for not supporting Article 33 and for recognizing the cemetery needs.

Mr. Bob Doyle, 39 Old Cove RD, asked if the Committee expects to have the dollar amount for the articles prior to ATM? Answer: Yes, the Committee is confident of the dollar amounts, and they will be explained at ATM. In a subsequent comment, Mr. Doyle expressed his concern that with the \$5.2 Mil Article 35 the Fire Department does not get a full new bay out of it. In reply it was stated that each bay would be extended by 20 ft., and there will be an additional two-door residential-size garage. It is believed this will be adequate.

Ms. Martha Himes, 127 Vine ST, asked Chief Nord what the projected staff increases were based on? ANS.: Chief Nord said the 20% staff growth was based on demographic projections, which took into consideration the build out of such projects as the Island Creek Village expansion. He

added that given the number of units planned that eventually a third ambulance and staff will be needed to service the Town.

Mr. Nick Kensington, Powder Point Avenue, said he came tonight because he was not supportive of the plan to use cemetery land. While he appreciates that is off the table he is concerned that the Town is taking on the cost without being sure of its revenue stream. ANS. Ms. Sullivan responded by explaining that the financing would be through a debt exclusion, which is outside the tax levy and not dependent on revenue. She equated it to a loan or a mortgage, in which the funds are borrowed and the debt is paid off over time until it is expired.

Mr. Will Sheehan, 191 Washington ST, asked how many questions are on the ballot? Ans.: All 3 articles are also ballot questions. The ballot does not include the dollar amounts, but at ATM the dollar amounts will be included in the motions made and that information will be publicized.

Mr. Robert Hayes, Member of the Board of Cemetery Trustees, said that based on a comment made he was concerned that the decision not to support Article 33 could be re-voted. Mr. Johnson assured him that the Committee followed through with exploring the option for a combined public safety facility because that is the message that was clearly given at last year's ATM, but he assured Mr. Hayes and others that the Committee does not support Article 33.

MOTIONS ON ARTICLES 33, 34, and 35:

ARTICLE 33:

Ms. Sullivan moved that the Board of Selectmen indefinitely postpone (IP) Article 33. Second by Mr. Martecchini. VOTE: 3:0:0.

ARTICLE 34:

Ms. Sullivan moved that the Board of Selectmen support Article 34, as presented, which would be the building of the new Police Station at the proposed dollar figure of \$7,750,000 on the proposed location on Mayflower ST. Second by Mr. Martecchini. VOTE: 3:0:0.

ARTICLE 35:

Before making the motion on Article 35 Ms. Sullivan indicated she would word the motion to support Article 35 as presented for the \$5.2 Mil project for the Fire Station. It should be understood by doing so it would allow for discussion at ATM whether the residents prefer the full project or gives the option for an amendment to be offered for the less expensive option.

Ms. Sullivan moved that the Board of Selectmen support Article 35, as presented (which would be the renovation of the Fire Headquarters at the price of \$5.2 Million to include new administration and crew wing and to bring the building up to code and repair). Second by Mr. Martecchini. VOTE: 3:0:0.

DISCUSSION RE: DESIGNER SELECTION PROCEDURES

Mr. Martecchini explained that the School Building Committee is preparing documents for a request for qualifications to select a designer for the repair of the Chandler School roof. The documents make it clear that the project depends on appropriation at ATM and ballot authorization as it involves a debt exclusion. Since the project is eligible for partial reimbursement under the Massachusetts School Building Authority, it is required that the Town include its Designer Selection Procedures. Duxbury has not adopted Designer Selection Procedures, and therefore it is necessary that this be done. Town Counsel has reviewed the drafted procedures and approved them as to form.

Mr. Martecchini moved that the Board of Selectmen adopt as drafted the Designer Selection Procedures dated February 23, 2009. Second by Ms. Sullivan. VOTE: 3:0:0.

DISCUSSION RE: REVERSE 911 (MASS NOTIFICATION SYSTEM)

Mr. MacDonald and Chief Nord presented this item. They explained that the Town implemented a Mass Notification System (reverse 911 system) about a year ago through funding received from Entergy. Now that it has been in use for a while some feedback and complaints have been received. The feeling is that the system is a great tool for notifications in emergency situations, such as the recent water main break or concerns for a missing child or adult. The major issue seems to be that it is being used for too many non-emergency notifications, such as tax bill notifications or promotional notifications for fundraising events.

A draft policy to establish procedures governing the use of the Mass Notification System was provided to the Selectmen. Mr. MacDonald suggested that the procedure should include a chain of command for non-emergency notifications to receive approval, which he suggested might be the Town Manager and the Chair of the Board of Selectmen. The recommendation by both the Town Manager and Fire Chief was that the Board not vote on it tonight, but rather review it and put it on a future agenda shortly after ATM for further discussion.

BUSINESS

EVENT PERMIT REQUEST: MS BIKE RIDE

Mr. Witten indicated that the Board received a request for an event permit from the National Multiple Sclerosis Society for their 23rd annual Great Mass Getaway Bike Tour to go through the Town of Duxbury on Saturday, June 27, 2009. The request was circulated and the department feedback was supportive with conditions noted.

Ms. Sullivan moved that the Board of Selectmen support the granting of an event permit to the National Multiple Sclerosis Society (Central New England Chapter) to conduct a portion of their 23rd annual Great Mass Getaway Bike Tour in the Town of Duxbury on Saturday, June 27, 2009, with the conditions noted on the license. Second by Mr. Martecchini. VOTE: 3:0:0.

TOWN MANAGER'S BRIEF:

Mr. MacDonald mentioned the following:

- 1. Payment from Entergy: Since Chief Nord was still available the Town Manager asked him to explain the letter and a \$50,000. check received from Entergy. Chief Nord explained the some time ago Entergy approached the Towns in the Plymouth Nuclear Emergency Zone to get a list of items the Towns felt they needed for public safety in relation to the relicensing of the Pilgrim Nuclear Station. Chief Nord sent a list of items gathered from all departments that ranged from small items, such as portable radios to larger ticket items. The list of items cost approximately \$1 million. In response Entergy has just issued to the communities \$50,000 checks. Chief Nord indicated that if the Selectmen accept the check it would be his intention to put it in the reserve fund for updating the Emergency Operations Center (EOC). He did assure the Selectmen that the radio equipment that needed repair was already replaced. So that issue was already resolved.**

Mr. Martecchini moved that the Board of Selectmen accept the check in the amount of \$50,000 from Entergy, Pilgrim Station to replace or upgrade EP related communications equipment and traffic control equipment. Second by Ms. Sullivan. VOTE: 3:0:0.

2. **Payment in Lieu of Taxes Letters:** Mr. MacDonald mentioned that with the assistance of Mr. Dick Finnegan, the Deputy Assessor, letters have been prepared and are being mailed to area non-profits with a request for "payments in lieu of taxes" to assist with cost of community services that the Town provides to them.
3. **NEW Planning Director:** Mr. MacDonald said, that with the help of a committee, he was pleased to announce that Mr. Tom Broadrick has been hired to fill the Planning Director position. He mentioned that Mr. Broadrick is not new to the Town of Duxbury as he previously served as the Town Planner from 1993 to 2003. More recently he has worked in Barnstable and Nantucket. In addition to his knowledge of Duxbury, Mr. Broadrick brings a wealth of planning knowledge. Mr. Broadrick has the AICP (American Institute of Certified Planners) designation. Mr. MacDonald said Mr. Broadrick's first day will be March 4th, and he is grateful that Mr. Broadrick can begin prior to Annual Town Meeting.

The Selectmen commented that when Mr. Broadrick worked for Duxbury previously they were sorry when he left and are looking forward to his return.

4. **Reaching Out to State Delegation:** Mr. MacDonald indicated he will be attempting to set up a meeting for the Duxbury State Representatives to come before the Selectmen to have a conversation about State Aid and a roadmap to future planning. His goal is to get all three representatives for the same meeting. At issue is a significant (\$400,000.) reduction in the amount of Chapter 70 (Education Funds) monies that had previously been "promised" to the Town and an overall reduction of \$621,000. expected in State aid.

Ms. Sullivan said she will be attending a Mass. Municipal Assoc. meeting tomorrow, and she is hopeful someone from the Governor's Office will be there to discuss Chapter 70 funds.

5. **Audio Complaints:** Mr. MacDonald said he has received some complaints about the poor audio quality in the Mural Room for the audience. He will be working on trying to improve the situation.
6. **Duxbury's Newest Grandparents:** Mr. MacDonald extended his congratulations to Duxbury's Newest Grandparents, Betsy and Skip Sullivan, who were presented with twins on Friday by their daughter, Molly, and son-in-law, Jon.

MINUTES

Ms. Sullivan moved that the Board accept the Minutes of February 9, 2009 as written. Second by Mr. Martecchini. VOTE: 3:0:0.

ANNOUNCEMENTS

1. GATRA at Annual Town Meeting:

Representatives from GATRA will be at the Performing Arts Center on Saturday, March 14th, the first day of Annual Town Meeting, to help Seniors and Handicapped Individuals fill out applications and to take pictures for a GATRA ID and/or Charlie Cards to use on the MBTA. (This enables the eligible individual to pay half the fare.)

2. BEACH AND TRANSFER STICKERS MAIL IN DISCOUNT EXPIRES

The deadline for discounted beach and transfer stickers is fast approaching. Applications must be postmarked by March 2 in order to receive the mail in discount. Please note: The discounts

are for the mail-in program only. Applications brought to the counter at town hall will pay full price.

APPOINTMENTS – No appointments this evening.

ANNUAL TOWN MEETING WARRANT:

Mr. Witten asked about the status of the warrant. Ms. Ripley informed the Board the warrant is being printed and should be available shortly. A survey was done last year, and as a result this year the warrant will not be mailed. The warrant will be available for residents to pickup at locations around Town, such as the Town Hall, library, Senior Center, etc. In addition, the warrant will be posted on the Town website, and will be printed in March 4th issue of the *Duxbury Clipper* as Section C.

NEXT MEETING

The next Board of Selectmen meeting will be held on Monday, March 2, 2009, at 7:00 PM. It is expected that the rest of the ATM articles will be taken up at that time, but there still is the meeting of March 9, 2009 should there be any remaining ATM business.

ADJOURNMENT

At 8:45 PM, Ms. Sullivan moved to adjourn the meeting. Second by Mr. Martecchini. VOTE: 3:0:0.