

**Date: April 13, 2009**

*Date Minutes Approved: April 27, 2009*

## **BOARD OF SELECTMEN MINUTES**

**Present:** Elizabeth H. Sullivan, Chair; and Christopher Donato, Vice-Chair.

**Absent:** Jon Witten, Clerk.

**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.

### **OPEN FORUM**

No items were discussed.

### **EVENT PERMIT: NO PLACE FOR HATE / Chalk One Up for Diversity**

Mr. Harry Katz, a member of the No Place for Hate Committee and one of the organizers of the proposed event, was present. He explained the event should be a fun day for families. Children will be allowed to do chalk drawings in the Foodies parking lot highlighting the diversity theme. Mr. Katz met with public safety officials, the landlord of the property, and indicated Foodies will be submitting a letter of support. In discussing the event with the Public Safety officials the organizers hope to possibly have some safety vehicles, Child Identification, and a canine demonstration. The event is planned for Sunday, May 17<sup>th</sup> (rain date May 24<sup>th</sup>) from 2:00 PM to 4:00 PM.

Ms. Sullivan moved that the Board of Selectmen grant to Mr. Harry Katz, as a representative of the Duxbury No Place for Hate Committee, permission to hold the "CHALK ONE UP FOR DIVERSITY" event on May 17, 2009, with a rain-date of May 24, 2009, from 2:00 PM to 4:00 PM at the Foodies Parking Lot on Depot Street, subject to the conditions listed on the license. Second by Mr. Donato. Vote: 2:0:0.

### **AMENDMENT TO LICENSE: JAKE'S DOGS**

In discussing the Chalk One Up for Diversity event, Mr. Katz indicated the Committee thought it would be a good idea to have hot dogs and sodas available. They asked Jake Genereux if he would bring his hot dog cart.

Ms. Sullivan indicated that while she has nothing but high praise for Jake Genereux and how he ran the hot dog cart on the Town Pier last summer, she had some concerns with amending the hot dog cart license. She explained that when the license was granted it was done so specifically with the location of the Town Pier in mind. It was never intended to allow for the hot dog cart to be taken to other locations. Ms. Sullivan's concern was that this would open up a precedent for other vendors at any number of Town venues.

Mr. Donato concurred, especially in view of the fact that there are businesses in the area, which should be supported first.

**Ms. Sullivan moved that the Board amend the vendor license for “Jake’s Dogs” to allow for operation of the hot dog cart at the “Chalk One Up for Diversity” event on Sunday, May 17, with a rain date of May 24, from 2:00 PM to 4:00 PM. Second by Mr. Donato. Vote: 0:2:0. (The outcome of the vote means the amendment to the license was not granted.)**

**FIRE CHIEF RE: REVERSE 9-1-1 (i.e., MASS NOTIFICATION SYSTEM USAGE POLICY)**

Fire Chief Kevin Nord was present to go over the policy which has been drafted regarding the Mass Notification System. (Note: Since it is not technically a reverse 9-1-1 it will be referred to as the “Mass Notification System.”) He explained that they call system was new within the past year, and there have been some complaints about the types of calls being generated to the community. It was felt some guidelines were needed to establish when it was appropriate for the automated calls be placed and who is authorized to make that determination.

Chief Nord noted that this policy is only with respect to the Town notification system. The Schools maintain their own notification system and any issues with it should be directed to the school administration.

Chief Nord gave an overview of the drafted policy as follows:

There are two levels of notifications:

- 1) Inter-departmental  
Notices sent by Department Heads or their designees to employees of their respective departments only. Approval for these messages will be with the Department Head and require no further approval. (Ex. Library Director sends a message to let Library employees know that due to inclement weather the Library will be closed.)
- 2) Public
  - a. Emergency Notifications: Can only be authorized by the Town Manager/ Selectmen’s Chairperson, Fire Chief/ EM Director, Police Chief, DPW Director, Board of Health or their designees. Emergency notifications are when a situation poses a significant danger or health hazard and potentially have an adverse effect on the life/lives and/or the property of citizens within the community.
  - b. Informational Notifications: Can be initiated by any Department Head and require written approval of the Town Manager or his designee 24 hours prior to sending. Ex.: Town Meeting Notices, Special Event Notices, or other non-emergency public notices.

As the draft policy had not been fully circulated to the other Department Heads the Selectmen felt that should be done and then they will vote on it on an upcoming meeting after any comments can be incorporated.

**SUSTAINABLE DUXBURY/ COMMUNITY GARDENS**

Ms. Anne Baird, who will be leading the Community Garden project for Sustainable Duxbury was not able to be present this evening. Sustainable Duxbury Co-Chairs Ms. Judi Vose and Mr. Jim Savicki and members of the group were present to discuss the proposal.

Ms. Vose began the discussion by citing some statistics regarding the decline of family farms. Mr. Savicki then explained that the group had focused on two possible locations, but finally decided that the Swanson Meadows is the preferred location. The Swanson Meadows is a Town-owned property designated as Conservation land. It was formerly part of the Harris farm and is located off Rte. 53 (heading towards Pembroke) after High Street.

Sustainable Duxbury has developed the Duxbury Community Garden Rules, and copies were provided to the Selectmen. Mr. Savicki indicated they have been working with the Agricultural Commission, who support the proposal. He gave the impression that there are few abutters and the abutters are in favor. It was explained that due to a misunderstanding Sustainable Duxbury is coming before the Selectmen before presenting the proposal to the Conservation Commission. They will be meeting with the Conservation Commission next week.

Mr. Robert Merrifield, a resident who lives in the area of Swanson Meadows, and a passionate gardener, briefly explained that a community garden is an area of usually Town-owned land that is divided into individual plots, which local citizens can grow plants and vegetables on.

Ms. Sullivan and Mr. Donato thought the proposal sounded good in concept as long as the neighbors are agreeable. Ms. Sullivan did explain the process should have taken them to the Conservation Commission first, but not wanted to delay this, given the growing season, it was agreed it could be voted with final acceptance contingent upon Conservation Commission approval and any conditions imposed.

Ms. Sullivan moved that the Board of Selectmen support the Sustainable Duxbury Community Gardens at Swanson Meadows, based on the presented proposal and pending approval of the Conservation Commission and contingent upon any conditions they may impose. Second by Mr. Donato. Vote: 2:0:0.

Prior to the vote Mr. MacDonald did ask where they would get water from for the gardens? Mr. Savicki did acknowledge that getting water for the gardens is still an issue to be resolved. They are hoping that perhaps one of the abutting properties might help with this or that a shallow well could be dug to install a hand pump, but that remains to be determined.

#### **UPDATE ON COMMUNITY SOLAR CHALLENGE**

Mr. Savicki updated the Selectmen on this project. Members of the community donated funds to the New England Wind Fund and solar panels were awarded in exchange. The solar panels have been installed at the Chandler School, and the teachers will be trained in early May.

#### **TARKILN STUDY COMMITTEE**

Mr. Tag Carpenter, Chair of the Tarkiln Study Committee, was present.

Discussion of this item of business was postponed to the next Selectmen's meeting as Mr. Witten, who is the Selectmen's liaison to this Committee, was not able to make this evening's meeting. In addition, the Committee was recommending some individuals for appointment, but Talent Bank forms have not been received from them yet.

#### **ORDER OF TAKING FOR HILLSIDE LANE AND AMADO WAY**

Mr. MacDonald explained that votes were taken at Annual Town Meeting to accept Hillside Lane and Amado Way. This is the next step in the Order of Taking to get the roads formally recorded.

Mr. Donato moved that, pursuant to a vote of the 2009 Annual Town Meeting, Article 41, the Board acquire the land as shown on the Street Acceptance Plan for Hillside Lane, dated October 5, 2006, and prepared by the Robert C. Bailey Company, Land Surveyors, as the site and location of the public way described on the plan, by a taking in fee simple by eminent domain, for the purposes of a Public Way. Second by Ms. Sullivan. Vote: 2:0:0.

## AMADO WAY ORDER OF TAKING

Mr. Donato moved that, pursuant to a vote of the 2009 Annual Town Meeting, Article 41, the Board acquire the land as shown on the Street Acceptance Plan for Amado Way, dated November 3, 2006, and prepared by Land Planning, Inc., Land Surveyors, as the site and location of the public way described on the plan, by a taking in fee simple by eminent domain, for the purposes of a Public Way. Second by Ms. Sullivan. Vote: 2:0:0.

## BUSINESS

### TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

- 1) He will be attending the Metropolitan Area Planning Council's (MAPC) seminar on the Federal Stimulus on April 27, 2009 at Suffolk Law School. He expects this to be a very informative meeting.

Ms. Sullivan asked if he had received any additional information regarding Local Aid from the Governor? Mr. MacDonald indicated that he has not, but expects an update might be received in the next couple of weeks.

- 2) Veterans Dial-A-Lawyer Program. The Massachusetts Bar Association (MBA) sent a notification that on Thursday, April 30, 2009 from 5:30 PM to 7:30 PM Veterans with legal questions can call (617) 338-0610 for free legal assistance.
- 3) Steve Studley, Assistant Recreation Director: The Town Manager mentioned that Steve is the Head Baseball Coach at Wentworth. And he wanted to congratulate Steve as he now has the distinction of being the baseball coach with the greatest number of wins in Wentworth history.

### ANNOUNCEMENTS

Commercial Shellfish Applications: Reminder that Commercial Shellfish Applications can be submitted during the month of APRIL only. Applications are now available in the Board of Selectmen office. Applicants must be Duxbury residents and have a Massachusetts Commercial Fisheries license showing "endorsed shellfish."

There will be no Selectmen's meeting next week (Monday, April 20, 2009) as it is the Patriots' Day holiday.

### MINUTES

Mr. Donato moved that the Board approve the Minutes of April 6, 2009 as written. Second by Ms. Sullivan. Vote: 2:0:0.

Mr. Donato moved that the Board approve the Executive Session (B) Minutes of March 30, 2009 as written, with the contents to remain sealed until the need for such has passed. Second by Ms. Sullivan. Vote: 2:0:0.

## **COMMITTEE APPOINTMENTS/RE-APPOINTMENTS**

### *Open Space Committee*

Ms. Sullivan announced that a communication was received from the Planning Board. Mr. Harold Moody had been the Planning Board's representative to the Open Space and Recreation Committee. Mr. Moody is stepping down from that assignment and the Planning Board requested that Ms. Cynthia Ladd-Fiorini be appointed to fill the position.

Ms. Sullivan moved that the Selectmen appoint Ms. Cynthia Ladd-Fiorini as the Planning Board's representative to the Open Space and Recreation Committee to fill the unexpired term due to expire on June 30, 2010. Second by Mr. Donato. Vote: 2:0:0.

### *Fourth of July Committee*

Ms. Sullivan moved that the following individuals be appointed to the Fourth of July Committee (FY'10), all for terms to expire as of April 30, 2010: Janet Ritch, Margaret Kearney, William Kearney, Connie S. (Siegel) Dennis, Don Reed, Nancy Reed, Dave Robinson, Linda Robinson, Bob Dente, Jamie MacNab, Rich Potash, Amy Hill, Brian Hill, Katy Gaenicke, Barbara Munsey, Terry Reiber, Joan Edger, Sue Lawrence, Jeff Goldman, and Robert Ali. Second by Mr. Donato. Vote: 2:0:0.

### *Selectmen Liaisons to Committees*

As Mr. Witten was not able to present tonight this item of business was postponed to the next meeting.

## **ADJOURNMENT**

Mr. Donato moved to adjourn the meeting at 8:00 PM. Second by Ms. Sullivan. Vote: 2:0:0.