

Date: June 1, 2009

Date Minutes Approved: June 29, 2009

BOARD OF SELECTMEN MINUTES

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

Absent: Jon Witten, Clerk.

Staff: Richard MacDonald, Town Manager; John Madden, Finance Director; and C. Anne Murray, Dept. Secretary.

The meeting was called to order at 6:30 PM in Open Session.

ENTERED EXECUTIVE SESSION

Ms. Sullivan moved that the Board of Selectmen enter 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. Second by Mr. Donato. Roll Call Vote: Ms. Sullivan –Aye; Mr. Donato –Aye.

RE-CONVENED IN OPEN SESSION

At approximately 7:00 PM the Board of Selectmen reconvened in Open Session. Ms. Sullivan explained that Selectmen had been in Executive Session regarding matters pertaining to the King Caesar Fund.

OPEN FORUM

Mr. Bob Reiman of Bolas Road brought forward a “Pledge of Civility” that he became aware of in Melbourne, FL. He explained that it was his experience that sometimes meetings get out of hand and this would be something the Chair could make a point of mentioning at the beginning of a meeting or point to in hope of re-gaining control should such a situation come up. The handout he provided to the Selectmen contained the following:

Pledge of Civility:

We will be respectful of one another, even when we disagree.

We will direct all comments to the issues.

We will avoid personal attacks.

“Politeness costs so little.” Abraham Lincoln.

MEETING OF WATER & SEWER COMMISSIONERS: DISCUSSION RE: MANDATORY WATER BAN

Present for this item of business were: Mr. Peter Buttkus, DPW Director; Mr. Paul Anderson, Water Superintendent; and Mr. George Wadsworth, Chair –Water Advisory Committee.

Ms. Sullivan moved that the Board of Selectmen adjourn the meeting as Selectmen in order to meet as the Water & Sewer Commissioners, with the intent of re-convening as Selectmen afterward. Second by Mr. Donato. Vote: 2:0:0.

At issue are Department of Environmental (DEP) regulations which are requiring communities to limit their water use to 65 gallons per person per day. Duxbury does not currently meet this requirement so tonight's discussion was regarding the need to institute a mandatory water ban and what the requirements would be.

There was an extensive discussion of the water situation in Duxbury. Mr. Wadsworth provided to the Selectmen four handouts of data analysis. It was Mr. Wadsworth's conclusion Duxbury's aquifer has an adequate supply for Duxbury's relatively stable population based on the annual amount of rainfall. He also pointed out that while shifting withdrawal times does help with the peak day demand; it does not reduce the daily average. Mr. Wadsworth opined that this is not an environmental issue but rather a political issue as it would seem that the DEP is imposing a set requirement on all communities whether their individual water supply warrants it or not.

Based on the data presented neither Mr. Donato nor Ms. Sullivan felt a mandatory water ban was warranted at this time. Ms. Sullivan did suggest she could support a voluntary water ban more from the perspective of reducing the stress on the pumping equipment and to encourage residents to conserve water.

Mr. Donato moved that the Board of Selectmen impose a voluntary water ban for the period from June 1st to September 1st, 2009. Second by Ms. Sullivan. Vote: 2:0:0.

Ms. Sullivan moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen. Second by Mr. Donato. Vote: 2:0:0.

REQUEST FOR NAMING NORTH BASEBALL FIELD AT TARKILN: SARRO FIELD

Mr. Gordon Cushing, Recreation Director, and representatives of the Duxbury Youth Baseball, were present to discuss this item. Mr. Cushing explained that Mr. Ralph L. Sarro, who was a longtime baseball coach and one of the founders of the youth baseball program, passed away. He further explained that there were three men instrumental in the founding of Duxbury Youth Baseball: Peter Sinnott, Jerome Dewing, and Ralph Sarro. The Tarkiln Street facility is officially named the Peter B. Sinnott Memorial Park and the south field was named in honor of Mr. Dewing. At the urging of Duxbury Youth Baseball, Mr. Cushing was proposing that the north field at the Peter Sinnott Memorial Park be named in honor of Mr. Ralph L. Sarro.

Mr. Donato moved that the north field at the Peter B. Sinnott Memorial Park (at the Tarkiln facility) be named after Mr. Ralph L. Sarro. Second by Ms. Sullivan. Vote: 2:0:0.

CLASS TWO AUTO LICENSE REQUEST: SUSAN DONOVAN FOR NEW DUXBURY AUTOSALES

Ms. Susan Donovan, the petitioner, was present to discuss her request for a Class Two Auto License. She explained that she has been in the auto sales business for many years, working for others. This will be a new business, located at 282 St. George ST, Unit #11. She stressed there will be no cars on the premises, and explained that in order to participate in auto auctions a license is needed. As it was explained, the business would provide a finder's service and would be run primarily through internet, newspaper, and word of mouth advertising.

Ms. Barbara Ripley, Executive Assistant to the Town Manager, advised that although the petitioner has indicated that there will be no vehicles parked or stored on the premises a question has been raised of whether this might be allowed "by right" under the Class Two Auto Sales License. Accordingly, it was recommended to the Board to make the issuance of the license contingent upon an opinion from Town Counsel that no storage or display of vehicles, temporary or otherwise is allowed.

Mr. Donato moved that the Board approve a Class Two Auto Sales License for Susan M. Donovan, d/b/a New Duxbury Auto Sales, located at 282 St. George Street, Unit #11, subject to the following conditions:

- 1. Surety bond in the amount of \$25,000;**
- 2. Payment of the Town fee for a Class Two Auto License (currently \$100.00 annually);**
- 3. No storage or display of vehicles at 282 St. George Street, temporary or otherwise;**
- 4. An opinion from Town Counsel that the condition #3 is allowable;**
- 5. Satisfactory completion of a CORI check; and**
- 6. A DBA certificate from the Town Clerk.**

Second by Ms. Sullivan. Vote: 2:0:0.

FOURTH OF JULY COMMITTEE

Present for this discussion was Mr. Jamie MacNab and the Co-Chairs of the 4th of July Committee: Ms. Maggie Kearney and Mr. Rich Potash.

Mr. MacNab gave an overview of the event schedule. It is a 4-day celebration packed with something for everyone. It was agreed that we will try to get the information on the Duxbury cable channel, but also noted the information can be found at www.duxbury4thofjuly.com.

Ms. Kearney said she wanted to thank the residents for generously supporting the 4th of July with \$10,000. voted at Town Meeting. She did mention additional donations to defray the cost of this year's events and to hopefully build a fund for the future would be welcome. Please make donations payable to "The Marjory Parcher Fund" and mail them to P.O. Box 1743, Duxbury MA 02331.

Ms. Kearney added the theme for this year is "Celebrating Our American Heritage."

ONE-DAY LIQUOR LICENSE REQUEST: MARGARET KEARNEY FOR THE BEACH PRESERVATION SOCIETY / PARTY ON 06-20-09

Ms. Kearney explained that this is a fundraising event. Invitations to attend the party, which supports the fund for beach preservation, were sent to members. If there are tickets left they will be available locally. Cost \$50.00. Website: www.duxburybeach.com

Mr. Donato moved that the Board of Selectmen grant to Ms. Margaret M. Kearney, as a representative of the Duxbury Beach Preservation Society, a One-Day Wine and Malt License to hold a beach party on Saturday, June 20, 2009 at Duxbury Beach Park, from 5:00 PM to 9:00 PM, contingent upon the conditions listed on the license.

Second by Ms. Sullivan. Vote: 2:0:0.

For the record, Ms. Sullivan did note that the event request was circulated to the appropriate Departments and the feedback was incorporated into the conditions on the license.

DUXBURY BEACH

The following members of the Duxbury Beach Reservation, Inc. were present for this item: Ms. Maggie Kearney, President, and Mr. Shawn Dahlen, Vice President.

The Duxbury Beach Reservation, Inc. (hereafter "DBR") leases to the Town of Duxbury on an annual basis, the land in the towns of Duxbury and Plymouth called Duxbury Beach. This year the lease amount has remained at \$400,000.00, but Ms. Kearney and Mr. Dahlen

were here to discuss a change in the lease. They explained that the DBR has negotiated a line of credit with the Rockland Trust Company so that in the event of a “disaster storm” they would have access to funds for maintenance of Duxbury Beach. This was necessary as FEMA has advised DBR that they will no longer be eligible for funds since they are considered a “recreational” facility. Mr. Dahlen explained that the change in the lease means that if the line of credit was used then the lease money from the town could be used to pay back the loan.

Ms. Sullivan indicated, that while she did not anticipate any problems, prior to signing the lease the Board of Selectmen would refer it to Town Counsel for review of the language.

DISCUSSION OF PROFESSIONAL CONDUCT POLICY

Ms. Sullivan initiated this item of business by explaining that Ms. Horne was hired to professionalize the Town’s Human Resource functions to make sure the Town is in compliance and that there is consistency with policies. As part of her tasks Ms. Horne was charged with establishing an Employee Handbook. This is one of the items to be included.

Ms. Jeannie Horne, Personnel Administrator, explained that in light of recent news articles it was felt that a “Professional Conduct Policy” was a timely policy to introduce. She provided a draft to the Board for their consideration.

Since this is a draft policy, it was agreed the Board would take time to review it and perhaps at an upcoming meeting they might be prepared to offer comments, amendments or to adopt it.

BUSINESS

ONE-DAY LIQUOR LICENSE REQUEST / Patrick Browne for Duxbury Rural & Historical Society: Private Rental on June 18, 2009

Ms. Sullivan noted that the request for the one-day liquor license had been circulated to the appropriate departments and any feedback incorporated into the license.

Mr. Donato moved the Board of Selectmen grant to Mr. Patrick Browne, as a representative of the Duxbury Rural & Historical Society, a One-Day All-Alcohol License to hold a private function at the Nathaniel Winsor, Jr. House on June 18, 2009 from 7:00 PM to 10:00 PM, subject to the conditions on the license. Second by Ms. Sullivan. Vote: 2:0:0.

TOWN MANAGER’S BRIEF

Mr. MacDonald reported the following:

1. **Pool Renovation Project:** On Friday plans for the re-bidding of the Pool Renovation project will be released. The specifics will be published in the Central Register, and the General Contractor deadline will be June 26, 2009. Mr. MacDonald acknowledge and thanked members of the Percy Walker Pool Committee and Mr. Lee Kennedy, who was most helpful in suggesting cutbacks to the project that will still allow for significant renovation.
2. **Crematory Committee:** At Town Meeting \$80,000. was authorized as design funds for a new crematory. Mr. MacDonald said he met with a couple of members of the Board of Cemetery Trustees as he would like representation from the Trustees to be on the Crematory Committee to be named. The goal will be to prepare the request for proposals (RFP) and to release it as soon as possible in the new fiscal year.

3. **Cable Contract Negotiations:** Mr. MacDonald reported contract negotiations with Comcast are continuing. There will be some matters he will need to bring before the Board of Selectmen at an upcoming meeting.

With regard to Verizon FIOS, a response was made to Verizon and now the Town must wait for the company's response.

4. **Road Paving Projects:** Mr. MacDonald read a list of streets on the schedule to be paved during the summer. The list included: Halls Corner, Josselyn Ave, Old Tobey Garden ST, a portion of Myrtle ST, Winter ST, Elderberry LN, Bay RD – Halls Corner to Mullins, Woodridge RD, Franklin ST (Rte. 53 to the Pembroke line).

ANNOUNCEMENTS - none

MINUTES

Ms. Sullivan moved that the Board accept the Minutes of May 18, 2009 as presented. Second by Mr. Donato. Vote: 2:0:0.

Ms. Sullivan moved that the Board accept the Land Forum Minutes of May 20, 2009 as presented. Second by Mr. Donato. Vote: 2:0:0.

APPOINTMENTS

DISCUSSION OF SELECTMEN LIAISON ASSIGNMENTS:

Prior to getting into the actual appointments Ms. Sullivan and Mr. Donato went over the list of committees to clarify who would be the Selectmen Liaison and to discuss on which committees a Selectmen or their designee is actually a sitting member on the committee.

Community Preservation Committee (CPC)

Ms. Sullivan moved that Mr. Brendan Keohan be re-appointed as the Housing Authority representative to the CPC and Mr. James A. ("Tony") Kelso be re-appointed as an At-Large representative to the CPC for terms to expire 06/30/2012. Second by Mr. Donato.
VOTE: 2:0:0

Cable TV Advisory Committee

Mr. Donato moved that Mr. William J. Kearney and Mr. Richard Sigrist be re-appointed to the Cable TV Advisory Committee for terms to expire 06/30/2012 and Mr. Bill Eldredge be appointed to the Cable TV Advisory Committee to fill an unexpired term due to expire on 06/30/2011. Second by Ms. Sullivan. VOTE: 2:0:0.

Design Review Board

Mr. Donato moved that Mr. Robert M. Mustard, Jr. be appointed to the Design Review Board for a term to expire 06/30/2012 and Mr. Michael Gray be appointed as an ALTERNATE to the Design Review Board for a term to expire on 06/30/2010. Second by Ms. Sullivan.
VOTE: 2:0:0.

Local Housing Partnership:

Mr. Donato moved that Mr. Andre Martecchini be appointed as the Board of Selectmen designee on the Local Housing Partnership for a term to expire 06/30/2012. Second by Ms. Sullivan. VOTE: 2:0:0.

MBTA Advisory Board

Ms. Sullivan moved that Mr. Thomas Broadrick be appointed as the Duxbury representative to the MBTA Advisory Board for a term to expire 06/30/2010. Second by Mr. Donato. VOTE: 2:0:0.

South Shore Coalition (N/A -Chair / BOS Liaison: Chris Donato)

Mr. Donato moved to appoint Mr. Andre Martecchini as the Board of Selectmen's designee to the South Shore Coalition for a term to expire 6/30/2010. Second by Ms. Sullivan. VOTE: 2:0:0.

Mr. Donato moved to appoint Mr. Josh Cutler as the Planning Board's representative to the South Shore Coalition for a term to expire 6/30/2010. Second by Ms. Sullivan. VOTE: 2:0:0.

Metropolitan Area Planning Council (MAPC)

Mr. Donato moved to appoint Mr. Andre Martecchini as the Board of Selectmen's designee to the Metropolitan Area Planning Council (MAPC) for a term to expire 6/30/2010. Second by Ms. Sullivan. VOTE: 2:0:0.

Ms. Sullivan announced that the appointment season is upon us. Many Town boards and committees will have openings. Talent Bank forms are available at the Selectmen's office, or on the Town's website: www.town.duxbury.ma.us.

BONUS SHELLFISH SEASON

Mr. Donato moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for:

- 1) for the commercial harvesting of softshell clams for the month of JUNE. See regulations B & C of the Attachment to the posting.
- 2) for the commercial harvesting of quahog clams for the month of JUNE. See regulations A & C of the Attachment to the posting.

Second by Ms. Sullivan. Vote: 2:0:0.

ENTER EXECUTIVE SESSION / ADJOURNMENT

At 8:52 PM Ms. Sullivan moved that the Board of Selectmen enter into Executive Session to discuss strategy with respect to collective bargaining since an open meeting may have a detrimental effect on the town's bargaining position and to reconvene in Open Session solely for the purpose of adjournment. Second by Mr. Donato. Roll Call Vote: Ms. Sullivan -aye; Mr. Donato -aye.

Ms. Murray was excused and left the room.

As reported by Ms. Horne, when the topic of the Executive Session was disclosed and before the matter to be discussed began, Mr. Donato recused himself due to his concern about a possible conflict of interest. As a result, there was not a quorum, and therefore the meeting was immediately adjourned.