

Date: January 5, 2009

Date Minutes Approved: January 12, 2009

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.

OPEN FORUM – No items brought forward.

EVENT PERMIT REQUEST: DUXBURY EDUCATION FOUNDATION / Road Race on May 23, 2009
--Postponed as the requesters are reviewing the route.

DISCUSSION OF TOWN MEETING ARTICLES

[Note: The Roman numeral numbering of the articles is temporary and does not correspond to how the articles will be numbered in the actual warrant.]

▪ **ARTICLE XIII CITIZENS PETITION TO REDUCE CPC SURCHARGE**

Mr. Witten explained since this article was brought by a Citizens' Petition. It will be on the Annual Town Meeting Warrant. He then recognized Mr. Jim Sullivan of Tremont ST to provide an explanation of the Citizens' Petition.

Mr. Jim Sullivan spoke, as one of the signers of the Citizens' Petition, to provide an overview of it and some of the rationale for it. Mr. Sullivan used the terms "reasonable, timely, and temporary." When the CPA surcharge was approved in 2001 the understanding was that it was not necessarily a permanent authorization and there would be periodic reviews. Given the financially difficult times, Mr. Sullivan stated the Citizens' Petition was brought because it is reasonable and timely to review at this time. A rollback could be considered temporary because it could be changed again at a future Annual Town Meeting.

The Board and several audience members commented on the pros and cons of supporting the rollback proposed by the Citizens' Petition. The general consensus was that having the discussion at the Annual Town Meeting would be a healthy step regardless of the outcome.

At the request of Mr. Martecchini, a formal vote of the Board whether they support the article was delayed until at least the January 20, 2009 Selectmen's meeting to allow for some further deliberation.

Present for discussion of the following articles were Ms. Diane Bartlett, Chair of the Local Housing Partnership (LHP) and Mr. Brendan Keohan, member of the LHP.

▪ **ARTICLE XXIX TEMPLE STREET AFFORDABLE HOUSING**

It was explained by Ms. Bartlett and Mr. Martecchini that article was a follow-up to the Crossroads for Kids (i.e. "Camp Wing") property purchase authorized at last year's ATM. A

portion of the property purchased was intended for affordable housing. Approval of this article would provide \$50,000.00 to be used towards the engineering expenses for plans and specifications, and the costs related to preparing the request for proposals. Ms. Holly Morris, Chair of the Community Preservation Committee (CPC) confirmed that the CPC voted their support at a recent meeting.

Mr. Martecchini moved that the Board of Selectmen vote to support Article XXIX (Temple Street Affordable Housing). Second by Ms. Sullivan. VOTE: 3:0:0.

▪ **ARTICLE XXX HOUSE RECYCLING PROGRAM**

Ms. Bartlett explained that this article is the result of a couple of situations in which the opportunity to accept a building, to move it, and then to renovate it for affordable housing were missed because there were no funds available. It seeks to have \$100,000.00 available should future opportunities arise.

In discussing this article a number of questions/concerns were raised. It was noted the language needs to be clarified as “raise and appropriate funds” is not correct as money is in the CPC accounts. Holly Morris/ CPC agreed to work on the language. In addition, the Town Manager was instructed to seek a legal opinion from Town Counsel regarding the following questions:

- What entity (who) would determine if a building was appropriate to accept?
- What entity (who) would accept the gift? If it is the Board of Selectmen, then can the Selectmen transfer the responsibility for overseeing and maintaining (i.e., repairs) to another entity (such as the Affordable Housing Trust)?
- Procedurally what mechanism would be followed and in the steps what entity (who) would have ownership?

▪ **ARTICLE XXXI HOUSING ACQUISITION PROGRAM**

Ms. Bartlett said the Housing Acquisition Program article seeks to establish a funding mechanism in which funding is available to take advantage of the real estate market to purchase less-expensive properties or foreclosed properties to develop as affordable housing stock.

In discussing this article with the Board a number of questions/concerns were raised. It was decided that the Town Manager should seek answers through a legal opinion from Town Counsel. Some the questions raised were:

- What entity (who) would determine if a building was appropriate for purchase?
- What entity (who) would be responsible for overseeing and maintaining (i.e., repairs)?
- Procedurally what mechanism would be followed and in the steps what entity (who) would have ownership?

▪ **ARTICLE XXXIII FRANKLIN STREET FIREHOUSE**

Ms. Bartlett explained that this is a housekeeping issue. The intent of the article passed at last year’s ATM was to purchase the Grange and the adjacent Franklin Street Firehouse and then to enter into an agreement for long-term lease. The Grange property is able to go forward. The Franklin Street Firehouse, however, needs to be brought to Town Meeting for the body to authorize the Selectmen to enter into a long-term lease.

Mr. Martecchini move to support Article XXXIII (Franklin Street Firehouse). Second by Ms. Sullivan. Vote: 3:0:0.

▪ **ARTICLE XXXIV LAKE SHORE DRIVE & SUMMER STREET AFFORDABLE HOUSING**

Ms. Bartlett stated that they have identified two lots, (one on Lakeshore Drive and one on Summer ST) which are Town-owned. This article seeks to have them designated for future use as affordable housing sites.

In discussing this article again questions were raised as to who would be making the determination that a parcel might be appropriate for an affordable housing designation and procedurally how such a designation would be implemented.

▪ **ARTICLE XXXV HOUSING ALLOCATION PLAN**

Ms. Sullivan pointed out that there are language issues that needed to be worked on. The Housing Allocation Plan does not include “loans” so references to “loans” needs to be changed. It was suggested that the Affordable Housing Trust discuss this at their meeting on 1/7/09. Mr. Witten suggested “gifts, grants, or subsidies” as possible substitute language.

A secondary issue raised by Ms. Sullivan was whether the Housing Allocation Plan FY09, voted at last year’s STM in the ATM, needs to be re-voted or amended? Should this be done as a separate article or within the same wording of this article? The Town Manager was instructed to include these questions for Town Counsel to review regarding the housing articles.

To allow time for the questions to be answered, it was agreed that the above “affordable housing” articles, which were not voted on this evening, would be put on a future Selectmen’s meeting agenda towards the end of January, and Ms. Bartlett would be notified when they are scheduled.

SITE ELIGIBILITY COMMENTS: MILLBROOK CROSSING

Mr. Witten explained that the Board received a letter from the Massachusetts Housing Partnership (MHP) as a determination of Project Eligibility has been filed regarding the Millbrook Crossing project, and the Board has a 30-day period in which to submit comments to MHP regarding the project. A presentation regarding Millbrook Crossing was previously made to the Board of Selectmen, but changes have been made to the original proposal so the Board invited Attorney Gareth I. Orsmond, who represents S & G Associates, LLC (the developer), and Mr. Dean Harrison, Development Consultant, to briefly present the project again. It was further explained that the MHP through the Project Eligibility determines whether the project can proceed through the municipal review process as a 40B project, in which public hearings are held before the local boards. At this point Mr. Witten introduced Attorney Orsmond and Mr. Harrison.

In Attorney Orsmond and Mr. Harrison’s overview the following were mentioned:

- **LOCATION:** Two buildings in the St. George ST and Railroad Avenue area; one to be located at the corner of St. George ST and Railroad Ave. and the other to be approximately where the old lumber yard store and fish market were on Railroad Avenue.
- First floor of each building would be commercial space (24,000 sq. ft) and the upper floor would be residential rental units.
- **NUMBER OF UNITS:**

<u>QUANTITY</u>	<u># of BEDROOMS</u>	<u># at Market Value</u>	<u># of Affordable Units</u>
7	one-bedroom	5	2
15	two-bedroom	13	2
2	three-bedroom	-	2
TOTAL: 24 Units / 43 units		18	6 = 25% affordable

- **AFFORDABLE UNITS:** Affordable Units would be at 80% of median area income (or in the \$65,000. Salary range). Target market would be young professionals and mature adults.
- **WASTE WATER TREATMENT:** Mounded septic system is likely. Brand and exact specifications are still to be determined.

The Board of Selectmen and the audience asked a number of questions and requested some additional items from Atty. Orsmond. Some of the questions and items were as follows:

- The idea of mixing sale properties with rental units raised some questions regarding how that would be handled with respect to a shared septic system. It is possible to do so, but it would be a legal issue to be worked out.
- With respect to the septic system it was suggested that it would be helpful to the Selectmen if any details could be made available. A system that allows for secondary treatment for denitrification was recommended.
- The Selectmen also asked for, and Atty. Orsmond agreed to make available to them, a copy of an appraisal that supports the price.
- The Selectmen requested that the Town Manager convene a meeting of the Development Review Team (DRT) to review the proposal and to provide comments to the Selectmen for their use in preparing a letter regarding the MHP Project Eligibility filing.
- A request was made that the developer considers increasing the number of affordable units.
- In general the comments were favorable in that the overall project had been scaled back in terms of the number of residential units originally proposed and that it incorporates more commercial space than the original proposal.

The Board decided that a letter be sent to the Massachusetts Housing Partnership to request an extension to January 28, 2009 for the comments from the Selectmen. This would give them time to discuss and prepare a comment letter given their meeting schedule.

BUSINESS

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following during his brief:

1. **Land Grant Program (previously called "Self-Help Grants").** Last year it was anticipated that funding of up to \$500,000. would be received through this program to fund the purchase of the Crossroads for Kids (Camp Wing) land purchase. A first-round of grant awards was made, and Duxbury's application did not receive funding. A second-round of applications has just been announced, and Duxbury will be filing another application.
2. **Construction Costs:** Construction Costs in December were: \$4,032,895.00 but of this amount approximately \$2.8 million was a result of the Birch Street Water Tank. Mr. MacDonald commented that the bulk of the construction costs were the result of renovations / additions.
3. **War Memorial Committee:** Mr. MacDonald met with the members of the War Memorial Committee, who have been working diligently to the restoration of the WWI Memorial. Recently the CPC voted to fund \$75,000. of the requested \$105,000. Cost. A review was made of the Town's trust funds to see if there would be funds available to cover the \$30,000. Difference. Mr. MacDonald has advised the Committee that the Town's trust funds would not be able to fund the entire difference. The Committee will be appealing to the CPC for additional funding, and Mr. MacDonald voiced his support for this worthy cause.

4. **Stimulus Package Grant:** Mr. MacDonald mentioned that he is working with others to have documents prepared should Stimulus Package Grants become available.

MINUTES

December 22, 2008

Mr. Martecchini moved to approve the December 22, 2008 Minutes. Second by Ms. Sullivan. Vote: 3:0:0.

December 22, 2008 Executive Session

Mr. Martecchini moved to approve the December 22, 2008 Executive Session Minutes, with the contents to be released at the conclusion of the business. Second by Ms. Sullivan. Vote: 3:0:0.

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS - NONE

ANNOUNCEMENTS

Upcoming January 2009 Meetings: Just a reminder that the Selectmen's Meetings will begin at **7:00 PM**. Next meeting will be on Monday, January 12th. The week after that since Monday, January 19th is the Martin Luther King Holiday, the Selectmen do plan to meet on **TUESDAY**, January 20th.

Mr. Martecchini announced that he will be a candidate for re-election to the Board of Selectmen in the March, 2009 town election.

ADJOURNMENT

At 9:35 PM, Ms. Sullivan moved to adjourn the Selectmen's meeting. Second by Mr. Martecchini. Vote: 3:0:0.