

Date: January 12, 2009

Date Minutes Approved: January 20, 2009

Minutes Amended: March 4, 2009 (Page One, Street Hearing, underlined section added.)

BOARD OF SELECTMEN MINUTES

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

Absent: Jon Witten, Chairman.

Staff: Richard MacDonald, Town Manager; John Madden, Finance Director; and Barbara Ripley, Executive Assistant.

The meeting was called to order at 7:00 PM.

OPEN FORUM

No items were discussed.

STREET ACCEPTANCE HEARING: AMADO WAY & HILLSIDE LANE

The hearing was opened at 7:01 PM. Ms. Ripley explained the 2007 Annual Town Meeting voted to accept Amado Way and Hillside Lane as public ways. However, the paperwork was not completed, and the deadline for issuing an Order of Taking expired. Therefore, the matter must re-appear before the 2009 Annual Town Meeting. The first step is a street acceptance hearing, for which abutters received notice by certified mail.

No comments were offered from the public. At 7:03 PM, Mr. Martecchini moved to close the public hearing. Second by Ms. Sullivan. Vote: 2:0:0.

Mr. Martecchini moved that the Board accept the layouts of Amado Way and Hillside Lane as presented on street acceptance plans dated November 3, 2004 and October 5, 2006 respectively. Second by Ms. Sullivan. Vote: 2:0:0.

Next, Ms. Sullivan moved that the Board recommend approval of the 2009 Annual Town Meeting article which proposes the acceptance of Amado Way and Hillside Lane as public ways in the Town of Duxbury. Second by Mr. Martecchini. Vote: 2:0:0.

POLE-HEARING: WEST STREET

The hearing began at 7:04 PM. Present were: Mr. Peter Buttkus, DPW Director; and Ms. Karen Rae, Right-of-Way Representative from NSTAR. Abutters had been notified of the hearing by certified mail. Ms. Rae explained that the proposed pole is necessary to assist the Town of Duxbury Water Department with a new pump station.

Mr. Martecchini thanked Ms. Rae for the provision of scaled plans. No objections were offered. Mr. Buttkus noted that there are no sight line issues with the proposed pole location, but that there will be some minor tree trimming that needs to be done to facilitate setting the pole.

Mr. Martecchini moved that the Board endorse a new pole location on West Street, #28/58 – 1/2, as shown on a plan dated December 8, 2008 by NSTAR Electric Company. Second by Ms. Sullivan. Vote: 2:0:0.

POLE-HEARING: ELM STREET

The hearing began at 7:06 PM. Present were: Mr. Peter Buttkus, DPW Director; and Ms. Karen Rae, Right-of-Way Representative from NSTAR. Abutters had been notified of the hearing via certified mail. Ms. Rae explained that the proposed pole is necessary to assist the Town of Duxbury Water Department with another new pump station.

Mr. Buttkus noted that there are no sight line or tree issues with the proposed location.

Mr. Thomas Mackin, abutter, asked for clarification of the location. He then described some drainage issues in the area, and wondered if these could be addressed when the pole is installed. Mr. Martecchini explained that this would be an entirely separate issue. Mr. Buttkus said that he would work with Mr. Mackin on the drainage issue.

Mr. Martecchini moved that the Board endorse a new pole location on Elm Street, #9311/266A, as shown on a plan by NSTAR Electric Company, dated December 8, 2008. Second by Ms. Sullivan. Vote: 2:0:0.

TOWN MEETING ARTICLE: PERCY WALKER POOL

Present were:

Members of the Percy Walker Pool Long-Range Planning Committee (PWP-LRPC): Kathy Coghlan, Chair; Nancy Johnson, Jane Arkema, and Jess Williams.
Gordon Cushing, Recreation Director
Dan Meus and Rohn MacNulty, Architects (Graham/Meus Architecture)

Ms. Coghlan gave a PowerPoint Presentation, describing the proposed project. She explained that the pool was a gift to the Town in 1976. It has not had any major renovations or upgrades in thirty-three years. Several problems require action including: Dismal lighting, excessive humidity, mildew, lack of private showers, and failing mechanical systems. The 2008 Annual Town Meeting endorsed a \$163,000 debt exclusion override in order to develop architectural plans for a renovation. This vote was upheld at the subsequent Town election. The PWP-LRPC and the architects worked hard to find environmentally friendly ("green") solutions, to be reasonable, and to benefit the entire pool community. The proposed plans include new windows, improved interior and exterior lighting, a dehumidification system, upgraded locker rooms and showers, a family changing room, a multi-purpose room, permanent recessed pool stairs (for handicap and elder access), another entry/exit point, a first-aid station, and new mechanical systems. The estimated cost is \$2,200,000.00. The Town meeting article proposes to fund the project through a debt exclusion override vote. At current rates, a 20-year bond would result in an \$87 annual tax addition per household (based on average assessment of \$655,000.00).

Mr. Martecchini said that he is a pool user, and definitely favors renovating the pool. However, given the current economic conditions, he wondered if there might be some cost savings possible. He thought that the permanent stairs, the multi-purpose room, and the new rear entrance could be re-examined for necessity. Also, as a member of the Alternative Energy Committee, he asked whether a co-generation system had been considered. Mr. Meus answered that it was not part of the current plans, but might be able to be added in the future.

Ms. Sullivan asked why there was a sun canopy on the exterior windows, when we are trying to let more light in the building. Mr. Meus explained that this protects against the summer sun, when it is at its highest point. For the remainder of the time, the canopy will not block the sun.

In response to a question by Mr. Frank Mangione (Fiscal Advisory Committee Chairman), it was determined that the cost of the construction will be approximately \$169.23 per square foot.

Mr. Chris Bennis, a volunteer coach for the swim/dive team, said that Brandeis University had a pool to which they did not make the necessary improvements. Now, it is too late, and the building has become unusable.

In response to a question, Ms. Coghlan noted that Community Preservation Act funds cannot be used for the pool renovation. The project does not fit the statutory uses of those funds.

Ms. Linda Brodie, 331 Bay Road, noted that she was a Library Trustee when the Town was asked to build a six-million dollar library. At that time, the economic conditions were similar to those we are experiencing in the current downturn. However, people saw the value of the project, and were willing to support it. She thought that the same thing could happen here.

Ms. Coghlan explained that there is a group called, "Friends of the Percy Walker Pool". They are willing to raise money, but they want to wait until they have guidance about what the money would be used for. Would it be used for construction, maintenance, programming or extras?

Mr. MacDonald and Mr. Madden explained that the pool will be closing in July. If the Town Meeting article and ballot question gain approval, the pool will be closed for construction. If they do not gain approval, the pool will still close. This is because there is an \$80,000.00 annual revenue gap in the operation of the pool. It is hoped that after renovation, more members will be attracted, and higher fees will be possible for the more attractive pool. This will shrink the revenue gap. Mr. Martecchini indicated that he is not necessarily in favor of this closure.

Mr. Martecchini and Ms. Sullivan postponed voting on this article until Mr. Witten can be present.

AQUACULTURE HEARING

The public hearing was opened at 8:28 P.M.

Present were:

Ned Lawson, Duxbury Bay Management Commission (DBMC) Chairman

Donald Beers, Harbormaster

Several current aquaculture license holders

Mr. Lawson said that the recommendations of the DBMC were presented to the Selectmen in November 2008. However, it was felt that the adoption of the recommendations should be postponed until there could be a public hearing. To summarize the findings of the DBMC: The aquaculture industry is beneficial to the Town of Duxbury. Benefits include improved water quality through de-nitrification, the provision of habitats for fish and crustaceans in the oyster nursery racks, local employment, and maintenance of the Town's historic connection to the sea. One of the goals of the DBMC study was to find ways to minimize impacts of aquaculture on other bay uses, such as recreation.

One thing that has been discovered over the past few years is that the oysters grow better when laid out in flats, than when they are stacked on racks. Laying the oysters out on flats naturally requires more acreage. The DBMC evaluated a proposal to allow the maximum lease area to increase from three to five acres. However, it was decided not to recommend a five-acre maximum at this time. Instead, it is proposed to allow growers with less than

three acres to apply for up to three acres. If the three acre maximum were to be attained by all existing license holders, then the total aquaculture acreage would be 90 acres.

It will take some time for all these growing areas to be fully operational, and then more time to evaluate their effect on the Bay. Therefore, the DBMC recommends that the Town monitor and manage this growth prior to introducing any new licenses. Instead, a "limited entry" program is proposed, whereby new licenses could be created as existing license holders leave the industry or fail to utilize their licenses. Mr. Beers explained that a waiting list would be established. There would be a deadline for applying to be on the waiting list. Then, a drawing would be held to determine the applicants' place on the waiting list.

Comments from the Public

Ms. Linda Brodie, 331 Bay Road, asked whether residency is a requirement for a Duxbury Aquaculture license. Answer: Yes. She also asked whether there are educational requirements to attain a license. Answer: The process of applying for a license requires the applicant to become very familiar with the industry. Also, applicants have the opportunity to become apprentices of existing license holders.

Mr. Bill McBain, 406 Tremont Street, encouraged expansion of the recreational oystering program, so that more taxpayers can benefit.

Motion

Mr. Martecchini moved that:

- 1) The Duxbury Aquaculture Plan prepared by the Duxbury Management Commission be adopted;
- 2) That the existing moratorium on new aquaculture leases be amended as follows:
 - a) Any licensee whose license currently includes less than three acres may seek approval of an expansion of his/her licensed area to a total of up to three acres;
 - b) If the status of any person as a licensee is terminated either voluntarily or involuntarily, there may be an application for one additional license to replace the terminated license. The Shellfish Advisory committee and the Shellfish Warden shall establish a waiting list for such applicants.
- 3) The Duxbury Bay Management Commission, the Shellfish Advisory Committee and the Shellfish Warden shall continue to monitor the development of Duxbury's aquaculture industry and make reports and recommendations to the Board of Selectmen as appropriate.

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

EVENT PERMIT

Ms. Sullivan moved that the Board grant permission to Ms. Lisa Tower, as a representative of the Duxbury Education Foundation, permission to hold a Road Race on Saturday, May 23, 2009, beginning and ending at the Chandler School, under the conditions listed on the permit. Second by Mr. Martecchini. Vote: 2:0:0.

TOWN MANAGER'S BRIEF:

Economic Stimulus Package: Incoming U.S. President Barack Obama has proposed an economic stimulus package that would include granting money to states for infrastructure projects. Lt. Governor Murray asked towns and cities to develop a list of projects that would be "shovel-ready" within 180 days for consideration of inclusion in the stimulus package. Mr. MacDonald submitted the following list:

- Percy Walker Pool Renovation
- Millbrook Water Department Equipment Storage Facility
- PCE Pipe Replacement
- Public Safety Buildings Project
- Crescent Street Outfall Drainage Project
- Bayview Road Outfall Drainage Project
- Artificial Turf Athletic Fields

Mr. Martecchini said that towns and cities will have to investigate how to properly accept any potential grants from this program.

Coastal Zone Management Grant: The Town has received a \$115K grant for water quality improvement in the Crescent Street area. The Crescent Street area is the second highest source of pollution for Kingston Nook.

Alden House: The U.S. Secretary of the Interior has informed us that the John and Priscilla Alden House has been entered into the National Registry of Historic Places. This is a great honor for the Town and for the Alden Kindred Society.

Verizon FIOS: Verizon has informed the Town that they would like to offer Fiber Optic Service to Duxbury residents. They plan to begin the process of obtaining a franchise license. A Verizon representative will be invited to attend the next Board of Selectmen meeting.

Snow/Ice: The recent series of storms is wreaking havoc on our Snow/Ice budget. Mr. Martecchini thanked the Department of Public Works for their excellent service.

Meeting Schedule: The next Board of Selectmen meeting will be held on Tuesday, January 20, 2009, due to the Martin Luther King holiday.

MINUTES

Mr. Martecchini moved that the Board accept the minutes of January 5, 2009 as written. Second by Ms. Sullivan. Vote: 2:0:0.

APPOINTMENTS

Mr. Martecchini moved that the Board appoint Mr. John Todd as the Duxbury Housing Authority representative to the Local Housing Partnership, to fill an unexpired term ending on June 30, 2009. Second by Ms. Sullivan. Vote: 2:0:0.

EXECUTIVE SESSION

At 9:05 PM, Ms. Sullivan moved that, after completing routine signatures, the Board enter Executive Session in order to discuss contract negotiations, and to re-convene afterward for the purposes of adjournment only. Second by Mr. Martecchini. Roll Call Vote: Ms. Sullivan---aye; Mr. Martecchini---aye.

ADJOURNMENT

At 9:45 PM, at the close of Executive Session, the Board re-convened for the purposes of adjournment. Mr. Martecchini moved to adjourn the meeting. Second by Ms. Sullivan. Vote: 2:0:0.