

**Date: January 26, 2009**

*Date Minutes Approved: February 2, 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 Barbara Ripley, Executive Assistant.

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

### **OPEN FORUM**

No items were discussed

### **RECOGNITION OF FIREFIGHTER JOHN MONTOSI**

Chief Nord, approximately fifteen members of the Duxbury Fire Department, and the family of Firefighter/Paramedic John Montosi were present to join the Board of Selectmen in honoring him for a life-saving rescue at a fire in Pembroke while he was off-duty on January 13, 2009. Mr. Witten and Chief Nord presented commendations to Mr. Montosi. All agreed that the Town is extremely fortunate to have Mr. Montosi as part of our professional staff.

### **DISCUSSION OF ANNUAL TOWN MEETING (ATM) AND SPECIAL TOWN MEETING (STM) ARTICLES**

**Trench Safety Regulations (ATM):** Duxbury Inspectional Services Director, Mr. Scott Lambiase, was present to discuss the article. The Commonwealth has promulgated new regulations for trench safety, in response to the death of a four-year old child who fell into an unattended trench a few years ago. This article authorizes the Town Manager to designate a permitting authority to implement the provisions of the new Excavation and Trench Safety Regulations in accordance with M.G.L. Chapter 82A. Mr. Lambiase answered questions about the types of earth removal this would apply to. Mr. Martecchini moved that the Board support the Annual Town Meeting article pertaining to Trench Safety Regulations. Second by Ms. Sullivan. Vote: 3:0:0.

**Duxbury Beach Lease (ATM):** Present were: Ms. Margaret Kearney (President, Duxbury Beach Reservation), and Mr. Shawn Dahlen (Vice-President, Duxbury Beach Reservation). Ms. Kearney explained that the Duxbury Beach Reservation (DBR) owns Duxbury Beach, and leases it to the Town each year. The Town has leased the beach since 1919. (It was leased from the Duxbury Beach Association before it became the DBR.) The Town sells beach stickers for income. The lease amount has been \$400,000 for the past several years. DBR uses the lease money to maintain the beach. Examples of expenditures include: endangered species protection, road maintenance, dune repair, trash removal, fencing, fertilizing, and grass planting. Over the past five years, the DBR has spent \$164,000 more on beach maintenance than it has received in lease payments. The DBR has also started a private endowment, because they are concerned about the likelihood of a future major storm event. The Federal Emergency Management Agency has demonstrated that they are not likely to provide funds to help Duxbury Beach if that happens. Ms. Sullivan moved that

the Board support the Annual Town Meeting article for the Duxbury Beach Lease, in the amount of \$400,000. Second by Mr. Martecchini. Vote: 3:0:0.

**Fourth of July Parade (ATM):** Present from the Fourth of July Committee were: Ms. Margaret Kearney and Mr. James MacNab (co-chairs) and Mr. Don Reed (member). Ms. Kearney explained that the two sources of income for the parade are the Town Meeting article for \$10,000, and donations to the Margery Parcher Fund, which have amounted to approximately \$22,000 in the past couple of years. If Town Meeting does not support this article, it is likely that either the parade or the beach party will not be held this year. Mr. MacDonald acknowledged that elimination of the \$10,000 Town Meeting funding is under consideration. However, he recognizes the importance of the celebration to the Town (especially in hard times), and would like another week or two to try to find a source of funding. It was agreed to postpone voting on this article.

**Home-Rule Petition for Artificial Turf (ATM):** Mr. MacDonald explained that this article may not be necessary, because Town Counsel has opined that Community Preservation Funds may be spent on site-work and drainage-work at the Chandler Field. By consensus, the Selectmen decided to take no action on this article.

**Housing Allocation Plan (STM):** Present was Ms. Diane Bartlett, Chairman of the Local Housing Partnership. This article is designed to correct the Housing Allocation Plan for FY09, by using gifts and grants to assist low-income homebuyers, rather than low interest loans or deferred payment loans. Ms. Bartlett explained that the STM article may not be needed. The Housing Allocation Plan is related to a 2005 ATM article that established the *Affordable Housing Trust Fund*. However, this was replaced by the 2008 ATM article which established the *Affordable Housing Trust*. Mr. Witten and Ms. Sullivan disagreed. They said that this article is still needed so long as the Zoning Bylaw refers to the Affordable Housing Trust Fund with regard to inclusionary zoning. Ms. Sullivan moved that the Board support the STM article pertaining to the FY09 Housing Allocation Plan. Second by Mr. Martecchini. Vote: 3:0:0.

**Housing Allocation Plan (ATM):** This article provides a Housing Allocation Plan for FY10. Ms. Sullivan moved that the Board support the Annual Town Meeting article pertaining to the FY10 Housing Allocation Plan. Second by Mr. Martecchini. Vote: 3:0:0.

#### **SITE ELIGIBILITY LETTER FOR MILLBROOK CROSSING**

Mr. Witten drafted a letter for the Selectmen to the Massachusetts Housing Partnership about the Application for Project Eligibility for the Millbrook Crossings Project. Neither Mr. Martecchini nor Ms. Sullivan agreed to sign the letter. Mr. Martecchini was concerned that comments from the Development Review Team were not taken into account. He also said that this parcel should be developed in some fashion. Without a mounded septic system (Mr. Witten's main objection) development may not be able to occur. Ms. Sullivan said that the developer had listened to comments which had been offered in previous forums, and that the project is much improved.

Mr. Witten stated that the Board of Health voted that they could not legally allow a mounded septic system on the site. This stopped an earlier version of the project. Therefore, the applicant has decided to use the M.G.L. Chapter 40B statute, which may exempt the developer from Board of Health requirements. Mr. Witten feels that this is wrong, and that it will eventually lead to an expensive court battle. He said that the developer has not exhausted all the possibilities that are available under current zoning.

After continued discussion, it was decided that the Selectmen would request another week to provide the letter to Mass Housing, and that Mr. Martecchini would draft another letter.

**ONE-DAY LIQUOR LICENSE: Mr. Patrick Browne for Duxbury Rural & Historical Society**

Mr. Martecchini moved that the Board grant a One-Day All-Alcohol License to Mr. Patrick Browne, as a representative of the Duxbury Rural & Historical Society, to hold a private function at the Nathaniel Winsor, Jr. House on January 31, 2009, subject to the conditions listed on the license. Second by Ms. Sullivan. Vote: 3:0:0.

**TOWN MANAGER BRIEF**

- 1) **Congressmen Delahunt has invited the Town to be represented at a forum on the proposed Economic Stimulus Package that is under consideration by the US Congress. The forum will be held at Marshfield Town Hall on January 30.**
- 2) **The first meeting of the Duxbury Town Planner selection committee will be held on Friday, January 30. Although there is a hiring freeze, this has been designated as an essential position, and will be filled. The Selectmen representative on the committee is Mr. Witten.**
- 3) **The Mass. Division of Labor Relations issued a certification of written majority authorization on December 15, 2008 between the Town of Duxbury and Local 888 SEIU AFL-CIO. As a result of the certification there are two new bargaining units in the Town of Duxbury. One is a Professional and Supervisory Unit . The positions excluded from this unit are:**
  - **Council on Aging Director**
  - **DPW Director**
  - **Finance Dir.**
  - **Fire chief**
  - **Library Director**
  - **Police Chief**
  - **Town Accountant**
  - **Treasurer/Collector**

**The second unit is a Professional Support Unit. Excluded from that unit are:**

- **Exec. Asst to the Town Mgr**
- **Secretary to the Selectmen**
- **All COA employees**
- **Personnel Administrator**

**The parties will be meeting shortly to negotiate contracts with these two bargaining units. Employees who are excluded from the units will remain under the Personnel Plan. Revisions to the Personnel Plan are in progress.**

- 4) **The Selectmen and Town Manager attended the Massachusetts Municipal Association Conference on January 23 and 24. The Governor announced that \$128 million will be cut from the FY09 local aid budget for cities and towns. Over \$300 million will be cut from the FY10 local aid budget. Chapter 70 money (schools) will not be cut. Mr. MacDonald said that we had mechanisms in place to help us survive the FY09 situation. FY10 will be more difficult, but hard work is being done. A priority is keeping jobs. Mr. Martecchini said that, as hard as these economic times are, that it will force us to look at some creative financial solutions, such as regionalization.**

#### **BONUS SHELLFISH SEASON**

**Mr. Martecchini moved that the Board declare a temporary Bonus Shellfish Season for the commercial harvesting of soft-shell clams for the month of February; a temporary Bonus Shellfish Season for the commercial harvesting of quahog clams for the month of February; and a temporary Bonus Shellfish season for the recreational harvesting of soft-shelled clams for the month of February, all as per the regulations contained in the Harbormaster's memorandum of January 20, 2009. Second by Ms. Sullivan. Vote: 3:0:0.**

#### **ANNOUNCEMENT**

**Mr. Witten announced the method for having correct phone numbers listed in the Town's rapid-dial program. Instructions are available on the Town's website, and in the DPW office.**

#### **COMMENT**

**Mr. Witten asked Mr. MacDonald to look into a report of clear-cutting in the High Street area.**

#### **ADJOURNMENT**

**Mr. Martecchini moved to adjourn the meeting at 8:25 PM. Second by Ms. Sullivan. Vote: 3:0:0.**