

**Date: May 18, 2009**

*Date Minutes Approved: June 1, 2009*

## **BOARD OF SELECTMEN MINUTES**

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

### **INTRODUCTION OF THOMAS CONNOLLY, DUXBURY TOWN TREASURER / COLLECTOR**

Mr. MacDonald introduced Mr. Thomas Connolly, who has been selected as the Town's new Treasurer / Collector, by a search committee formed for that purpose. He is presently the Treasurer in Hull. He will begin working in Duxbury on June 8, 2009.

### **PROCLAMATION OF EMERGENCY SERVICES WEEK**

Chief Nord and five members of the Fire Department were present as the Selectmen thanked them for their excellent service, and read a proclamation designating May 17 through May 23 as Emergency Medical Services Week.

### **DUXBURY BEACH TRIATHLON 2009**

Mr. Brian Noyes, Race Director, was present to request the Town's permission to hold the annual Duxbury Beach Triathlon. He explained that the tide pattern has presented significant challenges this year with event planning. The best solution appears to modify the swim course. It will begin near Blakeman's parking lot. Participants will swim in an arc pattern in the Bay, ending near the Powder Point Bridge.

Mr. Witten moved that the Board grant permission to Mr. Brian Noyes, as a representative of the Duxbury Beach Triathlon, to hold a triathlon event in Duxbury on Saturday, September 26, 2009, beginning at 8:00 AM subject to the conditions as listed on the license (all conditions were read). Second by Mr. Donato. Vote: 3:0:0.

### **ISSUING AUTHORITY RESPONSE TO VERIZON'S FORM 100**

Mr. Bill Kearney, interim Chairman of the Cable Advisory Committee, was present. He explained that on March 6, 2009, VERIZON submitted a Form 100 to the Town of Duxbury. This form lists their qualifications to provide cable service to the Town. Telecommunications law then allows the Town 90 days to provide a response, or "wish list", to VERIZON. The Town's response was developed with the assistance of Attorney William Hewig.

Mr. Witten asked about the section of the response referring to Liquidated Damages. He felt that the amounts that VERIZON would have to pay (for failure to perform) were unrealistically low. Mr. Kearney and Mr. MacDonald agreed to check with Attorney Hewig about this issue.

Ms. Sullivan asked about the ongoing negotiations with COMCAST. She wondered if the VERIZON application would force a resolution with COMCAST, or whether COMCAST might just wait and see what VERIZON does. Mr. Kearney and Mr. MacDonald explained that the delays with VERIZON are partly due to delays in communicating the Town's responses, and partly due to staff changes at COMCAST.

It was agreed that the response would be discussed again on May 20, 2009 when the Board convenes for the Land Use Summit. This will allow time for research on the Liquidated Damages issue.

#### **ONE-DAY LIQUOR LICENSE REQUEST: Terri Woodward for the Duxbury Student Union / Fundraising Party on May 30, 2009**

Mr. Donato moved that the Board grant Ms. Terri Woodward, as a representative of the Duxbury Student Union (DSU), a One-Day All Alcohol License to hold a fundraising party on May 30, 2009 from 7:30 PM to midnight at the Wright Building (DSU Section only), subject to the conditions listed on the license. Second by Mr. Witten.

Ms. Sullivan moved that the motion be amended, such that the ending time is consistent with the hours of operation listed on the DSU lease with the Town. All agreed to the amended motion.

Vote on the amended motion: 3:0:0.

#### **TOWN MANAGER'S BRIEF**

- 1) **Ms. Diane Grant:** Mr. MacDonald recognized Ms. Diane Grant, Administrative Assistant to the Planning Board, for her excellent work in keeping the Planning Department in operation during the interim between the departure of Ms. Christine Stickney, and the hiring of Mr. Tom Broadrick. This was especially significant because this occurred during the period leading up to the 2009 Annual Town Meeting.
- 2) **Percy Walker Pool Renovation:** Town Meeting allowed \$2.2 million for the Percy Walker Pool Renovation. Bids came in just under that amount. However, this did not allow for a Clerk of the Works, or for a ten percent contingency fund. The project will probably be re-bid. Savings may be available in the dehumidification aspect of the renovation. The pool will still close on July 1, 2009. Due to the re-bidding, construction may not start for three or four weeks after that.
- 3) **Memorial Day:** There will be no Selectmen's meeting on Memorial Day. The traditional parade will take place from the Myles Standish Ceremony to the First Parish Church on Monday morning.

#### **ANNOUNCEMENTS**

Ms. Sullivan reminded the public of the Land Use Summit planned for Wednesday, May 20, 2009 at the Duxbury Senior Center. Approximately 25 members of current land use boards

**will be invited for a general discussion of land use issues facing the Town of Duxbury. The public is invited.**

#### **MINUTES**

**Mr. Witten moved that the Board accept the minutes of May 11, 2009 as presented. Second by Mr. Donato. Vote: 3:0:0.**

**Mr. Witten moved that the Board accept the Executive Session minutes of May 11, 2009 as presented, with the contents to remain sealed as they deal with matters pertaining to the King Caesar Fund. Second by Mr. Donato. Vote: 3:0:0.**

#### **APPOINTMENTS**

**Ms. Sullivan announced that 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](http://www.town.duxbury.ma.us).**

#### **RECEPTION FOR ANDRE MARTECCHINI**

**Mr. Witten thanked Ms. Sullivan and Town staff for organizing the reception, held May 12, 2009, for Mr. Andre Martecchini, in honor of his twelve years as Selectman.**

#### **ADJOURNMENT**

**Mr. Witten moved to adjourn the meeting at 7:50 PM. Second by Mr. Donato. Vote: 3:0:0.**