

**Date: November 2, 2009**

*Date Minutes Approved: November 16, 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 brought forward.

### **PAT LORING RE: CAMP WING CONSERVATION RESTRICTION**

Ms. Loring noted that when land is purchased with Community Preservation Act Funds, the Town is required to put a permanent conservation restriction on the land. This land is in Northwest Duxbury, and was formerly owned by Crossroads for Kids, Inc. The land acquisition allows for additional protection of the South River corridor, along with many other benefits.

Mr. Witten moved that the Board of Selectmen sign a permanent conservation restriction for land in Duxbury, as presented by Ms. Pat Loring, and dated September 7, 2009. Second by Mr. Donato. Vote: 3:0:0.

### **INTRODUCTION OF INTERIM POLICE CHIEF**

Mr. MacDonald introduced Mr. Stephen Doherty as the Town's Interim Police Chief. He is a retired police chief (Town of Wakefield), with thirty-four years of law enforcement experience. Chief Doherty said that he is very pleased to have the chance to help Duxbury through a transition to a permanent police chief. He made it clear that he is not a candidate for the permanent position.

### **INTRODUCTION OF POLICE CHIEF SEARCH FIRM**

Mr. MacDonald introduced Mr. Stephen Unsworth, owner of the BadgeQuest recruiting firm. Mr. Unsworth described the steps in the recruiting process, which will take four to six months.

He expects that there will be at least sixty applicants, from all over the country. He will work with the Citizen Selection Committee to narrow the field to four to six candidates. Those candidates will participate in an Assessment Center exercise. This exercise involves role-playing in various public safety scenarios as well as other activities.

**SCHOOL SUPERINTENDENT RE: STATEMENT OF INTEREST TO SCHOOL BUILDING AUTHORITY**

**Ms. Skeiber explained that the Town is “refreshing” its Statement of Interest for the Middle School and High School, in order to make the School Building Authority aware of up-to-date information about the state of the buildings.**

**Mr. Witten made the following motion for the Middle School:**

Having convened in an open meeting on November 2, 2009, the Selectmen of Duxbury, in accordance with its charter and by-laws, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated October 30, 2009 for the Duxbury Middle School located at 130 St. George Street, Duxbury, MA which describes and explains the following deficiencies and the priority categories for which Duxbury may be invited to apply to the Massachusetts School Building Authority in the future. These priorities include:

- #1: Replacement or renovation of a building, which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists. Duxbury Middle School meets this priority due to the aging of the facilities systems.
- #2: Elimination of existing severe overcrowding. Duxbury Middle School meets this priority in the inadequate cafeteria; insufficient space for appropriate special needs services, and inadequate administrative and guidance office space.
- #5: Replacement, renovation or modernization of the heating system in a schoolhouse to increase energy conservation and decrease energy-related costs in the schoolhouse. Duxbury Middle School meets this priority due to the aging systems.
- #7: Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements. Duxbury Middle School meets this priority in the insufficient space to fully implement a true middle school model, provide for the services of students with special needs and the insufficient cafeteria space.

and hereby further specifically acknowledge that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

**Second by Mr. Donato. Vote: 3:0:0.**

**Next, Mr. Donato made the following motion for the High School:**

Having convened in an open meeting on November 2, 2009, the Selectmen of Duxbury, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated October 30, 2009 for the Duxbury High School located at 130 St. George Street, Duxbury, MA which describes and explains the following deficiencies and the priority categories for which Duxbury may be invited to apply to the Massachusetts School Building Authority in the future. These priorities include:

#1: Replacement or renovation of a building, which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists. Duxbury High School meets this priority due to the aging of the facilities systems.

#3: Prevention of the loss of accreditation. Duxbury High School meets this priority in the issues

that were identified by NEASC in its summary. These include issues regarding technology, appropriate classroom and teacher work space, and inadequate cafeteria space. #5: Replacement, renovation or modernization of the heating system in a schoolhouse to increase energy conservation and decrease energy related costs in the schoolhouse. Duxbury High School meets this priority due to the aging systems.

#4: Prevention of severe overcrowding expected to result from increased enrollments. Duxbury High School meets this priority due to currently undersized cafeteria, classrooms, labs, and auditorium which will be further crowded with the anticipated increased enrollment by 108 students in the future.

#5: Replacement, renovation or modernization of the heating system in a schoolhouse to increase energy conservation and decrease energy related costs in the schoolhouse. Duxbury High School meets this priority due to the aging systems.

#7: Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements. Duxbury High School meets this priority in the insufficient space to fully implement programs that will address programs that prepare students with 21<sup>st</sup> century skills, provide of the services of students with special needs, and the insufficient cafeteria space;

and hereby further specifically acknowledge that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

**Second by Mr. Witten. Vote: 3:0:0.**

#### **CONTINUE AQUACULTURE HEARING**

**Mr. Donato moved that the Aquaculture License Renewal Hearing for the Duxbury Oyster Company, LLC, originally scheduled for October 26, 2009 at 7:01 PM, be rescheduled for November 16, 2009 at 7:01 PM. Second by Mr. Witten. Vote: 3:0:0.**

#### **EVENT PERMIT REQUEST: ANNE ANTONELLIS FOR DUXBURY BUSINESS ASSOCIATION / HOLLY DAYS ON NOVEMBER 29, 2009**

**Ms. Anne Antonellis and Mr. Steve Antonellis were present to describe the fifth annual Holly Days event. New this year will be a hayride and a Childrens' Hospital Bloodmobile.**

**Mr. Witten moved that the Board grant an event permit to Ms. Anne Antonellis, as President of the Duxbury Business Association, for the Holly Days celebration, to be held on Sunday, November 29, 2009 from Noon to 4:00 PM, subject to the conditions listed on the permit. Second by Mr. Donato. Vote: 3:0:0.**

#### **ONE-DAY LIQUOR LICENSE REQUEST: CHARLES LEONARD FOR THE DUXBURY BAY MARITIME SCHOOL / PRIVATE EVENT ON NOVEMBER 7, 2009**

**Mr. Leonard explained that a staff member of the maritime school would like to use the school's function room for her son's wedding.**

**Mr. Witten moved that Mr. Charles Leonard, as a representative of the Duxbury Bay Maritime School, be granted a One-Day All-Alcoholic Liquor License to host a wedding at the Maritime's School Clifford Hall, on Saturday, November 7, 2009 from 4:00 PM to 10:00 PM;**

subject to the conditions listed on the permit.

Second by Mr. Donato. Vote: 3:0:0.

#### **FIRE CHIEF KEVIN NORD RE: PROPOSED INTER-MUNICIPAL AMBULANCE AGREEMENT**

Chief Nord explained that this agreement would allow three towns (Marshfield, Kingston, and Duxbury) to share an un-manned ambulance that would be a reserve unit, to be used only when one of Duxbury's two ambulances are out of service. This arrangement would pay for itself quickly, since the Town currently loses revenue when one of its ambulances is out of service, and the Town has to depend on another Town to run the ambulance. In addition, this arrangement would reduce response times to medical situations. Chief Nord said that he is hopeful that Town Meeting action will not be required. He is checking with Town Counsel.

Mr. Witten moved that the Selectmen execute an inter-municipal agreement for an unmanned ambulance, provided that Town Counsel agrees that Town Meeting action is not required. Second by Mr. Donato. Vote: 3:0:0.

#### **CHIEF NORD RE: LIBERTY MUTUAL FIRE EDUCATION PROGRAM**

Chief Nord presented information on how citizens can help the Town of Duxbury Fire Department earn a \$10,000 grant for department needs, from Liberty Mutual Insurance Company. The participant logs onto: [www.BeFireSmart.com](http://www.BeFireSmart.com), and takes a brief ten-question quiz. The communities with the most participation will win the grants.

#### **WAR MONUMENT COMMITTEE: RICHMOND G. WIGHT FUND**

Mr. Joseph Shea, Chairman of the War Monument Committee, was present to ask the Selectmen to allow \$2,000.00 to be expended from the Richmond G. Wight Fund, for the completion of the World War I Monument to be placed in front of Old Town Hall. The Finance Director provided a memorandum in support of the request, stating that the funds are available, and that the request meets the requirements of the Trust. He also confirmed that the Selectmen are the designating authority for the funds.

Mr. Witten moved that the Board of Selectmen authorize the expenditure of \$2,000.00 from the Richmond G. Wight Fund for the construction and installation of the World War I Monument to be placed in front of Old Town Hall. Second by Mr. Donato. Vote: 3:0:0.

#### **INVITATION TO SUBMIT ARTICLES FOR THE 2010 TOWN MEETING**

Ms. Ripley explained that this is the time of year when the Selectmen invite citizens, Department Heads and Boards and Committees to submit articles for the 2010 Annual and Special Town Meeting. Articles must be submitted to the Town Manager's office by December 8, 2009. Complete language is required. Duxbury Town Counsel will be available on Monday, November 16 to help with article language. Please call Barbara Ripley in the Town Manager's office to arrange for an appointment.

#### **FINANCE DIRECTOR: FY11 BUDGET**

Mr. Madden explained that current economic conditions have resulted in reduced Town revenues from the State, as well as from excise taxes. Many towns are experiencing workforce and service reductions. Duxbury has weathered the storm fairly well to date. Mr.

**Madden credited a pattern of making extremely cautious revenue projections for this.**

**Mr. Madden also explained that we have had success with managing our health care costs. This may be due, in part, to several ongoing wellness initiatives. The Town's recent claims experience has been excellent. As a result, the Health Insurance Trust Fund is substantial. This has allowed the Town and its employees to have a one-month "holiday" from making contributions to the Trust.**

**In addition, recognizing the difficult financial times, Town departments have been very cooperative with the budgeting process. For FY11, most departments have submitted budgets that are 1% lower than for FY10. (To date, this has not been requested of the School Department.)**

**So far, the Town has been very fortunate to have avoided layoffs and furloughs.**

**Mr. Donato said that one of his goals has been to bring more transparency to the budget process. He suggested that department expenditures be placed on the Town's website. Ms. Sullivan also said that it would help to have more departments make budget presentations to the Selectmen. Mr. Witten suggested taking a closer look at fees.**

#### **TOWN MANAGER BRIEF**

- 1) The Town of Duxbury will receive \$53,600 from the American Recovery and Reinvestment Act for additional storm water mitigation at Kingston Bay, largely through the efforts of our Conservation Administrator, Joe Grady.**
- 2) Construction costs in October were \$1.6 million.**
- 3) Bay State Gas has announced that their fuel assistance program will now be based on weekly, rather than annual salary. This helps those who have recently lost their jobs.**
- 4) The Town of Duxbury was a recipient of a 2009 Massachusetts Historical Commission Preservation Award, for the historic preservation and re-use of the Wright Building.**
- 5) The Massachusetts Department of Environmental Protection informs us that the Town of Duxbury has a 55% recycling rate, which is the highest on the South Shore.**
- 6) Town Hall will be closed on Wednesday, November 11th, in observance of Veteran's Day.**

#### **DAVID MURPHY**

**The Board observed a moment of silence in honor of Mr. David R. Murphy, who passed away on October 27. Mr. Murphy was a Korean War Veteran, a baseball and hockey coach, and an active member of the Duxbury American Legion.**

#### **FRANKLIN STREET FIRE STATION**

**Mr. Scott Lambiase, Director of Inspectional Services, inspected the Franklin Street Fire Station. He found that the building is in a serious state of disrepair and is infested with possibly toxic mold. He recommended that the building be demolished.**

**Mr. Witten moved that the Board support the Director of Inspectional Services recommendation to demolish the Franklin Street Fire Station, subject to the approval of the Duxbury Historical Commission, and the State Historical Commission, if necessary. Second by Mr. Donato. Vote: 3:0:0.**

## **ANNOUNCEMENTS**

1. There will be a Special Primary Election for the office of SENATOR IN CONGRESS, on December 8, 2009. The polling place will be the Duxbury Middle School. The polls will be open from 7:00 AM until 8:00 PM.
2. There will be a Special State Election for the office of SENATOR IN CONGRESS, on January 19, 2010. The polling place will be the Duxbury Middle School. The polls will be open from 7:00 AM until 8:00 PM.
3. **FALL FOLIAGE FIESTA WALK:** The Open Space and Recreation Committee is sponsoring its annual Fall Foliage Fiesta Walk on Sunday, November 8, 2009 (sun or light rain) at 1:00 PM at the Lansing Bennett Conservation Area on Union Bridge Road. Refreshments and maps available. Come enjoy the great outdoors!
4. The Next Board of Selectmen's Meeting will be on: Monday, November 16, 2009
5. A special cookbook is being compiled in honor of Caroline Campbell Stout, who passed away this fall, with the proceeds being donated to the SIDS Foundation. Please submit recipes to Suzanne Stout at [suzstout@aol.com](mailto:suzstout@aol.com).

## **MINUTES**

Mr. Donato moved that the Board approve the minutes of October 19, 2009, as written. Second by Ms. Sullivan. Vote: 3:0:0.

Mr. Donato moved that the Board approve the minutes of October 23, 2009 as written. Vote: 3:0:0.

Mr. Witten moved that the Board approve the Executive Session minutes of October 23, 2009, and that the minutes be made public. Second by Mr. Donato. Vote: 3:0:0.

## **POLICE CHIEF SITUATION**

Ms. Sullivan said that Chief Mark DeLuca's attorney approached Duxbury Town Counsel and asked whether the Board of Selectmen would re-open discussions about the settlement agreement that had been offered by the Town. Mr. Witten said that he would need to see a formal request in order to consider this. Ms. Sullivan said that it would "take a lot" to convince her to re-open these discussions. She asked that, if a formal request comes in, that the matter be held until November 16, 2009, when she returns from vacation.

## **APPOINTMENTS**

Mr. Donato moved that the Board appoint Mr. Paul Boudreau as an alternate member of the Zoning Board of Appeals, for a term to expire on 6/30/2010. Second by Mr. Witten. Vote: 3:0:0.

Mr. Witten moved that the Board re-appoint Mr. Paul Costello as a member of the Open Space and Recreation Committee, for a term to expire on 6/30/2012. Second by Mr. Donato. Vote: 3:0:0.

**Mr. Witten moved that the Board appoint Ms. Kathy Cross as a member of the Open Space and Recreation Committee, for a term to expire on 6/30/2012. Second by Mr. Donato. Vote: 3:0:0.**

**ADJOURNMENT**

**Mr. Witten moved for adjournment at 8:51 P.M. Second by Mr. Donato. Vote: 3:0:0.**