

**Date: February 8, 2010**

*Date Minutes Approved: February 22, 2010*

## **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 C. Anne Murray, Admin. Assistant

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

### **SWEARING-IN OF NEW FIREFIGHTER/PARAMEDIC: MICHAEL CARDOZA**

Present for the Swearing-in Ceremony were:

Fire Chief Kevin Nord

Probationary Firefighter/Paramedic Michael Cardoza and his wife, Laureen Cardoza

Ms. Nancy Oates, Duxbury Town Clerk, and

Members of the Duxbury Fire Department

Chief Nord introduced Michael Cardoza as a new hire in the Duxbury Fire Department to fill a vacancy. In introducing Probationary Firefighter/Paramedic Cardoza the Chief gave an overview of his background, which includes 12 years as a Naval corpsman and two tours with the 1<sup>st</sup> Battalion 25<sup>th</sup> Marines in Fallujah and An Nasiriyah, Iraq. Ms. Oates then swore in Probationary Firefighter/Paramedic Cardoza. Mr. MacDonald made some welcoming remarks and then presented the Firefighter badge to Mrs. Laureen Cardoza who pinned it on her husband's uniform.

### **OPEN FORUM**

Mr. Bill Campbell (of 60 Humphreys Lane) came this evening to inform the Board and the community of a milestone-event worthy of recognition. Mr. Campbell explained today is the 100<sup>th</sup> anniversary of the establishment of the Boy Scouts of America. He spoke eloquently about the good work they do and the recognition they deserve.

### **ONE-DAY LIQUOR LICENSE REQUESTS (2): CHARLES LEONARD FOR THE DUXBURY BAY MARITIME SCHOOL**

Mr. Chuck Leonard of the Duxbury Bay Maritime School described the "Shipwreck Ball" as a Dinner/Dance on Saturday, February 27th. He said attendees are asked to come dressed "as if the ship is going down."

Mr. Donato moved that the Board of Selectmen grant to Mr. Charles Leonard, as a representative of Duxbury Bay Maritime School a One-Day All-Alcohol License to hold a "Shipwreck Ball" at Clifford Hall, 457 Washington Street, on Saturday, February 27, 2010 from 6:30 PM to 11:30 PM, contingent upon the conditions listed on the license. Second by Mr. Witten. VOTE: 3:0:0.

The second one-day liquor license request is for a wedding to be held at the Duxbury Bay Maritime School on June 19, 2010.

Mr. Donato moved that the Board of Selectmen grant to Mr. Charles Leonard, as a representative of Duxbury Bay Maritime School is granted a One-Day All-Alcohol License to hold a wedding at Clifford Hall, 457 Washington Street, on Saturday, June 19, 2010 from 6:00 PM to 10:00 PM, contingent upon the conditions listed on the license. Second by Mr. Witten.  
VOTE: 3:0:0.

#### FRED CLIFFORD, JR. FOR DUXBURY EDUCATION FOUNDATION: FOURTH OF JULY ROAD RACE

Present for this item of business was Mr. Fred Clifford, Jr., Vice President of the Duxbury Education Foundation (DEF) and some members of the DEF.

Mr. Clifford explained the DEF is seeking approval to operate a road race on the Fourth of July 2010. An overview of the road race was in the Selectmen's packet. He mentioned that the DEF has run road races in the past. The DEF plans have been discussed with the Fourth of July Committee and they have indicated their approval.

Ms. Barbara Ripley, Executive Assistant, explained that given the scope of the event a meeting with the organizers, members of the Fourth of July Committee, and public safety officials was held. The feedback received was incorporated into the event permit the Selectmen are being asked to approve. The DEF has agreed to meet with the Development Review Team (DRT) when it meets with the Fourth of July Committee.

Mr. Donato moved that the Board of Selectmen grant to Fred Clifford, Jr. and Gay Shanahan, as representatives of the Duxbury Education Foundation, permission to hold a road race on July 4, 2010, contingent upon the conditions listed on the event permit. Second by Mr. Witten.  
VOTE: 3:0:0.

#### DISCUSSION OF TOWN MEETING FINANCE ARTICLES

Mr. Madden, the Town's Finance Director, was present to discuss the finance articles with the Selectmen. There are eight Special Town Meeting (STM) articles and eight Annual Town Meeting (ATM) articles to be discussed this evening. *NOTE: STM articles are for items requiring funding or action during the current fiscal year. ATM articles are for items requiring funding or action during the next fiscal year which begins July 1<sup>st</sup>.*

##### STM Art. 1 – Departmental Transfers

This is a housekeeping article. Mr. Madden explained that department budgets are prepared based on the best estimates possible, but often during the course of the fiscal year unanticipated or higher than usual expenses will occur. To cover shortfalls the Town must vote to transfer funds previously appropriated at the last Annual Town Meeting to cover the expenses. Mr. Madden reviewed a list of department transfers with the Board and explained why the department expenses were higher than anticipated.

##### STM Art. 2 – Unpaid Bills

This is another housekeeping article. Mr. Madden explained that any bills for goods or services received prior to June 30, 2010 must be authorized for payment. A list of the unpaid bills, which totaled \$6,667.34, was given to the Selectmen for review.

##### STM Art. 3 – Collective Bargaining Agreements

Mr. Madden said this article seeks funding of \$95,000. for Collective Bargaining Agreements that are settled and require funding in the current fiscal year. To date the schools have negotiated

contracts with four bargaining units/unions: Teachers, Instructional Assistants, Secretaries/Clerks, and Custodians. For contracts that might be settled between now and Town Meeting an amendment could be offered at the STM for the amount to be authorized. Agreements settled after Town Meeting would require authorization at a Town Meeting.

**STM Art. 5: Enterprise Fund for the Percy Walker Pool**

Mr. Madden explained that this article is not requesting funding, but rather is asking for authorization to set up an Enterprise Fund so there is a mechanism for collecting fees and/or donations to be used for the expenses and any capital expenses of the Pool.

**STM Art. 6: Add to the Unemployment Trust Fund (New)**

According to Mr. Madden, in the past \$50,000. was authorized, but this year there were higher than expected unemployment expenses of potentially \$226,400. due to some teacher contracts being terminated, some school staffing reductions, and the closing of the Pool, which affected some employees. So authorization under this article would be for \$176,400. to cover the potential shortfall. During discussion of this article it was also mentioned that this item falls under the category of "shared costs."

**STM Art. 7 – Birch Street Tank**

At a previous Town Meeting \$250,000 was authorized for engineering expenses related to the Birch Street Tank project. It was thought that the total engineering expenses came to \$221,000 and that was the amount that was bonded. Mr. Madden said subsequently some additional engineer expenses were incurred, but not enough to warrant bonding them so it was decided that those remaining expenses would just be paid when due from retained earnings. So for accounting purposes the remaining authorized debt of \$29,000. needs to be rescinded.

**STM Art. 9 – Salary Reserves**

Mr. Madden explained that he put this article on the warrant for discussion purposes. This goes back to the discussion under STM Art. 3 of how to fund Collective Bargaining Agreements settled between Town Meetings. Mr. Madden said what he is suggesting is to authorize funding a Trust Fund in the amount of \$200,000. He was recommending it for several reasons: (a) Going forward he would recommend only funding the amount that had been used during any given year. (b) As a trust fund it would be a separately invested, interest-bearing account. Although interest rates are low now it would have the potential to earn interest on the funds invested. (c) The Town is currently in a financial position to be able to fund this.

When asked why it was submitted as a STM article versus an ATM article, Mr. Madden said it was put in the Special Town Meeting because potentially there have been unemployment extensions, which could increase the current expected shortfall mentioned under STM Art. 6.

**STM Art. 10 – Transfer to Stabilization Fund**

It was explained by Mr. Madden and Mr. MacDonald that bond rating agencies, such as Standard & Poor and Moody's, do place great emphasis on an organization's Stabilization Fund. If adequately funded it can help the Town get more favorable borrowing rates and with some major Town construction projects on the horizon it is recommended that \$300,000. be authorized for the Stabilization Fund.

Ms. Sullivan moved that the Board of Selectmen support STM Articles 1 through article 7 and Article 10, as presented by the Finance Director. Second by Mr. Witten. VOTE: 3:0:0.

Ms. Sullivan moved that the Board of Selectmen support STM Article 9, as presented by the Finance Director. Second by Mr. Witten. VOTE: 2:1:0. (Ms. Sullivan was the "nay" vote.)

When asked by Mr. Frank Mangione what the source of the money for the STM articles was, Mr. Madden responded as follows:

<u>Article #</u>	<u>Source</u>
1a-2f	General Fund Free Cash
2h + 3 +6 +10	General Fund Free Cash
2g + 7	Water Enterprise Fund Retained Earnings

**ATM Art. 3 – Compensation of Elected Officials**

There are several elected positions which are compensated. The recommended amount of compensation is unchanged for the following: Moderator (\$40.), Selectmen Chair (\$2000.), Selectmen Member (\$1,500.), Assessor Chair (\$2000.) and Assessor Member (\$1,500.). Mr. Madden said the Town Clerk recommendation is for \$69,000, which is a \$2,000. increase.

Mr. Witten moved that the Board of Selectmen support ATM Article 3 as described. Second by Mr. Donato. VOTE: 3:0:0.

**ATM Art. 5 – FY11 Operation Budget**

Mr. Madden presented the Board with a spreadsheet of the FY'11 proposed budget, which totals \$54,020,952. As highlights he mentioned:

- the 5-year average increase for health insurance costs was 2.7%.
- The proposed budget includes budgeting for a Percy Walker Pool Enterprise Fund; and
- The operating expenses for the Tarkiln Community Center, which is expected to re-open in July.

Mr. MacDonald stressed that the proposed budget requires no layoffs or furloughs, and that he expects to be able to maintain service levels under it.

Mr. Witten moved that the Board of Selectmen recommend ATM Article 5 as presented. Second by Mr. Donato. VOTE: 3:0:0.

**ATM Art. 6 – FY11 Capital Budget**

In discussing the Capital Budget, Mr. Madden acknowledged the efforts of the entire Fiscal Advisory Committee and especially the work of Mr. David Madigan. It was pointed out that the funding for the capital items is possible because management has committed to no longer subsidizing the operating budget with Free Cash. Some major capital expenditures mentioned were: (a) replacement of aging Public Safety vehicles, (b) investment in network technology for the schools, and (c) \$30,000. for an implementable technology master plan to incorporate infrastructure, software, and staffing.

Mr. Witten moved that the Board of Selectmen recommend ATM Article 6 as presented. Second by Mr. Donato. VOTE: 3:0:0.

**ATM Art. 8 – Collective Bargaining Agreements**

Mr. Madden indicated that this is a placeholder article in case any Agreements are negotiated before town meeting. By consensus, the Board decided to postpone a vote on this article.

**ATM Art. 9 – Rescind Debt**

This is also a placeholder article, and this year there is no debt that needs to be rescinded. By consensus, the Board decided to postpone a vote on this article.

**ATM 10 – Revolving Funds**

It was explained that the Town has three Revolving Accounts, in which revenues deposited are used specifically for related expenses to those items. The recommended maximum expenditure amounts are as follows: (a) Council on Aging (COA) in the amount of \$70,000. (b) Jaycox Tree Farm in the amount of \$20,000., and (c) the Geographic Information Services (GIS) revolving fund in the amount of \$6,000.

Mr. Witten moved that the Board of Selectmen voted to endorse the following revolving funds: 1) Council on Aging, 2) Jaycox Tree Farm, 3) the Geographic Information Services (GIS), in the amounts described. Second by Mr. Donato. VOTE: 3:0:0.

**ATM Art. 34 – Stabilization Fund and ATM Art. 35 – Free Cash**

Mr. Madden indicated that there are no funds anticipated for either of these articles. By consensus, the Board decided to postpone a vote on this article.

**TOWN ELECTION BALLOT QUESTIONS**

The Selectmen reviewed drafts of two ballot questions and were asked to vote to instruct the Town Clerk to put them on the Ballot for the Town Election to be held on March 27, 2010.

Mr. Witten moved the Board of Selectmen vote to instruct the Town Clerk to place Question 1 (Debt Exclusion Design Services for Fire Station Rehabilitation) and Question 2 (Debt Exclusion New Crematory and New Cemetery Office Building) on the Annual Town Election Ballot. Second by Mr. Donato. VOTE: 3:0:0.

**FINALIZE STM & ATM WARRANTS**

Mr. Witten moved the Board of Selectmen recommend the Special Town Meeting warrant as presented. Second by Mr. Donato. VOTE: 3:0:0.

Mr. Witten moved the Board of Selectmen recommend the Annual Town Meeting warrant as presented. Second by Mr. Donato. VOTE: 3:0:0.

Ms. Sullivan mentioned that at the next Selectmen's meeting she would like to discuss the assignment of articles with her colleagues so they will be prepared to address any questions at the Town Meeting.

**BUSINESS**

**TOWN MANAGER'S BRIEF**

Mr. MacDonald indicated he had two items to mention this evening:

1. **Recycling:** Mr. MacDonald said he has been advised by DPW Director, Peter Buttkus, that Duxbury is in the Top Ten recycling communities in the Commonwealth of Massachusetts. Duxbury is number ten at 55%.
2. **Cable Negotiations:** Mr. MacDonald re-iterated, what he had mentioned recently, that the negotiations with Verizon and Comcast are ongoing. The Cable TV Advisory Committee are having discussions with the School Administration regarding the operation of a studio in the schools

**ANNOUNCEMENTS-** No announcements were made.

**MINUTES**

Mr. Witten moved that the Board approve the Open Session Minutes of February 1, 2010 as presented. Second by Mr. Donato. Vote: 3:0:0.

Ms. Sullivan moved that the Board approve the Executive Session Minutes of February 1, 2010 as presented. Second by Mr. Donato. Vote: 2:0:1. (Mr. Witten abstained.)

## **HUMAN RESOURCES OFFICER RE: PROPOSED CHANGES TO PERSONNEL BYLAW**

**Present for this item of business were: Ms. Jeannie Horne, Duxbury Human Resources Officer, and Mr. Wayne Heward, Chair of the Personnel Board.**

**The Board was given a copy of the Duxbury Personnel Plan marked to show the recommended language updates.**

**Ms. Horne explained there are three changes being recommended at this time, which are as follows:**

- 1. Regular Part-time Employees: This recommended change is to codify current practice so that regular, part-time employees working less than 20 hours per week are eligible for paid vacation, personal and sick time on a pro-rata basis consistent with their regular work schedules. Employees hired after July 1, 2010 will not be eligible for this paid time off.**
- 2. Family Sick Time-Management Employees: This recommended change is adding language which in effect allows Management Employees to use up to 40 hours per fiscal year (which is the equivalent of one week) of their available sick time to care for an ill member of their immediate family.**
- 3. Family Sick Time Regular Employees: This recommended change is adding language which in effect allows Regular Employees to use up to 37.5 hours per fiscal year (which is the equivalent of one week) of their available sick time to care for an ill member of their immediate family.**

**Ms. Horne explained that the first change recognizes a long-standing practice and allows for the grandfathering of current employees, but clarifies that with new employees this practice will no longer be allowed. The second and third changes are because the way the current Personnel Plan is written paid time off is only to be used if the employee is sick. This change recognizes widely-accepted human resource policy that allows for a set amount of paid time off to be used to care for family members and updates the Duxbury Personnel Plan accordingly.**

**Mr. Witten moved that the Board of Selectmen endorse the suggested changes to the Personnel Plan as described. Second by Mr. Donato. VOTE: 3:0:0.**

## **COMMITTEE APPOINTMENTS/RE-APPOINTMENTS**

**Mr. Donato moved to appoint Mr. Richard S. Prone as the Duxbury Representative to the MBTA Advisory Board to fill an unexpired term due to expire on June 30, 2010. Second by Mr. Witten. VOTE: 3:0:0.**

**Ms. Sullivan announced the following Boards/ Committees currently have open seats if anyone is interested in volunteering: Design Review Board, Nuclear Advisory Committee, Open Space & Recreation Committee, and the Sidewalk and Bike path Committee.**

## **OPEN SESSION ADJOURNED & ENTERED EXECUTIVE SESSION (LABOR COUNSEL & HUMAN RESOURCES OFFICER)**

**At approximately 9:00 PM Mr. Donato moved that the Board of Selectmen go into Executive Session to: discuss strategy with respect to collective bargaining since an open meeting may have a detrimental effect on the town's bargaining position, and to adjourn immediately afterward in accordance with Mass. General Laws Chapter 39, Section 23b. Second by Mr. Witten. Roll Call Vote: Mr. Witten – Aye; Mr. Donato –Aye; Ms. Sullivan –Aye.**