

Date: March 8, 2010

Date Minutes Approved: March 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 Barbara Ripley, Executive Assistant.

The meeting was called to order at 6:50 PM.

VOTE TO ENTER EXECUTIVE SESSION

AT 6:51 PM, Mr. Witten moved that the Board enter 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 reconvene in Open Session in accordance with Massachusetts General Laws, Chapter 39, Section 23B. Second by Mr. Donato. Roll Call Vote: Mr. Witten---aye; Mr. Donato---aye; Ms. Sullivan---aye.

VOTE TO END EXECUTIVE SESSION

At 7:02 PM, Mr. Witten moved that the Board adjourn the Executive Session, and re-convene in Open Session. Second by Mr. Donato. Roll Call Vote: Mr. Witten---aye; Mr. Donato---aye; Ms. Sullivan---aye.

OPEN FORUM

No items were brought forward.

TREASURER RE: LONG-TERM BORROWING

Mr. Thomas Connolly, Duxbury Town Treasurer, was present to ask the Selectmen to authorize a new bond issue. The amount of the bonds is \$3,150,000.00 and will be used for the Percy Walker Pool (design and construction), the Middle School/High School Facilities Study, and the Chandler School Roof. Five bids were received, and all bids were under 3%. The low bid was 2.82%, and the winner was Fidelity Capital Markets. The bonds will pay off the Bond Anticipation Notes that come due on March 15, 2010.

Mr. Witten moved that:

The sale of the \$3,150,000 General Obligation Municipal Purpose Loan of 2010 Bonds of the Town dated March 15, 2010 (the "Bonds"), to Fidelity Capital Markets a division of National Financial Services LLC at the price of \$3,211,095.90 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on March 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2011	\$310,000	2.00%	2019	\$195,000	4.00%
2012	305,000	2.00	2020	195,000	3.00
2013	200,000	2.00	2021	195,000	3.00
2014	200,000	2.00	2022	195,000	3.125
2015	200,000	2.00	2023	190,000	3.25
2016	195,000	2.00	2024	190,000	3.375
2017	195,000	5.00	2025	190,000	3.50
2018	195,000	3.00			

And further that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated February 11, 2010, and a final Official Statement dated March 3, 2010 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

And further that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

And further that the consent to the financial advisor bidding for the Bonds, as executed prior to the bidding for the Bonds, is hereby confirmed.

And further that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

And further that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

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

Mr. Connolly thanked members of all Town Departments who helped him put the bond package together.

DISCUSSION REGARDING SPECIAL TOWN MEETING (STM) ARTICLES

STM ARTICLE 1, MOTION 3 (Departmental Transfer for Snow & Ice Removal Expenses):

This motion had previously been recommended by the Selectmen, in the amount of \$80,000.00. However, recent stormy weather has increased the needed amount. Mr. Madden asked the Selectmen to plan to re-vote this item on the morning of Town Meeting, when the final amount will be calculated. The Board agreed.

STM ARTICLE 3, MOTION 1 (Union Contract—Teachers): Mr. Witten moved that the Board recommend approval of an appropriation of \$82,353.48 for the purpose of funding a collective bargaining agreement with the Duxbury Teachers' Association, for the fiscal year beginning July 1, 2009 and ending June 30, 2010, and to meet said appropriation, transfer the sum of \$82,353.48 from Free Cash. **Second by Mr. Donato. Vote: 3:0:0.**

STM ARTICLE 3, MOTION 2 (Union Contract—Instructional Assistants): Mr. MacDonald recommended that this vote be postponed until the morning of Town Meeting, because the agreement has not been finalized.

STM ARTICLE 3, MOTION 3 (Union Contracts—School Secretaries): Mr. Witten moved that the Board recommend approval of an appropriation of \$3,264.40 for the purpose of funding a collective bargaining agreement with the Duxbury Secretaries/Clerks Association of the Duxbury Public Schools, for the fiscal year beginning July 1, 2009 and ending June 30, 2010, and to meet said appropriation, transfer the sum of \$3,264.40 from Free Cash. Second by Mr. Donato. Vote: 3:0:0.

STM ARTICLE 3, MOTION 4 (Union Contracts—School Custodians): Mr. Witten moved that the Board recommend approval of an appropriation of \$4,636.34 for the purpose of funding a collective bargaining agreement with the Local 1700, AFSCME, Council 93, AFL-CIO for the Duxbury Public Schools custodians, for the fiscal year beginning July 1, 2009 and ending June 30, 2010, and to meet said appropriation, transfer the sum of \$4,636.34 from Free Cash. Second by Mr. Donato. Vote: 3:0:0.

DISCUSSION OF ANNUAL TOWN MEETING (ATM) ARTICLES

ATM ARTICLE 8 (Collective Bargaining Agreements): Mr. Madden said that if there are additional collective bargaining agreements prior to Town Meeting, that he hopes they can be funded within the budget. He expects to be recommending Indefinite Postponement of this article at Town Meeting.

ATM ARTICLE 23 (Community Preservation Committee (CPC) Article---First Parish Church Windows): Ms. Sullivan said that the Board had previously voted to support this article in the amount of \$50,000.00. However, the requested amount has been increased to \$55,000.00. In addition, questions have been raised about the use of CPC funds for a church renovation. She said that Town Counsel provided a memorandum about CPC and the separation of church and state. He said that the project would have to meet certain criteria related to public use of the facility. Mr. MacDonald referenced a memorandum from Holly Morris, CPC Chairman, which describes the public uses of the church facility.

Mr. Witten moved that the Board recommend approval of ATM Article 23, for the restoration of the First Parish Church windows, with the understanding that a preservation restriction, pursuant to Chapter 44B will be obtained. Second by Mr. Donato. Vote: 3:0:0.

ATM ARTICLE 26 (CPC Article---Crowell Bog Purchase): Ms. Sullivan explained that the Board delayed voting on this article until the seller signed the Purchase & Sale agreement. This has been accomplished. Mr. Witten moved that the Board recommend approval of ATM Article 26, which is the purchase of the Crowell Bog property. Second by Mr. Donato. Vote: 3:0:0.

ATM ARTICLE 30 (Add Recall Procedure to General Bylaws): Ms. Sullivan explained that Mr. David Lowry created this article, and asked the Selectmen to sponsor it as a Town Meeting article, which the Selectmen agreed to do. There was some confusion last week when the Board voted unanimously to support the article. Mr. Witten said that he intended to support the article's placement on the warrant, but not to support the content of the article. All agreed to re-vote the matter this evening.

Ms. Sullivan said that there are pros and cons to the article. She said that we need a provision for recalling elected officials who are a true detriment to the Town. However, the existence of a recall procedure may also discourage people from running for office.

Mr. Witten went through some of the individual sections of the article. He said that Section Two requires 100 signatures of registered voters, in order to obtain blank recall petitions

from the Town Clerk. Once the blank recall petitions have been filled with the signatures of ten percent of the registered voters, or 1,100 signatures, a recall election may be scheduled.

Mr. Shawn Dahlen, resident of Long Point Lane and candidate for Selectmen, fears that the requirement for only 100 signatures sets a very low threshold for getting the procedure rolling. Once the procedure is rolling, there is a huge embarrassment factor. This could dissuade people from running for public office. Mr. Witten agreed.

Mr. Donato said that there should be something in place for very bad situations, such as when an elected official is convicted of a crime. However, he also shares the concern about discouraging people from running for public office.

Ms. Sullivan noted that this article only addresses elected officials. The Selectmen sometimes have trouble with appointed persons, who may not show up for meetings, but then refuse to give up their seat.

Mr. Will Zachmann, resident of Standish Street and candidate for Selectmen, noted that this has been a very tough year in Duxbury politics. The existence of a recall procedure could make things even more contentious. He said that people should ask themselves whether this is good for Duxbury. He has not yet fully made up his mind.

After further discussion, Mr. Witten moved that the Board support ATM Article 30, pertaining to a recall procedure for elected officials. Second by Mr. Donato. Vote: 2:1:0 (Mr. Witten against).

EVENT PERMIT REQUEST: Mr. Paul Curley the Best Buddies Challenge Ride

Ms. Ripley explained that this is the 11th annual Best Buddies Challenge Ride, to support individuals with intellectual disabilities. For the past several years, Duxbury Middle School has been used as a rest stop. However, this year, the date of the ride conflicts with the High School Graduation. The organizers have requested a route change, so that Duxbury Town Hall might be used as a rest stop. Ms. Ripley said that the organizers are willing to pay for any additional police and medical detail officers that might be required as a result of the route change. Ms. Sullivan said that she is very concerned about bicycle riders on Route 3A, en route to Town Hall. This is a very narrow road, with blind curves and no shoulder. She suggested that the organizers work with Town officials to find a new route for the ride.

Mr. Witten moved that the Board support the Best Buddies Challenge ride, to be held on Saturday, June 5, 2010, with a route to be confirmed with public safety officials. Second by Mr. Donato. Vote: 3:0:0.

TOWN MANAGER REPORT

- 1) A large animal was spotted by a contactor working in the Keene Street area of Duxbury. The description and paw prints may match those of a mountain lion. Further investigation is ongoing. A Reverse 911 telephone call has been sent to residents in the area. Children and pets should be watched carefully at this time.
- 2) The three finalists for the position for Duxbury Police Chief are:
 - Lt. Richard R. Bates, presently employed by the City of Worcester Police Department
 - Chief Matthew M. Clancy, presently employed by the Town of Plympton Police Department
 - Chief Joseph E. Ryan, retired Police Chief of Londonderry, New Hampshire

Mr. MacDonald thanked the Police Chief Search Committee. He said that they have been an excellent committee. Their members are: Rev. Catherine Cullen (Chair), School Superintendent Susan Skeiber (School Representative), Alexander Salmela (Personnel Board Representative), Chris Barlow, James Borghesani, Paula Harris, Elizabeth Steadman, Jerry Steinke, and Mr. Philip Tortorella.

ANNOUNCEMENTS

- 1) Ms. Sullivan reminded everyone that the Annual Town Meeting begins on Saturday, March 13th at 9:00 AM at the Duxbury Schools' Performing Arts Center, 73 Alden Street. The warrant is available on the Town's website. It was also published as a special insert section in this past week's Duxbury Clipper. Copies are also available at the Library, Senior Center, and Town Hall. Citizens are asked to bring their copy to the meeting. There will be additional copies at the meeting also.
- 2) Mr. Donato congratulated the Girls' Varsity Hockey Team which made it all the way to the South Sectional Finals. They are coached by Mr. David Maimaron (also boys' football coach) and D.A.R.E. Officer Friend Weiler.

MINUTES

Mr. Witten moved that the Board approve the Executive Session minutes of March 1, 2010 as printed, with the contents to remain sealed until the need for confidentiality has passed. Second by Mr. Donato. Vote: 3:0:0.

Mr. Witten moved that the Board approve the Open Session minutes of March 1, 2010 as printed. Second by Mr. Donato. Vote: 3:0:0.

ADJOURNMENT

Mr. Witten moved for adjournment of the meeting at 8:25 PM. Second by Mr. Donato. Vote: 3:0:0.