

**Date: March 22, 2010**

*Date Minutes Approved:*

## **BOARD OF SELECTMEN MINUTES**

**Present:** Elizabeth H. 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, Department Adm. Asst.

The meeting was called to order at 7:03 PM.

### **OPEN FORUM**

Mrs. Amy MacNab noted that this is Mr. Witten's last meeting as a Selectman as he will be stepping down. She took this opportunity to publicly thank Mr. Witten for his service to the Town.

To follow up on those remarks, Ms. Sullivan added her appreciation to Mr. Witten and then read a proclamation to honor Mr. Witten, after which he received a standing ovation.

### **INTRODUCTION OF DOUGLAS DONDERO: MANAGER OF BUILDINGS AND GROUNDS**

Mr. MacDonald explained that following Mr. Buttkus's appointment as Director of Public Works, his former position was kept vacant, but there was a proven need to fill it. A selection committee was formed to assist with the selection process. Tonight Mr. MacDonald was pleased to introduce Mr. Doug Dondero, who has been hired as the Manager of Buildings and Grounds.

### **ANNOUNCEMENT OF POLICE CHIEF SELECTION**

Mr. MacDonald said that he recently announced through the press that he has selected Chief Matthew M. Clancy, the Town of Plympton Police Chief, to be the next Police Chief in Duxbury. Chief Clancy was not able to attend this evening, but a swearing in ceremony will be held soon, and he will be introduced to the community at that time.

Mr. MacDonald also acknowledged and thanked the 9-member Police Chief Selection Committee. The Committee included: Reverend Catherine Cullen (Chair), Ms. Susan Skeiber (Schools' Representative), Mr. Sandy Salmela (Personnel Board), Ms. Paula Harris, Ms. Sunny Steadman, Mr. Chris Barlow, , Mr. James Borghesani, Mr. Jerry Steinke, Mr. Philip Tortorella. The members that were present were asked to stand to be recognized.

The Committee did the initial screening to reduce the candidate pool from just over 50 candidates to the three finalists. Mr. MacDonald and the Committee then observed a full-day Assessment Center the finalists were put through by a panel of Police Chiefs. In addition, Mr. MacDonald had a one-on-one meeting with Chief Clancy before selecting him.

Mr. MacDonald concluded by thanking Chief Steve Doherty, who did a great job filling in during this transitional period.

### **JAKE GENEREUX: AMENDMENT TO HOT DOG CART LICENSE**

Ms. Barbara Ripley, Executive Assistant, presented Mr. Genereux's request as he was not able to attend. The current request is for Jake Genereux to be able to operate his hot dogs cart at the

**Ray Coppens soccer fields on Sundays from 11:30 AM until 2:30 PM from April 4<sup>th</sup> through May 30<sup>th</sup>, 2010. This would be in addition to his operation of the cart during the summer on the Town Pier, which has already been approved.**

**Mr. Ripley explained the background of this request, the understanding that the Duxbury Youth Soccer and Duxbury Youth Baseball had no objections, and the conditions noted in the Departmental feedback.**

**Mr. Witten moved that the Board grant permission to Jake Genereux to operate his hot dog stand at the Ray Coppens soccer fields on Sundays from 11:30 AM to 2:30 PM, from April 4, 2010 through May 30, 2010 with the conditions that an updated propane permit be obtained and subject to a Board of Health inspection of the cart.**

**ONE-DAY LIQUOR LICENSE REQUEST: Chocolate & Jazz Fundraiser on April 10, 2010**

**Ms. Susanna Sheehan, of the Friends of Tarkiln, gave a brief overview of a fundraising event, which will feature the chocolate indulgences of Simply Divine Catering, the music of the Dick Raconteur Jazz Trio, a silent auction, and the art on display at the Duxbury Art Complex Museum. Tickets are being sold locally, and the proceeds support the restoration of the Tarkiln Community Center.**

**Mr. Witten moved that the Board of Selectmen grant to Ms. Susanna Sheehan, as a representative of the Friends of Tarkiln, a One-Day Wine & Malt License to hold a fundraising event on Saturday, April 10, 2010 from 6:00 PM to 9:00 PM at the Duxbury Art Complex Museum, contingent upon the five conditions listed on the license. Second by Mr. Donato. VOTE: 3:0:0.**

**7:15 P.M. PUBLIC HEARING: APPLICATION FOR ALTERATION OF PREMISES:  
JOHNSON GOLF MANAGEMENT / North Hill Country Club**

**Present for this item of business were:**

**Attorney Steven Follansbee, representing Johnson Golf Management  
Mr. Douglas Johnson, President of Johnson Golf Management  
Mr. Jason Larramee, Johnson Golf Mgmt. employee and Manager of North Hill Country Club  
Attorney Robert Troy, Duxbury Town Counsel**

**At 7:20 PM Ms. Sullivan opened the Public Hearing and recognized Atty. Steven Follansbee to present the request on behalf of Johnson Golf Management, who are currently operating the North Hill Golf Course and Country Club, which is a public facility owned by the Town of Duxbury.**

**Atty. Follansbee explained that his client is seeking an extension of their current alcohol license (i.e., an alteration of premises) to cover the entire property to utilize a beverage cart on the golf course. He mentioned that legislation was passed in 2008 so that effective as of calendar 2009 beverage carts serving alcohol are allowed on golf courses. Their request is to utilize a beverage cart on the golf course limited to the leagues and any outings. He noted that the property would be posted with appropriate signage, and the cart would be restricted from any public ways and parking lots. Atty. Follansbee further stated that his client would follow the ABCC regulations regarding this. Mr. Follansbee said that the cart would only be used when the entire course is rented for an "outing." It would not be used during regular play.**

**An extensive period of discussion and questioning by the Board followed in order that they discussed this matter and asked some questions to get a better understanding of the request. Attorney Troy expressed some concerns for the Board to take into consideration.**

**Public comments included the following;**

**Mr. Robert Mustard, Jr., after disclosing he is a member of the North Hill Advisory Committee, spoke as a private citizen indicating he was opposed as he does not feel golf and alcohol go together.**

**Mr. Phil Tortorella, 152 Cross ST, commented that under Mr. Genereux's request (just taken up a few minutes ago) all sorts of specifics were requested. He commented that this request sounds open-ended with no dates or specifics given. He said he did not feel what was presented was in the best interest of the citizens of Duxbury.**

**Mrs. MacNab noted that this is a public course, and expressed concerns for liability exposure to the Town and by extension to its taxpayers. Atty. Follansbee responded by explaining indemnification is provided to the Town.**

**During the course of discussion it was agreed by Attys. Troy and Follansbee that given that the operation of the course is currently under a Court injunction there is a legal issue to be researched as to whether the Board's approval of the request would be a problem given that injunction. In light of that all parties were agreeable to a continuance of the hearing. Atty. Follansbee, recognizing that there will be a change in the Duxbury Board of Selectmen following the election on March 27, 2010, expressed his agreement to waive any change in the Board of Selectmen. Mr. Donato also requested that the new Police Chief be given a chance to review the proposal and give his opinion.**

**Mr. Witten moved that the Board of Selectmen continue this Public Hearing to 7:15 PM on April 26, 2010. Second by Mr. Donato. VOTE: 3:0:0.**

#### **HUMAN RESOURCES OFFICER RE: COLLECTIVE BARGAINING AGREEMENTS**

**Ms. Jeannie Horne, Town of Duxbury HR Officer, presented this item of business. She explained that the Selectmen have already voted their approval of the Agreement with the Clerical Union (Town of Duxbury Secretaries & Clerks, SEIU Local 888) so tonight she is present to request their signing of the Agreement. She highlighted a few of the terms:**

- **The salary schedule provides for increase of 1% (FY10), 2% (FY11), and 2.5% (FY12)**
- **The Agreement includes language regarding "Reduction in Force" in the event that becomes necessary.**
- **Agreed to adjustments in the salary grade for the Assistant Town Clerk and a change in position title regarding the Deputy Tax Collector position.**

**Mr. Witten moved that the Board execute the collective bargaining agreement between the Town of Duxbury and the Town of Duxbury Secretaries and Clerks, SEIU LOCAL 888 (union), for the period of July 1, 2009 through June 30, 2012. Second by Mr. Donato. VOTE: 3:0:0.**

#### **DISCUSSION RE: WRIGHT BUILDING LEASE / Duxbury Student Union (DSU)**

**Present for this item of business were:**

**Mr. Bob Jewell, of the Duxbury Student Union (DSU) – formerly the President,  
Ms. Laura Smith, the new President of the DSU, and  
Ms. Sue Bradford, the Executive Director of the DSU.**

**Mr. Jewell explained that the DSU lease with the Town for the space they occupy in the Wright Building is up as of mid-May, 2010. They are here tonight to request support from the Board for a 3-year extension of the lease and to update the Board on some of the negotiations. Before doing so Mr. Jewell introduced Ms. Sue Bradford.**

**Ms. Bradford gave an overview of the student populations the Duxbury Student Union is serving and mentioned many of their various programs and activities.**

Through collaboration with the Duxbury Schools the P.O.S.T. ("Providing Opportunities for Student Transition) program has been utilizing the DSU space in the Wright Building and paying do so. Ms. Sue Skeiber, Superintendent of Duxbury Schools, was asked to describe the program. Ms. Skeiber explained that P.O.S.T. focuses on special needs students between high school and age 22 to provide ongoing academic support, work-based learning and socialization skills.

Mr. Jewell explained the discussions the DSU has had with the Town Manager have included the following understandings:

1. That the extension of the lease would be for a three-year term
2. That the lease includes appropriate language to make sure the lease accommodates subleasing to the P.O.S.T. program and/or future partnerships.
3. That the Town and DSU will split the P.O.S.T. funding received with the understand that the majority of the funding would go to the DSU to offset their expenses, and a small portion would be retained by the Town for "wear and tear" on the facility.

Mr. Witten moved that the Board of Selectmen support a new three-year lease subject to terms agreeable to the Duxbury Town Manager and the Duxbury Student Union. Second by Mr. Donato. VOTE: 3:0:0.

## **BUSINESS**

### **EVENT PERMIT REQUEST / *National Multiple Sclerosis Society Bike Ride - June 26, 2010***

Ms. Sullivan said this is an annual fundraising bike ride for the National Multiple Sclerosis Society, which has gone through Duxbury for a number of years. Based on the Departmental feedback conditions have been included in the permit.

Mr. Witten moved that the Board of Selectmen grant the National Multiple Sclerosis Society (Central New England Chapter) permission to conduct a portion of their 24th annual Great Mass Getaway Bike Tour in the Town of Duxbury on Saturday, June 26, 2010, contingent on the seven conditions listed on the permit. Second by Mr. Donato. VOTE: 3:0:0.

## **TOWN MANAGER'S BRIEF**

Mr. MacDonald mentioned the following items:

1. **eGovernment Award with Distinction**: Ms. Mary Beth MacQuarrie, Duxbury's IT Director, did attend a ceremony at the State House where she received from Common Cause the eGovernment Award with Distinction, which he read. In addition, she was given a citation signed by Speaker of the House Robert DeLeo and Rep. Thomas Calter to mark the occasion. Mr. MacDonald again thanked the many people involved, who helped Duxbury to qualify for the award.
2. **Verizon FIOS**: He will be setting up a Public Hearing in April regarding Verizon FIOS. Progress in the negotiations has been made. One of the details being worked on were the origination sites (i.e. locations within Town that the Public, Education, and Government channels could be broadcast from).
3. **COMCAST**: He will be trying to set up continuing negotiations with COMCAST.

## **ANNOUNCEMENTS**

Ms. Sullivan mentioned the Board had received an invitation to attend Thursday nights' Local Housing Partnership meeting and asked her colleagues if they could attend. None of the Board were able to make it, but Mr. Donato did indicate he would contact Diane Bartlett, the Chair of the LHP, to discuss their issues/concerns.

The Board discussed continuing the Land Use Summits, which were held for the past couple of years with general agreement that they should be continued.

Ms. Sullivan announced that the Annual Town Election will be held on Saturday, March 27, 2010 at the Duxbury Middle School. The polls will be open from 8:00 AM to 8:00 PM. She briefly went over the ballot mentioning which positions have contested races and the two ballot questions to be decided by the voters. Ms. Sullivan encouraged Duxbury residents to please vote.

#### **MINUTES**

Mr. Donato moved that the Board approve the Executive Session Minutes of March 8, 2010 as presented, with the contents to remain sealed until the need for confidentiality has passed. Second by Mr. Witten. Vote: 3:0:0.

Mr. Donato moved that the Board approve the Open Session Minutes of March 8, 2010 as presented. Second by Mr. Witten. Vote: 3:0:0.

Mr. Donato moved that the Board approve the Executive Session Minutes of March 13, 2010 as presented, with the contents to remain sealed until the need for confidentiality has passed. Second by Mr. Witten. Vote: 3:0:0.

Mr. Donato moved that the Board approve the Open Session Minutes of March 13, 2010 as presented. Second by Mr. Witten. Vote: 3:0:0.

#### **OLD MINUTES**

As a housekeeping item three sets of 2008 Executive Session Minutes were presented to the Board, which were never reviewed for approval. It was suggested that if approved they could also be released to be made part of the public record.

Mr. Witten moved that the Board approve the Executive Session Minutes of March 3, 2008, August 4, 2008, and September 19, 2008 as presented and release them to be part of the public record. Second by Mr. Donato. Vote: 3:0:0.

#### **2008 EXECUTIVE SESSION MINUTES: REVIEW FOR PUBLIC RECORD**

As a further housekeeping item, before Mr. Witten steps down, a number of approved Executive Session Minutes from 2008 were presented to the Board for their consideration of whether they could be released to the public record.

Mr. Witten moved that the Board release and transfer to the public record the Executive Minutes of: January 28, 2008; May 19, 2008; June 11, 2008, June 30, 2008; October 20, 2008; October 27, 2008; November 17, 2008 (A); November 17, 2008 (b); December 1, 2008, December 15, 2008, and December 22, 2008, with the exception that any Executive Session Minutes regarding the King Caesar Fund remained sealed. Second by Mr. Donato. VOTE: 3:0:0.

Committee Appointments/Re-appointments - None

#### **ADJOURNMENT**

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