

Date: April 12, 2010

Date Minutes Approved: April 26, 2010

BOARD OF SELECTMEN MINUTES

Present: Shawn Dahlen, Chair; and Christopher Donato, Clerk.

Absent: Elizabeth Sullivan, Vice-Chair.

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.

COLLECTIVE BARGAINING AGREEMENT: LIBRARY

Ms. Jeannie Horne, Human Resources Officer, was present to describe an agreement that has been reached with the Duxbury Free Library Employees for the period of July 1, 2009 to June 30, 2012. The agreement includes cost of living adjustments of 1% for the first year, 2% for the second year, and 2.5% for the third year of the contract. There are also changes with respect to bereavement leave, criminal background checks, and family sick leave. Mr. Donato asked Mr. Madden whether there are sufficient funds available to cover the retroactive portion of the pay raises. Mr. Madden responded affirmatively. Mr. Dahlen asked whether the agreement is similar to those reached with other unions. Ms. Horne responded affirmatively.

Mr. Donato moved that the Board of Selectmen accept the Memorandum of Agreement between the Duxbury Board of Selectmen and Service Employees International Union (SEIU), Local 888 Duxbury Free Library Employees for the period of July 1, 2009 through June 30, 2012. Second by Mr. Dahlen. Vote: 2:0:0.

EVENT PERMIT REQUEST: DEBORAH BURNS FOR DUXBURY MIDDLE SCHOOL RUNNING CLUB: 5K ROAD RACE ON MAY 21, 2010

Ms. Ripley explained that the Duxbury Middle School Running Club is planning to hold a road race on Friday, May 21, 2010. The race is open to the public, and will be followed by a picnic. Public safety officials have reviewed the application, and have suggested conditions for the event permit.

Mr. Donato moved that Ms. Deborah Burns, as a representative of the Duxbury Middle School Running Club, be granted permission to conduct the Second Annual DMS Running Club 5K Road Race and Family Fun Day beginning at the Duxbury Middle School, on Friday, May 21, 2010 at 5:30 PM, contingent upon the conditions listed on the permit. Second by Mr. Dahlen. Vote: 2:0:0.

DISCUSSION REGARDING TARKILN OUTDOOR USAGE FEES

Ms. Laura Doherty, co-chair of the Duxbury Farmers' and Artisans' Regional Market (DuxFARM) apologized that her committee missed the public notice for the Fee Hearing conducted on February 22, 2010. At that hearing, the Selectmen voted to charge \$35 for up to three hours use of the outside area at the Tarkiln Community Center, and then \$10 for each additional hour. DuxFARM runs from 12:30 PM to 4:30 PM for sixteen weeks in the summer/fall. Ms. Doherty, as well as other members of the committee asked the Selectmen to reconsider that fee for the Farmers' Market, for several reasons including:

- The Farmers' Market is a new enterprise that is struggling to get on its feet.
- DuxFARM would like to keep participation fees low for the farmers.
- DuxFARM is trying to promote agriculture (over development) in Duxbury.
- DuxFARM provides healthy food for the residents.
- DuxFARM provides a unique opportunity for local school students and others to market their crafts and produce.
- Other Towns do not charge farmers' markets for the use of outside areas.
- The fee for outside use is the same as for inside use. However, there are fewer costs associated with the Town providing outside use.
- To pay \$45 for each of the 16 weeks of the market season would be a real hardship for DuxFARM.

Mr. Dahlen commented that the Town does not currently charge for the use of the Town Green. He said that perhaps the Town should develop a policy for the use of outdoor Town property. Mr. Frank Mangione, Chairman of the Fiscal Advisory Committee, said that his committee recommended the fee partially because of the possibility that for-profit craft fairs would be held there. He agreed that a policy should be developed. Mr. MacDonald recommended that the Town waive the fee for DFARM, until a policy is developed.

Mr. Donato moved that the Board approve a waiver of the fee for outside use of the Tarkiln Building for the Duxbury Farmers' and Artisans' Regional Market for the Summer of 2010. Second by Mr. Dahlen. Vote: 2:0:0.

PROCLAMATION FOR ARBOR DAY

Mr. Dahlen read the annual notice, proclaiming April 30, 2010 as Arbor Day in the Town of Duxbury. Ceremonies will take place at the Chandler School at 2:30 PM on that day.

Mr. Donato moved that the Board approve the proclamation read by Mr. Shawn Dahlen pertaining to Arbor Day 2010. Second by Mr. Dahlen. Vote: 2:0:0.

TEMPORARY LICENSE FOR ELECTRICAL SERVICE FOR THE PERCY WALKER POOL

Mr. MacDonald reported that NSTAR Electric Company just informed him that they will need an easement over Town property in order to provide electrical service to the Percy Walker Pool. Since easements can only be granted by Town Meeting, the situation can be covered by the granting of a temporary license for NSTAR to access the property. NSTAR has provided a document for the Selectmen to sign. This document has been approved as to form by Town Counsel.

Mr. Donato moved that the Board approve the license agreement attached to the letter from NSTAR Electric Company, dated April 12, 2010, pertaining to electrical service for the Percy Walker Pool. Second by Mr. Dahlen. Vote: 2:0:0.

ALTERNATIVE ENERGY COMMITTEE UPDATE

Mr. Frank Duggan, Chairman of the Alternative Energy Committee, was present to update the Board on the committee's activities.

- 1) The committee would like the Town to authorize Sustainable Energy Developments, Inc. (SED) to submit an application to the Massachusetts Clean Energy Center Commonwealth Wind Incentive program for feasibility study funding (approximately \$85,000). The application will be prepared and submitted by SED on behalf of the Town, with no financial obligations to the Town for the work. Upon successful receipt of the grant, the Town of Duxbury will retain SED's services to perform the feasibility study.**

Mr. Will Zachmann, resident of Standish Street, asked why a more competitive process for choosing the consultant was not used. Mr. Duggan said that the committee evaluated several consultants. He had also found, through the Massachusetts Attorney General's office, that a formal bidding process is not necessary for this activity.

Mr. Donato moved that the Board approve the proposed arrangement with SED, subject to the Town Manager confirming that proper procurement procedures are followed. Second by Mr. Dahlen. Vote: 2:0:0.

- 2) The committee will be taking a "field trip" to the Massachusetts Maritime Academy on May 1, in order to tour renewable energy facilities. Other town officials and citizens have also signed up to go. There is currently a waiting list of people who would like to attend. If someone would like to be on the waiting list, they may contact Barbara Ripley in the Selectmen's office.**
- 3) The committee is in the process of putting together a Green Communities Designation application. Once "designated," Duxbury would be eligible for renewable energy and energy efficiency grants for various projects that the Town may want to embark upon.**

TOWN MANAGER BRIEF

- 1) Senator John Kerry wrote a letter of support to the Department of Homeland Security for the Harbormaster's Department's Port Security Grant Program application. The requested funds will be vital to accomplish the tasks of providing emergency services in response to terrorist or criminal activities or strikes, natural disasters, missing persons/vessels searches, and for enforcing natural resources and recreational boating laws.**
- 2) At a recent meeting of the Town's building managers (Library, Senior Center, Schools, Town Hall, etc.), it was decided to consolidate services for trash removal and elevator services. This will result in a savings to the Town.**
- 3) The Police Department is to be commended for participating in the arrest of a suspect for the robbery of Eastern Bank on Friday, April 2. It is believed that this same suspect has committed robberies at several other South Shore locations.**
- 4) Chief Matthew Clancy will become Duxbury's new Police Chief on Monday, May 3, 2010. There will be a reception in his honor at the Duxbury Senior Center from 5:30 PM until 7:00 PM on that day. The Selectmen's meeting will begin at 7:30 that evening.**

ANNOUNCEMENTS

1. **FOR VETERANS “Dial A Lawyer”:** On Thursday, April 29, 2010 from 5:30 PM to 7:30 PM only veterans and families of veterans can call (617) 338-0610 for FREE legal advice. “Dial A Lawyer” is sponsored the Massachusetts Bar Association with the financial support of the Massachusetts Bar Foundation. Veterans or families of veterans, who have legal questions involving access to benefits, family issues, employment concerns, landlord/tenant matters and other legal issues are encouraged to call.
2. **COA program “The Driving Dilemma”:** The Duxbury Council on Aging will sponsor a program on Tuesday, May 11 at 12:30 PM, called “THE DRIVING DILEMMA.” Dr. Elizabeth Dugan, a nationally-recognized speaker from UMASS Boston will offer her thoughts and conclusions regarding when families can help seniors to continue to drive, when it is still safe for them to do so, and when an older adult should make the decision to give up being behind the wheel.
3. **Commercial Shellfish License Applications:** Reminder that Commercial Shellfish License Applications can be submitted during the month of APRIL only. Applications are now available in the Board of Selectmen office. Applicants must be Duxbury residents and have a Massachusetts Commercial Fisheries license showing “endorsed shellfish.”
4. **Congratulations are due to the Duxbury Girls’ Hockey Under 12 and Under 14 teams, both of whom are Tier 2 national champions. They competed this past week in East Lansing, Michigan. They were accompanied to Michigan by Selectman (and Coach) Christopher Donato.**

MINUTES

Mr. Donato moved that the Board approve the minutes of March 29, 2010 as amended. Second by Mr. Dahlen. Vote: 2:0:0.

NEW BUSINESS

- 1) The Duxbury Beach Committee will be meeting on April 22. They asked whether the Selectmen had any issues to recommend for the agenda. After discussion, it was decided that the Selectmen did not have items for the Beach Committee agenda.
- 2) There have been many complaints about difficulty in obtaining Pay-As-You-Throw trash bags. Mr. Dahlen requested that Mr. MacDonald find out if out-of-town vendors would be willing to sell them again, and also to investigate whether the bags can be sold at the Transfer Station. After the information is gathered, Mr. Dahlen will recommend that the Board reconsider the decision to sell the bags only at Duxbury stores.

ADJOURNMENT

Mr. Donato moved for adjournment at 7:52 PM. Second by Mr. Dahlen. Vote: 2:0:0.