

Date: June 7, 2010

Date Minutes Approved: June 14, 2010

BOARD OF SELECTMEN MINUTES

Present: Shawn Dahlen, Chair; Elizabeth Sullivan, Vice-Chair; and Christopher Donato, 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 5:30 PM

VOTE TO ENTER EXECUTIVE SESSION (A)

At 5:30 PM, Mr. Donato moved that the Board enter Executive Session in order to discuss strategy with respect to pending litigation since an open meeting may have a detrimental effect on the Town's litigating position, and to reconvene in Open Session afterward, in accordance with Massachusetts General Laws Chapter 39, Section 23B. (Ms. Sullivan had not yet arrived.) Second by Mr. Dahlen. Roll Call Vote: Mr. Donato---aye; Mr. Dahlen---aye.

VOTE TO END EXECUTIVE SESSION (A)

At 6:00 PM, Mr. Donato moved that the Board adjourn the Executive Session, and reconvene in Open Session. Roll Call Vote: Mr. Donato---aye; Ms. Sullivan---aye; and Mr. Dahlen---aye.

VOTE TO ENTER EXECUTIVE SESSION (B)

At 6:02 PM, Mr. Donato moved that the Board enter Executive Session in order to discuss strategy with respect to pending litigation since an open meeting may have a detrimental effect on the Town's litigating position, and to reconvene in Open Session afterward, in accordance with Massachusetts General Laws Chapter 39, Section 23B. Second by Mr. Dahlen. Roll Call Vote: Mr. Donato---aye; Ms. Sullivan---aye; and Mr. Dahlen---aye.

VOTE TO END EXECUTIVE SESSION (B)

At 7:17 PM, Mr. Donato moved that the Board end Executive Session, and reconvene in Open Session. Second by Ms. Sullivan. Roll Call Vote: Mr. Donato---aye; Ms. Sullivan---aye; and Mr. Dahlen---aye.

The open meeting was called to order again at 7:22 PM.

Mr. Dahlen explained that the meeting began late, due to an Executive Session that was held beforehand. He apologized for the inconvenience.

OPEN FORUM

No items were brought forward.

POLE HEARING: CHURCH STREET / Petition #1 47 / 6S

The hearing was opened at 7:25 PM. Mr. Paul Begley was present to represent VERIZON. He explained that the petition is necessary in order to place a new pole and remove an unsatisfactory pole cable guide. Town of Duxbury Public Works Director, Peter Buttkus, was present. He indicated that everything is in order with the petition. Notice of the hearing was sent to abutters via certified mail. No comments were made by the public.

Mr. Donato moved that the Board grant a location to VERIZON NEW ENGLAND, INC. and to NSTAR ELECTRIC COMPANY for one new pole (Pole 47/6S) on Church Street, in the Town of Duxbury. Second by Ms. Sullivan. Vote: 3:0:0.

POLE HEARING: CHURCH STREET / Petition #2 47 / 12S

The hearing was opened at 7:30 PM. Mr. Paul Begley was present to represent VERIZON. He explained that this petition is similar to the prior petition, in that the petition is necessary in order to place a new pole and to remove an unsatisfactory pole cable guide. Town of Duxbury Public Works Director, Peter Buttkus, was present. He indicated that everything is in order with the petition. Notice of the hearing was sent to abutters via certified mail. No comments were made by the public.

Mr. Donato moved that the Board grant a location to VERIZON NEW ENGLAND, INC. and to NSTAR ELECTRIC COMPANY for one new pole (Pole 47/12S) on Church Street, in the Town of Duxbury. Second by Ms. Sullivan. Vote: 3:0:0.

UTILITY LICENSE: TREMONT STREET

Mr. Dahlen explained that VERIZON and NSTAR are requesting a temporary license for the placement and servicing of utility poles associated with the Town of Duxbury Millbrook Water Station. A permanent easement will eventually be required, and this can only be accomplished by Town Meeting action.

Ms. Sullivan moved that the Board execute a temporary license agreement between the Town of Duxbury and Verizon New England, Inc., and NStar Electric Company for the placement and servicing of utility poles, P330, numbers 1 through 7, on parcel 130-509-056, located off Tremont Street. Second by Mr. Donato. Vote: 3:0:0.

EVENT PERMIT AND ONE-DAY LIQUOR LICENSE: 2010 ISLAND CREEK OYSTER FESTIVAL

Mr. Dahlen recused himself from the discussion and vote on this article, because he is a Director of the Duxbury Beach Reservation, Inc., where the event will be held.

Mr. Shore Gregory, Executive Director of the Island Creek Foundation, was present to describe the planned event. He said that it would be run in the same manner as last year. He reported that the event raised \$125,000.00 last year. Some of the funds went to local charities, and some went to the sustainability project in South Africa.

Mr. Gregory explained that he attended a meeting with public safety department heads last week, and understands what their expectations are for the event.

Mr. Donato moved that the Board of Selectmen grant a One-Day Liquor License to Mr. Shore Gregory, as a representative of the Island Creek Foundation, Inc., in order to hold the Island Creek Oyster Festival at Duxbury Beach Park on Saturday, September 11, 2010, from 3:00 PM to 11:00 PM, subject to the conditions listed on the license. Second by Ms. Sullivan. Vote: 2:0:0 (Mr. Dahlen did not vote).

EVENT PERMIT: 2010 DUXBURY BEACH TRIATHLON

Mr. Dahlen recused himself from the discussion and vote on this article, because he is a Director of the Duxbury Beach Reservation, Inc., where the event will be held.

Mr. Brian Noyes, Race Director, was present to request the permit. He explained that he attended a meeting with public safety department heads, and understands what their requirements are for the event.

Ms. Sullivan asked that Mr. Noyes check with the Duxbury Business Association, to see whether there could be any ways that the event and the association could be of mutual benefit.

Mr. Noyes said that \$6,000 of the race proceeds went to local organizations last year, including the Police Athletic League. He said that additional information about the event may be found at www.active.com or www.duxburybeachtriathlon.com.

Mr. Donato moved that the Board grant permission to Mr. Brian Noyes to hold the 2010 Duxbury Beach Triathlon on Saturday, September 18, 2010, beginning at 8:00 AM, subject to the conditions listed on the permit. Second by Ms. Sullivan. Vote: 2:0:0 (Mr. Dahlen did not vote).

POWERS & SULLIVAN: INDEPENDENT AUDIT

Ms. Renee Davis, and Ms. Romina Whitehouse were present to describe the results of the Town's FY09 audit. Some of the points discussed were:

- 1) **GASB-45:** The Governmental Accounting Standards Board (GASB) requires government employers to measure and report the liabilities associated with other (than pension) postemployment benefits, even though they are not being paid at the current time. The net effect of that is that the Town's total reported assets go down.
- 2) **General Fund:** The Town's General Fund appears very healthy. Revenues came in way over budget. There was also a large settlement in favor of the Town pertaining to fuel additives. This added almost \$500K to the bottom line.
- 3) **Areas of Improvement:** Powers & Sullivan recommends that the Town institute a Fraud Risk Assessment Program, and also that the Town create a formal Accounting Policies and Procedures Handbook.

OSPREY SEAFOOD: VENDOR PERMIT REQUEST

Mr. Jeffrey Bolster was present to request permission to sell lobsters from his vehicle on Town property, on Fridays and Saturdays from 3:00 to 6:00 PM. After discussion, it was decided that the Tarkiln grounds could be a possible location for this. The Selectmen asked the Town Manager to meet with Mr. Bolster and the Chairman of the Agricultural Commission (Mr. Jeff Chandler) to work out the details. The Selectmen asked that the matter come before them again when there is a definite proposal.

TERRI WOODWARD FOR DUXBURY STUDENT UNION: TWO EVENT PERMIT REQUESTS

Ms. Terri Woodward, Ms. Sue Bradford, and other members of the Duxbury Student Union (DSU) were present to request permission for two summer events:

DSU Summer Skate Fest (June 19, 2010): This event includes skateboarding contests and demonstrations in the DSU/Middle School parking lot, and six bands playing on the adjacent lawn to the DSU. (It is also the kick-off event for Ride PHAT (Protect Your Head at All Times). The Ride PHAT program is a cooperative effort between a group of parents and the Duxbury Police Department, whereupon police officers may issue "tickets" to children and adults who demonstrate proper helmet use. These tickets may be used to purchase food items from local vendors, and will be entered into a prize drawing.) All skateboarding participants must sign a waiver, and participants under the age of 18 need a waiver signed by a parent. The DSU is hoping for an attendance of 100 youth, and will have staff and chaperones for the event.

Harmony for Haiti Concert (July 10, 2010): The DSU would like to host a benefit concert on the DSU lawn. Eight-ten local high school bands will entertain families and friends for a small donation. Families can bring lawn chairs or blankets and listen to the music. The DSU plans to sell refreshments and snacks. The DSU is hoping for an attendance of 100 people, and will have staff and chaperones for the event.

Ms. Sullivan noted that the requests for these events were not made in time to gather recommendations by the public safety department heads. She recommended that the events be approved, contingent upon approval by the Town Manager. The Town Manager will convene public safety department heads in order to gather their recommendations. Ms. Sullivan asked the DSU to be especially mindful of the effect of the outdoor music on local residences.

Mr. Donato moved that the Board of Selectmen approve the DSU Summer Skate Fest, to be held on Saturday, June 19, 2010 on the grounds of the Wright Building, from Noon until 8:00 PM, contingent upon approval by the Town Manager. Second by Ms. Sullivan. Vote: 3:0:0.

Mr. Donato moved that the Board of Selectmen approve the DSU Harmony for Haiti concert on July 10, 2010 on the grounds of the Wright Building, from 7:00 PM until 10:30 PM, contingent upon approval by the Town Manager. Second by Ms. Sullivan. Vote: 3:0:0.

ONE-DAY LIQUOR LICENSE REQUEST: LINDA HERRICK FOR DUXBURY BAY MARITIME SCHOOL / PRIVATE FUNCTION ON JUNE 12, 2010

Mr. Dahlen recused himself from the discussion and vote on this request, because he is a Director of the Duxbury Bay Maritime School.

Ms. Sullivan moved that the Board approve a one-day All-Alcohol license for a private party at the Duxbury Bay Maritime School, Clifford Hall, Washington Street, on Saturday, June 12, 2010 from 4:00 PM until 9:00 PM, subject to the conditions listed on the license. Second by Mr. Donato. Vote: 2:0:0. (Mr. Dahlen did not vote.)

TOWN MANAGER BRIEF

Plymouth County Mosquito Control: Mr. MacDonald reported that he met with representatives from Plymouth County Mosquito Control (PCMC) and has been made aware of the breadth of their activities. There are over 51 species of mosquitoes in Plymouth

County. Also, PCMC is available to spray properties of citizens who request it. Requests should be made on-line at www.plymouthmosquito.org or by fax: 781-582-1276.

Construction Costs: Construction cost estimates for May 2010 amounted to \$698,532.00.

Recreation Department: The Recreation Department reports \$107,000.00 in revenue so far in FY 2010. There has been an increase in usage of Recreation Department programs.

Percy Walker Pool: On June 14, 2010, at 6:00 PM, there will be an Open House at the Percy Walker Pool, in celebration of its re-opening. There will be a ribbon-cutting for the newly-renovated facility at 6:30 PM that evening.

MINUTES

Ms. Sullivan moved that the Board approve the minutes of May 24, 2010 as presented. Second by Mr. Donato. Vote: 3:0:0.

COMMITTEE APPOINTMENTS

The following committee appointments were made. All votes were unanimous:

<u>Board</u>	<u>Name</u>	<u>Appt or Re-appt.</u>	<u>Term Expiration</u>	<u>Motion</u>	<u>Second</u>
Alternative Energy Committee	Geoffrey Wilkinson	Re-Appt	6/30/13	Mr. Donato	Ms. Sullivan
Alternative Energy Committee	Andre Martecchini	Re-Appt	6/30/13	Mr. Donato	Ms. Sullivan
Alternative Energy Committee	Donna Theodossiou	Re-Appt	6/30/13	Mr. Donato	Ms. Sullivan
Alternative Energy Committee	Leslie Lawrence	Re-Appt	6/30/13	Mr. Donato	Ms. Sullivan
Alternative Energy Committee	John Murdock	Re-Appt	6/30/12	Mr. Donato	Ms. Sullivan
Alternative Energy Committee	Lynn Smith	Re-Appt	6/30/12	Mr. Donato	Ms. Sullivan
Alternative Energy Committee	Josh Cutler	Re-Appt	6/30/11	Mr. Donato	Ms. Sullivan
Alternative Energy Committee	Geoffrey Wilkinson	Re-Appt	6/30/13	Mr. Donato	Ms. Sullivan
Alternative Energy Committee	Andre Martecchini	Re-Appt	6/30/13	Mr. Donato	Ms. Sullivan
Board of Health	Clinton E. Watson	Re-Appt	6/30/13	Ms. Sullivan	Mr. Donato
Burial Agent to the Board of Health	Nancy M. Oates	Re-Appt	6/30/13	Ms. Sullivan	Mr. Donato
Cable TV Advisory Committee	Jean Kennett	Re-Appt	6/30/13	Mr. Donato	Ms. Sullivan
Cable TV Advisory Committee	Robert Fitzpatrick	Re-Appt	6/30/13	Mr. Donato	Ms. Sullivan
Cable TV Advisory Committee	Peter Frame	Re-Appt	6/30/13	Mr. Donato	Ms. Sullivan
Cable TV Advisory Committee	Mary Beth MacQuarrie (ex-officio)	Re-Appt	6/30/13	Mr. Donato	Ms. Sullivan

COMMITTEE APPOINTMENTS (CONTINUED)

The following Committee appointments were made. All votes were unanimous.

Community Preservation Committee (Conservation Commission Representative)	Holly Morris	Re- Appt	6/30/13	Mr. Dahlen	Mr. Donato
Community Preservation Committee (Planning Board Representative)	John Bear	Re- Appt	6/30/13	Mr. Dahlen	Mr. Donato
Conservation Commission	Dianne Hearn	Re- Appt	6/30/13	Mr. Donato	Ms. Sullivan
Conservation Commission	Holly Morris	Re- Appt	6/30/13	Mr. Donato	Ms. Sullivan
Conservation Commission	Corey Wisneski	Re- Appt	6/30/13	Mr. Donato	Ms. Sullivan
North Hill Advisory Committee	Michael Doolin	Re- Appt	6/30/13	Mr. Dahlen	Ms. Sullivan
North Hill Advisory Committee	Michael T. Rufo	Re- Appt	6/30/13	Mr. Dahlen	Ms. Sullivan
North Hill Advisory Committee	Gordon Cushing (ex-officio)	Re- Appt	6/30/13	Mr. Dahlen	Ms. Sullivan
Shellfish Advisory Committee	Alan Hoban	Re- Appt	6/30/13	Mr. Donato	Ms. Sullivan
Shellfish Advisory Committee	Kenneth S. McKim	Re- Appt	6/30/13	Mr. Donato	Ms. Sullivan
Shellfish Advisory Committee	John McCluskey	Re- Appt	6/30/13	Mr. Donato	Ms. Sullivan
Shellfish Advisory Committee	Donald C. Beers (ex-officio)	Re- Appt	6/30/13	Mr. Donato	Ms. Sullivan

NEW BUSINESS

Cable Hearing: Mr. MacDonald announced that the Selectmen will hold a public hearing on Monday, June 14, 2010 at 7:01 PM regarding the cable license application of Verizon New England, Inc.

OLD BUSINESS

No items were addressed.

AJOURNMENT

Mr. Donato moved for adjournment at 8:28 PM. Second by Ms. Sullivan. Vote: 3:0:0.