

Date: October 25, 2010

Date Minutes Approved: November 1, 2010

BOARD OF SELECTMEN MINUTES

Present: Shawn Dahlen, Chair; Elizabeth H. Sullivan, Vice-Chair; and Christopher Donato, Clerk.

Absent: None

Staff: Richard MacDonald, Town Manager, John Madden, Finance Director, and C. Anne Murray, Adm. Asst.

CONVENED IN OPEN SESSION & ENTERED EXECUTIVE SESSION

The meeting convened in Open Session at 6:35 PM. Upon convening Mr. Dahlen moved that the Board of Selectmen go into an Executive Session to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel, and then to reconvene in Open Session afterwards in accordance with Mass. General Laws Chapter 30A, Section 21, paragraph 2. Second by Mr. Donato. ROLL CALL VOTE: Mr. Donato "aye"; Mr. Dahlen "aye"; Ms. Sullivan "aye".

RE-CONVENED IN OPEN SESSION

Having completed and adjourned the Executive Session the Board of Selectmen re-convened at approximately 7:30 PM and the public was invited into the room.

OPEN FORUM

Mr. Alan Crandon rose to question the Selectmen on the status of the Tinkerton Landing development (off of Elm Street). He stated that the Town had denied the developer (R.D. Matthews) the right to finish the project. According to Mr. Crandon, the developer appealed the Town's decision to the Land Court and to the Appeals Court, and he won both decisions. Mr. Crandon also mentioned that court appeals have been going on for about 18 years, and he wanted to know when the Town was going to let the developer finish the project.

Mr. MacDonald acknowledged that the case has been going on for about 18 years. He was aware that it was coming to a conclusion, but has not received the decision. Mr. MacDonald suggested he will get an update on the status and asked Mr. Crandon to contact his office tomorrow to schedule a time for them to meet.

Mr. Bob Keller then rose to voice his displeasure with the Town's delays and the ongoing appeals brought by Town Counsel. He said that he wants to see the project finished and the houses built. With that the Chair ended further discussion of this matter suggesting they contact Mr. MacDonald for a meeting.

BAY FARM MONTESSORI: REQUEST FOR ROAD CLOSURE / ROAD RACE ON NOVEMBER 7, 2010

Present for this item of business were: Tamar Schiess, Director of Development of the Bay Farm Montessori Academy and Anita Mraz. She noted both of them were also Duxbury residents and parents.

Ms. Schiess explained that the Bay Farm Montessori's 6th Annual 5K Run by the Bay and Kids' Run is scheduled for Sunday, November 7th. The route is the same as in the past going down Parks ST to Loring ST to Bay Road and looping back around. The race is now held in memory of Royce Whitaker, a student who died in a tragic accident last year. It is also a USATF-sanctioned event. As a result, the race has grown exponentially to over 400 participants so at a recent organizational meeting a suggestion was made that for safety reasons they request the closure of the roads during the race.

The request was circulated for departmental feedback and while there were no specific objections there were conditions requiring additional Police details and DPW manpower to place sawhorses.

The Board discussed the request and by consensus agreed that while they are supportive of the event they were not supportive of total road closures as those do affect area residents and Bay Road is a main thoroughfare. As a compromise it was agreed that the organizers should work with the Town Manager, who would work with the Police Chief, to come up with a reasonable alternative.

Ms. Sullivan moved to approve the event permit granted to Ms. Tamar M. Schiess, as a representative of the Bay Farm Montessori Academy, is granted permission to hold a 5K Walk/Run/Fun Road Race on November 7, 2010, beginning and ending at the Bay Farm Montessori School contingent on the previous conditions and on approval of public safety officials for any accommodations regarding road closures, short of full road closures. Second by Mr. Donato. VOTE: 3:0:0.

HUMAN RESOURCES OFFICER RE: PERSONNEL POLICIES

Ms. Jeannie Horne, Human Resources Officer for the Town of Duxbury, presented to the Board four (4) new employee policies and one (1) revised policy. The copies of the following draft policies were given to the Board for their consideration and review. Ms. Horne provided a brief overview of each:

Background Check Policy (new)

The Town currently conducts background checks but as drafted this policy would allow the Town to engage a third-party administrator to conduct the background checks for employment candidates after the initial offer has been made and for all contractors who routinely perform work for the Town. It would be electronically based. Copies of the results are provided to the individual if there is an adverse finding to allow the individual to correct any errors.

Non-Discriminatory and Anti-Harassment Policy (revised)

The Town currently has this type of policy, but this is an update to it.

Whistleblower Policy (new)

This policy encourages persons in appointed, elected and volunteer positions to come forward, if they have credible information regarding illegal or improper practices or serious violations of adopted policies of the Town of Duxbury. It identifies where such information can be reported in good faith for review or investigation and provides a complaint form and protection from retaliation.

Equal Employment Opportunity Policy (new)

It is the Town's intention to follow Equal Employment Opportunity laws, as defined and required by state and federal laws. It provides notice of this to the employee, as well as the state and federal agencies to contact above and beyond the internal Town process.

Maternity Leave Policy (new)

This policy would inform employees about their rights under the Massachusetts Maternity Leave Act. This act provides eligible employees with up to eight weeks of leave for the purpose of; giving birth, adopting a child under the age of eighteen, or adopting a child under the age of twenty-three if the child is mentally or physically disabled.

Ms. Horne noted that where and when appropriate the policies include a form that the employee signs to acknowledge receipt of the policy and an authorization form. She also indicated that eventually the plan is to have an employee handbook that would be available in both hardcopy and electronic versions.

After the Board has had time to review the policies, Ms. Horne said she will come before them again to ask the Board to vote to adopt the policies.

DISCUSSION RE: NORTH HILL COUNTRY CLUB / FUTURE MANAGEMENT

Mr. MacDonald asked that the Board hold off on discussion of this item of business. He said that Town Counsel is still working with the courts on this matter. In addition, Mr. MacDonald will be having discussion with the DPW and the Recreation Departments for coordinating efforts should the Town find itself in the position of taking over the management. Therefore, he suggested the discussion might be premature.

ONE DAY LIQUOR LICENSE REQUESTS

Cathy Rogerson for Duxbury Yacht Club: Event on November 13, 2010

Ms. Sullivan moved that the Board of Selectmen grant to Catherine M. Rogerson, as a representative of the Duxbury Yacht Club, a One-Day All-Alcoholic Beverage License to hold a Paddle Event at the Sprague-Parker Clubhouse on Fairway Lane on November 13, 2010, from 7:00 PM to 11:00 PM, subject to the conditions on the license. Second by Mr. Donato. VOTE: 3:0:0.

Patrick Browne for Duxbury Rural & Historical Society: Event on November 16, 2010

Mr. Dahlen moved that the Board of Selectmen grant to Mr. Patrick Browne, as a representative of the Duxbury Rural & Historical Society, is granted a One-Day Wine & Malt License to hold a reception at the Wright Building on St. George Street, on Tuesday, November 16 from 7:00 PM to 9:00 PM, subject to the conditions listed on the license. Second by Mr. Donato. VOTE: 3:0:0.

BUSINESS

TOWN MANAGER BRIEF

Mr. MacDonald mentioned the following items:

1. **Bay Circuit Trail:** Mr. MacDonald announced that on Friday, October 29, 2010 at 7:30 PM on Channel 5, the television program "Chronicle" will feature a segment on the Bay Circuit Trail.
2. **Open Meeting Law Training:** Mr. MacDonald extended his thanks to the approximately 70 Board and Committee Chairs and members, who attended the Open Meeting Law Training provided by Town Counsel Robert Troy and his associates, Attorneys Brian Wall and Craig Jordan.
3. **COMCAST LICENSE HEARING:** Mr. MacDonald said he wanted to give the Board and the public advance notice that a public hearing regarding the Comcast cable license is being scheduled and will be advertised for November 22nd.
4. **Jake Emerson accepted to Marine Patrol Officers Course Technical Training:** Mr. MacDonald told the Board he learned from Don Beers, Duxbury Harbormaster, that Exec. Officer Jake Emerson has been accepted into the Marine Patrol Officers Course Technical Training at the US Coast Guard Law Enforcement Academy. Jake will be attending the training for two-weeks in January. Mr. MacDonald noted that acceptance to the program is limited and very competitive so it speaks highly of Jake Emerson that he was accepted.

ANNOUNCEMENTS

1. **STATE ELECTION:** Reminder the State Election will be held on Tuesday, November 2, 2010. In Duxbury the polls will be open from 6:00 AM to 8:00 PM at the Duxbury Middle School (GYM), 130 St. George ST.
2. **FLU CLINIC:** The Town of Duxbury will be offering a flu clinic at the Senior Center, 10 Mayflower Street, for all Duxbury residents over 9 years of age on: Thursday, November 4, 2010 from 10:00 AM to Noon. This year's vaccine contains protection against both the pandemic

H1N1 influenza and two other strains of influenza virus circulating in the fall and winter. Additional flu clinics will be scheduled when vaccine becomes available.

BOARDS AND COMMITTEES: APPOINTMENTS / RESIGNATION

Mr. Donato moved that the Board of Selectmen re-appoint Scott Zoltowski to the Zoning Board of Appeals to fill the unexpired term due to expire on June 30, 2014. Second by Mrs. Sullivan.
VOTE: 3:0:0.

Mr. Donato announced the Board received the resignation of Mr. Frank Duggan, who has served for a number of years as the Chair of the Alternative Energy Committee. Mr. Dahlen noted that Mr. Duggan was instrumental in bringing forth a number of alternative energy articles that were considered at the Annual Town Meeting. The Board extended their thanks to Mr. Duggan for his diligent service.

BONUS SHELLFISH SEASON (for November, 2010)

Ms. Sullivan moved that the Board of Selectmen declare a temporary Bonus Shellfish Season:

1. for the commercial harvesting of softshell clams for the month of November 2010 in accordance with Attachments B & C of the posted regulations, and
2. for the commercial harvesting of quahog for the month of November 2010 in accordance with Attachments A & C of the posted regulations, and
3. for the recreational harvesting of soft shell clams for the month of November 2010 in accordance with Attachment D of the posted regulations.

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

BONUS SHELLFISH SEASON for OYSTERS (for November, 2010)

Ms. Sullivan moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for the recreational harvesting of oysters for the month of November 2010 on Wednesdays "only" (i.e., November 3rd, 10th, 17th and 24th, 2010) for the bag limit and in the locations described on the posting. All amended Shellfish Rules and Regulations, laws, terms and conditions shall apply.
Second by Mr. Donato. VOTE: 3:0:0.

OLD BUSINESS - No old business was brought forward for discussion.

NEW BUSINESS

Ms. Sullivan mentioned that some people have approached her with concerns about all the big building projects facing the Town. The individuals are requesting that the Selectmen do more to initiate a strategy to more clearly discuss them and prioritize them earlier so there is less confusion at Town Meeting.

Mr. Dahlen mentioned he knows that the Public Safety Building Feasibility Study Committee (PSBFSC) is intending to bring an article to Town Meeting for the actual re-construction of the Fire Station in accordance with the plans and specifications that have been developed.

At last year's Town Meeting \$30,000. was approved to determine the siting of the Police Station and the PSBFSC is working to finalize siting of a Police Station. He understands that the PSBFSC also will be coming to Town Meeting with a request for funding plans and specifications for a Police Station.

Mr. Dahlen also reported that the School Building Committee is waiting to get feedback from the Mass. School Building Authority (MSBA). Town representatives did have a meeting with MSBA to outline the Town's timetable and they are waiting for feedback from MSBA before they can proceed.

Mr. Donato asked the Town Manager if there was any update on the status of the seawall betterment issue. Mr. MacDonald said that he would be making a recommendation to the Board shortly.

ADJOURNMENT

Mr. Donato moved to adjourn the meeting at 8:35 PM. Second by Ms. Sullivan. Vote: 3:0:0.