

Date: November 8, 2010

Date Minutes Approved: November 22, 2010

BOARD OF SELECTMEN MINUTES

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

Absent: No members were absent.

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

The meeting was called to order at 6:32 PM.

CONVENED IN OPEN SESSION / ENTERED EXECUTIVE SESSION

The Selectmen convened at 6:32 PM in Open Session and immediately Mr. Dahlen moved that the Board of Selectmen go into an Executive Session to discuss matters regarding the King Caesar Fund, which are of a confidential nature, as the fund's purpose is to provide medical relief for the financially-needy residents of Duxbury, in accordance with Mass. General Laws Chapter 30a, Section 21, and then to reconvene in Open Session. Second by Mr. Donato.

In accordance with Open Meeting Law, Mr. Dahlen, as the Chair, declared that because of medical confidentiality discussion of financial assistance to King Caesar Fund cases does warrant discussion in an Executive Session.

ROLL CALL VOTE: Mr. Donato "aye"; Mr. Dahlen "aye".

RE-CONVENED IN OPEN SESSION

Having completed the executive Session business the Board adjourned the Executive Session on a roll call vote and re-convened in Open Session.

*Ms. Sullivan arrived at approximately 6:50 PM when the Executive Session was adjourning the Board was re-convening in Open Session.

OPEN FORUM – No matters were brought forward.

MINUTES

Ms. Sullivan moved that the Board approve the Executive Session Minutes of October 25, 2010 as presented, but to remain sealed until the need for confidentiality has passed. Second by Mr. Donato. VOTE: 3:0:0.

Ms. Sullivan moved that the Board approve the Open Session Minutes of November 1, 2010 as presented. Second by Mr. Donato. VOTE: 3:0:0.

Ms. Sullivan moved that the Board approve the Executive Session (A) Minutes of November 1, 2010 as presented, but to remain sealed until the need for confidentiality has passed. Second by Mr. Donato. VOTE: 3:0:0.

Ms. Sullivan moved that the Board approve the Executive Session (B) Minutes of November 1, 2010 as presented, but to remain sealed until the need for confidentiality has passed. Second by Mr. Donato. VOTE: 3:0:0.

ANNOUNCEMENTS

Mr. Donato made the following announcement:

Veterans Dial-A-Lawyer: On Wednesday, November 17, 2010 from 5:30 PM to 7:30 PM the Massachusetts Bar Association will offer free legal consultations exclusively to Veterans and families of Veterans. This year they are providing a local phone number (617-338-0610) and a toll-free number (877-686-0711).

Following that there were two other announcements:

Veteran's Day Ceremony: It was also announced that there will be a Veteran's Day Ceremony at Duxbury Post 223 American Legion on Thursday, November 11, 2010 with the ceremony beginning at 11:00 AM.

Duxbury mentioned in Coastal Living magazine: Mr. Dahlen also took this opportunity to mention that Duxbury was included in the November 2010 issue of *Coastal Living* magazine.

TAX CLASSIFICATION HEARING

As it was now after the advertised time and the Assessors were present, Mr. Dahlen opened the Tax Classification Hearing by reading the notice, which was published in the October 27, 2010 issue of the *Duxbury Clipper*.

Mr. Dick Finnegan, the Deputy Assessor, was introduced. Mr. Finnegan introduced the members of the Board of Assessors: Ms. June Albritton- Chair, Ms. Linda Collari, and Mr. Jamie MacNab.

Mr. Finnegan explained that the Town is required each year to set tax rates for residential and commercial property. As been his tradition, he reviewed with the Board a Fact Sheet ("FY 2010 Tax Classification Hearing Fact Sheet") prepared by the Assessors and Mr. Finnegan. Copies of the Fact will be posted on the Town website: www.town.duxbury.ma.us on the Assessing Department page.

Duxbury has traditionally had a residential factor of "one." This means that the commercial tax rate is identical to the residential tax rate. The figures showed that setting a dual tax classification would have minimal savings for residential taxpayers (approx. \$152. For average residential assessed values of \$584,600.), but have a substantial increase (approx. \$3683.) for a similarly-valued commercial property. Given the disparity the Selectmen decided to maintain the residential factor of one.

Ms. Sullivan moved that the Board of Selectmen vote to maintain a residential factor of one for FY11. Second by Mr. Donato. Vote: 3:0:0.

PUBLIC HEARING: USE OF MILLENNIUM TOWN GREEN / Annual Tree Lighting on Nov. 28, 2010

Mr. Paul Brogna was present to represent the Rotary Club. As they have done in the past the Rotary Club is requesting an event permit for use of the Millennium Town Green on Sunday, November 28, 2010 from 1 PM to 7 PM for the Annual Tree Lighting and arrival of Santa Claus.

Ms. Sullivan moved that the Board of Selectmen grant to Mr. Paul Brogna, as a representative of the Duxbury Rotary Club, an event permit for the Annual Christmas Tree Lighting, to be held on the Millennium Town Green on Sunday, November 28, 2010 from 1:00 PM to 7:00 PM, subject to the conditions on the permit. Second by Mr. Donato. VOTE: 3:0:0.

EVENT PERMIT: HOLLY DAYS 2010

Ms. Sullivan spoke of how the event has become a kick-off to the holiday shopping season. Trolleys are provided to convey the public to the various areas around town to visit and support the local shops. The shops make it festive and some offer discounts. She encouraged Duxbury residents to avoid the malls and to shop locally.

Mr. MacDonald mentioned that the departmental feedback has been received and there are no issues. The event was discussed at his Senior Staff meeting today. The Police and DPW Departments will work with the organizers as they have in the past.

Ms. Sullivan moved that the Board of Selectmen grant to Ms. Anne Antonellis, as President of the Duxbury Business Association, an event permit for the Holly Days Celebration, to be held on Sunday, November 28, 2010 from Noon to 4:00 PM, subject to the conditions on the permit. Second by Mr. Donato. VOTE: 3:0:0.

MEETING OF THE WATER & SEWER COMMISSIONERS: COMMITMENT OF CHARGES

Mr. Donato moved that the Board of Selectmen adjourn the meeting as Selectmen in order to meet as the Water & Sewer Commissioners, with the intent of re-convening as Selectmen afterward. Second by Ms. Sullivan. VOTE: 3:0:0.

The Water & Sewer Commissioners are meeting tonight to vote on the commitment, which is the amount to be billed and collected for water, sewer and service charges.

Mr. Dahlen moved that the Board of Water & Sewer Commissions instruct the Treasurer to collect the total amount of \$1,021,248.82, which includes \$930,315.32 for water, \$90,208.50 sewer, and \$725.00 for service. Second by Ms. Sullivan. VOTE: 3:0:0.

ADJOURN AS WATER & SEWER COMMISSIONERS & RE-CONVENE AS SELECTMEN

Mr. Donato moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen. Second by Ms. Sullivan. VOTE: 3:0:0.

HEALTH AND STIPEND BENEFITS FOR ELECTED OFFICIALS

Mr. Dahlen initiated the discussion by indicating that people might have seen the recent news reports of several other communities doing away with stipends and health insurance benefits available to part-time, elected officials. He felt it was time for the Duxbury Selectmen to have a discussion about it to determine if the Board wants to place an article on the Town Meeting warrant.

The Town of Duxbury currently has 8 elected officials (i.e., 3 Selectmen, 3 Assessors, 1 Moderator and the Town Clerk, who receive stipends and are also eligible to enroll in the Town's group health insurance. It was made clear from the beginning of the discussion that the proposed changes would be for all the elected positions, except the Town Clerk, who although elected is a full-time, salaried employee.

What is proposed is to submit an article to Town Meeting to do away with the stipends and/or the eligibility for enrollment in the Town's health insurance. It was suggested that the article be worded in such a way so that it would only become effective as the terms of the currently elected officials were up for re-election. The Selectmen discussed the merits of such an article and all were favorably inclined.

Mr. Donato suggested allowing the elected individuals to participate in the group health insurance providing they pay 100% of the premium. His suggestion was based on the idea that it would not be costing the town, but it might let an individual take advantage of a lower group rate. In discussing this suggestion Ms. Sullivan pointed out that, while there would not be a cost on the premium end, because the Town is self-insured were a claim filed it potentially could cost the Town.

Ms. Sullivan pointed out that the elected officials do have to attend meetings, which involve some travel and parking expenses so the stipend helps to offset some costs. It was decided to seek an opinion from Town Counsel whether the payment of the stipends and the eligibility for enrollment in the Town's health insurance can be looked at separately or if they are linked. Once that is known then an appropriate motion can be crafted and voted on at a future Selectmen's meeting in time to get it on the 2011 Annual Town Meeting warrant.

EVENT PERMIT: HOLLY DAYS 2010

As Ms. Anne Antonellis, President of the Duxbury Business Association, arrived at the meeting the Board took a moment to acknowledge her. The Board let her know the permit for the event was approved and the Town departments will work with the organizers as they have in the past. They briefly re-visited the discussion of how Holly Days has become a holiday tradition in Duxbury. The Board and Ms. Antonellis encouraged the public to enjoy Holly Days and to support the local businesses.

On the agenda it was noted that the Board may vote to go into an Executive Session regarding Real Property, but that was postponed.

BUSINESS

TOWN MANAGER BRIEF

Mr. MacDonald mentioned the following items:

1. Sustainable Duxbury and the Island Creek Oyster Foundation, will be honored at an awards ceremony on Wednesday, November 17th at the Artists for Humanity Epicenter in Boston as they have been named by MassRecycles as recipients of the Nonprofit/Institution Recycling Award. They worked together to compost and recycle 93% of the waste generated at the Island Creek Oyster Festival held in September – including reusing 40,000 oyster shells. The event is open to the public and interested parties can contact my staff for further details.
2. NStar Rebate: A \$8,190 rebate check was received from NStar for energy-efficiency incorporated into the pool project. This rebate was thanks to the efforts of Gordon Cushing and Barbara Bartlett.
3. Tarkiln Center: Mr. MacDonald said that he recently toured the Tarkiln Center and was absolutely amazed by the work that has been done by the Friends of the Tarkiln and specifically through the efforts of Susanna and Emmett Sheehan. Plans are being made for an opening day and Mr. MacDonald believes the Duxbury residents will be as pleasantly surprised and amazed as he was.
4. Veteran's Day: This Thursday, November 11th is Veteran's Day and the Town Hall offices will be closed in observance of it, but will be open for business on Friday for the regular 8 AM – 12:30 Friday hours.

Seawall Betterment: In response to a memo the Town Manager had given to the Board of Selectmen on this subject, Mr. Donato inquired whether the Board needed to do anything. Mr. MacDonald just suggested that the Board accept his recommendation. Mr. MacDonald indicated that he would make the recommendation public tomorrow.

North Hill Country Club: Mr. Donato asked the Town Manager for an update on the status. Mr. MacDonald said that Johnson Golf Management did not appeal the termination of the contract. In spite of the Town's arguments against it, the Court did reduce the amount of the surety bond and Johnson Golf has ten (10) days to comply. Given that, the suggestion was that nothing be done until that timeframe has past and in the expectation that the Court will rule shortly.

Committee Appointments/Re-appointments - None

NEW BUSINESS / OLD BUSINESS

- No new business or old business was brought forth.

ADJOURNMENT

Mr. Donato moved to adjourn the meeting at approximately 7:45 PM. Second by Ms. Sullivan.
VOTE: 3:0:0.

LIST OF DOCUMENTS (AVAILABLE IN THE SELECTMEN'S OFFICE)

1. Draft Minutes of:
 - a. Executive Session of October 25, 2010 (CONFIDENTIAL)
 - b. Open Session of November 1, 2010
 - c. Executive Session (A) of November 1, 2010 (CONFIDENTIAL)
 - d. Executive Session (B) of November 1, 2010 (CONFIDENTIAL)

2. Veterans-Dial-A-Lawyer informational flyer
3. Tax Classification Documents:
 - Legal Notice published in Duxbury Clipper on October 27, 2010
 - Memorandum from Board of Assessors dated November 2, 2010
 - FY2011 Tax Classification Hearing Fact Sheet dated November 8, 2010
 - FY2011 Tax Levy Limitation Sheet
 - Form LA-5 (for signature if Residential Factor of 1 is maintained)

4. Event Permits:
 - Documents regarding Annual Christmas Tree Lighting 11-28-10
 - Documents regarding Holly Days 11-28-10

5. Water & Sewer Commitment for billing date November 9, 2011
6. Boston Globe article "Plymouth to review health insurance perk: "Part-time officials could see benefit cut"
7. NStar Rebate letter dates 10-25-10 and copy of the check
8. Memorandum of Richard MacDonald, Town Manager, dated November 1, 2010 RE: Seawall Betterments / Public Works Project