

Date: November 22, 2010

Date Minutes Approved: November 29, 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.

OPEN FORUM

Mr. Paul Costello, a resident of DeLorenzo Drive, was present. He said that he received no prior notification that NSTAR would be clearing trees behind his home on Friday, November 19. NSTAR is clearing the Right-of-Way under the power lines there. Mr. Costello is concerned that this will invite dirt bikes and ATV traffic. He called the Town Manager's office and Mr. MacDonald communicated with NSTAR representatives. Mr. MacDonald read from a letter from Dennis Galvam of NSTAR, apologizing for the communication gap. Mr. MacDonald promised to coordinate communication between NSTAR and Mr. Costello, and to work with NSTAR to assure better communication in future situations.

UPDATE ON 2010 TOWN MEETING ARTICLE #23: FIRST PARISH CHURCH

Ms. Holly Morris, Community Preservation Committee Chairman, was present. She explained that 2010 Annual Town Meeting Article #23 authorized the use of \$55,000 for historic preservation of the First Parish Church. The Town Meeting article required that the Board of Selectmen enter into a permanent preservation restriction, pursuant to Massachusetts General Laws, Chapter 44B, Section 12 and Chapter 184. This restriction requires the repayment of Community Preservation Funds if the property were to be sold. (The repayment would not apply if the property were sold to certain non-profit entities.) The restriction is actually accomplished by two documents: 1) Agreement; and 2) Restriction.

Ms. Sullivan moved that the Board execute an Agreement for Use of Community Preservation Funds by and between the First Parish Church of Duxbury and the Town of Duxbury. Second by Mr. Donato. Vote: 3:0:0.

Ms. Sullivan moved that the Board execute a Restriction for the Use of Community Preservation Funds by and between the First Parish Church of Duxbury and the Town of Duxbury. Second by Mr. Donato. Vote: 3:0:0.

PUBLIC HEARING: CABLE LICENSE APPLICATION BY COMCAST

The Public Hearing was opened at 7:10 PM.

Present were:

Mr. William Hewig, Attorney for the Town of Duxbury
Mr. William Kearney, Acting Cable Advisory Committee Chair
Mr. Robert Fitzpatrick, Member of the Cable Advisory Committee
Ms. Jean Kennett, Member of the Cable Advisory Committee
Mr. Rich Sigrist, Member of the Cable Advisory Committee

Ms. Mary Beth MacQuarrie, Member of the Cable Advisory Committee
Ms. Nancy Richards, Representative of PAC TV (Plymouth)
Ms. Catherine Maloney, COMCAST

Mr. MacDonald and Attorney Hewig thanked the team of people who worked for years to negotiate a contract with COMCAST.

Mr. Hewig summarized the contract:

- 1) The term is ten years, which is the maximum allowed by law for a cable contract renewal;**
- 2) There will be a level playing field. This means that if the Town issues a contract with another cable provider in the future, that it must be on equivalent terms and conditions;**
- 3) There are requirements for Free Subscriber Drops and Video Return Lines;**
- 4) On the transition date, which will be 180 days after the license is executed, COMCAST will turn over responsibility for PEG access programming to Duxbury. In order to facilitate that turnover, COMCAST will provide three channels for PEG access purposes. For the Public Channel ("P"), COMCAST will transmit PAC TV programming from the PAC TV Studio located in Plymouth. For the Government Channel ("G"), COMCAST will construct a direct connect from its head end into Town-owned equipment at Duxbury Town Hall. From there, it will agree to carry, to all its subscribers, locally originated programming from the Senior Center or the Fire Station, carried over auxiliary lines constructed by VERIZON. Finally, for the Education Channel ("E"), COMCAST will direct connect into Town-owned equipment at the new high school studio. It will also construct auxiliary lines to the Performing Arts Center, Duxbury Free Library and Alden School.**
- 5) There are protections for the Town in terms of system maintenance, signal quality, plant maps, "Dig Safe", indemnification, insurance, and performance bond;**
- 6) COMCAST will pay \$132,000.00 to the Town within 60 days. This will be credited toward the 5% of COMCAST's annual revenues that they have agreed to pay to the Town.**

Mr. Will Zachmann, Duxbury Times reporter, commented that current VERIZON subscribers do not currently have access to the "G" channel. Mr. Hewig responded that VERIZON must begin to provide this within 180 days of the execution of the COMCAST license. Mr. Zachmann asked whether that schedule could be accelerated. Mr. Kearney explained to him that there are a lot of technical and legal issues which account for the 180-day timeframe.

Mr. William Kearney provided a copy of Cable Advisory Committee minutes of October 19, 2010, where the Committee voted unanimously to recommend approval of the renewal with COMCAST.

The Public Hearing was closed at approximately 7:40 PM.

Ms. Sullivan moved that the Board of Selectmen execute a cable television license with COMCAST of Connecticut, Georgia, Massachusetts, New Hampshire, New York, North Carolina, Virginia, and Vermont, effective November 22, 2010. Second by Mr. Donato. Vote: 3:0:0.

SCHOOL BUILDING COMMITTEE (SBC) UPDATE

Present were:

Ms. Elizabeth Lewis, SBC Chair
Dr. Benedict Tantillo, School Superintendent
Ms. Anne Ward, School Committee Chair

Ms. Lewis explained that the Massachusetts School Building Authority (MSBA) has approved Duxbury for entry into the Model School Program. The purpose of the Model School Program is to effectively adapt and reuse the design of successful recently constructed schools. The Duxbury model would be for a combined Middle and High School facility.

One of the first steps will be to certify Duxbury's anticipated school enrollment. Next, the SBC will send letters to the designers of four existing model schools. The SBC will interview them in terms of how they would modify the model to Duxbury's needs. MSBA guidelines would be followed in terms of selecting a designer, and coming up with a projected price for design services. The 2011 Annual Town Meeting will be asked for design funds. Acceptance of a ballot question at the town-wide election for these design funds will also be necessary.

Ms. Sullivan mentioned that she is concerned about the school project coming at the same time as the police and fire building projects. Mr. Dahlen agreed that the impact to the taxpayer will be significant. However, putting it off one or two years will not help to manage the burden better. Members of the committee mentioned the cost of trying to keep the buildings in repair while waiting for new construction.

ONE-DAY LIQUOR LICENSE: MS. CATHERINE ROGERSON FOR DUXBURY YACHT CLUB / HOLIDAY PARTY ON DECEMBER 5, 2010

Ms. Ripley stated that all public safety departments had been consulted, and that their suggested conditions were incorporated into the license.

Ms. Sullivan moved that Ms. Catherine M. Rogerson, as a representative of the Duxbury Yacht Club, is granted a One-Day All-Alcoholic Beverage License to hold a Christmas Party on Sunday, December 5, 2010 from 5:00 PM to 7:00 PM at the Sprague Parker Golf House on Fairway Lane, subject to the conditions listed on the license. Second by Mr. Donato. Vote: 3:0:0.

TOWN MANAGER BRIEF

- 1) Duxbury Bay: The Harbormaster office is working to coordinate dredging of Duxbury Bay.
- 2) Hurricane Earl: We have been reimbursed \$17,000 for preparations we made for Hurricane Earl, by the Massachusetts Emergency Management Agency.
- 3) Police Department Grant: The Police Department has secured a \$4,200.00 traffic control grant from the US Department of Transportation and the Massachusetts Executive Office of Public Safety and Security.
- 4) Cell Tower: The Town Manager would be pleased to meet with telecommunications companies who are seeking to place towers on Town property.
- 5) John Buckley: There will be a funeral on November 23 for Mr. John Buckley, a resident of Duxbury and 23-year veteran of the Plymouth County Sheriff's Department. A portion of Tremont Street will be blocked off for a procession from Holy Family Church to Mayflower Cemetery, at approximately 11:00 AM.
- 6) Thanksgiving Holiday: Duxbury Town Hall will be closed on Thursday, November 25 for Thanksgiving, but will re-open at 8:00 AM on Friday morning.

OLD BUSINESS

Mr. Dahlen asked about the status of the Gurnet Road Seawall. Mr. MacDonald said that there has been a lot of activity out there after every rainstorm. The State is hurrying to complete survey work.

ANNOUNCEMENTS

Ms. Sullivan announced that the Massachusetts Alcoholic Beverage Control Commission has banned beverages that contain caffeine and alcohol.

MINUTES

Ms. Sullivan moved that the Board approve the minutes of November 8, 2010 as written. Second by Mr. Donato. Vote: 3:0:0.

NEW BUSINESS

None.

ADJOURNMENT

Ms. Sullivan moved to adjourn the meeting at 8:25 PM. Second by Mr. Donato. Vote: 3:0:0.

List of Documents (Available in the Selectmen's office):

- 1) Letter from Dennis Galvam, Manager, Community Relations and Economic Development to Richard R. MacDonald, dated November 22, 2010, pertaining to work being done on NSTAR's Right-of-Way.**
- 2) Agreement for Use of CPC Funds, First Parish Church.**
- 3) Restriction for Use of CPC Funds, First Parish Church.**
- 4) Public Notice of Cable Television Public Hearing, Duxbury Clipper, November 3, 2010 and November 10, 2010.**
- 5) Letter from B. Ripley to Catherine Maloney of COMCAST, informing her of Cable Television Public Hearing.**
- 6) Executive Summary of Proposed COMCAST Cable Television Renewal License, dated October 28, 2010, by Attorney William Hewig.**
- 7) Proposed contract with COMCAST, dated November 22, 2010.**
- 8) Minutes of Cable Advisory Committee, dated October 19, 2010.**
- 9) Packet of information pertaining to One-Day Liquor License for Duxbury Yacht Club on December 5, 2010.**
- 10) Draft Board minutes of November 8, 2010.**