

Date: March 7, 2011

Date Minutes Approved: March 21, 2011

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 C. Anne Murray, Administrative Assistant.

CONVENED IN OPEN SESSION & ENTERED EXECUTIVE SESSION

Meeting convened in Open Session at 6:32 PM, at which time Mr. Dahlen moved that the Board of Selectmen go into an Executive Session to conduct collective bargaining sessions in accordance with Mass. General Laws Chapter 30A, Section 21, and then to reconvene in Open Session. Second by Ms. Sullivan. ROLL CALL VOTE: Mr. Donato "aye"; Mr. Dahlen "aye"; Ms. Sullivan "aye".

END EXECUTIVE SESSION & RE-CONVENED IN OPEN SESSION

At approximately 7:37 PM Ms. Sullivan moved for adjournment of the Executive Session to reconvene in Open Session. Second by Mr. Donato. ROLL CALL VOTE: Mr. Donato "aye"; Mr. Dahlen "aye"; Ms. Sullivan "aye".

OPEN FORUM

No items were brought forward.

DUXBURY COMMUNITY PARTNERSHIP FOR CHILDREN: FAMILY FITNESS DAY ON MARCH 26, 2011

Ms. Kathleen Maney-Needel, a Grant Coordinator at the Chandler School, was present to explain and promote this event. She mentioned this is a good opportunity for children to try various activities before parents formally sign them up and pay a fee. For more information see the Chandler School webpage or the posting outside the Children's Room at the Library.

Mr. Donato moved that the Board of Selectmen grant an event permit to Ms. Kathleen Maney-Needel, as a representative of the Duxbury Community Partnership for Children, to hold a 5K Run and a Fitness Awareness Program at the Chandler School on March 26, 2011 from 8:30 AM to 11:30 AM, contingent upon the conditions set forth on the event permit. Second by Ms. Sullivan. VOTE: 3:0:0.

TOWN MEETING ARTICLES (FINANCE)

[Note: In prior Minutes Roman numerals were temporarily used to distinguish Annual Town Meeting (ATM) and Special Town Meeting (STM) articles. Since the order of the articles has been finalized and formally established Arabic numerals are now being used.]

Mr. Madden, the Town's Finance Director, was present to discuss the finance articles with the Selectmen.

ATM # 3: Compensation of Elected Officials

Mr. Wayne Heward, Chair of the Personnel Board, and Ms. Jeannie Horne, HR Officer, were present to discuss this article and the next article with the Selectmen.

A discussion was held regarding a request for an increase to the Town Clerk's salary. Mr. Heward indicated the Personnel Board found this to be outside their purview as the Town Clerk's position is not under the Personnel Plan and therefore referred the request to the Selectmen and Finance Committee. Both Ms. Sullivan and the Finance Director explained in some detail how this matter was reviewed. Ms. Sullivan and the Finance Committee recommend and support that the Town Clerk's salary be adjusted to \$74,000.

Ms. Sullivan moved to approve ATM Article #3 (Compensation of Elected Officials), with the amendment of the Town Clerk's salary to \$74,000., and total amount of the Elected Officials compensation to be \$84,040. Second by Mr. Donato. VOTE: 3:0:0.

ATM # 7: Personnel Bylaw Article

Mr. Heward gave an overview of the changes in the Personnel Plan. Mr. Heward explained the five new / updated policies which were incorporated, including: a Background Check Policy, a Whistleblower Policy, an Equal Employment Opportunity Policy, a Non-Discriminatory and Anti-Harassment Policy, and a Maternity Leave Policy. In addition, Mr. Heward and Ms. Horne provided some detail about the following topics, which were also included or updated in the Personnel Plan:

- benefit eligibility for intermittent police officers
- Vacation carryover and usage language
- Performance evaluation language, including part-time, seasonal and Schedule R employees
- Salary administration language to assist managers in rewarding long-term employees and to provide a methodology for wage increases tied to performance
- A requirement for benchmarking surveys every three-years, which will be done in-house instead of by consultants

Mr. Madden addressed the financial implications of this article. He explained that \$80,000 is needed to fund the Personnel article. Of that amount \$70,000 or approximately 2% would be to fund salary merit increases, \$5,000 would be for tuition reimbursement, and \$5,000 was included to cover any necessary adjustments.

Ms. Sullivan moved that the Board of Selectmen approve ATM Article #7 (Personnel Bylaw Article) as presented. Second by Mr. Donato. VOTE: 3:0:0.

ATM # 8: Collective Bargaining Agreements

Mr. Madden indicated he is recommending the Selectmen "indefinitely postpone" (IP) this article as it is not anticipated that any other agreements will need to be funded beyond those being covered in the Special Town Meeting.

Ms. Sullivan moved that the Board of Selectmen indefinitely postpone (IP) ATM Article #8 (Collective Bargaining Agreements). Second by Mr. Donato. VOTE: 3:0:0.

STM # 3: Collective Bargaining Agreements

Ms. Horne indicated that this article is in regard to two Collective Bargaining Agreements, which were in the process of being settled at this time last year. The Agreements are with the Firefighters' Union and the Clerical Union.

Ms. Horne outlined some of the new conditions incorporated into the Firefighters' Agreement. The Firefighter's Agreement is for the period from July 1, 2009 to July 1, 2012 and calls for increases by year of 3%, 1 ½ %, and 1 ½ %.

Likewise, Ms. Horne mentioned clauses incorporated into the Clerical Agreement and indicated the negotiated increases by year are 1%, 2%, and 2 ½ %.

Mr. Madden explained the Firefighters' Agreement requires funds in the amount of \$79,675 and the Clerical Agreement requires funds in the amount of \$28,272 to cover increases for the past fiscal years and/or the current fiscal year. For FY'12 any additional monies have been included in the budget.

Ms. Sullivan moved that the Board approve STM Article #3 in the amount of \$79,675 to fund the Collective Bargaining Agreement with Local 2167 International Association of Firefighters. Second by Mr. Donato. VOTE: 3:0:0.

Ms. Sullivan moved that the Board approve STM Article #3 in the amount of \$28,272 to fund the Collective Bargaining Agreement with Local 888 SEIU, Town of Duxbury Secretaries and Clerks. Second by Mr. Donato. VOTE: 3:0:0.

STM # 6: Salary Reserves

Mr. Madden explained this article is the result of the Reclassification and Compensation Study to fund the salary adjustment of the two decertified groups. These groups have not gotten and increase since 2008. It calls for the transfer of funds to the Salary Reserves in the amount of \$276,425. This is a one-time adjustment. Some of the transfer is coming from the general appropriation to the Health Insurance Trust. It was pointed out that those funds were available due to employees who have switched from more expensive health plans to less expensive, which actually have saved both the employees and the Town money.

Ms. Sullivan moved that the Board approve STM Article #6 (Salary Reserves) in the amount of \$276,425. Second by Mr. Donato. VOTE: 3:0:0.

ATM # 5: FY12 Operating Budget

Agreement has been reached between the Town Manager, Finance Director and the Finance Committee for a total operating budget of \$54,956,335. This is a 1.7% increase from the FY'11 to the FY'12 budgets.

Ms. Sullivan moved that the Board approve ATM Article #5 (FY12 Operating Budget) in the amount \$54,956,335. Second by Mr. Donato. VOTE: 3:0:0.

Mr. Madden then explained the Enterprise Funds also come under this article.

According to Mr. Madden, the total for the Water Enterprise Fund is \$2,515,403, which represents a reduction of 3.6%.

Ms. Sullivan moved that the Board approve ATM Article #5 (Water Enterprise Fund) in the amount \$2,515,403. Second by Mr. Donato. VOTE: 3:0:0.

The remaining portion of this article is the Percy Walker Pool Enterprise Fund. The budget recommend for it is \$371,981, which is a decrease of 1.5%.

Ms. Sullivan moved that the Board approve ATM Article #5 (Percy Walker Pool Enterprise Fund) in the amount \$371,981. Second by Mr. Donato. VOTE: 3:0:0.

ATM # 6: FY12 Capital Budget

Mr. Madden indicated that the recommendation is for a capital budget \$1,303,937, which represents approximately 70% of the requests submitted for capital projects. This is the second year that over a million dollars has been put towards capital needs.

Ms. Sullivan moved that the Board approve ATM Article #6 (FY12 Capital Budget) in the amount \$1,303,937. Second by Mr. Donato. VOTE: 3:0:0.

ATM # 9: Rescind Debt

Mr. Madden explained that the 2009 Town Meeting approved Art. #37, which was \$1,540,000 for the Chandler School roof repair. In total \$900,000 was actually borrowed but we bonded \$587,000 and the Massachusetts School Building Authority (MSBA) came through to fund \$313,000. As the project is now complete the request is to rescind the debt amount of \$640,000, which was not needed.

Ms. Sullivan moved that the Board approve ATM Article #8 (Rescind Debt) as presented. Second by Mr. Donato. VOTE: 3:0:0.

ATM #10: Revolving Funds

It was explained by Mr. Madden that the Town has three Revolving Accounts: Geographic Information Systems (GIS), Council on Aging (COA), and the Jaycox Tree Farm. In addition, there is a recommendation to create a new Hazardous Materials Revolving Fund, which would be specifically so the monies collected from hazardous incident clean-up would go back into paying the costs for those incidents in preparation for future ones. Specifically mentioned was the fact that replenishing the foam truck costs \$10,000. Since incidents of this nature are impossible to predict it makes it difficult to budget for them so having costs recouped go back into a Hazardous Material Revolving Account instead of into the General Fund would help.

Revolving Accounts are ones in which monies collected are deposited to be used specifically for related expenses to those items. The recommended maximum expenditure amounts for each of the revolving accounts are as follows: (a) Geographic Information Services (GIS) \$6,000, (b) Council on Aging (COA) \$70,000., (c) Jaycox Tree Farm \$20,000., and (d) the new Hazardous Materials account \$50,000.

After each revolving account was explained a motion was made to support the specific revolving account for expenditures up to the indicated dollar amounts and for the Hazardous Materials Revolving Account the motion was to establish it. Each motion was made by Ms. Sullivan and seconded by Mr. Donato, and each motion received unanimous approval as reflected below.

REVOLVING ACCT.:	\$ AMT:	MOTION BY:	SECOND BY:	VOTE:
GIS	\$6,000	Ms. Sullivan	Mr. Donato	3:0:0
COA	\$70,000	Ms. Sullivan	Mr. Donato	3:0:0
Jaycox Tree Farm	\$20,000	Ms. Sullivan	Mr. Donato	3:0:0
(new) Hazardous Materials	\$50,000	Ms. Sullivan	Mr. Donato	3:0:0

ATM #48: Stabilization Fund

Mr. Madden recommended and the Finance Committee supported his recommendation to indefinitely postpone this article. He noted that the stabilization fund is addressed with an article in the STM.

Ms. Sullivan moved to indefinitely postpone ATM Article \$48 (Stabilization Fund) as presented. Second by Mr. Donato. VOTE: 3:0:0.

STM # 1: Departmental Transfers

This is a housekeeping article. Mr. Madden said that department budgets are prepared based on the best estimates possible, but often during the course of the fiscal year unanticipated or higher than usual expenses will occur. To cover shortfalls the Town must vote to transfer funds previously appropriated at the last Annual Town Meeting to cover the expenses. Mr. Madden explained each of the seven transfers and after each a motion was made by Ms. Sullivan and seconded by Mr. Donato, and each motion received unanimous approval to support the requested transfer as shown below:

TRANSFER TO	TRANSFER FROM	\$ AMT	MOTION BY	SECOND BY	VOTE
Legal Expenses	Free Cash	\$61,000.	Ms. Sullivan	Mr. Donato	3:0:0
Fire Salaries	Free Cash	\$85,000.	Ms. Sullivan	Mr. Donato	3:0:0
Police Salaries	Free Cash	\$41,000.	Ms. Sullivan	Mr. Donato	3:0:0
Police Dept. Expenses	Free Cash	\$ 5,500.	Ms. Sullivan	Mr. Donato	3:0:0
Harbormaster Expenses	Free Cash	\$4,000.	Ms. Sullivan	Mr. Donato	3:0:0
Snow & Ice Salaries	Free Cash	\$60,000.	Ms. Sullivan	Mr. Donato	3:0:0
Snow & Ice Expenses	Free Cash	\$125,000	Ms. Sullivan	Mr. Donato	3:0:0

STM # 2: Unpaid Bills

This is another housekeeping article. Mr. Madden explained that any bills for goods or services received prior to June 30, 2010 must be authorized for payment. Mr. Madden explained each of the six unpaid bills and after each a motion was made by Ms. Sullivan and seconded by Mr. Donato, and each motion received unanimous approval to support the payment of the unpaid bill. The unpaid bills are shown below:

ITEM	\$ AMT	MOTION BY	SECOND BY	VOTE
IPREO	\$1,000.00	Ms. Sullivan	Mr. Donato	3:0:0
Coppola & Coppola	\$5,017.25	Ms. Sullivan	Mr. Donato	3:0:0
Mass. Chiefs of Police Assoc.	\$50.00	Ms. Sullivan	Mr. Donato	3:0:0
Town of Duxbury (Police Detail)	\$178.60	Ms. Sullivan	Mr. Donato	3:0:0
Highway Safety Systems, Inc.	\$7,660.45	Ms. Sullivan	Mr. Donato	3:0:0
Stop & Shop (Veteran's Services)	\$31.98	Ms. Sullivan	Mr. Donato	3:0:0

STM # 4: Unemployment Trust Fund

Mr. Madden explained that last year the Unemployment Trust Fund was established with the idea that it would be maintained at a \$200,000 level. Claims have been projected through the rest of the year and the recommendation is to approve a transfer of \$150,000 from Free Cash to bring this fund back to the \$200,000 funding level.

Ms. Sullivan moved to approve STM Article #4 for a transfer of \$150,000 from Free Cash to the Unemployment Trust Fund. Second by Mr. Donato. VOTE: 3:0:0.

STM # 5: Pension Reserve Fund

Mr. Madden explained his recommendation to transfer from Free Cash to the Pension Reserve Fund the amount of \$150,000 to replenish the Fund.

Ms. Sullivan moved to approved STM Article #5 (Pension Reserve Fund) to transfer \$150,000 from Free Cash to the Pension Reserve Fund. Second by Mr. Donato. VOTE: 3:0:0.

STM # 7: Stabilization Fund

Mr. Madden noted that Duxbury has a Standard & Poor's rating of AAA and a Moody's Rating of AA1. One of the items that the rating agencies take into consideration is the Town's Stabilization Fund. Over the past several years it has been the Town's practice to put money into the Stabilization Fund and this has helped the Town obtain its current ratings. He proudly recommends and the Finance Committee supports the transfer of \$300,000 from Free Cash into the Stabilization Fund.

Ms. Sullivan moved that the Board of Selectmen approve STM Article #7 for a transfer of \$300,000 from Free Cash to the Stabilization Fund. Second by Mr. Donato. VOTE: 3:0:0.

TOWN MEETING ARTICLES (OTHER)

ATM #45: NSTAR Easement for Percy Walker Pool

Ms. Mello, Executive Assistant to the Town Manager, explained that the Board had previously discussed this matter. At the time it was unclear whether it could go forward as NSTAR had not provided a plan for the easement they are requesting. The easement was considered necessary in order for NSTAR to service the Percy Walker Pool. Town Counsel has advised that language in the article does state "on terms and conditions deemed to be in the best interest of the Town by the Board of Selectmen." Town Counsel further advised that if the article is approved at the ATM, then the Selectmen can make a plan one of the required itemed before an easement is signed.

Ms. Sullivan opined that she will not support this article as the issue of plans has been brought up in the past with NSTAR and she intends her opposition to send a message to them.

Mr. Donato moved to approve ATM Article #45 (NSTAR Easement for Percy Walker Pool) as presented. Second by Mr. Dahlen. VOTE: 2:1:0. (Ms. Sullivan was the "nay" vote.)

BUSINESS

**One-Day Liquor License Requests *Linda Herrick for Duxbury Bay Maritime School (DBMS)–
Four Events***

Mr. Dahlen recused himself as he is a Director of the Duxbury Bay Maritime School, and the chair was turned over to Ms. Sullivan for this business item.

Ms. Sullivan indicated that the Selectmen had received a packet regarding the four events for which the DBMS is requesting one-day liquor licenses. She mentioned the events. She also noted that departmental feedback was received. No objections were made and any conditions were incorporated included on the licenses.

Ms. Sullivan moved that the Board of Selectmen grant to Ms. Linda Herrick, as a representative of Duxbury Bay Maritime School, four One-Day Liquor Licenses for the following events:

- 1) Wedding Reception on April 30, 2011, at Clifford Hall from 6:00 PM to 11:30 PM;
- 2) Opening of the Bay on May 27, 2011, in the Boat Shed and attached tent, from 6:30 PM to 11:30 PM;
- 3) Wedding Reception on June 11, 2011, at Clifford Hall from 4:00 PM to 11:00 PM; and
- 4) Wedding Reception on June 18, 2011, at Clifford Hall from 5:00 PM to 11:00 PM;

subject to the conditions listed on the licenses. Second by Mr. Donato. VOTE: 2:0:0. (*Mr. Dahlen recused himself and did not vote.*)

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following:

1. Percy Walker Pool: Mr. MacDonald said that the Town has settled with the architect.
2. Construction Costs: He reported that the construction cost estimates for February were over a million dollars. He is hopeful that 16 units at Duxbury Crossing will also be construction in the near future.
3. 4th of July Parade – Anonymous Donation: Mr. MacDonald mentioned that last year an anonymous donor made a very generous donation to help fund the 4th of July parade. He was very pleased to announce that the individual has come forward again and made another \$5,000 donation to the parade.
4. Annual Town Meeting: He has been preparing his budget presentation for Annual Town Meeting and hopes people will attend.

ANNOUNCEMENTS

The Board mentioned that Annual Town Meeting begins this Saturday, March 14 at 9:00 AM at the Performing Arts Center, 73 Alden ST. Mentioned that if there is a continuation then the Moderator's plan would be to begin the at 7:00 PM on Monday night.

MINUTES

Ms. Sullivan moved that the Board of Selectmen approve the Minutes of February 14, 2011, the morning session, as presented. Second by Mr. Donato. VOTE: 3:0:0.

Ms. Sullivan moved that the Board of Selectmen approve the Minutes of February 14, 2011, the evening session, as presented. Second by Mr. Donato. VOTE: 3:0:0.

Mr. Donato moved that the Board of Selectmen approve the Executive Session Minutes of February 14, 2011, as presented with the Minutes to remain sealed due to medical confidentiality. Second by Mr. Dahlen. VOTE: 2:0:1. (*Ms. Sullivan abstained as she was not present at the Executive Session on February 14th.*)

Ms. Sullivan moved that the Board of Selectmen approve the Minutes of February 28, 2011, as presented. Second by Mr. Donato. VOTE: 3:0:0.

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS --None

OLD BUSINESS -- Nothing brought forward for discussion.

NEW BUSINESS – Nothing brought forward for discussion

ADJOURNMENT

Mr. Donato moved for adjournment at 9:00 PM. Second by Ms. Sullivan. Vote: 3:0:0.

LIST OF DOCUMENTS

- 1) *Print-out of Annual Town Meeting Votes Spreadsheet for recording any votes*
- 2) *Print-out of Special Town Meeting Votes Spreadsheet for recording any votes*
- 3) *Event Permit Application for Duxbury Community Partnership for Children Event on 03-26-11*
- 4) *2011 Annual Town Meeting Article 3 (Compensation of Elected Town Officials), Information provided 2011 Special Town Meeting Article 1 (Department Transfers)*
- 5) *by the Finance Committee, and Information provided by the Town Clerk.*
- 6) *2011 Annual Town Meeting Article 7 (Personnel Plan Changes and strike-out version of the Personnel Plan so the changes could be seen.*
- 7) *2011 Annual Town Meeting Article 8 (Collective Bargaining Agreements)*
- 8) *2011 Special Town Meeting Article 3 (Collective Bargaining Agreements) and 2-page overview of SEIU Local 888 (Duxbury Secretaries and Clerk's Agreement and 2-page overview of Duxbury Permanent Firefighters Assoc., Local 2167 Agreement*
- 9) *2011 Special Town Meeting Article 6 (Salary Reserves) and spreadsheet showing dollar amounts by Department*
- 10) *2011 Annual Town Meeting Article 5 (FY12 Operating Budget) and Spreadsheet shown FY10 Actual, FY11 Actual, FY 12 Dept. Req., FY 12 Fin.Dir., FY12 TN MGR, FY 12 FIN COM dollar amounts by expense category*
- 11) *2011 Annual Town Meeting Article 6 (FY12 Capital Budget) and Spreadsheet "Art. 6 Capital Projects Requests"*
- 12) *2011 Annual Town Meeting Article 9 (Rescind Debt) & Memo dated January 26, 2011 from Town Treasurer RE: Rescinding Town Debt – Town Meeting*
- 13) *2011 Annual Town Meeting Article 10 (Revolving Funds) and backup documentation regarding the following revolving accounts: GIS, COA, Fire Dept. Hazardous Materials, and Jaycox Tree Farm*
- 14) *2011 Annual Town Meeting Article 48 (Stabilization Fund)*
- 15) *2011 Special Town Meeting Article 1 (Department Transfers) and memos explaining the requested transfers*
- 16) *2011 Special Town Meeting Article 2 (Unpaid Bills) and copies of unpaid invoices*
- 17) *2011 Special Town Meeting Article 4 (Unemployment Trust Fund) and memo and spreadsheet from the Finance Director explaining the figures*
- 18) *2011 Special Town Meeting Article 5 (Pension Reserve Fund) memo from the Finance Director explaining the figures*
- 19) *2011 Special Town Meeting Article 7 (Stabilization Fund) memo from the Finance Director explaining the figures*
- 20) *2011 Annual Town Meeting Article 45 (NSTAR Easement for Percy Walker Pool) and memo from Barbara A. Mello dated March 3, 2011 explaining why this article is needed*
- 21) *One-Day Liquor License Applications from Duxbury Bay Maritime School 4 Events*
- 22) *TOWN MANAGER BRIEF: Construction Costs Estimates for February 2011*
- 23) *Committee Appointment Information Sheet - NONE*
- 24) **DRAFT MINUTES:**
 - a. *02-14-11 Board of Selectmen Minutes –AM meeting – Bonding Discussion*
 - b. *02-14-11 Board of Selectmen Minutes – PM meeting*
 - c. *02-28-11 BD of Selectmen EXECUTIVE SESSION MINUTES (Confidential) – removed to Executive Session files.*
 - d. *02-28-11 Board of Selectmen Minutes*