

Date: September 26, 2011

Date Minutes Approved: October 3, 2011

BOARD OF SELECTMEN MINUTES

Present: Shawn Dahlen, Chair; Christopher Donato, Vice-Chair; and Theodore Flynn, Clerk.

Absent: None

Staff: Richard MacDonald, Town Manager and C. Anne Murray, Administrative Assistant, and Mr. John Madden (arrived at 7:08 PM).

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

VOTE TO ENTER EXECUTIVE SESSION

After convening the meeting, Mr. Dahlen moved that the Board of Selectmen enter an Executive Session to discuss strategy with respect to litigation, pertaining to former Police Officer Cully Rossi, since an open meeting may have a detrimental effect on the Town's litigating position, and then to reconvene in Open Session. Second by Mr. Flynn. As Chair, Mr. Dahlen declared the necessity of holding an Executive Session, stating that an Open Session would have a detrimental effect on the Town's litigating position. Roll Call Vote: Mr. Flynn---aye; Mr. Dahlen---aye; Mr. Donato---aye.

RE-CONVENED IN OPEN SESSION

At 7:08 PM, after adjourning the Executive Session, the Board of Selectmen meeting re-convened in Open Session and the public entered.

OPEN FORUM

The Chair recognized Mr. MacDonald, who made a presentation of a "CAFR" award, i.e., a Certificate of Achievement in Excellence in Financial Reporting, to Mr. Madden and the finance team. The CAFR is awarded by the Government Finance Officers Association in recognition of state and local governments that go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports. Mr. MacDonald stated his belief that this is the sixth year they have received the CAFR award.

PRESENTATION BY SCHOOL BUILDING COMMITTEE (SBC)

In attendance for this presentation were: Ms. Elizabeth Lewis, Chair of the School Building Committee, as well as several members of the School Building Committee; Mr. Dennis Daly, the architect; Dr. Ben Tantillo, Superintendent of Schools; and members of the School Committee.

A PowerPoint presentation regarding the School Building Committee's work and the plans for the co-located Duxbury Middle School /Duxbury High School was then shown during which Ms. Lewis, Mr. Daly, and Dr. Tantillo each presented sections. The PowerPoint presentation included information about:

- Project History, including the SBC's review of repair, renovation, and new construction options
- Public Outreach Efforts, including the number and scope of the many meetings held with the public and with other Boards and Committees, as well as the mention of some upcoming October meetings

- **The Design, including exterior and interior views, an overview of the floor plans, the building features, proposed traffic patterns, the athletic and arts facilities**
- **The Educational Advantages, including how the design allows for the curriculum needs**
- **The Budget, including overall cost estimates, the anticipated State reimbursement, ineligible reimbursement costs, soft costs (contingencies / escalation projections), projected cost breakdowns, and the tax implications**
- **The Schedule, including the next steps required for approval, the anticipated timetable for construction (assuming approval), and the consequences if the proposal is not approved**

Ms. Lewis invited anyone who has questions to please “come to the source” so that accurate information can be provided. She concluded the presentation by publicly thanking the individuals and various committees, who have worked with the SBC to keep the process moving.

Mr. Dahlen and Mr. Donato commended and thanked Ms. Lewis and the SBC members for their countless volunteer hours on the project and the thoroughness of their work.

Mr. Frank Mangione asked: If the motion at Town Meeting is to authorize the total cost of \$128.4, but the actual bids come in for less what happens with the difference? Mr. Madden said that authorization at Town Meeting would be for the bonding of the total amount, but whatever amount is not needed due to lower bids or construction costs would just be rescinded at a future Town Meeting.

Mr. Bob Doyle asked the Selectmen to assure that the wording of the article is such that should an amendment be made and approved at the Special Town Meeting, it will not affect the ballot question. While lauding the work of Ms. Lewis, the SCB Committee and the architect, Mr. Doyle opined that “too much is going into bricks and mortar.”

In response to Mr. Doyle’s request, Mr. Dahlen indicated his willingness to have Town Counsel review the issue if Mr. Doyle could provide something in writing to clarify his question / concern.

PLACE DEBT EXCLUSION QUESTION FOR SCHOOL BUILDING PROJECT ON THE SPECIAL MUNICIPAL ELECTION BALLOT FOR NOVEMBER 5, 2011

Mr. Dahlen indicated the next item of business was for the Board to vote on placing the debt exclusion question on the ballot for the November 5, 2011 Special Municipal Election.

Mr. Flynn moved that the Board of Selectmen direct the Duxbury Town Clerk to place the following question on the ballot for the Special Municipal Election to be held on November 5, 2011:

Shall the Town of Duxbury be allowed to exempt from the provisions of proposition two-and-one-half, so called, the amounts required to pay for the bond issued in order to design and construct a new co-located middle school and high school, to be located on the site of the current middle school, 71 Alden Street, Duxbury, MA and a new field house, to be located on the site of the current high school, 130 St. George Street, Duxbury, MA, including the payment of all costs incidental or related thereto?

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

Before the vote the Chair asked if there were any public comments but none were made. He also noted that the above language was reviewed by Town Counsel and a number of committees.

BUSINESS

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

1. **(Powder Point) Bridge Committee:** Mr. MacDonald said that a report was prepared, which lists some structural concerns of the Powder Point Bridge. Therefore, he will be naming a "Bridge Committee" to review the report and make recommendations for addressing any issues.

He named the following individuals to the Bridge Committee, but said others might be added:

Mr. Jeff Lewis and Mr. Andre Martecchini, who are both professional engineers.
Mr. Peter Buttkus, Director of DPW (*ex officio*)
Mr. Ed Vickers, DPW Operations Manager (*ex officio*)

2. **Upcoming MEMA Meeting:** He has been advised by Chief Nord that the Chief will be attending the Massachusetts Emergency Management Agency (MEMA) meeting this week regarding potential reimbursement for storm expenses related to Tropical Storm Irene.
3. **Port Security Grant:** Mr. MacDonald reported that the Harbormaster's Department has received the last of the Port Security Grant, which will pay for a thermal-imaging camera and three survival dry suits. He commended the Harbormaster's Department, which does a good job pursuing grant opportunities.
4. **Water Main Replacements / Connections:** During the past year, Mr. MacDonald said he reported on a couple of water main breaks, which occurred in the Franklin ST / Acorn ST area. It is one of the oldest water mains in Town. He said that Mr. Buttkus and Mr. Mackin have informed him that the water main in this area will be replaced next year. He also mentioned that the Pine Street area is not currently connected to Town water. An article will be brought forward at the March 2012 Annual Town Meeting to connect the Pine ST area to Town water.
5. **Community Meeting Regarding Snug Harbor Post Office Closure:** Mr. MacDonald announced that today he received notification, via Congressman Keating's office, that the US Postal Service will be holding a community meeting regarding the proposed closure of the Snug Harbor Post Office on Tuesday, October 4, 2011 from 6:00 PM – 7:30 PM at the Duxbury High School, 130 St. George ST, in the Student Lounge.

He added the notice indicates that Post Office box customers will be receiving a questionnaire within the next week. Customers who do not have Post Office boxes will be able to obtain a questionnaire at the retail window at the post office.

Mr. MacDonald noted that the letter to Congressman Keating from the Postal Service was dated September 23, 2011 and he only received a copy today. He regrets that this is short notice, but that was the Postal Services' doing.

6. **Superior Court Decision Regarding Johnson Golf:** Mr. MacDonald announced that a judgment has come down from the Superior Court in favor of Pilgrim Golf, LLC, the new management company running the North Hill Country Club), and the Town in which Johnson Golf, the former management company of the course, is to return \$41K in collected fees.

ANNOUNCEMENTS

Mr. Flynn made the following announcement regarding Voter Registration:

To vote at both the Special Town Meeting and the Special Town Election, you must be registered to vote on or before Friday, October 14th. Residents can register at the Town Clerk's office during

regular Town Hall hours. Information about additional voter registration hours is posted on the Town website.

MINUTES

Mr. Flynn moved that the Board approve the Minutes of September 7, 2011, as presented. Second by Mr. Donato. VOTE: 3:0:0.

Mr. Flynn moved that the Board approve the Minutes of September 12, 2011 (Strategic Planning Session), as presented. Second by Mr. Donato. VOTE: 3:0:0.

Mr. Flynn moved that the Board approve the Minutes of September 16, 2011, as presented. Second by Mr. Donato. VOTE: 2:0:1. (*Mr. Donato abstained as he was not present at that meeting.*)

Mr. Flynn offered a motion to approve Minutes of September 19, 2011, as presented. Mr. Dahlen, however, requested an amendment under the section entitled "Close Special Town Meeting Warrant" that the number of days indicated be changed from 90 days to 120 days.

Mr. Flynn moved that the Board approve the Minutes of September 19, 2011, as amended. Second by Mr. Donato. VOTE: 3:0:0.

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS - none made.

BONUS SHELLFISH SEASON (for October 2011)

Mr. Donato moved that the Board of Selectmen declare a temporary Bonus Shellfish Season:

- 1. for the commercial harvesting of softshell clams for the month of October 2011 in accordance with Attachments B & C of the posted regulations, and**
- 2. for the commercial harvesting of quahog clams for the month of October 2011 in accordance with Attachments A & C of the posted regulations.**

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

OLD BUSINESS / NEW BUSINESS - Nothing was brought forward.

ADJOURNMENT

At 8:15 PM Mr. Flynn moved that the Board of Selectmen's meeting be adjourned. Second by Mr. Donato. VOTE: 3:0:0.

LIST OF DOCUMENTS (on next page)

LIST OF DOCUMENTS

- 1) *Draft Motion for Entering Executive Session*
- 2) *School Buildings Presentation Packet:*
 - *Budget subject to MSBA review and acceptance*
 - *MSBA Project Scope and Budget Reimbursement Rate Certification*
 - *Tarbell Construction Management Inc. Design Cost Estimate (pgs. 1-2)*
 - *Total Project Budget Template (modified by MSBA 09-19-11)*
 - *Photographic Representations and Diagrams of Exterior, Interior, Floor Plans, and Site Plans of Co-Located Duxbury Middle/High School (10 pages)*
 - *Copy of School Building Committee's PowerPoint presentation (Handout provided at the meeting)*
- 3) *DRAFT BALLOT QUESTION for November 5, 2011 Election: School Building Funding*
- 4) *SUGGESTED ANNOUNCEMENT: Voter Registration*
- 5) *09-07-11 Selectmen's Minutes – DRAFT*
- 6) *09-12-11 Selectmen's Minutes (Strategic Planning Session) – DRAFT*
- 7) *09-16-11 Selectmen's Minutes – DRAFT*
- 8) *09-16-11 Selectmen's Minutes – DRAFT*
- 9) *BONUS SHELLFISH SEASON (for October 2011)*