

**Date: January 24, 2011**

*Date Minutes Approved: February 7, 2011*

## **BOARD OF SELECTMEN MINUTES**

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

**Absent: No members were absent.**

**Staff Present for Open Session: Richard MacDonald, Town Manager; John Madden, Finance Director; and C. Anne Murray, Administrative Assistant.**

The meeting was called to order at 6:45 PM in Open Session.

### **VOTE TO ENTER EXECUTIVE SESSION – King Caesar Fund**

Ms. Sullivan moved that the Board enter 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 Massachusetts General laws Chapter 30a, Section 21, and then to reconvene in Open Session. Second by Mr. Dahlen.

Mr. Dahlen, as Chair, declared that because of medical confidentiality, discussion of financial assistance to King Caesar Fund cases warrants consideration in an Executive Session.

Roll Call Vote: Ms. Sullivan---aye; Mr. Donato – aye; Mr. Dahlen---aye.

### **RE-CONVENED IN OPEN SESSION**

At approximately 6:55 PM, the Executive Session business was completed. The Board voted to re-convene in Open Session and, after the public entered the room the Open Session, began at 7:00 PM. Mr. Madden joined the meeting at that time.

Mr. Dahlen began by mentioning the Board had been in an Executive Session for a matter regarding a King Caesar Fund case.

### **OPEN FORUM**

No items were brought forward.

### **ONE-DAY LIQUOR LICENSE REQUEST: DUXBURY STUDENT UNION FUNDRAISER ON MARCH 5, 2011**

Ms. Laura Smith, 9 Barnswallow Lane and President of the Duxbury Student Union (DSU), explained that the DSU's Annual Parent & Friends Night will be on Saturday, March 5th from 7:30 PM to Midnight at the DSU in the Wright Building. The event is a fundraiser, in which the adults of the community are invited to come to the DSU and enjoy some of the activities that the students enjoy. There will be a live band, food catered by Mark Collins, an Island Creek raw bar, a silent auction, and lots of games and activities. Tickets are \$30.00 in advance and \$40.00 at the door.

The event was reviewed by the appropriate departments with no objections and any conditions were noted on the license.

Ms. Sullivan moved that the Board of Selectmen grant to Ms. Theresa Woodward, as a representative of the Duxbury Student Union Association, a One-Day Wine & Malt License to hold a fundraising event on Saturday, March 5, 2011 from 7:30 PM to Midnight at the Wright Building (DSU section only), contingent upon the conditions listed on the license. Second by Mr. Donato. VOTE: 3:0:0.

**ANNUAL TOWN MEETING ARTICLES PERTAINING TO:**

*[Note: Roman numerals are temporarily used to distinguish Annual Town Meeting (ATM) and Special Town Meeting (STM) articles. Once the articles have been finalized and the order formally established Arabic numerals will be used.]*

**a) Pilgrim Nuclear Power Station (XXXII)**

Present for this items of business were:

Fire Chief Kevin Nord,  
Mary "Pixie" Lampert, Chair of the Duxbury Nuclear Advisory Committee (DNAC),  
Rebecca "Becky" Chin, Member of the Duxbury Nuclear Advisory Committee (DNAC)

Ms. Lampert explained that this article is in the community's interest for public safety and does not have a monetary cost. Pilgrim Nuclear Power Station is in the midst of a re-licensing review and it is intend that approving this article will send a message of support from the community for several public safety concerns.

Ms. Lampert explained the article covers 4 issues; 3 technical and 1 environmental. In an overview she explained the 4 issues:

- 1) The need to set a cleanup standard and a funding source for it. Currently there is no set measure to determine when the site is clean; nor is there money available should a cleanup be necessary.
- 2) Safer electrical cables: Power stations need to bring in electricity to run. Currently the electrical cables at Pilgrim Nuclear Power Station are not designed for wet environments so this portion advocates for replacement of the electrical cables with appropriately rated electrical cables and/or a comprehensive aging management plan of all electrical cables.
- 3) The need for more stringent monitoring of Pilgrim's onsite wells for better protection from radioactive tritium.
- 4) Better inspection and replacement of aging control rods.

Chief Nord, who has been working with the DNAC, acknowledged the efforts of the DNAC and indicated that he is supportive of this article as it is in the best interest of the public's safety.

Ms. Sullivan moved that the Selectmen endorse Article XXXII (Pilgrim Nuclear Power Station). Second by Mr. Donato. VOTE: 3:0:0.

*(NOTE: While the presentations were being set up several agenda items were taken out of order from the listed Agenda.)*

**ANNUAL TOWN MEETING ARTICLE PERTAINING TO FIRE HYDRANTS (XXXI)**

Fire Chief Kevin Nord explained that the Fire Department has run into several situations where a fence or a stone wall built on private property is preventing operation of fire hydrants. This typically occurs because there is not enough room to use the wrench needed to open the hydrants. Requests have been made either in person or by certified mail to the property owners requesting that they remedy the situation, but to date the requests have gone

unheeded. This is a public safety concern because in an emergency additional time must be taken to lay extra hoses to the next hydrant. In addition, the Water Department cannot properly maintain the hydrants. Accordingly, Chief Nord is requesting support for this article, which would allow for an amendment to an existing general town bylaw (Chapter 7.10) requiring a property owner to remove any obstructions within ten (10) days of receiving written notice from the Fire Department.

Ms. Sullivan moved that the Board of Selectmen support Article XXXI (Fire Hydrants). Second by Mr. Donato. VOTE: 3:0:0.

**RETURN TO ANNUAL TOWN MEETING ARTICLES PERTAINING TO:**

**b) Care and Custody of Cemetery Land (XLIV)**

Present for this item of business were members of the Board of Cemetery Trustees: Mr. Robert Hayes (Chair), Mr. Emmett Sheehan, Ms. Diane Barker, and Rev. Elizabeth Stevens. Ms. Patricia Pappas, Cemetery Director, was also present. DPW Director Peter Buttkus, who has worked with the Trustees on this matter, was not able to be present due to illness.

Mr. Hayes began by giving an overview of the history of care and custody of the Mayflower Cemetery, including the following highlights:

- Burials began in the Mayflower Cemetery in the late 1700's.
- In 1922 the Town and Cemetery officials and individuals from the Duxbury Rural & Historical Society (DRHS) assembled parcels of land adjacent to the Mayflower Cemetery and conveyed those parcels to the Town for purposes of the cemetery and to provide for future expansion.
- In 1999 approximately 3.5 acres of the cemetery land was taken for the building of the Duxbury Senior Center with the understanding that an equivalent amount of adjacent land would be returned to the Cemetery in exchange. That land exchange has not happened.
- In addition, approx. 2.5 acres of cemetery land was compromised when additional buffers were needed between the Cemetery and the Senior Center parking and waste storage area.
- In 2010 the Trustees were approached and agreed to exchange two additional parcels (approx. 1.6 acres) of cemetery land, which would be needed in areas adjacent to the Fire Station in order for the proposed renovations of the Fire Station to occur.

Given the above, the Cemetery Trustees have been meeting with several Department Heads, including Peter Buttkus, Director of DPW; Tom Broadrick, Planning Director; Tricia Pappas, Cemetery Director; and Joe Grady, Conservation Agent to develop this article. The article seeks to not only obtain the land which was supposed to be exchanged for the Town building projects, but also to plan for future cemetery expansion. The article proposes the Town cede to the care, custody and control of the Cemetery Trustees several parcels adjacent to the Mayflower Cemetery that total approximately 35 acres.

A fairly extensive discussion of the proposed article followed during which Mr. Hayes provided some rationale regarding why the additional land was included. In particular it was noted that the Senior Center took some primary burial site land and that the parcels chosen were done with departmental input, including DPW needs and conservation concerns. The consensus of the Board was that while in concept they are for it they would like additional time to study the proposal and to get a better understanding of the proposed parcels and perhaps to do a site visit of the parcels. It was decided to postpone a vote on this article and to revisit it on a future agenda.

**PRESENT FOR THE PUBLIC SAFETY BUILDING ARTICLES AND FOR THE FIRE AND POLICE DEPARTMENT BUDGETS PRESENTATIONS (as appropriate) WERE:**

**Mr. Andre Martecchini, Chair of the Public Safety Building Feasibility Study Committee;  
Mr. Greg Carrell, Architect with the Carell Group;  
Fire Chief Kevin Nord and Dep. Chief West;  
Police Chief Matthew Clancy and Lt. Chip Chubb; and  
other members of the Public Safety Building Feasibility Study Committee**

**c) Funds for Main Fire Station Rehabilitation (XIV) [listed as d on the Agenda]**

Mr. Martecchini gave a PowerPoint presentation, which included slides providing an overview of the project, schematic drawings and architectural renderings of the planned renovation of the Fire Station. An architect's model of the proposed project was also shown.

The project involves the tear down of the existing crew quarters and construction of a new 6,170 sf wing in its place. The new wing would house administration offices on the first floor with crew quarters on the second floor. In addition, instead of extending the apparatus bays a new small garage would be constructed for storage of small apparatus.

A focus of this presentation was the proposed budget for the project and the projected tax implications. Based on an estimated cost\* of \$3,359,800 (which includes a 10% contingency), a projected municipal bond interest rate of 4.75%, and a 25-year level debt service the estimated increase to the Tax Rate would be \$0.0807 per \$1000. The estimated increase to a Duxbury property owner's tax bill for an average home (\$584,600 assessed value) would be \$47.15. (\*A Request of Proposals for the construction has been issued and bids are due on February 17, 2011, which is when the actual cost can be determined.)

Ms. Sullivan asked if additional space could be built up on the second floor to accommodate future Fire Department needs. The answer was no. Chief Nord explained he does not plan to add staff, but there is sufficient space in this renovation to expand by 1- 2 persons per shift. If additional expansion of the Fire Dept. is needed the Town would really have to look to an additional substation for the locating of the apparatus.

Mr. Bob Doyle, 39 Old Cove Road, did question the estimated cost of the project, which was based on a professional estimator's numbers. Mr. Martecchini explained that the estimate was prepared based on preliminary designs, but a new estimate is expected based on the finalized design. Mr. Martecchini further pointed out that the cost will be determined by the construction bids. The Committee is hopeful that given the economic climate for construction projects the bids will come in less than the estimated cost.

Mr. Dahlen, who has been attending the PSBFSC meetings as the Selectmen's liaison, stressed that the intent of the project was to keep the building as affordable as possible, while keeping the needs of the Fire Department in mind.

**d) Funds for Police Station Design (XV) [listed as c on the Agenda]**

To explain why the Police Station project wasn't further along Mr. Martecchini said that when the process began in 2007 the PSBFSC determined the Police Station would have to be replaced because of the condition of the facility. At that time, the PSBFSC was not sure if Fire Station needed to be replaced or if it could be renovated so a study was done. The study determined renovation was possible and because of that feasibility study the Fire Station is ahead in the process.

Mr. Martecchini said the site selected is a parcel on Mayflower ST in the wooded area beyond the Transfer Station. He gave a PowerPoint presentation, which showed an aerial view of the area and a conceptual plan. The plan is for a building that is a single floor, which is the preferred layout for a police facility. He mentioned that a public meeting was held in which residents from the Cranberry Hill area were specifically invited. Some questions were raised at that meeting, and Lt. Chubb was asked to provide an analysis in response to those questions.

Lt. Chubb explained that one of the major concerns raised at the public meeting were traffic concerns for calls being responded to from the site of the new Police Station and traveling out the Mayflower ST / East ST intersection. Lt. Chubb did an analysis of calls during the last 12 months, which showed only a very small percentage (1.6%) of calls were actually responded to directly from the Police Station. The vast majority of calls are responded to by patrol cars traveling the community. The analysis also showed that the preferred route to respond to the majority of calls would be to exit Mayflower ST onto Tremont versus to go via the East ST end.

As part of the process Lt. Chubb did some analysis of the sightlines for the Mayflower ST / East ST intersection. He determined the intersection could be reconfigured, likely with in-house DPW staff and equipment, to significantly improve the sightlines at that intersection.

In addition, Lt. Chubb said he also studied a two-week period of lobby visits to the Police Station. There were 117 visits for various reasons. His analysis showed the vast majority (86%) were during daylight hours.

Mr. Martecchini then went over a possible timeline, which would involve approvals at Town Meeting of the article and a debt exclusion override election vote. Based on an estimated cost\* of \$6,449,000 (which includes a 5% contingency), a projected municipal bond interest rate of 4.75%, and a 25-year level debt service the estimated increase to the Tax Rate would be \$0.1316 per \$1000. The estimated increase to a Duxbury property owner's annual tax bill for:

- an average home (\$584,600 assessed value) would be \$73.93.
- a median home (\$481,100 assessed value) would be \$63.31.
- a home with a \$1,000,000 assessed value would be \$131.59

Ms. Sullivan asked why a 5% contingency was used for the Police Station versus the 10% contingency for the Fire Station? ANS. New construction is easier than renovation. She also asked if there was a possibility a regional dispatch center could be included? ANS. Police Chief Clancy said that because Duxbury is in the Emergency Protection Zone (EPZ) for the Pilgrim Nuclear Station is it unlikely that the Duxbury station would be allowed to be the regional dispatch center. Mr. Martecchini did add that the Police Station plans could be adjusted if a regional dispatch center plan solidifies in the next year.

The Board and members of the PSBFSC then discussed the merits of going forward at Town Meeting and on the ballot to request both the design and construction costs or to only request the design costs this year and the construction costs next year. Ms. Sullivan and Mr. Dahlen were in favor of requesting both feeling that the construction bids would come in lower in today's market and citing the need to move this project forward as the current Police Station is in dire need of replacement. Mr. Donato indicated he favored just requesting the design funds in light of the proposed school building projects. Ms. Sullivan stressed that there is no bonding help for Police Stations whereas there is for school building projects suggesting it would be more advantageous to obtain lower construction costs for the Police Station project.

Mr. Martecchini suggested the PSBFSC would take their comments under advisement. He will need to know what the deadlines for the ballot printing and warrant printing are so that the PSBFSC can decide the matter in time that the appropriate wording can appear. The selectmen held off on taking a vote on the Police Station article.

Mr. Martecchini announced the public is invited to a presentation and question and answer session regarding the Public Safety Building projects on Wednesday, February 2<sup>nd</sup> at 7:30 PM at the Senior Center and to Open Houses at the Fire and Police Stations on Saturday, February 12<sup>th</sup> probably from 10 AM- Noon but details will be publicized shortly.

Ms. Sullivan moved that the Board of Selectmen endorse Article XIV (Main Fire Station Rehabilitation). Second by Mr. Donato. VOTE: 3:0:0.

#### **FIRE DEPARTMENT FY2012 BUDGET PRESENTATION**

Fire Chief Kevin Nord gave a PowerPoint presentation of the Fire Department budget. Some the highlight items and points of discussion were:

- **Salary Increases:** Budget reflects salary step increases, costs associated with paramedic recertification, Collective Bargaining increases, overtime for recalling members and Advance Life Support (ALS) training. *[Recalling members is required when one ambulance is out on a call and a second call comes in.]*
- Currently there are 13 paramedics in the department (ten on regular shifts, 3 on-call, and the Fire Chief himself). The Chief would like to increase the number of paramedics on shift to 12 for better coverage of sick days, vacation days, etc.
- **Revenue:** The ALS service has resulted in increased revenue. The regional shared ambulance has been well worth it for both response time and revenues.
- **Expenses:** One fairly large increase was in ALS training expenses. Chief Nord explained training costs were higher because the department obtained equipment that is a medical advancement, but requires special training for its use. Some vehicle maintenance can be done in-house with the new Town mechanic and that has helped with expenses. Regarding equipment the older-model (1995) ambulance has been better than the new-model ambulance (2006). He anticipates needing to replace the 2006 ambulance in FY'13, and the cost about \$450,000.
- **Bylaw Change for Hydrants:** Previously discussed but slide showed some examples.
- **Haz-Mat Fund:** From time to time the Fire Dept. needs to respond and clean up hazardous situations. It is difficult to budget for these incidents, and they can be extremely expensive, e.g., it costs about \$10,000 to replenish the foam truck. Currently they do bill for such situations, but the monies recouped go into the General Fund. Chief Nord said he and the Finance Director have been discussing establishing a Haz-Mat Revolving Fund to help manage these expenses.

#### **POLICE DEPARTMENT FY2012 BUDGET PRESENTATION**

Police Chief Matthew Clancy gave a PowerPoint presentation of the Fire Department budget. Some the highlighted items and points of discussion were:

- This budget is “a reflection of small steps for new emphasis in new areas.”
- **Training Expenses:** There has been an increased emphasis on training and in particular in the Dispatchers’ area. The increase also reflects the law enforcement certifications / re-certifications, which are due.
- **Expenses:**
  - (a) There has been a reassignment of some of the expense lines by mutual agreement with the Finance Director. Testing –Alcohol/Drugs has been shifted from the Police budget to the Human Resources budget. Vehicle maintenance has been shifted to the DPW’s vehicle maintenance budget. Public Safety Metro costs now reside under dues and memberships.
  - (b) **Replacement of Vehicles:** The amount which has been budgeted in the past is not sufficient to keep up with today’s per unit cost. Accordingly, the budget has been increased in this area, which will allow for 4 vehicles this year. Chief Clancy explained the department is employing a new vehicle use strategy used in other areas in which most of the patrol vehicles remain under the warranty timeframe. It has been determined that spreading the usage out results in less wear and tear and reduced maintenance on vehicles.

- **Capital Projects/Expenses:**
  - (a) **Video / Monitoring:** There was little video monitoring in certain key areas of the station. What is requested is not optimum, but is considerably better, and most of the equipment can be pulled and re-installed in a new station.
  - (b) **Crash Investigation:** The budget includes \$14,000 for advanced surveying equipment, software and training personnel. This equipment is recommended because it really helps in litigation cases.
  - (c) **CAD/ Records Management System (RMS)/ Mobile Software:** The Chief explained this equipment is needed as it would make the department's uniform with others in the region to allow for data sharing. This equipment also includes a budgeting module and training software. It is hoped that the Fire Department conversion would be included and there might be some eligibility for a grant to reduce the cost to the Town.
  - (d) **Radio System:** The equipment being used is in need of replacement and it is anticipated that this will have to be a capital expense.
- **Patrol Staff Focus:** Chief Clancy indicated that there have been some staff re-assignments to refocus getting staff out on patrol and in traffic units.

Chief Clancy ended by mentioning that this is the first full budget cycle he has participated in. He wanted to acknowledge the support he has received from the other Department Heads and the Finance Director.

## **BUSINESS**

### **ONE-DAY LIQUOR LICENSE REQUESTS /CATHY ROGERSON FOR DUXBURY YACHT CLUB: EVENT ON FEBRUARY 13, 2011**

Information regarding the departmental review of the request was in the Selectmen's packets. There were no objections and departmental feedback was incorporated into the conditions listed on the license.

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 February 13, 2011, from 6:00 PM to 9:00 PM, subject to the conditions listed on the license. Second by Mr. Donato.  
VOTE: 3:0:0.

## **TOWN MANAGER BRIEF**

Given the late hour, Mr. MacDonald mentioned that he and members of the Board of Selectmen attended the Massachusetts Municipal Association (MMA) Annual Meeting on Friday. Governor Patrick addressed the MMA attendees and announced that in his budget he would be recommending a 7% decrease in Local Aid, but increases to Chapter 70 (Education funds) and Chapter 90 (Highway funds). Mr. MacDonald said the actual dollar amounts are expected to be released on Wednesday and that he was just waiting to see the actual numbers.

## **MINUTES**

Ms. Sullivan moved that the Board approve the minutes of January 10, 2011 as presented. Second by Mr. Donato. VOTE: 3:0:0.

#### **APPOINTMENTS / REAPPOINTMENTS**

**Mr. Donato moved to appoint Tom Burton and “Sandy” von Stackelberg to the Alternative Energy Committee to fill unexpired terms due to expire on June 30, 2012 and June 30, 2013 respectively. Second by Ms. Sullivan. VOTE: 3:0:0.**

**Ms. Sullivan moved to appoint Cynthia Ladd Fiorini as a Trustee to the (Duxbury) Affordable Housing Trust to fill an unexpired term due to expire on June 30, 2013. Second by Mr. Donato. VOTE: 3:0:0.**

#### **ANNOUNCEMENTS**

**Ms. Sullivan mentioned that the Black Tie Bingo, which was held on Saturday night raised \$11,000. for the heating assistance fund.**

#### **ADJOURNMENT**

**Ms. Sullivan moved to adjourn the meeting at 7:42 PM. Second by Mr. Donato. Vote: 3:0:0.**

#### **LIST OF DOCUMENTS**

- 1) Suggested Motion for Entering Executive Session and 01-24-11 Duxbury Board of Selectmen Exec. Session HANDOUT RE: King Caesar Case #2010-01 (LG) (in Executive Session Records)**
- 2) *Duxbury Student Union: Fundraising event on March 5, 2011 packet with departmental feedback*
- 3) *Draft 2011 Town Meeting Article XXXI (Fire Hydrants)*
- 4) *Draft 2011 Town Meeting Article XLIV (Care and Custody of Cemetery Land) plus tabbed folder of background material and maps*
- 5) *Board of Selectmen January 24, 2011 Fire and Police Station Project Update*
- 6) *Draft 2011 Town Meeting Article XIV (Funds for Main Fire Station Rehabilitation)*
- 7) *Draft 2011 Town Meeting Article XV (Funds for Police Station Design)*
- 8) *Duxbury Fire Department FY2012 Budget presentation*
- 9) *Duxbury Police Department FY2012 Budget presentation*
- 10) *Draft Minutes of January 10, 2011*
- 11) *Duxbury Yacht Club: One-Day Liquor License packet*
- 12) *01-10-10 Selectmen's Minutes - Draft*
- 13) *Boards and Committees Appointments/ Reappointments:  
Alternative Energy Committee and Duxbury Affordable Housing Trust*