

Date: February 7, 2011

Date Minutes Approved: February 28, 2011

BOARD OF SELECTMEN MINUTES

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

Absent: No members were absent.

Staff: John Madden, Finance Director and C. Anne Murray, Administrative Assistant.

The meeting was called to order at 7:00 PM in Open Session.

OPEN FORUM

Mr. Will Zachmann: Would like an update on the status of Verizon FiOS customers' access to the public, educational, and government ("PEG") channels. Mr. Dahlen acknowledged the request and said the Board would try to get an update.

Ms. Karen Wong addressed the Selectmen to introduce DuxburyCARES, a group which has been formed to support the school building project. She provided a handout to the Board. For more information about this group see: www.DuxburyCARES.org.

ANNUAL TOWN MEETING ARTICLES

[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.]

XVII: Easement off Lincoln Street

Mr. Joe Grady, Duxbury Conservation Administrator, said that the property owner of 711 Lincoln Street brought to his attention that her driveway and utilities are located on Town-owned land. He further explained this involves two parcels of Town-owned land. The first parcel was taken many years ago for back taxes and is under the control of the Selectmen. The second parcel was owned by the Water Department but was recently transferred to the custody of the Conservation Commission in exchange for land given to the Water Department for the building of the Birch Street water tank. The issue regarding the first parcel can likely be resolved by a Town Meeting vote. The issue regarding the Conservation Commission's parcel might involve legislative approval. Those matters are being reviewed by Town Counsel. According to Mr. Grady what this article seeks to do is to rectify this situation by having the Town approve granting "access and utility easements." He also mentioned that any expenses associated with the easement should be paid by the property owner of 711 Lincoln Street.

Ms. Mello informed the Board of the slight language modifications suggested by Town Counsel to the warrant language so that should there be more than one utility involved the article will cover all of them. In addition, she noted the mention of who might bear the cost will be covered in the motion to be drafted.

Ms. Sullivan moved that the Board of Selectmen approve ATM Article XVII (Easement off Lincoln Street), as to the amended content. Second by Mr. Donato. VOTE: 3:0:0.

XVIII: Name Forest After David Cutler

Mr. Joe Grady mentioned that several people approached him about having a conservation parcel named after David Cutler, who was a great advocate of open space. This article asks the Town Meeting to approve the naming of a small parcel of open space on Mayflower Street adjacent to the Round Pond parking area as the "David Cutler Forest." The Conservation Commission has reviewed this article and voted their support of it.

Ms. Sullivan moved that the Board of Selectmen approve ATM Article XVIII (Naming Forest after David Cutler) as presented. Second by Mr. Donato. VOTE: 3:0:0.

XIX: Management of Bay Farm Field

Mr. Dahlen read the article, which will authorize the Town Manager to enter into an agreement for the management of the Bay Farm Field (parcel #160-500-025).

Mr. Grady explained that when the property was purchased in 1976 this parcel was purposely left out of the conservation-restricted land to remain under the custody of the Selectmen. The Agricultural Commission has suggested that the Town look into leasing Bay Farm Field for hay production. Since the suggestion is that it be leased for at least a 10-year period under M.G.L. Chapter 30B authorization for a long-term lease of 10 years or more Town Meeting has to approve of it. Mr. Grady mentioned that there is interest among the local dairy farmers to work this parcel as a hay field. He noted that the plan would not interfere with the walking paths.

Mr. Roger Ritch and Mr. Gregg Morris, members of the Agricultural Commission, were also present to lend their support to this article. The Bay Farm Field is currently overgrown with invasive vegetation. Mr. Ritch noted that maintenance of fields is costly and time consuming. Currently the DPW is tasked with mowing it. He suggested it would probably take a leasee about five years to cultivate it to become a useful haying field and that there would be an expense to doing so. He also pointed out that expense would ultimately be offset by the hay they wouldn't have to purchase. The Agricultural Commission supports a lease of at least 10-years. While hay seems to be the most direct possibility, the Agricultural Commission would be open to hearing other suggestions, and he invited the public to attend their meetings to share any ideas.

Ms. Sullivan moved that the Board of Selectmen approve ATM Article XIX (Management of Bay Farm Field) as presented. Second by Mr. Donato. VOTE: 3:0:0.

The next 10 items of business were all articles relating to the Community Preservation Commission (CPC) so before getting into the specific articles the Chair recognized Ms. Holly Morris, Chair of the CPC.

Ms. Morris made the following introductory comments:

- **CPC Members:** She mentioned that other members of the CPC were also present tonight. The following individuals serve on the CPC are: Holly Morris (Conservation); Norman Tucker (Historical Commission); John Bear (Planning); Brendan Keohan (Housing Authority); Pat Loring (Open Space & Recreation Comm.); Tony Kelso (At-Large); and Sarianna Seewald (At-Large)
- **CPC Public Forum** will be held on Wednesday, February 16, 2011 at 7:30 PM in the Mural Room at the Town Hall. The community is invited to come and hear about the CPC articles and to ask questions or comment on them.
- **Crowell Bogs:** Ms. Morris announced that the closing on the Crowell Bogs property happened today. That is the bog that is off of Rte. 14 near the roundabout.

XX: CPC--Operating Fund

Ms. Morris explained that this article is in regard to the Operating Fund under the Community Preservation Act (CPA), which allows for only 5% of estimated receipts to be used for administrative costs. It is used to pay salaries for staff, attorney's fees, appraisals, percolation test costs, and other administrative expenses.

This year the CPC has budget \$80,500 for the CPC Operating Fund of which \$16,000 would be used for salaries and the remaining \$64,500 would be for other administrative costs. Historically, only 50% of the operating funds have been spent each year and the unused funds are returned back to the general CPA fund each year.

In response to a question from the audience Mr. Madden, the Finance Director, briefly explained the formula used to arrive at the \$80,500 requested amount.

Ms. Sullivan moved that the Board of Selectmen approve ATM Article XX (CPC--Operating Fund) as presented. Second by Mr. Donato. VOTE: 3:0:0.

XXI: CPC—Allocations

Ms. Morris stated that the CPA requires that 10% of estimated receipts must be dedicated to each of the three purposes of the CPA, which are open space, historical preservation, and affordable housing. The money does not have to be spent within the year, but can be banked for future use.

This year the CPC is budgeting \$483,000 as a total allocation, which is \$161,000 for each of the purposes.

Ms. Morris also mentioned that a number of CPA projects (including Berrybrook field, Camp Wing, the Island Creek Fish Ladder), were closed out this past year and the remaining funds (approx. \$35,000) were returned to the general CPA fund.

Ms. Sullivan moved that the Board of Selectmen approve ATM Article XXI (CPC--Allocations) as presented. Second by Mr. Donato. VOTE: 3:0:0.

XXII: CPC--Old Town Hall Restoration

Mr. Peter Buttkus, DPW Director, explained this article seeks approval of CPC funds to do historical preservation work on Old Town Hall. The work to be done would be:

Roof	est. cost \$ 80,000	
Front Façades	est. cost \$130,000	(approx. half the cost would be for lead paint removal)
Foundation work	est. cost \$ 3,000	
Windows/Side Façades	est. cost \$ 8,000	
<u>Other ancillary costs</u>	<u>est. cost \$29,000</u>	
TOTAL:	\$250,000	

Mr. Norman Tucker spoke briefly about the Old Town Hall's potential inclusion in the National Register of Historical Places.

Ms. Morris indicated the CPC voted unanimously in favor of this project.

Ms. Sullivan moved that the Board of Selectmen approve ATM Article XXII: (CPC--Old Town Hall Restoration) as presented. Second by Mr. Donato. VOTE: 3:0:0.

XXIV: CPC--Gravestone Restoration

Reverend Betsy Stevens, a member of Board of Cemetery Trustees, and Ms. Patricia Pappas, Cemetery Director, were present to discuss this article with the Board.

Rev. Stevens spoke about the historical significance and the artistry of the gravestones. She noted that the Standish Cemetery is “the oldest maintained cemetery in the country.” It is recognized by the Massachusetts Historical Society, as well as the National Register of Historic Places. In Standish Cemetery the oldest gravestones date from 1697. In the Old Burial Grounds of the Mayflower Cemetery, the section closest to the First Parish Church, the oldest gravestones are from 1787. Many of the earlier gravestones had metal covers and those covers actually accelerate the deterioration process.

Rev. Stevens noted that the gravestones actually belong to the families, but the reality is that many of the families are long gone. It would be time-consuming and virtually impossible to track down any descendents. The Board of Cemetery Trustees believes it comes down to a community responsibility for maintaining Town-owned burial land and urged support of this article.

Estimates from a gravestone preservationist were provided. The total CPC-funding requested for preservation of gravestones in both the Standish and Mayflower Cemeteries is \$58,000.

It was also mentioned that the Mayflower Cemetery does have a registry of the gravestones. As his Eagle Scout project, Connor Clark did a mapping of many of the gravestones. He also photographed them and provided an assessment of their condition. Another Eagle Scout is continuing this project.

Ms. Sullivan moved that the Board of Selectmen approve ATM Article XXII: (CPC--Gravestone Restoration) as presented. Second by Mr. Donato. VOTE: 3:0:0.

XXVI: CPC--Town Clerk Document Storage

Town Clerk Nancy Oates and Asst. Town Clerk Susan Kelley were present for this item of business.

Ms. Oates explained that the Town Clerk is charged with maintaining the vital records, as well as many of the minutes of the Boards and Committees. She recently had Mr. Gregor Trinkaus-Randall, Preservation Specialist with the Massachusetts Board of Library Commissioners, make a site visit to inspect the vault. He made five recommendations:

- 1. Improve the storage capacity of the vault by installing compact shelving.**
- 2. Attempt to maintain the environment in the recommended parameters.**
- 3. Install a dehumidifier for use during the high humidity months.**
- 4. Keep lights off in the vault when no one is in the room.**
- 5. Follow the state archives municipal retention schedule.**

The Preservation Specialist signed the Town up for a humidity study. In the interim, he strongly recommended the purchase of the shelving and \$9,549.50 is being requested from the CPC for funding this system.

Ms. Sullivan moved that the Board of Selectmen approve ATM Article XXVI (CPC--Town Clerk Document Storage) as presented. Second by Mr. Donato. VOTE: 3:0:0.

XXV: CPC--Homeownership Assistance Program

Mr. Brendan Keohan, Chair of the Trustees of the Duxbury Affordable Housing Trust, explained this CPC Affordable Housing funding request. Several years ago Town Meeting authorized \$500,000 in CPC funding to set up a Duxbury Affordable Housing Trust (DAHT) to assist qualified, first-time homeowners with financial grants to assist towards the purchase price of eligible properties. There are a lot of regulations that need to be followed so it took three-years of diligent work by the Trustees of the DAHT to establish the program. In 2010 a single-mom was able to purchase a condo with granted funds.

Mr. Keohan reported the DAHT has two other qualified clients and a potential third beginning the process. Should those clients receive funding then by July 1st the balance remaining in the fund would not be sufficient to go forward. So this CPC request seeks the additional authorization of \$330,000 to replenish the DAHT to continue the program.

Ms. Sullivan moved that the Board of Selectmen approve ATM Article XXV (CPC--Homeownership Assistance Program) as presented. Second by Mr. Donato. VOTE: 3:0:0.

XXIII: CPC--Keene's Mill Foundation

Ms. Morris said the Keene's Mill was an 18th century mill, which was an "up and down saw mill, which produced cranberry storage boxes for the 5C Cranberry Company." The CPC request is for \$30,000 for the historic restoration of the foundation and the installation of a wood beam guardrail along Keene Street. The CPC voted their support of this article.

Ms. Sullivan moved that the Board of Selectmen approve ATM Article XXIII (CPC--Keene's Mill Foundation) as presented. Second by Mr. Donato. VOTE: 3:0:0.

XXVIII: CPC--Koplovsky Land Purchase

Ms. Morris gave an overview of the proposed Koplovsky Land purchase mentioning the following:

- **It is 29+ acres over three contiguous parcels.**
- **The property is located on Summer ST (Rte. 53) with about 200 feet of frontage. The property includes upland, wetlands, and two ponds totaling about 5 acres.**
- **It abuts existing Duxbury Conservation Land and is in the Western Greenbelt area, specifically designated for land acquisition. It would provide wildlife habitat and aquifer protection.**
- **An October 2010 appraisal from Kopke Appraisal Group appraised it at \$427,000. The CPC article is requesting \$427,500 for the purchase, stewardship costs, bounds, and legal fees.**

Ms. Morris said the CPC voted unanimously in favor of this article.

Ms. Sullivan moved that the Board of Selectmen approve ATM Article XXVIII (CPC--Koplovsky Land Purchase). Second by Mr. Donato. VOTE: 3:0:0.

XXVII: CPC--Blairhaven Land Purchase

Ms. Morris gave an overview of the proposed Blairhaven Land purchase mentioning the following:

- **A historical overview of the ownership of the property, including the Town's long-term interest in obtaining the property.**
- **The property consists of 3 parcels located on Crescent Street and Howlands Landing with direct frontage on Kingston Bay.**
- **It is a landing area actively used by recreational boaters and fishermen.**

- It has a deep water mooring field for approx. 80 boats, and numerous prams are stored year round on the lane and beach on the Blairhaven property.
- It is planned that a study committee will be formed to bring recommendations forward on what the best use for this property might be.
- The CPC funding request is for \$3,150,000. It is anticipated that \$800,000 of short-term debt will be necessary for this project.

Mr. Dahlen indicated he supports the purchase and offered several reasons why. Ms. Sullivan also indicated her support. She mentioned that this property has been sought for a long-time, as mentioned in the historical overview, and stressed that opportunities like this (to purchase direct waterfront properties) are rare.

Mr. Jim Sullivan, of Tremont ST, said that he finds it hard to reconcile spending money for this type of purchase when the Town is faced with public safety building projects and school building projects down the road. In response Ms. Sullivan acknowledged the comment but did point out that the CPC funds are money already earmarked for these purposes and could not be used for those projects.

Mr. Donato inquired what would happen if the article to rescind the CPC passes? Ms. Morris indicated that any borrowing would still have to be repaid. Ms. Sullivan also explained that the process to rescind the CPC is involved so it is likely that this article passing or not would not be affected if the article to rescind the CPC passes.

Mr. Dahlen said he believes it is the Selectmen's job to present the articles and ultimately the Town Meeting vote decides. Mr. Sullivan responded by pointing out that the Selectmen's vote is an endorsement of the article to the Town Meeting.

Mr. Brendan Keohan, a member of the CPC, said he asks himself "Is it an appropriate use of CPC money?" He made some remarks about what the CPC funds were for and said that in his opinion nothing that he has voted on since he has been on the CPC has had a more appropriate use.

Mr. Paul McCormack, Partridge RD, asked if it would be possible to sell one of the parcels (i.e., the one on Crescent ST) and keep the others. Ms. Sullivan replied that the short answer is "Yes." She added, however, that the intention here is to provide an area of passive recreation and that would likely require a parking area. She said that parcel would be the most likely parking area.

Ms. Morris mentioned the intention of the Community Preservation Act (CPA) is to take property out of development and if that parcel is sold, it would probably be developed. She said it has been suggested a portion of the land could take parking off Howlands Landing and to be used to provide screening to the parking area.

Ms. Morris said in support of the CPA that since 2002, which is when Duxbury accepted it, the CPC has addressed 34 projects totaling over \$15 million in appropriations. The Duxbury surcharge receipts since 2002 have been about \$9 million and the state match has provided about \$7.4 million and on top of that there has been an additional \$5 million in state /federal grants or donations or donated materials. So the \$9 million from Duxbury taxpayers has allowed for \$20 million in CPC projects. Ms. Morris said, that in terms of leverage and best use of money, the program has been remarkable. She also mentioned that the mean surcharge for a single-family home in 2011 was \$182 and so in that household would have spent about \$1100 since 2002 towards \$20 million in CPC projects.

Mary Lynn Carlson, Washington ST, read the goals listing in the Duxbury Comprehensive Plan prepared twelve years ago. She indicated that those goals reflect Town values or what the people of Duxbury care about, and pointed out that of the seven goals five of them are directly dealt with under the CPA.

Ms. Sullivan moved that the Board of Selectmen approve ATM Article XXVII (CPC--Blairhaven Land Purchase) as presented. Second by Mr. Donato. VOTE: 3:0:0.

An overview of the CPC financials was provided by Ms. Morris, who mentioned the following:

ESTIMATES:

FY'11 CPA Surcharge Receipts:	\$1,271,000
State Reimbursement (Est. @ 28%)	\$ 340,000
CPC Administrative Expenses (5%)	(\$ 80,000)
Statutory Allocation (10%)	(\$ 483,000)
<u>Total</u>	<u>slightly over \$1 million</u>

Ms. Morris said that last year the CPC banked some money so there is approx. \$1.9 million in the undesignated CPC fund balance, which needs to be certified by the State. In each of the three purposes (Historical, Open Space, and Affordable Housing) there is approx. \$438,000. If this year's allocation of \$161,000 for each purpose is authorized, then the totals will be: Annual Estimated Revenue \$1,051,000; Unfunded Balance \$1.9 million; Total Reserved Fund Balances \$921,000

She added that if the CPC fund requests for this year (previously mentioned in the discussion of the articles) are all approved, then after consideration of an adjusted balance of \$477,495, that would mean that the FY 2012 Financing Source Total would be \$3.9 million.

XLIII: Article to Rescind CPC

Mr. Paul McCormack, who submitted a Citizens' Petition to put this on the Warrant, explained that since the CPA was adopted his taxes have increased approx. 30% and given the upcoming Town building projects which will also increase taxes, he felt the citizens should have the opportunity to decide whether they still want to support the CPC.

Mr. Dahlen stated he does not personally support rescinding the CPC, but does support bringing the question to the citizens to decide. Ms. Sullivan also indicated that she personally does not support this.

Mr. McCormack then also requested that this article be heard early on the Town Meeting schedule when more people might be present.

Mr. Jim Sullivan, Tremont ST, specifically requested that this article be positioned on the Warrant to be discussed before other expenditure articles involving the Fire Station, Police Station, Schools, and CPC projects.

Mr. Dahlen indicated the order of the articles will be discussed shortly.

Ms. Sullivan moved that the Board of Selectmen approve ATM Article XLIII (Article to Rescind CPC) as presented. Second by Mr. Donato. VOTE: 0:3:0.

SELECTMEN PUT ATM & STM ARTICLES IN NUMERICAL ORDER

Regarding the Special Town Meeting (STM) it was agreed that the temporary order follows what has been done in the past and the Board made no changes.

Regarding the Annual Town Meeting (ATM), Mr. Dahlen circulated to the Board a proposed order which he had drafted for the purpose of discussion. He explained that he grouped articles by topic and went over the groupings and his thinking in preparing the proposed order. The Board then had a discussion of changes to that proposed draft.

Hearing no specific discussion about the requests for placement of the article to rescind the CPA, Mr. Jim Sullivan, Tremont ST, asked the Selectmen for their consideration. He specifically requested it before expenditure articles as it is the only article that reduces taxation.

Ms. Sullivan indicated that the grouping of the articles has been done by topic, and she supports leaving it with the CPC articles.

Mr. Dahlen mentioned the process for rescinding the CPC has additional steps so it would take an additional year before it would be effective. Therefore, it would really not impact votes for the FY 2012 year.

Mr. Donato said that he personally supports the CPC, but thinks having the article to rescind the CPA might benefit by coming after all the expenditure articles.

Mr. Sullivan suggested that he believes it might enhance the chance of the other expenditure articles if the public knows the outcome of the CPC rescission article.

Mr. Roger Ritch suggested that given there are some many articles the Board might want to order them using a timeframe strategy versus grouping them by topics. Ms. Sullivan said the only problem with that is it is impossible to predict what articles might spark more discussion.

Mr. Will Zachmann pointed out that it will actually be up to the Moderator and the Town Body to decide when the meeting breaks.

Mary Lynn Carlson, as a representative for DuxburyCARES, made some comments about supporting the schools and cited some educational statistics about the Duxbury schools.

Ms. Sullivan moved that the Board of Selectmen approve the numbering the articles on the ATM warrant as presented. Second by Mr. Donato. VOTE: 3:0:0.

BUSINESS

TOWN MANAGER BRIEF

Mr. Dahlen mentioned that Mr. MacDonald intended to name the Blairhaven Committee, but since he was not able to attend tonight that will be done at the next meeting.

ANNOUNCEMENTS

Mr. Donato announced: The public presentation of proposed Fire Station renovation and new Police Station will be on WEDNESDAY, FEBRUARY 9th at 7:30 PM at the Duxbury Senior Center (ELLISON ROOM), 10 Mayflower ST, Duxbury MA 02332. The public is invited to come and see a presentation of the plans for the public safety buildings and to ask questions about the proposed projects.

MINUTES

Ms. Sullivan moved that the Board approve the minutes of January 24, 2011 as amended. Second by Mr. Donato. VOTE: 3:0:0.

Ms. Sullivan moved that the Board approve the minutes of January 31, 2011 as presented. Second by Mr. Donato. VOTE: 3:0:0.

APPOINTMENTS / REAPPOINTMENTS - none

SELECTMEN SIGN STM WARRANT

Mr. Donato moved that the BOS close the March 2011 Special Town Meeting Warrant, consisting of seven articles. Second by Ms. Sullivan. VOTE: 3:0:0.

ADJOURNMENT

Ms. Sullivan moved to adjourn the meeting at 9:10 PM. Second by Mr. Donato. Vote: 3:0:0.

LIST OF DOCUMENTS

- 1) *DuxburyCARES.org – Handout received at meeting*
- 2) *Draft 2011 Town Meeting Article XVII: Easement off Lincoln Street*
- 3) *Draft 2011 Town Meeting Article XVIII: Name Forest After David Cutler*
- 4) *Draft 2011 Town Meeting Article XIX: Management of Bay Farm Field*
- 5) *Draft 2011 Town Meeting Article XX: CPC--Operating Fund Bay*
- 6) *Draft 2011 Town Meeting Article XXI: CPC—Allocations and CPC Financial Sheet*
- 7) *Draft 2011 Town Meeting Article XXII: CPC--Old Town Hall Restoration and Packet of related materials including overview of the CPC request and estimates*
- 8) *Draft 2011 Town Meeting Article XXIV: CPC--Gravestone Restoration and Packet of related materials including overview of the CPC request and estimates*
- 9) *Draft 2011 Town Meeting Article XXVI: CPC--Town Clerk Document Storage and Packet of related materials, including overview of the CPC request, Report of State Preservation Specialist, and estimates.*
- 10) *Draft 2011 Town Meeting Article XXV: CPC--Homeownership Assistance Program Draft 2011 Town Meeting Article XXIII: CPC--Keene's Mill Foundation and Packet of related materials, including overview of the CPC request*
- 11) *Draft 2011 Town Meeting Article XXVIII: CPC--Koplovsky Land Purchase and Packet of related materials, including summary sheet and map. Photos provided at meeting.*
- 12) *Draft 2011 Town Meeting Article XXVII: CPC--Blairhaven Land Purchase and Packet of related materials, including summary sheet and map. Photos provided at meeting.*
- 13) *Draft 2011 Town Meeting Article XLIII: Article to Rescind CPC*
- 14) *Table of ATM & STM ARTICLES IN CURRENT (Temporary) ORDER*
- 15) *Table of ATM & STM ARTICLES IN SUGGESTED ORDER (by Chair)*
- 16) *Suggested Motion for Closing STM Warrant & Draft of STM Warrant dated 02-07-11*
- 17) *Draft Minutes of January 24, 2011 and Draft Minutes of January 31, 2011*
- 18) *Announcement: PUBLIC SAFETY BUILDING PRESENTATION on Feb. 9, 2011*