

**Date: October 24, 2011**

*Date Minutes Approved: November 7, 2011*

## **BOARD OF SELECTMEN MINUTES**

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

**Absent:** No members were absent.

**Staff:** Richard MacDonald, Town Manager; John Madden, Finance Director; and Barbara Mello, Executive Assistant.

### **CALL TO ORDER**

The meeting was called to order at 6:30 PM.

### **VOTE TO ENTER EXECUTIVE SESSION**

Mr. Donato moved that the Board enter Executive Session in order to discuss strategy with regard to collective bargaining, pertaining to the Police Commanders, in accordance with Massachusetts General Laws Chapter 30a, Section 21, and then to re-convene in Open Session. Second by Mr. Flynn.

Mr. Dahlen declared the need for an Executive Session, because an Open Session could have a detrimental effect on the Town's negotiating position.

Roll Call Vote: Mr. Donato—aye; Mr. Flynn—aye; and Mr. Dahlen---aye.

### **VOTE TO END EXECUTIVE SESSION**

At 6:41 P.M., Mr. Flynn moved that the Board end the Executive Session, and re-convene at 7:00 PM. Second by Mr. Donato. Roll Call Vote: Mr. Donato—aye; Mr. Flynn—aye; and Mr. Dahlen---aye.

### **CALL TO ORDER**

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

### **OPEN FORUM**

The Chair recognized the Town Manager. Mr. MacDonald said that there have been a lot of questions about what the crematory, police station, fire station, and school building projects will cost the taxpayer. Mr. MacDonald thanked the Information Systems Coordinator (Mary Beth MacQuarrie) and the Finance Director (John Madden) for developing a calculator to answer these questions. Mr. MacDonald explained that a link to the calculator is available on the front page of the Town's website: [www.town.duxbury.ma.us](http://www.town.duxbury.ma.us)

Next, Mr. Madden gave a demonstration of the calculator. First, the resident obtains the assessed value of their home on the same webpage. Then, the resident enters the assessed value into the calculator. The calculator gives the annual cost (to the taxpayer) of each of the four projects. It also gives the total impact of all four projects. The total impact of the tax bill additions will not be felt until January 2015, because the projects will be completed at different times.

The Selectmen thanked Mr. MacDonald, Mr. Madden, and Ms. MacQuarrie for making this tool available to the public.

## **SPECIAL TOWN MEETING ARTICLES**

### **Town Clerk Salary:**

Mr. Dahlen said that Article 6 of the Special Town Meeting warrant is comprised of a request by the Town Clerk for a raise to \$80,000. This request was originally made at the 2011 March Town Meeting, but was withdrawn after it did not get sufficient support. The Selectmen's discussion at that time centered on whether the job was full-time or part-time, and whether it should be considered comparable to a Grade 8 on the Personnel Plan. Since that time, it has been determined that this is a full-time position.

Mr. Flynn moved that the Board recommend approval of Special Town Meeting Article 6, pertaining to the Town Clerk's salary. Second by Mr. Donato. Vote: 3:0:0.

Ms. Nancy Oates was present and said that she was very happy to have the Selectmen's support. She provided the Selectmen with a packet of information supporting her position.

### **Collective Bargaining:**

Mr. Flynn made the following motions which were seconded by Mr. Donato, and passed unanimously:

Moved that the Board approve a collective bargaining agreement with the Duxbury Police commanders Association, for the term of July 1, 2010 to June 30, 2013.

Moved that the Board recommend approval of Special Town Meeting Article 10, Motion 2, to fund a collective bargaining agreement with the Duxbury Police Commanders Association, for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Moved that the Board recommend approval of Special Town Meeting Article 10, Motion 4, to fund a collective bargaining agreement with the Duxbury Municipal Employees, AFSCME, Council 93, Local 1700, Duxbury DPW Employees for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

### **Quinn Bill:**

Mr. Flynn moved that the Board recommend approval of Special Town Meeting Article 9, pertaining to rescinding the Town's approval of Massachusetts General Laws, Chapter 41, Section 108L, entitled, "Career Incentive Pay". (Mr. Dahlen explained that the Commonwealth of Massachusetts stopped funding their share of the Quinn Bill. Therefore, the Town proposes to replace it with a Duxbury Educational Incentive program. ) Second by Mr. Donato. Vote: 3:0:0.

### **Zoning Change on Tremont Street:**

Mr. Dahlen explained that this article was presented on October 17. At that time, the Board was inclined to recommend approval of the article. However, the Board wanted to wait for the official recommendation of the Conservation Commission. Subsequently, the Conservation Commission voted to recommend approval of the article.

**Mr. Flynn moved that the Board recommend approval of Special Town Meeting Article 3, pertaining to Re-Zoning on Tremont Street. Second by Mr. Donato. Vote: 3:0:0.**

#### **PRESENTATION BY PUBLIC SAFETY BUILDING COMMITTEE**

**Mr. Andre Martecchini, Chairman of the Public Safety Building Committee (PSBC), was present, along with several members of the committee. Mr. Martecchini gave a PowerPoint presentation to update the Board on the progress of public safety building projects.**

**The Fire Station is on time and on budget. Construction began in May 2011, and is expected to finish by May 2012.**

**Mr. Martecchini met with abutters to the future Police Station this morning in order to discuss some of their concerns as abutters. The Station will have an impact on the neighborhood, but the Police Department and PSBC will do everything possible to minimize the impact. Construction is expected to start in January 2012 and to be completed in January 2013.**

**Mr. MacDonald commended the Committee on their extremely hard work over the last several years.**

**Ms. Susanna Sheehan, resident of Powder Point Avenue, asked about plans for the existing police station building. Mr. Dahlen responded that the property will likely be sold. The Town does not need any additional buildings to maintain, he said.**

#### **ZONING BYLAW REVIEW COMMITTEE**

**Mr. Robert Fitzpatrick, Chairman of the Zoning Bylaw Review Committee (ZBRC), was present. He said that the committee was formed to improve the clarity and organization of the bylaw, with the goal of making it easier to administrate. It was not formed in order to determine the direction that Town zoning should take. The Committee was formed in June of 2011, and has met eight times so far. The main focus to date has been information gathering. The Committee has spoken with numerous boards, committees, and stakeholders. Mr. Fitzpatrick announced that, on Wednesday, November 2, 2011 at 7:30 PM, the ZBRC will hold a public meeting to solicit comments and input on the Duxbury Protective Bylaw. The meeting will be held in the Ellison Room of the Duxbury Senior Center, 10 Mayflower Street.**

#### **ANNOUNCEMENT REGARDING 2012 TOWN MEETING**

**Mr. Dahlen announced that the Board of Selectmen invites citizens, Department Heads, and Boards and Committees to submit articles for the 2012 Annual and Special Town Meetings. Articles must be submitted to the Town Manager's office by December 6, 2011. Complete language is required. If assistance is needed in drafting articles, Town Counsel will be available in early November. Please call Barbara Mello in the Town Manager's office if you would like to schedule an appointment with Town Counsel.**

#### **ONE-DAY LIQUOR LICENSE REQUEST: DUXBURY YACHT CLUB**

Mr. Flynn moved that the Board grant a One-Day All-Alcoholic Beverage License to hold a Paddle Tennis Event at the Paddle Hut on Friday, November 4, 2011, from 6:00 PM to 10:00 PM, subject to the conditions listed on the license. Second by Mr. Donato. Vote: 3:0:0.

#### **TOWN MANAGER BRIEF**

- 1) The Town Manager and Finance Director have been working on FY2013 budgets. It is expected that this work will speed up considerably once the Special Town Meeting is complete.
- 2) The Town thanks the Duxbury Interfaith Council for providing over \$8,000 in camp scholarships, so that young people could attend summer camp this year.
- 3) The Town thanks Girl Scout Troop 80446 for their \$86.00 contribution to the Duxbury Animal Shelter.
- 4) The process of hiring a Facilities Manager continues.

#### **ANNOUNCEMENTS**

Mr. Donato made the following announcement:

##### **National Drug Take Back Day**

On October 29 from 10 a.m. to 2 p.m. the Duxbury Board of Health, Duxbury Police Department and the Drug Enforcement Administration (DEA) will give the public another opportunity to prevent pill abuse and theft by ridding their homes of potentially dangerous expired, unused, and unwanted prescription drugs. Bring your medications for disposal to Duxbury Senior Center at 10 Mayflower St., Duxbury, MA. The service is free and anonymous, no questions asked.

#### **MINUTES**

Mr. Flynn moved that the Board approve the Executive Session minutes of October 17, 2011, with the contents to remain sealed until the need for confidentiality has passed. Second by Mr. Donato. Vote: 3:0:0.

Mr. Flynn moved that the Board approve the Open Session minutes of October 17, 2011. Second by Mr. Donato. Vote: 3:0:0.

#### **BONUS SHELLFISH SEASON**

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 November 2011 in accordance with Attachments B & C of the posted regulations, and
- 2) for the commercial harvesting of *quahog* for the month of November 2011 in accordance with Attachments A & C of the posted regulations, and
- 3) for the recreational harvesting of *soft shell* clams for the month of November 2011 in accordance with Attachment D of the posted regulations.

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

#### **MEETING SCHEDULE**

**Mr. Dahlen announced that there would be no Selectmen meeting on October 31, 2011.**

## **STRATEGIC PLANNING SESSION #2**

**Mr. Dahlen said that there will be a second strategic planning session in the near future. Various dates and locations were discussed. An announcement will be forthcoming.**

## **ADJOURNMENT**

**Mr. Flynn moved for adjournment at 8:07 PM. Second by Mr. Donato. Vote: 3:0:0.**

## **LIST OF DOCUMENTS**

- 1) *Suggested Motion for Special Town Meeting (STM) Article 6.*
- 2) *Memo from Duxbury Town Clerk re: STM Article 6*
- 3) *Massachusetts Municipal Personnel Association Town Clerk Salary Benchmarking*
- 4) *Packet given to Selectmen by Town Clerk pertaining to STM Article 6*
- 5) *Suggested Motions pertaining to the Collective Bargaining Agreement with Police Commanders*
- 6) *Suggested Motion for STM Article 9 (Rescind Quinn Bill)*
- 7) *Suggested Motion for STM Article 3 (Re-zoning on Tremont Street)*
- 8) *Memo from Conservation Commission, dated 10-19-11, pertaining to STM Article 3*
- 9) *PowerPoint Presentation from Public Safety Building Committee*
- 10) *Zoning Bylaw Review Committee: Explanation of Committee Charge, and Meeting Announcement*
- 11) *Announcement Regarding 2012 Annual Town Meeting: Call for Articles*
- 12) *Announcement Regarding National Drug Take Back Day*
- 13) *Draft Executive Session Minutes of October 17, 2011: Moved to Executive Session files*
- 14) *Draft Open Session Minutes of October 17, 2011*
- 15) *Memo from Harbormaster, dated 10-20-11, pertaining to Bonus Shellfish Season for November 2011*