

Date: November 14, 2011

Date Minutes Approved: November 21, 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 Present for Executive Session Only: C. Anne Murray, Administrative Assistant.

Staff Present for Open Session Only: Richard MacDonald, Town Manager; John Madden, Finance Director; and Barbara Mello, Executive Assistant.

Others Present for Executive Session Only: Ms. Judy Hatch, KCF Intake Case Worker

VOTE TO ENTER EXECUTIVE SESSION

Mr. Flynn moved that the Board enter Executive Session in order 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 Mass. General laws Chapter 30a, Section 21, and then to reconvene in open session.

Mr. Dahlen declared that due to medical confidentiality it is necessary for King Caesar Fund cases to be discussed in Executive Session. Second by Mr. Donato. Roll Call Vote: Mr. Dahlen---aye; Mr. Donato---aye; and Mr. Flynn---aye.

VOTE TO END EXECUTIVE SESSION

At approximately 6:45 PM, Mr. Flynn moved to end Executive Session, and to re-convene in Open Session. Second by Mr. Donato. Roll Call Vote: Mr. Dahlen---aye; Mr. Donato---aye; and Mr. Flynn---aye.

OPEN FORUM

No items were brought forward.

HIGHWAY SAFETY ADVISORY COMMITTEE: STOP SIGN REQUEST FOR UNION BRIDGE ROAD

Mr. Paul Brogna, Co-Chair of the Highway Safety Committee was present to request that the Board approve a STOP sign on Union Bridge Road (north bound) at the intersection with Cross Street, King Phillips Path, and Vine Street. He noted that this recommendation is made by a unanimous vote of the Highway Safety Advisory Committee. This is a five-way intersection. The additional STOP sign will greatly improve the safety in this area, Mr. Brogna said. He noted that the request for the STOP sign came from many of the residents of the area (59 letters) and from a detailed review and inspection by members of the committee.

Mr. Flynn moved that the Board of Selectmen authorize, in accordance with the provisions of Chapter 89, Section 9 of the General Laws, the following street be designated as a stop

street at the intersection and in the direction indicated: Union Bridge Road (northbound) at the intersection with Cross Street, King Phillips Path, and Vine Street, and that the Traffic Rules and Orders hereby be amended. Second by Mr. Donato. Vote: 3:0:0.

EMERGENCY MANAGEMENT PLANS (CONTINUED FROM 11-7-11)

Duxbury Emergency Management Director, Kevin Nord, was present to ask the Board to endorse the Town of Duxbury Radiological Response Plan and Standard Operating Guidelines. He asked that the endorsement be made under protest, since the State had not made changes previously requested by the Town of Duxbury.

Mr. Flynn moved that the Board of Selectmen sign a letter indicating that the Town of Duxbury has reviewed the Town of Duxbury Radiological Response Plan and Standard Operating Guidelines, and are signing under protest as a number of conditions, supported by the Town of Duxbury, have not been accepted for change and/or implemented. Second by Mr. Donato. Vote: 3:0:0.

SIDEWALK AND BIKE PATH COMMITTEE

Present were: Mr. Peter Sullivan, Chairman; and Ms. Nancy Johnson, Member

Mr. Sullivan said that the group has been meeting for the last two years with the goal of increasing the number of sidewalks and bike paths in Duxbury. The goal has been to determine a location for a sidewalk that would gain acceptance by the Town and abutters. The residents of Depot Street approached the Committee for consideration of a sidewalk on that street. The committee determined that this would be a good place to start.

Ms. Nancy Johnson, a long-time member of the Committee, said that many of the original committee members dropped out when a divided Board of Selectmen failed to support a prior proposal for a sidewalk on Tremont Street. One of the property owners along the route, the Duxbury Rural and Historical Society, was strongly opposed to the project. This seemed to be the deciding factor for the Board. To avoid the same problem, the Committee is looking for the Board's support early on in the process.

Mr. Donato said that he would not be in favor of a sidewalk in a neighborhood where the property owners object. However, in this case, the property owners seem to want the sidewalk. Mr. Donato also noted that it connects Tremont Street with the Town's main business center, which is a plus. He said that it would improve safety for residents travelling in that area.

Mr. Sullivan presented a Boston Globe article which examined 101 Towns for the percentage of roadway mileage that is accompanied by sidewalks. Duxbury came in last in the survey.

Ms. Johnson explained that they have applied to the Community Preservation Committee (CPC) for design funds for the Depot Street Sidewalk. If the CPC endorses the design fund project, it will be brought before the 2012 Annual Town Meeting for a vote. If the design funds are approved the Sidewalk and Bike Path Committee will seek grants for the actual construction. The Committee has found that it is nearly impossible to get grant money for design. Funding agencies want to see that the community has made some commitment to the project first.

The Board thanked the Committee for their presentation, and said that they looked forward to the outcome of the CPC vote.

RESIDENTS CONCERNED ABOUT A POSSIBLE WIND TURBINE PROJECT IN DUXBURY

Attorney Christopher Senie was present. He said that he represents a group of residents who reside close to the proposed location of a wind turbine in Duxbury (on the Town Golf Course). He said that he favors renewable energy. However, he is concerned about the idea of trying to transfer technology from the Western part of the United States (where there are wide open spaces) to the densely populated communities of the Eastern United States. He had a model of a Vestra Wind Turbine, which is the type proposed for Duxbury. He spoke about the size and features of the turbine. He questioned whether there is enough wind at the proposed location for a turbine of the proposed height to produce the results that the Alternative Energy Committee is looking for.

Attorney Senie said that there are some very good things about Duxbury's Wind Turbine bylaw. Primarily, he thinks it is good that the construction of a wind turbine requires a special permit, and that the special permit granting authority is the Planning Board.

Mr. Senie said that a recently erected wind turbine in Falmouth has been taken off-line because of distress by the neighbors. He said that the residents are complaining about "Amplitude Modulated Sound Pressures". Mr. Senie explained that, wind strength varies at different heights of a single turbine. The effect of differing amounts of wind striking the blades at different heights is a "thumping" noise.

Mr. Jack Murphy, a resident of Hounds Ditch Lane, offered a Power Point presentation on behalf of "Duxbury Wind Wise", an organization formed to study the potential effects of a wind turbine.

Some of the highlights of Mr. Murphy's presentation were:

- The project has weak to marginal financial fundamentals.
- Tom Hewson, of Energy Ventures Analysis in Virginia, reviewed the project and said that this project probably has the worst fundamentals of any project that he has recently examined. Duxbury Wind Wise would welcome the opportunity to bring Mr. Hewson to a Selectmen or Finance Committee meeting in order to explain his analysis.
- A wind turbine would create noise pollution.
- There are health concerns associated with wind turbines.
- Setback distances should be greater than 1.24 miles to mitigate noise and health effects.
- There are over 800 homes located within 1.24 miles of the proposed turbine location.
- The proposed turbine (276 feet) exceeds the height allowed by the zoning bylaw (250 feet), and is more than twice the height of the Miles Standish Monument.
- Wind turbines can catch on fire. Often turbine fires cannot be extinguished because of the height, and are left to burn themselves out. In the process, they generate toxic fumes and can scatter flaming debris over a wide area, starting secondary fires below.
- Environment impacts would include destroying land in the North Hill Marsh.
- Many Massachusetts Towns have rejected wind turbine proposals after examining their potential effects on neighborhoods.

Mr. Jim Goldenberg, Chairman of the Alternative Energy Committee (AEC), was present. He commented that the AEC is examining the issues carefully. He said that the only way that a wind turbine would go forward is with community support.

Mr. Donato told Mr. Goldenberg that the Board very much appreciates the hard work of the AEC. He said that he hopes that the AEC will not view tonight's presentations as an attack on the work of the AEC. However, he said that he would not want to be part of a proposal that benefits the Town at the expense of one neighborhood.

Mr. Dahlen responded to the contention that the project is not financially feasible. He said that the Town would likely engage a third-party to construct and manage the turbine. The test of whether the project is likely to be financially feasible is if contractors are willing to bid on it.

Mr. Dick Rothschild, a resident of Standish Street, said that actual abutters to existing wind turbines are not complaining about the noise. He cited the Town of Hull as an example. He said that Wind Wise purports to study the issues about wind turbines. However, it is an organization that always opposes them.

Ms. Judy Vose, a resident of Powder Point Avenue, said that the way to solve the problem of needing alternative energy is to use less energy.

Mr. Dan Ryan, a resident of Hounds Ditch Lane, said that a third-party contractor could not be counted on to be concerned about the welfare of the Town.

Ms. Janis Owens, Co-Chair of the Sustainable Duxbury organization, urged people not to close their minds too soon.

Mr. Jay Hunt, of Hounds Ditch Lane, urged the Selectmen to stop the project as soon as possible.

Ms. Kelly Murphy inquired as to whether the AEC is running out of grant money to study the proposal. Mr. Goldenberg said that there are still some funds left. However, the AEC may have to seek additional grant money for more studies that might be needed.

A resident of Amado Way (name not heard) opposed the wholesale destruction of property values.

Mr. Dan Campbell, a resident of Tremont Street, said that 877 homes would be in the high-impact zone of the proposed project. He said that a Met Tower (to measure wind speeds) is crucial in determining whether the desired electricity could be generated.

Mr. Jim Savicki, Co-Chair of the Sustainable Duxbury organization, said that the fear of declining property values may be unwarranted. He cited two studies that showed that property values seem to decline while a wind turbine project is being considered, but that after construction, the property values equalize or increase.

Ms. Caroline Mullins, resident of Hounds Ditch Lane, said that the neighborhood does not want to face “the unknown” regarding their property values.

Mr. Donato said that if property values go down, the Town’s revenue goes down as well.

Mr. Jack Murphy asked whether a Hounds Ditch neighborhood resident could join the Alternative Energy Committee. Mr. Dahlen encouraged interested residents to submit a Talent Bank Form to the Selectmen’s office.

Mr. Flynn said that, given tonight’s presentation, he is categorically opposed to the proposed wind turbine project. It would take a great deal of convincing for him to change his mind, especially considering the possible health effects of a wind turbine.

Ms. Rochelle Albin, a resident of Merry Avenue, and an abutter to the North Hill Golf Course, said that a wind turbine at the proposed location (near the 9th hole t-box of the golf course) would be an ugly structure and would ruin the Town.

Ms. Joanne Levesque, a resident of Hounds Ditch Lane, said that there was quite a lot of discussion at the last AEC meeting about getting more grants to study wind turbine feasibility. As a Massachusetts taxpayer, she said that she does not want any of her taxes going to further this study. Ms. Levesque also said that the AEC has not considered the additional costs to public safety departments in making allowances for a wind turbine. Additional emergency equipment would be required. This will reduce the financial benefit to the Town. (Note: Ms. Levesque had also submitted a five-page letter opposing the project to the Selectmen in advance of the meeting.)

Mr. Jay Hunt, resident of Hounds Ditch Lane said that almost everyone in Duxbury would be able to see the proposed turbine. He acknowledged that a turbine is being installed in Kingston. However, he said that the two towns are very different in character.

Mr. Seth Glattstein, resident of Millbrook Way, said that he is afraid that children and teenagers will try to climb the structure.

Mr. Dahlen said that it is important to realize that this idea is in the beginning stages. He said that it is important to listen to all of the information before determining a position.

TOWN MANAGER BRIEF

- 1) Town Permits: The Town is working to implement Geo-TMS software for on-line permitting. This is a very exciting development which will streamline the Town permitting process.
- 2) Transfer Station: We have installed cameras at the Transfer Station to photograph license plates. This will eliminate the need for Transfer Station stickers. The computer will analyze whether the car is registered for Transfer Station use. On the first day of camera use, 12% of vehicles used the Transfer Station without authorization. This is unfair to law-abiding residents. The camera system has been in use in Plymouth for several years and has worked well.
- 3) Veteran's Services: Duxbury shares its Veterans' Agent with the Town of Hanover. This sharing of services has worked well. If any veterans feel that their needs are not being met, they are urged to call the Town Manager's office.
- 4) Crematory: There will be a ground-breaking ceremony for the new Crematory on Wednesday, November 16 at 12:30 PM. All are welcome.
- 5) Massachusetts Municipal Managers' Association: The Town Manager will attend the MMMA Annual Meeting on November 17.
- 6) School Building Project: The Massachusetts School Building Authority (MSBA) has signed an agreement to reimburse the Town for 44.13% of the Model School Project.

ANNOUNCEMENTS

Mr. Donato announced that the Board of Selectmen will hold a Strategic Planning Session on Saturday, November 19, 2011 from 9:30 AM to 12:30 PM at the North Hill Country Club, 29 Merry Avenue, Duxbury. The public is invited and encouraged to attend. Please contact the Selectmen's office for more information.

MINUTES

Mr. Flynn moved that the Board accept the Executive Session A Minutes of November 7, 2011, as presented, with the contents to remain sealed permanently because they deal with the medical needs of Duxbury residents. Second by Mr. Donato. Vote: 3:0:0.

ADJOURNMENT

At 8:40 PM, Mr. Donato moved for adjournment of the meeting. Second by Mr. Flynn. Vote: 3:0:0.

LIST OF DOCUMENTS

- 1) *Draft Motion: Stop Sign on Union Bridge Road*
- 2) *Letter from Paul Brogna, Co-Chair of Highway Safety Advisory Committee, dated November 3, 2011, pertaining to a Stop Sign Request for Union Bridge Road*
- 3) *Draft Motion for Emergency Management Plans*
- 4) *Proposed Letter from Selectmen pertaining to Emergency Management Plans, dated November 14, 2011*
- 5) *Community Preservation Act Funding Request Form: Sidewalk and Bike Path Committee—Sidewalk Design Funds for Depot Street*
- 6) *Boston Globe South article, dated 10-27-11: "Push is on to Build More Sidewalks in Communities"*
- 7) *Letter from Joanne Levesque, 52 Hounds Ditch Lane, dated November 9, 2011, to the Board of Selectmen, in opposition to proposed wind turbine project*
- 8) *Power Point Presentation by Duxbury Wind Wise, dated November 14, 2011*
- 9) *Letter, with attachments, from Attorney Christopher Senie, dated November 7, 2011, pertaining to a possible commercial-sized wind turbine proposed by the Duxbury Alternative Energy Committee*
- 10) *Duxbury Wind Project Evaluation, dated November 8, 2011, by Thomas A. Hewson, Jr., Principal of Energy Ventures Analysis, Inc.*
- 11) *Executive Summary of Draft Report: "Technical Analysis for On-Site Wind Generation for the Town of Duxbury", dated October 20, 2011, by Sustainable Energy Developments*
- 12) *Home Page for www.duxburywind.com*
- 13) *Letter, dated November 10, 2011, from Jim Savicki, Co-Chair of Sustainable Duxbury, pertaining to Wind Turbine proposal*
- 14) *Letter, dated November 14, 2011, from John J. Clarke, Director of Public Policy and Government Relations, Mass Audubon, pertaining to the Town of Duxbury Community Scal Wind Project*
- 15) *Announcement: Town of Duxbury Strategic Planning Session*
- 16) *Draft Executive Session A Minutes of November 7, 2011----moved to Executive Session folder*