

Date: November 28, 2011

Date Minutes Approved: December 5, 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 7:00 PM.

OPEN FORUM

Mr. Josh Cutler, publisher of the Duxbury Clipper, was present to introduce the newspaper's newly hired editor, Amy MacKinnon.

Mr. Chad Fiedler, resident of Walker Road, introduced himself to the Board of Selectmen. He said that the Town could save a lot of money with energy efficient lighting solutions, which could eliminate the need for a controversial wind turbine in Duxbury. Mr. Dahlen encouraged Mr. Fiedler to set up an appointment with the Town Manager.

UPDATE ON DREDGING PROJECT

Present were:

**Mr. Don Beers, Duxbury Harbormaster
Mr. Ned Lawson**

Mr. Lawson introduced himself as the self-appointed coordinator of the dredging project. He said that he worked on the permitting for the last dredging project (1996/1997). Mr. Lawson explained that Duxbury Harbor is a federally-authorized anchorage. 135,000 cubic yards of material must be moved out in order to get it to the appropriate depth. In addition, several other entities would like to "piggy-back" on the federal dredging project, in order to clear out their areas. These areas are: Long Point Marine, Duxbury Yacht Club, Town of Duxbury (Town Landing), Duxbury Bay Maritime School, Bayside Marine, and Battelle Memorial Institute.

The Army Corps of Engineers has reviewed the Duxbury Harbor dredging application, and has determined that the material is clean enough to be removed to a disposal site off Cape Cod. Sediment from the "piggy-backers" must also be analyzed.

The cost of dredging the federally-authorized anchorage area is \$3.5 million dollars. The cost of dredging the Town Landing area is \$62,500.00. Duxbury will have to approach legislators about getting federal financing for the anchorage area. It may be a struggle to obtain those funds in the current economic climate. Another source of funds may be the Massachusetts Seaport Advisory Council.

Mr. MacDonald offered to draft letters to state legislators. Mr. Dahlen suggested that any relevant boards and committees send letters also. Mr. Lawson said that a good first step may be to request a meeting with legislative staff members, in order to plan a strategy.

DUXBURY WIND WISE: RESIDENTS OPPOSED TO WIND TURBINE

Mr. Jack Murphy, resident of Hounds Ditch Lane, gave a power point presentation on behalf of Duxbury residents who are opposed to a wind turbine project. Major points included:

- 1) The Alternative Energy Committee (AEC) has decided not to pursue amending the Towns' Wind Turbine Bylaw to increase the height restriction over 250 feet. This means that the turbine could only be 450 Kilowatts. While the reduced height is welcomed by Duxbury Wind Wise, the lower output would decrease the financial benefit to the Town even further.
- 2) The AEC is planning to request money at the 2012 Annual Town Meeting to do additional studies. Duxbury Wind Wise is opposed to asking taxpayers for additional money.
- 3) The Town Bylaw requires a meteorological tower at the project site to collect on-site wind resource data. In June 2010, one of the Town's consultants (SED----a company that sells and installs turbines) says that a Met Tower is unnecessary. This represents a conflict of interest.
- 4) Having a third-party install and run the turbine puts too much control in the hands of people who have little interest in the welfare of Duxbury citizens.
- 5) If a third-party walks away from this turbine, Duxbury is stuck with it. There are currently over 14,000 abandoned wind turbines in the United States.

Next, Mr. Neil Anderson, an abutter to a wind turbine in Falmouth, MA, spoke about the health issues he and his neighbors have experienced since the installation of a wind turbine in close proximity to his home. These include: sleep disturbances, fatigue, headaches, nausea, tinnitus, hearing loss, vertigo, changes in interpersonal relationships, difficulty concentrating, mood disturbances, irritability, depression, chronic stress, increased blood pressure, increased heart rate, palpitations, grinding teeth, feelings of anger and hopelessness. Other concerns have included loss of home equity, need to hire an attorney, and inability to work.

Mr. Jack Murphy asked the Selectmen what it would take to stop the consideration of a wind turbine project in Duxbury. Mr. Dahlen said that he had consulted with Town Counsel about this. Town Counsel noted that the ability to have wind turbines was determined by a Town Meeting vote which changed the Zoning Bylaw. A way to stop the project would be to change the bylaw again at Town Meeting.

At this point, Mr. Flynn spoke against the wind turbine project. He said that he did not want to consider a project that even had the possibility of negatively affecting the health of any Duxbury residents. Mr. Donato agreed with Mr. Flynn. Mr. Dahlen said that he wants to keep an open mind. He said that the Board has only heard from one side of the issue.

Mr. Dan Murphy, resident of Bay Road, said that he recently heard testimony at the State House about the Falmouth wind turbine. He said that he was initially skeptical that the wind turbine actually had serious negative effects on the residents. However, the testimony convinced him that a wind turbine project is not right for Duxbury.

Mr. Jim Goldenberg, Chairman of the Alternative Energy Committee (AEC), said that there is a misconception that the AEC is pro-wind turbine. The AEC needs to gather additional information before it can make a recommendation one way or the other.

Ms. Rochelle Alban, a resident of Merry Avenue questioned why a small town like Duxbury would even consider a project like this. She said that the Selectmen should take a stand and stop any further consideration of a wind turbine in Duxbury.

Ms. Joanne Levesque, resident of Hounds Ditch Lane, suggested that the Town should consider whether it is committing “willful negligence” by continuing with this project. She requested that Town Counsel be consulted about this issue.

Scott Johnson, resident of Hounds Ditch Lane, said that the AEC website gives a timeline of their activities. Contrary to their statement that they have not decided to pursue a wind turbine project, the website timeline lists a target date of Spring 2012 make a wind turbine proposal to the Town.

Mr. Donald Greenbaum, resident of Pill Hill Lane, and AEC member, said that he had deleted that website reference two weeks ago.

Ms. Ellen Nolan, resident of Hounds Ditch Lane, asked if the Selectmen could guarantee that residents will not be negatively affected by the health effects of a wind turbine. She said that she has personally been fighting cancer over the last year. Having to fight the wind turbine battle now is devastating to her.

Ms. Susan Fontaine, resident of Railroad Avenue, and a newly appointed AEC member, said that she has been looking at the research on wind turbine health effects. She said that the health effects she has read about have been for wind turbine farms (multiple turbines) or for very large turbines.

Ms. Laurie McIntosh, resident of Hounds Ditch Lane, spoke against the proposed project.

Ms. Kelly Murphy, resident of Hounds Ditch Lane, said that the AEC website is very “pro” wind turbine. She said that since the AEC website has a link to the Town website, that the Duxbury Wind Wise website should have a Town link also. Mr. MacDonald said that he would talk with the Information Services coordinator to arrange that.

Mr. Flynn moved that the Board direct the Alternative Energy Committee to refrain from placing an article on the 2012 Town Meeting Warrant for funding of wind turbine studies. He said that this will help stop the wind turbine project from taking on a life of its own. Second by Mr. Donato.

Under discussion of the motion, Mr. Dahlen said that it is a dangerous precedent to direct committees. Selectmen should appoint the committees and allow them to do their work.

Mr. Goldenberg said that the AEC may have enough leftover money from previous studies to do the research that they want to do. However, they were planning to put a placeholder article in for \$10,000.00 in case they need it.

Mr. Dan Ryan, Hounds Ditch Lane resident, said that there will never be a document that guarantees that there will not be health effects.

Ms. Joanne Levesque said that in several communities, it has been the Selectmen that have put a halt to wind turbine projects. Mr. Dahlen said that he would want to know more about the circumstances under which that occurred, before he would consider making such a move.

Ms. Holly Morris, resident of Abrams Hill Road, and member of the Conservation and Community Preservation Committees, said she has a background in research. In this situation, one side is being presented, and not the other. She said that a vote to prevent the AEC from putting forth an article is a dangerous precedent. She said that if the Selectmen are going to do that, why have committees? The Selectmen have given the AEC a task to get information. The Selectmen should let them get the information.

Mr. Goldenberg said that the vote would handcuff them.

Mr. Donato said that, even if everything that has been said about the negative effects of wind turbines is wrong, that he does not want the residents to have to worry about it. Let another community do the studies, he said. If we are wrong, we can re-visit the issue in five years.

Ms. Destiny Ryan, Hounds Ditch Lane resident, said that green alternatives do not have to be in conflict with safety. She said that the AEC should look at alternatives which do not compromise safety.

Mr. Wayne Clough, Boxwood Lane resident, said that there are only marginal economic benefits to this project. The economics alone make the project a non-starter.

Mr. Flynn clarified his motion as follows: "Moved that the Board request that the Alternative Energy Committee withdraw any consideration of presenting a 2012 Annual Town Meeting article." Mr. Donato assented to the clarified motion. Vote: 2:1:0 (Mr. Dahlen against.)

Mr. Dahlen again urged the residents to consider a Citizens Petition to delete or amend the Town's Wind Turbine Bylaw. Ms. Mello noted that only ten signatures of Duxbury registered voters are required for a citizen petition article to be placed on the Annual Town Meeting warrant. However, articles for the Annual Town Meeting warrant are due by December 6.

ONE-DAY LIQUOR LICENSE REQUEST: DUXBURY ART COMPLEX MUSEUM

(This item was taken out of order.) Mr. Flynn moved that Ms. Doris Collins, as a representative of the Duxbury Art Complex Museum, is granted a One-Day Wine & Malt License to hold a reception on Sunday, December 11, 2011 from 1:30 PM to 3:30 PM at the Art Complex Museum (186 Alden Street), subject to the conditions listed on the license. Second by Mr. Donato. Vote: 3:0:0.

DISCUSSION OF TOWN MEETING ARTICLES: FACILITIES MANAGER

Due to the lateness of the hour, only the article pertaining to a proposed Facilities Manager was discussed.

The following members of the Town Building Committee were present:
Frank Mangione, Chair
Elizabeth Lewis
John Heinstadt

Mr. Mangione said that the Town Building Committee has been studying the pros and cons of adding the position of Facilities Manager (FM) to the Town. He said that the committee will soon be presenting a report to the Board of Selectmen.

Mr. Heinstadt said that part of the Committee's discussion has involved supervision of the position. Three possibilities were considered: 1) The FM would report to both the Town Manager and the School Superintendent; 2) The FM would report to the DPW Director; and 3) The FM would report to the Town Manager. Most Committee members seem to favor the third option.

Ms. Lewis commented that there is no point in having the position without funding it.

Mr. MacDonald said that he would like to take the process in steps. First, he would like to get the position listed in the Personnel Plan. Next, he would like to make plans for funding the position.

Mr. Dahlen said that it is crucial to create and fund the position as soon as possible.

Mr. Mangione commented that most of the communities that the Committee talked to took several years to successfully implement and fund the position.

Ms. Lewis added that a Town-wide facilities assessment is crucial. She said that there is no point in hiring a FM unless there is money for the assessment.

No votes were taken.

ONE-DAY LIQUOR LICENSE: DUXBURY RURAL & HISTORICAL SOCIETY

Mr. Flynn moved that Ms. Alison Arnold, as a representative of the Duxbury Rural & Historical Society, be granted a One-Day Wine & Malt license to hold a Members Party at the King Caesar House, 120 King Caesar Road, on Friday, December 9, 2011 from 6:00 PM to 8:00 PM, subject to the conditions listed on the license. Second by Mr. Donato. Vote: 3:0:0.

TOWN MANAGER BRIEF

- 1) The South Shore Recycling Cooperative is coordinating a free electronic waste collection event on Saturday, December 10 from 9 am-3 pm. It will be held at the Plymouth Park and Ride lot across from Colony Place, at Commerce Way and McAuliffe BLVD (off Rt. 44). Residents, businesses and municipal departments may bring the following items for recycling at no charge: Televisions, Computer Monitors, Computers, Laptops, Printers, Computer Keyboards & Parts DVD Players, VCRs, Stereo Equipment, Radios, Cell phones, Telephones, Fax Machines, Toasters, Irons, any small item with an electrical cord. Large appliances such as refrigerators, stoves, washing machines and dryers will not be accepted.
- 2) Our Treasurer/Collector, Tom Connolly, has been Board Certified again as a Treasurer/Collector, with certification valid for five years.
- 3) Christmas Trees will be sold at the Jaycox Tree Farm on December 3rd and 4th.

MINUTES

Mr. Flynn moved that the Board approve the 11-07-11 Executive Session (B) minutes, as presented, 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 11-14-11 Executive Session minutes, as presented, with the contents to remain sealed due to medical confidentiality. Second by Mr. Donato. Vote: 3:0:0.

Mr. Flynn moved that the Board approve the 11-07-11 Selectmen's minutes as amended. Second by Mr. Donato. Vote: 3:0:0.

Mr. Flynn moved that the Board approve the 11-21-11 Selectmen's minutes as presented. Second by Mr. Donato. Vote: 3:0:0.

BONUS SHELLFISH SEASON

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

- 1) for the commercial harvesting of *soft shell* clams for the month of December 2011 in accordance with *Attachments B & C*; and

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

COMMITTEE APPOINTMENTS & RESIGNATIONS

- 1) Mr. Dahlen announced that Ms. Diane Bartlett resigned from the Highway Safety Committee, due to work conflicts. Mr. Dahlen noted that Ms. Bartlett remains active on other committees, and he thanked her for her service.
- 2) Mr. Flynn moved that the Board appoint Mr. John M. Stanton as the Business Representative to the Economic Advisory Committee, for a term to expire on June 30, 2014. Second by Mr. Donato. Vote: 3:0:0.

ADJOURNMENT

Mr. Donato moved for adjournment of the meeting at 9:02 PM. Second by Mr. Flynn. Vote: 3:0:0.

LIST OF DOCUMENTS

1. *Location and Site Plans for Duxbury Bay Dredging Project Proposal*
2. *Duxbury Wind Wise Presentation Agenda for 11-28-11*
3. *Duxbury Wind Wise Powerpoint Presentation for 11-28-11*
4. *Town of Falmouth, Wind Turbine Activities 2010-2011*
5. *Document provided by J. Levesque on 11-22-11, entitled: "Consideration of Negligence"*
6. *E-Mail, dated 11-22-11, from Ellen Nolan, entitled: Duxbury Wind Turbine Press*
7. *Preliminary Survey of Potential Wind Project Sites in the Town of Duxbury, MA, dated 10-27-09, by DNV Global Energy Concepts, Inc.*
8. *Letter, dated 10-20-11, from Caroline Mullins pertaining to Wind Turbine Project*
9. *Draft 2012 Town Meeting Articles: a) Compensation & Benefits for Town Officials; b) Creation of Facilities Manager position; c) Make Town Clerk an Appointed Position*
10. *Application packet for One-Day Liquor License: Duxbury Art Complex Museum, event on 12-11-11*
11. *Application packet for One-Day Liquor License: Duxbury Rural & Historical Society, event on 12-9-11*
12. *Draft Minutes:*
 - 11-07-11 Exec. Session (B): Moved to Exec. Session files*
 - 11-14-11 Executive Session: Moved to Exec. Session files*
 - 11-7-11 Open Session Minutes*
 - 11-21-11 Open Session Minutes*
13. *Information Packet: Recommendations for Bonus Shellfish Season for December 2011*
14. *Appointments and Re-Appointments information for 11-28-11*