

Date: December 12, 2011

Date Minutes Approved: December 19, 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 (arrived after Executive Session); and Barbara Mello, Executive Assistant.

CALL TO ORDER

The meeting was called to order at 6:35 PM.

VOTE TO ENTER EXECUTIVE SESSION

**Also present for the Executive Session were:
Robert S. Troy, Duxbury Town Counsel
Leonard H. Kesten, Insurance Counsel**

Mr. Dahlen moved that the Board of Selectmen enter an Executive Session for the purpose of discussing litigation strategy regarding a pending lawsuit between Johnson Golf Management and the Town of Duxbury, entitled Johnson Golf Management, Inc. v. Town of Duxbury et al., Middlesex Superior Court Docket No. MICV2008-04641, and to re-convene in Open Session immediately afterward. Second by Mr. Flynn.

Next, Mr. Dahlen declared that discussion of the Town's litigation strategy in an open session may have a detrimental effect on the Town's litigation position.

Roll Call Vote: Mr. Dahlen---aye; Mr. Donato---aye; Mr. Donato---aye.

VOTE TO END EXECUTIVE SESSION

At 7:20 PM, Mr. Flynn moved that the Board close the Executive Session and re-convene in Open Session. Second by Mr. Donato. Roll Call Vote: Mr. Flynn---aye; Mr. Donato---aye; Mr. Dahlen---aye.

OPEN FORUM

No items were brought forward.

TOWN MANAGER FY2013 PRELIMINARY BUDGET PRESENTATION

**Also Present were:
Bill Harris and Ken McCarthy (Chair), Finance Committee Members
Frank Mangione and David Madigan, Fiscal Advisory Committee Members**

Mr. MacDonald gave a Power Point presentation to accompany his distribution of the preliminary FY2013 Town Budget.

Highlights of the presentation included:

- 1) **State Aid:** We are projecting only slightly less in FY2013 than we received in FY2012
- 2) **Local Receipts:** We are making a conservative projection, because there are positive trends in some areas (building permits), but negative trends in others (longer car ownership leads to reduced motor vehicle excise taxes).
- 3) **Taxation:** New growth remains steady, which is a good source of tax dollars.
- 4) **Expenditures:** We plan to expand the Human Resources Department. We also plan to create a Facilities Manager position, but not fund it until FY2014.
- 5) **Insurance:** We have the opportunity to experience large savings in this area, due to the Massachusetts Health Reform Act.
- 6) **Capital Expenditures:** In addition to the School Building Project and Public Safety Buildings Projects, we need to make a plan to repair the Powder Point Bridge.

Mr. MacDonald emphasized that this is a preliminary budget. There will be changes to it as more information is learned from the State and from the Departments.

Mr. Dahlen asked whether the benefits of the Massachusetts Health Reform Act will be realized as soon as Fiscal Year 2013. Mr. Madden answered that there is a very tight timeline for making the changes. If the negotiations with collective bargaining units go well, it is possible that we could experience some benefit in Fiscal Year 2013.

Mr. McCarthy said that he understands that this budget is preliminary. Nonetheless, he noted that the Finance Committee needs to vote on the budget and the articles by February 14, so he hopes it will not be too long before the "final" budget is ready.

Mr. Mangione asked when the capital budget will be ready. Mr. Madden said that the capital budget should be ready this week.

ACCEPT GIFT OF PIANO FOR THE TARKILN COMMUNITY CENTER

Mr. MacDonald announced that Ms. Debra Palfrey, of Lincoln Street, has donated an 1891 upright grand piano to the Tarkiln Center. Mr. Flynn moved that the Board accept, with gratitude, the gift of a piano from Ms. Palfrey. Second by Mr. Donato. Vote: 3:0:0.

LICENSE RENEWALS

Mr. Dahlen abstained from voting on licenses, since he is a member of the Board of Directors for one of the licensees (Duxbury Bay Maritime School). However, Mr. Dahlen noted that the Public Safety Department Heads have been consulted about all licenses. Ms. Mello said that there have been no objections. However, two liquor establishments must have a second fire/safety inspection before they can receive their 2012 license. This will definitely occur before the end of the year.

Mr. Flynn moved that the Board renew the following liquor licenses for the year 2012, subject to satisfactory inspection by the Inspectional Services Department, proof of liquor liability and Workers Compensation insurance, payment of all funds owed to the Town; and proof of server training:

Common Victualler: All-Alcoholic Beverages

Mile Post Tavern

North Hill Country Club

Sun Tavern
Tsang's Café
Wildflower Café

Inn-holder: All-Alcoholic Beverages

Winsor House Inn

Club: All-Alcoholic Beverages

Duxbury Bay Maritime School
Duxbury Veteran's Club
Village at Duxbury

Retail: All-Alcoholic Beverages

Millbrook Market
Bennett's General Store
Duxbury Wine & Spirits
Osborn's Country Store
Casey's Fine Wines & Spirits

Retail: Wine & Malt Only

La Maison Du Vin
Bo'-Tes
Foodies Duxbury Market

Second by Mr. Donato. Vote: 2:0:1 (Mr. Dahlen abstained.)

Next, Mr. Flynn moved that the Board of Selectmen renew the following licenses for 2012, subject to the provision of all renewal paperwork and fees to the Town of Duxbury:

<u>CLASS ONE AUTO</u>
None
<u>CLASS TWO AUTO</u>
Bayside Marine Corp.
New Duxbury Auto Sales
Saint George St. Garage

<u>COMMON VICTUALLER</u>
Alden Elementary School
Bay Path at Duxbury
Benchwarmer Sub Shop
Bennett's General Store
Bo'-Tes
Bread Board @ Dux. High
Chandler School
Cox Corner Pizza & Subs
Crossroads for Kids, Inc.
Depot Street Market
D'Orazio's
Dunkin Donuts
Duxbury Bay Maritime School
Duxbury Deli
Duxbury High School
Duxbury Middle School
Duxbury Pizza
Duxbury Senior Center
Duxbury Yacht Club
Farfars Danish Ice Cream
First Parish Church
Foodies
French Memories
Holy Family Church
Mile Post Tavern
Millbrook Market
Mirimar Retreat
My Little Bakery
North Hill Country Club
ONE, LLC
Osborn's Country Store
Sandy Lambert's Marketplace

Scoops, The Ice Cream Shop
Snug Harbor Fish Company
Sun Tavern
Tsang's Café, Inc.
Uncommon Grounds
Yo Taco
Wildflower Cafe
ENTERTAINMENT
Mile Post Tavern
Sun Tavern
Winsor House Inn
North Hill Country Club
GENERAL
J's Ice Cream
Jake's Dogs
INNHOLDER
Winsor House Inn
FARMERS' MARKET
Duxbury Farmers Regional Market

Second by Mr. Donato. Vote: 2:0:1 (Mr. Dahlen abstained.)

TOWN MANAGER BRIEF

Mr. MacDonald said that he received a letter from the Army Corps of Engineers, stating that the Town had violated federal waters by working in the area without proper permits. The Harbormaster located the appropriate permits that were previously granted by the Army Corps of Engineers, so the Town was able to clear the matter.

MINUTES

Mr. Flynn moved that the Board approve the Executive Session minutes of December 5, 2011 as presented, with the contents to remain sealed until the need for confidentiality has passed. Second by Mr. Donato. Vote: 3:0:0.

Mr. Dahlen suggested an amendment to the Open Session minutes of December 5. Next, Mr. Dahlen moved that the Board accept the Open Session minutes of December 5 as amended. Second by Mr. Donato. Vote: 3:0:0.

OLD BUSINESS

Mr. Dahlen reminded Mr. MacDonald that he would like additional clarification from Attorney Troy on the proposed article to eliminate compensation and benefits for elected officials.

Mr. Dahlen stated that he is working with Pat Loring and Town Counsel about the Conservation Restriction and Rules and Regulations for the Blairhaven property. This will be on an upcoming Board of Selectmen agenda soon.

ADJOURNMENT

Mr. Flynn moved to adjourn the meeting at 8:10 PM. Second by Mr. Donato. Vote: 3:0:0.

LIST OF DOCUMENTS

- 1) *Fiscal 2013 Budget Presentation by the Town Manager to the Board of Selectmen, December 12, 2011*
- 2) *FY2013 Preliminary Budget, dated 12-7-11*
- 3) *Letter from Debra Palfrey, offering donation of piano for the Tarkiln Community Center*
- 4) *Suggested Motions for 2012 License Renewals*
- 5) *Department Head Feedback: 2012 License Renewals*
- 6) *Draft Minutes of December 5, 2011 Executive Session (moved to confidential files) and Open Session*