

Date: January 30, 2012

Date Minutes Approved: February 13, 2012

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. Steve Peterson of Bolas Road was present. He said that the Town approved a transfer of \$61,000.00 to cover additional legal expenses at the 2011 Special Town Meeting. He also commented that the Town Clerk said she has not seen Board of Selectmen Executive Session minutes in over thirty years. There were no comments from the Board.

ONE-DAY LIQUOR LICENSE REQUEST: THERESA WOODWARD FOR THE DUXBURY STUDENT UNION / FUNDRAISER ON MARCH 3, 2012

Mr. Jamie MacNab and Mr. Stuart Ruggles were present from the Duxbury Student Union organization. They explained that this is the annual fundraiser for the Student Union, and invited the Selectmen to attend. Mr. Ruggles spoke about how having a place for students to congregate has been a community goal for over thirty years.

Mr. Flynn moved that Ms. Theresa Woodward, as a representative of the Duxbury Student Union Association, be granted a One-Day Wine & Malt License to hold a fundraising event on Saturday, March 3, 2012 from 7:30 PM to 11:30 PM at the Wright Building (DSU Section only), subject to the conditions listed on the license. Second by Mr. Donato. Vote: 3:0:0.

AQUACULTURE LICENSE TRANSFER REQUEST HEARING: APPLICANT-BEN LLOYD. LOCATION: APPROXIMATELY 1200 FEET SOUTHEAST OF SHIPYARD BEACH WITHIN DUXBURY BAY

Mr. Lloyd was present. He said that he has recently begun farming the site, and he is looking forward to taking over its full operation. Mr. Al Hoban, Chairman of the Shellfish Advisory Committee (SAC), was present to say that the SAC had voted unanimously in favor of the transfer on January 18, 2012.

Mr. Flynn moved that the Board of Selectmen approve the transfer of aquaculture license number 8968, currently held by Mr. Walter Keleher, to Mr. Benjamin N. Lloyd of 732 Temple Street, Duxbury, Massachusetts, for three years. Second by Mr. Donato. Vote: 3:0:0.

FEE HEARING: RECREATION, INSPECTIONAL SERVICES, AND HARBORMASTER DEPARTMENTS

Recreation:

Mr. Gordon Cushing, Recreation Director, was present. He said that he is requesting increases of approximately ten percent to most Percy Walker Pool fees. He said that the Pool has been run as an Enterprise Account since the pool's re-opening in June 2010. The Enterprise Fund is running a deficit of approximately \$8,000.00. There is a two-pronged approach to improving this situation: 1) Raise pool fees; 2) Make accounting changes to credit the Pool for services provided to the School Department. Mr. Cushing noted that he did a comparison study of eleven other area swimming pools. The comparisons are difficult to make, because the services offered at every pool vary greatly. Nonetheless, he feels confident that the proposed fees are well within the range of what is being charged elsewhere. Mr. Cushing proposed that the new fees become effective on March 1, 2012. Finally, Mr. Cushing noted that the Fiscal Advisory Committee recommended the proposed fee changes.

Mr. Flynn moved that the Board of Selectmen approve the fees, to be effective on March 1, 2012, as listed in the Recreation Director's memorandum, dated December 7, 2011 with one clarification as approved by the Fiscal Advisory Committee: The daily adult guest fee will be \$7.00 without regard to resident/non-resident status and the daily child guest fee will be \$5.00 without regard to resident/non-resident status. Second by Mr. Donato. Vote: 3:0:0.

Inspectional Services:

Mr. Lambiase, Director of Inspectional Services, was present. He said that he is recommending increases of approximately 8% to Inspectional Services fees, to be effective on July 1. He provided the Selectmen with a spreadsheet of current and proposed fees. Fees were not raised last year at all, he said. The fee increases will be used to bring department revenues up to expected levels, and to account for the introduction of on-line permitting. Mr. Lambiase noted that the Fiscal Advisory Committee approved the proposed fees.

Mr. Flynn moved that the Board of Selectmen approve the fees as listed in the Director of Inspectional Services memorandum, dated December 29, 2011, with the new fees to be effective on July 1, 2012. Second by Mr. Donato. Vote: 3:0:0.

Harbormaster:

Mr. Dahlen said that he would like to hear a presentation from the Powder Point Bridge Committee, prior to discussing the Harbormaster Fees, since the two subjects are closely related.

POWDER POINT BRIDGE COMMITTEE PRESENTATION

All members of the Powder Point Bridge Committee were present:

Mr. Jeff Lewis, Chair and Registered Engineer
Donald Beers, Harbormaster
Peter Buttkus, DPW Director
Margaret Kearney, Duxbury Beach Reservation, Inc., President
Andre Martecchini, former Selectmen and Civil Engineer
Ed Vickers, DPW Operations Manager

Mr. Lewis gave a Power Point presentation about repairs which are needed to the Powder Point Bridge. Highlights of the presentation include:

- The bridge was fully re-constructed in 1987, so it is 25 years old.
- The DPW has periodically been replacing damaged planks.
- The most recent MassDOT inspection of the bridge shows that the load rating has deteriorated from the original 15 tons, to the current 8 tons. This has implications for bringing public safety vehicles across the bridge.
- Repairs are needed to the cap beams. The cap beam connections control the load rating. These repairs would involve new shims, steel seats, and new bolts. The proposal is to repair 477 cap beam locations.
- The vertical piles are also in need of repair. The repair involves a polymer wrapping. The proposal is to repair 160 piles.
- The estimated cost of repairs is \$2.4 million. The proposed funding mechanism is: 80% from increased beach sticker fees, and 20% from the General Fund. No Proposition 2 ½ override is proposed.

Ms. Linda Collari, member of the Board of Assessors, asked whether residents of Gurnet and Saquish pay a fee to use the Bridge. Mr. Dahlen answered that the bridge and the road to Gurnet/Saquish are public ways. The fees only come into play when someone stops and parks a vehicle to use the beach.

The Selectmen and Town Manager thanked the committee and agreed that the funding mechanism proposed was optimal.

Harbormaster Fees (continued):

Mr. Beers explained that the intent of the proposed fee increases is to cover the cost of Powder Point Bridge repairs. He provided the Selectmen with a spreadsheet of current and proposed fees. He requested that the new fees be made effective on April 1, 2012. As noted above, the Board agreed that increasing the fees to users is the best way to fund the bridge repairs.

Mr. Flynn moved that the Board of Selectmen approve the fees as listed in the Harbormaster's memorandum dated December 20, 2012, with one correction due to a typographical error (the fee for Non-Resident oversand permits shall be \$295.00), with the new fees to be effective on April 1, 2012. Second by Mr. Donato. Vote: 3:0:0.

DISCUSSION OF TOWN MEETING ARTICLES

Powder Point Bridge Repair:

(This article was discussed at length, as part of the Fee Hearing held just prior to this item.)

Mr. Flynn moved that the Board recommend approval of the 2012 Town Meeting article pertaining to repair of the Powder Point Bridge, in the amount of \$2.4 million dollars. Second by Mr. Donato. Vote: 3:0:0.

Pine Street Water Main:

Present were: Mr. Peter Buttkus (DPW Director) and Mr. Peter Mackin (Water Superintendent)

Mr. Flynn moved that the Board recommend approval of the 2012 Town Meeting article pertaining to the provision of Town water in the Pine Street area. Second by Mr. Donato.

Under discussion of the Motion, Mr. Mackin and Mr. Buttkus showed a map of the area. They explained that the water system dead-ends in several spots in that area. The proposal would loop a lot of these dead-end areas, and improve water quality throughout. It will be necessary to place part of the water main in Pembroke and Kingston. Pembroke agreed to this at their 2011 Annual Town Meeting. The only thing that Pembroke has requested is an emergency interconnection between the Duxbury and Pembroke water mains in that area. The affected area in Kingston is extremely small. Kingston has offered to treat the construction there as a simple road opening permit.

Mr. Buttkus noted that there are currently 22 homes on private wells in that area. Some of the wells are failing. There are some radon problems also. This project will benefit those 22 households, and improve water quality throughout the area, as noted. Mr. Dahlen commented that it has been a long-time goal of the Town to add areas that are not served by Town water, as funds are available.

Mr. Mackin said that the estimated cost of the project is \$1,021,000.00. It will be funded through a combination of Water Enterprise Fund Retained Earnings, and borrowing.

The vote on the Motion was: 3:0:0.

Illegal Trash Disposal:

Ms. Mary Gazzola was present. She explained that she is a member of a group that has been concerned about litter and garbage in Town. This group organized a Duxbury Litter Sweep last year. They would like to have two of these events annually. Collaboration with the elementary schools for anti-littering programs, participation in the Independence Day parade, and "Adopt-a-Street" activities are also in the planning stages.

Ms. Gazzola noted that the group's activities are hampered by the fact that there are no rules against illegal trash disposal in Town. Therefore, the group enlisted the help of the DPW Department and Town Manager's office to propose a new bylaw. The bylaw can be enforced by the Police Department and the Board of Health. Ms. Mello noted that language allowing the Town Manager to designate other enforcement agents may be added to the article.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting article pertaining to an Illegal Trash Disposal Bylaw. Second by Mr. Donato. Vote: 3:0:0.

Seawall Maintenance:

Mr. MacDonald asked that the Board of Selectmen consider removing this article from the warrant. There are currently questions about ownership of the seawalls, which must be answered before the implementation of this type of bylaw. The Selectmen agreed to take a vote about removing this article later in the meeting.

State Highway Funds:

Mr. Madden said that the amount of State Highway Fund money to be distributed to Duxbury is expected to be approximately \$544,000.00.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting article pertaining to the acceptance of State Highway Funds. Second by Mr. Donato. Vote: 3:0:0.

DPW Budget Presentation (Part of Operating Budget Article)

Mr. Peter Buttkus (DPW Director) gave a Power Point presentation of the DPW Budget. The DPW is comprised of the following departments: Central Building Services, Building Maintenance, Tarkiln Building, Animal Control, Lands & Natural Resources, Central Fuel Depot, Management & Administration, Vehicle Maintenance, Highway, Snow & Ice Removal, Street Lighting, Transfer Station, Sewer, Cemetery, Water Department. Highlights of the presentation included:

- An increase of 1.27% is proposed for the DPW Budget (without the Water Department)
- When the Water Department is included, the proposed increase is 1.73%.
- Expenses for Management and Administration are up significantly because of the Department of Environmental Protection (DEP) Stormwater mandates. These unfunded mandates will have a significant impact on the budget for at least five years.
- Transfer Station expenses are down because we are still experiencing the benefits of the Pay-as-You-Throw program.

Mr. Flynn moved that the Board recommend approval of the FY2013 DPW Budget as presented. Second by Mr. Donato. Vote: 3:0:0.

Benefits for Elected Officials:

Mr. Dahlen mentioned that this article was almost included in last year's warrant. However, there were two issues that had to be resolved: 1) It was found to be too difficult to word the article to allow current officials to continue having benefits until the end of their term. Therefore, the new wording calls for the elimination of benefits to begin on a certain date (July 1, 2014); and 2) It was determined that it was not advisable to allow elected officials to have health benefits through the Town, even if the official paid 100% of the premium cost. This is because the Town is self-insured. The actual cost of insuring someone who gets very sick can be much higher than the premium.

Now that these two issues have been resolved, Mr. Dahlen is pleased that it will be on the warrant. He said that it puts elected officials on a level playing field with many other extremely dedicated volunteers who are not eligible for health benefits.

Ms. Linda Collari, Duxbury Assessor, spoke against the proposed article. She said that the cost of providing benefits to elected officials was \$26,000 last year. She said that this is a very small amount of money when looking at the budget as a whole. However, the availability of benefits could persuade someone to run for office that otherwise might not. This is especially important for the Board of Assessors, where very specialized knowledge is required.

Mr. Dahlen said that, a number of years ago, it was much more difficult to be a Selectmen or an Assessor. Now, however, the Town has a Town Manager and a Director of Assessing. These professionals take care of all the day-to-day management.

Mr. Donato said that he is in support of the article as presented. However, he can see that Ms. Collari's arguments have merit. He welcomed her to bring those comments to the Town Meeting.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting article pertaining to benefits for elected officials. Second by Mr. Donato. Vote: 3:0:0.

RE-OPEN ANNUAL TOWN MEETING WARRANT

Mr. Dahlen said that the Board would vote on several potential changes to the warrant.

- 1) Mr. Flynn moved that the Board vote to remove the proposed 2012 Annual Town Meeting article, pertaining to a Wind Turbine Study, as originally proposed by the Alternative Energy Committee. Second by Mr. Donato. Ms. Mello noted that the Alternative Energy Committee voted to request withdrawal of their article pertaining to a Wind Turbine Study. Vote: 3:0:0.**
- 2) Mr. Flynn moved that the Board add an article to the 2012 Annual Town Meeting pertaining to the Town Clerk position (appointed v. elected). Second by Mr. Donato. Ms. Mello noted that this article had been considered in earlier drafts of the warrant. However, at the time that the warrant closed, it was felt that there might not be enough time to work with the Personnel Board. However, it appears that there will be enough time. Vote: 3:0:0.**
- 3) Mr. Flynn moved that the Board remove the proposed article pertaining to the deletion of borrowing authority for 2011 Annual Town Meeting Article 24, as originally proposed by the Finance Department. Second by Mr. Donato. Mr. Madden explained that this article will be handled in the Special Town Meeting. Vote: 3:0:0.**
- 4) Mr. Flynn moved that the Board remove 2012 Annual Town Meeting articles pertaining to Benefits for Divorced, Separated, and Surviving spouses, as originally proposed by the Finance Department. Second by Mr. Donato. Vote: 3:0:0.**
- 5) Mr. Flynn moved that the Board remove the 2012 Annual Town Meeting article pertaining to Seawall Maintenance. Second by Mr. Donato. (Earlier in the meeting, Mr. MacDonald had requested that this article be removed, due to questions about seawall ownership.) Vote: 3:0:0.**

ADD ARTICLE TO SPECIAL TOWN MEETING WARRANT

Mr. Flynn moved that the Board add an article to the 2012 Special Town Meeting Warrant pertaining to the conveyance of land for Water Supply purposes. Second by Mr. Donato. Mr. MacDonald explained that this article completes an action initiated under Article 26 of the 2010 Annual Town Meeting. Vote: 3:0:0.

PLACE ANNUAL TOWN MEETING ARTICLES IN ORDER

Mr. Dahlen provided a draft list of articles, in the order that he felt would make the most sense. He grouped articles by subject area. The Selectmen agreed with the order proposed by Mr. Dahlen.

CLOSE 2012 ANNUAL TOWN MEETING WARRANT

Mr. Flynn moved that the Board close the 2012 Annual Town Meeting warrant with a total of 51 articles. Second by Mr. Donato. Vote: 3:0:0.

PLACE 2012 SPECIAL TOWN MEETING ARTICLES IN ORDER

Mr. Dahlen provided a draft list of articles, in the order that he felt would make the most sense. He grouped articles by subject area. The Selectmen agreed with the order proposed by Mr. Dahlen. There are currently ten articles. Ms. Mello said that the Special Town

Meeting warrant is not closed until February 13, when the Special Town Meeting warrant is signed.

EVENT PERMIT REQUEST: MR. DREW DAVIS FOR THE MS GREAT MASS GETAWAY BIKE TOUR ON JUNE 23, 2012

Ms. Mello noted that this event had already been approved. However, after further consultation with public safety department heads, it was recommended that the conditions be amended.

Mr. Flynn moved that the Board of Selectmen grant permission to the National Multiple Sclerosis Society (Central New England Chapter) to conduct a portion of their 28th Annual Great Mass Getaway Bike Tour in the Town of Duxbury on Saturday, June 23, 2012, subject to the conditions listed on the permit. Second by Mr. Donato. Vote: 3:0:0.

ONE-DAY LIQUOR LICENSE REQUEST

Mr. Flynn moved that Ms. Mary Beth Brown, as a representative of the Duxbury Art Association, be granted a One-Day Wine and Malt License to hold a reception on February 4, 2012 from 6:00 PM to 9:00 PM at the Art Complex Museum (186 Alden Street), subject to the conditions listed on the permit. Second by Mr. Donato. Vote: 3:0:0.

TOWN MANAGER BRIEF

- 1) **Entergy:** Entergy is the company that manages Pilgrim Nuclear Power Station. They have had an agreement with Duxbury for annual funding of emergency preparedness operations. The new director of Entergy is not providing the same level of funding. Mr. MacDonald is very concerned about the effect on our training and emergency preparedness. He will keep the Board informed of any developments.
- 2) The Duxbury Alternative Energy Committee (AEC) is sponsoring a public forum on the adoption of the new State building code known as the Stretch Code. The forum will be held on Tuesday, February 7, 2012 at 7:00 PM in the Ellison Room of the Duxbury Senior Center.
- 3) The Board of Selectmen will not meet on February 6, 2012. The next meeting of the Duxbury Board of Selectmen will be on February 13, 2012.

BONUS SHELLFISH SEASON FOR FEBRUARY & MARCH 2012

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

- For the commercial harvesting of *soft shell* clams for the months of February and March 2012 in accordance with posted *Attachments B & C*; and
- For the commercial harvesting of *quahog* for the months of February and March 2012 in accordance with posted *Attachments A & C*; and
- For the recreational harvesting of *soft shell* clams for the months of February and March 2012 in accordance with posted *Attachment D*.

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

MINUTES

Mr. Flynn moved that the Board approve the Executive Session minutes of January 23, 2012, 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 January 23, 2012. Second by Mr. Donato. Vote: 3:0:0.

ADJOURNMENT

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

LIST OF DOCUMENTS

- 1) *Application Packet: One-Day Liquor License Applic. for Duxbury Student Union on 3-3-12*
- 2) *Application Packet: Aquaculture License Transfer, from W. Kelleher to B. Lloyd. Location: Approximately 1200 feet southeast of Shipyard Beach within Duxbury Bay.*
- 3) *Suggested Motions for Fee Hearing: Harbormaster, Inspectional Services, and Recreation Fees*
- 4) *Fee Proposal Advertised by Harbormaster Dept on 1-11-12*
- 5) *Fee Proposal for Harbormaster Dept, Supplemental Materials*
- 6) *Fee Proposal Advertised by Inspectional Services Dept on 1-11-12*
- 7) *Fee Proposal Advertised by Recreation Dept on 1-11-12*
- 8) *Information Packet for Powder Point Bridge Repair Article: Suggested Motion, Proposed Repair Plan (dated 1-30-12), PowerPoint Presentation by Powder Point Bridge Committee, Photos of Powder Point Bridge*
- 9) *Department of Public Works: FY2013 Budget*
- 10) *Suggested Motion: ATM Article – Benefits for Elected Officials*
- 11) *Suggested Motions: Re-Open ATM Warrant*
- 12) *ATM Warrant: Draft dated 1-26-12*
- 13) *Draft List of ATM Articles*
- 14) *Draft List of STM Articles*
- 15) *Suggested Motion for Event Permit: MS Bike Ride on June 23, 2012*
- 16) *Announcement of Stretch Code Public Forum on 2-7-12*
- 17) *Application Packet for One-Day Liquor License: Duxbury Art Association 2-4-12*
- 18) *Information Packet for Bonus Shellfish Season—February and March 2012*
- 19) *Draft Executive Session Minutes for 1-23-12 (moved to Executive Session folder)*
- 20) *Draft Open Session Minutes for 1-23-12*