

Date: February 27, 2012

Date Minutes Approved: April 2, 2012

BOARD OF SELECTMEN MINUTES

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

Absent: None

Staff: Richard MacDonald*, Town Manager; Mr. John Madden*, Finance Director; and C. Anne Murray, Administrative Assistant. (*entered at 6:55 PM for Open Session)

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

VOTE TO ENTER EXECUTIVE SESSION

After the meeting convened, Mr. Dahlen moved that the Board of Selectmen vote to enter Executive Session for the purpose of discussing strategy with respect to pending litigation and to review previous Executive Session minutes in relation to pending litigation, strategy with regard to sale, lease, exchange or purchase of real property, collective bargaining, grievances and/or other personnel issues, the King Caesar Fund and /or other topics involving medical confidentiality, and/or deployment of security personnel as an open meeting may have a detrimental effect on the litigating position of the Board, accordance with Mass. General Laws Chapter 30a, Section 21, and then to reconvene in Open Session.

As Chair, Mr. Dahlen declared that due to pending litigation and/or medical confidentiality it is necessary for Executive Session Minutes to be discussed in Executive Session to determine whether the need for confidentiality has passed. Second by Mr. Donato. Roll Call Vote: Mr. Dahlen---aye; Mr. Donato---aye; and Mr. Flynn---aye.

EXECUTIVE SESSION ADJOURNED & BOARD RE-CONVENED IN OPEN SESSION

At 6:48 PM the Executive Session was adjourned, and the Board of Selectmen meeting re-convened in Open Session at 7:02 PM after the public entered the room.

OPEN FORUM – Nothing was brought forward.

DISCUSSION OF TOWN MEETING ARTICLES

[For the purposes of this discussion Annual Town Meeting will be abbreviated as ATM and Special Town Meeting will be abbreviated as STM.]

School Department Budget

Present for this item of business were:

**Dr. Ben (Benedict) Tantillo, III, Superintendent of Schools;
Ms. Susan Nauman, Business Manager of Duxbury Schools;
Members of the Duxbury School Committee**

A PowerPoint presentation was given during which Dr. Tantillo and Ms. Nauman gave an overview of the School Department's budget. Some of the highlighted items and points of discussion were:

- **That the Schools worked in collaboration with the Town Manager and Finance Director in arriving at the proposed school budget.**

- During the presentation explanations of the salary changes based on contractual agreements and of staffing needs were given. Explanations for increases or decreases in particular sections of the school budget were also provided.
- The School Department is planning to institute a full-day kindergarten at a cost of \$3,875 per student.
- The Duxbury schools are scheduled to have their 10-year NEASC accreditation review in the fall of 2012.
- As has been the school's practice, when evaluating reductions they have looked first at items which have the least impact on the students and their academic learning.
- Overall the proposed School Department budget for FY'13 has an increase of 2.94%.

Mr. Flynn moved that the Board of Selectmen recommend approval of the FY'13 School Department budget as should in the warrant on page 21, in the amount of \$29,796,458.00. Second by Mr. Donato. VOTE: 3:0:0.

Consolidation of School /Town Functions

Mr. MacDonald explained that in order for the Town and Schools to work towards consolidation of administrative functions for financial, personnel, and maintenance functions, both the School Committee and the Annual Town Meeting have to vote to accept Massachusetts General Law Chapter 71, Section 37M. Some examples where consolidation might be used would for economies of scale in procurement of supplies, compatibility of software, and in positions, such as the proposed Facilities Director position. He further indicated that the School Committee had already discussed this and voted 4 to 1 in favor of it. Mr. MacDonald was asking that the Board of Selectmen also vote in support of this article as the next step is for the Town to approve it through an Annual Town Meeting vote.

Mr. Flynn moved that the Board of Selectmen recommend approval of the 2012 Annual Town Meeting article pertaining to the Consolidation of the Town / School functions under Massachusetts General Laws Chapter 71, Section 37M. Second by Mr. Donato. VOTE: 3:0:0.

Facilities Manager

Mr. Dahlen began the discussion by advocating for the hiring of a Facilities Director. He spoke briefly about why he feels this is so important and indicated he felt a new facilities manager should be hired as the new buildings (co-located HS/Middle Duxbury School, Police Station, and Crematory, and renovated Central Fire Station) as being constructed.

Mr. Frank Mangione, Chair of the Town Building Committee (TBC), then spoke. He noted that the Town Building Committee is different from the School Building Committee, the Public Safety Building Committee, and the Crematory Building Committee. The Town Building Committee is tasked with taking an overall view of all the town buildings. The TBC has as its members a number of individuals who are professional architects and engineers. The TBC does support the establishment of a facilities manager position.

Mr. Gary Magnuson, Chair of the School Committee, said that the School Committee generally supports consolidation of services and specifically the concept of a facilities manager. He did add, however, that many of the details, for example the impact to staffing, funding the position, reporting authority, etc., still need to be worked out.

Mr. Martecchini, who is a member of the TBC, mentioned that a general job description has been developed, but will evolve depending on the individual's skills. He said that the TBC does not anticipate a reduction in custodial need/staff, but echoed Mr. Magnuson that much remains to be determined. He mentioned that many of the Department Heads (i.e., Police Chief, Fire Chief, Library Director, and COA Director) are all dialing with building issues. They are dealing with plumbers and contractors for which they (a) might not be the most qualified to do that and (b) there might be economies of scale. He agreed the details need to be worked out and he

understands the difficulty funding the position, but suggested between now and July 1st or mid-fiscal year that this could be done.

Mr. Dahlen suggested the facilities manager will have the time to develop plans. He suggested the individual would inventory the buildings to determine the age of various systems and the status of the buildings' roofs, exteriors, etc. to build a schedule prioritizing the work.

Mr. Chris Sherman, Hounds Ditch Lane resident, asked if any thought had been given to consider funding the Facilities Manager as a regional position? In response the impression given was it was believed that the individual would have more than enough work within the Town so that had not been considered.

Mr. Flynn agreed that if the Town could afford to fund it then we should, but did agree many details need to be worked out.

Mr. Madden, Finance Director, pointed out that it is not just the salary, but expenses to be taken into consideration. He said that they have looked into it, but he just does not see the funding in the FY'13 budget.

Mr. MacDonald noted that he has had to tell Department Heads that they can't have items and/or restoration of positions they have requested.

Mr. Flynn moved that the Board of Selectmen recommend support of the 2012 ATM article pertaining to the Facilities Manager position. Second by Mr. Donato. VOTE: 3:0:0.

Mr. Dahlen then made a second motion. Mr. Dahlen moved that the Board of Selectmen ask the Town Manager to look for funding sources to fund a Facilities Manager position between now and the next Selectmen's meeting or (given the short timeframe) Town Meeting and report back to the Board. Second by Mr. Flynn > VOTE: 2:1:0. ((*Mr. Flynn and Mr. Dahlen –aye. Mr. Donato –nay.*)

Mr. Donato said he voted "nay" because he felt that the Town Manager and Finance Director had already done that.

Citizen Petition – Pilgrim Power Station

Present for this item of business were: Ms. Mary "Pixie" Lampert and Ms. Becky Chin, Co-Chairs of the Duxbury Nuclear Advisory Committee. Also present was Ms. Nancy Landgren, a member of the DNAC, and Ms. Fenna Hanes, one of the citizen involved in bringing the petition forward.

Ms. Lampert spoke about the article on behalf of the proponents. She explained the Pilgrim Nuclear Reactor is similar in design to the Fukushima reactor in Japan, and could fail for essentially the same fundamental reasons were a natural disaster to affect the East Coast. Passage of the Citizen Petition involves no money, but is intended to send a message to the Nuclear Regulatory Commission asking that continued operation of Pilgrim Nuclear Power Station not be allowed until all the safety improvements recommended by the NCR as a result of lessons learned from Fukushima, Japan incident have been fully implemented at Pilgrim Nuclear Power Station.

Mr. Flynn moved that the Board of Selectmen recommend approval of the 2012 Special Town Meeting Citizen Petition pertaining to Pilgrim Nuclear Power Station. Second by Mr. Donato. VOTE: 3:0:0.

Fire Department Budget

Fire Chief Kevin Nord gave a PowerPoint presentation, which explained aspects of the Fire Department budget. Some of the highlights of his presentation were:

- An overview of the call volume and a breakdown of the type of calls, code enforcement and fire prevention inspections the Fire Department handles.

- The requirements of the Emergency Operation Center and what that requires given that Duxbury is within the 10 mile Emergency Planning Zone of Pilgrim Nuclear Power Station.
- An overview of the Fire Department staffing levels. It was noted that a Deputy Chief position was lost in 2006 and has not been restored due to budgetary constraints.
- An overview of the Advance Life Saving (ALS) revenues and expenses. While revenues are up from having two ambulances there also are associated cost increases for fuel costs, replenishing of medical supplies and increases in billing costs.
- An overview of the capital needs of the department from fire vehicles to station maintenance to a town-wide radio network for all public safety departments to be able to receive and respond on the same equipment.

Mr. Flynn moved that the Board of Selectmen recommend approval of the FY'13 Fire Department Operating Budget as shown on page 12 of the Warrant, under FY'13 Finance committee recommendation, in the amount of \$2,453,280.00. Second by Mr. Donato. VOTE: 3:0:0.

Police Department Budget

Police Chief Matthew Clancy gave a PowerPoint presentation, which explained aspects of the Police Department budget. Some of the highlights of his presentation were:

- An overview of the call volume and a breakdown of the type of calls. He noted that a focus of the Police Department has been traffic enforcement. He noted that not only is this a proactive step for public safety, but also acts as a deterrent for other criminal activities.
- An overview of the Police Department staffing levels and the breakout of areas of responsibility. He gave examples of the type of work each division handles.
- The Chief's proposal to re-institute a Deputy Chief position as a non-Union Administrator. As part of that discussion he explained the rationale for this recommendation and the steps involved in accomplishing it. The steps involved require approval of the article by a Town Meeting vote and then the petitioning of the General Court for legislative approval to remove the position of Duxbury Deputy Police Chief from Civil Service.
- Community policing and how that is being accomplished by the Duxbury Police.
- That the Police Dispatchers' Call Center will tentatively be moving in January 2013 to a non-public area at the Fire Station. This will enable the dispatchers to handle calls without distractions.
- An overview of the capital needs and why they are needed.
- The proposed FY'13 Police Department budget represents an increase of 2.67% from the adjusted FY'12 Police Department budget.

Mr. Flynn moved that the Board of Selectmen recommend approval of the FY2013 Police Department Operating Budget as shown on page 12 of the Warrant, under FY'13 Finance Committee Recommendation, in the amount of \$3,265,330.00. Second by Mr. Donato. VOTE: 3:0:0.

DISCUSSION OF ALTERNATIVE ENERGY COMMITTEE MEMBERSHIP

The topic of expanding the Alternative Energy Committee (AEC) membership to add two members of Duxbury Wind Wise was raised at the last Selectmen's meeting. A memorandum was provided to the Selectmen detailing the formation of the AEC with 9 members and its expansion to 11 members in 2007.

Mr. Flynn initially felt that seating Duxbury Wind Wise members would help to heal the controversy between Duxbury Wind Wise and the AEC.

Mr. Dahlen expressed concern for adding too many members so that the AEC becomes unwieldy. Mr. Flynn noted that with more members added that also affects the quorum requirements. Mr. Donato expressed support for adding additional members.

Mr. Chris Sherman, Hounds Ditch Lane resident and member of Duxbury Wind Wise, advocated for having the Selectmen expand the AEC and add two members of Duxbury Wind Wise. He indicated

that he appreciates the work done by the AEC, but opined that the AEC had been deficient in educating others. He also feels there is a lot of consensus on the AEC and feels it would be healthy for diverse views to be represented.

Mr. Jim Goldenberg, Chair of the AEC, said the Committee has not met to discuss the membership issue so he was speaking from his perspective as the Chair. He pointed out that the AEC was already expanded from 9 members to 11 members and expressed concerns for the AEC's expansion. He pointed out that 5 individuals have already filled out Talent Banks and shown interest in being seated on the AEC. He expressed some concern for bypassing those individuals and the precedent it sets. He was very concerned that if Duxbury Wind Wise members are added to the AEC, then wind will dominate the discussion and the AEC are looking at other alternative energy options, such as solar arrays. He noted that there is an AEC meeting tomorrow night and he would like to have a dialogue with the Duxbury Wind Wise members to see if there aren't other ways to accomplish common ground before expanding the AEC.

Mr. Andre Martecchini, a member of the AEC, indicated he doesn't have a particular position on whether to expand the AEC or not. He did mention that the AEC has had divergent viewpoints over the years, which is why progress has been slow. He stated that the AEC has made it clear that wind turbines are off the table and is concerned that if members are added they need to come prepared to look at multiple topics; not just focus on one topic.

Ms. Ellen Nolan, Hounds Ditch Lane resident and member of Duxbury Wind Wise, said that the groups need to co-exist, but opined that the interviews and letters to the editor are not helpful to do so.

It was decided that no further action would be taken at this time, but that the AEC and Duxbury Wind Wise members would initiate a dialogue and then report back to the Board of Selectmen.

Discussion of: Remove Article Pertaining to the Town Clerk Position

The Board has received a memorandum from Town Counsel regarding this article and others. Mr. Dahlen gave an overview of the legal opinion received, which involves three different types of Town Meeting votes and ballot questions.

1. Debt Exclusion Override – The one we are most familiar with seeing is the debt exclusion override which requires a Town Meeting vote and then that it appears on the town ballot two weeks later.

2. How to handle the upcoming CPC article regarding the \$100,000 exemption: Mr. Dahlen reported that Town Counsel researched questions related to CPC surcharges. Based on an Attorney General's opinion, there is a separate statute governing this, which has strict timeframes regarding how many dates after Town Meeting approval, a CPC surcharge change can be put on a ballot. As it was explained to him, Mr. Dahlen said:

- After the Town Meeting vote, 35-days notice is required before a question can be put on a Town election ballot (*The March 24, 2012 Annual Town Election ballot would not meet this.*) or 60-days notice before it could be put on a State Election ballot. (*A State Election ballot is scheduled in November 2012.*)
- There is a "negative presumption" if it is put on the ballot beforehand.
- It is the Town Clerk's decision whether it is put on the ballot. When Town Counsel was asked, he opined that he would not recommend going against the opinion of the Attorney General in such cases.
- That anyone who was looking forward to the CPC exemption passing should understand that the citizens would not see any benefit any earlier than July, 2013. So by waiting and putting it on the November (State Election) ballot, the Town will comply with the mandated timeframe, and it still would be implemented in July, 2013.

3. Changing the Town Clerk from an Elected Position to an Appointed Position. Several different scenarios were outlined with respect to this article:

(a) If the Town Meeting acted and decided to change the Town Clerk from elected to appointed, then it would have to be an appointed position by the Board of Selectmen; not the Town Manager, because this is not contained within the Town Manager Act. So by statute the Board of Selectmen could make the appointment.

(b) If there is a positive vote at Town Meeting, then because of statutory requirements it would have to be at the next regularly-scheduled Town ballot, i.e., the March, 2013 ballot. If an incumbent ran and was elected in 2013, at the same time that the position change is on the ballot, then regardless of the ballot outcome an incumbent can elect to stay the full-term as elected. So it allows an incumbent Town Clerk to remain in the position for four years.

(c) If a non-incumbent ran and was elected in 2013, at the same time that the position change is on the ballot, then the non-incumbent does not have the same rights as an incumbent would. So at that time, assuming the ballot question passed to make the Town Clerk position appointed, then the Board of Selectmen could appoint the Town Clerk.

Mr. Dahlen point out tonight's discussion is only whether to leave it on the warrant. The Board's opinions about whether to support it or not will be discussed at another Selectmen's meeting. He also suggested that by keeping the article pertaining to the Town Clerk Position on the warrant it initiates a long process, but at least it would put it before the public to get a sense of their opinion.

The members of the Board agreed to leave it on the warrant; so no vote was necessary.

Mr. Donato moved that the Board of Selectmen close the Annual Town Meeting warrant with a total of 48 articles. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Flynn moved that the Board of Selectmen close the March 10, 2012 Special Town Meeting warrant with a total of ten articles. Second by Mr. Donato. VOTE: 3:0:0.

It was noted that the Selectmen will sign both the Annual Town Meeting and the Special Town Meeting Warrants at the end of the meeting.

The Selectmen took up other business while waiting for the Planning Board to join the meeting.

DISCUSSION OF TOWN MEETING ARTICLE(S) **Amend the Local Historic Bylaw**

Mr. James Hartford, Chair of the Local Historic District Commission (LHDC), explained that these are housekeeping items. The Local Historic District General Bylaw was approved by the voters at the Annual Town Meeting in 2011. After the 2011 ATM approval, the Attorney General's office must review and approve the Local Historic District General Bylaw. In that process, the Attorney General's Office approved the proposed bylaw, but suggested some revisions to bring the Town of Duxbury into compliance with other communities. He explained the changes.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting Article pertaining to the amending the Local Historic District Bylaw with the text as it appears in the warrant. Second by Mr. Donato. VOTE: 3:0:0.

Amend Flood Insurance Rate Maps

Mr. Dahlen explained that periodically the Federal Emergency Management Agency (FEMA) publishes updated Flood Insurance Rate Maps (FIRM). This was last done in 2005 and new FIRM have been issued, which are virtually unchanged. The Town must adopt the new maps in order for residents to obtain flood insurance, and then the new FIRM become effective on July 17, 2012.

Mr. Flynn moved that the Board of Selectmen recommend approval of the 2012 Annual Town Meeting Article pertaining to Flood Insurance Rate Maps. Second by Mr. Donato. VOTE: 3:0:0.

BUSINESS

For Event Permits and One-Day Liquor Licenses, departmental review of the requests were done. There were no objections and departmental feedback was incorporated into the conditions listed on the permit or license.

Event Permit Requests

Paul Curley for Best Buddies Challenge Bike Ride: June 2, 2012

Mr. Flynn moved that the Board of Selectmen grant permission for the participants in the thirteenth annual Best Buddies Challenge bicycle ride to be held on June 2, 2012, permission to travel through Duxbury and to use the Duxbury Senior Center as a rest stop, contingent upon the conditions listed on the license. Second by Mr. Donato. VOTE: 3:0:0.

Chris Hebert and Rich Berard for Marsh Madness Triathlon: July 22, 2012

Mr. Flynn moved that the Board of Selectmen grant to Mr. Richard Berard and Mr. Chris Hebert, as representatives of Fast Forward Race Management, permission to hold a portion of "The Marsh Madness—Marshfield Sprint Triathlon" in Duxbury on Sunday, July 22, 2012. Second by Mr. Donato. VOTE: 3:0:0.

One-Day Liquor License Requests

Douglas Hart for Duxbury Yacht Club: 3-11-12, 4-21-12; 5-5-1; 5-1-12

Mr. Flynn moved that the Board of Selectmen grant to Mr. Douglas Hart, as a representative of the Duxbury Yacht Club, four One-Day All-Alcoholic Liquor Licenses for the following events:

1. Mid-Winter Cruise Dinner on March 11, 2012, to be held at the Sprague-Parker Clubhouse on Fairway Lane from 6:00 PM to 10:00 PM;
2. Ping Pong Tournament on April 21, 2012, to be held at the Ellison Clubhouse at Mattakeesett Court from 6:00 PM to 10:00 PM;
3. Derby Party on May 5, 2012, to be held at the Sprague-Parker Clubhouse on Fairway Lane from 5:00 PM to 7:30 PM;
4. Ladies' Golf Dinner on May 10, 2012, to be held at the Sprague-Parker Clubhouse on Fairway Lane from 6:00 PM to 10:00 PM,

subject to the conditions listed on the licenses. Second by Mr. Donato. VOTE: 3:0:0.

Doris Collins for the Duxbury Art Museum: 2-19-12

Mr. Flynn moved that the Board of Selectmen grant to Ms. Doris Collins, as a representative of the Duxbury Art Museum, a One-Day All-Alcohol License to hold a reception on Sunday, February 19, 2012 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 (Continued)

Citizen Petition Pertaining to Amend the Wind Turbine Bylaw (short-form)

Mr. Jack Murphy, a resident of Hounds Ditch Lane, offered a Power Point presentation on behalf of "Duxbury Wind Wise". The two amendments that Duxbury Wind Wise is proposing and advocating for are:

1. in Section 616.2 Definitions, to add the following sentence at the end of the definition of the word "Height": "Community-Scale Wind Facilities may not exceed a total height of 225 feet."
2. in Section 616.2 Definitions, to add the following sentence at the end of the definition of the word "setback": "The minimum setback requirement for all Community-Scale Wind Facilities is fifteen times total Height."

Throughout the presentation Mr. Murphy explained some of the rationale Duxbury Wind Wise used in arriving at the proposed amendments, how they relate to Duxbury and why Duxbury Wind Wise believes the proposed amendments should be passed. A few of the key points he made were:

- A 250 foot turbine 275 feet from a property line is too close.
- As technology continues to develop the turbines get smaller, more efficient, and more compatible with the community.
- Health concerns. Some of this information was previously presented to the Selectmen during Duxbury Wind Wise presentations. (*Please see Selectmen Minutes of November 12, 2011 and November 28, 2011.*)

Mr. Jim Goldenberg, Chair of the Alternative Energy Committee (AEC) then spoke and made the following points:

- The AEC feels that the proposed changes to the (Wind Turbine) Bylaw will in effect kill a wind turbine in Duxbury.
- The siting of a wind turbine has been tabled as the AEC has been able to find alternatives in long-term contracts (ranging from a minimum of 10 yrs. to potentially 20-years) for energy from solar arrays.
- The information presented by Duxbury Wind Wise applies to industrial wind farms involving multiple turbines and commercial-sized turbines; not community-sized turbines. To explain this he gave some statistics about some local examples: The Kingston turbines being the commercial-sized example. Hull Wind I (by the high school) and the turbine at Mass Maritime Academy are examples of community-sized turbines. He mentioned that based on his research he could not find any evidence of reported health concerns or decrease to real estate values.
- He provided a copy of a report, which was prepared by the Massachusetts Department of Environmental Protection (MDEP) and the Massachusetts Department of Public Health (MDPH). [Actual report title: "Wind Turbine Health Impact Study: Report of Independent Expert Panel, January 2012]. The report was prepared to help municipalities looking at wind turbines to assess some of the concerns and health risks. It was prepared by an independent panel of experts, who reviewed numerous studies. Mr. Goldenberg said the conclusion indicated was there was "no evidence of health impacts."
- He noted that the AEC spent a considerable amount of time developing the Wind Turbine Bylaw based on the current technology; not for potential future technology.
- He opined that the Wind Bylaw represents a commitment to renewable energy.

Mr. Brian Glennon, Planning Board member, spoke on behalf of the Planning Board. He began by acknowledging the efforts made by Duxbury Wind Wise to educate the Board and the public. The Planning Board voted to recommend Indefinite Postponement (IP) of the article based on the 15 times the height setback being proposed. He said after review the Planning Board feels that the proposed amendments would effectively make Wind Turbine Bylaw meaningless. The Planning Board feels that by Indefinite Postponement it would allow for further review to evaluate the setback proposal.

Mr. Chris Sherman, Hounds Ditch Lane resident and Duxbury Wind Wise member, opined that what is good for other communities is not necessarily good for Duxbury. He disagreed with the comment by Mr. Goldenberg that the facts were taken out of context. He mentioned that 1.24 mile setback is to industrial turbines and indicated that they had done a lot of internet research to come up with the 225' standard being proposed. He mentioned that if wind turbine was sited at North Hill Country Club (NHCC) then the AEC would seek a variance to the bylaw to get the economics to

work. He reiterated some of the information provided in the presentation regarding the number of residences that would be affected. Mr. Sherman did acknowledge the efforts of the AEC to pursue solar alternatives. He commented that Duxbury does not need a wind turbine to reach the Town's green goals.

Mr. Dahlen commented that he appreciated the AEC decision to put the wind turbine on hold. He said he feels that more study is needed and postponing it will allow for more education and more appropriate setback and height numbers. He welcomes having the discussion at Town Meeting and believes it will simply come down to a question of "Do I want a wind turbine in Duxbury or not?"

Mr. Flynn noted he was clearly against siting the wind turbine on NHCC, but agrees with the AEC that he doesn't necessarily want to kill the bylaw given what future technology might become available.

Mr. Donato said that he appreciated the Duxbury Wind Wise presentation, especially with regard to new technologies.

Ms. Ellen Nolan, Hounds Ditch Lane resident and Duxbury Wind Wise member, said the AEC is going to try to get green community status and mentioned some of the criteria involved. Her concern was if green community status is achieved then it allows things to be build "by right" (without variances).

Mr. Dahlen replied by stating that the current bylaw said it does require a special permit. Green Community status doesn't say you have to have a wind turbine.

Mr. Goldenberg indicated a special permit is a critical part of the bylaw so that it has to go to the Planning Board for review.

Ms. Nolan commented that the Bylaw conflicts with some of the concerns raised, such as flicker and noise. In response Mr. Dahlen said that is why you need a special permit.

Mr. Dan Ryan, Hounds Ditch Lane resident, suggested the proposed amendments are being made to say here are what the requirements are, and how it is presented, i.e., "is the glass half empty or half full" makes a difference.

Ms. Joanne Levesque, Hounds Ditch Lane resident and Duxbury Wind Wise member, took exception with Mr. Goldenberg's wording of the conclusion of the previously mentioned MDEP and MDPH report*. She said wording in the report was there was "no conclusive evidence" linking wind turbines and health effects and opined that this is significantly different that how Mr. Goldenberg stated the conclusions. She quoted one section of the report.

*NOTE: The full report can be accessed at the following link:
<http://www.mass.gov/dep/energy/wind/panel.htm>

Mr. Dahlen noted that it is not the AEC job to make decisions; it is their job to study and evaluate the information and the issues and make recommendations. The AEC has no approving authority.

Ms. Nolan opined that they don't have any guarantees.

Mr. George Wadsworth, Planning Board, re-iterated that the amendments eliminate any possibilities for a wind turbine so in effect you might as well get rid of the bylaw all together.

Mr. Chris Sherman proposed that the Selectmen expand the AEC and add two members of Duxbury Wind Wise. The Chair indicated that would be considered and put on a future agenda for discussion.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting Citizen Petition to amend Section 616 of the protective bylaw on Community Scale Wind Facilities (short version). Second by Mr. Donato. VOTE: 1:2:0. (*Mr. Donato –aye; Mr. Flynn and Mr. Dahlen –nay.*)

Mr. Flynn explained his vote by indicating he was not in favor of siting a wind turbine at NHCC, but feels that it should be looked at versus killing the bylaw.

Mr. Dahlen added that we also need to clarify the wording to look at dwellings versus the property line.

Stretch Energy Code

Mr. Goldenberg, Chair of the AEC, explained that this is an optional state code that requires a 15% increase to the base Building Code, which tends to bump up every year or so. The AEC proposed this article for the establishment of minimum design and construction requirements for energy efficiency. He added adopting a Stretch Code is one step towards the town's achievement of a Green Community designation by the Commonwealth of Massachusetts. He said having the Green Community designation allows a community to access grants. He gave an overview of some of the criteria.

Mr. Tom Broadrick, Town Planner, suggested that the Stretch Energy Code, is a good idea regardless of whether or not it is for a Green Community designation. He pointed out the Town already meets several of the criteria. He mentioned that PACTV will be broadcasting the informational forum about this at 8 AM this week on the Duxbury Cable Channel.

Mr. Dahlen mentioned that initially he was not for it, but spoke of his personal experience when it was mandated on one of his jobs. To summarize it added some cost (about \$1500.), but there are rebates available and ultimately pays for itself in savings. In is now convinced it is a good thing.

Mr. Flynn moved the Board of Selectmen recommend approval of the 2012 Annual Town Meeting article pertaining to the adoption of the Stretch Energy Code. Second by Mr. Donato. VOTE: 2:1:0. (*Mr. Flynn and Mr. Dahlen – aye; Mr. Donato –nay.*)

Old Colony Planning Council

Mr. Broadrick, Town Planner, explained that Duxbury is currently a member of the Metropolitan Area Planning Council (MAPC), which means Duxbury competes with many other communities for limited Transportation Improvement Project (TIP) funds. The Old Colony Planning Council is a similar group but consists of fewer communities. The cost for membership to OCPC is \$4000 per year. The Planning Board is suggesting that the membership to both be on a trial basis for one year, to determine the types of services OCPC could provide and whether being in a smaller group (i.e., OCPC) would improve the opportunities for Duxbury to receive funding.

Mr. Flynn moved that the Board of Selectmen recommend approval of the 2012 Annual Town Meeting article pertaining to the Old Colony Planning Council. Second by Mr. Donato. VOTE: 3:0:0.

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

1. Meeting with Entergy: Mr. MacDonald said that he and Fire Chief Nord met with representatives of Entergy Corp. to discuss funding issues related to the Emergency Operations Center. The Entergy representatives are reviewing the issues and concerns raised, but overall it was a productive discussion.

2. Cable Equipment for Mural RM: The Town Manager announced that he was aware the broadcast quality of the Selectmen's meetings has not been good. To improve the service new cameras and

microphones have been ordered for installation in the Mural Room. He also mentioned they are looking into a remote camera, which will allow PACTV to tape or broadcast meetings held at the Senior Center. It is hoped that this will allow for more public meetings to be televised in the future. He said steps are also being taken to make sure wiring is installed in new construction so televising meetings will be available at other locations in the future.

3. Remote Participation at Committee Meetings: Mr. MacDonald mentioned that he will be working on instituting the capability for remote participation as is now allowed under Open Meeting Laws.

4. Gas/Fuel/ Diesel Usage: Mr. MacDonald informed the Board that a 4-year review of fuel usage was recently done and it was found that usage has been fairly stable. He did mention that for FY'13 budget it was necessary to increase the fuel budget of the departments due to the projected increase to fuel costs.

ANNOUNCEMENTS

Mr. Donato read the announcements which provided details (date, times and locations) of:

1. the Presidential Primary Election and Absentee ballots related to the Presidential Primary,
2. the Duxbury Annual Town Meeting; and
3. the next Selectmen's Meeting on Thursday, March 1, 2012 at 8:00 AM.

MINUTES

Mr. Flynn moved that the Board approve the Executive Session Minutes of February 13, 2012 as presented, with the contents to remain sealed due to medical confidentiality. Second by Mr. Donato. Vote: 3:0:0.

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS

APPOINTMENT:

Mr. Donato moved that the Board of Selectmen appoint Ms. Lisa Betteridge to the Agricultural Commission to fill the unexpired term due to expire on June 30, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

ADJOURNMENT

At 9:50 PM Mr. Flynn moved that the Board of Selectmen's meeting be adjourned. Second by Mr. Donato. VOTE: 3:0:0.

LIST OF DOCUMENTS

1. *Draft motion for entering Executive Session.*

TOWN MEETING ARTICLES:

2. *FY'13 Operating Budget – School Department Budget & suggested motion*
3. *Consolidation of Town / School Functions: 2012 ATM Article wording, MGL Chap. 71 Section 37M, and suggested motion*
4. *Facilities Manager Position: 2012 ATM Article wording, DRAFT job description for Facilities Manager; and suggested motion*

- 5. Citizen Petition Pertaining to Pilgrim Power Station: 2012 ATM Article wording; 5-pg Explanation of the Rationale prepared on behalf of the proponents by Mary ("Pixie") Lampert. 2-pg Support Article 9 Handout presented to Board at the meeting.*
- 6. Fire Dept. Budget: Public Safety FY'13 Operating Budget; Handout of Powerpoint Fire Dept. FY'13 Budget Presentation; and suggested motion.*
- 7. Police Dept. Budget: Public Safety FY'13 Operating Budget and suggested motion.*
- 8. Compensation of Elected Officials: 2012 ATM Article wording and suggested motion.*
- 9. Town Clerk Position: 2012 ATM Article wording and suggested motion.*
- 10. Memorandum to Board of Selectmen from C. Anne Murray RE: Alternative Energy Committee membership*
- 11. Suggested Announcements: Presidential Primary Voting and Absentee Ballots; Annual Town Meeting Information; and Next Bd. Of Selectmen Meeting on 3/1/12 at 8 AM.*
- 12. Draft Executive Session Minutes (moved to Exec. Session files).*
- 13. Board & Committee's Appointment/ Reappointment Sheet – Agricultural Commission.*
- 14. Signature File: Informational copies of items in the Selectmen's Signature file to be sign.*