

Date: March 1, 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.

The meeting was called to order at 8:00 AM in Open Session.

OPEN FORUM

No items were brought forward by the public.

EVENT PERMIT REQUESTS

For Event Permits departmental reviews 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: JEFFREY BISHOP FOR HOLY FAMILY KNIGHTS OF COLUMBUS--TIMOTHY STEELE ROAD RACE on May 12, 2012

Mr. Jeffrey Bishop, the organizer of the event, was present to answer any questions the Selectmen had. He explained that Lt. Timothy Steele, who grew up in Duxbury, was killed in action last year while serving in Afghanistan. A series of events, including the road race, a golf tournament, and a memorial banquet to celebrate Lt. Steele's life are being arranged for the May 12, 2012 weekend. The events are fundraisers for the support of Lt. Steele's widow, Meghan and daughter, Liberty.

Mr. Flynn moved that the Board of Selectmen grant to Mr. Jeffrey Bishop, as a representative of the Holy Family Knights of Columbus, permission to hold a road race on May 12, 2012, contingent upon the conditions listed on the permit. Second by Mr. Donato. VOTE: 3:0:0.

EVENT PERMIT: JACK O'CONNOR FOR DUXBURY YOUTH BASEBALL—OPENING DAY PARADE ON April 28, 2012

Mr. Flynn moved that the Board of Selectmen grant to Mr. Jack O'Connor, as the President of Duxbury Youth Baseball, permission to conduct a parade on April 28, 2012 (beginning at noon), with a rain date of April 29, 2012, from Chandler School to the Sinnott/Tarkiln baseball fields, subject to the conditions listed on the permit. Second by Mr. Donato. VOTE: 3:0:0.

DISCUSSION OF TOWN MEETING ARTICLE(S)

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

Deputy Police Chief Position (ATM Art. 9)

Police Chief Matthew Clancy presented this article to the Board. He explained that he is working towards a re-structuring of the Police Department. Some of the key points he made were:

- Currently the Police Department has 3 Lieutenant (LT.) positions, but only two are filled as the third LT. retired. This structure does not give a clear second in command and all the Lieutenants are in a labor group.
- In the restructuring he is proposing to have a Deputy Chief position and two LT. positions, with the Deputy Chief to be a non-union position. The Deputy Chief position is being incorporated into the Personnel Plan in expectation of this change.
- He also proposes removing the Deputy Chief position from Civil Service to open up the candidate pool.
- He explained that this re-structuring will actually be a cost-saving arrangement as well.
- He noted that if approved by a Town Meeting vote, then this change would require petitioning the Legislature for approval.

Mr. Wayne Heward, Chair of the Personnel Board, mentioned that the Personnel Board did review this proposal and voted unanimously to support the Deputy Police Chief position.

Mr. Flynn moved that the Board recommend approval of the 2012 ATM Article pertaining to the position of Deputy Police Chief. Second by Mr. Donato. VOTE: 3:0:0.

Personnel Bylaw

Ms. Jeannie Horne, Human Resources Officer, said that there were not huge changes to the Personnel Plan this year. She gave an overview of the changes mentioning the following:

- There is a clarification to the definition on page 3 regarding the Probationary period; it does not apply to internal transfers.
- The offer of the employment process was streamlined and more reflective of the actual process.
- On page 10 a new category, "gender identity", was added to the Equal Opportunity Clause.
- Language was added to clarify the hiring of new employees and the performance appraisals of new hires was clarified.
- On page 33, in the Salary section, new language was inserted to clarify the years of service in terms of a current position vs. a past position.
- On pages 34-35, in the Compensation Schedule, added Facilities Manager and HR Officer Assistant and the position of Director of Inspectional Services has been changed to Director of Municipal Services. Mr. MacDonald mentioned that the change in the title is reflective of consolidating all permitting and inspectional services and the additional procurement duties.
- The merit review process was also updated.

Mr. Flynn moved that the Board recommend approval of the 2012 ATM Article (#7) pertaining to the Duxbury Personnel Plan and Compensation Schedule, and to recommend approval of the amount of \$88, 830.00 for the purposes of this article. Second by Mr. Donato. VOTE: 3:0:0.

Accrued Liabilities to Town Employees (ATM Art. 16, Finance)

Mr. Madden said that occasionally employees discontinue service for any number of reasons, such as retirement, termination, or new opportunities. When an employee leaves he/she is entitled to whatever is owed in accrued sick time, vacation time and/or other compensation. When this happens and it is unexpected, then it can put a strain on departmental budgets. So the intention of this article was to request that the Selectmen support putting \$110,000.00 aside from Free Cash, which could be used to meet such accrued liabilities. However, after discussions the Finance Committee is going to recommend Indefinitely Postponing this article.

Given the Finance Committee's recommendation the Selectmen decided not to vote on this article.

Town Operating Budget (ATM Art. 5)

Mr. Madden provided an overview of the FY2013 Operating Budget, which totals just over \$57 million, not including the Water Enterprise Fund and the Percy Walker Pool Enterprise Fund. Some of the highlights of the overview were as follows:

- The FY13 budget represents over \$2 million more than the FY12 budget for a 3.76% increase. It is at a level to continue the services that the community enjoys.
- Pointed out that not all departmental requests could be fulfilled. For example, the Fire Dept. request to re-instate a Deputy Chief position, which has gone unfilled for several years, was denied. Since FY'11 the Police Department has lost 4 positions.
- He noted a \$850,000.00 increase for Special Education teachers and special education needs.
- There was a 2.8% decrease in the Water Enterprise Operating Budget due to decreasing debt load.
- There was a 2.2% decrease in funding the Pool. Expenses there were higher than anticipated due to higher electrical / fuel expenses, and membership has not re-bounded as strongly as projected. Some of the decrease is being covered by increased user fees, and some by salary reductions, which will result in funding 2 aquatic positions versus 3 aquatic positions.

Mr. Flynn moved that the Board recommend approval of the FY2013 Operating Budget for the Town of Duxbury, in the amount of \$2,445,117.00 for the Water Enterprise Fund, \$363,847.00 for the Percy Walker Pool Enterprise Fund, and \$57,023,635.00 for the remaining Operating Budget of the Town. Second by Mr. Donato. VOTE: 3:0:0.

FY'2012 Capital Budget (ATM Art. 6)

Mr. Madden mentioned that he has not received all the recommendations of the Fiscal Advisory Committee (FAC), but did mention the following:

- FAC recommended funding an additional new ambulance. He explained that as shown in a recent Fire Dept. presentation one of the ambulances is often out of service for repairs, which effects response times. The service in addition to providing advance life support does generate revenue so it is important to have it in good working condition.
- FAC recommended \$125,000.00 to refurbish a pumping engine, which is seen as an investment to extend the life of that vehicle by 10 years.
- FAC supported replacement of a Harbormaster vehicle, which is at the end of its useful life.
- For the DPW, the FAC supported nearly 50% of the requests recommending fund for the top 1-5 priorities of a 12 item request list.
- FAC supported \$125,000.00 for a new town-wide dedicated fiber optic phone systems what will link the Police and Fire Departments, the crematory, the Transfer Station, and Town Hall, and will be compatible with the new School buildings. Three main reasons for supporting this were: (a) Much improved speed and reliability. (b) This will allow you to dial one number to reach Town services instead of having to dial separate phone numbers for separate buildings. (c) Will help create a redundancy with greater band width for Public Safety.
- The COA is busier than ever and the FAC supported requests for reconfiguring the front area to be a more welcoming with a coffeehouse area and requests for some basic maintenance needs.
- Basic maintenance requests
- The FAC supported \$350,251.00 School Department capital needs for projects / purchases, including: The Chandler gym floor replacement and lighting improvements; system-wide computer hardware upgrades; mobile computer lab upgrades; phase II of wireless technology in the high school; system-wide network upgrades; asbestos tile replacement; white marker board replacements, and carpet replacement.

- **The recommended Water Dept. capital expenditures include funding for: Tremont Street well rehabilitation, continuation of the PCE pipe replacement, and water main replacement.**

Mr. Flynn moved that the Board recommend approval of the FY2013 Capital Budget for the Town of Duxbury, in the amount of \$1,461,812.00 from the General Fund; and \$330,000.00 from the Water Enterprise Fund. Second by Mr. Donato. VOTE: 3:0:0.

Pertaining to Revolving Funds (ATM Art. 13)

Revolving Accounts are ones in which monies collected are deposited to be used specifically for related expenses to those items. The authorized amounts set the ceiling for expenditures so they cannot overspend the set authorization, but, if there were a specific need, a subsequent authorization could be made by approval of both the Selectmen and the Finance Committee. The recommended maximum expenditure amounts for each of the revolving accounts are as follows: (a) Council on Aging (COA) \$90,000., (b) Jaycox Tree Farm \$20,000., and (c) the new Fire Department Hazardous Materials account \$50,000.

Council on Aging Revolving Fund

The recommendation is for \$90,000.00, which is \$20,000.00 more than in the past. The increase is reflective of the additional programs offered by the COA.

Mr. Flynn moved that the Board recommend approval of the re-authorization of the Council of Aging Revolving Fund in the amount of \$90,000.00. Second by Mr. Donato. VOTE: 3:0:0.

Jaycox Revolving Fund

The Jaycox Revolving Fund is created by revenues generated through the sale of Christmas trees grown on Town-owned land off of West ST. The funds are used to pay a forester for spraying and trimming the trees and maintaining the property.

Mr. Flynn moved that the Board recommend approval of the re-authorization of the Jaycox Tree Farm Revolving Fund in the amount of \$20,000.00. Second by Mr. Donato. VOTE: 3:0:0.

Hazardous Materials (Haz-Mat.) Revolving Fund

Mr. Madden explained that when there is an incident requiring hazardous materials cleanup the funds are used to replace, repair, or buy the equipment and supplies needed, and to pay for firefighters, who respond to these types of incidents. Since it is hard to predict when such incidents will happen having a dedicated fund helps. The funding comes from insurance claims and/or billings.

Mr. Flynn moved that the Board recommend approval of the re-authorization of the Fire Department Hazardous Materials Revolving Fund in the amount of \$50,000.00. Second by Mr. Donato. VOTE: 3:0:0.

The Stabilization Fund (ATM Art. 47 & STM Art. 8)

Mr. Madden explained that this is an annual article. He noted that having money in a Stabilization Fund is looked on very favorably by the bond rating agencies. This year he is recommending that the ATM article 47 be indefinitely postponed, because instead the request to transfer \$300,000.00 from free cash to the Stabilization Fund is being requested under STM Art. 8. The Town's goal was to reach 5% in FY'15, but the good news is that it now appears that goal will be reached in FY'14.

Mr. Flynn moved that the Board recommend Indefinite Postponement (IP) of ATM Art. 47 pertaining to the Stabilization Fund. Second by Mr. Donato. VOTE: 3:0:0.

Mr. Flynn moved that the Board recommend approval of the transfer of \$300,000.00 from Free Cash to the Stabilization Fund, per STM Article #8. Second by Mr. Donato. VOTE: 3:0:0.

Unpaid Bill (STM Art. #2)

Mr. Madden explained that sometimes services are rendered before June 30th, but for whatever reason the billing is not done until well into the next fiscal year. Those that are received by mid-July can be encumbered and paid when they are received, but if the vendor misses that date, then they must wait for authorization at the next STM. There are five unpaid bills that were for services rendered, which total \$1,887.42 and the Finance Director requested the Selectmen to support payment of them.

Mr. Flynn moved that the Board recommend approval of STM Article (#2) pertaining to unpaid bills. Second by Mr. Donato. VOTE: 3:0:0.

Departmental Transfers (STM Art. 1)

Mr. Madden said that the budgets have been so tight that there is little to no flexibility to deal with unanticipated expenses. He explained the unanticipated expenses and the recommended transfers to cover the costs (see table below).

Mr. Flynn moved that the Board recommend approval of STM Article (#1) of the following transfers:

AMOUNT	FROM:	TO:
\$550	Selectmen Personal Services	Town Meeting Expenses
\$600	Selectmen Personal Services	Info Services Personal Expenses
\$7,220	Assessors Personal Services	Human Resources Expenses
\$29,400	Free Cash	Fire Personal Services
\$37,600	Free Cash (\$19,000), Fire Personal Services (\$18,600)	Fire Expenses
\$716.26	Treasurer / Collector Personal Services	Harbormaster Expenses
\$10,802.81	Assessors Personal Services	Library Personal Services
\$7,975.00	Bond Issuance Costs	Short-term interest expenses
\$43,502.50	Insurance Recovery Greater than \$20,000.	Reserve Fund
\$5,511.66	Assessors Personal Services	Town Manager Personal Services
\$80,000.00	Lands and Natural Resources	Central Fuel Depot Services

Second by Mr. Donato. VOTE: 3:0:0.

Pension Reserve Fund (STM Art. 4)

The Finance Director said that he is recommending transfer of \$100,000.00 from Free Cash to the Pension Reserve Fund. Having this Fund helps to mitigate any increases to the pension assessments received from the Plymouth County Retirement System, and this transfere will replenish the fund from \$658,000.00 to \$758,000.00

Mr. Flynn moved that the Board of Selectmen recommend approval of the STM Article (#4) pertaining to the Pension Reserve Fund in the amount of \$100,000.00. Second by Mr. Donato. VOTE: 3:0:0.

Other Post-Employment Benefits (OPEB) / (ATM Art. 15)

An overview on Other Post Employment Benefits (OPEB) was provided by Mr. Madden. Although the Town is not yet mandated to money aside for these future costs, the Finance Director is recommending the establishment of the OPEB Liability Fund as a step towards what may be state mandated in the future. Funds deposited in it would come from reimbursements from Medicare, part D for retirees.

Mr. Flynn moved that the Board recommend approval of ATM Article (#15) pertaining to the establishment of an "Other Post Employment Benefits Liability Fund". Second by Mr. Donato. VOTE: 3:0:0.

Unemployment Trust Fund (ATM Art. 14)

Mr. Madden is asking for support for a transfer of \$55,000.00 from Free Cash, which is used to fund unemployment claims against the Town. He explained that the Town tries to keep the fund at \$200,000.00 annually and this transfer will bring it back up to that level.

Mr. Flynn moved that the Board of Selectmen recommend approval of ATM Article (#14) pertaining to the appropriation for the Unemployment Trust Fund, in the amount of \$55,000.00. Second by Mr. Donato. VOTE: 3:0:0.

Crematory Stabilization Fund (STM Art. 6)

According to Mr. Madden at the FY2010 Annual Town Meeting it was voted to transfer \$60,000.00 to a Crematory Stabilization Fund. This was done to put money aside, in an interest-bearing account, to assist with funding the Crematory construction. The Crematory construction is almost complete and these funds are not needed to complete it. Therefore, the Finance Director requested approval for transferring the balance of \$66,955.11 to the Capital Project Fund.

Mr. Flynn moved that the Board of Selectmen recommend approval of STM Article (#6) pertaining to the Crematory Stabilization Fund in the amount of \$66,955.11. Second by Mr. Donato. VOTE: 3:0:0.

Percy Walker Pool Enterprise Fund (STM Art. 5)

Mr. Madden explained that expenses have been higher than anticipated mainly because of fuel costs. The pool memberships have not quite reached the projected levels, although there has been an increase. As a result of these combined factors there has been a deficit regarding the Percy Walker Pool Enterprise Fund. On January 30th pool fees were raised, which should offset this, but to assure that there is sufficient funding the Finance Director was recommending a transfer of \$10,000.00.

Mr. Flynn moved that the Board of Selectmen recommend approval of STM Article (#5) pertaining to the Percy Walker Pool Enterprise Fund in the amount of \$10,000.00. Second by Mr. Donato. VOTE: 3:0:0.

BUSINESS

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

- 1. Blairhaven Demolition Bids:** Mr. MacDonald said that the demolition bids have been received, opened, and are under review. There were at least 10 bids received.
- 2. Standard and Poor's Bonding Review:** The Town Manager gave kudos to John Madden and the Finance Department team for their preparation and representation of the Town of Duxbury at the recent bonding review by Standard and Poor. Currently the Town enjoys a Standard and Poor's AAA rating. With a lot of upcoming bonding needed due to construction projects the bond rating could have an effect.
- 3. Facilities Manager:** Mr. MacDonald said that with the budget information which was just presented, he hopes the Selectmen appreciate the difficulty the Town would have in funding the Facilities Manager position. He would be hard pressed to fund this new position when he has had to delay filling vacant positions and deny other departmental requests. Given that, he asked that the Facilities Manager position not be funded this year, but that the creation of the Facilities Manager position be approved. There still remain details and understandings to be worked out, but with the creation of the position those discussions can be worked on. Then when the funding is available the position can be filled.

ANNOUNCEMENTS - No announcements made.

MINUTES

Mr. Flynn moved that the Board approve the Open Session Selectmen Minutes of February 13, 2012, as presented. Second by Mr. Donato. Vote: 3:0:0.

COMMITTEE RESIGNATIONS AND APPOINTMENTS/RE-APPOINTMENTS – None made.

ADJOURNMENT

At 8:28 AM 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 Event Permit, 02-09-12 Letter from Jeffrey Bishop organizer of Lt. Timothy Steele Road Race, and departmental feedback.*
- 2. Draft Event Permit, 02-09-12 Letter from Jack O'Connor organizer of Dux. Youth Baseball parade, and departmental feedback.*
- 3. ATM Art. 9: Pertaining to the Dep. Police Chief Position –wording, suggested motion, Administrative Restructure organizational chart, and Deputy Police Chief Job Description.*
- 4. ATM Art.7: Pertaining to the Personnel Bylaw –draft copy of Personnel Bylaw showing markup of changes, additions, and/or deletions. Draft Job Descriptions: Position of Director of Municipal Services; Facilities Manager; and Human Resources Assistant*

5. *ATM Art. 16: Pertaining to Accrued Liabilities to Town Employees—wording, suggested motion, and “ATM Article Accrued Liabilities” memorandum from John Madden, Finance Director.*
6. *ATM Art. 5: Pertaining to Town Operating Budget—wording, suggested motion, and FY’13 Operating Budget spreadsheets.*
7. *ATM Art. 6: Pertaining to the FY’2012 Capital Budget—wording, suggested motion, and FY’13 Capital Budget spreadsheets.*
8. *ATM Art. 13: Pertaining to Revolving Funds —wording, suggested motion, and memos from: Joanne Moore, COA Director, for COA Revolving Fund; Joe Grady, Conservation Administrator, for Jaycox Revolving Fund, and Fire Chief Kevin Nord, for Haz-Mat Revolving Fund.*
9. *ATM Art. 47 & STM Art. 8: Pertaining to the Stabilization Fund—wording, suggested motion, and “STM Article: Transfer to Stabilization Fund” memorandum from John Madden, Finance Director.*
10. *STM Art. #2: Pertaining to Unpaid Bill—wording, suggested motion, and list of five unpaid bills.*
11. *STM Art. 1: Pertaining to Departmental Transfers—wording and suggested motion, which shows the requested transfers.*
12. *STM Art. 4 Pertaining to Pension Reserve Fund—wording and suggested motion, and “STM Article: Transfer to Pension Reserve Fund” memorandum from John Madden, Finance Director.*
13. *ATM Art. 15: Pertaining to Other Post-Employment Benefits (OPEB) —wording and suggested motion, and printout of “Other Post Employment Benefits” PowerPoint presentation dated February 3, 2012 by John Madden, Finance Director.*
14. *ATM Art. 14: Pertaining to the Unemployment Trust Fund—wording and suggested motion, and “ATM Article: Transfer to the Unemployment Trust Fund” memorandum from John Madden, Finance Director.*
15. *STM Art. 6: Pertaining to the Crematory Stabilization Fund—wording and suggested motion, and “STM Article: Transfer to Crematory Construction Fund” memorandum from John Madden, Finance Director.*
16. *STM Art. 5: Pertaining to the Percy Walker Pool Enterprise Fund—wording and suggested motion, and “STM Article: Transfer to P.W. Pool Enterprise Fund” memorandum from John Madden, Finance Director.*
17. *02-13-12 Open Session Selectmen’s Minutes -DRAFT*