

Date: January 23, 2012

Date Minutes Approved: January 30, 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 (Open Session only); and C. Anne Murray, Administrative Assistant.

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 enter an Executive Session to discuss strategy with respect to litigation, in the matter of McCluskey v. Murphy, since an open meeting may have a detrimental effect on the town's litigating position, in accordance with Mass. General Laws Chapter 30a, Section 21, and then to reconvene in Open Session. As Chair, Mr. Dahlen declared the necessity for discussing the above-referenced matter in Executive Session, stating that an Open Session would have a detrimental effect on the Town's position. Second by Mr. Donato. Roll Call Vote: Mr. Dahlen---aye; Mr. Donato---aye; Mr. Flynn---aye.

RE-CONVENED IN OPEN SESSION

At 6:40 PM the Executive Session was adjourned, and the Board of Selectmen meeting re-convened in Open Session at 7:00 PM.

OPEN FORUM

Mr. Steve Peterson, Bolas RD, addressed the Board regarding a concern about Executive Session Minutes. He requested that a review of Executive Session Minutes be put on an upcoming agenda so that the Executive Session Minutes for which the need for confidentiality has passed can be released and suggested that this be done on a more regular basis. Mr. Dahlen indicated that review of Executive Session Minutes would be put on a future Executive Session agenda.

JAYCOX TREE FARM REVOLVING FUND

Conservation Agent Joe Grady had submitted a memorandum to the Board requesting an increase in expenditures from the Jaycox Revolving Fund in the amount of \$5,700.93 to pay for outstanding bills for the operation of the Jaycox Tree Farm. The requested funds would come from existing revenue generated from tree sales this year.

Mr. Flynn moved that the Board of Selectmen authorize an increase in expenditures from the Jaycox Revolving Fund in the amount of \$5,700.93. Second by Mr. Donato. VOTE: 3:0:0.

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.]

Transfer Parcels to Conservation Commission

Mr. Joe Grady, Conservation Administrator, explained that over the years a number of parcels have been taken for back taxes. Following a review of the parcels the Conservation Commission wishes to take over management of nine parcels of approximately 64.7 acres shown on the maps provided. He gave an overview of the parcels. He explained that it is appropriate for these parcels to be under the management of the Conservation Commission because they either abut existing conservation holdings, contain bodies of water, wetlands, and/or stream corridors or are located on street frontage.

Mr. Flynn moved that the Board of Selectmen recommend approval of the 2012 Annual Town Meeting article pertaining to the transfer of parcels to the Conservation Commission. Second by Mr. Donato. VOTE: 3:0:0.

Community Preservation Committee (CPC) Articles:

Present for the following items of business were:

- Mr. John Bear, Chair and Ms. Pat Loring, Vice Chair of the Community Preservation Committee (CPC).
- Mr. Joe Grady, Duxbury Conservation Administrator
- Mr. Steve Dunn, Duxbury Director of Assessing
- A number of proponents of the individual articles.

CPC Operating Budget

Mr. Bear explained that the CPC sets aside an amount of money to cover the Conservation Agent's and Conservation Administrative Assistant salaries, legal costs, and signage costs. Many of these expenses are estimated, but at the end of the budget year whatever funds have not been expended are transferred back into the CPC fund. This year's request is for \$80,500.

Mr. Flynn moved that the Board of Selectmen recommend approval of the 2012 Annual Town Meeting article pertaining to Community Preservation Committee operating expenses, in the amount of \$80,500. Second by Mr. Donato. VOTE: 3:0:0.

CPC Allocations

Mr. Bear indicated that this is an annual CPC requirement. The CPA requires that 10% of estimated revenue must be dedicated to each of the three purposes of the CPA, which are open space, historical preservation, and affordable housing. This year the dollar amount for each of the categories has been calculated as \$167,709.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting article pertaining to the allocation of the Community Preservation Act Funds for the following purposes, and in the designated amounts:

- 1) Open Space: \$167,709.
- 2) Community Housing: \$167,709.
- 3) Historic Preservation: \$167,709.

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

Exempt \$100K from CPC Surcharge

Mr. Bear explained that the Community Preservation Act (CPA) contains a provision to exempt the first \$100,000. of assessed value of taxable residential real estate from the CPA Surcharge. He noted that the dollar amount is not flexible, but dictated within the CPA and that even with the exemption the Town would still be eligible for all rounds of State matching funds. He said the CPC reviewed this as a means of alleviating some of the tax burden given the projected tax increases of the School Building project and the Public Safety Building projects. In their review they looked at the ramifications to the revenue, but are comfortable recommending the exemption. He also noted that this would not only have to pass at the ATM, but on a ballot. There was some question as to the timeframe and Mr. Dunn attempted to answer this.

Mr. Steve Dunn, Director of Assessing, explained that the regulations require that it be approved 90 days before an Annual Town Election or 180 days before the next State Election, and then there is a period of time before it can actually be implemented. The timeframes do not allow it to be on the March 2012 Annual Town Election so it would have to be on the next State Election Ballot in November 2012. Because of the way the municipal fiscal years work, he explained that it potentially would not be implemented until the January 2014 bills.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting article pertaining to the exemption of the first \$100,000 of the assessed value of Class One, Residential parcels from the Community Preservation Act surcharge. Second by Mr. Donato. VOTE: 3:0:0.

North Hill Barn Restoration

Mr. Bear mentioned that the North Hill Barn (a/k/a the Red Barn) was built somewhere between 1710-1730. In reviewing this CPC request they noted that the barn is still structurally sound. He said the initial request was for \$125,000, but the CPC recommendation is for funding \$100,000. The request was submitted by Emmett and Susanna Sheehan, and he turned the discussion over to them.

In the Selectmen's packet was a "Request to Fund the Restoration of the Red Barn at North Hill" and a "Summary of How the Project Benefits the Town of Duxbury and meets the goals of the CPA", as well as letters/memoranda of support. Ms. Sheehan gave detailed description of the structure and an overview of the packet information. It was noted that the total project cost is estimated at \$195,000 and that the difference would come from in-kind services, fundraising and other sources.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting article pertaining to the historic restoration of the red barn at the North Hill Country Club in the amount of \$100,000. Second by Mr. Donato. VOTE: 3:0:0.

Keene Barn Restoration (a/k/a the Isaac Keene Barn)

Ms. Loring explained that when this project was first presented to the CPC they recommended it be split into 2 phases: The first phase being \$90,000. for the plans and specs and repair/restoration of the granite foundation, and that was previously done. This request is for the second phase for further restoration of the barn and cupola, and the CPC voted to recommend \$205,000.

Ms. Deb Samuels, Executive Director of Crossroads for Kids (hereafter Crossroads), spoke as the proponent of this request. She mentioned the barn was built in 1870. The total cost of restoration and renovation has been estimated at \$550,000. The first phase has been completed. This request is for the second phase, which will be for further restoration of the barn and cupola. She said that Crossroads will be making a dollar- for-dollar match for the renovations, which the Crossroads' Trustees have voted to support. The anticipated timeframe is for 12-18 months, depending on fundraising and other factors. She spoke of the large number of Duxbury children, as well as others, who participate at Crossroads.

In response to a question about the dollar amounts, Mr. Bear said the CPC recommendation is for \$205,000. and Crossroads would be matching that.

Mr. Bear also mentioned at this point that there were nine CPC applications. All nine were reviewed by the CPC with the result that seven are being brought forward for funding and two were denied.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting article pertaining to the historic restoration of the Isaac Keene Barn located on Keene Street, in the amount of \$205,000. Second by Mr. Donato. VOTE: 3:0:0.

Nathaniel Winsor Jr. House Restoration

Mr. Bear mentioned that the Nathaniel Winsor Jr. House was built in 1870. It is at the corner of Mattakeesett Court and Washington Street, and serves as the administrative offices of the Duxbury Rural & Historical Society (DRHS). It is within the Local Historic District and the funding request is with respect to the four chimneys. The CPC is recommending support of the request.

Mr. Patrick Browne, Executive Director of the DRHS, noted that the House is on the National Historic Register of Places and architecturally is the most significant house in the area. It is used for both public and private functions, as well as being open for tours. The four chimneys have been examined by an expert and the existing masonry is not salvageable. The chimneys need to be rebuilt. He mentioned that they have gone through a bidding process, where seven companies were invited to bid on the job and they have received two viable bids. The total project cost is estimated to be \$75,000 and they are requesting 50% of that.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting article pertaining to the historic restoration of the chimneys at the Nathaniel Winsor, Jr. House, located on Washington ST, in the amount of \$37,500. Second by Mr. Donato. VOTE: 3:0:0.

Engineering Study for Depot Street Sidewalk

Mr. Bear said that the Sidewalk and Bike Path Committee (hereafter SWBP Committee) has requested funds for an engineering study for a sidewalk to run from Surplus Street to Halls Corner on the north side of the street. The CPC reviewed the request and is recommending \$40,000., which would be for the engineering costs only.

Ms. Nancy Johnson, a member of the SWBP Committee, provided further details of the request. She mentioned the community support for a sidewalk in this area, specifically from the area residents. She cited the benefits, including: public safety, promotion of healthy recreational activity, support for the business community, and improved access to the Town-owned conservation land in the area. She explain that from past projects the SWBP Committee has learned that you have to have engineering design in order to seek grants or other funding, which they expect to do for the construction costs.

There was some discussion by the Board about why the project is only to Surplus Street versus all the way to Rte. 3A. Ms. Johnson responded to the Boards' comments by indicating from past experience the SWBP Committee anticipated some opposition, noting a portion of that section is owned by DRHS, which had issues with an earlier proposal for sidewalks along 3A.

Mr. Richard Brennen, Myrtle ST resident, questioned using CPC funds for sidewalks and opined that he did not feel CPC funds should be used for this type of project.

In response Mr. Bear indicated a number of communities view sidewalks under the open space (recreational) category. He also pointed out that by funding the engineering design the project is

opened up to eligibility for grants and as part of the engineering design easement information is provided. He also cited the widespread community support voiced for this project.

Mr. Steve Peterson, Bolas Road, liked the suggestion of extend the additional engineering from Surplus ST to Rte. 3A, but not if construction was unlikely.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting article pertaining to design and engineering plans and specifications for a sidewalk along Depot ST, in the amount of \$40,000. Second by Mr. Donato. VOTE: 3:0:0.

Duxbury Free Library Entrance

Ms. Pat Loring mentioned that this request is for \$15,290. for historic restoration of the capstone at the entrance to the Duxbury Free Library. The building was the former Duxbury High School and when the restoration and renovation of it occurred in 1997 there was a lot of discussion about the entrance and the capstone and it was decided to maintain it. The project entails repair of the capstone and painting of the roof area above the entrance.

Ms. Carol Jankowski, Library Director, mentioned that the capstone has deteriorated to the point where for safety reasons a board has been secured over it. Funding of this project would allow for a safe entrance and for preserving the story of the building, which was strongly advocated for back in 1997. The project has both historic and practical value to the community.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting article pertaining to the historic restoration of the entrance to the Duxbury Free Library, in the amount of \$15,290. Second by Mr. Donato. VOTE: 3:0:0.

Housing Consultant

Ms. Pat Loring explained that this request is from the Local Housing Partnership (LHP) for two items and the CPC is recommending \$20,000. The first item is \$15,000. toward an update of the Planned Production Plan, which is required every five years. The current Plan expires in 2012. The remaining \$5,000. is for the LHP to get assistance preparing the Federal Home Loan Bank application. She noted that the LHP is a volunteer committee with minimal staff assistance and that much of the paperwork is quite involved and does require professional knowledge.

Ms. Diane Bartlett, Chair of the LHP, added that the update to the required Planned Production Plan allows the subsidized housing inventory to be updated. The Federal Home Loan Bank application does require a local bank to support it. Arrangements have been made with Scituate Federal Savings and Loan Bank of Marshfield.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting article pertaining to hiring a housing consultant. Second by Mr. Donato. VOTE: 3:0:0.

First Meeting House Site Study

Mr. Bear said the First Meeting House is located at the Chestnut Street Burial Ground, which is adjacent to the Myles Standish Burial Ground. It was originally intended to be an archeological dig, but the Board of Cemetery Trustees did not support that. The CPC is recommending funding of this request in the amount of \$7,600.

Ms. Sheila Lynch spoke for the proponents of this CPC request. She mentioned the historic significance of the site. The funding of this article would be for ground penetrating radar to locate where the corners of the First Meeting House are so that they could be marked. It is hoped the work could be done by the end of May, 2012 in time to have granite blocks marking the corners as part of Duxbury's 375th Anniversary.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting article pertaining to a ground penetrating radar study and analysis of the First Meeting House site at the Chestnut Street Burial Ground, in the amount of \$7,600. Second by Mr. Donato. VOTE: 3:0:0.

Citizen Petition to Reduce CPC Surcharge

Mr. Tom Chapman, primary proponent of a Citizen's Petition to reduce the CPA Surcharge from 3% to 1% addressed the Board. He said declining property values and increasing tax assessments, especially given the Town and School building projects coming online, is why he brought the Citizen's Petition forward. Its intent is to reduce the burden for many residents, but especially those on fixed income. He mentioned that he has supported many of the CPC projects, but cited decreasing State matching funds and increasing requests from private non-profits as two reasons the reduction should be supported.

Mr. Dahlen said he is sympathetic to the issue of the increased taxes and realizes this will impact many. However, he feels that the CPC proposed exemption is a better option to provide some tax relief. In his opinion the drop from 3% to 1% is too big a reduction. He pointed out the side benefits of the CPC projects have been to preserve open space areas and to preserve the historic character of the community. He believes the community values that. Therefore, while he doesn't personally support it, he supports having the community have the opportunity to express their opinion.

Mr. Donato agreed with Mr. Dahlen's comments. While the \$100,000 exemption is perhaps not as strong as Mr. Chapman's reduction, it will allow the Town to still qualify for match funds.

Mr. Chapman responded that it seems that more of the projects are wants versus needs. Plus he objected to private, non-profits receiving public money when they have their own funding. He also questioned the practicality of some of the funding. He suggested that storage in an old structure is still storage, and it might be cheaper to build a new structure. He noted that the CPC already has the funds to pay for the current projects and the reduction would not go into effect for some time (as previously discussed January, 2014.)

Mr. Flynn stated that he would support a rate reduction, but supports the CPC Exemption, which does provide alleviation of the tax burden, but still allows for the Town to qualify for the most matching funds.

Before the Selectmen voted Mr. Chapman asked what percentage the ballot vote would require? Mr. Dahlen said he believes only a simple majority is required. (Mr. Dahlen added that if a ballot vote requires borrowing that is when a 2/3 vote is required on the ballot.)

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting Citizen Petition article pertaining to a reduction of the CPC Surcharge. Second by Mr. Donato. VOTE: 0:3:0 (*Selectmen do not support the article.*)

Citizen Petition to Reduce Property Taxes for Senior Citizens

Mr. Richard Brennen, Myrtle Street, the main proponent of the Citizen's Petition which seeks to petition the General Court to empower the Town to reduce by five percent (5%) the real estate tax of any resident of 70 years of age or more and to have the act take effect upon its passage, addressed the Board. He said Town Counsel indicated that this had to be a petition to the General Court. Mr. Brennen cited the forthcoming tax increases and that 10% of Duxbury residents are over age 70 and on fixed incomes as reasons he brought this petition forward.

Ms. Sheila Lynch asked whether someone over 70 years old, who is in a high income bracket, would be exempted from the tax reduction? Based on the wording of the article the answer was "no."

Mr. Flynn indicated that the wording does not suggest that it would merely empower the Board. It is a bill the Town would file with the General Court and if approved by the General Court, it would go into effect.

Mr. Dahlen indicated he would like to know more about what effect this would have to the tax revenues of the Town and how that would impact services, and suggested postponing a vote.

In response Mr. Steve Dunn, Director of Assessing, pointed out that the Town would still have to collect the same amount of revenue so in effect you would be shifting the burden to those under age 70 years to make up the difference. He also mentioned that the Town currently does have a provision in place for which financially-qualified, low-income seniors can apply for a 41D tax reduction. He mentioned some of the qualifications and when asked indicated that currently about 25 seniors are taking advantage of the 41D provisions. It was pointed out that a seminar was recently given at the Council of Aging to inform more of the senior population about the 41D provisions.

In the final analysis, it was mentioned that the 41D is need based, whereas this proposed article does not exempt higher income seniors. There was some agreement that the 41D should be explored to see if the income thresholds could be raised so more might qualify for the assistance. Given the wording of the article, it was decided not to postpone the vote.

Mr. Flynn moved that the Board recommend approval of the 2012 Annual Town Meeting Citizen Petition article pertaining to a reduction in property taxes for senior citizens as described above. Second by Mr. Donato. VOTE: 0:3:0. (*Selectmen do not support the article.*)

CALL TO PRESIDENTIAL PRIMARY ELECTION

Mr. Flynn moved that the Board of Selectmen direct either of the Constables of Duxbury to do the following:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of Duxbury who are qualified to vote in the Primaries to vote at Duxbury Middle School Gymnasium, 71 Alden Street, Duxbury (Precincts 1-6) on Tuesday, the Sixth Day of March, 2012, from 7:00 AM to 8:00 PM for the following purpose:

To cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

Presidential Preference
State Committee Man
State Committee Woman
Ward or Town Committee

Warrant must be posted by February 28, 2012.

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

APPOINTMENT OF RETIREE REPRESENTATIVE TO INSURANCE ADVISORY COMMITTEE

Mr. MacDonald explained that with the Board's recent acceptance of Sections 21-23 (regarding health insurance reform), the Board must appoint a retiree to the Insurance Advisory Committee, and Mr. John Bowser is being recommended to fill that position.

Mr. Flynn moved that the Board of Selectmen appoint Mr. John Bowser to be the Retiree Representative of the Insurance Advisory Committee.

DISCUSSION: USE OF LEGAL SERVICES

Mr. Dahlen indicated he was going to momentarily skip this to item to complete other business and then come back to it for the Board to discuss it.

BUSINESS

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

1. **Canine Committee named:** As he has previously stated, Mr. MacDonald said that a number of complaints regarding dog-related issues have been brought forward recently to the point that it now has become a matter that needs to be dealt with. Tonight he is naming the following individuals to serve on the Canine Committee:

Susan Curtis, Citizen / Friends of the Duxbury Animal Shelter
Steve Schroeder, Citizen/Friends of Bay Farm
Mark Cleveland, Citizen / Friends of Bay Farm
Maggie Kearney, Citizen / Duxbury Beach Reservation
Holly Morris, Conservation Commission

Don Beers, Harbormaster, *ex officio*
Peter Buttkus, DPW Director, *ex officio*
Eddy Ramos, Animal Control Officer, *ex officio*
Tracy Mayo, Health Agent, *ex officio*
Joe Grady, Conservation Agent, *ex officio*

He said the purpose of the Canine Committee will be to review the dog control rules and regulations and the current issues /complaints to present recommendations to the Board of Selectmen before the March 2013 Annual Town Meeting or earlier if warrant articles are recommended.

2. **Police Station Contract Awarded:** The Town Manager announced he has awarded the contract for the Police Station construction to Castagna Construction Corp. of Newburyport. The bid was approximately \$4.5 million and they have given a March 1, 2012 start date for the construction.

ANNOUNCEMENTS - No announcements were made.

MINUTES

Mr. Flynn moved that the Board approve the Minutes of January 9, 2012, as presented. Second by Mr. Donato. VOTE: 3:0:0.

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS – No committee appointments were made by the Selectmen this evening.

DISCUSSION: USE OF LEGAL SERVICES

Before beginning the discussion Mr. Dahlen mentioned this agenda item was requested by Mr. Donato and outlined some ground rules, including:

- All participants are to maintain a civil discussion.
- All participants are requested to use hypothetical cases versus citing specific cases.
- That as Chair, he reserved the right to stop a speaker or the discussion if, in his opinion, it is getting off track.

Mr. Dahlen then began the discussion by giving his viewpoint in the following four points:

1. Said he has been on the Board for approx. two years and feels that he has been kept informed on legal cases.
2. Any and all questions have been answered through the Town Counsel.
3. Consistent with the Town Manager Act, he believes it is the governing document and it supersedes the Town Bylaws.
4. In his opinion, the legal services have been handled with “what is best for the Town” and with the protection of the volunteers and the Town in mind.

Mr. Donato referred to (Chap. 3) Section 3.1.5 of the Town Bylaws:

3.1.5. The Board of Selectmen shall appoint a member of the bar in good standing to serve as Town Counsel at their pleasure. The Board of Selectmen may also employ special counsel from time to time whenever, in their judgment, the necessity arises. No town department or official shall request the services of Town Counsel, as such, without first obtaining the consent and approval of the Board of Selectmen.

He stated that in his opinion the Board of Selectmen is waiving their oversight and the checks and balances by allowing the Town Manager to direct Town Counsel. He opined that he feels the Board is failing in its duties as stated in the above-referenced section.

Mr. Flynn, who was Chair of the Town Governance Committee, which developed the Town Manager Act for Duxbury, commented that he does not disagree with what the bylaw says, however the Town Manager Act supersedes it. He cited from the Town Manager Act [i.e., Chapter 353-Acts of 1987-Town Manager Act]:

“SECTION 1. Upon the effective date of this act, the town of Duxbury shall be governed by the provisions of this act. To the extent that the provisions of this act modify or repeal existing General Laws and special acts or the by-laws of the town of Duxbury, this act shall govern.”

Mr. Flynn also stated that the Town Governance Committee was not charged with re-writing the Town Bylaws for any ambiguities, which is why the phrase “this act shall govern” was included in the Town Manager Act.

In his comments, Mr. Flynn stated that when the change was made to a Town Manager form of government it was done so because it was felt the Town Manager was needed to handle the day-to-day duties, and in effect the Town Manager is the CEO of the Town and an extension of the Board of Selectmen. He referred to Section 3.C.15. of the Town Manager Act:

“The town manager shall oversee the activities of the town counsel under the direction of the board of selectmen.”

Both Mr. Dahlen and Mr. Flynn indicated that they do feel that have maintained their oversight of legal matters and have not waived any rights. They cited the reviews given by Town Counsel in

Executive Sessions to the Board of Selectmen, as well as emailed information to the Selectmen regarding legal matters either through the Town Manager or directly from Town Counsel. In addition, they said that when they have had questions or needed clarifications those have been requested either through the Town Manager and/or directly to Town Counsel. Mr. Dahlen said that as a Selectman Mr. Donato has the ability to do that as well.

Mr. Dahlen also noted that he had contacted the previous three Selectmen and a number of former Selectmen. He indicated the collective feedback he received was that for many years the Town Manager and Town Counsel vetted legal matters and communicated the status of cases to the Selectmen. None expressed concern with the process.

Mr. Donato mentioned his further concerns that the Selectmen do not have control over the legal bills. He expressed his frustration that he had requested past Executive Session records and bills, but based on an opinion by Town Counsel he was denied.

Mr. Dahlen pointed out that all of us approve the Town Counsel budget by a vote at Town Meeting, which in effect is control over the legal bills.

Mr. Donato stated he wanted “to make it clear that there may be a bill coming down the road and he wants it clear that he was not part of the decision.”

Mr. Dahlen noted that he is not responsible and should not be faulted for any decisions that were instituted before his time on the Board.

At the end of a lengthy discussion, the Selectmen respectfully disagreed with each other. Mr. Donato held to his opinion that the Town Bylaws are the governing document. Mr. Flynn and Mr. Dahlen held to their opinions that that Town Manager’s Act is the governing document.

Mr. Steve Peterson, Bolas Road, commented to the Board that from his perspective the failure to release Executive Session records gives the appearance that something is being hidden. He again urged the Board to review and release Executive Session minutes. He referred to a past situation and opined that Town Counsel did not support individuals who were sued.

Mr. Dahlen responded by pointing out Town Counsel’s record in defending the Town.

ADJOURNMENT

At 9:30 PM Mr. Flynn moved that the Board of Selectmen’s meeting be adjourned. Second by Mr. Dahlen. VOTE: 3:0:0.

LIST OF DOCUMENTS

- 1) *Jaycox Tree Farm – 01-17-12 Memorandum from Joe Grady “JaycoxTree Revolving Fund” and suggested motion*
- 2) *Transfer Parcels to Conservation Commission: 01-18-12 Memorandum from Joe Grady “Land Transfers –ATM 2012 with attached maps of parcels, article wording and suggested motion*
- 3) *General Information about Community Preservation Committee (CPC) Articles: Spreadsheet of CPC articles*
- 4) *CPC Operating Budget: Spreadsheet showing line items of CPC budget and spreadsheet showing Expense and Salary categories for past two fiscal years and the Department request for FY13; article wording and suggested motion*
- 5) *CPC Allocations: Article wording and suggested motion with dollar amounts indicated.*
- 6) *Exempt \$100K from CPC Surcharge: Article wording (Notation: Town counsel to revise. Must go on a ballot.) and suggested motion; “Options to Alleviate Unintended Increase in CPA Surcharge Due to School Debt”; spreadsheet entitled “Projected Tax Rate Impact with Exemption or Surcharge %”*

- (2 pages); *Community Preservation Act Surcharge Estimate Worksheet Fiscal Year 2011*";
Spreadsheet entitled "Town of Duxbury Projected Tax Rate Impact Fiscal 2010 through Fiscal 2016"
- 7) *North Hill Barn Restoration: Article wording and suggested motion; Summary of Restoration of old Red Barn at North Hill (3 pgs.); From Susanna Sheehan vote of North Hill Advisory Committee; Sheehan submissions "Request to Fund the Restoration of the Red Barn at North Hill (2 pgs.)", "Summary of How the Project Benefits the Town of Duxbury and meets the goals of the CPA", Letter from Susanna and Emmett Sheehan to Selectmen regarding Red Barn funding request, Letter of Support to CPC from Town Manager Richard MacDonald, Memorandum of support from Recreation Director Gordon Cushing and 4 photos of the Red Barn. Handouts at meeting: color copies of photos.*
 - 8) *Keene Barn Restoration: Article wording and suggested motion.*
 - 9) *Nathaniel Winsor Jr. House Restoration: Article wording and suggested motion.*
 - 10) *Engineering Study for Depot Street Sidewalk: Article wording and suggested motion.*
 - 11) *Duxbury Free Library Entrance: Article wording and suggested motion. One page Project summary, estimate and benefits and two photos.*
 - 12) *Housing Consultant: Article wording and suggested motion. One page proposed funding request.*
 - 13) *First Meeting House Site Study: Article wording and suggested motion.*
 - 14) *Citizen Petition to Reduce CPC Surcharge: Article wording and suggested motion.*
 - 15) *Citizen Petition to Reduce Property Taxes for Senior Citizens: Article wording and suggested motion.*
 - 16) *Call to Presidential Primary Election suggested motion*
 - 17) *Retiree Representative to the Insurance Advisory Committee suggested motion*
 - 18) *Town Manager's Brief: 01-23-12 Canine Committee memorandum.*
 - 19) *01-09-12 Selectmen's Minutes –DRAFT.*