

Date: March 19, 2012

Date Minutes Approved: April 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. Thomas Connolly, Treasurer; and C. Anne Murray, Administrative Assistant.

The meeting was called to order at 7:00 PM in Open Session.

OPEN FORUM - No items were brought forward by the public.

Mr. Dahlen began the meeting by mentioning that tonight was Chris Donato's last meeting as a Selectman as he decided not to run for re-election. Mr. Dahlen then read **A RESOLVE TO HONOR AND RECOGNIZE CHRISTOPHER R. DONATO** to thank him and recognize him for his service.

Mr. Donato thanked his colleagues. Since the recognition mentioned Mr. Donato's interest and contribution to ice hockey, he took the opportunity to congratulate the Duxbury High School Girl's Hockey Team on winning the Championship over the weekend.

PUBLIC HEARING: USE OF MILLENIUM TOWN GREEN BY DUXBURY GARDEN CLUB FOR PLANT SALE

The departmental review of the request was done, and given that it was requesting use of the Town Green, notices were also sent to the abutters. There were no objections and departmental feedback was incorporated into the conditions listed on the permit or license.

Mr. Flynn moved that the Board of Selectmen grant to Ms. Lisa Pattinson, as a representative of the Community Garden Club of Duxbury, permission to hold a plant sale on the Duxbury Town Green on Saturday, May 19, 2012 from 8:00AM – 1:00PM, subject to all the conditions listed on the permit. Second by Mr. Donato. **VOTE: 3:0:0**

RECOGNITION OF GIRL SCOUTS 100TH ANNIVERSARY / JOAN RISER, TROOP LEADER

In attendance at the meeting were a number of Girl Scouts, some Troop Leaders, and a number of parents of the girls.

Mr. Dahlen explained that this year marks the 100th Anniversary of the Girl Scouts and in recognition of that he read a Proclamation in Honor of the Centennial Anniversary of the Girl Scouts. The Proclamation not only mentioned the world-wide growth of the Girl Scouts, but also focused on Girl Scouting in Duxbury. It concluded with "We pause with pride for this moment in recognition that the Girl Scouts of today will be the leaders of tomorrow, and the hope, that they will serve the Town of Duxbury, the United States of America, and the world." The Selectmen then presented the Proclamation to representatives of the six levels of Girl Scouts.

Before continuing Mr. Dahlen also acknowledged the presence of a group of Cub Scouts, who were in attendance.

TOWN TREASURER: BOND ANTICIPATION NOTES

Mr. Tom Connolly, Town Treasurer, explained that he was present tonight to request the Selectmen vote on and sign the "Vote of Award" for bonding the School building project. He explained that the document had to be read and voted, and in effect what the Board was doing was voting to authorize the short-term, temporary borrowing of \$14,383,000. at a 1.00% rate to September 14, 2012.

Mr. Flynn, as Clerk of the Board, then moved the following:

I, the Clerk of the Board of Selectmen of the Town of Duxbury, Massachusetts, certify that at a meeting of the board held March 19, 2012, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that we hereby determine, in accordance with G.L. c.70B, that the amount of the cost of the middle school and high school planning project authorized by a vote of the Town passed on March 12, 2011 (Article 18) not being paid by the school facilities grant is \$2,364,010, and we hereby approve of the issuance of notes and bonds in such amount under said G.L. c.70B.

Further Voted: that we hereby determine, in accordance with G.L. c.70B, that the amount of the cost of the design and construction of the new co-located middle school and high school project (not including the portions of the project related to design and construction of the new Field House, relocation of the Central Office and modifications to the Performing Arts Center, all of which are not eligible for school facilities grants from the Massachusetts School Building Authority) authorized by a vote of the Town passed on October 29, 2011 (Article 1) not being paid by the school facilities grant is \$69,098,537, and we hereby approve of the issuance of notes and bonds in such amount under said G.L. c.70B.

Further Voted: to approve the sale of the \$14,383,000 1.00 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated March 22, 2012, and payable September 14, 2012, to Bank of America Merrill Lynch at par and accrued interest plus a premium of \$59,058.43.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated February 28, 2012, and a final Official Statement dated March 6, 2012, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and such other tax-exempt bonds and notes as the Town may issue from time to time.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in

accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

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

Mr. Flynn congratulated the Town Management for maintaining the Standard & Poor rating of AAA. Mr. Dahlen noted the temporary borrowing will be at a very favorable 1% rate.

AMEND FOOD CART LICENSE FOR JAKE GENEREUX

It was briefly explained that Jake Genereux requested an amendment to the license, which allows him to operate the hot dog cart at the Town Pier. For the past couple of seasons Jake has been asked to service the Sunday Soccer games and the Duxbury Youth Baseball games and tournaments. When this initially came up the Board of Selectmen chose to amend his license on an annual basis, which is why this is before the Board tonight. He has received the requested letters of support from the Directors of the Duxbury Youth Soccer and Duxbury Youth Baseball. The departmental review was done with no objections noted.

Mr. Flynn moved that the Board of Selectmen amend the general license granted to Jake Genereux, d/b/a Jake's Dogs, to grant permission to Jake Genereux to operate his hot dog stand:

- (a) at the Ray Coppens Soccer Fields on Sundays from 11:00 AM until 3:00 PM, from April 1, 2012 to May 20, 2012, contingent upon a letter of support from the Director of Duxbury Youth Soccer, and**
- (b) at the Sinnott and Dewing Baseball Fields (Tarkiln) on weeknights from 5:00 PM to 8:00 PM, and during tournaments, in conjunction with the Duxbury Youth Baseball program, contingent upon a letter of support from the Duxbury Youth Baseball.**

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

KENO-TO-GO: Sandy Lambert's Marketplace -applicant

Ms. Murray explained a letter from the Massachusetts State Lottery Commission was received notifying the Selectmen that Sandy Lambert's Marketplace had applied for a Keno-to-Go license. The letter gives the Selectmen 21-days to file any objections, which is why it is being presented tonight. As background, it was explained that at the April 7, 2008 Selectmen's meeting, the Board at the time discussed Keno-to-Go, which was being introduced at that time. Keno-to-Go allows an individual to purchase a ticket and then to check for the winning numbers via the internet. The Board at the time had no objections to Keno-to-Go, as long as there were no monitors at the establishments.

The Board briefly discussed it and had no objections to the application made by Sandy Lambert's Marketplace so no further action was needed.

BUSINESS

For One-Day Liquor Licenses and 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.

ONE-DAY LIQUOR LICENSE REQUESTS

Kathy Bittrich for Razia's Ray of Hope Foundation: Fundraiser on 3-29-12

Ms. Margaret Brooks was present to promote this fundraising event. She explained that it was Ms. Razia Jan, a former Duxbury resident, who founded the Razia's Ray of Hope Foundation. The Fashion Show will help the Foundation raise money to support the addition of eight classrooms at the Zabuli Girl's School in Afghanistan. She invited the public to come to the Fashion Show at the Art Complex Museum on Thursday, March 29th from 7 -9 PM to enjoy a fun evening and support a good cause.

Mr. Flynn moved that the Board grant to Ms. Kathy Bittrich, as a representative of the Razia's Ray of Hope Foundation a One-Day All Alcohol License to hold a Fashion Show fundraiser on Thursday, March 29, 2012 at the Art Complex Museum at 186 Alden Street, from 7:00 PM to 9:00 PM, contingent upon the conditions on the license. Second by Mr. Donato. VOTE: 3:0:0.

Douglas Hart for Duxbury Yacht Club: Two Events on 5-27-12

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

- 1. Commodore's Dinner Dance on May 26, 2012, to be held at the Ellison Clubhouse on Mattakeesett Court from 6:00 PM to 11:00 PM;**
- 2. Commodore's Reception on May 27, 2012, to be held at the Sprague-Parker Clubhouse on Fairway Lane from 5:30 PM to 7:30 PM.**

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

Alison Arnold for Duxbury Rural & Historical Society: Wine Tasting on March 27, 2012

Mr. Flynn moved that the Board grant to Ms. Alison Arnold, as a representative of the Duxbury Rural & Historical Society, a One-Day Wine and Malt License for an event to be held at the Nathaniel Winsor, Jr. House, 479 Washington Street, from 7:00 PM to 8:30PM on March 27, 2012, subject to the conditions on the license. Second by Mr. Donato. VOTE: 3:0:0.

Paul Desmond for Timothy J. Steele Memorial Banquet on 5-12-12

Mr. Flynn moved that the Board grant to Mr. Paul Desmond, as a representative of the Holy Family Knights of Columbus Council #15210, a One-Day Wine and Malt License for a banquet to be held at the Holy Family Church, 601 Tremont Street, from 6:30 PM to 11:30 PM on May 12, 2012. Second by Mr. Donato. VOTE: 3:0:0.

Ms. Allyson Frazier, one of the organizers, mentioned that this is one of the events being held on the second weekend in May as a fundraiser for the family of Lt. Timothy J. Steele. The Banquet will be held at the lower hall at the Holy Family Church at 6:30 PM on Saturday, May 12th. It is being sponsored by the Knights of Columbus, which is a 501C charitable organization, so that 100% of the net proceeds can go to the support of Lt. Steele's widow and daughter. More information will be forthcoming in the local media, but the organizers are hopeful for a good turnout.

Event Permits

Kathleen Maney-Needel for Duxbury Community Partnership for Children: 5K and Fitness Awareness Program at Chandler School on March 24, 2012

Mr. Flynn moved that the Board grant to Ms. Kathleen Maney-Needel, as a representative of the Duxbury Community Partnership for Children, is granted permission to hold a 5K Run and a Fitness Awareness Program at the Chandler School on March 24, 2012 from 9:30 AM to 11:00 AM, contingent upon the conditions on the permit. Second by Mr. Donato. VOTE: 3:0:0.

BUSINESS

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

1. **Construction Costs:** Mr. MacDonald said that construction costs for February were 1.5 million.
2. **Police Five-Year Operating Plan:** The Town Manager mentioned that he received a five-year plan for the Police Department from Police Chief Matthew Clancy.
3. **Congressman Keating's Plymouth Office:** Mr. MacDonald said that he attended a grand opening celebration at Congressman Keating's new Plymouth office. He mentioned he had the chance at the opening to speak briefly with Congressman Keating about a concern regarding Entergy funding.

ANNOUNCEMENTS

Mr. Donato read the following announcements:

1. **Annual Town Election:**

Annual Town Election is on Saturday, March 24, 2012 from 8:00 AM to 8:00 PM at the Duxbury Middle School, Gymnasium, 130 Saint George ST, Duxbury MA 02332.

Who is running:

Selectmen (Vote for one):	David J. Madigan and Paul E. McCormack
Assessor:	Linda M. Collari
Moderator:	Friend S. Weiler, Sr.
Planning Board:	Scott C. Casagrande
School Committee:	John P. Heinstadt
Library Trustees (vote for 2):	Paula S. Harris and Laney S. Mutkoski
Dux. Housing Authority (vote for one):	David M. O'Connell, Michael J. Thorp, and Bertram L. Walters

2. **Next Meeting:** The next Selectmen's meeting will be on Monday, March 26, 2012. As is the Duxbury tradition, the swearing in of the Elected Officials will be held at the beginning of the meeting.

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

Mr. Flynn announced that the Moderator had appointed Ms. Elizabeth D. Harford to the Personnel Board to fill an unexpired term due to expire on 06/30/12. Ms. Hartford brings to the Personnel Board a wealth of Human Resources experience.

Mr. Flynn announced the resignation of Mr. Kevin Penwell from the Sidewalk and Bike Path Committee. He also read a list of the Boards and Committees which currently have open seats and encouraged interested volunteers to fill out a Talent Bank form, which can be found on the Town website or obtained from the Selectmen's office.

Mr. Dahlen as Selectmen liaison to the Highway Safety Advisory Committee mentioned the recommended appointees and the appointments were moved by Mr. Flynn as follows:

Mr. Flynn moved to appoint the following to the Highway Safety Advisory Committee:

Mr. Philip Tuck to fill an unexpired term due to expire on 06/30/13

Mr. Richard Brennen for a term to expire on 06/30/14

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

Mr. Donato moved to appoint Mr. Joseph Waldstein to the Nuclear Advisory Committee for a term to expire on 06/30/14. Second by Mr. Flynn. VOTE: 3:0:0.

It was mentioned that the Town of Pembroke is celebrating its 300th Anniversary on Wednesday, March 21st. Mr. Josh Cutler will be delivering a Proclamation in recognition of the Pembroke Anniversary on behalf of the Town of Duxbury. The Proclamation speaks to the historical Duxbury-Pembroke connections and was prepared by Mr. Patrick Browne, Executive Director of the Duxbury Rural & Historical Society after researching the history of the two towns.

ADJOURNMENT

At 7:30 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, 05-19-12 Community Garden Club of Duxbury plant sale letter, notice to Duxbury Town Green abutters, and departmental feedback.*
- 2. A Proclamation in Honor of the Centennial Anniversary of the Girl Scouts & Patriot Ledger article about the Girl Scouts' 100th Anniversary*
- 3. Short-Term Bonding: Email from Thomas Connolly, language of the "Vote of the Board of Selectmen", copy of S&P's Global Credit Portal Ratings Direct RE: Duxbury MA*
- 4. Jake Genereux's request to amend Jake's Hot Dogs license: departmental feedback, Duxbury Youth Baseball email of support and Duxbury Youth Soccer email of support.*
- 5. Sandy Lambert's Keno-to-Go: 03-08-12 Letter from Massachusetts State Lottery Commission and 04-07-08 Selectmen's Minutes RE: Keno-to-Go*
- 6. Draft ODLL for Kathy Bittrich for Razia's Ray of Hope Foundation for Fashion Show on 03-29-12, ODLL Application and letter regarding event, Cert. of Liab. Ins., Tips card, and departmental feedback*
- 7. Draft ODLL for Douglas Hart for DYC for Commodore's Dinner Dance and Commodore's Reception on May 26 & 27, 2012. Application materials and departmental feedback.*
- 8. Draft ODLL for Alison Arnold for DR&HS for Historic Wine Tasting on March 27, 2012. Application materials and departmental feedback.*
- 9. Draft ODLL for Mr. Paul Desmond of Holy Family Knights of Columbus for Lt. Timothy Steele Banquet on May 12, 2012. Application materials and departmental feedback.*
- 10. Draft Event Permit for Kathleen Maney-Needel for 5K Road Race and Fitness Awareness Program on March 24, 2012: Application materials and departmental feedback.*
- 11. Town Manager's Brief: Construction Costs for Feb. 2012; 02-28-12 Letter from MassDOT spring sweeping notification and updates from the Harbormaster.*
- 12. Suggested Announcements: Annual Town Election info.*
- 13. Moderator Appointments Sheet: Personnel Board*

- 14. Board and Committee Resignation Sheet: Sidewalk & Bike Path Comm.*
- 15. Copy of A Proclamation in Honor of the 300th Anniversary of the Incorporation of the Town of Pembroke*