

Date: April 9, 2012

Date Minutes Approved: April 23, 2012

BOARD OF SELECTMEN MINUTES

Present: Theodore J. Flynn, Chair; Shawn Dahlen, Vice Chair; and David J. Madigan, Clerk.

Absent: None

Staff: Richard MacDonald, Town Manager; John Madden, Finance Director; and Susan Kelley, Executive Assistant.

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

OPEN FORUM

No items were brought forward by the public.

HUMAN RESOURCES, RE: Set Health Insurance Rates

Ms. Jeannie Horne, Human Resources Officer, presented a draft of the proposed Health, Dental and Life Insurance Rates for FY 13. Ms. Horne explained that in December of 2011, the Board of Selectmen adopted MGL Chapter 32B, Sections 21-23 for the purpose of engaging in the process to modify health insurance benefits and plans offered to Town Employees. As required by the law, representatives met with 2 committees to discuss the distribution of savings that the Town identified by making the changes to the plans. The first, the Insurance Advisory Committee, was comprised of a retiree appointed by the Town Manager and the Presidents of each of the unions covered under the plan. The second, the Public Employee Committee (PEC) was comprised of a retiree appointed by the State and the President, or their designee, of each of the unions. An agreement was reached by the PEC to return the mitigation funds to the Town to offset the changes in health benefits and instead, proceed with the following benefit change timetable which delays the introduction of deductibles to the employee by 2 years:

- Effective 9/1/12, the Town will no longer offer Master Health Plus or Master Medical Health Insurance. Instead, the "Duxbury Plan" (similar to a rate saver) will be offered. HMO and PPO health insurance plans will be offered with higher copayments and no annual deductibles. The MEDEX health insurance plan will continue to be offered with no plan design changes until June 30, 2014.
- Members of the Duxbury Police Union and Duxbury Commanders Association will continue to be offered the Town's current HMO and PPO health insurance plans until their contracts expire on June 30, 2013. At that time, all members of these collective bargaining units will transition onto the "Duxbury Plan" version of the HMO and PPO health insurance plans.
- Effective July 1, 2014, the Town will transition all subscribers to the "Benchmark" version (GIC-like plan with annual deductibles) of the HMO, PPO and MEDEX health insurance plans and the "Duxbury Plan" versions will no longer be offered.

Premiums for both Delta Dental plans will remain unchanged through July 1, 2013, and the Town's basic group life insurance rates with Boston Mutual will remain unchanged through August 1, 2013.

Ms. Horne stated that due to these changes, the Town will realize a savings of \$2,249,034.00 over the next 3 years.

Mr. MacDonald thanked Ms. Horne for her efforts acknowledging what a monumental task it was to coordinate this project. He also thanked Mr. John Madden and the bargaining units for their cooperation.

Mr. Flynn also recognized the spirit of cooperation expressed by all parties involved.

Mr. Dahlen stated that he was pleased that both the Town and the unions put forth their proposals and a balance was reached that was acceptable to all involved.

Mr. Madigan moved that the Board of Selectmen vote to set the Employee Health, Dental and Life Insurance Rates for FY13 as described in the Town of Duxbury Insurance Rate Sheets for the time period 8/1/12 through 5/31/13. Second by Mr. Dahlen. Vote 3:0:0.

PEMBROKE TOWN ADMINISTRATOR, RE: Truck Exclusion (North Street & Myrtle Street)

Also in attendance were Mr. Ed Thorne, Pembroke Town Administrator, Mr. Lew Stone, Pembroke Selectman, and Mr. Jed Cornock, Transportation Planner – Old Colony Planning Council (OCPC).

The following was presented for informational purposes only as a Public Hearing will be held for the vote of a truck exclusion.

Mr. Thorne, speaking on behalf of the Town of Pembroke, asked the Board of Selectmen to assist Pembroke in securing truck exclusions for Spring and Taylor Streets by voting to impose a ban on heavy vehicles (those over 5,000 pounds or 2 axels and 6 tires) on North and Myrtle Streets in Duxbury.

Mr. Cornock spoke about the OCPC's vehicle traffic pattern study. The study showed that heavy vehicle traffic exiting Rt. 139 in Marshfield on Old Ocean Street, entered Duxbury on North Street and crossed to Pembroke via Spring or Taylor Streets to reach Rt. 53 in Pembroke. By banning Heavy Vehicle Traffic on North and Myrtle Streets in Duxbury, the vehicles would no longer be able to use this shortcut. He stated that most nearby streets already had exclusions in place and while the impact on nearby streets was unknown, exclusions zones are only as good as the enforcement on those roads. He stated that towns that share roads must all agree to the routes to be excluded and alternate routes proposed.

Mr. Cornock also stated that those vehicles with regular business on restricted roads, but considered heavy vehicles by Department of Transportation (DOT) standards, would still be allowed access (i.e. Landscape trucks, oil trucks, FedEx trucks, etc.).

Mr. Dahlen remarked that some personal vehicles, such as a Chevy Suburban, by weight would be classified as a heavy vehicle and asked if there was a possibility to upgrade the DOT guidelines to exclude truly heavy vehicles.

Mr. Cornock answered that the DOT would have to make that determination.

Mr. MacDonald introduced Paul Brogna and Jeff Lewis representing the Duxbury Highway Safety Committee.

Mr. Brogna stated that the committee would be meeting shortly to discuss the proposal and would report back to the Board of Selectmen.

Mr. MacDonald stated that a meeting for a vote would be set when the proper notice could be given for a public hearing to be held.

Mr. Dahlen recused himself for the next item on the agenda as he is a member of the Duxbury Beach Reservation.

DUXBURY BEACH PARK 2:

- **SEASONAL LIQUOR LICENSE RENEWAL AND CHANGE OF HOURS, and**
- **RENEWAL OF COMMON VICTUALLER & GENERAL PARKING LICENSES**

Dana and Missy Battista, Duxbury Beach Park 2, were present at the meeting. Mr. Battista stated that 2 years ago he was approved for a Seasonal Liquor License (wine & malt) for service Thursday – Sunday. He requested that the license be amended to allow service from Monday – Sunday as he has had requests from the public during the normal course of business and inquiries about special events for service outside the currently permitted timeframe.

Mr. MacDonald stated that there have been no issues with the establishment related to liquor sales.

Maggie Kearney, in attendance to represent the Duxbury Beach Reservation, Inc., stated that the Directors had voted to support the amendment to the license. She stated that the Reservation was very careful 2 years ago in supporting the endeavor. As the business has been run well and there have been no issues to date, the Battista's had the full support of the Duxbury Beach Reservation.

Mr. Madigan moved that the Board of Selectmen, acting as the Licensing Authority, renew the Season Wine & Malt Common Victualler License to Dana V. Battista, d/b/a Duxbury Beach Park 2, at 435 Gurnet Road, such license subject to satisfactory inspection by the Inspectional Services Department, proof of liquor liability and Workers Compensation insurance, payment of all funds owed to the Town, and proof of server training and amended to allow for Hours of Wine & Malt Sales: Monday through Sunday from 5:00 PM to 9:00 PM, subject to all the conditions listed on the license. Second by Mr. Flynn. Vote 2:0:0 (Mr. Dahlen recused himself and did not vote).

Mr. Madigan also moved that the Board of Selectmen renew the following licenses for 2012: Common Victualler and General License – Parking issued to Dana V. Battista for Duxbury Beach Park 2, subject to the provision of all renewal paperwork and fees to the Town of Duxbury. Second by Mr. Flynn. Vote 2:0:0 (Mr. Dahlen recused himself and did not vote).

Mr. Dahlen rejoined the Board after the last vote.

DUXBURY FARMERS' & ARTISANS' MARKET – License Amendment

The Duxbury Farmers & Artisans Market (DUXFARM) requested that their license be amended to extend it to specifically allow for operation on Saturday, September 22, 2012, allowing them to be in operation when the Friends of the Tarkiln hold their annual pumpkin sale.

DUXFARM's license renewal for 2012 was voted at the December 5, 2011 Board of Selectmen's meeting.

The Recreation Director and DPW Director had no objection to the request.

Mr. Madigan moved that the Board of Selectmen approve the amendment of the Duxbury Farmers & Artisans Market (d/b/a Duxbury Farmer's Regional Market, Inc.) for the Farmers' Market to operate at the Tarkiln Parking area on Thursdays from 1:30 PM to 5:30 PM and on Saturday, September 22, 2012. Second by Mr. Dahlen. Vote 3:0:0

PROCLAMATION IN HONOR OF THE 50th ANNIVERSARY OF THE PUBLICATION OF SILENT SPRING BY RACHEL CARSON

Mr. Flynn acknowledged Judi Vose who, with her husband Robert "Terry" Vose, purchased the property formerly owned by Olga Owens Huckins. It was a letter from Ms. Huckins to Rachel Carson that was the inspiration for the book Silent Spring.

Ms. Vose thanked the Selectmen for recognizing Rachel Carson and Olga Owen Huckins and hoped that this proclamation/acknowledgement might bring awareness to the environment so people will listen to and gain inspiration from Ms. Carson's words.

Mr. Flynn read the proclamation and presented the plaque to Ms. Vose.

TEMPORARY NSTAR EASEMENT FOR NEW CREMATORY BUILDING AND NEW POLICE STATION

Mr. MacDonald stated that temporary easements are common and they were done previously for the pool and the library. The easements before the Board of Selectmen today are to bring power into the new Crematory building and the new Police Station. There will be an Article at the Annual Town Meeting in March of 2013 to ask for a permanent easement for these two properties.

Mr. Madigan moved that the Board of Selectmen vote to grant a temporary easement for electrical service to be provided to the Crematory Building at 150 Mayflower Street, Duxbury. Second by Mr. Dahlen. Vote 3:0:0.

Mr. Madigan moved that the Board of Selectmen vote to grant a temporary easement for electrical service to be provided to the (new) Police Station at 155 Mayflower Street, Duxbury. Second by Mr. Dahlen. Vote 3:0:0.

BUSINESS

For Event Permits and One-Day Liquor Licenses, 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

YoTaco!, Norm & Kelly Laviolette: Cinco de Mayo celebration May 5, 2012

Norm Laviolette was present at the meeting in case the Board had any questions. The Board had no questions as the departmental reviews were complete.

Mr. Madigan moved that the Board of Selectmen vote to grant Norm and Kelly Laviolette, as representatives of YoTaco! a One-Day Wine and Malt License for a celebration to be held at the YoTaco!, 30 Railroad Ave, from 11AM to 8 PM on May 5, 2012. Second by Mr. Dahlen. Vote 3:0:0.

South Shore Conservatory / Duxbury Music Festival: 2 One-Day Liquor Licenses July 21, 2012 & July 22, 2012

There was no discussion.

Mr. Madigan moved that the Board of Selectmen vote to grant Ms. Amy Schomp, as a representative of the South Shore Conservatory, a One-Day All-Alcohol License for a reception and concert to be held on the Town Green, in conjunction with the Duxbury music Festival, on Saturday, July 21, 2012 from 6:30 PM to 10:30 PM, subject to the conditions listed on the license. Second by Mr. Dahlen. Vote 3:0:0.

Mr. Madigan moved that the Board of Selectmen vote to grant Ms. Amy Schomp, as a representative of the South Shore Conservatory, a One-Day Wine and Malt License for a concert to be held on the Town

Green, in conjunction with the Duxbury music Festival, on Sunday, July 22, 2012, from 5:00 PM to 7:30 PM, subject to the conditions listed on the license. Second by Mr. Dahlen. Vote 3:0:0.

EVENT PERMITS

South Shore Conservatory / Duxbury Music Festival: Town Green, July 20- July 22, 2012

Mary Steinke was present on behalf of the South Shore Conservatory. She indicated if the event permit was approved, the tent would be erected on Wednesday, July 18th and removed on Monday, July 23rd.

Mr. Madigan moved that the Board of Selectmen vote to grant Ms. Amy Schomp, as a representative of the South Shore Conservatory, be granted permission to hold a portion of the Duxbury Music Festival on the Duxbury Town Green from Friday, July 20 – Sunday, July 22, 2012, subject to the conditions listed in the permit. Second by Mr. Dahlen. Vote 3:0:0.

BUSINESS

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

1. Water main replacement on Franklin Street would be starting shortly. The water main was installed to the new Police Station on Mayflower Street last week. There was a street closure for 2 days. Mr. MacDonald apologized for any inconvenience.
2. Blairhaven – the asbestos removal should be completed by next week. Demolition of the buildings would be taking place and should be completed over the next two weeks. Mr. MacDonald wanted to alert the neighborhood as to the expected timetable.

Mr. Madigan stated that he had received a letter from a resident (Ms. Holly Morris) regarding the land maintenance at Blairhaven.

Mr. Dahlen stated that once the buildings were gone, the land would be cleaned up.

Mr. Flynn asked if an outside firm was completing the demolition. Mr. MacDonald stated that, yes, the job had been bid out.

3. The Evaluations process was beginning shortly. Mr. MacDonald hoped the evaluations would be complete by 7/1/12. He stated that all Managers, Personnel Plan employees and seasonal employees would be included in this effort.
4. There would be no Selectmen's meeting next week as Town Hall will be closed in observance of the Patriot's Day Holiday.

ANNOUNCEMENTS - No announcements made.

MINUTES

Mr. Flynn noted that there are Minutes from the April 2, 2012 Open Session and April 2, 2012 Executive Session in their packets for review and approval.

Mr. Madigan moved that the Board approve the April 2, 2012 Open Session Selectmen Minutes as presented. Mr. Dahlen noted one typographical error.

Mr. Madigan moved that the Board approve the April 2, 2012 Open Session Selectmen Minutes, with the error on page 6 amended. Second by Mr. Dahlen. Vote: 3:0:0.

Mr. Madigan moved that the Board of Selectmen approve the April 2, 2012 Executive Session Minutes, as presented with the Minutes to remain sealed due to confidentiality. Second by Mr. Dahlen. Vote: 3:0:0.

COMMITTEE RESIGNATIONS AND APPOINTMENTS/RE-APPOINTMENTS

Mr. Madigan moved that the Board of Selectmen appoint Ms. Sarah Weihman to the Sidewalk and Bike Path Committee to fill the unexpired term due to expire on June 30, 2013. Second by Mr. Dahlen. VOTE: 3:0:0.

ADJOURNMENT

At 7:38 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. Draft motion RE: Health, Dental and Life Insurance rates for FY13*
- 2. Memo to Board of Selectmen from Jeannie Horne regarding Health Insurance rates*
- 3. Draft Insurance rate matrix*
- 4. Packet from Town of Pembroke Office of the Board of Selectmen/Town Administrator including memo to the Duxbury Board of Selectmen and Old Colony Planning Council Pembroke/Duxbury Heavy Vehicle Traffic Pattern Study, pages 4 - 18*
- 5. Seasonal Wine & Malt License Application: Dana V. Battista for Duxbury Beach Park 2*
- 6. Common Victualler and General License – Parking: Duxbury Beach Park 2 renewal*
- 7. Duxbury Farmers & Artisans Market license amendment*
- 8. Proclamation in Honor of the 50th Anniversary of the Publication of Silent Spring by Rachel Carson*
- 9. NSTAR: Temporary Easements for electrical service to the Crematory & new Police Station*
- 10. One-Day Liquor License: YoTaco! 5-5-12*
- 11. 2 One-Day Liquor Licenses: South Shore Conservatory / Duxbury Music Festival July 21, 2012 and July 22, 2012*
- 12. Event Permit, Town Green: South Shore Conservatory / Duxbury Music Festival July 20- July 22, 2012*
- 13. 04-02-12 Open Session Selectmen's Minutes –DRAFT*
- 14. 04-02-12 Executive Session Selectmen's Minutes -DRAFT*
- 15. Board & Committee Appointment Sheet*