

Date: August 13, 2012

Date Minutes Approved: October 15, 2012

BOARD OF SELECTMEN MINUTES

Present: Theodore J. Flynn, Chair; Shawn Dahlen, Vice Chair; and David J. Madigan, Clerk
(arrived at 6:35 PM for Executives Session B and the re-convening of the Open Session)

Absent: None

Staff: Richard MacDonald, Town Manager; John Madden, Finance Director; and C. Anne Murray, Administrative Assistant.

CONVENED IN OPEN SESSION

The meeting was called to order at 6:14 PM in the Mural Room.

ENTERED EXECUTIVE SESSION

Upon convening the meeting, the Chair entertained a motion to enter Executive Session. Mr. Dahlen moved that the Board enter Executive Session in order to discuss (a) the purchase, exchange, lease or value of real property, i.e., a proposed Conservation Commission Land Acquisition, and (b) strategy with respect to pending litigation, including the matters of the North Hill Country Club (a/k/a Johnson Golf), DeLuca case, Webster Point Villages case, 2 MCAC cases: James and Golden cases, and the Rossi Case, since an open meeting may have detrimental effect on the Town's negotiating and/or litigating position, and then to reconvene in Open Session. Second by Mr. Flynn.

As Chair, Mr. Flynn declared the necessity to discuss (a) strategy with respect to the purchase, exchange, lease or value of real property, i.e., a proposed Conservation Commission Land Acquisition, and (b) pending litigation, including the afore-mentioned matters in Executive Session, as discussion in open session would be detrimental to the Town's negotiating and /or litigating position. Roll Call Vote: Mr. Dahlen---aye; Mr. Flynn---aye.

RECONVENED IN OPEN SESSION

The Executive Session was adjourned and the Open Session meeting reconvened at 7:00 PM after the public entered the room.

TOWN MANAGER PRESENTATION TO THE FINANCE DEPARTMENT

Mr. MacDonald began tonight's meeting by announcing that he received a letter from the Government Finance Officers Association notifying him that the Town of Duxbury was awarded a Certificate of Achievement for Excellence in Financial Reporting for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting. He presented the Certificate to Mr. Madden and commended the entire Finance Department for their efforts.

OPEN FORUM – Nothing was brought forward.

TOWN CLERK:

(A) Call for State Primary Election September 6, 2012

It was explained that in order for the State Primary Election to be held a warrant must be posted by a Constable of the Town to notify the public of the date, time and place of the State Primary Election.

Mr. Madigan moved that the Board directs either of the Constables of the Town of Duxbury to notify and warn the inhabitants of Duxbury who are qualified to vote in Primaries to vote at Precincts One through Six at the T. Waldo Herrick Gymnasium, Duxbury Middle School, 73 Alden Street, Duxbury, Massachusetts on Thursday, the 6th Day of September, 2012 from 7:00 AM to 8:00 PM. Second by Mr. Dahlen. VOTE: 3:0:0.

(B) Set Poll Hours for November 6, 2012 Presidential Election

It was explained that the Town Clerk Nancy Oates has asked that the Selectmen open the polls for the Presidential Election an hour earlier than required to allow commuting residents the opportunity to vote before they leave for work. The earlier poll opening requires a vote of the Board.

Mr. Madigan moved that the Board of Selectmen change the opening hour for the polls for the Presidential Election on November 6, 2012 from 7:00 AM to 6:00 AM. Second by Mr. Dahlen. VOTE: 3:0:0.

CLASS II AUTO LICENSE REQUEST: George Rose d/b/a Millbrook Auto

Mr. Madigan moved that the Board of Selectmen issue to George Rose, d/b/a Millbrook Auto, a Class II Used Auto Dealer's License to operate at 1474 Tremont Street, Duxbury contingent on final inspection and permitting by all appropriate Town departments.

Mr. Dahlen disclosed that he is a trustee of Shawn Dahlen & Co., Inc., located at 1500 Tremont ST, which is near this location. As he has no financial interest in the business he does not need to recuse himself, but made the disclosure for the record.

Second to the motion made by Mr. Dahlen. Before voting the Selectmen heard from Mr. George Rose regarding his plans for this business.

Mr. George Rose, the petitioner, introduced himself. He is a Duxbury resident, and he mentioned the following:

- His business will be occupying the front portion of the building.
- He plans to sell and rent high-end vehicles and used Jeeps.
- He currently operates a business in Kingston and plans to move the business to the Tremont Street location.
- In response to an inquiry about how many cars would be on the lot at any time, he indicated approximately 20 vehicles.

Mr. MacDonald mentioned that there are a couple of safety inspections issues to be worked out so he requested that approval be contingent upon final inspection and permitting by all appropriate Town departments.

The Selectmen then voted on the previously made and seconded motion that the Board of Selectmen issue to George Rose, d/b/a Millbrook Auto, a Class II Used Auto Dealer's License to operate at 1474 Tremont Street, Duxbury contingent on final inspection and permitting by all appropriate Town departments. VOTE: 3:0:0.

BUDGET DISCUSSION:

**(A) OVERVIEW OF BUDGET PROCESS AND
(B) CONCEPTUAL BUDGET PLAN FOR FY'14**

Mr. MacDonald explained that it was extremely early in the budgeting process for the next fiscal year so he stressed tonight's presentation is to give an overview of the process. We are not a point where hard numbers can be given, so tonight's presentation is more conceptual to explain how the budget is conceived. He then turned the presentation over to Mr. Madden, the Finance Director.

Mr. Madden gave a PowerPoint presentation entitled "Overview of Budget Process & Preliminary Budget Plan for FY14. (See "Budget Overview for BOS 08-13-12 posted along with these minutes.)

In the presentation, Mr. Madden talked about the following:

- The steps in the budgeting process and the approximate calendar timeframes. It was noted that the Operating Budgets and Capital Requests are reviewed by the Finance Committee and Fiscal Advisory Committees respectively. Their meetings are posted public meetings. In addition, the Department Heads also meet with the Selectmen to provide an overview of their departmental budgets at posted Selectmen's Meetings. The Fiscal Advisory Committee also presents its recommendations regarding the Capital Budget requests to the Selectmen.
- Property Tax Analysis
- Revenue: Explanation of the sources of the Town's revenue: taxes, local receipts (i.e., motor vehicle excise, fees, and licenses/ permits) and state aid. With regards to those items, Mr. Madden made the following comments:
 - He mentioned that the past couple of year's motor vehicle excise taxes had been in decline, but due to dealer incentives there has been an upswing in car purchases.
 - He also mentioned that the increase in the cost of beach permits this year was to help fund the repairs to the Powder Point Bridge.
 - He noted that additional funds would roll into Free Cash and the recommendation is to put those funds into the Stabilization Fund to reduce bonding costs.
 - Government aid is projected for an 6.04% increase over FY' 12 and Education Aid is projected for a 2.70% increase over FY' 12.
- Cherry Sheet and the assumptions that are made to estimate what amount might be expected for the next fiscal year.
- Operating Expenses:
 - Salaries / Contracts: have budgeted for 2.25% increases and most contracts have been typically set up with 1%-1%-1% increases over 3 year contracts.
 - Other expenses are budgeting for 1% increases to costs
 - Health insurance are budgeting for a 6% increase
 - Funding for a Facilities Manager - need to calculate a salary for this position into the budget
 - Mr. Madden pointed out that several positions have been vacant for a year or more and the assumption in the budget is that they will remain vacant. Vacant positions include Deputy Fire Chief, a Firefighter position, a Treasurer/Collector position, and 5 Patrolman positions.
- Recurring Articles:
 - Budget has included \$400,000 for the Duxbury Beach Lease. The Duxbury Beach Lease has remained as the same dollar amount for several years and the hope is that it will continue for another year.
 - Budget has included \$10,000 for the July 4th festivities, as it has in the past.
 - Personnel By-law article includes \$85,000 – which represents funding for merit increases and tuition reimbursements for employees.

- Capital Improvement Program: Policy was established to provide a minimum funding base of \$1,000,000 through non-recurring revenue, i.e. Free Cash. The capital improvement projects get prioritized and voted on by the Fiscal Advisory Committee.

Ken McCarthy, Chair of the Finance Committee, mentioned his Committee has been working on establishing some financial policies. They have done so as this was recommended in previous finance audits and in preparation for upcoming bonding because the bonding agencies might request the Town's financial policies.

Mr. Jim Lampert asked about the 17.47% tax increase and how that compares to what was projected at the 2012 Town Meeting? In response, Mr. Madden indicated that the increase is actually slightly less than what was projected at Town Meeting. It was noted that the Fire Station, Police Station and Crematory projects all came in under the budgeted amount, and in addition the borrowing will be at a better rate than was projected at Town Meeting. Mr. Madigan added that at Town Meeting they were basing projections on rates between 4.25% and 4.50%.

Mr. Bill Campbell, 60 Humphrey's Lane, made a plea to the Selectmen, Town Manager, and Finance Committees to do the best you can to economize to keep in mind those citizens who will have difficulty managing the increases. It was mentioned that there are some opportunities for those who need financial assistance and it was recommended that individuals discuss their individual situations with Mr. Steven Dunn, Director of the Assessing Department, to determine their eligibility.

Mr. Frank Mangione, former Chair and current member of the Fiscal Advisory Committee, said that Committee has been working on establishing and prioritizing a 5-year capital plan. The next major project on the horizon is the DPW garage.

Ms. Anne Ward, School Committee member, did not have any specific comments regarding the school budget. She did mention that they are confident that everything is in place for the opening of the schools.

Mr. MacDonald stressed that it is very early in the budgeting process. The Department Heads just received their packets to start working on their FY'14 budgets, but he is hopeful that we will be able to provide level service.

Members of the Board of Selectmen asked that periodic updates regarding the budgeting process be given.

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

FRIENDS OF THE COUNCIL ON AGING – LIFE LONG LEARNING REGISTRATION, September 10, 2012

Mr. Madigan moved that the Board of Selectmen grant to Mr. Chris Barry, as a representative of the Friends of the Duxbury Council on Aging, a One-Day Wine and Malt License to hold an event at the Duxbury Senior Center, 10 Mayflower Street, on Monday, September 10, 2012 from 4:30 PM to 7:00 PM, contingent upon the conditions on the license. Second by Mr. Dahlen. VOTE: 3:0:0.

FRIENDS OF THE COUNCIL ON AGING – DINNER THEATER, September 22, 2012

Mr. Madigan moved that the Board of Selectmen grant to Mr. Chris Barry, as a representative of the Friends of the Duxbury Council on Aging, a One-Day Wine and Malt License to hold an event at the Duxbury Senior Center, 10 Mayflower Street, on Saturday, September 22, 2012 from 5:00 PM to 9:30 PM, contingent upon the conditions on the license. Second by Mr. Dahlen. VOTE: 3:0:0.

ROTARY CLUB – DUXBURY SEAFEST, October 6, 2012

Mr. Madigan moved that the Board of Selectmen grant to Mr. Fred L'Ecuyer, as a representative of the Rotary Club of Duxbury a One-Day Wine and Malt License for an event to be held at the First Parish Church, 842 Tremont Street, on Saturday, October 6, 2012 from 10:00 AM to 6:00 PM, contingent upon the conditions on the license. Second by Mr. Dahlen. VOTE: 3:0:0.

EVENT PERMITS --None

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

- 1. Construction Costs** – The construction costs continue to remain strong. The August construction costs are expected to be about \$2.4 million and that is not including the school project.
- 2. Mosquitos /EEE Update:** Mr. MacDonald said Duxbury is still considered in the “moderate” risk level. Residents are advised to continue to use caution when outside during dawn and dusk. It is recommended to wear long sleeves and long pants and to use bug repellent. Duxbury is not in the area to undergo aerial spraying at this time as the risk remains moderate. So far only bird biting mosquitos have been found in the Duxbury area and therefore the State has not raised the level

ANNOUNCEMENTS

Mr. Madigan read the following announcements:

- 1. Deadline to Register for Massachusetts Primary:** The last day to register to vote in the Massachusetts Primary Election is on **Friday, August 17th**. Anyone who is a U.S. citizen, a resident of Massachusetts, and 18-years-old on or before Election Day is eligible. **The Town Clerk's office will be open on Friday, August 17th until 5 PM to register citizens.**
- 2. The Primary Election is on Thursday, September 6, 2012.** If you have any questions or need an absentee ballot, please contact the Town Clerk's office.

MINUTES

Minutes of June 25, 2012 (Open Session)

Mr. Madigan moved that the Board of Selectmen approve the Minutes of June 25, 2012 (Open Session), as written. Second by Mr. Dahlen. VOTE: 3:0:0.

Minutes of July 23, 2012 (Open Session)

Mr. Dahlen mentioned that he requested two changes to the drafted minutes of July 23, 2012:

- Under the “Execution of the Duxbury Beach Lease for FY’13: Mr. Dahlen recused himself as he is a “Director” of the Duxbury Beach Reservation, Inc.; not a “member” as indicated in the draft.

- Under “License Agreement, The Wildlands Trust, Inc. and the Town of Duxbury – 0 Anchorage Lane: Mr. Dahlen asked that the phrase “on Town property but allowing grading” be inserted in the second item for clarity.

Mr. Madigan moved that the Board of Selectmen approve the Minutes of July 23, 2012, as amended. Second by Mr. Dahlen. VOTE: 3:0:0.

05-29-12 Executive Session Minutes and 07-23-12 Executive Session Minutes

Mr. Madigan moved that the Board of Selectmen approve the Executive Session Minutes of May 29, 2012 and July 23, 2012 as written with the Minutes to remain sealed until the need for confidentiality has passed. Second by Mr. Dahlen. VOTE: 3:0:0.

COMMITTEE APPOINTMENTS / RE-APPOINTMENTS

The following votes were taken pertaining to appointments to Town Boards and Committees:

<u>Committee</u>	<u>Name</u>	<u>Appt or Re-Appt</u>	<u>Term Expires</u>	<u>Motion</u>	<u>Second</u>	<u>Vote</u>
Agricultural Commission	Jeffrey A. Chandler	Re-Appt.	6-30-15	Mr. Madigan	Mr. Dahlen	3:0:0
Agricultural Commission	Earle Ricker	Re-Appt.	6-30-15	Mr. Madigan	Mr. Dahlen	3:0:0
Agricultural Commission	Carl O’Neil	Re-Appt.	6-30-14	Mr. Madigan	Mr. Dahlen	3:0:0
Historical Commission Rep. to the CPC	Robert C. “Terry” Vose, III	Appt.	To fill an unexpired term to 6-30-13	Mr. Dahlen	Mr. Madigan	3:0:0
Duxbury Bay Management Commission	Mark Manganello	Appt.	6-30-15	Mr. Dahlen	Mr. Madigan	3:0:0
Duxbury Cultural Commission	Elizabeth Hills	Appt.	6-30-15	Mr. Flynn	Mr. Madigan	3:0:0
Duxbury Cultural Commission	Candy Weiler	Appt.	6-30-15	Mr. Flynn	Mr. Madigan	3:0:0
Duxbury Cultural Commission	Judith Montminy	Appt.	6-30-15	Mr. Flynn	Mr. Madigan	3:0:0
Municipal Comm. on Disabilities	Linda Garrity	Re-Appt.	6-30-15	Mr. Flynn	Mr. Madigan	3:0:0
Municipal Comm. on Disabilities	Reino “Rei” A. Kock	Re-Appt.	6-30-15	Mr. Flynn	Mr. Madigan	3:0:0

Mr. Madigan mentioned that there is one open seat on the Municipal Commission on Disabilities with a term to June 30, 2014. Interested parties were encouraged to fill out a Talent Bank form.

ADJOURNMENT

At 8:10 PM, Mr. Madigan moved that the Board adjourn. Second by Mr. Dahlen. VOTE: 3:0:0.

LIST OF DOCUMENTS FOR OPEN SESSION MEETING

1. *Suggested Motion for Entering Executive Session*
2. *DRAFT "Request for Proposals: Town Counsel Services" (not governed by MGL 30B)*
3. *06-25-12 Letter from Government Finance Officers Association and copy of the Certificate of Achievement for Excellence in Financial Reporting award.*
4. *Class II Used Auto Dealer's License Packet: suggested motion, Memorandum from Chief Kevin Nord dated 08-08-12 regarding 1474 Tremont ST and letter of August 8, 2012 to Mr. Edwin Loring III (Owner of the property), Application packet from Mr. George Rose for a Class II license.*
5. *PowerPoint presentation: "Overview of Budget Process & Preliminary Budget Plan for FY 2014 – Board of Selectmen August 13, 2012".*
6. *Pilgrim Church CROP Hunger Walk: Explanation of amendments and drafted permit, prior permit and packet materials regarding the event*
7. *One-Day Liq. License –draft motion and background materials regarding Friends of the Duxbury COA – Life-Long Learning Reception on September 10, 2012.*
8. *One-Day Liq. License – draft motion and background materials regarding the Friends of the Duxbury COA Dinner Theater on September 22, 2012.*
9. *One-Day Liq. License – draft motion and background materials regarding the Duxbury Rotary Club's SeaFest on October 6, 2012.*
10. *Town Manager's Brief: Background materials on potential items to be mentioned: Construction Costs for July 2012 coversheet and Mosquito/EEE information.*
11. *Suggested Announcements for 08-13-12*
12. *Draft Selectmen's Minutes of 06-25-12 Open Session and 07-23-12 Open Session and Draft Selectmen's Minutes for 06-25-12 Executive Session and for 07-23-12 Executive Session.*
13. *Board & Committee Appointment Sheet 08-13-12: Agricultural Commission; Community Preservation Committee (Historical Commission Rep); Duxbury Bay Management Commission; Duxbury Cultural Council; and the Municipal Commission on Disabilities.*