

**Date: November 5, 2012**

***Date Minutes Approved: April 8, 2013***

## **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, C. Anne Murray, Administrative Assistant.**

### **CONVENED IN OPEN SESSION**

The meeting was called to order at 6:05 PM in the Mural Room.

### **ENTERED EXECUTIVE SESSION**

Upon convening, Mr. Dahlen moved that the Board enter Executive Session in order to discuss matters regarding the King Caesar Fund, specifically cases: KCF 2012-01 (MC/LC); KCF 2012-04 (LS); and KCF 2012-05 (DS), and updates on existing cases and/or any administrative matters necessary, which are of a confidential nature, as the fund's purpose is to provide medical relief for the financially-needy residents of Duxbury, and to discuss a potential Conservation Commission land acquisition, in accordance with Mass. General Laws Chapter 30a, Section 21, and then to reconvene in Open Session.

Mr. Flynn, as Chair, declared the necessity for the discussions to be in Executive Session because (a) of medical confidentiality regarding the King Caesar Fund cases and (b) because discussion of potential land acquisitions might have a detrimental effect on the Town's negotiating position in the purchase, exchange, lease or value of real property.

Second by Mr. Madigan. Roll Call Vote: Mr. Dahlen-aye; Mr. Flynn-aye; and Mr. Madigan-aye.

### **RECONVENED IN OPEN SESSION**

The Executive Session was adjourned, to reconvene at the end of Open Session, and the Open Session meeting reconvened at 7:07 PM after the public entered the room

### **HURRICANE SANDY STORM UPDATE**

Fire Chief Kevin Nord was present to give an update on storm management during hurricane Sandy. He stated that all departments, including Fire, Police, DPW, Harbormaster, worked well together during the storm. The organization and preparation showed in the Town's response to Sandy.

Mr. Flynn took this opportunity to compliment everyone involved with storm management. He stated that he was present at the Emergency Operations Center (EOC) on Tuesday morning and was impressed that all departments were represented and working toward resolving storm related issues.

Chief Nord noted that there was a massive tree trimming effort over the last 9 months in response to last year's Tropical Storm Irene. Nord continued with an update on NSTAR's activities categorizing efforts pre-, during and post-storm.

Before the storm hit, NSTAR contacted the Town providing a direct contact name and assigning 2 trucks to repair downed wires. NSTAR also provided a web portal to both report and track line outages in Duxbury. The real-time information provided on the website proved helpful to those responding to the storm damage.

During the storm, Chief Nord reported that at approximately 3PM on Monday, NSTAR became overwhelmed due most-likely to mismanagement and/or shortage of resources.

Post storm, NSTAR seemed to regain control of their repair efforts. They continued communication with the Town after the storm to be sure that all lines were up and working and no issues remained unaddressed.

While the damage throughout the Town was much less severe than that experienced during Tropical Storm Irene (the fire department made 100 runs in response to downed wires during Irene vs. 49 runs for Sandy), Chief Nord felt NSTAR's efforts should be graded a "B". He also stated that he was happy to have a dedicated representative from Columbia Gas stationed at the EOC during the storm and hoped that NSTAR would consider manning the EOC in the future.

Mr. MacDonald took this opportunity to thank everyone for their hard work during the storm. He mentioned that it is difficult to determine a time to close down operations at the Town Hall and commended the Accounting Department for processing payroll on Monday morning allowing for a 12:30 PM closure.

**OPEN FORUM - Nothing was brought forward.**

#### **APPOINTMENTS TO DUXBURY HOUSING AUTHORITY TO FILL VACANCY**

Ms. Michelle Gill, new Director of the Duxbury Housing Authority, was present for this item.

Mr. Flynn introduced Ms. Gill. Ms. Gill stated that she was appointed to or by the board on August 6, 2012. She mentioned that she was previously the Housing Director in Hull, a position she held for 4 years, and was happy to now be in Duxbury.

Mr. Flynn stated that there was a vacancy caused by the resignation of Alden Ringquist, elected in 2011, and that this vacancy could be filled by the Selectmen. Mr. David O'Connell had run for a seat on the Board in the 2012 election and received the second highest number of votes in that election. The Selectmen, therefore, felt it was appropriate to appoint him to fill the vacancy until the next election in spring of 2013.

Mr. Madigan moved that the Selectmen appoint Mr. David O'Connell to fill the vacant seat on the Duxbury Housing Authority until the next Annual Town Election on March 23, 2013 in accordance with MGL Chapter 41 Section 11 and instructions provided by the Elections Division of the Commonwealth of Massachusetts. Second by Mr. Dahlen. Vote 3:0:0.

Mr. Flynn noted that there was an issue with a second member who had missed meetings however, there was no provision to remove or recall this individual. It was his recommendation that the Selectmen do nothing at this time in regard to filling the vacancy.

Ms. Gill addressed the Selectmen regarding a letter that the Housing Authority had sent to the other member. She wondered if that letter would have a bearing on the Selectmen's decision. Mr. Flynn stated that the Selectmen would need to receive a letter of resignation from the individual in order to proceed with appointing a replacement. Mr. Dahlen stated that he had been in touch with the individual's family and there had been a medical issue resulting in missed meetings. He stated that this person had been very involved in several committees and it was Mr. Dahlen's hope that the situation would resolve itself. (*Ed. Note: the term for the position in question will be up in March 2013 and will be on the Annual Town Election ballot*)

**PACKAGE STORE LICENSE – OSBORN’S COUNTRY STORE, INC., Change of Manager**

Mr. Madigan stated that it was his understanding that the owner of Osborn’s had passed away. The license was being transferred to his wife.

Mr. Madigan moved that the Board of Selectmen, acting as the Licensing Authority, approve an Amendment to the Retail Package Goods Store License for Osborn’s Country Store, Inc. located at 632 Summer Street, to reflect a change in manager from Gregory D. Sanders to Barbara J. Sanders contingent upon approval by the Alcoholic Beverages Control Commission (ABCC). All other terms and conditions of the license remain unchanged. Second by Mr. Dahlen. Vote 3:0:0.

**BUDGET PRESENTATION – Council On Aging, Joanne Moore, Director**

Ms. Moore thanked Mr. John Madden for his assistance with the presentation.

Ms. Moore stated that the Senior Center works with citizens who range in age from 50 – 102. As the population changes, so do the programs offered at the center. She mentioned that they see 140 visitors each day and approximately 29,000 annually. It is the mission of the Council on Aging to identify the problems and needs of the elder population and to design, promote and implement services to meet those needs.

Ms. Moore proceeded to address the budget requests for FY 14. She mentioned that while there was a decrease in the cost of electricity; salary and transportation requests had increased. She explained that salary increases were due to the increase in hours of the Food Service Manager to 28 hours a week. She felt the increase in hours was justified as he prepares 10,000 meals for delivery annually and is now preparing food for the newly-opened café in addition to the many other meals served routinely at the center. Ms. Moore stated that the café is making approximately \$40 a day (which equates to \$9,000.00 a year) which should help offset the cost of benefits that will now be provided for the Food Service Manager. Transportation costs have increased approximately 8% this year due to trips around Duxbury and to medical appointments on the South Shore and Boston. Ms. Moore also indicated that GATRA bus Sadie I will need to be replaced soon as mileage is approaching 150,000.

Ms. Moore touched on the sources of financial support for the Senior Center indicating that 74% of the budget is received from the Town, 14% from GATRA, 8% from the Friends of the COA and 4% from a Formula Grant. She recognized the value of the 246 volunteers that donated 21,395 hours of service. Using an hourly wage of \$21.37 per hour, this time equated to a value of \$466,197 in FY2012.

The capital project requests for the Senior Center included new carpeting on the 2<sup>nd</sup> floor, office reconfiguration to provide 2 new offices, and outside shingle repair and re-staining.

Ms. Moore summarized her presentation with the highlights of 2012 and goals for 2013 as follows:

- The Senior Center currently provides respite to 11 families twice a week and is looking to expand that offering to 5 days a week.
- The Senior Center offered 2,308 special programs in FY12 and would be partnering with the Village at Duxbury to provide additional meeting space for these programs going forward as the number of offerings increase.
- The Senior Center had offered 7,462 rides to Duxbury Seniors and hopes to add an additional bus to accommodate the growing need for transportation.

The Selectmen thanked Ms. Moore for her presentation.

## **INTERIM BUDGET REPORT – John Madden, Finance Director**

Mr. Madden gave the Board an update on the status of the Budget. He indicated that this was an interim budget as the figures were not finalized. Phase 1 of the budget process, which includes meeting with the department heads, was complete. He indicated that the budget showed an overall increase of 14 ½%, an increase in debt of 259% and an increase in the operating budget of 2.7%.

Mr. Madden continued by attributing the increase to the following:

- The senior sector in Duxbury was growing. The increase in this segment of the population would result in an increase of services provided them.
- Veterans' benefits have increased due to the increase in veterans entitled to benefits
- \$81K has been budgeted for the new Facilities Manager
- The cost of fuel had increased by \$40,000 in 2012. While the price of gas has recently come down, that budget had been increased due to the increased transportation needs of those seeking assistance.
- The Stormwater Master Plan was an unfunded mandate - \$50,000 has been budgeted
- 2 additional dispatchers for the fire station have been budgeted. The current backup is a fireman
- Budget increases were built in for the utilities for the new buildings. Because the actual costs are not known, an adjustment might be needed at a Special Town Meeting in 2014.
- There are no settled union contracts; they have been level funded. Any changes will be addressed at the Special Town Meeting.
- The pool has made strides to become self-sufficient. Mr. Madden considers the funding of 5% of the pool costs from the general fund reasonable.
- With 4 new buildings, the town will need to address the janitorial needs. Expanded services and management of those services could be passed on to the facilities manager.
- Health insurance rates for 2014 have increased 2.68% which is directly related to plan design changes. Every 3 years, the town will look to the GIC to see if our costs are in line with current rates. Mr. MacDonald stated that surrounding towns are showing a larger increase in rates while Duxbury have kept increases low and once again granted a health insurance holiday in December 2012.

Mr. MacDonald stated that Mr. Madden and department heads were doing a great job during the budgeting process.

## **DISCUSSION – SIGNS ON TOWN PROPERTY**

Mr. MacDonald stated that when he was appointed Town Manager, in an effort to streamline the process, the Selectmen had given him authority to approve temporary signs. The Community Preservation Committee (CPC) had asked for permission to place signs on CPC property stating that those properties were CPC funded. Mr. MacDonald had authorized placement of the signs which have now morphed into a political issue related to the CPA tax question on the ballot.

Mr. Dahlen opined that there is a difference between project signs void of political information vs. signs stating "vote no on question 5". He stated that perhaps the bylaw should be reviewed and revised to address such signage.

Mr. Madigan asked when the signs would be removed. He and Mr. Flynn agreed that if temporary signs are erected around election time, and they look like other political signs, there could be a mis-interpretation as an appearance of crossing the line.

Mr. MacDonald stated that if the signs were removed immediately they would be political.

## **BUSINESS -**

### ***One Day Liquor License Requests – Anne Antonellis - Holly Days, November 25, 2012***

Mr. Madigan moved that the Selectmen grant Ms. Anne Antonellis, as Holly Days Chairman for the Duxbury Business Association, an Event Permit for the Holly Days Celebration to be held on Sunday, November 25, 2012 from Noon to 4:00 PM subject to the conditions on the permit. Second by Mr. Dahlen. Vote 3:0:0.

Mr. Flynn redirected the conversation back to the temporary sign issue. He stated that he did not feel they should change the Town Manager's authority to approve temporary signs but care should be given that the signs are not seen as a political statement.

Mr. MacDonald agreed and recommended that the CPC signs remain up and that the CPC should look to place permanent signs on some of the CPC funded properties.

## **TOWN MANAGER'S BRIEF**

Mr. MacDonald announced the following:

1. Old Crematory – demolition of the old crematory has begun. The burners have been removed and the building will be taken down.
2. Construction – construction has dipped to \$1.5 million for the month; it was \$2.0 million last month.
3. Paving – Several paving projects will be taking place shortly. As a result, a reverse 911 has been authorized to let residents know of traffic issues.
4. Powder Point Bridge – The bridge has been closed to vehicular traffic. Town officials will be meeting with state officials on 11/7/12 to review the process of carbon wrapping. (Originally, the Boston Mass DOT office had approved the carbon wrapping process while the Taunton office had not.) In the mean-time, Mr. MacDonald had recommended the bridge be closed for public safety reasons; the state did not order the bridge to be closed.

## **ANNOUNCEMENTS**

Mr. Madigan read the announcements which included:

1. Presidential Election – Tuesday, November 6
2. 2012 Town Meeting – call for articles. Articles must be submitted to the Selectmen's office by December 4, 2012
3. Affordable Housing Information Session and Lottery
4. Veteran's Day festivities including War on Terrorism Monument Dedication
5. Paint Collection Day

For more information on these items, please see the document titled "Suggested Announcements for 11-05-12" in the Board of Selectmen Clerical Packet 11-05-12

## **MINUTES**

Mr. Madigan moved that the Selectmen approve the Open Session minutes of 09-24-12 as written. Second by Mr. Dahlen. Vote 3:0:0

Mr. Madigan moved that the Selectmen approve the Executive Session minutes Session A and Session B of 09-24-12 as written with the minutes to remain sealed until the need for confidentiality has passed. Second by Mr. Dahlen. Vote 3:0:0

Mr. Dahlen moved that the Selectmen approve the Executive Session A minutes of 10-15-12 as written with the minutes to remain sealed until the need for confidentiality has passed. Second by Mr. Flynn. Vote 2:0:1 (*Mr. Madigan abstained as he was not present for Session A*).

Mr. Madigan moved that the Selectmen approve the Executive Session B and Executive Session C minutes of 10-15-12 as written with the minutes to remain sealed until the need for confidentiality has passed. Second by Mr. Dahlen. Vote 3:0:0.

Mr. Madigan moved that the Selectmen approve the Open Session minutes of 10-15-12. Second by Mr. Dahlen. Vote 3:0:0.

### **BONUS SHELLFISH SEASON**

Mr. Madigan moved that the Board of Selectmen declare a temporary Bonus Shellfish Season:

1. For the commercial harvesting of soft-shell clams for the month of November, 2012 in accordance with posted Attachments B & C; and
2. For the commercial harvesting of quahog clams for the month of November, 2012 in accordance with posted Attachments A & C.

Second by Mr. Dahlen. Vote 3:0:0.

As this concluded the Open Session meeting, the Selectmen adjourned the open session and re-convened in Executive Session to adjourn directly from Executive Session.

### **ADJOURNMENT**

At 8:27 PM, Mr. Madigan moved that the Board adjourn Executive Session. Second by Mr. Dahlen. VOTE: 3:0:0.

### **LIST OF DOCUMENTS FOR OPEN SESSION MEETING**

1. *Motion for Executive Session*
2. *Package from Duxbury Housing Authority including – memo from Duxbury Housing Authority to Selectmen dated 11-2-12 reappointment of Bert Walters to fill unexpired term; letter to Brendan Keohan*
3. *Package re: Amendment to Package Store License to Osborn's Country Store - Change of Manager from Gregory Sanders (deceased) to Barbara Sanders including forms to be submitted to the Alcohol Beverages Control Commission*
4. *Council on Aging PowerPoint presentation for budget*
5. *Duxbury Clipper articles (2 editorials) regarding signs on CPC properties*
6. *Event Permit – Holly Days, November 25, 2012*
7. *Suggested Announcements 11-05-12*
8. *Minutes – Board of Selectmen Open Session 09-24-12;10-15-12*
9. *Minutes – Board of Selectmen Executive Session 09-24-12, Sessions A & B; Executive Session 10-15-12, Sessions A, B & C*
10. *Bonus Shellfish Season, November 2012*