

Date: February 4, 2013

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; Susan Kelley, Executive Assistant, and C. Anne Murray, Administrative Assistant.

CONVENED IN OPEN SESSION

The meeting was called to order at 6:32 PM in the Mural RM.

VOTE TO ENTER EXECUTIVE SESSION

Upon convening, Mr. Madigan moved that the Board enter Executive Session in order to discuss matters regarding the King Caesar Fund, specifically cases: KCF 2012-02 (DN); KCF 2012-07(CM); and updates on any prior cases as might be appropriate, which are of a confidential nature, as the fund's purpose is to provide medical relief for the financially-needy residents of Duxbury, 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 of medical confidentiality regarding the King Caesar Fund cases.

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

Mr. Madigan moved to adjourn the Executive Session and to reconvene in Open Session at 7:00 PM. Second by Mr. Dahlen. Roll Call Vote: Mr. Dahlen – aye; Mr. Madigan—aye; Mr. Flynn –aye.

RECONVENED IN OPEN SESSION

The meeting was reconvened in Open Session at 7:00 PM.

OPEN FORUM – no items were brought forth

PUBLIC HEARING (CONTINUED): ALL-ALCOHOLIC BEVERAGES PACKAGE STORE LICENSE BY SQUARE CORP d/b/a Halls Corner Store, 8 Chestnut Street

Mr. Flynn stated that there were no All-Alcoholic Package Store Licenses available in town.

Mr. MacDonald stated that there was one Wine and Malt License available and the applicant had decided to amend their application from an All-Alcohol license to a Wine and Malt license.

Mr. Madigan moved that the Board of Selectmen open the continuation of the public hearing for a Wine & Malt beverages package store license by Square Corp. d/b/a Hall's Corner Store, 8 Chestnut Street, Duxbury, MA. Second by Mr. Dahlen. Vote 3:0:0.

Mr. Flynn asked if there was anyone present who had additional information to offer regarding the granting of the license.

Mr. John Bear asked the Selectmen if they would again continue the hearing as the Economic Advisory Committee was scheduled to meet on Wednesday, February 6 and they would like the opportunity to weigh in on the benefits of granting of the license to Square Corp.

Mr. Dahlen stated that this was the first new license that has been applied for during his tenure and he had asked Town Counsel for advice on the factors they should consider. Mr. Dahlen stated that he was advised that there are no criteria for the Selectmen to look to when making the decision to grant the license.

There was some discussion whether continuing the hearing to February 11 would push the application beyond the 30 day limit for acting on the application. Mr. Scott Lambiase, Director of Municipal Services, indicated that by opening the hearing process, the Selectmen had already acted on the application.

Mr. Madigan asked the applicants' attorney, Phil Markella, if they would consider an extension. Mr. Markella responded, yes.

Mr. Madigan moved to continue the hearing until February 11, 2013 at 7:01PM. Second by Mr. Dahlen.

Mr. Joe Carroll, owner of Duxbury Wine & Spirits, asked if the All-Alcohol License was not available, if the applicants had to begin the process again.

Mr. Madigan responded that they are able to "downgrade" their current application.

Mr. Carroll opined that granting the license is still based on demonstration of need.

Mr. Dahlen responded that there are no requirements of density requirements to demonstrate need.

After the discussion, the Selectmen voted on the motion to continue the hearing to February 11, 2013 at 7:01 PM. Second by Mr. Dahlen. Vote 3:0:0.

UPDATE ON THE POWDER POINT BRIDGE

Mr. Peter Buttkus, Director of Public Works, was present to give an update on the repairs of the Powder Point Bridge.

Mr. Buttkus stated that the contractors were on site working on the bridge repairs. The fiberglass jackets were being placed on the pilings and drivers (machines) will be on site next week to sink the jackets 18” into the ground. Once, the jackets are in place, the filler will be installed further strengthening the pilings. MA Department of Transportation will do a load test in the coming weeks. If the bridge meets the 4-ton weight limit, the bridge can be opened. The remainder of the repairs, considered non-emergency, will go out to bid. Any work done in the spring and summer months will not affect traffic on the bridge.

PRESENTATION OF THE POLICE DEPARTMENT BUDGET

Chief Matt Clancy and Deputy Chief Stephen McDonald were in attendance for this presentation.

Mr. MacDonald introduced and welcomed Deputy Police Chief Stephen McDonald.

Chief Clancy began with a recap of Police services rendered during the FY 12 as follows:

911 calls received:	5,004
Business calls:	41,858
Traffic enforcement:	4,256
Traffic accidents:	281
Burglaries investigated:	60
Domestic Disputes:	60
Criminal Complaints/arrests;	274

The Chief stated that the total staff currently includes 29 officers and 2 administrative civilians. While 2 additional patrol positions are authorized, funding for those positions was eliminated in 2011. He continued with the breakdown of the areas of responsibility including the Operations Division (daily patrol services), Criminal Investigations Bureau, Community Policing Services Division and Administration. Among the activities that the Chief hopes to bring back to Duxbury is the summer camp/Junior Student Academy.

The budget for 2014 is flat, reflecting a decrease of slightly over \$200,000. This decrease is due to the relocation of the 911 dispatch to the Emergency Operations Center. Funding for this department will now appear under the budget for the Fire Department.

The capital request for 2014 is the funding of a new pickup truck. The police department currently owns a F350 super duty truck that is too large for the police but would fit with the current needs of the fire department. The proposal is to reconfigure the truck to suit Fire Department needs and use an old fire department vehicle for trade to purchase a smaller truck for the Police Department.

Mr. Madden stated that the Police Department budget is tight. They are depending on the architect's estimates for the costs of utilities. Chief Clancy may be back in March for a transfer to cover utilities if the estimates are not correct.

The Chief stated that the only item not projected in the FY14 budget is water use at the new building. While the building is energy efficient, he expects that the utilities will increase as the square footage of the building is dramatically larger than the "old" police station.

Mr. Madigan inquired if there were any other capital requests in FY14.

Chief Clancy stated there were a couple of small items; AED's (Automatic Emergency Defibrillators) for the cars and a new radar trailer.

A vote was not taken by the Board on the Police Department budget as it will be voted on as part of the overall budget.

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.]

STM Article – Committee to examine Electronic Balloting

Moderator Friend Weiler thanked the Selectmen for adding this item to the warrant for the Special Town Meeting. He stated that the town of Wayland uses electronic balloting at their town meeting and it has proved advantageous for a quick, accurate count of votes. He added that the system is a secure, closed electronic system which tabulates votes in seconds and offers a privacy component for voters at town meeting. He continued that the down side of using this system is the cost; a 3-day Town Meeting with 600-700 people could cost in the range of \$35,000-\$40,000. This price would include the cost of individuals to supervise its use. As the system becomes more widely used, Mr. Weiler expects that there would be a drop in the price. He also advised against purchasing the equipment but rather leasing as the system would be updated by the software company.

Mr. Weiler was interested in appointing a 9-member committee to study the use and feasibility of the electronic balloting in Duxbury.

Mr. Dahlen moved that the Board of Selectmen recommend approval of the 2013 STM Article pertaining to forming a committee to investigate the applicability of employing Electronic Balloting for future Special and Annual Town Meetings. Second by Mr. Madigan. Vote 3:0:0.

ATM Article – Amend General By-Law to move Town Meeting Date

Mr. John Heinstadt, School Committee Chair, was present to speak to this article. He indicated that the many variables, including State reimbursements, SPED costs, and personnel, are not

known in the fall – the time when budgets must be submitted for review for Town Meeting. Mr. Heinstadt continued that the schools operate 3 budgets; previous year which closes at the end of the summer, the current year, and forecasting for the following year. It was felt that the School would be able to put forth a budget that they felt more comfortable with in May rather than March.

Mr. Madden moved that the Board of Selectmen recommend approval of the 2013 Annual Town Meeting Article amending subsection 2.1.1 of the General By-laws pertaining to the date of the Annual Town Meeting. Second by Mr. Dahlen.

Mr. Dahlen took the opportunity to make 2 points.

1. Attendance is important. In March, more people are available. Later in the year, there is a drop-off in interest and he is concerned about the decrease in attendance.
2. Mr. Dahlen questioned Mr. Heinstadt regarding to the benefit of 2 additional months to prepare. He didn't understand the benefit as working within the levy limit of 2 1/2 %, the numbers are projected early enough and the town can only spend a certain amount to stay within those limits.

Mr. Heinstadt opined that attendance is issue driven. If people were worried about attendance, why was the meeting held on a Saturday? Other towns begin their town meetings on Monday evenings.

Mr. Madigan responded that there is at least 7 hours of work to do to get through the warrant. This year is a good year because the warrant is short. By moving the meeting to the first Saturday in May, there will be conflicts with 1st communion, May Day, etc. March is not great weather and there is not much happening. He felt there would be a greater appeal if Town Meeting were completed in 1 day. He couldn't say that he was not in support of moving the meeting but more consideration to the day should be given.

Mr. MacDonald stated that the last time the issue of moving the Town Meeting date was discussed (5 years ago), the Moderator spoke against it.

Mr. Weiler added that attendance is almost a social issue. He stated that he was worried about conflicts later in the season and perhaps weeknights in March would be a better solution. He also stated that Town Meeting must become more efficient.

Mr. Flynn indicated that if issues were controversial, people will attend town meeting. He believed that the town has a handle on revenues but allocations could change later in the spring.

Voting the motion to support the article: Vote 1:2:0 (*Mr. Dahlen and Mr. Madigan were not in favor*).

ATM Article – Amend General By-Law to move Town Election Date

Mr. Madigan moved that the Board of Selectmen recommend approval of the 2013 Annual Town Meeting Article amending subsection 2.1.2 of the General By-laws pertaining to the date of the Annual Town Meeting. Second by Mr. Dahlen.

Mr. Dahlen, speaking to the last article to move the Town Meeting, indicated that they are voting to recommend putting the article on the warrant for vote at Town Meeting but they do not recommend approval of this article. They would like the people's vote to determine if there should be a change of the Town Meeting date.

Mr. Heinstadt opined that he agreed it was important to condense the meeting. He also felt it contradictory that the Selectmen voted their opinion on the article, but put the article on the warrant.

Mr. Madigan again moved to recommend putting the article pertaining to moving the date of Town Meeting on the warrant for vote at Town Meeting. Second by Mr. Dahlen. Vote 3:0:0.

STM Article – Masonry Repairs at the Performing Arts Center

Mr. Madigan moved that the Board of Selectmen recommend approval of the 2013 STM Article pertaining to the transfer of funds for masonry repairs to the exterior walls of the Performing Arts Center, including architectural, engineering and other expenses related thereto, in the amount of \$42,000. Second by Mr. Dahlen.

Susan Nauman, School Business Office Manager, was present to speak to this article. She stated that the masonry issues were the result of issues with the original workmanship. She indicated that there is a fee in the amount of \$15,000 for oversight and plans that the school is covering from their budget.

Mr. Flynn asked how old the building was.

Ms. Nauman stated that the building was substantially complete in 2004. She also indicated that the original contractor for this project had gone bankrupt so there is no recourse. The only option is for the town to fund the repairs to the building.

Voting the previous motion: Vote 3:0:0.

STM Article – Roof Repairs at the Performing Arts Center

Mr. Madigan moved that the Board of Selectmen recommend approval of the 2013 STM Article pertaining to the transfer of funds for the repair of the mechanical roof and drain leader

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modifications on the Performing Arts Center, including architectural, engineering and other expenses related thereto, in the amount of \$90,000. Second by Mr. Dahlen.

Ms. Nauman indicated that damage is due to flawed initial design specifications.

Voting the motion: Vote 3:0:0.

STM Article – Transfer and Reallocation of Funds – new Field House

Mr. Madigan moved that the Board of Selectmen recommend approval of the 2013 STM Article pertaining to the transfer and reallocation of \$435,000.00 approved at the Special Town Meeting held on October 29, 2011 for the relocation of the Central Office and minor modifications to the Performing Arts Center and appropriating that sum for the design and construction of a new Field House Facility at 130 St. George Street.

Mr. Dahlen asked Mr. Madigan to read the Article (as printed in the Warrant) adding the words “up to \$435,000” after “reallocating a sum of money”.

Mr. Madigan re-read the motion in addition to the Article inserting Mr. Dahlen’s requested edit. Second by Mr. Dahlen.

Mr. Dahlen then spoke as a member of the School Building Committee stating that the school bids were on or under budget for the school, field house, and Performing Arts Center. He indicated that the MSBA (Massachusetts School Building Authority) asked that the contingency money be broken out into 3 buckets for the 3 projects under construction. At the time the money was moved to a contingency fund, all of the money was left in a fund for the school and not transferred for the Performing Arts Center and field house. The School is would like to transfer \$335,000 of the contingency funds earmarked for the PAC that will not be used for that project and reallocate the money to the field house. The additional \$100,000 will come from the School contingency fund, also to be reallocated to the field house. Both sums will be used to cover cost overruns at the field house.

Vote the previous motion as amended: VOTE 3:0:0

Dr. Benedict Tantillo, Superintendent of Schools, addressed the Selectmen stating that the Police have been very helpful after the recent Newtown School shootings. He wanted to take this opportunity to thank the department, including newly-appointed Deputy Chief McDonald who was helpful before his official duties began in Duxbury.

SELECTMEN PLACE TOWN MEETING ARTICLES IN ORDER

Mr. Dahlen provided a suggested order of ATM and STM articles.

Mr. Madigan moved that the Board of Selectmen approve the order of the articles as suggested by Mr. Dahlen. Second by Mr. Dahlen. Vote 3:0:0.

SELECTMEN CLOSE SPECIAL TOWN MEETING WARRANT

Mr. Madigan moved that the Board of Selectmen close the warrant for the 2013 Special Town Meeting consisting of eighteen (18) articles. Second by Mr. Dahlen. Vote 3:0:0.

The Board of Selectmen will sign the STM warrant after the meeting.

BUSINESS

One Day Liquor License Requests –

Mr. Madigan moved that the Board of Selectmen grant Ms. Mary Beth Brown, as a representative of the Duxbury art Association, a one day Wine & Malt license to hold a reception on February 9, 2013 from 6:00 PM to 9:00 PM at the Art Complex Museum, 186 Alden Street contingent on the conditions listed 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 – construction has slowed during the month of January at just over \$1.0 million
2. PAC-TV will be sponsoring a Bone Marrow Registry Drive at 4 Collins Ave, Plymouth on February 12th from 4 pm – 7 pm. The event is open to individuals 18-44 years of age.
3. The Duxbury Cultural Council announced their grants for 2012. The Council was allotted \$3,870 from the state; they received 28 applications requesting a total \$16,675. The Council was able to provide grants to 14 organizations.
4. Assessor Field Review – As part of our software conversion, beginning February 4, the Assessing Department will be completing a field review of all real property in town. Vision Government Solutions will be conducting an external review of all property. The process should take approximately 2 months, weather permitting and move west to east.
5. The Senior Center has been chosen as one of five senior centers across the country to win funding to develop a Pilot Program / Aging Mastery curriculum for older adults. Congratulations to Joanne Moore.
6. Mr. MacDonald thanked the Town Manager/Selectmen Office staff for their hard work on the preparation of the Town Meeting Warrant.

ANNOUNCEMENTS – there were none.

MINUTES -

Mr. Madigan moved that the Board of Selectmen approve the 01-14-13 Selectmen's minutes as presented. Second by Mr. Dahlen. Vote 2:0:1 (*Mr. Flynn abstained as he was not present at that meeting.*)

Mr. Madigan moved that the Board of Selectmen approve the 01-28-13 Selectmen's minutes as presented. Second by Mr. Dahlen. Vote 3:0:0.

Mr. Dahlen moved that the Board of Selectmen approve the 01-07-13 Executive Session minutes as presented, with the contents 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 at that meeting.*)

Mr. Madigan moved that the Board of Selectmen approve the 01-14-13 Executive Session minutes as presented, with the contents to remain sealed until the need for confidentiality has passed. Second by Mr. Dahlen. Vote 2:0:1. (*Mr. Flynn abstained as he was not present at that meeting.*)

LIST OF DOCUMENTS

1. *Suggested Motion for Public Hearing: Wine & Malt Package Store License*
2. *Package of materials related to Town of Duxbury and public comments regarding the issuance of the license to Square One Corp d/b/a Halls Corner Store*
3. *Police Department budget presentation*
4. *Town Meeting Articles- Suggested Motions & Article for the following:*
 - *STM Article pertaining to formation of Electronic Balloting Committee*
 - *ATM Article pertaining to Amending General By-Laws to change the date of Town Meeting*
 - *ATM Article pertaining to Amending General By-Laws to change the date of Town Election*
 - *STM Article pertaining to Masonry Repairs – Performing Arts Center*
 - *STM Article pertaining to Roof Repair – Performing Arts Center including Gale Associates evaluation report*
 - *STM Article pertaining to the Transfer and Reallocation of funds for the new Field House facility*
5. *Annual Town Meeting Warrant – draft*
6. *List of ordered ATM Articles as suggested by Mr. Dahlen*
7. *Special Town Meeting Warrant - draft*
8. *List of ordered STM Articles as suggested by Mr. Dahlen*
9. *Special Town Meeting Warrant – final*
10. *Suggested Motion to Close STM Warrant*

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11. One Day Wine & Malt License – Duxbury Art Association, February 9, 2013

12. Potential Town Manager Brief items

13. Open Session Minutes: 01-14-13, 01-28-13

14. Executive Session Minutes: 01-07-13, 01-14-13