

Date: April 8, 2013

Date Minutes Approved: April 22, 2013

BOARD OF SELECTMEN MINUTES

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

Absent: Richard MacDonald, Town Manager

Staff: John Madden, Finance Director, and Susan Kelley, Executive Assistant

CONVENED IN OPEN SESSION

The meeting was called to order at 6:31 P.M. in the Mural Room.

VOTE TO ENTER EXECUTIVE SESSION

Upon convening the meeting, the Chair entertained a motion to enter Executive Session. Mr. Dahlen moved that the Board enter Executive Session to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel, and then to reconvene in Open Session immediately following, in accordance with Mass General Laws Chapter 30A, Section 21.

As Chair, Mr. Madigan declared the need to enter Executive Session to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions with non-union personnel, as to do so in open session may have a detrimental effect on the Town's bargaining position. Second by Mr. Flynn. Roll Call Vote: Mr. Madigan – aye; Mr. Flynn---aye; Mr. Dahlen---aye.

ADJOURNMENT

At 6:50 PM, Mr. Dahlen moved that the Board adjourn the Executive Session. Second by Mr. Flynn. *ROLL CALL VOTE: Mr. Dahlen – “aye”; Mr. Madigan – “aye” and Mr. Flynn – “aye”.*

RECONVENED IN OPEN SESSION

Having completed the business of the Executive Session, the Selectmen reconvened in Open Session at 7:00 PM after the public entered the room.

OPEN FORUM – no items were brought forth

ARBOR DAY PROCLAMATION

Duxbury is a Tree City, USA under the guidelines of the National Arbor Day Foundation. As part of the Tree City designation, communities agree to celebrate Arbor Day each year. As part of that celebration, the Selectmen are asked to annually announce Arbor Day through a proclamation. Mr. Dahlen read the Proclamation declaring April 26, 2013 Arbor Day in the Town of Duxbury, to be observed with ceremonies at Chandler School at 2:30 PM.

VERIZON NEW ENGLAND – New Facilities Hearing – Placement of new conduit from 28 Evergreen Street to Tremont Street.

Also present for the discussion was Mr. Barry Maffini, representing Verizon New England, Inc.

Mr. Madigan announced that the hearing for the above referenced matter was open (no formal motion required as this is not an advertised hearing)

Mr. Dahlen moved that the Board of Selectmen grant VERIZON NEW ENGLAND INC permission to lay and maintain underground conduits, with the wires and cables to be placed therein, under the surface of Evergreen Street as follows:

- New Conduit – 2 inch duct – 407 feet
- One Hand hole
- Facilities to be placed from Pole 131/17 on Evergreen Street to Tremont Street
Also for permission to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes. Second by Mr. Flynn.

The floor was opened to the public for questions. The owner of 28 Evergreen Street asked the Verizon representative where the cables would be installed once they extended beyond the pole at 28 Evergreen Street. She expressed concern that the wires might be included in an older installation that runs underground through private properties between Evergreen Street and Toby Garden Street.

Mr. Maffini indicated that the lines will be installed underground until the pole at the corner of 28 Evergreen Street at which point they will become aerial. He stated the new installations will not be placed in the outdated conduit and at some point that feed would become obsolete.

Voting the motion grant Verizon New England to install new facilities on Evergreen Street: Vote 3:0:0

At 7:08 PM, Mr. Madigan announced the hearing was closed.

CONSERVATION RESTRICTION ON CROWELL BOG

Mr. Dahlen moved that the Board of Selectmen approve a Conservation Restriction to the Wildlands Trust Inc., pursuant to MGL Chapter 184, Section 32 and in compliance with MGL Chapter 44B on the town-owned property known as the Crowell Bog, consisting of 43.4 acres, and further identified as parcels 130-500-005 and 130-500-007 on the Duxbury Assessors Map. Second by Mr. Flynn.

Also present for the discussion were Pat Loring and Holly Morris of the Conservation Commission.

Ms. Loring stated that the Town purchased the property, known as the Crowell Bog, with Community Preservation Act (CPA) funds in February 2011. Because CPA funds were used, the Town is required to place a conservation restriction on the property. She indicated that the

Executive Office of Energy and Environmental Affairs has already approved the restriction as presented to the Selectmen.

Ms. Loring continued with some background on the property stating that the purchase was originally 60 acres of land that had been sold into the Federal Wetlands Reserve Program by the former owner. Approximately 17 of the original 60 acres were transferred to the Water Department as viable well sites. The funds paid by the Water Department for that portion of the property were re-deposited to the CPA fund. The buildings that were on the property at time of purchase are located on the Water Department's portion and are being used for storage. The Wildlands Trust does not maintain those structures. Ms. Loring added that there will be a parking lot located off of Lincoln Street for public access.

Voting the motion to approve a Conservation Restriction to the Wildlands Trust Inc. on the town-owned property known as the Crowell Bog: Vote 3:0:0.

TOWN MANAGER EMPLOYMENT CONTRACT/AGREEMENT

Mr. Madigan introduced Mr. René Read, selected candidate for Town Manager.

Mr. Madigan indicated that in an Executive Session held earlier in the evening, the Selectmen had reviewed the Town Manager Employment Agreement with Mr. Read and believes they have agreed on a contract that is fair to all parties. He highlighted that Mr. Read will be a resident Town Manager as he makes his home in Duxbury. This will enable him to be involved in the community; in addition to serving as Town Manager.

Mr. Dahlen moved that the Board of Selectmen approve and execute the Town Manager Employment Agreement between the Town of Duxbury and Mr. René Read as drafted in final form with agreed upon revisions. Second by Mr. Flynn. Vote 3:0:0.

HUMAN RESOURCES – SETTING HEALTH, DENTAL, and LIFE INSURANCE RATES

Also present for the discussion was Jeannie Horne, Human Resources Officer.

Ms. Horne stated that the Insurance Committee had been working on suggested rates for FY2014. The Committee recommended continuing the 2 cost share programs, health and basic life insurance, at the current rate of 75% paid by the Town and 25% paid by the employee.

The Committee was also asking that the selectmen set the dental insurance rates equal to the rates of last year. They did not feel an increase was necessary as there has been a very positive claims experience. Ms. Horne indicated that while the Committee was asking the Selectmen to set the rate for 1 year, the dental rate is guaranteed for 2 years.

Mr. Madden said the claims experience has been excellent resulting in only 1 premium increase since 2008. This increase was due to the plan design changes made last year.

Mr. Madigan asked if it was possible to add a pool benefit (referring to the use of the Percy Walker Pool).

Ms. Horne indicated that pool membership could not be added as a benefit but there were other benefits she is working to bring to the employees.

Mr. Dahlen moved that the Board of Selectmen accept the health, dental and life insurance rates as presented. Second by Mr. Flynn. Vote 3:0:0.

SCOOPS ICE CREAM LLC – License / Lisa Grace, New Owner

Ms. Grace was present for the discussion to respond if there were any questions. No questions were raised by the Board or audience.

The application for this license was circulated to the appropriate Departments for review; there were no issues or concerns.

Mr. Dahlen moved that the Board of Selectmen approve a Common Victualler's License for Scoops Ice Cream, LLC, Lisa S. Grace, Manager, contingent on the following:

- Managing the business in accordance with the representations made in the application materials;
- Completion of the Workers' Compensation Affidavit (*received*);
- Proof of Workers' Compensation Coverage, if applicable (*received*);
- Obtaining a Town of Duxbury Business Certificate (*received*);
- Adherence to all Board of Health, Fire and Municipal Services Department regulations, including required inspections prior to opening;
- Completion of the R.E.A.P. Certification (i.e., Tax ID) (*received*);
- Submission of all emergency business contact information and premises security data to the Duxbury Police Department (*done*);
- Satisfactory completion of a Criminal Records check (CORI) (*done*);
- That any employees age 17 or older complete authorization for a Criminal Records check (CORI) prior to beginning employment;
- Payment of any taxes owed on the property.

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

KENO LICENSE REQUEST - DUXBURY VETERANS' CLUB INC.

Mr. Dahlen stated that the Legion had applied to the State for a Keno License. He indicated that the request had been circulated to the Chief of Police, Fire Chief and Municipal Services for feedback; there were no objections to the license being issued. Mr. Dahlen indicated that if the Board had no objections to the license being issued, they need not take any action. Action was only required if there were an objection.

Mr. Madigan, Mr. Flynn, and Mr. Dahlen stated they had no objection to the license being issued.

BUSINESS

One Day Liquor License Request – Duxbury Rural & Historical Society, April 25, 2013

Mr. Dahlen moved that the Board of Selectmen grant 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 8:30 PM on April 25, 2013 subject to the conditions listed on the license. Second by Mr. Flynn. Vote: 3:0:0.

Event Permit – Duxbury Middle School Running Club 5K Road Race, May 10, 2013

Mr. Dahlen moved that the Board of Selectmen grant Ms. Debbie Burns, as a representative of the Duxbury Middle School Running Club, an Event Permit to conduct the 5th Annual DMS Running Club 5K Road Race and Family Fun Day beginning at the Duxbury Middle School on Friday, May 10, 2013 at 4:00 PM subject to the conditions listed on the permit. Second by Mr. Flynn. Vote: 3:0:0.

TOWN MANAGER'S BRIEF - none

Mr. MacDonald was not present at the meeting.

ANNOUNCEMENTS

Mr. Dahlen made the following announcements:

1. **State Primary Election** – last day to register: Wednesday, April 10, 2013 is the last day to register to vote in the State Primary Election for the US Senate. The Town Clerk's office will be open from 8:00 AM to 8:00 PM for voter registrations.
2. **Duxbury Spring Litter Sweep** – The Spring Duxbury Litter Sweep will be held on the first Saturday in May, which is May 4th. Sign-in begins at 8AM at the Tarkiln Community Center where Litter Sweep Committee volunteers will hand out free bags, provided by the Duxbury Highway Department. Residents are asked to sign in and to return all collected litter to the Tarkiln Community Center by 4PM. The Highway Department will then pick up all items for proper disposal.
3. **Transfer Station Paint Days** – The Transfer Station will be accepting oil paint and/or stain on Saturday, April 20th and Saturday, June 15th from 9:00 AM to noon. Nothing larger than a 1-gallon can will be accepted and there is a limit of 10 gallons. NOTE: Waste latex paint and driveway sealer are not hazardous and will not be accepted on paint days. They are accepted at the Transfer Station as regular trash once the material is dry. For additional information see the Town news section on the home page of the town website.
4. **Decommission Ceremony for 443 West Street (Duxbury Police Station)** – will be held on Friday, April 12 at 9:30 AM. The ceremony will begin at 443 West Street with a Flag Lowering Ceremony and proceed to 155 Mayflower Street (the new Duxbury Police Station) for a Flag

Raising Ceremony. A coffee reception will follow in the Meeting Room. The Flag Lowering Ceremony will include:

- a. The daughter of the late Chief Doyle (Carolyn Doyle Schofield),
- b. The Department's most senior surviving member (Robert Byrne), and
- c. The Department's most senior active member (Sgt. Dennis Symmonds).

The public is invited to attend.

MINTUES

Mr. Dahlen moved that the Selectmen approve the Open Session minutes of 11-05-12 as written. Second by Mr. Flynn. Vote 3:0:0

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

Mr. Dahlen moved that the Selectmen approve the Open Session minutes of 02-04-13 as written. Second by Mr. Flynn. Vote 3:0:0

Mr. Dahlen moved that the Selectmen approve the Open Session minutes of 03-25-13 as written. Second by Mr. Flynn. Vote 3:0:0

Mr. Dahlen moved that the Selectmen approve the Executive Session B minutes of 11-05-12 as written, with contents to remain sealed until the need for confidentiality has passed. Second by Mr. Flynn. Vote 3:0:0

Mr. Dahlen moved that the Selectmen approve the Executive Session C minutes of 11-05-12 as written, with contents to remain sealed until the need for confidentiality has passed. Second by Mr. Flynn. Vote 3:0:0

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

COMMITTEE APPOINTMENTS/REAPPOINTMENTS

Fourth of July Committee –

Mr. Dahlen moved that the Board of Selectmen appoint or re-appoint the following to the Fourth of July Committee with a term to expire April 30, 2014: Terri Woodward, Jeff Goldman, Katy Gaenicke, Rich Potash, Janet Ritch, Margaret Kearney, William Kearney, Janet Skaggs, Don Reed, Nancy Reed, Linda Robinson, David Robinson, Jamie MacNab, Amy Hill, Brian Hill, Joan Edgar, Sue Lawrence, Stuart Ruggles, Barbara Munsey. Second by Mr. Flynn. Vote 3:0:0.

Mr. Dahlen also mentioned that the Duxbury 4th of July Parade will be held on Thursday, July 4th beginning at 2:00 PM, and the Duxbury Beach Party will be held on Saturday, July 6th from 4 PM – 11 PM. For more information, see the website: www.duxbury4thofjuly.com.

Logan Airport Community Advisory Committee –

Mr. Dahlen moved that the Board of Selectmen appoint Mr. Thomas Broadrick as the Duxbury delegate to the Logan Airport Community Advisory Committee with a term to expire June 30, 2016. Second by Mr. Flynn. Vote 3:0:0

Electronic Balloting Committee -

Mr. Madigan announced that Article 16 at the 2013 Special Town Meeting established the Electronic Balloting Committee to investigate the applicability of employing electronic balloting for future Special Town Meetings and Annual Town Meetings and to report back to the next Annual Town Meeting their recommendations. The Moderator has named the following individuals to serve on the Electronic Balloting Committee: Carol Chapman, Bob Doyle, Susan Kelley, James Sullivan III, and David Tobin.

There are still 4 open seats on the Committee. Any interested Duxbury citizens are encouraged to fill out a Talent Bank form.

ADJOURNMENT

At 7:35 PM, Mr. Madigan moved that the Board of Selectmen adjourn. Second by Mr. Flynn. Vote 3:0:0.

LIST OF DOCUMENTS:

1. *Proclamation – Arbor Day, April 26, 2013*
2. *Verizon New England New Facilities Hearing*
 - a. *Letter to Selectmen from Verizon dated 03-05-13*
 - b. *Petition or Conduit Location re: Evergreen Street*
 - c. *Map of work location*
 - d. *Abutters list*
 - e. *Abutter notification Return Receipt cards*
 - f. *Letter to Abutters*
 - g. *Letter to Verizon requesting a representative at Selectmen's meeting*
 - h. *Order for Conduit Location*
3. *Conservation Restriction – Crowell Bog (Lincoln and Congress Street)*
 - a. *Memo to the Selectmen from Patricia Loring, Community Preservation Committee dated 03-26-13*
 - b. *Community Preservation Act Conservation Restriction*
4. *Town of Duxbury Town Manager Employment Agreement*
5. *Health, Dental, and Life Insurance Rates for FY14*
 - a. *memo to the Selectmen from Jeannie Horne dated 04-03-13*
 - b. *Duxbury Saver Plans Rate Sheet effective 06-01-13 (for July premiums) through 05-31-14*
6. *Scoops Ice Cream LLC Common Victualler's License package including:*
 - a. *Letter to the Selectmen from Lisa Grace dates 12-12-12*
 - b. *Application for License*
 - c. *Copy of Certificate of Organization*
 - d. *Workers' Compensation Insurance Affidavit: General Business*
 - e. *Certificate of Insurance*
 - f. *Information Sheet*

- 7. Letter to Selectmen from Massachusetts State Lottery Commission dated 3-18-12 re: Keno License for Legion*
- 8. One-Day Liquor License application Duxbury Rural & Historical Society, 04-25-13*
- 9. Event Permit application Duxbury Middle School Running Club, 05-10-13*
- 10. Town Manager's Brief*
- 11. Suggested Announcements*
- 12. Board of Selectmen Open Session minutes 11-05-12; 12-10-12; 02-04-13; 03-25-13*
- 13. Board of Selectmen Executive Session minutes: 11-05-12, Session B; 11-05-12, Session C; 01-14-13*
- 14. Committee Appointments/Re-Appointments: Fourth of July Committee, Logan Airport Community Advisory Committee, Electronic Balloting Committee (Announcement – Moderator-appointed committee).*