

Date: April 22, 2013

Date Minutes Approved: December 2, 2013

BOARD OF SELECTMEN MINUTES

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

Absent: (none)

Staff: John Madden, Finance Director and C. Anne Murray, Administrative Assistant

CONVENED IN OPEN SESSION

The meeting was called to order at 7:02 PM in the Mural Room.

Upon convening the meeting, Mr. Madigan took a moment to mention that the tragedies in Boston last week (i.e., the bombings at the Boston Marathon) were extremely bad. He said that it did affect a number of people from Duxbury. He just wanted to acknowledge that and to say that he hoped that those affected would not suffer any long-term or permanent effects.

OPEN FORUM --Nothing was brought forward.

ADJOURN AS SELECTMEN & CONVENE AS WATER & SEWER COMMISSIONERS

Mr. Dahlen moved that the Board of Selectmen adjourn the meeting as Selectmen in order to meet as the Water & Sewer Commissioners, with the intent of reconvening as Selectmen afterward. Second by Mr. Flynn. VOTE: 3:0:0.

It was explained that as Water Commissioners they approve the Water Commitment, which allows for the billing for the water, sewer and service charges to be done.

Mr. Dahlen moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the total amount of \$616,018.12 for water, sewer and service. Second by Mr. Flynn. VOTE: 3:0:0.

ADJOURN WATER & SEWER COMMISSIONERS AND RECONVENE AS SELECTMEN

Mr. Dahlen moved that the Board adjourn the meeting as Water & Sewer Commissioners in order to reconvene as Selectmen. Second by Mr. Flynn. VOTE: 3:0:0.

7:02 P.M. PUBLIC HEARING: TRANSFER/CHANGE OF MANAGER/ALTERATION OF LICENSED PREMISES AND PLEDGE OF LICENSE – The Winsor House

Opened The Public Hearing:

Mr. Dahlen moved that the Board of Selectmen open the public hearing for consideration of an application for a Transfer of License, Change of Manager, Pledge of License and Alteration of Licensed Premises (outdoor seating for 25 patrons) for an All-Alcoholic Common Victualler license

for Modern Family Associates, LLC, d/b/a Winsor House Inn & Restaurant, Alexander S. Marconi, Manager, 390 Washington ST, Duxbury, MA. Second by Mr. Flynn. Vote: 3:0:0.

Chair said that first the Board would hear from the Applicant and recognized Mr. Alexander S. Marconi. Mr. Marconi is listed as the applicant/Manager on the application. He introduced himself and the other members of his family: his mother, Ms. Holly Weilbrenner; his step-father, Charles Weilbrenner, and his brother, Andrew Marconi. Mr. David O'Connell, the current owner of the Winsor House, introduced himself as "an adoptee of the family."

Mr. Marconi mentioned that they altered the hours slightly and are interested in being open for lunch as business levels allow during certain times of the year, but that will be experimental.

Mr. Madigan asked if they would be continuing to run the bed and breakfast. Mr. Marconi responded that initially, during the first 6-12 months, it is not in their plans to operate the bed and breakfast, but they will consider that in the future if the need seems to be there.

The Chair then asked if there were any questions or comments from the Public. Ms. Betsy Sullivan, spoke briefly in support of the transfer mentioning she knows this family and gives them her complete support.

Mr. Dahlen mentioned that basically the transfer involves a slight decrease in hours and a change in specifically mentioning the 25 outdoor seats, which have historically been used and are not an issue as far as the zoning is concerned.

Motion for Change of the Manager:

Mr. Dahlen moved that the Board of Selectmen, acting as the Licensing Authority, approve the change of manager regarding the All-Alcoholic Common Victualler license transferred from the Winsor Restaurant Group, Inc. David M. O'Connell, Manager, to the Modern Family Associates, LLC, Alexander S. Marconi, Manager, d/b/a Winsor House Inn & Restaurant, 390 Washington ST, Duxbury, MA. Second by Mr. Flynn. Vote: 3:0:0.

Ms. Murray explained that there are four basic items being requested and therefore, the recommendation is being made that the changes be addressed as separate motions, to allow for some flexibility.

Before continuing, Mr. Marconi questioned when the application would be submitted to the Alcohol Beverages Control Commission (ABCC) because he knows there is a period during which it can be appealed. Ms. Murray responded by saying it likely would be within a day or two.

Motion for Pledge of License:

Mr. Dahlen moved that the Board of Selectmen, acting as the Licensing Authority, allow for the Pledge of the License (i.e. the All-Alcoholic Common Victualler license) issued to the Modern Family Associates, LLC, Alexander S. Marconi, Manager, d/b/a Winsor House Inn & Restaurant, 390 Washington ST, Duxbury, MA as collateral for financial transactions relative to the purchase of the business. Second by Mr. Flynn.

Prior to voting, Mr. Madigan asked if it (i.e., the liquor license) is used as collateral and the applicant defaults then does the license revert to the lender? Mr. Dahlen said that the mortgage is not in the name of a bank, but in the name of the former mortgage holder, David O'Connell, so it would revert to him.
Vote: 3:0:0.

Motion Regarding the Alteration of Licensed Premises:

Mr. Dahlen moved that the Board of Selectmen, acting as the Licensing Authority, approve the Alteration of Licensed Premises, to allow for outdoor seating for 25 patrons on the patio, as shown in the diagram, submitted with the application for an All-Alcoholic Common Victualler license to Modern Family Associates, LLC, d/b/a Winsor House Inn & Restaurant, Alexander S. Marconi, Manager, 390 Washington ST, Duxbury, MA, subject to the following conditions:

- Use of the Patio be restricted to April 1st through October 31st
- Use of the Patio be restricted to outdoor seating for 25 patrons
- Use of the Patio and the Hours of Sale of Alcoholic Beverages on the Patio be allowed during the following hours:
 - Monday Closed
 - Tuesday, Wednesday, & Thursday 4:00 pm – 10:00 pm
 - Fridays 12:00 pm – 10:00 pm
 - Saturday & Sundays 11:00 am – 10:00 pm

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

Motion Regarding the Transfer of License:

Mr. Dahlen moved that the Board of Selectmen, acting as the Licensing Authority, approve the transfer of an All-Alcoholic Common Victualler license from the Winsor Restaurant Group, Inc. to the Modern Family Associates, LLC, d/b/a Winsor House Inn & Restaurant, 390 Washington ST, Duxbury, MA, subject to the following conditions:

- Satisfactory Completion of a Criminal Background Check (CORI) on applicant
- Signed Workers' Compensation Affidavit
- Provision of Proof of Workers' Compensation Insurance
- Proof of Liquor Liability Coverage
- Payment of Annual Fee (currently \$2,000. for All-Alcoholic Common Victualler license)
- Server Training Certificate for the Manager
- Provision of signed R.E.A.P. form (Payment of State Taxes)
- Hours of Sale of Alcoholic Beverages

Main Restaurant:

- Mondays Closed
- Tuesday & Wednesday 4:00 pm – Midnight (12:00 am)
- Thursdays & Fridays 12:00 pm – Midnight (12:00 am)
- Saturdays 12:00 pm – Midnight (12:00 am)
- Sundays 11:00 am – 10:00 pm

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

Motion to Close the Public Hearing:

Mr. Dahlen moved that the Board of Selectmen close the public hearing for consideration of an application for a Transfer of License, Change of Manager, Pledge of License and Alteration of Licensed Premises (outdoor seating for 25 patrons) for an All-Alcoholic Common Victualler license for Modern Family Associates, LLC, d/b/a Winsor House Inn & Restaurant, Alexander S. Marconi, Manager, 390 Washington ST, Duxbury, MA. Second by Mr. Flynn. Vote: 3:0:0.

EASEMENT RELOCATION “RECORD OF VOTE” – 86 CANDLEWICK CLOSE

It was explained that the relocation of a drainage easement on 86 Candlewick Close was approved at the Annual Town Meeting held on March 9, 2013. While the Town Meeting vote authorized the easement relocation, the form of agreement needs to be separately approved by the Board of Selectmen.

Mr. Dahlen moved that the Board of Selectmen approve and execute the Record of Vote as well as an Easement Relocation Agreement for the relocation of a drainage easement located on the property that is shown as Lot 1 on that certain Plan of Land recorded at the Plymouth County Registry of Deeds at plan Book 3917, Page 438, to a new location depicted on that certain Sketch of Easement drawn by Douglas Baily, Professional Land Surveyor, dated January 24, 2013, that is attached to the Relocation Agreement. Authority is hereby granted to the Town Manager to take all actions reasonably required to complete said relocation. Second by Mr. Flynn. 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

Friends of the COA Golf Tournament – Mr. Chris Barry, Monday, June 3, 2013

Mr. Dahlen 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 & Malt License for an event on Monday, June 3, 2013 at the Duxbury Senior Center, 10 Mayflower Street, from 5:00 PM – 9:30 PM, contingent upon the stipulations on the license. Second by Mr. Flynn. Vote: 3:0:0.

The Chair questioned what the liquor license was for and Ms. Murray explained that the COA has held a fundraiser golf tournament for the past several years and in the evening a reception is held afterwards.

Marshfield Country Club – Mr. Daniel Hall, May 4, 2013

It was explained that this request was made because the Marshfield Country Club has planned a demo day during which a number of vendors will be displaying their golfing equipment and they wanted to serve alcoholic beverages. The demo is taking place at the driving range of the Marshfield

Country Club, which is actually located in Duxbury, so a One-Day Liquor License must be issued by the Town of Duxbury for the serving of the alcohol and an extension to allow for the delivery and removal of the alcohol.

Mr. Dahlen moved that the Board of Selectmen grant Mr. Daniel Hall, as a representative of the Marshfield Country Club, a One-Day All Alcohol License for an event to be held at the Driving Range of the Marshfield Country Club off Acorn Street, Duxbury, on Saturday, May 4, 2013 from 12 noon – 6 PM subject to the conditions listed on the License. Second by Mr. Flynn. Vote: 3:0:0.

Mr. Dahlen moved that Mr. Daniel G. Hall, as a representative of the Marshfield Country Club, is granted an extension of the One-Day All Alcohol License to allow for delivery and removal of alcohol for an event on Saturday, May 4, 2013 to be held at the Marshfield Country Club Driving Range off Acorn Street, Duxbury subject to the conditions on the Extension of the One Day Liquor License. Second by Mr. Flynn. Vote: 3:0:0.

FINANCIAL POLICIES PRESENTATION: Ken McCarthy, Finance Committee

Mr. Ken McCarthy, former Chair of the Finance Committee, began the presentation by explaining that a Subcommittee of the Finance Committee: Ms. Gay Shanahan, Mr. Bill Harris, and Ms. Colleen Brayer (former members) prepared an initial draft, which was in turn reviewed and discussed by the entire Finance Committee and members of the Fiscal Advisory Committee.

Mr. McCarthy gave a PowerPoint presentation entitled “Finance Committee Report – March 2013 Annual Town Meeting.” (*Editorial Note: The presentation is posted on the Finance Committee’s webpage on the Town website: www.town.duxbury.ma.us.*)

He explained that many financial institutions recommend that there be written policies. Mr. McCarthy noted that through the efforts of Town Manager Richard MacDonald and Finance Director John Madden, the Town of Duxbury has been put on a solid financial footing and was rewarded by Standard & Poor’s with a AAA bond rating. Realizing that Mr. MacDonald is retiring and someday Mr. Madden will, the Finance Committee felt there was a need to codify the financial practices, esp. since the bond rating agencies look favorably on this. The bond rating agencies specifically look to see if there are written financial practices.

The policies cover 5 core areas and he spoke briefly about each:

1. Accounting, Auditing, and Financial Planning
2. General Fund
3. Trust Funds
4. Capital Planning
5. Debt Management

Mr. McCarthy then gave some of the specific recommendations for each of the categories:

Accounting: The Accounting the standards we have set follow those recommended by Government Accounting Standards Board (GASB) 34 and 45, which address Town financial activities.

- That the Town have an annual audit with a five-year agreement with the Town’s auditing firm. At the end of the term, it is suggested the Town have an open process to select the next auditing firm. If the same auditing firm is selected, then they are suggesting that there be a

change in the top manager. The idea being in this way the Town's records are reviewed with a fresh eye so that things are not overlooked.

- Management Letter –Audit Committee: The management letter should be more formalized. They propose an Audit Committee be appointed by the Moderator and include information on the makeup of the committee and the guidelines for the Auditing Committee. An article would be needed for next year's Town Meeting to establish the Auditing Committee.
- A 5-Year Financial Projection annually – This is something that has been done recently and they recommend it continues.

General Fund:

- Current operating expenditures should come from current revenues. This is a practice currently in use and it should continue.
- 98% target tax collection rate: Currently the Town is at 99%.
- Grants: Grants should be reviewed to determine what happens when the grant ends and if the grant entitles the hiring of personnel that the grant should also cover the benefits for the position or positions.

Trust Funds: He addressed the two most important ones.

- Stabilization Fund: The recommendation is for a goal of 5% of the operating budget in the Stabilization Fund. Town Meeting can appropriate monies from the Stabilization Fund with a 2/3 vote, but having monies in the Stabilization Fund demonstrates to the bond rating agencies that the Town has the funding to pay the bond payments. Currently the Town is slightly below the 5% recommendation, but has been working towards this goal and should reach it next spring.
- Free Cash: The recommendation is to be at 2% of operating budget to deal with things that come up.

There was a brief discussion about stabilization funds. Mr. Madigan said that 5% might satisfy Standards & Poor, but he suggested the percentage should be higher. Mr. Madden noted that municipalities do have a restriction on the amount allowed to be in a stabilization fund.

Capital Planning:

- There should be an annual update of the 5-Year Capital Plan
- The recommendation is that the capital program be within 2-5% of the tax levy; not including debt exclusion. The capital funds would be used for replacement of equipment, upgrade buildings and preventive maintenance.

Debt Management:

- Borrowing of money should be for projects of \$100,000. or more and a life span of more than 5 years.
- The recommendation is for debt to be no more than 5% of the General Fund, unless there is debt exclusion.
- The excluded debt service should be less than 12% of the General Fund.
- The Town should aggressively pay down long-term debt.

As next steps Mr. McCarthy listed the individuals and Committees that had reviewed the financial

Ms. Nancy Von Stackelberg and Mr. James Lampert, Chair and Vice Chair of the Fiscal Advisory Committee, had some comments / concerns when they reviewed the financial policies. Mr. Lampert gave a brief overview of them:

- He mentioned that both of them are newly-appointed to the Fiscal Advisory Committee so they do have a learning curve.
- Some areas they questioned the numbers and where those were derived from. For example: \$100,000. for borrowing seemed quite low
- 2-5% for capital spending: They were uncertain about the levels and just felt they needed some more discussion with the Finance Director for a better understanding. For example: If the Chandler fields need to be done what would the construction costs be and how does that fit into this plan?

Mr. Madigan mentioned that the GASB has proposed requiring a 5-year financial plan, but is getting some push back from larger cities so it has not been required yet. The 5-year plan for capital expenses does seem to be a realistic goal. For vehicles and arrival of a facilities manager we should be able to establish a plan for maintenance and replacement.

Mr. Lampert made the point that you have to coordinate the operating budget and the capital budget.

Mr. Madigan also mentioned that there are some expenses, such as ambulance repair / replacement or the crematorium, that you have to consider the revenue they generate; not just the expense.

Mr. Frank Mangione suggested a couple of other things to consider:

- The financial plan talks about a 5-year plan regarding expenditures, but he suggested that the Town should also consider a 5-year plan regarding revenues.
- Employee Benefits: OPEB and Pension Liability which are long-term liabilities and while not specifically capital expenses they will require funding and we need to figure out funding them.

Mr. Madigan suggested that the Town should take the premium holiday funds and put it towards the OPEB fund. He mentioned that OPEB is not required to be funded at this time, but the Pension Liability will have to be funded.

Mr. Madden addressed a couple of items:

- He suggested that June 30 balance in the health insurance appropriation be put towards the OPEB Trust Fund.
- He spoke about Free Cash and how anything that didn't have to get spent; wasn't spent. That generated free cash which could then be put into the stabilization fund.
- He mentioned how the long-term (30-year) capital plan developed by Mr. Madigan was useful because seeing the long-term helped the focus for the short-term priorities.
- It would be very helpful to figure out the price of equipment/vehicles and the expected lifespan of each vehicle.

There was a brief discussion about the anticipated facilities manager position and what it would entail. Mr. Madigan said that initially he focus would be on buildings for infrastructure needs and

preventative maintenance priorities. In part we need to distinguish what are ongoing maintenance items versus actual capital expenses.

Ms. Von Stackelberg mentioned one of the other questions the Fiscal Advisory Committee had was with regard to the \$25,000. for minor capital expenses. For example: carpeting at the senior center.

Mr. Madigan said that they were looking to establish an operating maintenance account for those types of items. Mr. Madden added that what they have been trying to do is to take some of these ongoing items and move them from capital expenses to be built into the operating budgets. Some of these things shouldn't be purchased with leftover money, but are an expense that should be part of the operating budget. Some examples of those items are carpeting and firefighter's turn out gear.

Ms. Betsy Sullivan acknowledged the efforts of Mr. Ken McCarthy in building consensus in establishing sound practices. She suggested that both the Town and the Schools need to look at some of these items the same way, e.g. "lease vs. buy", and that work needs to continue.

Mr. Dahlen moved that the Board of Selectmen adopt the Town of Duxbury, Massachusetts Financial Management Policies & Objectives –Finance Committee 2013 dated "Draft Monday, February 13, 2013" as presented. Second by Mr. Flynn. 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.

Event Permits

Winslow House Bike Ride – Lori Goodsell, May 5, 2013

Mr. Dahlen moved that the Board of Selectmen the participants in the 2nd Annual Historic Winslow House Association bicycle ride to be held on May 5, 2013, are granted permission to travel through Duxbury, contingent upon the conditions on the permit. Second by Mr. Flynn.

Ms. Lori Goodsell, VP of the Board of Directors of the Historic Winslow House Assoc. was present along with Ms. Erica Dumont, the Exec. Director of the Winslow House. Ms. Goodsell explained that this the second year of what they hope will be an annual fundraising, 43.5 mile bicycle ride through Scituate, Marshfield, and Duxbury. This year due to the Powder Point Bridge repairs they worked with Lt. Banfill of the Duxbury Police Dept. for an alternate route to get the riders back to Marshfield without having to go on Route 3A. So the alternate route incorporates Powder Point Avenue to St. George ST to Temple ST to Church ST back into Marshfield.

The Board then voted on the motion: Vote: 3:0:0.

Sidewalk and Bike Path Committee – Green Mile Walk, May 11, 2013

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Sarah Weihman, as representatives of the Sidewalk and Bike Path Committee, permission to hold the Green Mile walk on Saturday, May 11, 2013, from 10:00 AM – 2:00 PM from the Duxbury Student Union, 147 Saint George Street,

along Washington Street to Snug Harbor, contingent upon the conditions on the permit. Second by Mr. Flynn. Vote: 3:0:0.

TOWN MANAGER'S BRIEF - Bypassed as Town Manager Richard MacDonald was not present.

ANNOUNCEMENTS

Mr. Dahlen read announcements about:

1. The Spring Duxbury Litter Sweep scheduled for the first Saturday in May, which is May 4th.
2. Special State Primary for U.S. Senate seat will be held on Tuesday, April 30, 2013. The polls in Duxbury will be open from 7:00 AM to 8:00 PM at the Duxbury Middle School, 71 Alden ST.
3. The next scheduled Selectmen's meeting will be on Monday, May 6, 2013.

MINUTES

03-25-13 Executive Session Minutes and Open Session Minutes (2)

It was noted that the 03-25-13 Executive Session Minutes were regarding the contract negotiations with the new Town Manager and since the Agreement has been signed the minutes can be released.

Mr. Dahlen moved that the Board of Selectmen approve and release the 03-25-13 Executive Session Minutes, as presented. Second by Mr. Flynn. Vote: 3:0:0.

It was explained that there are two sets of 03-25-13 Open Session Minutes for review and approval. The first set was from a morning meeting during which the Selectmen met with the Moderator, Town Counsel, and members of some Boards and Committees for a review of Town Meeting. The second set was from the regular Selectmen's meeting that evening.

Mr. Dahlen moved that the Board of Selectmen approve the 03-25-13 Selectmen's Minutes (Town Meeting Review), as presented. Second by Mr. Flynn. Vote: 3:0:0.

Mr. Dahlen moved that the Board of Selectmen approve the 03-25-13 Selectmen's Minutes, as presented. Second by Mr. Flynn. Vote: 3:0:0.

04-08-13 Executive Session Minutes and Open Session Minutes

The 04-08-13 Executive Session also had to do with the new Town Manager's contract negotiations and since the Agreement has been signed the minutes can be released.

Mr. Dahlen moved that the Board of Selectmen approve and release the 04-08-13 Executive Session Minutes, as presented. Second by Mr. Flynn. Vote: 3:0:0.

Mr. Dahlen moved that the Board of Selectmen approve the 04-08-13 Selectmen's (Open Session) Minutes, as presented. Second by Mr. Flynn. Vote: 3:0:0.

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS – *none made this evening.*

ADJOURNMENT

At approximately 8:12 PM, Mr. Dahlen moved that the Board adjourn. Second by Mr. Flynn.
VOTE: 3:0:0.

Minutes prepared by: C. Anne Murray

LIST OF DOCUMENTS FOR OPEN SESSION MEETING

1. *Agenda for 04-22-13 Selectmen's Meeting*
2. *Water & Sewer Commissioners: suggested motions and Commitment letter (dated 04-03-13)*
3. *Public Hearing: Winsor House Liquor License-Transfer of License, Change of Manager, Pledge of License and Alteration of Licensed Premises suggested motions for public hearing process and for requested transactions and Liquor Lic. Application packet.*
4. *Relocation of Easement on 86 Candlewick Close: explanation of the matter and suggested motion. Record of Vote and Easement Relocation Agreement (in Signature packet)*
5. *One-Day Liquor Licenses: COA Golf Tournament reception packet 06-03-13 and Marshfield Country Club Demo Day on Driving Range (in Duxbury) on 05-04-13 and Extension of the Lic. Lic. to allow for delivery and removal of alcohol packet.*
6. *Finance Committee Report – March 2013 Annual Town Meeting printout of PowerPoint presentation, Memo from Mr. Ken McCarthy to the Board of Selectmen dated April 8, 2013 RE: Duxbury Financial Policies, and 02-13-13 Town of Duxbury Financial Management Policies & Objectives –Finance Committee 2013 –DRAFT. Email from Mr. Jim Lampert, Fiscal Advisory Committee Vice Chair providing questions and comments on the fore-mentioned Financial Policies Draft.*
7. *Event Permits: 2nd Annual Historic Winslow House Assoc. bicycle ride 05-05-13 packet and SWBP Committee's Green Mile event on 05-11-13 packet*
8. *Suggested Announcements for 04-22-13 BOS Meeting*
9. *MINUTES: 03-25-13 Executive Session Minutes-DRAF; 03-25-13 Selectmen Minutes (Town Meeting Review)-DRAFT & 03-25-13 Selectmen Minutes –Draft AND 04-08-13 Executive Session Minutes –DRAFT and 04-08-13 Selectmen's Minutes-DRAFT*