

Date: July 29, 2013

Date Minutes Approved: August 12, 2013

BOARD OF SELECTMEN MINUTES

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

Absent: -----

Staff: René J. Read, Town Manager, John Madden, Finance Director and C. Anne Murray, Administrative Assistant

CONVENED IN OPEN SESSION

The meeting was called to order at 7:01 PM in the Mural Room.

OPEN FORUM - nothing was brought forward.

WIND ADVISORY COMMITTEE UPDATE / Andreas Klein, Chair

Mr. Madigan explained that the Selectmen asked for an update and Dr. Klein, the new Chair of the Wind Advisory Committee, was introduced to provide the update.

Dr. Klein provided the following update about the Wind Advisory Committee (WAC):

- The WAC was formed about a year ago and has held about four meetings.
- The WAC recognized that there is no current plan for installing any wind turbines in Duxbury so the members agreed that its role is advisory to the Alternative Energy Committee and the Town, if in the future a turbine is planned.
- As an advisory committee the WAC is exploring the pros and cons of wind turbines regarding available and future technology, economic issues, siting issues, and health concerns, which might bear on our decision whether to install a turbine or not.
- The WAC has heard from two speakers:
 - Andy Briggs, Senior Director of Renewable Energy Generation of the Massachusetts Clean Energy Center (MassCEC). He provided a broad overview of wind generation in Massachusetts, including the controversies and complaints that have emerged. He mentioned some of the studies that are currently underway, some of which are funded by the MassCEC. Dr. Klein mentioned that the MassCEC is a quasi-public group that is funded through a surcharge on citizen's energy bills. Currently there are noise studies, including infra-sound or noise below the frequency of audible hearing, and property value studies. Results of those studies are pending.
 - Mr. Tim Dwyer, a Kingston resident who lives near the Kingston turbines, spoke to the WAC regarding three aspects: shadow flicker, noise, and health concerns. Dr. Klein mentioned that Mr. Dwyer is currently involved in a lawsuit against the Town of Kingston contending that due process was not followed in the siting of the turbines.
- The WAC does plan to make a site visit to the Massachusetts Maritime Academy to view and learn about the turbine located there, but that is to be arranged.

- At the first meeting of the WAC, which Mr. Flynn also attended, some residents attended and provided to the WAC some articles and cited health concerns associated with wind turbines. The WAC is inclined to wait for the results of the MassCEC studies for further information on this.

Mr. Madigan asked if the WAC has reviewed the Wind Bylaw as that was one task they were given? In response, Dr. Klein said that they had not gotten that far as the WAC is still in an information-gathering stage.

Mr. Dahlen again referred to the ongoing studies being done at the state level, which it is hoped might answer some of the concerns raised.

Mr. Madigan again mentioned that this was just part of the Board's process to get an update from some Committees. Now that we have the solar array project underway, he wanted to know whether it made sense for the WAC to continue, and it sounds like it does.

Mr. Flynn added that on the technical side improvements are being made, including the reduction in size.

DISCUSSION PERTAINING TO NAMING POLICY FOR TOWN PROPERTIES

Mr. Madigan indicated that Town Manager René Read would initiate the discussion.

Mr. Read said that the Town Manager's office has had a couple of inquiries about whether the Town has a "naming policy" for public buildings / properties. He just wanted to bring it to the Board's attention to see if there is an interest in having a naming policy and if so, he will draft one to bring back for the Board's review.

The Board members noted that not too many public buildings/spaces had been named for individuals.

Ms. Murray was asked to explain how this came about. She explained that she received a call from an individual, who was asking on behalf of a group of other citizens, how the naming of the roundabout had come about. They were taken by surprise when the signs for the naming of the roundabout went up and they wished they had been somewhat involved in the process. They also were clearly inquiring in expectation there would be a naming of the school buildings and other properties coming up. Ms. Murray indicated that some of the individuals are in the audience and might want to address the Board.

Ms. Nancy Melia, of Elderberry Lane, said that she supports establishing a naming policy. She suggested/mentioned:

- It should involve a cross-section of the community as it is not clear how naming of a public space / public building is done.
- She asked about the schools in regard to who has the authority to name the school buildings; the school committee or the Town administration? In response it was suggested that the Board would have to seek an opinion from Town Counsel to answer that.

Mr. Madigan suggested that the Board of Selectmen might have the authority, but it would be his preference to have Town Meeting somehow involved. He asked how the recent namings came about? The Cutler naming was mentioned at Town Meeting, the Shea naming was after some discussions with the Board of Selectmen.

Mr. Dahlen said that he only recalled two public namings: The David Culter Forest and the Joe Shea Roundabout. He mentioned in both of those cases the individuals had a huge involvement in the community, both of the individuals were deceased and the namings were with respect to areas or projects that they had championed.

An unidentified audience member mentioned that the Town of Hingham looked at policies from 11 different Towns when it was establishing its naming policy, and it ranged from a Board of Selectmen decision to a Town Meeting vote. She indicated that she could provide a copy of the Town of Essex's policy. She also suggested that having a policy "de-personalizes" the decision, and that it helps if you involve the community so then the community feels that they are involved in the process.

Mr. Madigan re-iterated his feeling that the policy should somehow involve the Town Meeting versus be solely up to the Selectmen (or School Committee), in part for that reason.

Ms. Shelley Beeby, of Tinkertown Lane, said, based on her School Committee experience, the naming of the new co-located Duxbury High School / Duxbury Middle School would likely be under the authority of the School Committee. She suggested that it would be helpful if the School Committee adopts the same policy as the Town.

Mr. Dahlen suggested that the group contact the School Committee with their thoughts as the school building naming is a topic that they will be addressing shortly.

Ms. Beeby mentioned that a number of their group were part of the Community Garden Club, who tended the plantings at the Roundabout as well as a number of locations around Duxbury. Many of their members didn't know who Joe Shea was.

Mr. Dahlen took the opportunity to explain that Joe Shea was a citizen, who served as the Chair of the Highway Safety (Advisory) Committee, for many years and he was the primary advocate for the Roundabout. He also served on a number of other Town committees (including the Municipal Commission on Disability, the Crematory Building Committee, and the War Memorial Committee), but the Roundabout was the thing he was most passionate about.

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 Duxbury Council-On-Aging – Life-Long Learning Registration, September 9, 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 and Malt License to hold an event at the Duxbury Senior Center, 10 Mayflower Street, on Monday, September 9, 2013 from 4:30 PM to 7:00 PM, contingent on the conditions on the license. Second by Mr. Flynn. Vote: 3:0:0.

Event Permits

Bay Farm Montessori Academy – 5K Run by the Bay, November 3, 2013

Mr. Dahlen moved that the Board of Selectmen grant to Jos Wanschers, as a representative of the Bay Farm Montessori Academy, a permit to hold the 9th Annual 5K Run by the Bay on Sunday, November 3, 2013 from 8:30 AM to 12:00 PM, beginning and ending at the Bay Farm Montessori School, contingent on the conditions on the permit. Second by Mr. Flynn. Vote: 3:0:0.

Alyssa Frazar Commemorative Walk – September 21, 2013

Mr. Dahlen moved that the Board of Selectmen grant to Mr. Tom Frazar permission to conduct the Alyssa Frazar Commemorative Walk beginning at the Duxbury High School on Saturday, September 21, 2013 at 11:00AM, contingent on the conditions on the permit. Second by Mr. Flynn. Vote: 3:0:0.

Right Coast Locations – Filming Session, August 2, 2013

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Karen Stark, of Right Coast Locations, and as a representative of The Institute (production company), permission to hold a filming session in Duxbury on Thursday, August 1, 2013 and/or Friday, August 2, 2013, contingent on the conditions on the permit. Second by Mr. Flynn. Vote: 3:0:0.

TOWN MANAGER’S BRIEF

Town Manager René Read gave the following report:

Open Meeting Law Training:

On Wednesday, July 24 we hosted an important Open Meeting Law training session at the Senior Center which was run by Nina Pickering-Cook from the Town’s law firm Anderson and Krieger. The event, which was very well attended by a broad spectrum of staff, board and committee volunteers, was televised live on PACTV and will be replayed on the Duxbury Channel (Comcast Ch. 15 / Verizon Ch. 39) on Tuesday, July 30th at noon and at 7:00 p.m.

PAC-TV has indicated that they will schedule it for other replay dates and times, and those dates and times are to be announced.

You can also watch the meeting on your computer by going to www.pactv.org and clicking on either the “Video on Demand” feature or on the “Duxbury G TV Channel” icon (at the top of the home

page) to access the Video on Demand feature. Search for “Open Meeting Law Training” with the date 07-24-13, select the file and click on “Watch Now”.

I would like to thank Human Resources Director Jeannie Horne for coordinating the meeting, COA Director Joanne Moore for hosting the event and all of the attendees as well. The materials distributed during the training session will be available on the town’s website and I would strongly encourage anyone who could not make the training session to please review that information as soon as possible.

Conflict of Interest Training:

On Thursday, September 19th the State Ethics Commission will be conducting a mandatory training at the Senior Center for all Town employees, board and committee members on Conflicts of Interest. We will be providing two time options to accommodate employees with further information to follow as the date draws closer.

Facilities Director:

Discussions about a Facilities Director for the Town of Duxbury have taken place over the last several years. Town Meeting votes in 2012 and 2013 provided approval to explore and fund the position. As a result, in April of this year the position was posted internally and externally and advertised through several sources including: *The Beacon*, *The Duxbury Clipper*, and the Massachusetts Municipal Association.

A Search Committee was appointed by Mr. Richard MacDonald, interim Town Manager. This Committee evaluated the application packages that were received and ranked the candidates according to their experience and the job’s requirements. The Committee chose and interviewed the semi-finalists, and from those candidates recommended two finalists who were interviewed by Dr. Ben Tantillo, Superintendent of Schools and myself.

Mr. Brian Cherry was selected as the finalist, accepted the position, and will begin employment as Duxbury’s first Facilities Director on August 12, 2013. Mr. Cherry has a Masters in Facilities Management and a Bachelor’s in Marine/Facilities Engineering from Massachusetts Maritime Academy, as well as many years of related industry experience.

We welcome Mr. Cherry to the Town of Duxbury and I would like to thank the Search Committee for its extensive efforts in the screening of the applicants.

FY15 Budget:

This week John Madden and I will be forwarding FY15 Budget materials and calendars to the Department Heads for their requests for the coming fiscal year. Included in those materials will be a timeline of key dates for submittals to our office including operating budget information, capital budget information and warrant articles and explanations.

Powder Point Bridge:

I have received notification that concern has been expressed regarding the weight of the trucks utilizing the bridge which are much heavier than the 4 ton limit. As a result, I have spoken with the Duxbury Police Department about this issue and they will be contacting the State Police to assist with enforcement of the weight limits on Powder Point Bridge.

Duxbury Beach:

Last week I met with the members of the Beach Committee and we had a very productive discussion on a number of ideas that could help to improve the operations of the beach for the coming year. One of the aspects they are pursuing is looking into the feasibility and costs associated with a bar-coded sticker and associated scanning equipment to allow for more accurate vehicle counts and a means of providing that information in real-time to beach patrons prior to their arrival at the beach (i.e., an app). If anyone has any examples or information on these types of systems and applications, I would welcome the chance to talk with you and would kindly suggest that you contact the Town Manager's office. As we continue to work on this project, I will be sure to provide the Board with periodic updates.

Also, the Duxbury Beach Management Plan is now available on both the town's website and the Duxbury Beach Reservations Website: <http://www.duxburybeach.com/>

Construction-related projects around town

Former Police Station

Asbestos abatement – underway – should be completed by August 5th

Demolition of the site will occur at the end of September (mid fall)

Prior to demolition, the Police and Fire departments will be using the facility as a training site.

When these training exercises occur, we will provide advance notice.

Tennis courts

The tennis court reconstruction projects at Tarkiln and Wadsworth are ongoing.

The contractor needs 3-4 days of sun once they start to paint courts and they are currently working on removing and replacing the posts. We estimate they will be completed by the middle of next week.

New Police Station

On the weekend of July 20th, a plumbing contractor attempting to hydraulically remediate a clogged floor drain caused a significant flooding event at the Duxbury Police Station involving at least 30% of the floor area in the building.

As a result of this flooding event, the nature of the materials found in the water (effluent/raw sewage), and the water having reached and dampened the drywall, several remediation steps were required and we are now in the midst of a large scale cleaning/restoration project that will include the following:

- Removal of drywall (to a height of 4' feet from the floor) in the men's and women's locker rooms, mechanical room, officer's break room and the hallway leading to the employee parking lot;
- Removal of poly material and sprayed foam insulation found behind the drywall;
- Cleaning (by outside contractor Servpro) of all areas once the affected or contaminated materials have been removed;
- Removal, cleaning and temporary storage of all lockers;
- Cleaning/sanitizing all floors in affected areas in addition to the floors in the holding cells, booking room and evidence processing room (completed).

- Restoration will include the re-installation of new materials which have been permanently removed as a result of this project.

During the initial cleanup phase, large air handlers/dehumidifiers (from Servpro) were temporarily installed which dried out the now-cleaned areas.

Police Chief Matt Clancy and Inspectional Services Director Scott Lambiase have been working with several of the contractors for this project and are in the process of bringing the restoration to its completion in the next 2 or 3 weeks.

In response to a question from the Board Mr. Read said that the cleanup is being funded through the insurance coverage of the plumber, who handled the initial cleanout.

Eagle Scouts

Yesterday I was asked to attend the Eagle Scout ceremony held to the Senior Center which was well attended by the family and friends of the 4 young men who have attained the rank of Eagle. I would like to thank the members of Troop 62 for having me at this wonderful event and I would like to again congratulate Brendan Allen, Thomas Blanchard, Kristofer Dowling and Thomas Sarles on their achievement.

Mr. Paul Canty

Finally, Mr. Paul Canty, former Town of Duxbury Wiring Inspector passed away on July 26. Mr. Canty served as the Wiring Inspector for the Town of Duxbury for 25 years and was actively involved with Camp Wing for many years. I have asked that the flags at Town Hall be lowered to half-staff until sunrise on Friday, August 2nd in his honor.

Mr. Dahlen asked if the bids for the demolition of the old Police Station are out? Mr. Read said that he knows that the bid materials have been prepared, but is not sure if they have been released yet.

Mr. Dahlen also asked the Town Manager to provide a timeline with respect to budgets and Town Meeting to avoid some of the problems that occurred last year. Mr. Read said that he is already working on that. There was a brief discussion of how the Board would like department budgets presented, and Mr. Read indicated he will incorporate their comments in his plans.

Mr. Flynn suggested that the Board has to be stricter about not re-opening the warrant after the deadlines.

Mr. Flynn asked about the status of Blairhaven recommendations? Mr. Dahlen said that he, Mr. Read, Mr. Grady, and Ms. Loring met with Town Counsel the other day about the draft. Town Counsel is seeking some further clarifications from the State and will incorporate the answers into an amended draft. Once the amended draft has cleared this small group, then it will be brought forward. Mr. Dahlen explained that unfortunately it got delayed because it started with Atty. Troy's office, and then had to transition to a staff member at Anderson & Kreiger. Unfortunately, that individual left so another member of the Anderson & Kreiger staff was assigned to it and is just getting up to speed. The Board of Selectmen will have to vote the Conservation Restriction, which is permanent, and the Rules and Regulations, which can be updated overtime as needed.

ANNOUNCEMENTS

Mr. Dahlen read announcements about:

1. **The Aging Mastery Program:**

The Duxbury Senior Center was chosen as one of five locations by the National Council on Aging to develop and pilot a program known as the Aging Mastery Program this past spring, with the aim to empower seniors to make and maintain small, impactful changes to their health behaviors so to live a healthier life. The workshops ran for 9 weeks throughout spring and PAC-TV will be showing the workshops one per week beginning August 5th and running through September 30th on the Duxbury Government Access Channel (Comcast Channel 15/Verizon Channel 39) on Wednesdays & Fridays at 10:30 a.m. & Sundays at 3 p.m.

2. **Next Scheduled Selectmen’s Meeting:** Monday, August 12, 2013

MINUTES

06-03-13 Selectmen’s Minutes

Mr. Dahlen moved that the Board of Selectmen approve the Minutes of June 3, 2013 (Open Session) as written. Second by Mr. Flynn. Vote: 3:0:0.

07-15-13 Selectmen’s Minutes

Mr. Flynn moved that the Board of Selectmen approve the Minutes of July 15, 2013 (Open Session) as written. Second by Mr. Madigan. Vote: 2:0:1. (*Mr. Dahlen abstained as he was not present that the meeting.*)

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS

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

Committee	Name	Appt. or Re-Appt.	Term Expires	Motion	Second	Vote
Nuclear Advisory Comm.	Mary “Pixie” Lampert	Re-Appt.	6-30-16	Mr. Flynn	Mr. Dahlen	3:0:0
Nuclear Advisory Comm.	Patrick Gagnon, M.D.	Appt.	To fill an unexpired term due to expire 6-30-14	Mr. Flynn	Mr. Dahlen	3:0:0
Constable	Richard DeLisle	Re-Appt.	6-30-16	Mr. Madigan	Mr. Flynn	3:0:0
Recreation Activities Comm.	Brooks Holmes	Re-Appt.	6-30-16	Mr. Madigan	Mr. Flynn	3:0:0
Recreation Activities Comm.	Greg Chandler	Re-Appt.	6-30-16	Mr. Madigan	Mr. Flynn	3:0:0
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Committee	Name	Appt. or Re-Appt.	Term Expires	Motion	Second	Vote
Recreation Activities Comm.	Chuck Rubin	Re-Appt.	6-30-16	Mr. Madigan	Mr. Flynn	3:0:0
Shellfish Advisory Comm.	Donald C. Beers (<i>ex officio</i>)	Re-Appt.	6-30-16	Mr. Madigan	Mr. Flynn	3:0:0

Mr. Flynn noted that Dr. Gagnon was one of the individuals, who was a recent candidate for the Planning Board opening.

Mr. Madigan mentioned that the Constable re-appointment was recommended after the Police Department conducted a background check and Chief Clancy provided a statement in support of the re-appointment.

Bonus Shellfish Season (for August, 2013)

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

- 1) for the **commercial** harvesting of soft shelled clams for the for the month of August, 2013 in accordance with posted Attachments B & C; and
- 2) for the **commercial** harvesting of quahog clams for the month of August, 2013 in accordance with posted Attachments A & C; and
- 3) for the **recreational** harvesting of soft shelled clams **on Wednesdays only** for the month of August, 2013 in accordance with posted Attachment D.

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

ADJOURNMENT

At approximately 7:45 PM, Mr. Flynn moved that the Board adjourn. Second by Mr. Dahlen. VOTE: 3:0:0.

Minutes prepared by: C. Anne Murray

LIST OF DOCUMENTS FOR 07-29-13 SELECTMEN'S MEETING

1. *Agenda for 07-29-13 Selectmen's Meeting*
2. *Open Forum: none*
3. *One-Day Liquor License Requests: 09-09-13 Friends of the Duxbury Council-On-Aging – Life-Long Learning Registration packet including suggested motion, application and dept. feedback;*
4. *Event Permit(s): Packets include: suggested motion, application, and dept. feedback for the event*
 - A. *Bay Farm Montessori Academy – 5K Run by the Bay, November 3, 2013 packet*
 - B. *Alyssa Frazar Commemorative Walk – September 21, 2013 packet*
 - C. *Right Coast Locations – Filming Session, August 2, 2013 packet*

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5. TOWN MANAGER'S BRIEF: 07-29-13 René Read statement
6. MINUTES: Suggested motions, 06-03-13 Selectmen's Minutes –DRAFT and 07-15-13 Selectmen's Minutes –DRAFT
7. APPOINTMENTS/ RE-APPOINTMENTS: *Board and Committee Appointment Sheets for 07-29-13*
8. *Bonus Shellfish Season (for August, 2013)*