

Date: October 28, 2013

Date Minutes Approved: November 4, 2013

BOARD OF SELECTMEN MINUTES

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

Absent: (none)

Staff: René J. Read, Town Manager, and C. Anne Murray, Administrative Assistant

CONVENED IN OPEN SESSION

The meeting was called to order at 7:00 PM in the Mural Room.

OPEN FORUM

Nothing was brought forward by the audience.

Mr. Madigan began the meeting by congratulating the DHS Field Hockey Team, which won its fifth consecutive league championship.

DISCUSSION PERTAINING TO THE PINE STREET WATER MAIN

Mr. Madigan introduced the topic mentioning that this pertains to the new water main where it runs about-ground along Lake Shore Drive. This section was permitted by the State's Office of Dam Safety to run above ground, but the Selectmen had requested some cost estimates for the possibility of reconfiguring the water main near the dam on Lake Shore Drive to be buried.

The Selectmen had received a letter dated October 18, 2013 from Ryan J. Trahan, P.E., of Environmental Partners Group, Inc. providing an estimated cost to relocating the water main on Lake Shore Drive so it could be buried. In addition, Mr. Read passed out an email dated October 28, 2013 from Mr. Trahan regarding the estimate of the future remaining funds from the approved budget for the project.

DPW Director Peter Buttkus then introduced Mr. Ryan Trahan. Mr. Trahan provided an overview of the information. He mentioned that the cost estimate was to relocate the water main to put it outside the limits of the dam so it could be put underground. The cost estimates were as follows: \$83,000. for construction costs and \$52,000. for engineering and permitting for an estimated total of \$135,000. He added that the estimated total does not include legal fees and/or recording fees, and it is estimated that those fees could bring the estimated total to about \$150,000. He also noted that relocating and burying the water main would require easements from Mr. Erickson and from the Town of Pembroke. While Mr. Erickson has verbally agreed to grant an easement, there have been no discussions yet with the Town of Pembroke about an easement.

Mr. Trahan explained that estimates are for the relocation of the pipe to run from the middle of the woods on the downstream / south side of the culvert, through the stream, and through the center of

Mr. Erickson's property and his driveway, and back to Lake Shore Drive. It would be underground for the whole stretch.

Mr. Madigan asked if the guardrails would remain in either case, and was told that they would. Mr. Madigan then mentioned that it appears that only slightly over \$56,000. remains of the approved budget. He asked "Where the remaining \$80,000. funding would come from?" In response Mr. Read said that he and Mr. Buttkus discussed this and it would have to be authorized by a Town Meeting vote.

Mr. Read also mentioned that an offer to landscape the area was made to Mr. Erickson, but the Town has not heard back from him in response to that offer.

Mr. Madigan followed up by asking whether it would be possible to wrap the Duxbury end of the guardrail similarly to the way the Pembroke end is wrapped around the water main? The response was that while it could be done the Duxbury end was purposely not wrapped at Mr. Erickson's request to allow him better access to a portion of his property.

Mr. Dahlen indicated that he initially advocated for burying the water main, but given the cost versus the remaining budget and the fact that it would have to go to Town Meeting for approval of the additional funding, he no longer supports burying the water main.

As an alternative, Mr. Dahlen again suggested that landscaping and/or a stonewall be offered to mitigate the aesthetics. Mr. Buttkus indicated that he was willing to do that, but whatever is offered would have to be approved by the State's Office of Dam Safety. The Board instructed Mr. Buttkus to discuss the landscaping options with Mr. Erickson.

DISCUSSION: LETTER OF SUPPORT OF HOUSE BILL 2516 (An Act Relative to Deed Excise Receipts)

Mr. Madigan provided a brief introduction to this item of business. He indicated that the Selectmen have been asked to sign a letter of support for House Bill 2516. The legislation has to do with Deeds Excise and is Plymouth County's attempt to maintain a larger share of what it collects as Deeds excise.

Mr. Dahlen said the State, by legislation, tells the County what it gets for funding, but also that the County shall maintain its buildings. He said the dollar amounts were discussed at a Plymouth County Commissioners' meeting. While he could not recall the exact figures the amount is a token amount of the overall State budget.

Mr. Madigan pointed out that the revenue is tax collected by the County then that money gets turned over to the State and then the State returns a small portion of it to the County. This bill would change it so that 42.5 cents of every dollar received by the County is kept by the County and the County then submits the difference to the State.

Mr. Dahlen added that this bill is a bi-partisan effort by all the local State Representatives.

Mr. Dahlen moved that the Board of Selectmen execute the October 28, 2013 letter of Support for H.2516 as presented. Second by Mr. Flynn. Vote: 3:0:0.

BUSINESS

One-Day Liquor License Requests and Event Permits – none.

TOWN MANAGER'S BRIEF

Town Manager René Read mentioned the following item:

FEMA FIRM FLOOD PLAIN MAPS UPDATE: Duxbury's appeal was delivered on October 16, 2013 to the Boston office of FEMA and to the Strategic Alliance for Risk Reduction (STARR) Offices. STARR is a joint venture of four engineering consulting, construction, and design firms, which are engaged in the digital flood rate map. They also deal with risk assessment, risk communication, and mitigation planning.

He said since then he has been working with his counterparts in Marshfield and Scituate about proceeding as a joint effort. The Woods Hole Group, the consultant for all three Towns, has expressed its interest in seeing this effort through from the technical end to the legal end.

As part of this process, Mr. Read said that he and Town Planner Tom Broadrick will be attending a joint meeting tomorrow at the Marshfield Town Hall to discuss the appeal with the staff from the office of Senator Elizabeth Warren. He will update the Selectmen following that meeting.

Mr. Read also noted that he did receive confirmation from the State that the appeal was received in good order.

ANNOUNCEMENTS

Mr. Dahlen read announcements about:

1. **Halloween:** A reminder that Thursday, October 31st is Halloween. Motorists please use caution on the roadways to assure a safe and fun time for all the trick or treaters.
2. **Next Scheduled Selectmen's Meeting:** Monday, November 4, 2013.

MINUTES

July 8, 2013 Selectmen Minutes

Mr. Dahlen moved that the Board of Selectmen approve the July 8, 2013 Selectmen Minutes, as written. Second by Mr. Flynn. Vote: 3:0:0.

October 7, 2013 Selectmen Minutes

Mr. Dahlen moved that the Board of Selectmen approve the October 7, 2013 Selectmen Minutes, as written. Second by Mr. Flynn. Vote: 2:0:1. (*Mr. Madigan abstained as he was not present at that meeting.*)

October 18, 2013 Selectmen Minutes

Mr. Dahlen moved that the Board of Selectmen approve the October 7, 2013 Selectmen Minutes, as written. Second by Mr. Madigan. Vote: 2:0:1. (*Mr. Flynn abstained as he was not present at that meeting.*)

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS

Duxbury Nuclear Advisory Committee

Mr. Flynn moved to appoint Mr. James Lampert to the Duxbury Nuclear Advisory Committee to fill an unexpired term due to expire on 6/30/15. Second by Mr. Dahlen. Vote: 3:0:0.

Mr. Madigan did mention that Mr. Lampert is the spouse of Ms. Mary “Pixie” Lampert, one of the Co-Chairs of the Duxbury Nuclear Advisory Committee. That information was taken into consideration, but not found to be a conflict. The Selectmen felt it was more important to staff the committee than to wait for another candidate.

BONUS SHELLFISH SEASON (*for November, 2013*)

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

- 1) for the commercial harvesting of softshell clams for the month of November, 2013 in accordance with posted Attachments B & C; and
- 2) for the commercial harvesting of quahog clams for the month of November, 2013 in accordance with posted Attachments A & C; and
- 3) for the recreational harvesting of softshell clams for the month of November, 2013 in accordance with posted Attachment D.

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 10-28-13 SELECTMEN’S MEETING

1. *Agenda for 10-28-13 Selectmen’s Meeting*
2. *OPEN FORUM: 10-17-13 Patriot Ledger article “Another title for Duxbury field hockey”*
3. *PROCLAMATION – United Nations Day, October 24, 2013*
4. *PINE STREET WATER MAIN EXTENSION: Est. Remaining (Funds) from Approved Budget; 10-18-13 Ryan J. Trahan, P.E. of Environmental Partners letter regarding estimated cost to re-locate water main;*

5. *DISCUSSION H.B. 2516: Coversheet with background and suggested motion, Info. from the MA. Legislature Website: Current Text of H.2516, Bill History, Miscellaneous; and 10-28-13 Letter of Support for H.2516t – DRAFT*
6. *SUGGESTED ANNOUNCEMENTS for 10-28-13*
7. *MINUTES: Suggested Motions and 07-08-13 Selectmen Minutes-DRAFT; 10-07-13 Selectmen Minutes-DRAFT; and 10-18-13 Selectmen Minutes-DRAFT*
8. *APPOINTMENTS/ RE-APPOINTMENTS: 10-28-13 Committee Appointments/ Reappointments Sheet: Duxbury Nuclear Advisory Committee*
9. *BONUS SHELLFISH SEASON: Suggested motion and copy of Bonus Shellfish Season (for November, 2013)*