

**Date: January 13, 2014**

*Date Minutes Approved: January 27, 2014*

## **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; John Madden, Finance Director, and C. Anne Murray, Administrative Assistant

### **I. CALL TO ORDER**

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

### **II. OPEN FORUM**

Nothing was brought forward.

### **III. NEW BUSINESS**

#### **FEE HEARING – BEACH STICKERS, HARBORMASTER FEES:**

Present for this item of business were:

Mr. Jim Lampert, Vice Chair of the Fiscal Advisory Committee (hereafter “FAC”);

Mr. Don Beers, Duxbury Harbormaster

Mr. Dahlen moved that the Board of Selectmen open a public hearing regarding the proposed fee changes for Beach Stickers and Harbormaster Department fees. Second by Mr. Flynn. Vote: 3:0:0.

#### **DUXBURY BEACH FEES:**

Town Manager René Read explained that his proposed Beach Sticker Fees / Rate Structure makes no changes to the current charges for the following categories: Parking Lot, Senior Rate-Parking Lot, and Senior Rate-Oversand. He is proposing changes to the Non-Resident Oversand and Resident Oversand. He went over the dollar amounts and timeframes shown in the table below.

Mr. Read explained the rationale behind the changes as follows:

1. We are trying to transition to processing the stickers online or at a walk-in/ kiosk process to reduce the mail-in process.
2. By offering a reduced rate until May 31, 2014, there is an incentive for earlier purchases.
3. The June 1<sup>st</sup> date (for the increase to the fees) is proposed for 3 reasons:
  - a. Weather conditions are more stable by then.
  - b. By the end of May, we will have more accurate endangered species counts.
  - c. By then, beach patrons can make a more informed decision regarding their purchase.

He noted that he and Mr. Madden had developed this proposal. It was taken to the FAC for review twice and their comments were incorporated into the proposal before the Selectmen tonight.

<b>PROPOSED BEACH STICKER FEES / RATE STRUCTURE FOR 2014 SEASON</b>			
January 9, 2014			
<b>CATEGORY</b>	<b>CURRENT PRICE</b> (mail in Price prior to 05-31-14)	<b>PROPOSED FEES – PRIOR TO MAY 31, 2014</b> (Online and walk-in/kiosk sales only)	<b>PROPOSED FEES – AFTER JUNE 1, 2014</b> (Online and walk-in/kiosk sales only. <b>No mail-in stickers sold after June 1<sup>st</sup>.</b> )
Non-Resident Oversand	\$295.	\$265. <i>(discounted \$30.)</i>	\$325. <i>(increase \$60.)</i>
Resident Oversand	\$160.	\$140. <i>(discounted \$20.)</i>	\$180. <i>(increase \$40.)</i>
Parking Lot (unchanged)	\$ 90.	\$ 90.	\$ 90.
Senior Rate-Parking Lot (unchanged)	\$ 50.	\$ 50.	\$ 50.
Senior Rate-Oversand (unchanged)	\$ 90.	\$ 90.	\$ 90.

Mr. Jim Lampert, Vice Chair of the Fiscal Advisory Committee (FAC) said the FAC reviewed and discussed the proposal and noted the following:

- The concern is that after last year’s experience with the beach closures due to the endangered species, there may be a significant drop off in beach sticker sales. This proposal is designed with an incentive to encourage early sales.
- The FAC also discussed whether the rates should change as of May 1<sup>st</sup> or June 1<sup>st</sup> and the proposed dollar amounts.
- In the final analysis the FAC concluded that the best we can do is guess at what the beach patrons might do. Therefore, the FAC decided to defer to the Town Manager’s proposal and if need be it will be reviewed for changes for next year.

Mr. Dahlen opined that:

- he likes the concept of a discount, but feels the Town should keep the current fees, but increase the fees after a certain date. He indicated the discount would come from buying a beach sticker early.
- he feels last year was a worst case scenario. He indicated refunds were made to 10% of the non-resident oversand patrons and to only 1% of the resident oversand patrons.
- the date the fees should be increased should be May 1<sup>st</sup>; not June 1<sup>st</sup> as proposed. In his opinion this will be enough incentive for early beach sticker sales.
- one of the major complaints about the beach has been regarding overcrowding. He suggested that the way to address the overcrowding is to sell fewer stickers for a higher price.

Mr. Flynn opined that the Town does not charge enough for stickers as they are good year round. He indicated that he supports keeping the current fees and that he could go either way as far as

whether the increased fees are as of May 1<sup>st</sup> or June 1<sup>st</sup>. He suggested that eventually the Town should also look to increase fees for the other categories as well.

Mr. Madigan mentioned that the beach sticker fees are covering more expenses, such as the Powder Point Bridge repairs and the beach restoration after storms. His opinion was that the beach sticker fees should remain at the current level through April 30th, and then be increased to the proposed amounts for the non-resident and resident oversand stickers as of May 1st.

In response to Mr. Dahlen's comment about the percentages who requested refunds, Finance Director John Madden pointed out that a significant number (700) of former beach patrons did not buy a sticker. His concern was that there will be a significant drop in revenue. He also suggested that by waiting until June 1<sup>st</sup> to increase the fees, it would give the process greater transparency as by then we will know what to expect regarding the nesting of the endangered species so patrons can make an informed decision.

Mr. Madigan believes that those who are purchasing the beach stickers for year-round use should buy it early. Those who are interested in a more seasonal use may gamble, wait and pay the higher price.

Mr. Dahlen moved that the Board of Selectmen approve the fees for beach stickers effective on February 1, 2014 to be consistent with last year's fees in all categories through April 30, 2014 and that the beach sticker fees be increased to the rates as shown on the proposed fees memo, dated January 9, 2014, with the proposed increases to be effective as of May 1, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Frank Mangione asked if an individual will still be able to walk in and buy a sticker at Town Hall? The short answer is "yes". It was suggested that the individuals walking into the Town Hall would be assisted by the staff with the beach sticker purchase at an online kiosk.

**HARBORMASTER FEE CHANGES DISCUSSION:**

Harbormaster Don Beers went over the proposed fee increases as shown on the table below. He explained the purpose of the fee increases were to cover the following proposed Town expenses:

- A. Dredging the Town Pier Facility: \$80,000. FY2014 ATM (Approved)
- B. Town Pier repair and maintenance: \$ 4,000. FY2015 ATM (proposed)

He noted that the above projects total \$84,000.00 and amortizing them over a 5 year period (anticipated lifespan of the dredging / repairs) would mean an annual expense of \$16,000. Based on the current numbers of users, the proposed fee increases are expected to generate \$17,437. He also mentioned that the last fee increase was on February 1, 2007.

<b>A- PROPOSED WATERFRONT / MOORING FEE CHANGES</b>		
<b>CATEGORY</b>	<b>PRESENT FEE</b>	<b>PROPOSED FEE</b>
Deep Water Mooring	\$8.00 per ft.	\$9.00 per ft.
Basin Flats Mooring	\$8.00 per ft.	\$9.00 per ft.
Tender(s)	\$100. / \$300.	\$110. /\$130.
Howlands / TR / CL	7.00 per ft.	\$8.00 per ft.
Tidal Flats	\$25. Flat rate	\$30.00 Flat rate

Harbormaster Don Beers then went over the proposed fee increases to the Recreational Shellfish Permits as shown on the table below.

<b>B- RECREATIONAL SHELLFISH PERMITS</b>		
<b>CATEGORY</b>	<b>PRESENT FEE</b>	<b>PROPOSED FEE</b>
Resident Shellfish Permit	\$ 25.	\$ 30.
Non-Resident Shellfish Permit	\$110.	\$120.
Resident/Non-Resident Disabled Veterans	\$0	\$0

Mr. Beers indicated the purpose of the fee increase was to cover the increased incurred departmental expenses. He also noted the last recreational shellfish permit fee increase was in 2007.

On the memorandum the Board received the last category was listed as “resident / non-resident d vets” in clarification Mr. Beers explained that was “resident /non-resident disabled veterans”. Mr. Beers said he proposed this as a new category with no charged as a thank you to those who have served, and suggested the FAC could speak to it further.

Speaking on behalf of the FAC, Mr. Lampert said that:

- Regarding the Veterans’ Discount: In general, nobody on the FAC was opposed to the proposed veteran’s category, but felt that discounts for various categories needed to be handled in a broader manner instead of piecemeal as they come up.
- The FAC felt the requested increases are reasonable to cover the current expenses. He mentioned, however, that the FAC recognizes that dredging is going to be expensive and they feel it would be prudent to consider planning ahead for future expenses. The FAC was supportive of the concept of establishing a waterfront fund, which would be funded by the waterfront users, going forward.

Mr. Dahlen moved that the Board of Selectmen approve the fees as listed in the Harbormaster’s memorandum dated January 8, 2014, with the new fees to be effective on February 15, 2014 for Moorings and April 1, 2014 for Shellfish Permits. Second by Mr. Flynn. VOTE: 3:0:0.

At approximately 7:37 pm, Mr. Dahlen moved that the Board of Selectmen close the public hearing regarding the proposed fee changes for Beach Stickers and Harbormaster fees. Second by Mr. Flynn. Vote: 3:0:0.

Before moving to the next topic an unidentified audience member asked how the Duxbury mooring fees compare to other Towns. The Harbormaster responded that the Town of Cohasset charges \$9.00 per foot and most of the rest are currently at \$8.00 per foot.

### **CAPITAL BUDGET PRESENTATION / RENÉ READ, TOWN MANAGER**

Mr. Read indicated that the Fiscal Advisory Committee completed their review of the capital budget requests last week. A handout was in the Selectmen’s packet that should the Departmental Requests, the Town Manager’s Recommendation, and the Fiscal Advisory Committee’s Recommendations.

Mr. Madigan mentioned that he has the same concern with this year’s capital budget as he voiced when he was on the FAC. He said indicated that there are some building maintenance items that should be covered under the departments’ operating budget.

In response Mr. Madden mentioned that several years ago they had discussions about what should be included and there was a concerted effort to move some ongoing or recurring expenses into the operating budget. Two examples he cited were the information technology replacement program so that old equipment could be replaced and new software purchased and Fire Department air tanks and turnout gear. Those were taken out of capital requests and budgeted for within the operating budget. With respect to some of the building maintenance items, the Facilities Director is new and needs some time to work on things. He is trying to bring some services in-house, which should provide some savings, but that does take time. The Facilities Director is prioritizing items and eventually we are working towards establishing a building maintenance fund so these items will not be in the capital budget. Mr. Lampert added that for some of the smaller departments they don't have the funds in their operating budgets to cover some of these needed maintenance items.

Beyond that the Board asked that the presentation be revised going forward to just show those items to be funded through the capital budget. Items that might have been made as capital requests, but are being funded through other sources should be removed.

The Board asked for information regarding the \$100,000. request regarding the new Town-wide communications network –phase III. Mr. Dahlen wanted to know what has been spent to date and when is it going to end. It was explained that this was a Town Meeting approved program for installing a fiber network. The projected cost was \$350,000, and last year \$250,000. was approved as a capital budget item towards it. This year's \$100,000. amount represents the final phase, with the exception of connecting the water tank, which will be paid for through the Water Enterprise Fund).

Regarding the School's capital budget request, Mr. Madigan questioned whether anyone had looked at putting the \$300,000. towards leasing vs. buying the computers and which made greater financial sense? This kicked off a fairly extensive discussion. Ms. Nauman, the School Business Manager, indicated that the computer purchase or lease had been discussed in several forums, but was unsure whether that specific question had been reviewed. She did, however, point out that whether you buy the computers or lease them, at the end of the day the Schools will end up owning them. A second concern is the lifespan of a computer and how the Schools propose to fund the computer replacements / purchases in the future as there just is not enough money in the capital budget for this type of request going forward. The end result was that Ms. Nauman agreed to take these questions /concerns back to the school administration and School Committee and to report back to the Board.

There were also concerns expressed about how long-term the Town was going to finance the Duxbury students' laptops.

The Board postponed voting on the Capital Budget until the questions regarding the school computer purchase could be reviewed and answered.

#### **DISCUSSION PERTAINING TO POOL FEES FOR THE SCHOOLS**

This item was put on the agenda to clarify some of the rumors that have been heard. There have been comments that a \$30,000. fee was assessed to the Schools to meet the laws regarding the Pool Enterprise Fund which was established in 2012. The laws require that Enterprise funds charge a fee to every user and therefore the fee was assessed to the Schools, but a corresponding adjustment was made in the School budget to cover the cost. Ms. Nauman mentioned there have also been rumors

that the Schools were eliminating the 4<sup>th</sup> graders' swimming program. She emphasized that is not the case. There have been discussions about whether to change the timing of it during the school year (possibly from the fall to the spring).

#### **DISCUSSION PERTAINING TO DRAFT PUBLIC PROPERTY NAMING POLICY**

Town Manager René Read mentioned that this topic came up during the summer and since that time he has reviewed similar policies from a number of Towns, including: Essex, Wellesley, Swampscott, Hingham and others.

He submitted for the Board's consideration two proposals which were substantial the same in concept, but with the main difference being the final decision-making mechanism. Both options included an open, public process in which any suggestion for the naming of a public property could come to the Board of Selectmen from any town official or member of the public as long as it is in writing and supported by fifty (50) or more registered voters of the Town, as evidenced by their signatures on the request. The main difference was that the first option only required a consensus of the Board of Selectmen at a public meeting. The second option required an article to be drafted and placed on the Annual Town Meeting warrant for consideration and approval by the Town body.

Mr. Dahlen said that having the naming go through the Board of Selectmen would help to formalize the process more. He suggested that one complication if the naming policy required Town Meeting approval is what would happen if an amendment is made at Town Meeting to the proposed name.

Ms. Nancy Melia, a member of the Duxbury Garden Club and one of the individuals who asked that a naming policy be developed, suggested that one of the reasons a request for a naming policy was made is for transparency. The general feeling was that a wide, cross-section of the community should be informed and allowed to provide input before a vote is taken and public property is named.

Several other people offered input to the Board the gist of the comments were as follows:

- It was expressed that whether the Board of Selectmen is the "naming authority" after a public submittal (50 signatures) and discussion in a public meeting or a "Naming Committee" is formed was not of major importance. What was important is that, however it is handled, it should involve a public process.
- We shouldn't be looking to name every public property, but should be a rare honor. Many people contribute to the Town of Duxbury but a naming should only be done to recognize a person whose service to the community has been extraordinary and made a significant difference to benefit the community.

It was mentioned that the draft naming policy only refers to Town-owned property subject to the care and control of the Board of Selectmen. Therefore, this policy would not extend to any school-owned property, which falls under the control of the School Committee.

The Selectmen tasked Mr. Read with reviewing this matter with Town Counsel to determine if there were a way to involve the mechanism of having Town Meeting vote without allowing any amendments to the proposed name that had been brought forward to occur at Town Meeting.

A vote regarding the establishing of a Public Property Naming Policy was postponed, and this matter will be re-visited when Town Counsel's opinion is received.

**REVIEW AND RECOMMEND WARRANT ARTICLES**

*[For the purposes of this discussion, Annual Town Meeting will be abbreviated as ATM and Special Town Meeting will be abbreviated as STM.]*

The following was mentioned as clarification prior to beginning the review of the articles being considered tonight. Before the ATM and STM the Board of Selectmen usually review the articles and take a vote to indicate whether they support each article or not. So the motions tonight are just an indication of the Selectmen's recommendation. The motions presented at Town Meeting are different and are still in development.

Mr. Read mentioned that this year the warrant will contain a brief explanation of each article, with the exception of Articles 1 and 2, which are self-explanatory.

**Art. 1: Election**

This is the article which puts certain positions on the election ballot.

Mr. Dahlen moved that the Board of Selectmen support the 2014 ATM Article 1, as drafted. Second by Mr. Flynn. VOTE: 3:0:0.

**Art. 2: Reports of Officers & Committees**

This is the article in which Town Meeting agrees to receive reports of Town Officials, Boards, Committees and Commissions.

Mr. Dahlen moved that the Board of Selectmen support the 2014 ATM Article 2, as drafted. Second by Mr. Flynn. VOTE: 3:0:0.

**Art. 10: Fourth of July**

Mr. Madigan mentioned that this article seeks to increase the funding for the 4<sup>th</sup> of July celebration from \$10,000. to \$15, 000.

Mr. Dahlen moved that the Board of Selectmen support the 2014 ATM Article 2, as drafted. Second by Mr. Flynn. VOTE: 3:0:0.

**Art. 29: Pilgrim Nuclear Power Station Post Operation**

Mr. Madigan said that this article is for a resolution to have all the waste be removed after the plant is decommissioned.

Mr. Dahlen moved that the Board of Selectmen recommend support the 2014 ATM Article 2, as drafted. Second by Mr. Flynn. VOTE: 3:0:0.

**IV. TOWN MANAGER'S REPORT**

Town Manager René Read mentioned the following item(s):

1. **ATM/ STM Meeting on Feb. 3<sup>rd</sup>:** Mr. Read mentioned that he would be sending out an email invitation to the Selectmen and the Chairs of a number of the Boards and Committees, who are involved in the Annual Town Meeting / Special Town Meeting to attend a meeting on February 3<sup>rd</sup> at 7:00 PM to go over some suggestions made by Town Counsel and the process for this year's ATM/STM.

Ms. Murray mentioned that there are advertised Aquaculture public hearings scheduled for the February 3<sup>rd</sup> Selectmen's meeting that need to be taken into consideration

2. **Polls Location:** At the December 9, 2013 Selectmen's meeting the Board voted to change the location of the polls so that notification could be sent to the Elections Division. We subsequently learned that there is another major event scheduled for the same day at Duxbury High School. Mr. Read said that he discussed this with the Police, Dr. Tantillo and the Town Clerk, and there was agreement that the location of the polls should not be changed until after the March 22, 2014 election. Therefore, this item will be on the agenda again at the next Selectmen's meeting to be re-voted.
3. **Coast Flooding:** Mr. Read said that he and several Duxbury Department Heads met with their counterparts in Marshfield to discuss a plan for dealing with flooding in the Bay Street, Bay Avenue, Gurnet Road, Park Avenue and Plymouth Avenue area. The plan moving forward is for large sandbags provided by Duxbury to be filled with sand from Marshfield and placed by Duxbury and Marshfield staff on or about Thanksgiving and then removed on or about Memorial Day. It is hoped that this will alleviate some of the flooding problems that occur in that area.

The Board asked if there has been any discussion about connecting the seawalls where the opening exists? Mr. Read said that historically the opening was there to allow for pedestrian access to the beach so that was not the focus of the discussion.

## V. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS

### Resignation of King Caesar Intake Case Worker

Mr. Flynn mentioned that Judy Hatch, R.N., who has been the KCF Intake Case Worker for several years, submitted her resignation earlier this fall effective as of January 1, 2014. On behalf of the Board he extended thanks to Judy for her service.

### Appointment of King Caesar Intake Case Worker

Mr. Flynn moved that the Board of Selectmen appoint Anne W. Hill, R.N. as the King Caesar Fund Intake Case Worker to fill an unexpired term due to expire on 6/30/2014. Second by Mr. Dahlen.  
VOTE: 3:0:0.

Mr. Flynn noted that Anne Hill was unanimously recommended by the King Caesar Advisory Committee. Anne received her nursing degree from the New England Baptist Hospital School of Nursing. She worked as an operating room and a staff nurse in hospitals for about 10 years. Then for about 15 years as a school nurse in Pembroke. She currently works for a medical agency doing home visits for home care evaluations. Anne has resided in Duxbury since 1972. She previously

served on the Conservation Commission and the Historical Commission, and she currently volunteers at the Duxbury Council on Aging in the Respite Program.

## VI. ANNOUNCEMENTS

Mr. Dahlen read the following announcements that:

- The Town Hall will be closed on January 20<sup>th</sup> for the Martin Luther King holiday;
  - and the **Next Scheduled Selectmen's Meeting** will be on Monday, January 27, 2013.
- Main Agenda Items\*:
- Discussion Pertaining to Planned Production Plan - Duxbury Affordable Housing Trust
  - Signage for Shipbuilders' District / Historical Commission – Terry Vose, Chair

*(\*The agenda items are tentative and subject to change. Please check the actual meeting posting, which is done in accordance with Open Meeting Laws at least 48 hrs. in advance of the meeting.)*

## VII. ADJOURNMENT

At approximately 8:47 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 01-13-14 SELECTMEN'S MEETING**

1. *Agenda for 01-13-14 Selectmen's Meeting*
2. *OPEN FORUM: no documents*
3. *Public Hearing Coversheet – suggested motions; Proposed Beach Sticker Fees / Rate Structure for 2014 Season dated January 9, 2014; Memo from the Harbormaster regarding proposed fees (Waterfront / Mooring and Recreational Shellfish) dated January 8, 2014.*
4. *CAPITAL BUDGET: Article 6 Capital Projects Requests spreadsheet dated January 10, 2014.*
5. *DRAFT PUBLIC PLACE NAMING POLICY: Memorandum from René J. Read dated January 10, 2014 and two draft options for the Public Property Naming Policy.*
6. *WARRANT ARTICLES: Separate sheets with the wording of 2014 ATM Articles 1, 2, 10, and 29 and suggested motions for those articles. The 01-09-14 DRAFT of the complete 2014 ATM Warrant was also provided.*
7. *SUGGESTED ANNOUNCEMENTS for 01-13-14.*
8. *TOWN MANAGER REPORT: Potential items to report.*
9. *MINUTES: Suggested Motion and 12-02-13 Selectmen Minutes-DRAFT.*
10. *APPOINTMENTS/ RE-APPOINTMENTS: Resignation and Appointment to King Caesar Advisory Committee sheet.*