

TOWN CLERK  
14 APR -8 AM 9:46  
DUXBURY, MASS.

**Date: March 24, 2014**

*Date Minutes Approved: April 7, 2014*

## **BOARD OF SELECTMEN MINUTES**

**Present:** David J. Madigan, Chair; Theodore J. Flynn (*participated remotely*), Vice Chair; and Shawn Dahlen, Clerk. [*Prior to re-organization of the Board.*]

**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 7:02 PM in the Ellison Room at the Duxbury Senior Center, 10 Mayflower ST, Duxbury.

**II OPEN FORUM** - nothing brought forward

### **III NEW BUSINESS**

#### **Swear in Newly-Elected Officials**

The newly-elected officials were asked to step to the side of the room for the Town Clerk to swear them in. The following individuals were elected on Saturday, March 22, 2014:

<b>Name</b>	<b>Position</b>
Theodore J. Flynn	Board of Selectmen*
June E. Albritton	Board of Assessors*
Friend S. Weiler, Sr.	Moderator
Susan C. Kelley	Town Clerk
Anne R. Ward	School Committee
Maureen C. Connolly	School Committee
George D. Wadsworth	Planning Board
David C. Uitti	Planning Board*
Donna M. Ryan	Library Trustees
Brooke H. McDonough	Library Trustees*

*(\*Denotes those who were not able to attend in person due to previous commitments. They will be sworn in by the Town Clerk at another time, if they have not already been.)*

#### **REMOTE PARTICIPATION:**

Mr. Madigan, Chair, announced that Mr. Flynn has called into the meeting and will be participating remotely as due to geographic distance he was not able to physically attend.

He also announced that any votes made this evening would be by roll call vote. He noted that a quorum of the Board has to be physically present, and he and Mr. Dahlen represent that quorum. Mr. Flynn should be audible through the microphones.

**RE-ORGANIZATION OF THE BOARD OF SELECTMEN:**

Mr. Madigan moved to nominate Mr. Shawn Dahlen as the Chair of the Board of Selectmen. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan –aye; Mr. Dahlen – aye.

Mr. Madigan moved to nominate Mr. Flynn as the Clerk of the Board of Selectmen. Second by Mr. Dahlen. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan –aye; Mr. Dahlen – aye.

Mr. Flynn moved to nominate Mr. Madigan as the Vice Chair of the Board of Selectmen. Second by Mr. Dahlen. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan –aye; Mr. Dahlen – aye.

To complete the re-organization of the Selectmen, Mr. Dahlen assumed the Chair for the rest of the meeting.

**Discussion Pertaining to the Reasonable Suspicion Policy and Progressive Discipline Policy**

Ms. Jeannie Horne, HR Officer, provided an explanation of the two policies the Selectmen are being asked to adopt tonight.

She explained that the Human Resources Department worked with Labor Counsel and the Personnel Board to develop the policies. The policies were circulated to the town employees and union members for a comment period and any comments received were taken into consideration.

**Reasonable Suspicion Policy:**

She said that the purpose for the Reasonable Suspicion Policy is to establish the fact that the Town and its employees have a right to expect to work in a drug-free environment. She indicated the main focus is not intended for punishment, but to provide counseling and rehabilitation for any employee who might have a problem with drug or alcohol dependence. The policy is fairly long and illustrative and gives examples of objective facts. It gives supervisors the tools they need to evaluate a situation should they be reasonably suspicious an employee might have a substance abuse problem. It outlines the process so both the supervisors and the employees are aware of the steps that will be taken.

She noted that it was suggested that a training session be offered regarding the new policy. A training session has been scheduled for April 17<sup>th</sup> at 10:00 AM (location to be determined). A representative from the Town's Employee Assistance Program (EAP) will facilitate the session.

Ms. Horne indicated the policy does include consequences which are:

- 1<sup>st</sup> positive drug / alcohol test, results in a 5-day suspension; and
- 2<sup>nd</sup> positive drug / alcohol test occurrence within a year will result in termination from employment.

Mr. Madigan moved that the Board of Selectmen accept the Town of Duxbury Reasonable Suspicion Policy, as presented. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Dahlen –aye; Mr. Flynn – aye; Mr. Madigan –aye.

### **Progressive Discipline Policy**

Ms. Horne mentioned that the Progressive Discipline Policy follows a just-cause standard and memorializes the Town's current practices. Included in it is a list of 23 causes for disciplinary action. It helps to lay out the rules so that all employees are aware of them and what the corrective actions are. The corrective actions are dependent upon the facts and circumstances of the given incident and the gravity of the offense.

She again stressed that these policies were reviewed and recommended by Labor Counsel and the Personnel Board and circulated for comments from employees and union members. She noted that except where elements of these policies exist in collective bargaining agreements they will apply to all employees.

Mr. Madigan moved that the Board of Selectmen accept the Town of Duxbury Progressive Policy, as presented. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Dahlen – aye; Mr. Madigan –aye; Mr. Flynn – aye.

### **Discussion regarding Support for Island Creek Expansion / Diane Bartlett**

Ms. Diane Bartlett, Chair of the Duxbury Affordable Housing Trust (DAHT) explained that the Island Creek expansion project has been in the works for several years. The project has gone through review and permitting by the applicable local Town boards and committees, and they are now ready to move forward to the construction phase. The developer has requested support from the DAHT and the Town for a competitive application to the Department of Housing and Community Development (DHCD) for low-cost funding (tax credits). The DAHT voted to support the project including a recommendation that up to \$50,000 from the Inclusionary Fund be committed by the Town, and to recommend that the Selectmen support this as well.

Mr. Dahlen added some further clarification. He explained that that DAHT worked with Town Counsel to assure the legality of this. What in effect is being requested is that the Town support the Island Creek expansion (a/k/a Island Creek North) development so as to position the developer's application to a state agency (i.e., DHCD) to get favorable action for low-cost funding (tax credits) in a very competitive process. By being successful in the application process, it would assure the project be for affordable units and moves the project immediately forward to development.

It was noted that the Island Creek expansion is planned for 214 affordable units. In discussing this matter, Mr. Dahlen, said the DAHT considered whether the commitment of financial support for the project made sense for the Town. The consensus of the DAHT was that committing up to \$50,000 was in the interest of the Town, especially when you consider that would be about \$200 per unit to move this project forward to develop 214 affordable housing units and to have those units added to Duxbury's housing inventory.

Mr. Dahlen also suggested incorporating “subject to terms and conditions deemed acceptable by the Board of Selectmen” as part of any motion of support. Or as he put it, in other words the Town will only be committed if certain steps are taken by the developer.

Mr. Flynn was asked if he had any comments, and indicated that he supports the measure.

Mr. Madigan moved that the Selectmen support the recommendation of the Duxbury Affordable Housing Trust and authorize the expenditure of \$50,000 of Inclusionary Zoning funds, subject to terms determined by the Board of Selectmen, to be used for a contribution toward subsidizing a portion of the development costs of the Island Creek North development project. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan –aye; Mr. Dahlen – aye.

**Discussion regarding the Local Initiative Program (LIP) application for the Grange / Diane Bartlett**

Ms. Bartlett explained that to have the unit count as affordable housing on the housing inventory a letter of support is needed from the Board of Selectmen. The letter gets submitted along with other documents and then the Town waits for the eligibility for it to count to be granted by the Department of Housing and Community Development (DHCD).

Mr. Madigan asked “If this makes it affordable housing does it limit who can build there?”

In explanation Mr. Dahlen indicated that the Committee takes it though the permitting process, gets the approvals, and then prepares the Request for Proposals (RFP) to anyone to bid on developing it. It will one affordable unit; a 3-bedroom, single-family residence.

Mr. Flynn indicated that he had no questions and supports it.

Mr. Madigan moved that the Selectmen support the Local Initiative Project (LIP) known as The Grange, on Franklin Street in Duxbury. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan –aye; Mr. Dahlen – aye.

**Execute the Net Metering Credit Agreement with Future Generation Wind (FGW)**

Mr. Read said that this was in response to the article (2014 ATM Article 21) passed by Town Meeting, which authorized the Selectmen to execute an Agreement with Future Generation Wind, LLC. The net meeting power purchase agreement before the Selectmen tonight has been fully vetted by Town Counsel.

Mr. Madigan asked about the “outs” built into the Agreement. He said it looks like they are concerned with timely construction and timely delivery. He wanted assurance that “if once it is built and begins delivering, the Town is not on the hook if it is shut down?” In response Mr. Read indicated he is not aware of any liability to the Town, and Mr. Dahlen added that it is a “pay as you go arrangement.”

Mr. Flynn did not voice any concerns.

Mr. Madigan moved that the Board of Selectmen execute the Net Metering Power Purchase Agreement between the Town of Duxbury and Future Generation Wind, LLC, as authorized by Town Meeting. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan –aye; Mr. Dahlen – aye.

#### **Requested Amendment to Jake's Dogs License**

Mr. Madigan mentioned that Jake's Dogs is a hot dog cart business. The Board previously granted a license to the owner with certain conditions and now has been asked to grant amendments to it.

Mr. Madigan moved that the Board of Selectmen amend the general license granted to Jake Genereux, d/b/a Jake's Dogs, to grant permission to Jake Genereux to operate his hot dog stand at the Ray Coppens Soccer Fields during Spring Mini-Soccer season on Sundays from 11:00 AM until 3:00 PM, from April 6, 2014 through June 15, 2014, and at the Sinnott and Dewing Baseball Fields (near the Tarkiln Community Center), the Keene Street Fields and Chandler Fields on weeknight's from 4:30 PM to 8:30 PM and during daytime hours in conjunction with Duxbury Youth Baseball games and tournaments from Saturday, April 12, 2014 through August 31, 2014 and during tournaments, contingent upon a letter of support from the Directors of Duxbury Youth Soccer and Duxbury Youth Baseball. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan –aye; Mr. Dahlen – aye.

Mr. Dahlen commended Jake Genereux as a young entrepreneur for his ambition and organization.

#### **IV OLD BUSINESS**

##### **Discussion pertaining to Draft Public Property Naming Policy**

Mr. Read read a memo he provided to the Board about this. In the memo he noted that in previous discussions, the primary objective was to have the voters at Town Meeting involved in the decision-making process by rendering a final vote on a place to be named. The memo went on to state "Town Meeting and its voters do not control property – they place property under the care and control of specific bodies. That said, the authority to name a place rests with the specific body given that custody by the Town Meeting voters. However, in order to be able to meet the Board's desired goal, a bylaw could be enacted (and not a policy) by the voters at Town Meeting which would allow the participants the opportunity to name places." Mr. Read indicated that he was trying to get a sense from the Board of how they wanted to proceed. He mentioned that he spoke with Ms. Nancy Melia about this matter, and he invited her to work with him in the drafting of a policy as she was one of the individuals, who was interested in having a policy established.

The Board then briefly discussed this. From the comments made the consensus of the Board seemed to be that although they would like to see the public participate in the naming of public properties, they were not sure that they wanted to go so far as making it a bylaw.

Mr. Read referred them to the previously drafted Town of Duxbury Public Property Naming Policy–option 2 –Town Meeting approval dated January 13, 2014. He noted that this would not be binding on

the School Committee as they have control of all school-owned properties. It would, however, involve a public process.

Ms. Nancy Melia spoke and made several points:

- She indicated this topic was raised because she and several others just felt it should be a more public process.
- Right now there doesn't seem to be a set procedure or process and that is what they are hoping to have established.
- She understands that it would not be binding on the School Committee, but is hopeful that the Town having a public policy might influence the School Committee to follow suit.
- While recognizing there may be exceptions, she suggested she (and others) would prefer to see more generic naming of public properties versus namings, which honor one individual.
- She liked the suggestion in the previously drafted policy that "priority should be given to names carrying geographical, historical or cultural significance..."
- She suggested a more public process might deter some of the requests and help the Selectmen in situations where a grieving family wants to recognize a loved one because it is difficult to say no in such situations.

Mr. Frank Mangione mentioned that the Town is doing everything possible to make Town Meeting move along more efficiently. He questioned whether debating a public naming was appropriate for the Town Meeting's time.

The end result was that Mr. Read will work on creating a policy and then bring it back to the Board for further discussion.

## V TOWN MANAGER'S REPORT

1. **Town Meeting Follow-Up Discussion:** The Town Manager mentioned that at the May 5, 2014 Selectmen's Meeting there will be a discussion about this year's Town Meeting process. He mentioned it was scheduled for that Selectmen's meeting as not all the individuals could make it before then.
2. **Beach Stickers:** Effective March 17, 2014 the Town began selling stickers through its new online process. He mentioned that renewal notifications were not being mailed out this year. Information is on the website and was published in the *Duxbury Clipper*. So far 572 Non-Resident (Oversand) Oversand) and 562 Resident (both Lot & Oversand) stickers have been sold. The discounted price expires on April 30<sup>th</sup> so interested parties are encouraged to purchase their stickers now.

## VI EVENT PERMITS

### **Family Fun Fitness Fair – April 6, 2014**

Mr. Madigan moved that the Board of Selectmen grant to Ms. Kathleen Maney-Needel, as a representative of the Duxbury Community Partnership for Children, permission to hold a 5K Run and a Fitness Awareness Program at the Chandler School on Sunday, April 6, 2014 from 9:30 AM to 11:00 AM, contingent upon the conditions on the permit. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan – aye; Mr. Dahlen – aye.

**Duxbury Youth Baseball - Opening Day Parade, April 12, 2014**

Mr. Madigan moved the Board of Selectmen grant to Mr. Jack O'Connor, as the President of Duxbury Youth Baseball, is granted permission to conduct a parade on April 12, 2014 from 12:00 PM to 1:30 PM, from Chandler School to the Sinnott/Tarkiln baseball fields, contingent upon the conditions on the permit. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan – aye; Mr. Dahlen – aye.

**Knights of Columbus – Lt. Timothy J. Steele Road Race, May 10, 2014**

Mr. Madigan moved the Board of Selectmen grant to Mr. Jeffrey Bishop, as a representative of the Holy Family Knights of Columbus, is granted permission to hold the Lt. Timothy J. Steele Scholarship Fund Road Race on May 10, 2014 from 6 A.M. to 11:00 A.M., contingent upon the conditions on the permit. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan – aye; Mr. Dahlen – aye.

Mr. Jeff Bishop thanked the Selectmen for their support. He indicated that the ultimate goal is to make the Timothy J. Steele Scholarship self-sustaining.

**Special Olympics of MA - Ragner Relay Race, May 9, 2014**

Mr. Madigan moved the Board of Selectmen grant to Ragnar Events permission to conduct a portion of their Ragnar Relay Cape Cod Benefitting the Special Olympics of Massachusetts in the Town of Duxbury from 10:00 AM on Friday, May 9, 2014 to 1:00 AM on Saturday, May 10, 2014, contingent on conditions on the permit. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan – aye; Mr. Dahlen – aye.

**Duxbury Middle School Running Club 5K, May 16, 2014**

Mr. Madigan moved the Board of Selectmen grant to Ms. Debbie Burns, as a representative of the Duxbury Middle School Running Club, permission to conduct the Sixth Annual DMS Running Club 5K Road Race and Family Fun Day beginning at the Duxbury Middle School, on Friday, May 16, 2014 at 4:00 PM, contingent upon the conditions on the permit. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan – aye; Mr. Dahlen – aye.

**VII MINUTES**

**03-08-14 Selectmen's Minutes**

Mr. Madigan moved that the Board of Selectmen approve the March 8, 2014 Selectmen's Minutes, as written. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan – aye; Mr. Dahlen – aye.

**IX ANNOUNCEMENTS**

Mr. Madigan read the following announcements:

- 1. Commercial Shellfish Applications:** Applications will be available on Tuesday, April 1st in the Board of Selectmen Office. Commercial Shellfish Applications can be submitted during the month of APRIL only. Applicants must be Duxbury residents and have a Massachusetts Commercial Fisheries license showing "endorsed shellfish."

2. **Duxbury Cultural Council's kickstART Spring Art Auction & Party:**  
7:00 PM – 10:00 PM (with silent bidding closing at 9 PM) on Saturday, March 29<sup>th</sup> at the Duxbury Senior Center. Tickets are \$25.00 and available at Westwinds Bookshop, the Duxbury Senior Center, and at the door.

3. **Substance Abuse Awareness Program:**  
Reminder that a Substance Abuse Awareness Program for Parents/Adults will be held From 7:00 - 9:00 PM on Tuesday, April 1, 2014 at the Plymouth North High School Auditorium, 41 Obery ST, Plymouth. A flyer with details is posted in the Town News column on the Town website.

Mr. Madigan noted that this was a topic that State Representative Tom Calter spoke recently to the Board about.

4. **Next Scheduled Selectmen's Meeting: Monday, April 7, 2014.**

**X BONUS SHELLFISH SEASON (for April and May, 2014)**

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

- 1) for the **commercial** harvesting of soft shelled clams for the commercial harvesting of softshell clams for the months of April and May 2014 in accordance with posted Attachments B & C; and
- 2) for the **commercial** harvesting of quahog clams for the months of April and May, 2014 in accordance with posted Attachments A & C.

Second by Mr. Flynn. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan – aye; Mr. Dahlen – aye.

**XI ADJOURNMENT**

At approximately 8:43 PM, Mr. Madigan moved that the Board adjourn. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Flynn – aye; Mr. Madigan – aye; Mr. Dahlen – aye.

Minutes prepared by: C. Anne Murray

***LIST OF DOCUMENTS FOR 03-24-14 SELECTMEN'S MEETING***

1. *Agenda for 03-24-14 Selectmen's Meeting*
2. *Remote Participation information*
3. *OPEN FORUM: no documents*
4. *SWEAR IN NEWLY-ELECTED OFFICIALS: Copy of the Town Ballot*
5. *Discussion Pertaining to the Reasonable Suspicion Policy and Progressive Discipline Policy: Drafts of the two policies were included in the packet.*
6. *DISCUSSION REGARDING SUPPORT FOR ISLAND CREEK EXPANSION / Diane Bartlett –*
7. *DISCUSSION REGARDING THE LOCAL INITIATIVE PROGRAM (LIP) APPLICATION FOR THE GRANGE / Diane Bartlett*



8. *EXECUTE THE NET METERING CREDIT AGREEMENT WITH FUTURE GENERATION WIND (FGW)*
9. *REQUESTED AMENDMENT TO JAKE'S DOGS LICENSE: Coversheet with some background on amendments to the Jake's Dogs license in the past and a suggested motion for the Spring/Summer amendment being requested.*
10. *DISCUSSION PERTAINING TO DRAFT PUBLIC PROPERTY NAMING POLICY*
11. *EVENT PERMITS: For each of the following events the packet included the Event Permit application and other details provided about the event, route maps, if applicable, results of the department feedback received, and a drafted Event Permit incorporating the conditions indicated.*
  - Family Fun Fitness Fair – April 6, 2014*
  - Duxbury Youth Baseball - Opening Day Parade, April 12, 2014*
  - Knights of Columbus – Lt. Timothy J. Steele Road Race, May 10, 2014*
  - Special Olympics of MA - Ragner Relay Race, May 9, 2014*
  - Duxbury Middle School Running Club 5K, May 16, 2014*
12. *TOWN MANAGER REPORT: no documents*
13. *MINUTES: OPEN SESSION MINUTES: Suggested Motions and Drafts of 03-08-14 Selectmen's Minutes.*
14. *SUGGESTED ANNOUNCEMENTS for 03-24-14.*
15. *BONUS SHELLFISH SEASON (for April & May, 2014: Suggested Motion and paperwork.*