

Date: January 27, 2014

Date Minutes Approved: February 3, 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.

The Chair then recognized Mr. George Wadsworth, Chair of the Planning Board so that he could convene the Planning Board. Mr. Wadsworth called the Planning Board to order for the purpose of voting on (the first item of business) the Housing Production Plan.

III NEW BUSINESS

Discussion Pertaining to Planned Production Plan - Duxbury Affordable Housing Trust

Present for this item of business were:

Ms. Lynne Sweet, Principal of LDS Consulting Group, LLC and her colleague, Ms. Susan Haber. Ms. Diane Bartlett, Chair of the Duxbury Affordable Housing Trust (DAHT) and some of the members of the DAHT.

The Duxbury Planning Board: George D. Wadsworth, Chair; Brian E. Glennon, II, Vice Chairman; Cynthia Ladd Fiorini, Clerk; John P. Bear, Member; Scott Casagrande, Member; Jennifer Turcotte, Member; and David C. Uitti, Member.

Ms. Bartlett introduced Ms. Lynne Sweet, who was hired as a consultant to work with the DAHT in preparing the updated DAHT's Housing Production Plan.

Ms. Sweet and her colleague, Ms. Susan Haber, gave a PowerPoint presentation. The presentation will be posted on the Town website along with the Minutes. (Look for the file named 01-27-14 BOS MTG –Duxbury HPP.)

The presentation was fairly self-explanatory, but what follows are some of the remarks made to clarify the presentation by Ms. Sweet or Ms. Haber:

- Tonight they are asking for feedback or approval from the Selectmen and the Planning Board. If both Boards approve the Plan, then it will be submitted to the Dept. of Housing and Community Development (DHCD) for review. Hopefully DHCD will approve it in about 60-90 days. Then this will be Duxbury Housing Production Plan (sometimes also called the "Planned Production Plan") for the next five years.

- The State adopted Chapter 40 to promote the creation of affordable housing and set a threshold of 10% of a community's housing stock needs to fit within the affordable housing criteria. A Planned Production Plan is required by the state to show that a community has strategies in place to assure it is making progress towards that goal.
- This plan would replace the original Planned Production Plan approved in 2007
- If the community is "certified" it means that the Town is actually producing affordable housing in accordance with the plan.
- For Duxbury the goal is .5 % per year, which is equivalent to approximately 30 units/year, or 1.0% per 2 years, which is equivalent to approximately 60 units / 2 years.
- The benefit is that the Town can maintain local control over developments versus having a developer come in and tell the Town what it plans to build under the Chap. 40B regulations.
- Affordable Housing Primer slide: What does "Affordable Housing" mean? It takes into consideration 2 components: (a) Income of a household and (2) the number of persons in the household and is based on the income being 80% of the area median income (AMI) of the community.
- Maximum Allowable Rents slide: FMR = Fair Market Rate; Regarding Section VIII (subsidized housing) 30% of the rent is paid by the household and 70% of the rent is paid by a government subsidy.
- Constraints on Affordable Housing Development (in Duxbury): (a) Water and Sewer Infrastructure: For those areas without municipal water / wastewater treatment the expense for the infrastructure is a deterrent to developing affordable housing. In addition, there are areas of Duxbury which are undevelopable as they would not pass percolation testing. (b) Conservation: There is not a lot of developable land given the environmental conditions. (c) High barriers to Entry: Financial costs of land in Duxbury, level of real estate taxes, and regulatory constraints of zoning bylaws make Duxbury less attractive to developers of affordable housing.
- Duxbury's currently is at 3.4% of its 10% goal. There are several projects (i.e., the Grange /Old Firehouse projects, Camp Wing project (a/k/a Feinberg Bog Development), some units which have been built but not yet documented, and the potential Island Creek North (40B) project), which are well into the planning stages. If those are realized then a total of approx.. 228 units will be created. It is projected that would put Duxbury at 6.5% in 2015 -2016 and this was used as a baseline in the HPP. If 10 unit per year of affordable housing are built after 2015, then they have projected Duxbury would reach its 10% goal on or about 2035.
- Implementation Strategies: The HPP includes a number of recommendations as far as strategies, which could be used to reach the affordable housing goal. These are options the Town can consider and should be thought of as a "menu" of choices. Not all of them need to be used at any given time.

QUESTIONS & ANSWERS:

Ms. Holly Morris, 145 Abrams Hill, asked 3 questions and received the following answers:

- 1) QUESTION: If an affordable housing development receives State or Federal funding does that prevent Duxbury residents from receiving preference for those units?

ANSWER: Ms. Sweet indicated in the past there was a greater allowance for "local preference". Currently local preference for residents is not allowed to be included in Housing Production Plans. This is in part because American Disability Act regulations and Fair Housing regulations make local preference difficult. It really is a case by case situation. She

did mention, however, that often times how and where a development is advertised will result in a substantial number of the units going to local residents.

2) QUESTION: What is the term required for the deed riders?

ANSWER: Currently the State is requiring that deed riders be “in perpetuity”. She explained that in the past they had a set number of years and after that timeframe the deed rider expired. Since so many affordable units were lost because they weren’t maintained as affordable units after the deed rider expired the State is now requiring the deed riders in perpetuity.

3) QUESTION: Who is responsible for the educational programs?

ANSWER: It is really a shared responsibility, but that is addressed in the HPP. Initially, it will likely be the DAHT, which will have to have some discussions about what strategies might be the best to pursue at this time and then the best educational means to do so. The educational component might also involve the Town Planner, the Planning Board and/or a consultant.

Mr. Madigan: How do you meet the goal when many of the units (such as accessory apartments) won’t count?

ANSWER: It is difficult given the constraints, but it is in the interest of the Town to become certified and to work towards the 10% goal. Once you reach 10% you are at the goal. She also mentioned that perhaps having residents consider donations of their property to the Town in their estates and working on changes in the zoning regulations would be some strategies to consider. Even if some units don’t count it is helping to meet the need.

Mr. Flynn commented that if the subsidy (at Island Creek) goes away, then the units there will still be counted as affordable, even though the people who need the housing won’t be able to afford them. Ms. Sweet suggested that one strategy might be to use funds towards rental subsidies for a number of years. This could potentially be a helpful investment towards filling the need.

Mr. Casagrande: He asked if accessory apartments don’t count, unless there is a deed rider?

ANSWER: Yes, a deed rider must be in place for an accessory apartment to count towards the affordable housing numbers. Ms. Sweet mentioned that homeowners are typically hesitant to put a deed rider on as it can reduce the property’s value and subject the accessory apartment to a lottery, which is a loss of control for the homeowner.

Mr. Glennon asked the following questions:

QUESTION: If we approve the HPP and the State accepts it, then will this be a shield from Chap. 40B developments?

ANSWER: Ms. Sweet said “yes, if approved and the Island Creek North is developed.”

QUESTION: If we (the Selectmen and the Planning Board) adopt the HPP and it is accepted by the State, and we don’t hit the % of affordable units to be developed –are there any penalties?

ANSWER: No, but the shield for local control goes away, i.e., a developer could build a Chap. 40B.

Mr. Dahlen moved that the Board of Selectmen and the Planning Board approve the Town of Duxbury Housing Production Needs Assessment, dated January 9, 2014, for submission to the Massachusetts Department of Housing and Community Development (DHCD) in accordance with the guidelines for the Plan Production Regulation under MGL Chapter 40B, 760 CMR 31.07 (1) (i). Second by Mr. Flynn (for the Selectmen) and by Mr. Wadsworth (for the Planning Board). Selectmen VOTE: 3:0:0 & Planning Board VOTE: 7:0:0.

Having completed this item of business, Mr. Wadsworth entertained a motion for the Planning Board to recess and reconvene its meeting at the Duxbury Senior Center (Ellison RM), 10 Mayflower Street. The motion was moved by Mr. Glennon. Second by Ms. Ladd Fiorini. VOTE: 7:0:0. Following the vote the Planning Board exited the room.

Discussion Pertaining to Weekend/Holiday Rail Service

Mr. Madigan explained that the Duxbury State Representatives asked that local Boards of Selectmen indicate their support for restoration of weekend / holiday rail service in letters to the MassDOT Board of Directors. So he asked for a motion to authorize the Town Manager to sign a letter of support on behalf of the Board.

Mr. Dahlen moved that the Board of Selectmen vote to support the restoration of weekend and holiday rail service to South Shore communities and to have the Town Manager sign a letter on the Board's behalf to convey their support to the MassDOT Board of Directors. Second by Mr. Flynn. VOTE: 3:0:0

Discussion Pertaining to Memorandum of Agreement By and Between the Town of Duxbury and the Local 2167, Duxbury Permanent Firefighters Association AFL – CIO

Mr. Read explained that the Board is being asked to accept the Memorandum of Agreement between the Town and the Duxbury Permanent Firefighter's Association. This Agreement amends one section, which affects one individual, the Mechanic Coordinator. It allows for a larger work clothing and cleaning allowance for the Mechanic Coordinator as that individual will not only handle the mechanical duties, but will also be expected to go out on calls.

Mr. Dahlen moved that the Board of Selectmen accept the Memorandum of Agreement by and between the Town of Duxbury and the Local 2167, Duxbury Permanent Firefighters Association A.F.L.-C.I.O.) relative to Miscellaneous Provisions, Article 10.1 regarding "Work Clothing and Cleaning allowance". Second by Mr. Flynn. VOTE: 3:0:0.

IV OLD BUSINESS

Vote Capital Budget

Mr. Madigan explained that at the last meeting he had questioned the school's buying of computers versus leasing them and whether this was the most cost effective way. He said that he subsequently learned that there was not enough funds within the levy limit to lease them.

Dr. Tantillo, Duxbury School Superintendent, said that while he would prefer to lease computers versus buying them, the funding wasn't there to do so. So buying the computers will allow the schools to provide them for grades 9-12 and to move forward for the short term. The Finance Director seems to have a plan for moving forward in the future.

Mr. Madden, the Finance Director, explained that at the end of 4 years the Town will have reduced debt, so at that time we might be in a better position to lease computers going forward. The recommendation to buy the computers allows the program to be implemented in the short-term and buys some time for the Town to look at its finances after lowering of the debt.

Mr. Dahlen moved that the Board of Selectmen vote to support 2014 ATM Article 6 (Capital Budget) as presented on the 01-15-14 Article 6 Capital Projects Requests spreadsheet. Second by Mr. Flynn. VOTE: 3:0:0.

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.]

As part of the preparation for Town Meeting the Selectmen review the articles and vote whether they support them or not. At the last meeting the Selectmen voted on 2014 ATM Articles 1 (Election of Offices), 2 (Reports), 10 (Fourth of July funding) and 29 (Pilgrim Nuclear Power Station Post Operation). Tonight the Selectmen are being asked to vote on all the remaining articles so that their recommendations can be included in the Warrant.

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.

Article 3 – Compensation of Elected Officials

Mr. Flynn questioned the inclusion of the Selectmen stipends as he and the current Board have chosen not to accept the stipend. The Selectmen had previously discussed eliminating the Selectmen's stipends. Mr. Madden explained that the Selectmen had previously discussed eliminating the Selectmen's stipends, but that municipal finance laws did not allow it as you "can't dictate funding for future Boards." That is why they are still included.

Mr. Dahlen then questioned the salary of the Town Clerk's position asking if the *\$90,040. is automatically what the newly-elected Town Clerk would receive or if this is the maximum and the salary is negotiated commiserate with experience. He pointed out that he could understand the salary being *\$90,040. for a long-term employee, but questioned it for a new Town Clerk when we don't even know what the individual's qualifications are. *[Editorial Note: The amount shown on the Town Clerk's line in the Duxbury ATM Warrant January 16, 2014-DRAFT was \$80,000. It appears that Mr. Dahlen was referring to the figure directly below that which was the TOTAL for all the elected officials compensation.]*

Mr. Read said this would set the cap for the position, but the actual salary is included in the budget. He also mentioned that whoever is elected to the Town Clerk's position would be serving the remaining two years of the current term. There are plans to present an article in the 2014 STM Warrant to change the position from an elected position to an appointed position thereafter.

There was a brief discussion about how the salary is set and under whose authority as an elected position versus an appointed position.

Following that discussion, Mr. Read suggested that, if the Board wanted, it would be reasonable to change the recommended salary for the Town Clerk position to \$60,000. - \$65,000., which is the starting range for a Grade 8 position.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 3, Compensation of Elected Officials, as drafted in the Duxbury ATM Warrant January 16, 2014, with one amendment being that the Town Clerk's Board of Selectmen-recommended salary should be \$65,000., which is comparable with what the grade 8 salary position would be. Second by Mr. Flynn. VOTE: 3:0:0.

Article 4 – Personnel Plan Revision

Mr. Madden explained that this article is for funding merit increases for non-union personnel, position adjustments as determined by the Town Manager for non-union personnel, tuition reimbursement funds, and language changes to the Personnel Plan. He said that the dollar amounts are \$75,000., which is equivalent of 2% for compensation increases based on evaluations and merit, plus \$5,000. for funding tuition reimbursements, and \$5,000. for position adjustments determined by the Town Manager for a total of \$85,000.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 4, Compensation of Elected Officials, as drafted in the Duxbury ATM Warrant January 16, 2014, in the amount of \$85,000. Second by Mr. Flynn. VOTE: 3:0:0.

Article 5 – FY'15 Operating Budget

Mr. Madigan mentioned that a thorough review of the operating budget had been done with each Department Head earlier this fall.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 5, Compensation of Elected Officials, as drafted in the Duxbury ATM Warrant January 16, 2014, in the amount of \$69,329,247. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Read mentioned that the figure should be adjusted by \$5,000. as this would correspond to the \$65,000. salary, which was just discussed for the Town Clerk position.

Mr. Dahlen then amended his motion as follows: Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 5, Compensation of Elected Officials, as drafted in the Duxbury ATM Warrant January 16, 2014, with the amended amount of \$69,334,247. Second by Mr. Flynn. VOTE: 3:0:0.

Article 6 – FY’15 Capital Budget

Selectmen’s vote was made earlier this evening.

Article 7 – Union Contracts

Mr. Read suggested that the vote on this article be postponed as negotiations are still ongoing.

Article 8 – Revolving Funds (Annual)

The Town has three revolving funds: Senior Center for Senior Center programs; Jaycox Tree Farm for supplies and the operation of the Jaycox Tree Farm; and the Fire Dept.’s Hazardous Materials Response for expenses related to fire operations and hazardous materials incidents. In the revolving funds the revenues are used to offset the expenses for the stated purpose and they must be authorized annually.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 8 –Revolving Funds, as drafted in the Duxbury ATM Warrant January 16, 2014, in the total amount of \$245,000. Second by Mr. Flynn. VOTE: 3:0:0.

Article 9 – Duxbury Beach Lease

Mr. Dahlen recused himself as he is a member of the Board of Directors of the Duxbury Beach Reservation, Inc., which owns Duxbury Beach.

Mr. Madigan moved that the Board of Selectmen support 2014 ATM Article 9 – Duxbury Beach Lease, as drafted in the Duxbury ATM Warrant January 16, 2014, at the annual fee of \$600,000. Second by Mr. Flynn. VOTE: 2:0:0. (*Mr. Dahlen recused himself.*)

After the vote, Mr. Madigan noted that the \$600,000. does include the \$200,000. increase agreed to with the Duxbury Beach Reservation.

Article 11 – Solid Waste Disposal Contract

Mr. Read explained that the current contract for solid waste disposal will expire on December 31, 2014. For the last several years the Town has been working with a number of other communities to negotiate a new contract terms and rates which will result in a significant savings to the Town. This article allows the Town Manager to negotiate the contract.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 11 –Solid Waste Disposal Contract, as drafted in the Duxbury ATM Warrant January 16, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

Article 12 – Amend the General By-Law – Duxbury Beach Committee

Mr. Dahlen asked for clarification of what the proposed amendments are. Mr. Read said that it is the striking of a section which is no longer needed and the correcting of the title of the committee.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 12 –Amend the General By-Law –Duxbury, as drafted in the Duxbury ATM Warrant January 16, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

Article 13 – Grant Easement: NSTAR at Mayflower ST (Solar Farm)

This easement will allow for transmission of power at the solar array to be constructed at the Transfer Station located on Mayflower Street.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 13 – Grant Easement: NSTAR at Mayflower ST (Solar Farm), as drafted in the Duxbury ATM Warrant January 16, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

Article 14 – Acquire Easement: Ricker to Town of Duxbury

The Town Manager explained this easement is needed for the allowance of fiber optic cable to finish the fiber project. The Town will be splitting the cost of a pole with Mr. Ricker.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 14 – Acquire Easement: Ricker to Town of Duxbury, as drafted in the Duxbury ATM Warrant January 16, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

Article 15 – CPC –Operating Fund (Annual)

Mr. Madigan explained that the next two articles are annual articles regarding the Community Preservation Act. The CPA allows up to 5% of the fund to be used for administrative and operational costs.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 15 – CPC –Operating Fund, as drafted in the Duxbury ATM Warrant January 16, 2014, for the total amount of \$27,100. Second by Mr. Flynn. VOTE: 3:0:0.

Article 16 – CPC –Allocations (Annual)

Mr. Madigan indicated the CPA requires an annual vote to set the % to be set aside for each of the 3 categories (i.e., open space, historical preservation, and affordable housing) with the minimum being 10%. This year the recommended allocation is 10% for each of the three categories.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 16 – CPC –Allocations in the amount of 10% for each of the categories for a total amount of \$162,000. Second by Mr. Flynn. VOTE: 3:0:0.

Article 17 – Conservation Fund (Annual)

Mr. Madigan said that this article allows for the funding of the Conservation Fund with CPC funds.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 17 –Conservation Fund, as drafted in the Duxbury ATM Warrant January 16, 2014, for the total amount of \$48, 000. Second by Mr. Flynn. VOTE: 3:0:0.

Article 18 – CPC – Kayak Racks

Mr. Madigan explained that this article provides for CPC funds for kayak racks to be located at the Shipyard Beach and Cove Street landings to keep the kayaks from piling up and blocking other uses and parking.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 18 –Kayak Racks, as drafted in the Duxbury ATM Warrant January 16, 2014, for the total amount of \$5,000. Second by Mr. Flynn. VOTE: 3:0:0.

Article 19 –CPC –Digital Scanner, portable hard drives, and administrative expenses

The Chair explained that Article 19 is for funding for a scanner, portable hard drives and administrative expenses to make electronic access available to historic documents to reduce handling and to make them more accessible.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 19 –CPC –Digital Scanner, portable hard drives, and administrative expenses, as drafted in the Duxbury ATM Warrant January 16, 2014, in the amount of \$3,300. as proposed. Second by Mr. Flynn. VOTE: 3:0:0.

Article 20 –CPC –Survey of Historic Properties and Applications

Mr. Madigan said that this has become somewhat of an annual article as this funding will allow for a continuation of the survey of historic properties in Duxbury.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 20 –CPC –Survey of Historic Properties and Applications, as drafted in the Duxbury ATM Warrant January 16, 2014, in the amount of \$30,000. as proposed. Second by Mr. Flynn. VOTE: 3:0:0.

Article 21 –Future Generation Wind –Net Metering Power Purchase Agreement

This article allows the Town Manager and the Board of Selectmen to negotiate for net metering credits / discounts. Mr. Flynn mentioned that the Courts are reviewing this, and wanted to know if there is a downside should the Courts not allow this. In discussion it was determined that as far as anyone can tell there would be no downside other than the Town would not receive the discounted price.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 21 –Future Generation Wind –Net Metering Power Purchase Agreement, as drafted in the Duxbury ATM Warrant January 16, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

Article 22 –Town-wide Compensation and Classification Study

It was mentioned that the last compensation and classification study was done several years ago. This one will have a larger scope. Mr. Flynn questioned if the \$10,000. would be sufficient. Mr. Read said that we have actually received a quote and that will cover it.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 22 –Town-wide Compensation and Classification Study, as drafted in the Duxbury ATM Warrant January 16, 2014, in the amount of \$10,000. Second by Mr. Flynn. VOTE: 3:0:0.

Article 23 –Selling West ST Property (former Police Station site)

The article at last year's ATM included language to demolish the former Police Station. This year's article would allow for the sale of the former Police Department property on West Street following a public procurement process (i.e. bidding or auction). Mr. Dahlen questioned whether we would have to accept the highest bid and/or whether a minimum bid amount could be included in the process.

Mr. Read assured Mr. Dahlen that a threshold amount for the property would be included in the process. In addition, the Town would have the right to reject all the bids. He also noted that the transaction would require final authorization by the Board of Selectmen.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 23–Real Estate deposition, sale of former Police Station property on West ST, as drafted in the Duxbury ATM Warrant January 16, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

Article 24 –Medical Marijuana Moratorium –Amend Zoning Bylaw

Mr. Madigan said the Planning Board requested this article so that a permit would not be allowed for a Medical Marijuana dispensary in Duxbury until a zoning bylaw is developed regarding the growing and dispensing of medical marijuana.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 24—Medical Marijuana Moratorium –Amend Zoning Bylaw, as drafted in the Duxbury ATM Warrant January 16, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

Article 25 – Long-term Lease Agreement -235 Crescent ST

Mr. Read explained that this will allow the Board of Selectmen to enter into a lease for the installation of cellular equipment on a water tank located in the Standish Shore area.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 25— Long-term Lease Agreement -235 Crescent ST, as drafted in the Duxbury ATM Warrant January 16, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

Article 26 – Long-term Lease Agreement -0 Church ST

Mr. Read said that the proposal for this has been withdrawn. Since the Warrant is closed it was suggested that this article should be indefinitely postponed (IP). Mr. Madigan mentioned that

indefinitely postponed basically means that no action is taken, but that the article could be presented again at another time.

Mr. Dahlen moved that the Board of Selectmen indefinitely postpone 2014 ATM Article 26 **Long-term Lease Agreement -0 Church ST**, as drafted in the Duxbury ATM Warrant January 16, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

Article 27 –Amend By-laws: Civil Fingerprints

This article was submitted by the Chief of Police. In explanation Mr. Read said in the Acts of 2010, the legislature allowed for local communities to screen individuals applying for certain licenses through State and Federal fingerprint data bases. Previously, these data bases were not available for civil screening uses. If approved by voters the Town can require applicants for such town issued permits and licenses to be screened using fingerprints providing a heightened level of security for our community by identifying unsuitable applicants.

The Board briefly discussed this article. It was noted that it authorized the Police Department to use their discretion to run civil fingerprints, but does not require them to do so. The language in the Warrant actually includes a list of the type of enterprises that this could be used for. Among them is hawkers, peddlers, and door-to-door salespeople, including solicitors and canvassers, owners of public conveyances (such as buses, shuttles or livery services), dealers of second-hand articles, pawn dealers, hackney drivers (taxi drivers), and ice cream truck vendors.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 27–Amend By-laws: Civil Fingerprints, as drafted in the Duxbury ATM Warrant January 16, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

Article 28 – Special Police Force

This is the second article submitted by the Police Department. Mr. Read explained that the Police Department has used special for decades but has not sought legislative approval to do so outside of Chapter 31 (Civil Service). This would authorize the Board to petition the legislature for special police and /or retired officers to join the special force.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 28 –Special Police Force, as drafted in the Duxbury ATM Warrant January 16, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

Article 30 – Adjust Railing Height at New School – Citizen Petition

This article is a Citizen Petition that seeks to heighten the railings on the second and third floor to be six feet in height in the new co-located Duxbury High School /Duxbury Middle School.

Mr. Madigan indicated that this has been looked at but is not considered practical as it would require a substantial cost.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 30 – Adjust Railing Height at New School – Citizen Petition, as drafted in the Duxbury ATM Warrant January 16, 2014. Second by Mr. Flynn. VOTE: 0:3:0. (*Selectmen do not recommend supporting this article.*)

Article 31 – Reauthorization of Regional Inter-municipal Agreement (South Shore Recycling)

Mr. Read explained that the Town's 5-year agreement to be part of the Shore Recycling Cooperative recently expired. We are not being penalized for that. This article would re-authorize the Town to enter into another 5-year agreement. By joining with other communities it has improved the cost-effectiveness of the Town's recycling efforts.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 31 – Reauthorization of Regional Inter-municipal Agreement (South Shore Recycling), as drafted in the Duxbury ATM Warrant January 16, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

Article 32 – Electronic Balloting

The electronic balloting devices to be used at this year's ATM / STM are being done on a trial basis. This article to determine whether the voters support the use of Electronic Balloting as an alternative method of recording Town Meeting votes.

Mr. Dahlen moved that the Board of Selectmen approve 2014 ATM Article 32 – Electronic Balloting, as drafted in the Duxbury ATM Warrant January 16, 2014. Second by Mr. Flynn. VOTE: 3:0:0.

Discussion pertaining to March 2014 Election Location

The Chair explained that at the December 9, 2013 Selectmen's Meeting the Board had voted to change the location of the election polls from the Duxbury Middle School gymnasium (which is over on the PAC side of St. George Street) to the (new) Lieutenant Timothy J. Steele Building (which is behind the current Duxbury High School). Shortly thereafter we learned that the Annual Duxbury Antiques Show is scheduled to be on the same day as the election and it will be held in the current Duxbury High School. The concern is this will create traffic and parking problems in and around the Duxbury High School. Therefore, the easiest solution is for the Selectmen to reverse their earlier vote so that for the March 22, 2014 (town election) the polls will be back at the Duxbury Middle School. Then going forward the location will be changed to the new athletic building, as the Duxbury Middle School is scheduled to be demolished once the new co-located DHS / DMS is opened next fall.

Mr. Dahlen moved that the Board of Selectmen authorize the change of location of the polls in the Town of Duxbury from the Lieutenant Timothy J. Steele Athletic Building, 130 Saint George Street, Duxbury MA to the T. Waldo Herrick Memorial Gymnasium, Duxbury Middle School, 71 Alden ST, Duxbury MA. Second by Mr. Flynn. VOTE: 3:0:0.

V TOWN MANAGER'S REPORT

Mr. Read mentioned the following items in his report:

1. The February 3, 2014 Selectmen's Meeting:

The next Selectmen's Meeting will be held at the Duxbury Senior Center in the Ellison Room at 7:00 PM on Monday, February 3, 2014. It has been moved to that location as a number of

Town Boards and Committees have been invited. The main topic will be a discussion of the 2014 Annual & Special Town Meetings

2. Progress with Regard to Coastal Flooding in North Duxbury:

At the last meeting Mr. Read had given the Board an overview of a plan worked out with the Town of Marshfield regarding the flooding that occurs in the northern-most part of Duxbury, specifically in the Bay Street, Bay Avenue, Gurnet Road, Park Avenue and Plymouth Avenue area. He said that today Duxbury and Marshfield staff had filled the large sandbags provided by Duxbury and placed them in the agreed to areas. It is hoped that this will alleviate some of the flooding problems that occur in that area. Going forward the plan is to place the sandbags on or about Thanksgiving each year and to remove them on or about Memorial Day.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

Resignation: Susan C. Kelley from Electronic Balloting Committee

Mr. Madigan announced that the Board received notification that Ms. Susan Kelley tendered her resignation to the Moderator from the Electronic Balloting Committee. Ms. Kelley is a candidate for Town Clerk on the 2014 Town Election ballot and was advised to resign to avoid any appearance of a conflict of interest.

VII ONE-DAY LIQUOR LICENSE REQUESTS

Duxbury Art Association – Winter Juried Show, February 9, 2014

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Mary Beth Brown, as a representative of the Duxbury Art Association, a One-Day Wine & Malt License to hold a reception on February 8, 2014 from 6:00 PM to 9:00 PM at the Art Complex Museum, 186 Alden Street, subject to the conditions on the license.

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

Duxbury Cultural Council – KickstART Spring Art Auction & Party, March 29, 2014

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Candace Weiler, as a representative of the Duxbury Cultural Council, is granted a One-Day Wine and Malt License to hold a fundraiser on Saturday, March 29, 2014 at the Senior Center, 10 Mayflower Street, from 7:00 PM to 10:00 PM, subject to the conditions on the license. Second by Mr. Flynn.

Before voting Mr. Madigan recognized Ms. Candy Weiler. Ms. Weiler was there on behalf of the Duxbury Cultural Council (DCC). She explained that from time to time the DCC has held fundraisers (to supplement the State cultural council grants). As it has been several years they are planning this event, which will be similar to one held by the 375th Committee, which was well received and very successful. The DCC is asking for donations of art from Duxbury artists, other South Shore artists, and also extending the invitation to donate to high school art students. They are looking for donations of watercolors, oils, small sculptures or 3-dimensional pieces and jewelry for a silent auction.

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

VIII MINUTES

Executive Session Selectmen Minutes of May 6, 2013

(RE: Purchase of real property – Conservation land acquisition: Kaiser property)

Mr. Dahlen moved that the Board of Selectmen approve and release the May 6, 2013 Executive Session Minutes, as written. Second by Mr. Flynn. VOTE: 3:0:0.

Executive Session Minutes of September 30, 2013:

(RE: Litigation – NHCC (a/k/a Johnson Golf case))

Mr. Dahlen moved that the Board of Selectmen approve the September 30, 2013 Executive Session Minutes, with the contents to remain confidential until the need has past. Second by Mr. Flynn. VOTE: 3:0:0.

Selectmen Minutes of: September 30, 2013; January 6, 2014 and January 13, 2014

Mr. Dahlen moved that the Board of Selectmen approve the September 30, 2013 Selectmen's Minutes, as written. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Madigan moved that the Board of Selectmen approve the January 6, 2014 Selectmen's Minutes, as written. Second by Mr. Flynn. VOTE: 2:0:1. (*Mr. Dahlen abstained as he was not present at this meeting.*)

Mr. Dahlen moved that the Board of Selectmen approve the January 13, 2014 Selectmen's Minutes, as written. Second by Mr. Flynn. VOTE: 3:0:0.

IX ANNOUNCEMENTS

Mr. Dahlen announced:

1. Electronic Balloting Informational Meetings:

The Electronic Balloting Committee has arranged for Option Technologies to hold two public meetings on January 30th to show how the electronic balloting devices will be used at this year's Town Meeting. The sessions will be at 1:30 PM and at 7:00 PM at the Senior Center. Citizens are encouraged to attend to familiarize themselves with the devices before Town Meeting.

2. Next Scheduled Selectmen's Meeting: Monday, February 3, 2014.

As previously mentioned it will be at the Senior Center (in the Ellison Room) 10 Mayflower Street, and will be a discussion with a number of Town Boards and Committees in preparation for the 2014 Annual & Special Town Meetings.

X ADJOURNMENT

At approximately 8:50 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 01-27-14 SELECTMEN'S MEETING

1. *Agenda for 01-27-14 Selectmen's Meeting*
2. *OPEN FORUM: no documents*
3. *PLANNED PRODUCTION PLAN –DAHT: Coversheet with background and suggested motion, hardcopy of the PowerPoint presentation; and copy of the 01-09-14 Town of Duxbury Housing Production Needs Assessment prepared by LDS Consulting Group, LLC –Final Draft (was provided electronically).*
4. *WEEKEND / HOLIDAY RAIL SERVICE: Coversheet with suggested motion and copy of 01-27-14 letter of support to MassDOT Board of Directors-Draft; Letters of support from other Towns /Organizations: Towns of Kingston, Pembroke, Hanson, Halifax, and Plympton, as well as the Old Colony Planning Council and the Plymouth Area Chamber of Commerce.*
5. *MEMORANDUM OF AGREEMENT –Town and Dux. Permanent Firefighters: Suggested motion; copy of Article X. Miscellaneous Provisions showing the changed language.*
6. *CAPITAL BUDGET: Suggested motion and Article 6 Capital Projects Requests spreadsheet dated January 15, 2014.*
7. *MARCH 2014 ELECTION LOCATION: Coversheet with explanation and suggested motion; Memorandum from René J. Read dated January 14, 2014*
8. *WARRANT ARTICLES: The 01-14-14 DRAFT of the complete 2014 ATM Warrant was provided along with a spreadsheet of the ATM Warrant articles for recording the votes.*
9. *TOWN MANAGER REPORT: no documents*
10. *RESIGNATION: Resignation –Susan C. Kelley to Electronic Balloting Committee sheet.*
11. *One-Day Liquor Licenses: DAA Winter Juried Show packet & DCC Spring KickstART packet*
12. *MINUTES: EXECUTIVE SESSION: Suggested Motions and Drafts of May 6, 2013 ES Minutes and September 30, 2013 ES Minutes; OPEN SESSION MINUTES: Suggested Motions and Drafts of September 30, 2013, January 6, 2014 and January 13, 2014 Selectmen's Minutes.*
13. *SUGGESTED ANNOUNCEMENTS for 01-27-14.*
14. *SIGNATURE FILE: Coversheet regarding the AFS Honorary Citizen's Certificates in the Signature File.*