

Date: November 3, 2014
Date Minutes Approved: November 17, 2014

TOWN CLERK

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BOARD OF SELECTMEN MINUTES

DUXBURY, MASS.

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

Absent: None

Staff: René J. Read, Town Manager; John Madden, Finance Director; and Nancy R. O'Connor, Executive Assistant

Others present for this meeting were: Attorney Arthur Kreiger, Anderson & Kreiger, LLP

CONVENED IN OPEN SESSION –

I. CALL TO ORDER

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

II. OPEN FORUM Nothing brought forward.

III. NEW BUSINESS

Discussion pertaining to contract for PCE Water Main Replacement project on Trout Farm Road.

Peter Buttkus, Director of Public Works, stated that the contract represented the second round of PCE water main replacement work to begin this fall, the road will be temporarily patched with final paving to take place in the spring. Mr. Dahlen asked what the total cost is. Mr. Madigan read the total cost to be \$104,661.21 and the total footage to be 640'. Mr. Flynn moved that the Board of Selectmen approve and execute this contract for PCE Water Main Replacement project on Trout Farm Road. Second by Mr. Madigan. Vote: 3:0:0

Attorney Art Kreiger commented on the reason why the Board of Selectmen was signing this contract instead of the Town Manager. Attorney Kreiger recommended that the Board of Selectmen sign all contracts based on the Town Manager Act under Section 3.C.13, which states that the TM is responsible for the negotiation of all contracts, which are subject to execution by the Board of Selectmen. Mr. Dahlen suggested that this is a topic for further discussion to streamline the process. Mr. Read added that they are considering a recommendation to have the Board of Selectmen Chair sign contracts up to a certain dollar amount because of the wide range of contracts throughout all departments. There will be further discussions to determine what that dollar amount should be. Mr. Dahlen stated that even though the Chair will be signing contracts, the information should still be distributed to the Board of Selectmen so that they all know about. He also asked if a spreadsheet could be created to show all existing contracts that are still in progress of negotiations. He recommended that the spreadsheet include a negotiations start date, expected sign date, and an expected date to be put on Board of Selectmen agenda. Mr. Madigan stated that he would like to make it simpler by having the Board of Selectmen authorize the Town Manager to execute contracts that are already approved and budgeted for as long as they fall below that amount. Attorney Kreiger said that makes perfect sense and the Town would be protected from risks, but that the Town Manager Act is written specifically and doesn't recommend that. Mr. Madigan mentioned an irrigation contract that the Board of Selectmen authorized the Town Manager to execute. Atty. Kreiger said that they need to ratify past contracts

not signed by the Board of Selectmen, and also seek an amendment of the Town Manager Act to be presented at Town Meeting. Mr. Flynn recommended an amendment to the TM Act be presented at Town Meeting. Mr. Mr. Dahlen asked what the timeline would be. Atty. Kreiger stated that an article would be presented at Town Meeting then it would require state approval. Atty. Kreiger also reinforced that there has been nothing improper with respect to past contracts and that this is just a matter of form, but want to get it right. He also confirmed that nothing needs to be done with contracts fully performed. Mr. Dahlen suggested that Atty. Kreiger and Mr. Read draft an article to allow the Town Manager to sign contracts, but to also keep the Board of Selectmen apprised on a regular basis by including contract information in the Board of Selectmen meeting packets. Atty. Kreiger suggested wording for the article stating that he/she may sign contracts under the supervision of the Board of Selectmen.

Mr. Flynn summarized that (1) there needs to be an amendment to the Town Manager Act prepared and presented at ATM; (2) a Board of Selectmen signatory needs to be established (current chair) for contracts moving forward until Town Manager Act changed; and (3) review current ongoing contracts to ratify TM signature. Mr. Dahlen also added that it was important that all contracts be brought forward for Board of Selectmen review to keep them informed.

Mr. Flynn moved that the Board of Selectmen approve (1) an amendment to the Town Manager Act Section 3.C.13 prepared and presented at ATM; (2) a Board of Selectmen signatory be established (current chair) for contracts moving forward until Town Manager Act is amended; and (3) review current ongoing contracts to ratify TM signature. Mr. Madigan second. Vote: 3:0:0

IV. TOWN MANAGER'S REPORT

Sale of 443 West Street (old police station property)

Mr. Read stated that the closing for 443 West Street took place and thanked Ms. O'Connor for her work on this.

V. COMMITTEE APPOINTMENT/RE-APPOINTMENTS/RESIGNATION

None were presented.

VI. ONE-DAY LIQUOR LICENSE REQUESTS None were presented.

VII. EVENT PERMITS None were presented.

VIII. MINUTES

Executive Session Minutes: 10-27-14 Executive Session Minutes –DRAFT

Open Session Minutes: 10-27-14 Selectmen Minutes –DRAFT

Mr. Flynn moved that the Board of Selectmen approve the 10-27-14 Executive Session Minutes, as drafted. Second by Mr. Madigan. Vote: 3:0:0

Mr. Flynn moved that the Board of Selectmen approve the 10-27-14 Selectmen's Minutes Open Session, as drafted. Second by Mr. Madigan. Vote: 3:0:0

IX. ANNOUNCEMENTS

1. **State Election Reminder:** The State Election will be held on Tuesday, November 4, 2014 from 7:00 AM to 8:00 PM at the Chandler Elementary School, 93 Chandler Street.
2. **Veterans' Day:** The Town Hall will be closed on Tuesday, November 11, 2014
3. **Veterans' Day Services:** Duxbury Post 223, American Legion, announces that the annual Veterans' Day services will be held at the post home, corner of West and Tremont Streets, Tuesday, November 11th at 11:00 A.M. This year the Post will be especially recognizing WWII Veterans.

Following the services, a reception will be held to honor Duxbury's veterans. Refreshments will be served. The public, members of our armed forces, and veterans of all wars, are cordially invited to attend this service.

4. **Paint Day at Duxbury Transfer Station:**
Saturday, November 15th from 9 AM to Noon **oil paint or stain** can be disposed of at the Duxbury Transfer Station. Maximum of up to 10 –one gallon cans per household. Latex paint and driveway sealer are not hazardous and will not be accepted at Paint Day. Those can be dried and then disposed of as regular trash.
5. **Next Scheduled Selectmen's Meeting:** will be on Monday, November 17, 2014. (No meeting on November 10, 2014)
6. **Duxbury's Electronic Balloting Committee is seeking feedback on Electronic Voting at Town Meeting:** From now through November 14, 2014, Duxbury residents have an opportunity to share feedback on Electronic Voting at Town Meeting. For online survey access information, visit the Town News section of the Town's website or Get paper copies of the survey at the following locations:

Duxbury Town Hall – table outside Town Clerk's office
Duxbury Council on Aging, 10 Mayflower Street
Duxbury Free Library, 77 Alden Street

7. **ADJOURNMENT**

At approximately 7:24pm Mr. Dahlen moved that the Board adjourn. Second by Mr. Madigan.
Vote: 3:0:0

Minutes respectfully submitted by Nancy O'Connor

LIST OF DOCUMENTS (documents are kept in the Board of Selectmen files)

- 1) *Agenda*
- 2) *Water Main Contract (on file with Town Accountant – Claudette Coutu)*
- 3) *Documentation and attorney memo regarding Town Manager Act*
- 4) *Draft Minutes, Board of Selectmen Open Session October 27, 2014 (Draft Executive Session minutes kept in Executive Session file due to confidentiality)*
- 5) *Announcements*
- 6) *Bonus Shellfish documentation*