

Date: January 12, 2015

Date Minutes Approved: February 23, 2015

Present: Shawn Dahlen, Chair; David J. Madigan, Vice Chair (arrived just after the motion for entering Executive Session); and Theodore J. Flynn, Clerk.

Absent: none

Staff: René J. Read, Town Manager; John Madden (for Open Session only) and C. Anne Murray, Administrative Assistant

I. CALL TO ORDER

The meeting was called to order at 6:53 PM in Open Session at the Duxbury Town Hall (Mural RM).

II. ENTERED EXECUTIVE SESSION

After the meeting was convened, Mr. Flynn moved that the Board of Selectmen go into an Executive Session for the purpose of discussing strategy regarding security personnel or devices in accordance with Mass. General Laws chapter 30A, section 21. This Executive Session will adjourn when completed and (the meeting) will reconvene in Open Session. Second by Mr. Dahlen.

As Chair, Mr. Dahlen declared the necessity for an Executive Session due to the confidential nature of the discussions pertaining to security personnel or devices.

ROLL CALL VOTE: Mr. Flynn ---aye; and Mr. Dahlen---aye.

Mr. Madigan arrived just after the motion and prior to the discussion.

ADJOURNED EXECUTIVE SESSION AND RE-CONVENED IN OPEN SESSION

After the business of Executive Session was concluded a motion was made to adjourn Executive Session and to re-convene in Open Session. At 7:00 PM, after the public had entered the room, Open Session reconvened.

III OPEN FORUM --Nothing was brought forward.

IV NEW BUSINESS

Discussion pertaining to March 2015 Annual Town Meeting Warrant – Article Review

[For the purposes of this discussion, Annual Town Meeting will be abbreviated as ATM and Special Town Meeting will be abbreviated as STM. The numbering of the articles is subject to change, and numbering refers to the ATM Draft Warrant of 01-02-15.]

Intention tonight is for the Board of Selectmen to review articles on the ATM Warrant and to take a vote either in support or not regarding their recommendations to Town Meeting.

Article(s) proposed by the Fire Chief

Article 22 – PROPOSED BYLAW AMENDMENT – AUTOMATIC EXTERNAL DEFIBRILLATION (AED)

Chief Nord explained that he proposed this article as an amendment to the General Bylaws. It is the insertion of a new section that will require that an Automatic External Defibrillator (AED) be clearly displayed in registered with the DRECC (Duxbury Regional Emergency Communications Center) in business and other described places

Mr. Dahlen mentioned that this proposed bylaw is not asking anyone not obligated by law to add an AED, but to have them register the AED with the DRECC so when there is an emergency call the dispatchers can direct the public safety staff to it.

Mr. Flynn asked if restaurants are required to have AEDs? Chief Nord said that they are not, but some establishments voluntarily have them.

Mr. Flynn moved that the Board of Selectmen support Article 22 Automatic External Defibrillators. Second by Mr. Madigan. Vote: 3:0:0.

Mr. Read then pointed out the handouts available. In addition to copies of the latest draft warrants there was a spreadsheet of “one liners” of each of the articles. The columns on the spreadsheet provide the article number (based on the current draft) and article topic, sponsor (or proponent), dollar amounts if applicable, the tentative dates the articles will be presented to the Selectmen and Finance Committee, the votes of the Finance Committee and of the Selectmen.

ARTICLE 33 – ESTABLISHMENT OF AMBULANCE RECEIPTS RESERVED FOR APPROPRIATION ACCOUNT

Mr. Madden explained that if approved, a separate account will be established for the purpose purchasing, maintain and operating ambulances. Ambulances need to be replaced about every 4-5 years at a cost of about \$250,000. The Massachusetts laws allow for the setting up of an account so that some of the ambulance fees can be set aside for replacing and maintaining ambulances. This article will establish that account for the first \$50,000. of ambulance receipts to be allocated to this account. So in the future when Town Meeting is asked to approved purchase of an ambulance the monies in this account would be used for that purpose.

Chief Nord added that we are getting about a 5-year lifespan per ambulance. He anticipates that eventually we will need to purchase a third ambulance. He briefly discussed with the Board the ambulance fees that Duxbury charges in comparison to other communities. He mentioned that the ambulance receipts over and above the \$50,000. Initial amount would continue to be made part of the General Fund.

Mr. Flynn moved that the Board of Selectmen support Article 33 Ambulance Receipts Reserved for Appropriation Account. Second by Mr. Madigan. Vote: 3:0:0.

There was some further discussion, it was pointed out that this article just establishes the account. The intention is that it be the first \$50,000. of ambulance receipts be allocated to this new Ambulance Receipts Reserved for Appropriation Account, but should that figure need to be adjusted it could be. Mr. Madden suggested that if an adjustment is needed it would be his intention to make that known.

Article 9 – REVOLVING FUNDS

Mr. Read asked the Board to consider voting on the revolving funds as shown below. He added, however, that he will be asking the Selectmen to re-open the ATM Warrant at the February 2, 2015 Selectmen’s Meeting for several changes. One of the changes will be to add the fourth entry, i.e., “Regional Dispatch Services” to the STM Warrant. This is an annual article as revolving funds must be re-authorized annually. Under revolving accounts you can only spend what you collect.

The first two revolving accounts have been in existence for many years. The third revolving account for Hazardous Materials Response was established last year. Chief Nord explained that the monies going into this account are used to replace materials and expenses when there is a hazardous materials incident. When a concern is billed for a hazmat cleanup the first \$50,000. are allocated to the Hazardous Materials Response revolving fund.

After discussion it was determined that the establishment of the Regional Dispatch Services Revolving Account would need to be in the STM Warrant to establish the account in FY’15 and then the reauthorization of the Regional Dispatch Services Revolving Account for FY’16.

As printed in the 2015 ATM Warrant –DRAFT 1-2-15:

Line	Program	Purpose	Department Receipts	Expended under direction of:	FY 2016 limit
1	Senior Center	Senior Center program operations	Senior Center program fees	Director, Council on Aging	\$175,000
2	Jaycox Tree Farm	Supplies for and operation of Tree Farm	Revenues of Tree Farm	Conservation Administrator	\$20,000
3	Hazardous Materials Response	Replacement, repair, and purchase of equipment and supplies and for administrative and firefighter wage expenses associated with fire operations and responses to hazardous materials incidents	Reimbursements allowed under MGL c. 21E for response to hazardous materials releases	Fire Chief	\$50,000
4	Regional Dispatch Services	To provide regional dispatch services to member towns	Charges for services	Fire Chief	\$120,000

Mr. Flynn moved that the Board of Selectmen support Article 9 Revolving Funds in its entirety. Mr. Madigan second. Vote: 3:0:0.

Article(s) proposed by Police Chief

**ARTICLE 18 - PROPOSED GENERAL BYLAW AMENDMENT – SECTION 7.4,
“CONSUMPTION OF ALCOHOLIC BEVERAGES”**

Police Chief Matthew Clancy the bylaw regarding consumption of alcoholic beverages has existed for many years but portions of it needed to be updated to be in compliance with current circumstances. He explained that labs are not taking open containers anymore so this article will strike that language but to leave the rest of the language as is. He noted the following items regarding the Penalty Section:

- (a) numbered 7.8 should be numbered 7.9;
- (b) will set the fine at \$150.00 for first offense and \$300.00 for second and subsequent offense;
- (c) A police officer may arrest without a warrant anyone “whom he* observes to violate the provisions of this By-Law.” Chief Clancy explained that specific language was suggested by Town Counsel and he agrees with it. (*Mr. Read suggested changing he to he/she to make it gender-neutral.)

The Chief added that violations under this bylaw are civil violations; not criminal violations.

Mr. Dahlen asked how often this is used and who are the typical offenders? In response Chief Clancy said that it is a tool he feels the police should have and they probably enforce it a dozen to two dozen times a year; sometimes with individuals at events on the beach. Historically the police have issued citations in the amount of \$100.00.

Mr. Mangione asked “Does this effect school’s punishment (under the Athletic Code of Conduct) – whether a ticket is issued or not?” Chief Clancy indicated that whether a ticket is issued or not shouldn’t have any effect. Lt. Chubb pointed out the Code of Conduct doesn’t require that a citation be issued only that the student be present and gave an example of this.

Mr. Flynn moved that the Board of Selectmen support Article 18 Proposed General Bylaw Amendment – Section 7.4, “Consumption of Alcoholic Beverages,” subject to the suggested amendment regarding gender-neutrality. Second by Mr. Madigan. Vote: 3:0:0.

**ARTICLE 19 PROPOSED GENERAL BYLAW AMENDMENT – SECTION 7.5, PUBLIC USE
OF MARIJUANA OR TETRAHYDROCANNABINOL**

Chief Clancy said he has requested that Article 19 be withdrawn. That will be proposed when the warrant is re-opened on February 2nd.

**ARTICLE 20- PROPOSED GENERAL BYLAW AMENDMENT – SECTION 7.18, DOOR-TO-
DOOR SOLICITATION**

Chief Clancy said the intention of this article is to refresh the fine laws regarding this bylaw. Fines would go from \$50.00 to \$100.00 for the first offense and add \$300.00 for second and subsequent offenses. Beyond that the language is being changed so that a citation can be issued without the party having to be taken to Court and convicted.

Before voting the Board read the current proposed language of the article.

Mr. Flynn moved that the Board of Selectmen support Article 20 Proposed General Bylaw Amendment – Section 7.18, Door-To-Door Solicitation. Second by Mr. Madigan. Vote: 3:0:0.

ARTICLE 21 - PROPOSED PEACEFUL COMMUNITY BY-LAW

Chief Clancy requested that Article 21 be withdrawn.

ARTICLE ## (TO BE ASSIGNED; NOT IN CURRENT WARRANT) –CIVIL FINGERPRINTING

Mr. Read indicated that proposed bylaw for Civil Fingerprinting would be an addition to the Warrant, if the Selectmen are agreeable to it.

Chief Clancy said in 2012 the State open the door for communities to use finger-printing for certain licenses. He then explained the difference between CORI checks vs. finger-printing: Criminal Offense Records Information (CORI check is an application to check an individual's criminal history in Massachusetts only. Whereas finger-printing not only validates the person is who they say they are, but also checks their criminal record on the national database.

He is proposing the use of civil finger-printing for those licensees who: (a) have direct contact with children, such as ice cream truck vendors, and (b) door-to-door solicitors /canvassers. It would require following set protocols with a number of checks and balances. If there is a record, then the individual:

- Is notified of the potential denial
- Has the right to appeal and correct the record;
- Has the right to appeal to the Board of Selectmen; and
- Has the right to appeal to the Superior Court

Mr. Flynn questioned that it is general regarding Door-to-Door solicitors, but then it is specific to ice cream truck vendors. Why not hot dog vendors? Chief Clancy explained that the State law does actually specify frozen dessert vendors (i.e., ice cream trucks) be finger-printed. Under State regulations you now are supposed to do this for ice cream truck vendors so this article will make it compliant with the laws. Lt. Chubb added the explanation that under the State statute you can do it, but it requires that the Town passes a bylaw. He also noted that it used to be the truck that was licensed, but now everyone serving in the ice cream truck needs to be licensed.

Chief Clancy in response to questioning from Mr. Dahlen said Door-to-Door Solicitors are defined as:

- Over age 18
- For-profit organizations that go door-to-door, e.g., lawn care or selling books
- Not political, not religious non-profit organizations

Chief Clancy said a number of towns have passed a bylaw. Solicitors already need a permit, but this lets you know who the individuals are.

Last year a similar proposal was made, but this version limits those it would apply to. This way it could be seen as a trial before extending it to others.

The Board wanted more time to consider this and therefore a vote on it was postponed until the February 2nd meeting.

Article(s) proposed by the Board of Selectmen/Finance Department

ARTICLE 1 -ELECTION OF OFFICERS

Mr. Flynn moved that the Board of Selectmen support the 2015 ATM Article 1 regarding the Election of Officers. Second by Mr. Madigan. Vote: 3:0:0.

ARTICLE 2 -REPORTS

Authorizes the Town Meeting to receive the reports of Town Officials, Boards, Committees, and Commissions, or take any action in relation thereto.

ARTICLE 3 -COMPENSATION OF ELECTED OFFICIALS

As printed in the draft warrant:

	Appropriated FY15	Requested FY15	BOS Recommended FY16	Finance Committee Recommended FY16
Moderator	\$40	\$40		**
Selectmen				
Chair	\$2,000	* \$2,000	*\$2,000.	**
Member	\$1,500	* \$1,500	*\$1,500.	**
Member	\$1,500	* \$1,500	*\$1,500.	**
Assessors				
Chair	\$2,000	\$2,000		**
Member	\$1,500	\$1,500		**
Member	\$1,500	\$1,500		**
Town Clerk**	\$80,000	\$80,000	\$68,000	**
**see amendment				
TOTAL	\$90,040	\$90,040	*	**

AMENDMENTS: Mr. Read mentioned the following amendments:

	Appropriated FY15	Requested FY15	BOS Recommended FY16	Finance Committee Recommended FY16
Town Clerk	\$65,000	67,500	* (Suggested \$67,500.)	\$67.500
**Amended TOTAL	\$75,040.	\$77,540.	\$77,540.	\$77,540.

Although the current Board of Selectmen choose not to accept the Selectmen's salary, it remains in the budget so the funds will be there should another individual run and be elected.

Mr. Dahlen moved that the Board of Selectmen support 2015 ATM Article 3 -Compensation of Elected Officials, with the amended amount of \$67,500. for the Town Clerk. Second by Mr. Madigan. Vote: 3:0:0.

ARTICLE 4 –PERSONNEL PLAN REVISION – Tentatively to be reviewed by the Board of Selectmen at the January 26, 2015 meeting.

ARTICLE 5 –OPERATING BUDGET

Mr. Read distributed a copy of the operating budget and the Revenue vs Expenditure

The Board asked some questions and the following responses were given:

- Question: Is the budget balanced?
Ans.: Mr. Madden: Under FY'16 column you will see that there is \$3.00 remaining.
- Question: Is that the Unused Debt Levy Capacity for this year or is the Unused Debt Levy Capacity cumulative?
Ans.: Mr. Madden: Unused Levy Capacity becomes available funding in the following (fiscal) year.
- Question: There is no increase in taxes due to the debt exclusion?
Ans.: Correct.
- Question: The Selectmen questioned the increase to the Historical Commission budget (from \$200. To \$2,800.).
Ans.: Mr. Read & Mr. Madden: Mr. Read explained that in discussions with members of the Historical Commission it was learned that they were actually paying for legitimate expenses (e.g., hearing advertisements) out-of-pocket and therefore he was supportive of the increase. Mr. Madden added that they have purchased scanners and printed maps

Mr. Dahlen mentioned that on the Town website he came across a link to the Duxbury Online Historical Archives (See: www.duxburyhistoricalarchives.org). He was very impressed with all the information found there.

Mr. Flynn moved that the Board of Selectmen support the 2015 ATM Article 5 regarding the Operating Budget. Second by Mr. Madigan. Vote: 3:0:0.

(ARTICLE 6 – CAPITAL BUDGET and ARTICLE 7 – SMALL EQUIPMENT AND MINOR SERVICES are still under review and will be brought before the Selectmen at a future meeting.
Article 8 - Union Contracts The request will be for indefinite postponement.)

ARTICLE 10 -DUXBURY BEACH LEASE

Mr. Dahlen recused himself (as he is a Director of the Duxbury Beach Reservation, Inc.).

Mr. Flynn moved that the Board of Selectmen support 2015 ATM Article 10 – Duxbury Beach Lease in the amount of \$600,000. Second by Mr. Madigan. Vote: 2:0:0 (*Mr. Dahlen recused himself and did not vote.*)

ARTICLE 11 -FOURTH OF JULY (FUNDING)

Mr. Flynn moved that the Board of Selectmen support 2015 ATM Article 11 – Fourth of July (funding) in the amount of \$15,000. Second by Mr. Madigan. Vote: 3:0:0.

ARTICLE 17 - PROPOSED GENERAL BYLAW AMENDMENT – SECTION 6.3, “BOARD OF HEALTH” (PROPOSED BY BOARD OF HEALTH)

Mr. Read explained that what the Board of Health would like to do is to add an Alternate member.

Mr. Dahlen added that the Alternate member would sit on any hearings for which a full member would not be available.

Mr. Flynn moved that the Board of Selectmen support 2015 ATM Article 17 – Proposed General Bylaw Amendment – Section 6.3, “Board of Health” to add an alternate member. Second by Mr. Madigan. Vote: 3:0:0.

Mr. Read brought the following to the Board’s attention:

Article 16 - He just wanted to make the Board aware that he intends to ask the Board to withdraw that article. Instead he will be asking the Board to consider supporting an article for forming a Government Study Committee.

ARTICLE 12 CPC: OPERATING FUND

Mr. Flynn moved that the Board of Selectmen support 2015 ATM Article 12 – CPC: Operating Fund in the amount of \$29,030. Second by Mr. Madigan. Vote: 3:0:0.

ARTICLE 13 CPC: ALLOCATIONS

Mr. Flynn moved that the Board of Selectmen support 2015 ATM Article 13 – CPC: Allocations in the amount of \$174,176. Second by Mr. Madigan. Vote: 3:0:0.

There was a brief discussion about future scheduling with respect to re-opening and closing the ATM Warrant.

Mr. Read mentioned that he will also be looking to potentially remove Article 32 Information Technology Study because he thinks it may not be needed as there may be enough information in the studies already done. Mr. Madden added that there is \$5,000. within the Information Technology budget for consultants so there is some funding available if needed.

Mr. Flynn asked about the status of the zoning bylaw rewrite? Mr. Read said that the Committee have been working on it, but they just were not ready to present articles at this year’s ATM so it is expected the zoning bylaw rewrite articles will be on the 2016 ATM warrant.

V TOWN MANAGER'S REPORT

Mr. Read distributed to the Board copies of the Comprehensive Annual Financial Report prepared by Finance Director John Madden. It will be posted on the Town website.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

No Committee appointments, re-appointments or resignations this evening.

VII ONE-DAY LIQUOR LICENSES

02-07-15 Duxbury Art Association Winter Juried Show Reception

Mr. Flynn moved that the Board of Selectmen grant to Ms. Mary Beth Brown, as a representative of the **Duxbury Art Association**, is granted a One-Day Wine & Malt License to hold a reception on February 7, 2015 from 6:00PM to 9:00PM at the Art Complex Museum, 186 Alden Street, subject to the conditions on the license. Second by Mr. Madigan. VOTE: 3:0:0.

VIII EVENT PERMITS - none

IX MINUTES

01-05-15 Selectmen's Minutes –Draft

Mr. Flynn moved that the Board of Selectmen approve the 01-05-15 Selectmen's Minutes, as presented. Second by Mr. Madigan. VOTE: 3:0:0.

X ANNOUNCEMENTS

1. Waiting Lists for Commercial Mussel & Razor Clam Licenses:

Just a reminder that individuals on the Waiting Lists for Commercial Mussel and Razor Clam Licenses must renew their application annually within the month of January. The sign-up sheets have been posted in the Selectmen's office.

2. Black Tie Bingo:

Friends of the COA will be holding their Black Tie Bingo event on Saturday, January 24, 2015 from 6:00 PM -11:00 PM at the Duxbury Senior Center. Tickets can be purchased at the Duxbury Senior Center, 10 Mayflower ST and at other locations around town. Tickets are \$50 a person.

3. Martin Luther King, Jr. Day:

A. The Town Hall Offices will be closed on Monday, January 19, 2015 in observance of Martin Luther King, Jr.'s birthday.

B. Martin Luther King, Jr. Breakfast: The Duxbury Interfaith Council and the No Place for Hate Committee invites the community to its annual Martin Luther King, Jr. Prayer Breakfast on Monday, January 19 to be held at the First Parish Church beginning at 8:15am.

4. **Next Scheduled Selectmen's Meeting:** Monday, January 26, 2015

XI ADJOURNMENT

At approximately 8:25 p.m., Mr. Flynn moved that the Board adjourn. Second by Mr. Madigan.
VOTE: 3:0:0.

Minutes respectfully submitted by: C. Anne Murray

LIST OF DOCUMENTS FOR 01-12-15 SELECTMEN'S MEETING (DOCUMENTS LOCATED IN THE SELECTMEN'S OFFICE FILES.)

1. *Agenda for 01-12-15 Selectmen's Meeting*
2. *OPEN FORUM: no documents*
3. ***NEW BUSINESS:***
 - a. *2015 ATM Warrant – ARTICLE REVIEW: ATM Warrant –DRAFT 1-2-15; Budget handout 1-12-15; Revenue vs. Expenditure Model Handout 1-12-15; "One-Liners" Spreadsheet 1-12-1; and Suggested Motion for Articles*
 - b. *Copies of individual articles from proponents –Fire Dept.; Police Dept.; Bd of Health and to be Article –Proposed Government Study Committee*
4. ***TOWN MANAGER'S REPORT:*** *Comprehensive Annual Financial Report handout (posted on Town website)*
5. ***APPOINTMENTS /RE-APPOINTMENTS & RESIGNATIONS:*** *none*
6. ***EVENT PERMITS:*** *(For each event there was a packet of information including the drafted permit and event information and if appropriate route map.)*
7. ***MINUTES:*** *01-05-15 Selectmen's Minutes -DRAFT*
8. ***ANNOUNCEMENTS:*** *01-12-15 Suggested Announcement Sheet*