

TOWN CLERK
15 JUL 29 PM 2:10
DUXBURY, MASS.

Date: July 13, 2015

Date Minutes Approved: July 27, 2015

BOARD OF SELECTMEN MINUTES

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

Absent: Shawn Dahlen, Vice Chair

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 7:00 PM in the Mural Room at the Duxbury Town Hall.

II OPEN FORUM - nothing was brought forward for discussion

III NEW BUSINESS

7:00 pm WATER & SEWER COMMISSIONERS

ADJOURNED AS SELECTMEN & CONVENE AS WATER & SEWER COMMISSIONERS:

Mr. Madigan moved that the Board of Selectmen adjourn the meeting as Selectmen in order to meet as the Water & Sewer Commissioners, with the intent of re-convening as Selectmen afterward.

Discussion pertaining to and review of the water consumption bill (#1668) for property located at 687 Union ST

Mr. Read explained that in the Selectmen's packet was an email from Water Superintendent Peter Mackin. This situation is similar to another recent one in which an undetected water leak resulted in an extremely large bill and the property owner has requested a one-time discount. As with the prior case, the recommendation is for a one-time discount based on the average of their three like billing periods to be billed at the full rate and overages would be billed in the 1st tier at \$4.55 per 1000/ gallons. This will equal a onetime discount of \$260.02 for the current case.

Mr. Madigan moved that a one-time discount in the amount of \$260.02 be granted regarding the water bill (#1668) associated with the property located at 687 Union Street. Second by Mr. Flynn. VOTE: 2:0:0.

ADJOURN WATER & SEWER COMMISSIONERS & RE-CONVENE AS SELECTMEN

Mr. Madigan moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen. Second by Mr. Flynn. VOTE: 2:0:0.

Discussion pertaining to Vote to Open the Warrant and call for Articles for the October 5, 2015 Special Town Meeting (STM)

Mr. Madigan moved that the Board of Selectmen vote to open the October 5, 2015 Special Town Meeting Warrant. Second by Mr. Flynn. VOTE: 2:0:0.

The Board of Selectmen invited citizens to submit articles for the October 5, 2015 Special Town Meeting. **Articles must be submitted to the Town Manager's Office by 12:30 PM on Friday, August 7, 2015.** The complete Article language and a brief explanation of the article are required. Please contact Nancy O'Connor at 781-934-1100 x 5401 with any questions.

It was mentioned that the main reason for calling the STM was for warrant articles related to the ongoing management of the North Hill Country Club as the current management agreement expires as of December 31, 2015.

Update from PACTV - Postponed to later in the meeting.

Discussion pertaining to year-end transfers

Finance Director John Madden said in the Selectmen's packets was information regarding the year-end transfers approved by both the Selectmen and the Finance Committee to date. Also enclosed was another year-end transfer for their consideration tonight. He explained that tonight's request is due to receipt of the June bill from Anderson & Krieger, which addressed a significant amount of activity related to the North Hill Country Club (i.e., Johnson Golf) case in preparation for the appeal. These unforeseen legal expenses were in excess of the legal budget. So the request is for a transfer of \$29,114.74 from the Health Trust Appropriation to Legal Services so the bill can be paid.

Mr. Madigan moved that the Board of Selectmen approve the current fiscal year-end Transfers as detailed on the attached being a transfer from budget line #100-914-5200-5958 Health Trust Appropriation in the amount of \$29,114.72 to Legal Services. Second by Mr. Flynn. VOTE: 2:0:0.

Mr. Madigan requested a year-end summary of the legal bills, and Mr. Read indicated he would obtain that from Anderson & Kreiger.

Acceptance of Donation from Copeland Family Foundation, Inc.

Mr. Madigan moved that the Board accept, with gratitude, the Copeland Family Foundation, Inc., donation of \$6,000.00 for the Duxbury Animal Shelter. Second by Mr. Flynn. VOTE: 2:0:0.

Ms. Susan Curtis, who was in the audience, mentioned that this was a 20% increase from previous year's donations.

Discussion pertaining to disbanding the following committees:

Duxbury Friends of Plymouth 400 (DFP-400)

Board of Selectmen

Date: July 13, 2015

Page 3

Mr. Madigan moved that the Board disband the Selectmen-appointed Duxbury Friends of Plymouth 400th Committee with the understanding that the Committee will be re-formed if necessary. Second by Mr. Flynn.

Mr. Madigan explained the DFP-400th Committee is being disbanded as the public funding was not working for them. In order to collect donations they can more effectively do so as a 501 (c) 3 so the disbanding of the Selectmen-appointed Committee will allow them to pursue the non-profit status.

The Selectmen voted on the motion. VOTE: 2:0:0.

Canine Committee

The Canine Committee was a Town Manager-appointed committee. Mr. Read thanked those who served on the Canine Committee. He wanted to make the Selectmen aware of the disbanding noting that the work of the Canine Committee is done as regulations are in place and mutt mitts have been dispensed in a number of locations.

In August / September Mr. Read said he will be looking at other potential locations for the canine waste dispensers and will keep the Selectmen informed.

North Hill Advisory Committee

Mr. Madigan moved that the Board disband the North Hill Advisory Committee effective immediately.

Mr. Flynn mentioned that the Committee has lost its effectiveness and given that the Town has had a Recreation Director it has been unnecessary. Mr. Flynn then provided a second to the motion. VOTE: 2:0:0.

Discussion pertaining to the review and execution of the deed regarding the Grange site property

Mr. Madigan moved that the Board of Selectmen execute documents related to the sale of the Grange Hall Site located at 153 & 159 Franklin Street to South Shore Habitat for Humanity, Inc. for the purchase price of one dollar (\$1.00). Second by Mr. Flynn. VOTE: 2:0:0.

This has been a long-planned construction project to bring a unit of affordable housing to Duxbury. Mr. Read said that this is the last step in the deal and once permits are finalized construction can begin. Habitat has hired a contractor but it is believed that volunteer labor will also be used.

Discussion pertaining to the review of closing documents regarding the acquisition of Merry cranberry bog

Mr. Madigan noted that the selectmen have a Record of Vote, Deed Acceptance, and Second Amendment to the Purchase and Sale Agreement for 2.704 ± acres before them.

Mr. Madigan moved that the Board of Selectmen execute the Record of Vote, Deed Acceptance, and Second Amendment to the Purchase and Sale Agreement related to the acquisition of the Merry cranberry bog located at Lot 4, Church Street, and further identified as Parcel No. 069-945-005 and containing 2.704± acres of land, for the purchase price of \$11,191.50. Second by Mr. Flynn. VOTE: 2:0:0.

IV CONTRACTS

Review of grant agreement regarding the Alden House conditions assessment

Mr. Madigan moved that the Board of Selectmen approve and execute the Grant Agreement between the Town of Duxbury and the Alden Kindred of America, Inc. for a conditions assessment of the Alden House in the amount of \$7,500. Second by Mr. Flynn. VOTE: 2:0:0.

It was mentioned that this project was approved by the 2015 Annual Town Meeting as Article 28.

Review of grant agreement regarding the Bradford House condition and structural assessment

Mr. Madigan moved that the Board of Selectmen approve and execute the Grant Agreement between the Town of Duxbury and the Duxbury Rural and Historical Society for a condition and structural assessment of the Bradford House in the amount of \$23,900. Second by Mr. Flynn. VOTE: 2:0:0.

This was approved as the 2015 ATM Article 27.

Review and approval of grant allocation (Council on Aging)

Mr. Madigan moved that the Board of Selectmen approve and authorize the Chair to execute the Grant Allocation Statement of Authorization between the Town of Duxbury and the Executive Office of Elder Affairs regarding the FY2016 grant budget for the Council on Aging in the amount of \$31,770. Second by Mr. Flynn. VOTE: 2:0:0.

Mr. Read mentioned that this is an annual formula grant that helps fund some of the Council on Aging positions.

Review and approval of GATRA contract amendment (Council on Aging)

Mr. Madigan moved that the Board of Selectmen approve and authorize the Chair to execute the amended contract between GATRA and the Town of Duxbury for a two-month extension of the existing FY15 contract from July 1, 2015 to August 31, 2015. Second by Mr. Flynn.

Mr. Read explained that GATRA is going over the contract with their legal counsel with respect to new federal regulations and they anticipate being able to provide the Town with a new contract by September.

Following the explanation the Board voted on the motion. VOTE: 2:0:0.

V TOWN MANAGER'S REPORT

Mr. Read reporting on the following items:

1. DPW UPDATES:

- a. **Cemetery Building:** Mr. Read reported that the cemetery building is 50% complete, and it is anticipated that the project will be complete on or about Labor Day.

- b. **Water Main Break on Bay Ridge:** There was a 6" water main break on Bay Ridge (Lane), which is closed to through traffic until later this week, and it also buckled a small portion of Bay Road, which is open but Mr. Read urged drivers to use caution in the area.

2. **Dredging Update:** Mr. Read read his memorandum explaining some disappointing news regarding the anticipated dredging project. The gist of the news is that there was only one bid for the project (from Cashman /Burnham in the amount of \$5,648,560.) and it came in much higher than the Independent Government Estimate (IGE) of \$3,897,000. The difference of \$1,751,460 was greater than 25% about the IGE. While in some cases additional funding may be authorized in this case, the bid exceeds available funds. Therefore, the work will not begin this year.

Mr. Read noted that the good news is that the funds remained earmarked for this project (barring any unforeseen national emergency that would require their use). So alternatives are being looked at for the possibility of re-advertising the work next year.

On a separate note, Mr. Read mentioned that paving work at Mattakeesett Court, which was to be postponed until next spring, will be going forward this fall.

3. **Powder Point Bridge Update:** Mr. Read provided the Board with a memorandum, which gave an overview of the PP Bridge assessment from Simpson, Gumpertz and Heger (SGH), which will be posted on the Town's website. He mentioned that there were two contractors involved in the repair project –Fife and QuakeWrap. The initial phase of the SGH assessment found:
- 16 pile wraps in "good" condition
 - 124 pile wraps in "fair" condition
 - 52 pile wraps rated as "poor", which will significantly compromise the structural integrity of the wraps
 - 30 wraps rated as "failed," which means they are providing none of the intended strength or protective benefits to the timber piles.
 - The 12 Fyfe-system pile wraps have conditions ranging from "fair" to "poor."
 - The 210 QuakeWrap-system pile wraps have conditions ranging from "good" to "failed."

The next phase of the assessment will include answers to questions such as: "Why did this happen?", "How do we fix it?", and "Where do we go from here?"

In the interim, the MassDOT has inspected the PP Bridge, but we have not heard from them regarding the inspection.

In discussion with the Board, Mr. Read said that the technology was not new, but it appears that it might not have been the appropriate technology for the PP Bridge. What steps are to be taken remain to be determined, but he will keep the Board apprised.

4. **Duxbury Beach Update:** Mr. Read mentioned that restrictions on vehicles on the beach went from 200 vehicles to 250 vehicles over the weekend. We anticipate that additional parking might be allowed the end of this week and into next. Access is being provided on an incremental basis as soon as we can.

He explained that the beach does not open until 8 AM, but because of the restrictions some beachgoers are lining up as early as 6 AM. He also mentioned that there is a spillover lot where some additional parking is allowed until capacity is reached.

Mr. Madigan mentioned an article in today's *Boston Globe* regarding a new methodology being used in Orleans, MA and anti-predation fences. Mr. Read said he would look into that.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

Mr. Madigan moved the following appointments / re-appointments as follows: *[Move that we (the Board of Selectmen) appoint or re-appoint {Name} to the {Name of Board} for a term to expire on {DATE}.]* See table below for specifics. After the appointments / re-appointments were read by Mr. Madigan then Mr. Flynn moved to second them. VOTE: 2:0:0.

Committee	Name	Appointment or Re-appt.	Term Expires	Motion	Second	Vote
*Conservation Commission						
	John Brawley	Appt.	06-30-18	Mr. Madigan	Mr. Flynn	2:0:0
	Robb D'Ambruoso	Appt.	06-30-18	Mr. Madigan	Mr. Flynn	2:0:0
*Design Review Board						
	Susan Bourget	Re-appt.	06-30-18	Mr. Madigan	Mr. Flynn	2:0:0
	Meghan Lewis (Alternate)	Appt.	06-30-16	Mr. Madigan	Mr. Flynn	2:0:0
	Heidi Pape Laird (Alternate)	Re-appt.	06-30-16	Mr. Madigan	Mr. Flynn	2:0:0
*Recreation Activities Comm.						
	Stuart McEntee		06-30-18	Mr. Madigan	Mr. Flynn	2:0:0
	Brendan Donnelly		06-30-18	Mr. Madigan	Mr. Flynn	2:0:0
	Brian Campbell		06-30-18	Mr. Madigan	Mr. Flynn	2:0:0
*Sidewalk & Bike Path						
	Don LaRose	Appt.		Mr. Madigan	Mr. Flynn	2:0:0

Board of Selectmen

Date: July 13, 2015

Page 7

Additional comments regarding the Boards and Committees:

*With the above-appointments the board or committee will be fully staffed.

VII ONE-DAY LIQUOR LICENSE REQUESTS - None presented

VIII EVENT PERMITS - None presented

IX MINUTES

Mr. Madigan moved that the Board of Selectmen approve the 06-15-15 Selectmen's Minutes, as presented. Second by Mr. Flynn. VOTE: 2:0:0.

Mr. Madigan moved that the Board of Selectmen approve the 06-22-15 Selectmen's Minutes, as presented. Second by Mr. Flynn. VOTE: 2:0:0.

X ANNOUNCEMENTS

Mr. Madigan read the announcements:

- 1. Digitalized Duxbury Annual Town Reports and Protective (Zoning) By-Laws up to 2014:**
Through the Digital Commonwealth, a web portal and repository service for online cultural heritage materials, the Duxbury Annual Town Reports and Protective (Zoning) By-Laws up to 2014 have been digitalized. More than just scanned images, the digitized volumes are indexed and searchable. You can find them on the Duxbury Free Library's website www.duxburyfreelibrary.org under Reference. Additional information about this is posted on the Town's website in the Town News column.
- 2. Next Scheduled Selectmen's Meeting:** will tentatively be on Monday, July 27, 2015.

Mr. Read also mentioned that the Town received notice from Vegetation Control Service, Inc., the vendor Eversource Energy uses for application of herbicides in the right of ways. Abutters should have received notice as well. Mr. Read wanted to make sure residents know that the work is permitted for vegetative control in the right of way and will be beginning soon. If anyone has any questions, they can be directed to the Project Supervisor at 508-868-3994 and reference "Right of Way Project #243."

Update from PACTV

Present for this item of business were Ms. Nancy Richard, Executive Director of PACTV, and Mr. Dave Antoine, PACTV Government Access Coordinator.

Ms. Richard provided an overview of the services PACTV has been providing to the Town during the past four years. She provided a handout to the Board and a copy of the PACTV Annual Activities Report for FY'14 was in the Selectmen's packet. Some of the items she mentioned were:

- PACTV manages 2 channels for the Town of Duxbury: a public access channel and a government channel broadcast on both Comcast and Verizon.
- On the public access side, PACTV provides equipment and training for residents to provide local programs. Currently 17 Duxbury residents are PACTV members and assist in covering

Town events, such as the Duxbury 4th of July Parade and the Duxbury Town Meeting. They also work on other programs in the studio and learn how to use the equipment there.

- PACTV runs a summer program for students.
- On the government side, last year they covered 61 meetings for 3 Town boards and produced 31 shows for State, County and regional groups.
- PACTV manages a Video on Demand (VOD) service, which can be accessed through their website: www.pactv.org.
- They also provide an opportunity for government and civic groups to get information out through the taping of Public Service Announcement and a community bulletin board of upcoming events and information.
- The weekly PACTV Community News (PCN) show, which focuses on local news. She noted that Mr. Read participates in that on a monthly basis.
- That hope to expand services to increase programming to youth and to provide periodic updates to the Town.

Mr. Dave Antoine spoke briefly mentioning the following:

- On the government side PACTV has been covering the meeting of the Board of Selectmen, Zoning Board of Appeals and Board of Health. Last month they also covered a couple of the Planning Board meetings.
- They are planning to cover the Special Town Meeting in October.
- They have been working with Dave Hagen at the Duxbury Schools, who has been assisting in transmitting via the internet signal.

In response to a question, it was noted that they do not have a HD signal yet, but that is something to be negotiated in the next contract.

A gentleman in the audience mentioned that meetings used to run all the time on the local channels, but now you have to know the replay schedule and wondered why. Mr. Antoine explained that it used to be run on a DVD circulating loop, but now are transmitting over the internet. He said after a meeting is broadcast live, then they do replay it several times during the week. You can find the replay schedule: on the bulletin board, on www.pactv.org, and also on their Facebook page.

X ADJOURNMENT

At approximately 7:45 PM, Mr. Madigan moved that the Board adjourn. Second by Mr. Flynn. VOTE: 2:0:0.

Minutes respectfully submitted by C. Anne Murray

LIST OF DOCUMENTS (ON THE NEXT PAGE).

LIST OF DOCUMENTS FOR 07-13-15 SELECTMEN'S MEETING (DOCUMENTS LOCATED IN THE SELECTMEN'S OFFICE FILES.)

1. *Agenda for 07-13-15 Selectmen's Meeting*
2. *OPEN FORUM: no documents*
3. *NEW BUSINESS:*
 - a. *Water Bill (#1668); Coversheet with suggested motions; 06-08-15 Email of Peter Mackin; 06-16-15 Letter from Property Owner to Selectmen; Copies of 05-29-15 and 05-09-14 water bills; Adjustment paperwork; W&S Commissioners Meeting Notice.*
 - b. *Open 10-05-15 STM Warrant: Coversheet with suggested motion and Call for Articles Announcement*
 - c. *PACTV: Copy of the PACTV Annual Activities Report FY' 2014; Handout of PACTV brochure provided at the meeting.*
 - d. *Year-End Transfers: Coversheet with suggested motion, Request for Year-End Transfer regarding the Legal Service bill; Year-end transfers approved to date*
 - e. *The Copeland Family Foundation Donation: Coversheet with suggested motion; 06-12-15 Copeland Family Foundation, Inc. letter and copy of the check*
 - f. *Disband Canine Committee, Dux. Friends of Plymouth 400th Committee; and North Hill Advisory Committee: Coversheet with suggested motions; Background info. on Canine Committee; and Town Counsel email re: DFP-400th Comm. formation of a non-profit*
 - g. *Execution of Deed – Grange: Coversheet with suggested motion; Statement of Sale; QuitClaim Deed Town of Duxbury to S. Shore Habitat for Humanity, Inc.*
 - h. *Documents regarding Merry Cranberry Bog: Coversheet with suggested motion; Closing Settlement Statement*
4. *CONTRACT(S): Each of the following had a coversheet with some background information and a suggested motion and a copy of the contract:*
 - a. *grant agreement regarding the Alden House conditions assessment*
 - b. *grant agreement regarding the Bradford House condition and structural assessment*
 - c. *approval of grant allocation (Council on Aging)*
 - d. *approval of GATRA contract amendment (Council on Aging)*
5. *TOWN MANAGER REPORT (Potential Items): 07-13-15 Town Manager's Report and 07-13-15 Memorandum regarding Dredging Project Update.*
6. *COMMITTEE APPOINTMENTS-RE-APPOINTMENTS /RESIGNATIONS: 07-13-15 Appointment Sheet*
7. *ONE-DAY LIQUOR LICENSE REQUESTS: [For each the packet included the ODLL application and other details provided about the event, results of the department feedback received, and a drafted ODLL incorporating the conditions indicated.] --none*
8. *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. --none*
9. *MINUTES: Coversheet with suggested motions; 06-15-15 Selectmen's Minutes- Draft and 06/22/15 Selectmen's Minutes - Draft*
10. *SUGGESTED ANNOUNCEMENTS 07-13-15.*