

Date: August 3, 2015

Date Minutes Approved: August 31, 2015

BOARD OF SELECTMEN MINUTES

Present: Theodore J. Flynn, Chair; Shawn Dahlen, Vice Chair; and David J. Madigan, 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 approximately 7:15 PM in the Ellison Room at the Duxbury Senior Center.

As this was a joint meeting with members of the Finance Committee, Fiscal Advisory Committee, and School Committee, Mr. Flynn gave the Chairs of each of those Committees the opportunity to convene their Committees. Mr. Weiler, the Town Moderator, was also in attendance.

Mr. Flynn mentioned that the meeting was being taped and pointed out that anyone wishing to speak should speak into the microphones. He pointed out the podium set up for audience members and the microphones on the tables for the Committee members to use.

He said at the behest of Ms. Sullivan, Chair of the Finance Committee, it was suggested to have a conversation with the Boards jointly with respect to the FY'17 budget. He then gave an overview of the listed agenda items, but indicated it was possible for other topics to be introduced. Ms. Sullivan noted one added topic was to be a brief update regarding the school buildings by Dr. Tantillo.

II NEW BUSINESS

Revenues:

Mr. Flynn introduced Mr. John Madden, Finance Director, to begin the meeting with a discussion about revenues.

Mr. Madden distributed copies of two handouts: (1) Town of Duxbury – Annual Local Receipts Analysis and (b) Town of Duxbury – Annual Cherry Sheet Analysis. Both show a 6-year period. Some of the points he mentioned were:

- The Town is looking at flat revenues.
- Local Receipts: In FY'15 Duxbury saw an approximately 3% reduction. Local Receipts include: Excise Taxes (Motor vehicle and boats); rentals; fees; licenses and permits. There was a slight dip in cremations and the other categories were flat as to revenues.
- State Aid: For Duxbury went up approx. .25%
- New Growth: We are expecting an increase in new growth based on the construction of :
 - Duxbury Woods, which should add revenue to FY'16;
 - and expansion of Island Creek property, which should add revenue over the next 2-3 years; and

- Webster Point (Village), which should add revenue over the next year or so; and
- Battelle
- Tax Levy: Mr. Madigan asked if there was any information regarding the tax levy figures. Mr. Madden said since that won't be known until new growth numbers are known. In response to a question, Mr. Madden said the anticipated tax levy would be \$56,503,000 for FY'16. If we utilize all that we have at hand, then his anticipated figure would be \$57,625,000 or an increase of about 2.3-2.4%, but that is all dependent on the new growth figures.

Expenditures:

Ms. Sullivan mentioned that about 80% of the budget is already earmarked based on collective bargaining (salaries) and overhead. She thought there was also an earmark for the expense of a new fire truck in FY'17. She asked if there was anything else.

In response, Mr. Madden mentioned that there are two collective bargaining agreements to be negotiated (Public Safety Dispatchers Union and Firefighters Union).

- Electronic Balloting: Town Meeting voted for electronic balloting and that expense has to be within the operating budget. So the operating budget has to be increased by \$35,000 for it.
- There is a new electrical contract under negotiation. Current contract expires December 31, 2015.
- Governmental Study Committee (GSC): Mr. Flynn mentioned the GSC is to provide an interim report at the 2016 Annual Town Meeting (ATM) and a final report at 2017 ATM. Based on that Mr. Madden indicated that anything suggested by GSC would affect the FY'18 or a later budget.
- Solid Waste Contract: New contract will be with ABC Disposal at \$65./ton which is a savings compared to the \$100./ ton the Town has paid to SEMASS. This savings will begin partway through FY'16 and fully in FY'17.
- Recyclables: They are more expensive. So the Town is exploring a contract for recyclables, in which the Town will have to pay for recyclables to be taken away. Don't have any firm figures yet.
- Bond refinancing; anything else expected? Mr. Madden responded that the Town recently refinanced some bonds. The term remained the same (5 yrs.), but the Town paid down some of the debt and got a more favorable rate. That will save about \$300,000, but it doesn't free up money in the tax levy because it was an exclusion. This is about 2 cents on the tax rate.
- Other Post-Employment Benefits (OPEB): We hope to begin making payments to the OPEB assessment in FY'17. Amount is yet to be determined. Instead of making payments from free cash it needs to be incorporated into the budget.
- Beach Lease: Town is anticipating an additional \$50,000 (or 8% increase).
- Building Maintenance: Mr. Madigan asked whether building maintenance will be under the capital budget or within the levy limit? Mr. Brian Cherry, Duxbury Facilities Manager, was called upon to respond. Mr. Cherry said currently building maintenance is within the operating budget and being supplemented within the capital improvement plan. Mr. Cherry expects to each year to present \$200,000 - \$300,000 in building maintenance projects. The basis for the requests will be a building assessment and prioritization that he has been working on. He mentioned that he has been working to consolidate service agreements and negotiate bulk agreements for savings. There was a brief discussion about what is ongoing maintenance vs. a one-time capital expense. Mr. Madigan said a suggestion has been made to have an annual budget for capital maintenance and to fund it. Mr. Madden mentioned that right now the Town is dealing with deferred maintenance so we have to catch up with that before it can be funded within the levy. Ms. Sullivan pointed out that the first step was for Mr. Cherry, as a new Facilities Director, was to assess and prioritize the needs. He indicated that he does have 5-year

projections of the needs and priorities. Mr. Cherry did say that operationally we are managing more efficiently and with a very lean staff.

- Mr. Quigley asked how many years would it take to “catch up”? Mr. Cherry said his charge was to come up with a 10-year capital improvement plan. So he based his annual figure on that. Mr. Dahlen opined that you never really do catch up because in the meantime other replacement projects are put on hold.
- Mr. Cherry mentioned some of the larger capital projects: the mechanical systems at the 2 schools (Alden and Chandler Schools); the Alden School roof; and some bathroom renovations.
- New projects, such as DPW Barn?: Mr. Flynn raised this topic. Mr. Buttkus, DPW Director, said given the current need, that has been put on hold.

Powder Point Bridge:

Mr. Read provided the following update:

- The Town has hired Simpson Gumpertz & Heger to perform a forensic engineering investigation. We have received some initial information but they are gathering additional information for a more complete report. They have raised concern with a number of the bents and the integrity of the structure itself.
- The Town is also waiting for MassDOT (Dept. of Transportation) to do a site visit and update. About an hour before tonight’s meeting we received the MassDOT November, 2014 assessment report.
- We are exploring many options – everything from: Possible partial closures to full closures; the need and costs to replacing the bridge, which leads into what kind of bridge would it be and what would the costs be.

Mr. Madden added:

- The Town must petition the State Legislature for any borrowing because it is a wood bridge. Chap. 44 Sect. 7 only mentions stone and steel bridges. Right now we have \$2.2 million in borrowing left. It will take another \$200,000 to complete the detailed study and that will leave about \$1 million left for potential borrowing, and that likely would not be enough so petitioning the State Legislature is likely to be needed.

In discussion it was noted that this will not be a long-range project but something needing attention within the next 6 months to a year.

Dredging:

Mr. Read explained that the ACOE went out to bid and the bids came in over the 25% threshold allowed. The ACOE is in discussion with the contractor so it may not happen this year. It is still possible that it will go forward, but possibly could happen next year. The project is not 100% dead, and Mr. Read said he is “cautiously optimistic” that it will move forward.

There are other groups interested in having the dredging done, such as the Duxbury Yacht Club, Bayside Marine, and the Duxbury Bay Maritime School and others. These concerns are referred to as the “piggy-backers” and they would be paying for their portion of any dredging done. Ms. Sullivan asked what about Battelle? Mr. Dahlen responded that it is up to whoever buys the property, but it is likely anyone investing in the Battelle property would want to participate and pay their share.

On the Town side, funding remains from an article from two years ago.

Information Technology (IT):

With respect to other capital items, Ms. Sullivan mentioned that the schools are ahead of the Town with respect to IT upgrades. On the Town-side there have been some general discussions about things that are needed. There was an article at the 2015 Annual Town Meeting (ATM) authorizing funding for a consult to be hired to help with this process. Mr. Read added that he and Dr. Tantillo have had some preliminary discussions, but are waiting for school to start so the schools' IT staff could be involved. He also indicated that while there are several consultants in mind to speak with, the next step is also waiting until school IT personnel can be consulted. He expects to give an interim report at the 2016 ATM.

Mr. Dahlen mentioned that the Town is far behind with email accounts being handled remotely. There have also been WiFi issues. He mentioned that:

- Integration between the schools and the Town is great, but the Town needs the capability. Ms. Sullivan agreed but wants that to be done with collaboration between the Town and the Schools.
- He would like to see this project in the FY'17 budget.

Council on Aging:

Mr. Mangione mentioned another capital item to be kept in mind is the need for an extension to the Senior Center.

School Capital Items:

Dr. Tantillo mentioned the following:

- Last week a water heater at the Alden School broke. Thankfully the Facilities Director was able to get a replacement very quickly and for significantly less money.
- The roof at the Alden School is in need of replacement.
- The windows at the Alden School are in desperate need of replacement. They are the old heavy windows that physically take two adults to open.

Collective Bargaining Contracts:

Ms. Sullivan stressed we are not discussing any terms outside of negotiations. In general, Ms. Sullivan mentioned that when you have contracts to be settled you need to consider the domino effect; not just the percentage increases, but also the other benefits.

Mr. Fernando Guitart, 14 Powder Point Ave, said that he agrees that collective bargaining should be done "under one roof." Ms. Sullivan clarified her comment by explaining that each bargaining unit must be negotiated individually in compliance with Labor Laws.

Mr. Madigan also explained that the Town has management negotiators that handle bargaining with the different units and within that structure can look for consistency, but each labor unit comes in with their requests in isolation from other units. Mr. Dahlen added that Mr. Read negotiates the Town contracts and the School Committee and Dr. Tantillo handle the school contracts.

Update on School Building Project:

Dr. Tantillo provided the following update:

- The school buildings are online and within budget.
- Paving around the Steele Fieldhouse side of the street should begin this week.
- Paving around the Duxbury High School and in front of the DHS should be done in another week or two.
- Some landscaping will remain to be done after the beginning of school.
- The outdoor classroom area will be ready next week.
- The final traffic pattern and parking in the DMS/DHS/Library campus will be disseminated next week.
- Enrollment has increased by 21+ kindergarteners, which has necessitated adding another section and teacher.
- There has also been an increase in enrollment of about 15+ grade 4 students so that required an added section.
- New math program for K-5th grade is being implemented, and the teachers are being trained.
- New teacher orientation is underway, and second-year teachers will be going through mandatory training.
- Teachers start on August 31st and the students start on September 2nd.
- With respect to collective bargaining negotiations are being held with custodians and instructional aides, and next year there will be collective bargaining with the teachers.
- Had 240 graduates and the incoming kindergarten class is 185. There are 320 10th graders, which is the largest class.

Duxbury Beach:

Ms. Sullivan began the discussion by mentioning that the Town and the Duxbury Beach Reservation, Inc. (DBR), a private, non-profit group that owns the beach, have been working together for the past 40 years. It has been a partnership that has worked well, but during the past few years difficulties have come up due to the piping plovers, an endangered species, which has dramatically curtailed use of the beach during the prime beach season (i.e., Memorial Day to the end of July). On the other hand, the DBR has indicated that they are going up on the rental fee. She said that there needs to be a better dialogue. She specifically mentioned the DBR's predation program, which was implemented to reduce the plover's predators, but that in turn increases the piping plover population which in turn curtails beach access for people to enjoy the beach. She suggested that the Town and the DBR should have similar agendas of providing access for people. She is concerned that with decreasing access there will be a decrease to the beach revenue as few people will by beach stickers between the increased costs and the limited availability.

Mr. Madigan mentioned that Orleans MA is implementing a different strategy. They are providing protection for nests by guiding cars to access points. He wondered if there was some way to attract the plovers to areas that would have less impact for beachgoers.

Ms. Maggie Kearney, President of the DBR, responded by explaining one of their biggest challenges is trying to communicate DBR's mission, which is three-fold. DBR's mission is three-fold:

- 1) To protect the barrier beach, which in turn protects the Town; and

- 2) To protect wildlife, including migrating birds; and
- 3) To protect the endangered species.

She noted that last year they did not implement a predation program, but instead did a study to determine the effect of predation control. She explained the goal is a fledge rate of at least 1.25, which is the number of fledges needed to sustain the species. At Duxbury Beach they had reached or exceeded that but last summer with no predation it dropped to .92. The study's conclusion did show that predation control does increase the chance of survival of the endangered species.

Ms. Kearney also explained that piping plovers can nest up to 4 times. The first time they lay 4 eggs. If they re-nest, then in the subsequent re-nestings they produce 3 eggs, then 2 eggs, and then 1 egg. If predators get to the eggs, then the re-nesting extends the fledging timeframe so by protecting the nests access is re-gained more quickly. The bottom line is that if we do not protect the piping plovers, as federally mandated, then nobody would be allowed on Duxbury Beach. Duxbury Beach is the only beach where endangered species exist that there is also access for beachgoers.

Mr. Robert Hayes, Trustee of the DBR, added the following information:

- Historically the beach has been financed by the DBR, the Town, and the federal government.
- It is getting more expensive to maintain and restore the beach and in the past the federal government has provided significant financing, but the DBR does not expect that federal support to be continuing.
- From the monies paid by the Town, the DBR pays for the endangered species monitoring, vehicles, etc.
- With increased expenses the DBR has forced DBR to look at the rental amount.
- DBR is \$870,000 in the red over the last 5 years and is now looking to fundraising to close the gap, but that is not a long-term solution for operating costs.
- Agrees that the partnership is strained, but the Town has to realize that if the Town doesn't want to follow the management plan, which includes predation, that is their choice, but the Duxbury Beach likely would not be open if the management plan is not followed.
- With respect to the Orleans system, what was not said is that they ferry cars to the access points, but then the people have to stay there for a set time before they are ferried back.

Ms. Sullivan said the concern is a dollars and cents one. She pointed out that we are paying ourselves. If the lease amount goes up then the sticker price has to go up, but the question is when the tipping point is reach that due to reduced access there is a reduction in sticker sales. In response Mr. Hayes indicated that the DBR does understand that, and they have allowed free parking on the Reservation's parking lot.

Mr. Flynn mentioned the following: There were 9 days out of 55 days that the residents were closed out and 18 days out of 55 days that the non-residents were closed out.

Mr. Dahlen opined that he feels there is still a spirit of cooperation between the Town and the DBR. He mentioned the repair of the HP ramp was going cost \$12,000. The repair got done with a \$15000 donation from Goodrich Lumber and the Town employees doing the physical work.

Last year the lease went from \$400,000 to \$600,000 because of extraordinary expenses due to storm damage, and the fact that the DBR had to borrow money for repairs.

Ms. Kearney said she learned recently that Massachusetts has reached its quota for the piping plovers but the other New England states have not. Once the quota is met it will not be taken off the list until each beach has an approved management plan, which the DBR already has in place.

Mr. Read mentioned that the bird census is done every 10 years and the next one is not for another 6 years.

Mr. Read then referred to 3 distributed handouts:

- 1) Beach (& Transfer Station) Revenue Comparison FY14 vs FY15
- 2) Piping Plover Nesting Pairs 2009-15
- 3) Duxbury Beach Access Restrictions -2014

His comments were as follows:

- Regarding the first handout you will notice that the number of beach stickers sold this year did increase in every category.
- The second handout shows the number of piping plover nesting pairs has gone from 11 in 2009; 11 in 2010; 12 in 2011; 14 in 2012; 17 in 2013; 26 in 2014 to 25 in 2015. He stressed that all it takes is 4 pairs to shut the beach down. So with more birds the odds of restrictions increases and make it tougher to sell stickers.
- The third handout shows the restrictions there were 18 days of closures and the timing which was between 8 AM -10 AM and the vehicle capacity was down to 80 vehicles (i.e., 40 resident:40 non-resident). With this level of restrictions is when sticker sales get impacted.

North Hill Country Club:

Mr. Flynn said that the contract ends December 31, 2015.

Mr. Read explained that to lease a Town property you need Town Meeting approval. In addition, if the lease is to be more than 3 years or allows for an extension beyond the 3 years, you also need Town Meeting approval. He has been discussing the matter with other staff in preparation for going out to bid. Mentioned that of the total number of municipal golf courses in Massachusetts (64) only a small number are run by the municipality; the majority (52) go out to bid because of the expense.

Having run the numbers the decision was made that it make more fiscal sense to go out to bid. So this the main reason for the October 5, 2015 Special Town Meeting.

- Reallocate
- Citizen Petition received this evening for road acceptance.
- Some placeholders in the event of collective bargaining contracts are settled or if further

III ANNOUNCEMENTS

1) 2015 Fall STM Call for Articles:

Reminder that articles are due by Friday at 12:30 PM to the Selectmen's Office.

2) Meeting Space Available at the Schools:

Dr. Tantillo mentioned that there is space for meetings to be held at the schools. They have custodians available until 11 PM and you can go online and reserve a room.

3) Next Scheduled Selectmen's Meeting: Monday, August 10, 2015 at the Town Hall (Mural RM)

Mr. Friend Weiler, Town Moderator, mentioned:

- The Town Government Study Committee has been staffed and is beginning its work.
- He does not anticipate the need to use electronic balloting at the 2015 Fall STM.
- He felt tonight's discussion was helpful. With respect to the Duxbury Beach discussion he said in full disclosure he is a DBR Trustee. He mentioned that it is a complex issue and could be a discussion in and of itself.

Mr. Bob Doyle asked to be recognized to discuss the North Hill Country Club (NHCC). He distributed a handout and made the following comments:

- Acknowledged that Pilgrim Golf has done a good job regarding the physical aspects of keeping up the course, but he understands that financially it is not doing well. It seems to have changed from a club operation to more of a turn-style operation.
- He gathered information for a potential article regarding the NHCC:
 - 1) First part is to run it as an enterprise fund.
 - 2) Second is for the Town to appoint a pro-manager to lease out the course operation and the food concession.
 - 3) The third was why it is good for the Town to run the course as shown on the handout "Advantages of the Town-Run NHCC", which he went over point-by-point.

He asked the Selectmen to take his comments under advisement and he will decide whether to formally submit an article.

As the topics of the joint meeting had been covered, Mr. Flynn gave the Chairs the opportunity to adjourn their boards. The Board of Selectmen remained in open session to finish one other item of business.

Discussion pertaining to the review and execution of closing documents relating to Merry Property purchase (Board of Selectmen)

Mr. Madigan moved that the Board of Selectmen execute the RECORD OF VOTE OF THE DUXBURY BOARD OF SELECTMEN dated August 3, 2015 and authorize the Clerk of the Board to execute the Order of Taking with respect to the land consisting of approximately +/- 264.5 acres in combination of land, cranberry bogs, reservoirs and associated uplands located in the Town of Duxbury, Plymouth County, Massachusetts, known as the Merry Property and identified the Duxbury Assessor's Parcel Numbers listed in the documents.

IV ADJOURNMENT

At approximately 9:00 PM, Mr. Madigan moved that the Board adjourn. Second by Mr. Dahlen. VOTE: 3:0:0.

Minutes respectfully submitted by C. Anne Murray

(LIST OF DOCUMENTS ON NEXT PAGE.)

LIST OF DOCUMENTS FOR 08-03-15 SELECTMEN'S MEETING (DOCUMENTS LOCATED IN THE SELECTMEN'S OFFICE FILES.)

1. *Agenda for 08-03-15 Selectmen's Meeting: FY'17 Budget Summit*
2. **NEW BUSINESS:**
 - a. *POWDER POINT BRIDGE: 06-09-15 (revised 06-15-15) Engineering Investigation by Simpson Gumpertz & Heger; PPBridge special legislation and most recent Duxbury Beach Reservation (DBR) budget; Spreadsheet of Duxbury Beach Access Restrictions - 2015; Beach (& Transfer Station) Revenue Comparison FY2014 vs. FY2015; Piping Plover Nesting Pairs 2009-2015.*
 - b. *DREDGING: no documents*
 - c. *DUXBURY BEACH: 3 handouts: Beach (& Transfer Station) Revenue Comparison FY14 vs FY15;Piping Plover Nesting Pairs 2009-15; and Duxbury Beach Access Restrictions -2014*
 - d. *NORTH HILL COUNTRY CLUB (NHCC): 06-15-15 Memorandum from René J. Read; NHCC Comparative Analysis –Town vs. Private; Pilgrim Golf LLC Profit & Loss Jan. through Dec. 2014;Management Agreement with Pilgrim Golf LLC; Handouts submitted by Bob Doyle include: (suggested) preliminary Article for 2015 Fall Special Town Meeting; Advantages of the Town-Run North Hill Golf Club;08-01-15 Town of Duxbury –Comparison Sheet (Mr. Doyle's figures of Town vs. Private);Preliminary Organizational Chart*
 - e. *MERRY PROPERTY: Coversheet with Suggested Motion, Copy of the Record of Vote of the Duxbury Board of Selectmen and the Order of Taking to be executed.*
3. *Attendance Sheet of Members of the Finance Committee, Fiscal Advisory Committee, and School Committee members present.*