

**Date: October 19, 2015**

*Date Minutes Approved: November 9, 2015*

## **BOARD OF SELECTMEN**

**Present:** Theodore 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 - CONVENED IN OPEN SESSION**

The Selectmen's meeting was called to order at 7:05 PM in Open Session in the Mural Room.

### **II OPEN FORUM**

**Entergy Closure of Pilgrim Nuclear Power Station:** Ms. Mary "Pixie" Lampert and Ms. Becky Chin, Co-Chairs of the Duxbury Nuclear Advisory Committee (DNAC) were present to update the Selectmen on issues of concern and upcoming meetings regarding the recent news that Entergy plans to close the Pilgrim Nuclear Power Station no later than June, 2019. Ms. Lampert mentioned the following:

- November 11, 2015 – State legislators are scheduled to meet with Entergy officials.
- November 17, 2015 – S. (Senate) bill 1798 to be heard at the State House. The recommendation was for the Selectmen to support S. bill 1798, which seeks to establish funding to provide moneys for post-closure activities at nuclear power stations. It seeks to have an annual post-closure funding fee of \$25,000,000 on each nuclear power station in the commonwealth assessed on the owner(s) or affiliate(s) of each nuclear power station.
- Recommended that the Selectmen should advocate to our state legislators to have spent fuel moved out of the spent fuel pool and into dry casks as soon as possible. She further suggested the Selectmen express to their state representatives support for S. Bill 1797, which provides an economic incentive for Entergy to act sooner by establish a fee on the storage of spent nuclear fuel in pools.
- Anticipates that Entergy will petition Nuclear Regulatory Commission (NRC) to stop environmental monitoring after closure, as Entergy has done so in other plant closure situations and the DNAC advocates that environmental monitoring should continue after closure as there are still risks with stored spent fuel.
- Recommended that the Selectmen advocate for a regional advisory council and for a Duxbury representative to be part of it to voice Duxbury's concerns and to act as a liaison to keep the Duxbury community informed.

Mr. Madigan asked "How much do we get from Entergy for the E.O.C.?" The answer provided was \$85,000.

The Selectmen and Town Manager thanked Ms. Lampert and Ms. Chin for their update, and took the suggestions under advisement.

### **III NEW BUSINESS**

#### **7:01 pm WATER & SEWER COMMISSIONERS: Water, Sewer & Service Commitment and Lifting of the Voluntary Water Restrictions**

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

**Water, Sewer, & Service Commitment:** The Water, Sewer and Service Commitment is routine business by the Commissioners to authorize the billing for water services.

Mr. Madigan moved that the Board of Water & Sewer Commissions instruct the Treasurer to collect the amount of \$1,256,326.90 for water and sewer charges. Second by Mr. Dahlen. VOTE: 3:0:0.

#### **Lifting of the Voluntary Water Restrictions**

Mr. Peter Mackin, Duxbury Water Superintendent, asked that the voluntary water restriction imposed earlier this summer be lifted.

Mr. Madigan moved that the Board of Water & Sewer Commissions lift the voluntary water restrictions on outdoor watering effective immediately. Second by Mr. Dahlen. VOTE: 3:0:0.

#### **MOTION TO ADJOURN AS 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. Dahlen. VOTE: 3:0:0.

#### **Discussion pertaining to North Hill Country Club**

Mr. Read mentioned that copies of the summary of the key terms associated with the North Hill Country Club (NHCC) Request for Proposals (RFP) was circulated. Based on further discussions with staff, members of the Board and in consideration for comments made at Town Meeting, it seemed that there was desire to keep the bids together in one document; instead of separate bids for the golf management and food concession. Town Counsel was asked to look at the document and to put together a summary of the key terms and to assist with the drafting of a RFP.

The Director of Municipal Services, Mr. Scott Lambiase, said that there were further discussions with staff to weigh the pros and cons of a single bid process versus two separate bids in consideration of comments made at Town Meeting. The conclusion reached was that with one bid process the Town

can still realize what it desires and it would be a lot easier for the Town administratively to only deal with one entity. The bid language will encourage a golf management entity to partner with another entity to handle the food concession. By keeping it as one bid, it eliminates the need for separate utility services, which would require capital expenses by the Town. It would also keep the Town from having to work out details of how the two entities would work out of the shared space and split the utility costs. Instead that would be up to the entities to work out.

The RFP will contain comparative and comparable criteria, e.g., for marketing programs, junior programs, etc.

Mr. Dahlen asked if there are different ways that you can put this out to bid. For example some bid processes are based solely on the monetary versus others which are evaluated on the quality of the proposal.

Mr. Lambiase said the previous bid process was an Invitation for Bid (IFB), which was based on the highest monetary bidder with minimum criteria required. This bid process will be evaluated on the quality of a number of criteria based on a comparative ranking system. For example some of the comparative criteria may be: operational plan, the marketing plan, the Junior program, improvement plan, the food concession plan, etc. Then the bid review will look at the monetary proposal. Both factors will be taken into consideration in determining the awarding of the bid.

Mr. Dahlen questioned the liability exposure of the Town. Mr. Lambiase responded by indicating that there is a greater liability to the Town with this type of bid, but said he feels the Town has proper legal guidance to do it correctly. He also noted that this is the Inspector General's recommended format for this type of long-term contract.

Mr. Madigan said he thought separating the bids was previously suggested. Mr. Lambiase said initially it was, but with further input this was re-evaluated when staff stopped to consider the many scenarios that could arise. The advertisement will include a statement that we are encouraging the golf operations management to partner with a food concession operator in their bid submission.

Mr. Dahlen suggested that the size of the food concession does limit what might be possible.

Mr. Michael Walker, owner of Benchwarmers, said that he was interested when he heard it was to be separated into two bids. He mentioned he grew up in Duxbury, played golf at NHCC, and would like to see the NHCC brought back to the facility he remembers. He said he doesn't think you can make a full restaurant in the space given, but thinks potentially you could keep it open during the winter perhaps with a limited schedule and breakfast on the weekends. He fears that making it one bid will limit the opportunity for someone like his organization to participate.

Mr. Flynn said the consensus from Town Meeting was that it would be better to bid it as one entity.

Mr. Dahlen and Mr. Read both suggested that food service entities could piggyback off of golf management companies to partner in the bid. They noted that the bid documents are public documents. So the list of who has requested bid packages will be public record and available to others.

With respect to the review team, Mr. Dahlen indicated that he would prefer it be staff members, who are properly trained in the evaluation process

Mr. Lambiase suggested a tentative timeline as:

- Advertising and bid packets are made available the 1<sup>st</sup> week of November.
- A pre-bid conference is scheduled and held in mid-November.
- Bids to be due by November 30<sup>th</sup> at the latest.
- Bids to be evaluated and an award to be made during the first week of December.

Mr. Flynn asked if any consideration had been given to bringing in a golf consulting firm.

Mr. Lambiase responded that were a consultant to be brought in then it would more likely be for the bid language versus the review. Were there time and money available, then having a consultant might be welcome, but that is not possible given the time and money constraints this time around.

Mr. Walker again suggested that he is bothered by making this a sole bidder process it will box out someone like him from participating.

Mr. Read suggested that market economies will drive the process. If it is a local entity that has the best proposal and price that would be great, but if it an outside concern that is how it works.

In further discussion, it was re-iterated that it will be a comparative bid process and bidders that don't have experience on one side or the other will fare better, if they partner with an entity that has the experience they don't. The list of entities who request the bid packet or who the bid packet is sent to as a solicitation will be available upon request as it is a public record.

### **Discussion pertaining to draft proposal re: New Revenue Bonds to Finance Dredging, Raising Beach and Other Sea-Level Rise Mitigation Projects**

Mr. Dahlen mentioned that the Board received a letter from Mr. Sherm Hoyt, which questioned what the Town plans are with respect to financing long-term infrastructure needs in the light of sea level rise, and offered his thoughts on how the Town might go about planning for the significant expenses anticipated. Mr. Dahlen said that Duxbury currently sees some flooding during extreme high tides and storms on Washington Street at the intersection of Powder Point Avenue and at the intersection of King Caesar Road and Powder Point Ave. He suggested the question is "At what point in time does that situation become unacceptable and what expenditure is going to be required and what is being done proactively to prepare for it?" He then turned the conversation over to Mr. Hoyt to present his proposal.

Mr. Hoyt gave a brief overview of his proposal. His observations over the years and hearing the discussion at some of the dredging meetings regarding the costs involved got him thinking. His thinking lead him to put the proposal together about what the Town could do to proactively prepare for what are likely future Town expenses to deal with sea level rise. He mentioned the following:

- Some of the responsibility that is currently held by the Army Corps of Engineers (ACOE) will have to be shifted to local entities.
- He suggested that new State and Federal agencies would need to be established that would coordinate the pro-active planning for necessary major coastal projects such as dredging and barrier construction.
- He proposed that States could advance funds, raised by tax-exempt bonds, to local coastal communities.

- In his model he suggested that the ACOE would supply 85% of the funding, the State would contribute 10%, and the remaining 5% would be contributed by the municipalities.
- He added that he had some preliminary discussions about his proposal with Atty. Rick Manley. He said that Atty. Manley has experience as a revenue bond counsel and indicated that Atty. Manley would be willing to help draft proposed financial mechanisms for funding the anticipated future projects.

Anything that is proposed would have to distinguish between what is a betterment to public properties versus private properties. Also would have to look at what the ACOE responsibilities are.

Mr. Fernando Guitart, 14 Powder Point Ave, mentioned that the problems facing Duxbury will also be facing Boston. Therefore, he suspects that this topic is probably being worked on at the State and Federal level and the Town should look into what is being done at that level.

Mr. Frank Mangione suggested that Mr. Hoyt's proposal is somewhat similar to the creation of the Massachusetts School Building Authority (MSBA), which has distributed funds to help municipalities re-build school buildings.

#### **Discussion pertaining to and review of amendment to the Purchase and Sale Agreement regarding the acquisition of Merry properties**

Mr. Madigan moved that the Board of Selectmen execute the Fifth Amendment to Purchase and Sale Agreement regarding the purchase of 264± acres of the Merry Properties. Second by Mr. Dahlen. VOTE: 3:0:0.

It was mentioned that this Fifth Amendment to Purchase and Sale Agreement for the Merry Properties and it extends the closing date to October 28, 2015.

#### **IV TOWN MANAGER'S REPORT**

Mr. Read reporting on the following items:

##### **1. Valerie Massard welcomed as Duxbury's new Town Planner:**

Mr. Read mentioned that Ms. Valerie Massard began her employment today as Duxbury's new Town Planner today. She previously worked for the Town of Plymouth and brings many years of experience. He also thanked Ms. Mary Elizabeth Burgess, who had served as an interim planner.

##### **2. Mutt Mitts Update:**

There are some additional locations where the mutt mitts containers will be. They will be installed at:

- the cellar hole on Marshall Avenue
- the Town forest entrance at the Town Hall parking lot
- and potentially at the Rte. 14 bogs area, but a determination has not yet been made, as there does not seem to be much foot or dog traffic in that area.
- And potentially are contemplating installation at the Myles Standish Monument area

He mentioned the program is working and noted that 10 gallon bags have been filled in a 4-day period. We use a pick-up service augmented by the efforts of the Conservation Agent and the Animal Control Officer. He commended them for their efforts.

**3. Budget FY'17 Update:**

Mr. Read mentioned that the Department Heads will be meeting with the Finance Committee to review their FY'17 budget proposals over the next couple of months. The meetings are posted on the Town website in the Town Meeting Calendar. The Finance Committee typically meets on Tuesdays and Thursdays at 7:00 PM at the Senior Center.

There will be a joint meeting of the Finance Committee and the Fiscal Advisory Committee on Thursday, October 29, 2015 for review and discussion of the Capital Budget

**4. Call for Articles for the 2016 ATM:**

Mr. Read mentioned that just prior to the beginning of the Special Town Meeting the Board of Selectmen voted to open the Warrant for the March 12, 2016 Annual Town Meeting. This means that anyone wishing to submit articles may do so. Articles must be submitted to the Town Manager's Office by 4:00 PM on December 1, 2015. The complete Article language and a brief explanation of the article are required. Anyone needing assistance was advised to contact the Town Manager's office.

**5. Dredging Update:**

The Town Manager announced the long-awaited dredging has begun. The harbor was last dredged in 1997. Mr. Read said they expect the dredging to be complete on or about December 31, 2015. He has been advised that the process has been slow going due to the sediment being removed. They are working on bring in a second dredge.

**V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION**

*Duxbury Bay Management Commission*

Mr. Madigan moved that the Board appoint Dax Guenther as a member of the Duxbury Bay Management Commission to fill a term due to expire on June 30, 2018. Second by Mr. Dahlen.  
VOTE: 3:0:0.

He noted that Joe Messina is the new Chair of the Duxbury Bay Management Commission (DBMC) and with the above appointment the DBMC is fully staffed.

**VI ONE-DAY LIQUOR LICENSE REQUESTS - *None presented***

*[For Event Permits and One-Day Liquor Licenses, departmental reviews of the requests were done. There were no objections and departmental feedback was incorporated into the conditions listed on the permit or license.]*

**VII EVENT PERMITS - *None presented***

## **VIII MINUTES**

Mr. Madigan moved that the Board of Selectmen approve the 10/05/15 Selectmen's Minutes, as presented. Second by Mr. Dahlen. VOTE: 3:0:0.

## **XI ANNOUNCEMENTS**

Mr. Madigan read the following announcements:

### **1. Substance Abuse Forum at the PAC**

The Duxbury Public Schools, along with the new group Duxbury FACTS, will hold a panel discussion on the topic of substance abuse, including alcohol, on Tuesday, October 20<sup>th</sup> at 7 p.m. at the Performing Arts Center, 73 Alden ST, Duxbury. A panel of health care, substance abuse and law enforcement experts will present information on the dangers of substance abuse and how to keep our children safe. The public is invited to attend.

### **2. Call for Articles for 2016 Annual Town Meeting**

The Board of Selectmen invites citizens to submit articles for the 2016 Annual Town Meeting scheduled to begin on Saturday, March 12, 2016 at 9:00 AM at the Performing Arts Center (PAC), 73 Alden ST, Duxbury.

Articles must be submitted to the Town Manager's Office by 4:00 PM on December 1, 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.

### **3. Next Scheduled Selectmen's Meeting: will be on Monday, October 26, 2015.**

## **X ADJOURNMENT**

At approximately 8:13 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 for the 10-19-15 Selectmen's Meeting is on the next page.)*

**LIST OF DOCUMENTS FOR 10-19-15 SELECTMEN'S MEETING (DOCUMENTS LOCATED IN THE SELECTMEN'S OFFICE FILES).**

1. *Agenda for 10-19-15 Selectmen's Meeting*
2. *OPEN FORUM: no documents*
3. *NEW BUSINESS:*
  - a. *WATER & SEWER COMMISSIONERS: Water, Sewer & Service Commitment and Lifting of the Voluntary Water Restrictions –Meeting Posting and coversheets with suggested motions, copy of Water, Sewer, & Service Commitment and background on Voluntary Water Restrictions.*
  - b. *Discussion pertaining to North Hill Country Club: Summary of Key Terms for North Hill RFP*
  - c. *Discussion pertaining to draft proposal re: New Revenue Bonds to Finance Dredging, Raising Beach and Other Sea-Level Rise Mitigation Projects: Draft Proposal from F. Sherman Hoyt*
  - d. *Amendment to the Purchase and Sale Agreement regarding the acquisition of Merry properties: Fifth Amendment to Purchase and Sale Agreement*
4. *TOWN MANAGER REPORT (Potential Items): none*
5. *COMMITTEE APPOINTMENTS-RE-APPOINTMENTS /RESIGNATIONS:  
10-19-15 Appointment Sheet*
6. *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*
7. *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*
8. *MINUTES: Coversheet with suggested motion; 10-05-15 Selectmen's Minutes- Draft*
9. *SUGGESTED ANNOUNCEMENTS 10-19-15 Suggested Announcements.*