

Date: July 27, 2015

Date Minutes Approved: August 10, 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, and C. Anne Murray, Administrative Assistant

I CALL TO ORDER

The meeting was called to order at approximately 6:15 PM in the Mural Room at the Duxbury Town Hall.

II 6:15PM EXECUTIVE SESSION - McLaughlin Pier Appeal

VOTE TO ENTER EXECUTIVE SESSION

Mr. Dahlen moved that the Board of Selectmen enter into an Executive Session for the purpose of discussing strategy with respect to pending litigation since an open meeting may have a detrimental effect on the litigating position of the Town, if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, Section 21. This Executive Session will adjourn when completed and the Board will reconvene in Open Session at 7:00 PM. Seconded by Mr. Flynn.

As Chair, Mr. Flynn declared the necessity for an Executive Session is due to the confidential nature of discussions pertaining to litigation.

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

As a quorum of the Conservation Commission was also present, Ms. Corey Wisneski, Chair of the Conservation Commission, convened their meeting. Upon convening the Conservation Commission also entered into an Executive Session with a similar motion to the Selectmen's with a second and roll call vote. See the Conservation Commission's Executive Session minutes for further details.

Mr. Madigan arrived before the Executive Session discussion began and the Selectmen re-voted to enter Executive Session with Mr. Madigan present.

Mr. Madigan moved that the Board of Selectmen enter into an Executive Session for the purpose of discussing strategy with respect to pending litigation since an open meeting may have a detrimental effect on the litigating position of the Town, if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, Section 21. This Executive Session will adjourn when completed and the Board will reconvene in Open Session at 7:00 PM. Seconded by Mr. Dahlen.

As Chair, Mr. Flynn declared the necessity for an Executive Session is due to the confidential nature of discussions pertaining to litigation.

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

ADJOURNED EXECUTIVE SESSION & RE-CONVENED IN OPEN SESSION

Having completed the Executive Session business at approximately 6:59 PM, Mr. Madigan moved that the Board of Selectmen adjourn the Executive Session and re-convene in Open Session at 7:00 PM. Second by Mr. Dahlen. **ROLL CALL VOTE:** Mr. Madigan---aye; Mr. Flynn ---aye; and Mr. Dahlen--
-aye

II **OPEN FORUM** - nothing was brought forward for discussion

III **NEW BUSINESS**

Discussion pertaining to the appointment of Town Manager as Chief Procurement Officer

Mr. Read explained that this is part of a formal procedure required by the Attorney General's Office. He noted that, as Town Manager, he is the Chief Procurement Officer for the Town, but they need to have the signed document on file. He also mentioned that Duxbury has two Procurement Officers as he has designated Mr. Scott Lambiase as a Procurement Officer too.

Mr. Madigan moved to approve /authorize the Chair of the Board to sign for René J. Read to be the Chief Procurement Officer. Second by Mr. Dahlen. VOTE: 3:0:0.

Discussion regarding bond documents associated with General Obligation Refunding bonds

On July 24th the Town of Duxbury called \$4,325,000 in bonds related to the Alden School PAC project and the High School Wastewater Treatment Plant. The savings to the Town due to this bond call will be \$330,275.83. In the process some of the premium paid by the successful bidder will be used to reduce the outstanding debt by \$205,000 to \$4,120,000. That and the remaining premium net of bond expenses will provide the Town the benefit of a true interest cost of 1.03%. The previous bonds had an interest rate of 3.96%.

The term of the new bonds will be consistent with the remaining duration of the old bonds. That is, they will mature during FY 2021.

As part of the process, Mr. Madigan, the Clerk of the Board, moved and read the Vote of Board of Selectmen regarding the bond documents associated with General Obligation Refunding Bonds in its entirety. A copy of the document is on file as part of the meeting documents. Second by Mr. Dahlen. VOTE: 3:0:0.

Mr. Madigan moved that the Board of Selectmen execute all bond documents related to the \$4,120,000 General Obligation Refunding Bonds. Second by Mr. Dahlen. VOTE: 3:0:0.

Discussion pertaining to Duxbury Nuclear Advisory Committee's support of four bills related to nuclear reactor safety

Present for this item of business were: Ms. Pixie Lampert and Ms. Becky Chin, Co-Chairs of the Duxbury Nuclear Advisory Committee (DNAC) and Ms. Nancy Landren and Ms. Marischka Dopp, members of the DNAC.

The DNAC members were present to ask the Board to support four bills. The DNAC were just notified there will be a joint legislative hearing to be held tomorrow at the State House.

Summary of the four bills:

1. H 1899 an amendment to increase Massachusetts Department of Public Health's assessment funding from \$180,000 to an amount not less than \$400,000, per facility, for monitoring and surveillance obligations;
2. H 2030 an amendment to make assessments not less than \$400,000 related to the expansion, purchase, install, and maintain real-time radiological air monitoring stations; and
3. H 1898 and H2031 – Two acts to expand the radiological emergency planning zone beyond 10 miles to include citizens in the 10-20 mile zone, which also includes monitoring and stockpiling potassium iodine.

Ms. Lampert gave a brief overview of each and said the DNAC believes each of the bills are in the best interest of the residents of Duxbury. Some of the points she made as justification of their support were:

- An increase in the assessment would allow more samples to be taken, an upgrading of equipment, additional staffing, and increased reporting out to the public.
- An increase in funding would allow for more real-time monitors in more locations.
- By having more monitors in a more wide-spread area would improve Emergency Planning to direct an emergency response.
- Expanding the radiological zone would allow for communities outside the 10 mile limit to also plan for evacuations.

Mr. Madigan moved that the Board of Selectmen, on behalf of the Town of Duxbury, vote to support Bills H1899, H 2030, H 1898 and H2031, as presented by the Duxbury Nuclear Advisory Committee. Second by Mr. Dahlen. VOTE: 3:0:0.

Mr. Flynn requested that Mr. Read provide a letter on behalf of the Board that the DNAC members could take to the hearing to express the Board's support.

IV CONTRACTS

Review and discussion pertaining to Federal Highway Administration Title VI/Nondiscrimination Assurance Agreement

Mr. Madigan moved that the Board of Selectmen approve and execute the Title VI/Nondiscrimination Assurance between the Town of Duxbury and the Federal Highway Administration, as required by the MassDOT. Second by Mr. Dahlen. VOTE: 3:0:0.

Before the vote Mr. Dahlen questioned if there was any cost associated with this, and was assured there was not. The Town is already an Equal Opportunity Employer.

V TOWN MANAGER'S REPORT

Mr. Read reporting on the following items:

- 1. **Powder Point Bridge Update:** Mr. Read did not have additional information to report at this time other than he is continuing to work with Mr. Buttkus, Mr. Lambiase and will keep the Board advised of any new information.
- 2. **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.
- 3. **FY'17 Financial Summit:** Mr. Read mentioned that the Board of Selectmen will be meeting jointly with the Finance Committee, the Fiscal Advisory Committee and the School Committee at 7:00 PM on Monday, August 3rd at the Duxbury Senior Center (Ellison RM) for a FY'17 Financial Summit. Topics to be discussed are:

FY17 Government Operations Budget
 Capital Projects FY17 and Beyond
 Collective Bargaining Contracts
 Powder Point Bridge
 Duxbury Beach
 North Hill Country Club
 Dredging
 Other similarly-related topics as brought forth by the membership

The public is invited to attend. It was noted that due to another meeting scheduled to be broadcast at that time, the meeting would be taped by PACTV for replay later in the week.

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.

Committee	Name	Appointment or Re-appt.	Term Expires	Motion	Second	Vote
*Agricultural Commission						
	Carl O'Neil	Re-Appt.	06-30-18	Mr. Madigan	Mr. Dahlen	3:0:0

Duxbury Bay Management Commission						
	John Brawley	Re-Appt.	06-30-18	Mr. Madigan	Mr. Dahlen	3:0:0

Additional comments regarding the Boards and Committees:

*Agricultural Commission: With the above-appointment the board or committee will be fully staffed.
Duxbury Bay Management Commission: There is one open seat on the DBMC and talent bank forms are under consideration for a recommendation to be brought forward to the Selectmen at a future meeting.

VIII ONE-DAY LIQUOR LICENSE REQUESTS

[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.]

08-15-15 Duxbury Rural & Historic Society Croquet Tournament

Mr. Madigan moved that the Board of Selectmen grant to Ms. Erin McGough, as a representative of the Duxbury Rural & Historical Society, a One-Day All-Alcohol License to hold its 5th Annual DRHS Croquet Tournament at the King Caesar House, 120 King Caesar Road, on Saturday, August 15, 2015 from 3:00PM to 7:00PM subject to all the conditions on the license. Second by Mr. Dahlen. VOTE: 3:0:0.

09-09-15 Friends of Duxbury Council on Aging Life Long Learning Event

Mr. Madigan moved that the Board of Selectmen grant to Mr. Chris Barry, as a representative of the Friends of the Duxbury Council on Aging, a One-Day Wine and Malt License to hold an event at the Duxbury Senior Center, 10 Mayflower Street, on Wednesday, September 9, 2015 from 5:00PM to 7:00PM, contingent upon the conditions on the license. Second by Mr. Dahlen. VOTE: 3:0:0.

IX EVENT PERMITS - None presented

X MINUTES

Mr. Madigan moved that the Board of Selectmen approve the 07-13-15 Selectmen's Minutes, as presented. Second by Mr. Flynn. VOTE: 2:0:1 (*Mr. Dahlen abstained as he was not present at that meeting.*)

XI ANNOUNCEMENTS

Mr. Madigan read the announcements:

- 1. OUTDOOR MOVIE NIGHT:** The Duxbury Senior Center in partnership with the Duxbury Student Union is hosting an Outdoor Movie Night on Tuesday, July 28, 2015 at 7pm at the Senior Center, 10 Mayflower Street. The featured movie is Disney's Maleficent. Refreshments are available to purchase. Admission is free.

2. **CONCERT ON THE LAWN:** The Friends of Duxbury Council on Aging is hosting a Summer Fun event – Concert on the Lawn at the Senior Center, 10 Mayflower Street, on Thursday, August 13, 2015 from 6-9pm. Admission is free.
3. **The 5th annual Marshfield – Duxbury Triathlon will be Sunday, August 2, 2015 at Duxbury Beach Park starting at 7:30am and should be cleared by 12 noon.**
4. **Next Scheduled Selectmen’s Meeting: Monday, August 3, 2015 at the Duxbury Senior Center (Ellison Rm.)**

X ADJOURNMENT

At approximately 7:30 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 07-27-15 SELECTMEN’S MEETING (DOCUMENTS LOCATED IN THE SELECTMEN’S OFFICE FILES.)

1. *Agenda for 07-27-15 Selectmen’s Meeting*
2. *EXECUTIVE SESSION: In Executives Session File (see 07-27-15 Executive Session Minutes)*
3. *OPEN FORUM: no documents*
4. *NEW BUSINESS:*
 - a. *Town Manager as Chief Procurement Officer: Instructions regarding Notice of Appointment of Chief Procurement Officer and Notice of Appointment of Chief Procurement Officer form.*
 - b. *Bond Documents Discussion: (a) Vote of Board of Selectmen reading bond documents to be read in its entirety by the Clerk. And (b) Coversheet with suggested motion and Certificate of Award of the General Obligation Refunding Bonds dated July 22, 2015, Sources and Uses of Funds document, Bond Report regarding sale of July 22, 2015, Bid Results, and narrative pertaining to bond discussion.*
 - c. *Duxbury Nuclear Advisory Committee: Coversheet with overview of bills and suggested motion; 07-23-15 email from Mary Lampert with letter attached to Selectmen providing addition explanation of the legislative bills and rationale for supporting the bills. Printout of complete language of the bills.*
5. *CONTRACT(S): Each of the following had a coversheet with some background information and a suggested motion and a copy of the contract:*
 - a. *MASSDOT Title VI/Non-discrimination Assurance Requirement*
6. *TOWN MANAGER REPORT (Potential Items): no documents*
7. *COMMITTEE APPOINTMENTS-RE-APPOINTMENTS /RESIGNATIONS:*
07-27-15 Appointment Sheet
8. *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.]*
 - a) *08-15-15 DRHS Croquet Tournament*
 - b) *09-09-15 Friends of COA Life-Long Learning Reception*
9. *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*

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the department feedback received, and a drafted Event Permit incorporating the conditions indicated. –none

10. *MINUTES: Coversheet with suggested motions; 07-13-15 Selectmen's Minutes- Draft*
11. *SUGGESTED ANNOUNCEMENTS 07-27-15.*
12. *Bonus Shellfish Season (for August, 2015)*