

TOWN CLERK

2016 DEC 19 PM 4: 20

DUXBURY, MASS.

Date: November 28, 2016

Date Minutes Approved: December 12, 2016

BOARD OF SELECTMEN MINUTES

Present: David J. Madigan, Chair; *Theodore J. Flynn, Vice Chair (arrived just before Exec. Session A discussion began); and Shawn Dahlen, Clerk.

Absent: -----

Staff: René J. Read, Town Manager; John Madden, Finance Director; and C. Anne Murray, Administrative Assistant

I CALL TO ORDER

At 6:02 PM the Chair called the meeting to order in Open Session in the Town Hall (Mural RM).

II. ENTERED INTO TWO EXECUTIVE SESSIONS (A and B)

Upon convening, Mr. Dahlen moved the Board of Selectmen go into Executive Sessions for the purposes of:

Executive Session A (Land): To consider the purchase, exchange, lease or value of real estate as to do so in an open meeting may have a detrimental effect on the Town's negotiating position, and
Executive Session B (Collective Bargaining): To discuss strategy with respect to collective bargaining since to do so in an open meeting may have a detrimental effect on the Town's bargaining or litigating position, and to reconvene in Open Session immediately afterward, in accordance with Mass. General Laws Chapter 30a, Section 21.

As Chair Mr. Madigan declared the necessity for it to be in Executive Session (for the previously stated reasons) and then he seconded the motion. ROLL CALL VOTE: Mr. Madigan – aye; Mr. Dahlen – aye

*Mr. Flynn arrived after the vote to enter Executive Session but before the Executive Session A discussion began.

RECONVENED IN OPEN SESSION:

Having completed the business of the Executive Sessions the Selectmen reconvened the meeting in Open Session at 7:00 PM and began after the public had entered the room.

II OPEN FORUM

Mrs. Deborah Frangesh, 399 North ST, said that she was present tonight to address the Board concerning a situation of the construction of multiple dwellings on one lot. She mentioned the following:

- For many years in Duxbury what was allowed was one dwelling on one lot, but it seems like something has changed since a letter from Town Counsel was received with an interpretation of a zoning bylaw.

- Town Counsel's interpretation does not seem to be what the intention of the bylaw was and having recognized that steps are being taken to correct that in the March 2017 Annual Town Meeting. She said she is supportive of those steps.
- In the interim, however, she stated there are a number of residents, herself included, who are not being protected. They are in a situation where they found out that permits were issued for multiple dwellings on an abutting property and after studying them she has filed an objection (appeal). She also stated two other abutters would be filing appeals.
- Permits have been issued for five (5) houses on one (1) lot on the abutting property. The lot was considered to be unbuildable, but now she and the other abutters have learned permits have been issued, the permits are valid, and as of December 3rd (2016) construction can begin.
- She has been told that the only action available is to appeal and to go to court, but her appeal is not scheduled to be heard until January 12, 2017. In the meantime, construction can begin.
- She said that they have a lot of concerns and mentioned the following:
 - An engineer calculated 70000 feet of trees are to be cleared, but there is no permit for that from the Planning Board.
 - An abutter's well was left off the plans. There is a septic that was approved to be 80' from that well.
 - Another well was misrepresented as it was labeled as an "irrigation" well; when it is a drinking well. So within a 100' a septic system was approved.
 - Her property was identified on the plan as having town water, but she has a well.
 - She is concerned because 6 septic systems are going in close to her well.

So she is asking the Selectmen to intercede and asked "What can we do before construction starts?" She suggested that the abutters have a right to be heard before construction starts.

Town Manager René Read said that he is well aware of the situation as he has spoken with Mrs. Frangesh. He acknowledged that she has a legitimate concern, which is why her appeal will be heard. In the interim, he said that he will be meeting with the developer and with Mr. Lambiase, Director of Municipal Services. He will have an update for the Board in time for their next meeting and will keep Mrs. Frangesh advised. When pressed he agreed that either he or Scott Lambiase will provide her with an update in 48 hours.

Mr. James Lampert, a resident of Washington ST and former member of the Zoning Board of Appeals, noted that permits are issued and have a 30-day appeal period. He said on the State level if an appeal period ends on a weekend it is automatically extended to the next business day. In this situation his understanding is that the permit was granted on November 3rd, which means the 30-day appeal period ends on Saturday, December 3rd. He asked if given that the Town Hall closes early on Friday and is not open on Saturdays, if this automatically extends the appeal period, similar to the State process, to the next business day on the Town level?

Mr. Dahlen said that it depends on the specifics of what is being appealed. He noted that he has spoken with Mrs. Frangesh, and his understanding she is intending to or already has filed an appeal of the Building Inspector's decision to the ZBA, which can be done well before the end of the week. So that makes the question moot.

Mr. Lampert suggested that the appeal timeframe may affect other actions taken, such as action regarding the clearance of 70000 feet of trees. It is his understanding that no request for clearance of the trees has been requested from the Planning Board. So given that, what is the Town's policy on a

Saturday appeal-period end date? The Board was not in a position to answer that, and said that they would find out.

IV NEW BUSINESS

7:01 PM Public Hearing – 2017 Aquaculture Float Applications

Mr. Dahlen moved that the Board of Selectmen open the aquaculture public hearing advertised in the Duxbury Clipper on November 16, 2016 regarding aquaculture float license applications from Arthur Bennett, William Bennett, John Brawley, Brad Doyle, Scott Doyle, Michael George, Stephen Gilbert, Joseph Grady, Christian Horne, Robert Knecht, Benjamin Lloyd, John McCluskey, William McCormick, Donald Merry, Gregory Morris, Christopher Phillips, Peter Prime, Charles White, and Brian Zec. Second by Mr. Flynn. VOTE: 3:00.

It was asked if anyone else wanted to speak on this matter, but no one came forward.

By way of explanation, Mr. Dahlen said that the State has said on an annual basis the Board of Selectmen has to grant a permit for the floats where processing of the aquaculture products is done. The floats are in a designated area.

Mr. Dahlen noted the Board did receive a memorandum from Mr. Alan Hoban, Chair of the Shellfish Advisory Committee, in which it states: "The committee voted to recommend to the Board of Selectmen that they approve the applications as provided (attached) and required by MGL 130 sec. 53-68 to conduct activities as outlined by the MANAGEMENT PLAN –(Designated Aquaculture Area, Federal Anchorage, DBMS Upweller –AQUACULTURE FLOAT) pending all Federal, State and local reviews and approvals."

Mr. Dahlen moved that the Board of Selectmen approve the applications as attached (i.e., from applicants: Arthur Bennett, William Bennett, John Brawley, Brad Doyle, Scott Doyle, Michael George, Stephen Gilbert, Joseph Grady, Christian Horne, Robert Knecht, Benjamin Lloyd, John McCluskey, William McCormick, Donald Merry, Gregory Morris, Christopher Phillips, Peter Prime, Charles White, and Brian Zec) and as required by MGL 130 sec 57-68 to conduct activities as outlined by the Management Plan- (Designated Aquaculture Area, Federal Anchorage, DBMS Upweller– AQUACULTURE FLOAT) pending all Federal, State and local reviews and approvals. Second by Mr. Flynn. VOTE: 3:0:0.

Close the Aquaculture Public Hearing

Mr. Dahlen moved that the Board of Selectmen close the aquaculture public hearing advertised in the Duxbury Clipper on November 16, 2016 regarding aquaculture float license applications from Arthur Bennett, William Bennett, John Brawley, Brad Doyle, Scott Doyle, Michael George, Stephen Gilbert, Joseph Grady, Christian Horne, Robert Knecht, Benjamin Lloyd, John McCluskey, William McCormick, Donald Merry, Gregory Morris, Christopher Phillips, Peter Prime, Charles White, and Brian Zec. Second by Mr. Flynn. VOTE: 3:0:0.

7:03 PM Water & Sewer Commissioners:

- a. Discussion Regarding Lifting Mandatory Water Ban / Peter Mackin, Water Superintendent
- b. FY17 Water Commitment #2

Mr. Dahlen 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. Flynn. VOTE: 3:0:0.

a. Discussion regarding Mandatory Water Ban / Peter Mackin, Water Superintendent

Mr. Mackin had submitted a letter to the Board in which he indicated: "Water usage and the demand levels place on our distribution system have decreased to a point where I been the ban will no longer be necessary."

Mr. Dahlen moved that the Board of Selectmen, in their capacity as Water & Sewer Commissioners, approve the lifting of the outside mandatory watering restrictions effective as of December 1, 2016. Second by Mr. Flynn. VOTE: 3:0:0.

b. FY17 Water Commitment #2

Mr. Dahlen moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the amount of \$1,267,490.13 for the FY17 Water and Sewer Commitment #2. Second by Mr. Flynn. VOTE: 3:0:0.

This will complete the fall water billing cycle.

Mr. Dahlen move that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen.

Mr. Dahlen asked Mr. Mackin if the Board could get an update for their next meeting of where the Town stands with respect to the water withdrawal limits. Mr. Mackin said that we would provide the information.

(Note: Some of the next items did not follow the order indicated on the agenda.)

Discussion Regarding Renovation/Expansion to Emergency Operations Center (EOC) and the Duxbury Regional Emergency Communications Center (DRECC) / Fire Chief Kevin Nord

Fire Chief Nord said that he was before the Board tonight to seek approval for moving forward with renovation of the south side of the Central Fire Station.

He began by giving an overview of the background. In late 2011 /early 2012 he and Chief Clancy noticed a shift from just emergency dispatch to medical dispatch, i.e., where dispatchers are giving medical advice over the phone. In those discussions, the Chiefs made the decision to move the dispatch center from the Police Station to the Fire Station. About the same time Duxbury participated, along with six other neighboring communities, in an Old Colony Planning Council study. The study identified Towns as potential "hosting sites" and independent sites. Both Duxbury and Plympton were

interested and the result was the formation of the Duxbury Regional Emergency Communications Center (DRECC). Since then as other towns have joined, and the costs have gone down. Chief Nord said he getting funding for the regional dispatch center through a different fund under the State 911 fund, which collects revenue from a \$1 charge on every cellphone bill.

Initially Governor Patrick was supportive of the concept of regionalizing dispatch services, and Gov. Baker has continued this support. There is a formula for the funds and those communities that have a regional dispatch center received greater funding as an incentive.

Halifax has just signed an Intermunicipal Agreement (IMA) and will be coming online at the DRECC in January 2017. Rochester and Plymouth have signed letters of attestation signifying their interest in moving forward to join the regional dispatch in Duxbury.

As a result, there is a space issue and the process began for the best way to deal with it. The hope was to stay close to the cell tower. The State 911 will provide funding for renovations, for covering interest if bonding is necessary. He did meet with the Council on Aging (COA) to discuss the possibility of the Dispatch Center being housed within the Senior Center. Since the COA is looking to expand they thought some of the expenses for that could be covered through the State 911 funds. The COA reviewed it and voted against it.

They have found out that State 911 will not build a new building, but will cover renovation costs or add on to an existing structure. The Chief said we have funding for conception plans and cost estimates. He wants to put out a Request for Proposals to assess the interest and is asking for the Board's support to do so.

He noted that they are not looking to increase the structure's foot print, but to increase the height on the other side of the building to match the renovations which were just done. The first floor would remain as the Emergency Operation Center (EOC), with the hope to add a men's room and a ladies room with showers, and an elevator for ADA accommodations for employees. The second floor would be an added 1500 sq. ft Dispatcher suite. The third floor would have a couple of administrative offices tucked into the hip roof style.

He stressed that construction costs would also be covered by State 911 so there would be no cost to the taxpayers.

Chief Nord said he would also like to add 30' to the tower for added space for microwave dishes to help with transmission to the other communities.

Ms. Betsy Sullivan picked up on the Chief's comments that he had approached the COA about adding to the Senior Center because the State 911 would cover some of the costs. Chief Nord said he did but the COA did not feel it was a good fit. Ms. Sullivan questioned why this was not pursued to alleviate another expense from the taxpayers and respectfully asked the Selectmen to re-visit that matter again.

Mr. Read said initially expansion of the Dispatch Center at the Senior Center seemed like a good idea, but as they reviewed it more closely they discovered some issues. The footprint of the building would need to expand and in doing so they found there were site limitations with respect to setbacks, parking and septic system. Renovation at the Fire Station uses the existing building's footprint.

In response to a comment Chief Nord clarified that the funding from State 911 was only to cover the dispatch center and the envelope (roof); it would not cover all the expansion cost of the Senior Center, but it would cover a substantial portion.

Mr. Dahlen also mentioned that there was a very specific study done to determine the COA needs. If a room is needed for Dispatch, then it would not be available to the COA for their programs. He does not think that the State 911 monies will pay for the areas of a building being used for COA programs.

Chief Nord did say in fairness to the COA this proposal of incorporating the Dispatch Center into the planned expansion did come up very late in the COA planning process. They have already got plans underway and it did have issues with respect to the Cemetery property, the parking and the septic system limitations. It would also push the COA project back significantly and what the net gain would be is not known.

Mr. Dahlen mentioned that the existing Fire Station was designed to handle the parking and septic for the Dispatch Center. The COA was not designed to handle the addition of the Dispatch parking needs or septic so that would have to be figured into the COA project plans. .

Mr. Mangione asked about the funding and Chief Nord said that the funding is handled as a reimbursable expense with a 30-day turnaround timeframe. Some language is included in the event that a bond is needed. Mr. Madden suggested that we would not bond but if necessary we would consider a BAN for seed money.

The Chief asked for the Boards support so he could move ahead with to issue a Request for Proposals (RFP) for the conceptual plan in order to get cost estimates in place for bidding in April. There was a brief discussion about whether to vote on it tonight or hold the vote until the next meeting and what the effect the timing would have. In the course of that discussion it was pointed out that there have been at least a couple of meetings with the COA Board about the proposed combined project, and that the COA has been working on their expansion plans for at least two years after a survey was done. So a combined project would easily set the COA expansion back by another year. Hearing that the Selectmen did decide to move forward with the vote, but asked that Mr. Read get a summary of the COA issues to the Board for their next meeting.

Mr. Dahlen moved that the Board of Selectmen support the a renovation/expansion of the South wing of the Duxbury Central Fire Station on Tremont Street, which houses the Emergency Operations Center (EOC) and the Duxbury Regional Emergency Communications Center (DRECC). Second by Mr. Flynn. VOTE: 3:0:0.

Discussion and review pertaining to FY18 Budget and related materials

Budget presentation by the following department(s): School Department

Present for this item of business were:

Superintendent of School Dr. Ben Tantillo, Assistant Superintendent Dr. Laurie Hunter, School Business Manager Mr. David Proule, as well as a number of the School Committee members.

[Editorial Note: a copy of the School's budget presentation will be posted along with the approved minutes.]

Dr. Tantillo gave a PowerPoint presentation some of the topics he mentioned were as follows:

- The DPS Mission Statement and Guiding Principles, which are used as the basis for their budget preparation. He spoke briefly about how each of the guiding principles is seen.
- Teacher-Student Ratios: They try to keep the ratios lower at the younger grades and they do get somewhat higher for Duxbury High School (DHS).
- They have established a systematic internal and external audit process and the following year they implement the findings of the audit.
- The schools are working towards personalized learning at the lower levels.
- The schools are utilizing technology and that has helped with efficiencies and costs. He provided some examples.
- Working on developing more online curriculum as more frequently online courses are expected or prerequisites or needed for makeup credit. He envisions a time when Duxbury will host more of the online courses.
- Currently it is costing \$4K for kindergarten and the parents have to pay for transportation and those costs are not tax-deductible.
- Cost-Saving Measures:
 - Incorporating a VOIP (Voice over Internet Protocol) to be housed and serviced in-house by DPS staff.
 - Installing solar panels to offset electrical costs.
 - The sharing of a facilities director has helped with consolidating custodial functions.
 - Leasing technology
 - In-house Technology Support and repairs
 - Central Office Reorganization –staff reduction due to online efficiencies.
 - The privatizing of the food service has brought in some revenue which is use for replacement equipment costs.
- Budget Risks (unexpected /unknown add'l. costs):
 - Limited history with new dehumidifier system so energy costs are not totally known
 - State & Fed. Funding cuts - For example Public Schools can no longer just expel a student. Instead the School must pay for the student to attend school elsewhere and bear the costs of that. A kindergarten grant dried up and that was unforeseen when budget was developed.
 - Change in Law or Add'l. Regulatory Requirements:
 - A significant shift in town population or special education programs
- SPED: Unforeseen student needs and expenditures. Some of the situations require 24/7 alternative learning situations which are very expensive. While most schools teach 8 am-3 pm the schools are now expected to cover these extraordinary costs to pay for 24/7. Used to spend 17% on SPED, but now it is 22% of the budget.
- Enrollment: 2016 Graduating Seniors 281; Projected Kindergarten 174; On average a 100 new students have been enrolled every year.
- Staffing: The number of regular teachers has gone down. The number of Special Ed Teachers, Counselors, or Instructional Aides (1:1) have increased due to student needs. A teacher has been hired for the Wellness/Health Program. His slides showed the number of teachers, the staffing change, and the student: teacher ration by grade.
- Technology Budget: Same as last year and for the next 3 yrs. they anticipate it to be the same. Used outfits are recycled to the lower grades and older technology is sold for use in 3rd world countries.
- Circuit Breaker: For the past several years funds have been carried over, but this year the funds will have to be used. So may be looking to set up a fund for future years' costs.

- \$1.3 mil in reductions but budget increases still face a \$1.8 mil. shortfall.
- Per Pupil Cost Comparison: Duxbury spends \$13,156. Vs the State average of \$14,936.
- Grants: Mr. David Proule said that the State Grants have gone down. Federal grants have gone up slightly.
- Revenues: Spoke briefly about the revenue lines that have gone down.
- Charter Schools: Dr. Tantillo explained that the State gives \$5000 for charter school students but deducts from the Town's Chapter 70 funding the per pupil amount (i.e., \$13,156. For Duxbury). Last year 17 Duxbury students attended Charter Schools (not including vocational schools) and this year's school budget has to figure that deduction in.
- Teacher's Salaries: A below the State average.
- The School Administration would like to introduce interdisciplinary learning in its Time and Tides program. The cost is \$200,000 and they are seeking a grant. The cost is not included in the \$1.8 mil increase previously mentioned.

Discussion pertaining to proposed article for the purpose of funding a Zoning Bylaw re-write

Mr. Read said this item of business came up after discussions with Mr. Dahlen, Town Planner Ms. Valerie Massard, and Mr. Brian Glennon and Mr. Scott Casagrande, Chair and Vice Chair of the Planning Board. He passed out cost estimates for the various items to be discussed, which were put together by Ms. Massard.

Ms. Massard said that there are 3 major projects to be undertaken and she identified them and the costs for each as follows:

Project	Cost Estimate
1. Comprehensive Plan	\$125,000 - \$150,000. (plus \$25,000 already authorized)
2. Zoning Map Corrections	\$30,000.-\$40,000.
3. Zoning Recodification	\$75,000-\$150,000.

The Planning Board has already determined that the Comprehensive Plan is the priority. The recommendation is that the work be outsourced to full-time professionals.

Mr. Dahlen mentioned that part of the problem is that as the Zoning Bylaw Review Committee (ZBRC) got into reviewing the zoning they found that when one section was corrected it had implications for a number of other sections. So you really need someone who can look at it overall and with more focus than part-time volunteers.

The Zoning Bylaw Review Committee (ZBRC) would be dissolved and the work contracted with a full-time professional. The work done by the ZBRC will certainly help the project get started because they identified some of the problems in the zoning laws.

When questioned where the money would come from Finance Director John Madden is that it would be a stretch to find it in the budget. It would be up to the Fiscal Advisory Committee to determine the prioritization and it could put a big dent in the capital budget plans. The bottom line is the Town cannot afford it all (i.e., the capital requests from Depts. and these three zoning needs.)

Regarding the maps Ms. Massard said that the maps distributed every day whether in paper or online are incorrect. This came to light recently in discussions with the Town Assessor. The paper maps and

digital maps do not reflect all the Town Meeting zoning changes and she suggested could be a liability for the Town.

Mr. Glennon, Chair of the Planning Board, said that the Comprehensive Plan is a vision of what the Town thinks of its vision for the Town. It is the basis for zoning decisions so the Planning Board believes that should be done first. The last update was in 1998/99 so they are looking at doing an update; not a totally new Comprehensive Plan. He mentioned a Comprehensive Plan can take 2-3 years to complete. Initially they had hoped to handle this in-house, but with all the other work and a limited staff it has not been possible. Their concern is if the focus goes to the other project then the guiding document will not get done. The reality is that all of these items are big needs but with the current staffing of one planning director and a PT Administrative Assistant there is no way these projects can get done.

In response to a question Ms. Massard said she believes the zoning recodification would take 2-3 years because of the number of issues that have been identified. She spoke to the Board of her professional opinion of the importance for the Comprehensive Plan as that would help with some of the policy issues to be decided when undertaking the recodification.

Mr. Jim Lampert, former ZBA member, mentioned the initial ZBRC identified the sections where there were interpretation problems or conflicting language. He does believe that it will take the hiring of an outside consultant to get it done. Hearing Ms. Massard's points he does agree that the Comprehensive Plan is important but would hate to see the recodification delayed.

Scott Casagrande, Vice Chair of the Planning Board and also on the ZBRC, agreed with Mr. Lampert's comments. In the second phase the ZBRC looked at some of the larger legal issues in the zoning plan and did find that when one section was corrected it had a domino effect to multiple other sections. He did advocate for outsourcing the job to someone who can look at the document with an overall view and a professional focus. He suggested that too much of the work has backed up over time so it all needs to get done. He did feel that a lot of the committee work will be helpful to whoever does the work.

Mr. Dahlen's suggestion was for the Board to instruct Town Counsel draft the appropriate articles for Town Meeting.

Mr. Read said that a recommendation has been made to consider these as capital items and to have the Fiscal Advisory Committee consider the prioritization. In discussion it was determined that this would be estimated total of \$340,000; probably split as \$170,000 over each of the next two years. Mr. Read suggested that the Town Planner and Planning Board give some further consideration to priorities and than that could be incorporated into the article language. Mr. Glennon responded that the Planning Board had already had that discussion and the priorities are: 1. Comprehensive Plan; 2. Zoning recodification; and 3. Correct the zoning maps both paper and digital.

Mr. Lampert questioned whether this type of expense could be handled by borrowing—somewhat similar to the purchase of an ambulance. Finance Director Madden said the Town would not borrow for a study. Suggestion was made to cover what we could for some of the capital items and short-term borrow with the understanding that the borrowing will be paid back with the following year's capital budget.

Mr. Flynn mentioned the concern for potential lawsuits and the costs they would pose if the zoning bylaw issues are not dealt with. Mr. Dahlen added not to mention the effect it has on other residents as we heard at the beginning of the meeting.

Ms. Massard mentioned that once the Comprehensive Plan is done then people should expect that going forward there likely will be 3-4 zoning articles a year to keep things more current. She also suggested that even with the zoning work done there may be a staffing issue that will need to be addressed.

Mr. Read will have some discussions with Mr. Madden and Town Counsel to determine how to proceed with whether to refer this to the Fiscal Advisory Committee.

Discussion pertaining to proposed article for the purpose of addressing the recent state-wide vote on Recreational Marijuana

Mr. Read said that the recommendation from Town Counsel was to put two articles on the warrant:

1. Moratorium bylaw –This would allow for a temporary delay to study the zoning.
2. Zoning bylaw –This would allow for a permanent prohibition.

The above would allow for maximum flexibility. The consensus of the Board was to proceed with the Town Counsel recommendations for the two articles.

Ms. Karen Wong, coordinator for DuxburyFACTS, said she was going to ask the Selectmen to put together a community taskforce to look at limiting the sale and farming of marijuana. She was not prepared for the fact that the fore-mentioned articles were being contemplated. In response Mr. Madigan suggested it might be prudent to wait on setting up a taskforce until the outcome of the Town Meeting vote is known. Mr. Read added that he would be seeking some clarification from Town Counsel regarding the issue of Duxbury being a right to farm community and what impact that might have with respect to marijuana and whether an amendment to it would be needed.

Mr. Walt Gangler, a member of the Holy Family Knights of Columbus, said he recently attended a workshop held by DuxburyFACTs. The speaker was a PhD candidate from Johns Hopkins.

Three take-aways were:

- 1) Marijuana is a gateway drug and is addictive.
- 2) THC levels are now much more potent. In the 1970's /80's the THC levels were 1%. Now the THC levels are now closer to 10% and with genetic modifications have been as high as 36%.
- 3) Suggestion was made that legalization would eliminate the black market, but the experience in Colorado has not shown this to be the case.

He was happy to hear that the Selectmen are being proactive on this topic, and was impressed with the steps the Duxbury Police have taken on this issue.

Discussion and review regarding PEG Access Revolving Fund – Request of spending increase limit

Mr. Madigan said that this item is business relates to the cable tv local access channels and is just increasing the revolving fund limits to allow for the acceptance of the revenue.

Mr. Dahlen move that the Board of Selectmen support the increase in allowable spending for the PEG Access Revolving Fund from \$230,000 to \$300,000, pursuant to M.G.L. Chapter 44, Section 53E ½".
Second by Mr. Flynn. VOTE: 3:0:0.

V TOWN MANAGER'S REPORT

1. FY'18 Budget Update:

With tonight's school budget presentation that completes the departmental budget reviews. He will be presenting a balance budget to the Board on December 12, 2016. The Selectmen asked him to include staffing information and revenue information and he said he would.

2. Pool Questions and Answers:

Mr. Read said that there is a plan to incorporate the pool funding into the budget and thereby dissolve the pool enterprise fund. Mr. Read said he wanted to respond to some of the questions posed in recent Letters to the Editor published in the *Duxbury Clipper*:

a. Are we charging more than the Kingsbury Club?

Answer: We are charging more for some and less for others. He gave several examples of this. There are 55 different fees at the pool though overall the Town tries to stay under our competitors however a location such as the Kingsbury Club offers far more than just a pool.

b. There are two other swim clubs that were mentioned: The Dolphins (Private swim club) and Burnelle's Gators, which no longer exists.

Answer: All of them spoke to the Town in 2009 (at the time of the renovations) about their desire to rent the P.W. Pool for an undefined amount of hours when we reopened and three did not meet those forecasts. Unfortunately, the projected rentals all fizzled out. Prior to renovations, they said they would come back, and they did however, not to the number of hours originally discussed. The number of lessons went down but they are starting to come back.

c. How are we marketing the pool? **Are we doing everything we could to market it?**

Answer: The Current advertising budget = \$800. The Clipper charges \$3,800/year for ¼ page ad in the paper. Thus, the Town markets the pool with info about its programs using the following: Clipper ads (though not too many due to cost); Clipper stories/ photos about happenings; Twitter, weekly or more; Pool has own website containing info; Town website; Active Net software (we email updates of programs etc. to all our past and present customers); Recreation flyer, mailed/ distributed to all town residents 4 times per year. So the Town uses both free and paid media to reach as many people as we can while living within our budget.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

Mr. Dahlen announced the following resignations have been received from the Sidewalk & Bike Path Committee: Peter J. Sullivan (term to 06-30-17) and Angela Raciti (term to 06-30-18). He noted that Mr. Sullivan was stepping down as he was recently appointed by the Moderator to the Finance Committee, and Ms. Raciti has resigned to enjoy her time as a new mother.

Mr. Dahlen also announced that Mr. Chuck Rubin has resigned from the Recreation Activities Committee due to professional commitments. He term is to June 30, 2019 and the Chair has requested the Board appoint Mr. Peter Andrew to fill the open seat.

Mr. Dahlen moved to appoint Mr. Peter Andrew to the Recreation Activities Committee to fill an unexpired seat due to expire as of June 30, 2019. Second by Mr. Flynn. VOTE: 3:0:0.

VII ONE-DAY LIQUOR LICENSE REQUESTS

12-10-16 First Parish Church Concert

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Lenore O'Malley, as a representative of First Parish Unitarian Universalist Church, a One-Day Wine & Malt License for a Renaissance and Medieval Music and Verse Concert on Saturday, December 10, 2016 at the First Parish Unitarian Church on 842 Tremont Street, Duxbury from 7:00 PM to 10:00 PM, contingent upon the conditions on the License. Second by Mr. Flynn. VOTE: 3:0:0.

12-11-16 Memorial Service at First Parish Church

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Brenda Bradley, as a representative of the family, a One-Day Wine & Malt License for the Memorial Service of Jack Henry on Sunday, December 11, 2016 at the First Parish Unitarian Church on 842 Tremont Street, Duxbury from 3:00 PM to 5:00 PM, contingent upon the conditions on the License. Second by Mr. Flynn. VOTE: 3:0:0.

01-28-17 Black Tie Bingo /Friends of the COA

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Maureen Connolly, as a representative of the Friends of the Duxbury Council on Aging, is granted a One-Day Wine & Malt License to hold a Black Tie Bingo night on Saturday, January 28, 2017 at the Duxbury Senior Center on 10 Mayflower Street, from 6:00 PM to 11:00 PM, contingent upon the conditions on the License. Second by Mr. Flynn. VOTE: 3:0:0.

VIII EVENT PERMITS - none

IX MINUTES - none

X ANNOUNCEMENTS

Mr. Dahlen announced the last call for Annual Town Meeting Warrant Articles with a reminder that the deadline for citizens to submit articles for Town Meeting consideration is noon on Friday, December 2, 2016. Please submit article language with a brief explanation of the purpose / intent of the article to the Town Manager's office by the deadline.

He also mentioned that the Selectmen the next scheduled Selectmen's Meeting is on: Monday, December 12, 2016. (The Selectmen will not be meeting on December 5th.)

XI BONUS SHELLFISH SEASON (For December, 2016)

Mr. Dahlen moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for:

- 1) the **commercial** harvesting of **softshell clams** for the month of **December, 2016** in accordance with posted Attachments B & C.
- 2) the **commercial** harvesting of **quahog clams** for the month of **December, 2016** in accordance with posted Attachments A & C.
- 3) the **recreational** harvesting of **softshell clams** for the month of **December, 2016** in accordance with posted Attachment D.

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

XI ADJOURNMENT

At approximately 9:15 p.m., Mr. Dahlen moved that the Board adjourn. Second by Mr. Flynn.
VOTE: 3:0:0.

Minutes respectfully submitted by: C. Anne Murray

LIST OF DOCUMENTS FOR 11-28-16 SELECTMEN'S MEETING

(Executive Session items are located in the 11-28-16 A and B Executive Session files.)

1. *Agenda for 11-28-09 Selectmen's Meeting*
2. *OPEN FORUM: no documents*
3. *NEW BUSINESS:*
 - a. *Public Hearing – Aquaculture Licensing of Aquaculture Floats: Coversheet with suggested motions, 11-21-16 Memo from Alan P. Hoban, Chair of SAC; copy of ad. The file of applications were brought to the meeting instead of copying them.*
 - b. *Water and Sewer Commissioners: Cover with suggested motions.*
 1. *11-07-16 letter to the Board from Peter Mackin, Water Superintendent , recommending the lifting of the mandatory water ban.*
 2. *Water and Sewer Commitment #2 –FY2017.*
 - c. *Discussion and review pertaining to FY18 Budget and related materials; Budget presentations by the following departments: School Department; PowerPoint presentation*
 - d. *Zoning Discussion: Handouts provided at the meeting: page 1 –Planning Department workload and pages 2 and 3– Proposed additional projects to be contracted out and overseen by the Planning Director, which included cost estimates.*
4. *Town Manager's Report: 12-06-16 RJR answers to Pool Questions*
5. *Committee Appts./ Re-appointments and Resignation – 11-28-16 Resignations and Appointment sheet.*
6. *One-Day Liquor Licenses: Packets for the following:*
 - a. *12-10-16 First Parish Church Concert*

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- b. 12-11-16 Memorial Service at First Parish Church*
- c. 01-28-17 Black Tie Bingo (Friends of the COA)*
- 7. Event Permits – none*
- 8. Minutes: none*
- 9. Announcements – 11-28-16 Suggested Announcement Sheet*
- 10. Bonus Shellfish Season (for December, 2016) – Suggested Motion and paperwork for Bonus Shellfish Season for December 2016.*