

**Date: February 5, 2018**

*Date Minutes Approved: February 12, 2018*

TOWN CLERK

2018 FEB 15 PM 2:06

**BOARD OF SELECTMEN MINUTES**

DUXBURY, MASS.

**Present:** Shawn Dahlen, Chair; David J. Madigan, Vice Chair; and Theodore J. Flynn, 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 7:00 PM in the Mural Room at the Duxbury Town Hall.

**III OPEN FORUM**

Atty. John F. Palmer, 10 Powder Point AV, addressed the Board on behalf of the Friends of the Bluefish River (FOBR) regarding the McLaughlin Pier case and subsequent filings. His comments were provided in a letter dated February 5, 2018, which was given to the Selectmen. Atty. Palmer's comments provided an overview of the McLaughlin case; including the breadth of the hearings and the issue regarding the 21-day postmarking requirements of the Conservation Commission's decision. The McLaughlin case was discussed in a joint Executive Session of the Duxbury Board of Selectmen, Conservation Commission, and Attys. Evan Ouellette and Jeffrey T. Blake on January 22, 2018. Subsequently the FOBR filed a motion to intervene in Plymouth Superior Court regarding the Court's decision to uphold the 21-day requirement for the postmarking of the Conservation Commission's decision. A hearing regarding the FOBR's motion was scheduled for Monday, February 12, 2018, but Atty. Palmer informed the Selectmen that the hearing date has been advanced to Friday, February 9, 2018 at 10:00 AM. On behalf of the FOBR, Attorney Palmer advocated for two things:

- 1) "some explanation and discussion of the Town's decision not to support its Conservation Commission's conclusions"; and
- 2) for the Town to support the FOBR's motion to intervene in the McLaughlin case in Plymouth Superior Court.

Town Manager René Read acknowledged the Town has received a public records request from the FOBR. In response to Atty. Palmer's direct requests he indicated that on advice of Town Counsel, because it is still considered pending litigation, the Town cannot comment. He also said that there would be no comment on whether the Board of Selectmen will support the FOBR's motion. Selectmen Chair Shawn Dahlen added that the decisions were made in an Executive Session and before any further action could be taken the Board would need to confer with Town Counsel. Both Mr. Dahlen and Mr. Read indicated that this was the first notice that they had received that the hearing date for the FOBR motion had been advanced.

That concluded the discussion and the Selectmen moved on to the business on the agenda.

**III NEW BUSINESS**

**Discussion and review pertaining to the execution of a Confirmatory Quitclaim Deed – Church Street**

Conservation Agent Joe Grady explained to the Board that when the Merry Property was purchased in 2015 it contained 19 parcels. The documents were sent to the registry for recording, but one the documents for one of the parcels did not include the mention of the Conservation Commission's Acceptance of the Deed. In order to rectify this Mr. Grady asked the Selectmen to sign the Confirmatory Quitclaim Deed and then it will be recorded.

Mr. Flynn moved that the Board of Selectmen execute the Acceptance of Deed to be recorded along with the Confirmatory Quitclaim Deed related to the acquisition of the Merry cranberry bog located at Lot 4, Church Street, and further identified as Parcel No. 069-945-005 and containing 2.704± acres of land. Second by Mr. Madigan. VOTE: 3:0:0.

**Discussion and review pertaining to Extension of Inter-Municipal Agreement for Cooperative Recycling on the South Shore**

Mr. Read explained the Town has been a participant with the South Shore Recycling Cooperative for a number of years. He and DPW Director Peter Buttkus have reviewed the Extension of Intermunicipal Agreement for Cooperative Recycling with South Shore Recycling. They are comfortable with the Agreement and endorse the signing of it by the Selectmen.

Mr. Madigan asked what impact they have on the multi-stream/ dual stream recycling? Mr. Read said that they don't really impact that, but the South Shore Recycling Cooperative does help with lining up recycling providers and recycling issues.

Mr. Flynn mentioned that the County is putting up a structure off Exit 5 in Plymouth, adjacent to the Police Station. He asked if this was to be a recycling site.

Mr. Read mentioned that Ms. Claire Galkowski, Executive Director of South Shore Recycling Cooperative, recently stopped by his office and mentioned that there is potentially a glass recycling plant being developed in Plymouth. He doesn't know if it is at that site. Mr. Madden indicated that the rumor he has heard is that site is being developed as a gas station / convenience store. He will try to confirm that.

Mr. Flynn moved that the Chairman of the Board of Selectmen approve and execute the Extension of Intermunicipal Agreement for Cooperative Recycling on the South Shore for a five year term effective July 1, 2018 through June 30, 2023, as presented. Second by Mr. Madigan. VOTE: 3:0:0.

**Vote to Re-Open the Annual Town Meeting Warrant**

Mr. Flynn moved that the Board of Selectmen re-open the 2018 Annual Town Meeting Warrant. Second by Mr. Madigan. After hearing Mr. Read's explanation the Board VOTED: 3:0:0.

Mr. Read explained he was asking the Board to re-open the 2018 ATM Warrant as two articles are being withdrawn (currently Art. #44-Housing Reserve Trans and Art. #45 –Housing Reserve Balance Transfer) per request of the proponent, Duxbury Affordable Housing Trust. There are also two articles to be added. Re-opening the Warrant will also allow any changes recommended by Town Counsel to be incorporated. The Warrant will be closed on Monday, February 12<sup>th</sup>.

**Discussion pertaining to March 2018 Annual Town Meeting Warrant – Article Review and Board recommendations - presentations may be made by article proponents of at least the following:**

*[NOTE: Annual Town Meeting is abbreviated as ATM, and Special Town Meeting is abbreviated as STM. The article numbers shown on the agenda and referenced were tentative and subject to change.]*

**2018 ATM Art. 42. Town Clerk Records Preservation / CPC**

Town Clerk Susan Kelley explained this article to the Board mentioning the following:

- The Town Clerk's office has records dating from 1642 regarding town meetings, lands and other matters
- The records are used on a regular basis. Over time the bindings have loosened and the pages have come loose.
- She arranged to have Kofile Technologies, a conservation/preservation company, do an inventory of 35 books for an assessment.
- The assessment suggested that at least 12 of the books are in need of immediate de-acidification, re-sewing and re-binding.
- She received an estimated cost of \$25,000, which would not only include the above-mentioned preservation work, but also scanning to digitalize the records and copying the records to microfiche for storage offsite.

Mr. Flynn moved that the Board of Selectmen support 2018 ATM Art. # 42 - Town Clerk Records Preservation / CPC, as presented in the amount of \$25,000. Second by Mr. Madigan. VOTE: 3:0:0.

**2018 ATM Art. TBD. Decommissioning Radiological Cleanup Standard /Nuclear Adv. Comm.**

Mr. Flynn moved that the Board of Selectmen support 2018 ATM Art. # To Be Determined / Decommissioning Radiological Cleanup Standard /Nuclear Advisory Committee, as presented. Second by Mr. Madigan.

Present to discuss this article with the Board were the following members of the Duxbury Nuclear Advisory Committee: Ms. Pixie Lampert (Co-Chair), Ms. Becky Chin (Co-Chair) and Ms. Nancy Landgren (Member).

Ms. Lampert spoke on behalf of the DNAC. She mentioned the following:

- They appreciated the Selectmen's previous support advocating for setting a more conservative State standard than the Federal standard regarding the allowable residual radiation limits of decommissioned nuclear reactor sites.
- The current federal allowable residual radiation rate is up to 25 millirems per year (or a cancer risk of about 175 per 100,000).
- The State has the ability to set a more conservative rate to reduce the cancer risks and passage of this article by the Town would be letting the State know the Town of Duxbury supports that they do so.
- This is very timely because the State is currently in negotiations with Entergy to adopt an allowable limit of 10 millirems per year or less.

After hearing the explanation the Board voted on the motion. VOTE: 3:0:0.

**2018 ATM Art. 5. Operating Budget / BOS / Town Mgr./ Finance Committee**

Mr. Flynn moved that the Board of Selectmen support 2018 ATM Art. 5 –Operating Budget, as presented in the amount of \$78,764,372. Second by Mr. Madigan.

A spreadsheet showing the line item amounts of the Operating Budget was in the Selectmen's packets. Mr. Read mentioned that the budget has been reviewed by the Finance Committee and all the votes are in. *[In the packet materials there was a discrepancy on the final total figures. Mr. Read apologized and explained that was due to a formulary error and the correct figure is as indicated by Mr. Flynn.]*

Beyond that Mr. Read directed the Boards attention to lines 77 –School Salaries; 78-School Expenses; and Line 82-914 –Employee & Retire Health Insurance. He said the School Committee voted for a different (higher) amount, but will be discussing it at their meeting on Wednesday night. It was pointed out by Mr. Madden that if the different amount on the salaries line (about \$174,000) is voted then this would necessitate a motion on Town Meeting floor to vote for additional benefits (\$75,000) and to provide a funding source.

Mr. Madigan asked what it would mean if the School Committee does not vote to adjust their numbers. The answer given was if the discrepancy continues, then they would have to review the entire budget to try to find the additional monies from other departments.

The Selectmen then voted on the motion, which is the Finance Committee's recommendation: VOTE: 3:0:0.

**2018 ATM Art. 34. Conservation Land Purchase – Summer ST /CPC- Conservation Commission**

Mr. Flynn moved that the Board of Selectmen support 2018 ATM Art. 34 Conservation Land Purchase – Summer ST, as presented in the amount of \$770,400\*. Second by Mr. Madigan.

Conservation Agent Joe Grady explained that this is a parcel of approximately 27 acres of farmland off Summer ST. The Town has been negotiating the purchase of this parcel for about 10 years. It is the site of a former turkey farm, abuts the Historic O'Neil Farm, has good agricultural soils, contains 3 vernal pools, is in an aquifer protection overlay district, and has frontage on Route 53. They are proposing that this property could potentially be re-established as a farm. The CPC / Conservation Commission is recommending purchase of this property for \$770,400\* to be held by the Conservation Commission and perhaps to be put under a farm management agreement.

VOTE: 3:0:0.

*[\*Amended amount dollar amount: Mr. Grady had provided the figure of \$770,400, but this amount was rounded down to \$770,000. Given that the figure was less than the dollar amount voted the Board did not feel the need to have to re-vote the motion.]*

**2018 ATM Art. 35. Conservation land Purchase – Church ST / CPC / Conservation Commission**

Mr. Flynn moved that the Board of Selectmen support 2018 ATM Art. 35 Conservation land Purchase – Church ST, as presented in the amount of \$1,500,000. Second by Mr. Madigan.

Mr. Grady said that this 21-acre parcel is between two drinking water wells the Town owns. The purchase price includes the cost of the land and funds to demolish an old structure. The primary purpose for the purchase of this parcel is for water supply protection and because of that it is felt that \$400,000 of the cost might be funded through the Water Enterprise Fund.

The Selectmen voted on the motion regarding 2018 ATM Art. 35 Conservation land Purchase – Church ST. VOTE: 3:0:0.

#### **2018 ATM Art. 36. Conservation Land Donation / Conservation Commission**

Mr. Grady said the Starr family has offered to donate 20 acres of saltmarsh. He mentioned that the Conservation Commission / CPC have been working on acquiring saltmarsh north of the Powder Point Bridge. The sticking point is that the parcel is still owned by Dr. Starr, who is deceased, but the Starr family is supportive of the donation so this would be a friendly eminent domain taking.

Mr. Flynn moved that the Board of Selectmen support 2018 ATM Art. 36 Conservation Land Donation, as presented. Second by Mr. Madigan. VOTE: 3:0:0.

#### **2018 ATM Art. 39. CPC: Operating Fund / CPC**

Ms. Holly Morris, Chair of the Community Preservation Committee (CPC) was present to discuss the CPC articles with the Board. Ms. Morris mentioned the following:

- Anticipated the total receipts to be \$525,000, which is about a 3% more than last year from the CPA surcharge.
- A very conservative projection of the State match has been used, projecting it to be 15% or \$79,000.
- 5% of the receipts is the Operating Budget, which is \$30,330.

Mr. Flynn moved that the Board of Selectmen support 2018 ATM Art. 39 CPC: Operating Fund, as presented in the amount of \$30,330. Second by Mr. Madigan. VOTE: 3:0:0.

#### **2018 ATM Art. 40. CPC: Allocations /CPC**

Ms. Morris said the CPC Allocation is the 10% to be designated for each of the three purposes: Open Space, Historical, and Affordable Housing. The total is \$181,134. or in other words \$60,378 for each of the categories.

Mr. Flynn moved that the Board of Selectmen support 2018 ATM Art. 40 CPC: Allocations / CPC, as presented in the amount of amount of \$181,134. Second by Mr. Madigan. VOTE: 3:0:0.

#### **2018 ATM Art. 41. Survey of Historic Properties in Tinkertown / CPC /LHDC**

Mr. Terry Vose, Historical Commission Rep. on the CPC, gave an overview of this article to the Board. He mentioned:

- The request is for \$11,500 to do a survey of 17 houses for a potential filing to list Tinkertown on the National Register of Historic Places.

- Duxbury has 12 places on the National Register of Historic Places. There are 4 additional places pending: St. George ST to connect it to the Old Shipbuilder's District, a property on Cove ST to connect it to the Old Shipbuilder's District, West High ST to connect it to some work done in Pembroke, and the Myles Standish Homestead.
- The National Register of Historic Places is the nation's official list of historic places worthy of preservation.
- The homeowners were notified of this article and its intention. Mr. Vose added that the designation does not put any restriction on the properties.

Mr. Flynn moved that the Board of Selectmen support 2018 ATM Art. 41 Survey of Historic Properties in Tinkertown, as presented, in the amount of \$11,500. Second by Mr. Madigan.  
VOTE: 3:0:0.

**2018 ATM Art. 43. Construction of Ball Field Dugouts at Keene Street Playground / CPC**

Ms. Morris explained this article is for a request in the amount of \$88,000 for the construction of six dugouts at the Keene ST fields. She noted that CPC funding was used for the construction of the Keene ST fields. The purpose of this request is for safety and to contain the children better. The funds would be used for concrete pads, wood frames, shingled roofing, and chain link fencing. The DPW has agreed to provide site work. The project will take about a year and will have to go out to bid. The funding would come out of the CPC Open Space account.

For the record, Town Manager René Read said that he had been involved as a coach for Duxbury Youth Baseball, but his children are aging out of the program. He mentioned that a number of parents had questioned him about the lack of dugouts similar to those at other fields, such as at Tarkiln. Basically what is used now is a fence to contain the kids, and this is a safety concern for the coaches. The DPW will be doing the all the preliminary site work. Originally the cost was \$130,000 -140,000 but with better quotes the cost has significantly been reduced. He mentioned that he had approached Duxbury Youth Baseball (DYB) to try to partner and contribute to this project, but DYB is focused on improving the dugouts at Train Field. In the past DYB has helped with the costs of fencing.

Mr. Flynn moved that the Board of Selectmen support 2018 ATM Art. 43 Construction of Ball Field Dugouts at Keene Street Playground, as presented, in the amount of \$88,000. Second by Mr. Madigan.  
VOTE: 3:0:0.

**2018 ATM Art. 44. Housing Reserve Transfer / CPC/DAHT and 2018 ATM Art. 45. Housing Reserve Balance Transfer/ CPC/DAHT**

As previously mentioned, these articles are being withdrawn at the request of the proponents.

**IV TOWN MANAGER'S REPORT**

Mr. Read mentioned the following:

1. Introduction of Mr. John Q. Adams, new Finance Director:  
Mr. Read introduced Mr. John Quincy Adams, who has accepted the position of Finance Director. Mr. Adams started today and will be working with Mr. Madden for the next few weeks to assure a smooth transition after Mr. Madden's retirement.

The Board welcomed Mr. Adams, who has come to Duxbury after previously working in North Attleboro and Carver.

2. Warrant Status:

Mr. Read said he has received the draft Warrant with Town Counsel's edits back this afternoon. He will be working to finalize the Warrant to provide copies to the Selectmen at their next meeting.

3. Capital Budget Meeting:

The Finance Committee and Fiscal Advisory Committee will be meeting on Thursday evening to review the Capital Budget. He passed out to the Board copies of the Capital Budget, which show that there are differences of opinion regarding some of the requests so those will be discussed at the meeting.

Ms. Kathy Palmer, who resides on Powder Point Avenue along the Bluefish River, addressed the Board mentioning that during the past two storms, which were nothing like past storms, the water came rushing into the Bluefish River. She said she saw what saltmarsh does –it leveled out the water. The saltmarsh protects us, and the Board should consider that. *[Editorial Note: Ms. Palmer is a member of the FOBR, who is against the construction of the McLaughlin pier because of the conservation concerns that it will impact the saltmarsh.]*

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

*Economic Advisory Committee:*

Mr. Flynn moved that the Board appoint Ms. Lisa Grace to the Economic Advisory Committee as a Business Representative for a term to expire 06-30-20. Second by Mr. Madigan. VOTE: 3:0:0.

It was noted that with this appointment the Economic Advisory Committee is fully staffed.

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

**VII EVENT PERMITS**    *None presented*

**VIII MINUTES**    Executive Session Minutes: *None*    Open Session Minutes: *None*

**IX ANNOUNCEMENTS**

Mr. Flynn read the following announcements:

**1) Government Study Committee Public Meeting**

The Government Study Committee is holding a public presentation of its draft report to Town Meeting on Monday, February 12, 2018 at Duxbury Senior Center (Ellison RM). The Committee has been meeting for almost 3 years and is proposing 8 articles at the March 2018 Town Meeting. This is an opportunity to hear directly from the Committee about those articles and other recommendations prior to Town Meeting.

**2) Duxbury COA Lifelong Learning Program Registration**

Reminder the Lifelong Learning Program Registration will take place on Tuesday, February 13<sup>th</sup> from 3 pm – 5 pm and will continue on Wednesday, February 14<sup>th</sup> and Thursday, February 15<sup>th</sup> from 10 am – Noon at the Duxbury Senior Center. The new Lifelong Learning programs are listed in the COA's newsletter, Duxbury Doings.

**3) Panel Discussion on the new State Recreational Marijuana Law, related Town Meeting articles, and community concerns.**

Reminder regarding the upcoming DuxburyFACTS panel discussion regarding the State recreational marijuana law, related Town Meeting articles, and community concerns will be at 7:00 PM on Tuesday, February 13, 2018 at the Duxbury Free Library, Merry Room, 77 Alden ST, Duxbury.

The Duxbury community is invited to attend.

**4) Next Scheduled Selectmen's Meeting is on: Monday, February 12, 2018.**

**X ADJOURNMENT**

At approximately 8:55 pm, Mr. Flynn moved that the Board adjourn. Second by Mr. Madigan.  
VOTE: 3:0:0.

Minutes prepared by: C. Anne Murray

***LIST OF DOCUMENTS FOR 02-05-18 SELECTMEN'S MEETING (DOCUMENTS LOCATED IN THE SELECTMEN'S OFFICE FILES.)***

1. *Agenda for 02-05-18 Selectmen's Meeting*
2. *OPEN FORUM: 02-05-18 Letter submitted by FOBR*
3. *NEW BUSINESS:*
  - a. *Extension of Inter-Municipal Agreement for Cooperative Recycling on the South Shore- Coversheet with suggested motion and copy of the Agreement.*
  - b. *Vote to Re-Open the Annual Town Meeting Warrant: Suggested motion.*
  - c. *Discussion pertaining to March 2018 Annual Town Meeting Warrant – Article Review and Board recommendations: Coversheet with suggested standard motion language; Copy of the DNAC Warrant article*
4. *TOWN MANAGER REPORT: none*
5. *BOARD AND COMMITTEE APPOINTMENTS/ RE-APPOINTMENTS: 02-05-18 Appointment / Re-appointment sheet*
6. *ODLLs: none*
7. *EVENT PERMITS: none*
8. *SUGGESTED ANNOUNCEMENTS for 02-05-18 Revised*
9. *MINUTES: none*