

Date: July 24, 2017

Date Minutes Approved: August 7, 2017

TOWN CLERK

BOARD OF SELECTMEN MINUTES

2017 AUG 14 PM 4:58

Present: Shawn Dahlen, Chair; David J. Madigan, Vice Chair; and Theodore J. Flynn, Clerk. DUXBURY, MASS.

Absent:

Staff: René J. Read, Town Manager and C. Anne Murray, Administrative Assistant

I CALL TO ORDER

The meeting was called to order at 6:35 pm in Open Session in the Duxbury Town Hall (Mural RM), 878 Tremont ST, Duxbury.

II Entered Executive Session

After convening in Open Session, Mr. Flynn moved that the Board of Selectmen go into Executive Session for the purpose of:

- 1.) Conducting contract negotiations with non-union personnel (Fire Chief), and
- 2.) Discussing strategy with respect to collective bargaining (RE: Letter of Mutual Intent, Duxbury Firefighters Local 2167) as an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and to reconvene in open session immediately afterward, in accordance with Mass. General Laws Chapter 30A, Section 21

As Chair, Mr. Dahlen declared the need to enter Executive Session to:

- (1) conduct contract negotiations with non-union personnel (i.e., the Fire Chief) and
- (2) to discuss collective bargaining with the Duxbury Firefighters Local 2167, as to do so in open session may have a detrimental effect on the Town's bargaining and/or litigating position."

A second to the motion was made by Mr. Madigan. ROLL CALL VOTE: Mr. Flynn –Aye; Mr. Madigan – Aye; and Mr. Dahlen – Aye.

After completing the business of the Executive Sessions, the Selectmen reconvened in Open Session at 7 PM and began as soon as the public entered the room.

III OPEN FORUM - nothing was brought forward.

IV NEW BUSINESS

Introduction of new Superintendent Dr. John Antonucci

Town Manager René Read introduced Dr. John Antonucci to the Board of Selectmen. Dr. Antonucci stepped forward to thank the Selectmen for inviting him, and the community for the warm welcome he has received.

Swearing In - Firefighter/Paramedic Justin Stratton and Years of Service Recognitions / Chief Nord

Chief Nord began with the Years of Service Recognitions. He mentioned that the Duxbury Fire Department recognizes years of service in five-year increments. The State, i.e., the Massachusetts Fire Commission, also recognizes years of service in five-year increments, but such recognitions only start at the twenty-years of service point. In the past the recognitions have been made at the Annual Firemen's Relief Dinner, but Chief Nord has decided to change that to make the recognition more public. The State issues a pin with the Commonwealth insignia on it. Chief Nord said tonight's recognition will be for those with 20 years of service or more.

Captain Paramedic PJ Hussey has 22 years of service so he was recognized for his 20-year pin.

Firefighter Chuck Nudd has 27 years of service so this was recognition for his 25-year pin.

Captain EMT Robert Tripp has 27 years of service so this was recognition for his 25-year pin.

Firefighter EMT Jeffrey Chandler has 30 years of service and was recognized with the 30-year service pin.

Call Firefighter Pieter Van Slyck has 31 years so he received his 30 years of service pin.

Deputy Chief Christopher West has 31 years so he received his 30 years of service pin.

Captain EMT John Guilderson has 38 years so he received his 35 years of service pin.

Those who were recognized stepped forward to a round of applause to receive their recognitions.

Swearing in of Justin Stratton

Chief Nord called FF/ EMT Justin Stratton forward. The Chief introduced him by mentioning Justin was hired as a Call Firefighter in July, 2012 and was appointed to full-time in July, 2017. Justin is a certified paramedic, and will be attending the Fire Academy in October. The Chief said Justin was recognized as a Medal of Valor recipient when serving at the Boston Marathon in 2013. In attendance was his wife, Stacey, and his three sons, Danny, Thomas, and Joseph. Justin's father, who is a retired Boston Fire Fighter, was also present.

Town Clerk Susan Kelley then administered the oath to FF /EMT Justin Stratton.

Following the oath Chief Nord gave the pin to Town Manager René Read, as the appointing authority. Justin's wife and his father came forward, and Town Manager Read gave the honor to Mr. Stratton of placing the pin on his son's uniform.

Discussion with Harbormaster Jake Emerson pertaining to Bonus Shellfish Seasons

The Board had asked Harbormaster Jake Emerson to come to explain why the Bonus Shellfish Season has to be done every month. Harbormaster Emerson mentioned the following in explaining it:

- In 1941 the Town of Duxbury voted to accept the responsibility for developing rules and regulations for the management of shellfishing, which had been a charge of the Commonwealth.

- The current shellfish rules and regulations (i.e., the shellfish bylaws) were last updated in 1990.
- So the program has been in place for 27 years, and it has been working to keep the natural resource sustainable.
- It was purposefully set up so there is no set commercial shellfish season, but instead there is a Bonus Shellfish Season, which allows the Board to see where the resources are at and set the season in 30-day increments.
- Commercial shellfish license holders are residents. The Commercial Shellfish License can be applied for during the month of April only, and therefore by May 1st the Town knows how many have been issued. Commercial Shellfish License holders must file catch reports, which get submitted to the State. Commercial Shellfish License holders don't tend to dig unless there is a market for their catch. So knowing the number of Commercial diggers and having the catch reports provides some indication of the strength of the natural resource so that adjustments can be made monthly to keep the shellfish resource sustainable.
- Recreational Shellfish License holders are residents and non-residents, and the applications are taken on a rolling basis. There are significantly more of them, and until the end of the year you really don't know how many Recreational Shellfish License holders there will be.
- The amount of bushels being taken by Commercial Shellfish License holders is a fraction of what is taken by the Recreational Shellfish Holders.
- So in determining the Bonus Shellfish Season the Harbormaster does take into consideration the catch reports and the number of diggers and a formula is used to plan the Bonus Shellfish Season.

During a brief discussion about the availability of the resource it was mentioned that there is an abundant resource of quahogs. The soft-shell clam resource is not as abundant. While there may seem like a lot in some areas when you look at the whole area they are not as abundant. He added that we are also seeing green crabs and Japanese crabs, which affect the resource. Harbormaster Emerson mentioned that September, October, April and May is the season for soft-shelled clams. Until he has some data from the next soft-shell clam season, he does not anticipate he will be able to recommend a Bonus Shellfish Season for soft-shell clams.

Ms. Susanna Sheehan asked if the Recreational Shellfish License holders consist of both residents and non-residents has consideration ever been given to splitting them into separate categories (e.g., a Recreational Resident Shellfish License and a Recreational Non-Resident Shellfish License) and then to allow a Bonus Shellfish Season for just Recreational Resident Shellfish License holders so it would give the recreational resident holders the opportunity while controlling the number of diggers? Mr. Dahlen somewhat rephrased the question by asking if we are required to have resident and non-resident recreational license holders? Mr. Dahlen mentioned, for example, you have to allow both residents and non-residents apply for moorings because of the federal monies provided to dredge the harbor.

In response Harbormaster Emerson said that making non-resident recreational licenses available is a requirement from when the shellfish management was taken over from the Commonwealth. So Mr. Dahlen suggested this likely goes back to the Commonwealth's riparian rights of "fish, fowl, and navigating." It was suggested that you could probably set a separate fee structure for resident and non-resident Recreational Shellfish Licenses.

If you can restrict the Commercial Shellfish License to residents only, Mr. Flynn wondered if such a restriction was also allowed under the Recreational Shellfish License? Or if a Bonus Shellfish Season for Recreational Resident Shellfish License holders could be authorized? Harbormaster Emerson said that he would try to find out. Mr. Dahlen added he would also like to see the numbers to have a better

idea of how many recreational residents holders there are vs. recreational non-resident holders to get some sense of the impacts.

Acceptance of Donation from Copeland Family Foundation, Inc. for Animal Shelter

Mr. Flynn moved that the Board of Selectmen accept with gratitude a \$6,000. donation from the Copeland Family Foundation, Inc. to the Town to be used for the Animal Shelter. Second by Mr. Madigan. VOTE: 3:0:0.

Acceptance of Donation from Duxbury Interfaith Council for Summer Kids Program (Recreation Dept.)

Mr. Flynn moved that the Board of Selectmen accept with gratitude a \$4,670. donation from the Duxbury Interfaith Council, which has allowed six Duxbury children to attend the Recreation Department's Summer Kids Program. Second by Mr. Madigan. VOTE: 3:0:0.

V TOWN MANAGER'S REPORT

Town Manager René Read mentioned the following:

1. FY19 Budget

Work has begun on the FY'19 Budget, which should be distributed to all department heads on or about August 1, 2017. Mr. Read mentioned that the process is starting earlier than last year to allow for everyone to have ample to time to consider their requests and make the appropriate adjustments. He added that right now revenues are looking flat. He noted that last year had remarkable revenues due to the Island Creek Village expansion.

2. Other Budget News

Earlier this month we received notice from the Government Finance Officers Association that the Certificate of Achievement for Excellence in Financial Reporting has been awarded to the Town of Duxbury for our comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Also, the Award of Financial Reporting Achievement has been awarded to Finance Director John Madden as the individual primarily responsible for preparing the award-winning CAFR.

The CAFR has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

3. Paving Schedule:

Paving will proceed when the weather permits. It was too wet to pave today. Mr. Read said he expects it may resume later this week or early next week.

4. Duxbury Beach/Piping Plover Update:

Duxbury Beach is still open to the full capacity of 250 resident / 250 non-resident spaces. However, that may change come August depending on the piping plovers. As of today, we have 6 piping plovers chicks, which are roaming around so until they fledge they are being monitored.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

Mr. Flynn 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}.]* Each motion was seconded by Mr. Madigan. Votes were as shown.

Committee	Name	Appointment or Re-appt.	Term Expires	Motion	Second	Vote
Alternative Energy Committee	Josh Cutler	Re-appt.	06-30-20	Mr. Flynn	Mr. Madigan	3:0:0
	Matt Cooney	Re-appt.	06-30-20	Mr. Flynn	Mr. Madigan	3:0:0
	Jessica R. Williams	Re-appt.	06-30-20	Mr. Flynn	Mr. Madigan	3:0:0
Duxbury Bay Management Commission	Skip Bennett	Re-appt.	06-30-20	Mr. Flynn	Mr. Madigan	3:0:0
	Chuck Leonard	Re-appt.	06-30-20	Mr. Flynn	Mr. Madigan	3:0:0
Duxbury Cultural Council	Suzanne Errasti	Re-appt.	*06-30-19 (T-2)	Mr. Flynn	Mr. Madigan	3:0:0
	Thèrèse DiMuzio	Re-appt.	*06-30-19 (T-2)	Mr. Flynn	Mr. Madigan	3:0:0
	(Continued on next page)					

Committee	Name	Appointment or Re-appt.	Term Expires	Motion	Second	Vote
King Caesar Advisory Committee						
	Marie Villarin, RN	Appt. contingent upon appropriate background checks	06-30-20	Mr. Flynn	Mr. Madigan	3:0:0
Local Historic District Commission						
	Georgia Taft-Pye (BD of Realtors Rep.)	Appt.	To fill an unexpired term due to expire as of 06-30-18	Mr. Flynn	Mr. Madigan	3:0:0
	Janet Ritch	Re-Appt.	06-30-20	Mr. Flynn	Mr. Madigan	3:0:0
MBTA Advisory Committee						
	Richard S. Prone (Duxbury delegate)	Re-Appt.	06-30-18	Mr. Flynn	Mr. Madigan	3:0:0
Nuclear Advisory Committee						
	Becky Chin	Re-Appt.	06-30-20	Mr. Flynn	Mr. Madigan	3:0:0
	Patrick Gagnon, MD	Re-Appt.	06-30-20	Mr. Flynn	Mr. Madigan	3:0:0
OCPC-Area Agency on Aging (AAA)						
	John Rutkowski (Duxbury Delegate)	Appt.	6/30/2019	Mr. Flynn	Mr. Madigan	3:0:0

Committee	Name	Appointment or Re-appt.	Term Expires	Motion	Second	Vote
Plymouth County Advisory BD						
	Theodore J. Flynn (Duxbury delegate)	Re-appt.	06-30-18	Mr. Flynn	Mr. Madigan	3:0:0
	Shawn Dahlen (Alternate)	Re-appt.	06-30-18	Mr. Flynn	Mr. Madigan	3:0:0
Shellfish Advisory Committee						
	Clinton Watson	Re-appt.	06-30-20	Mr. Flynn	Mr. Madigan	3:0:0
	Gregory Morris	Re-appt.	06-30-20	Mr. Flynn	Mr. Madigan	3:0:0
Sidewalk & Bike Path Committee						
	Kathy Cross	Re-appt.	6/30/2020	Mr. Flynn	Mr. Madigan	3:0:0
	Elaine Philbrick	Re-appt.	06-30-20	Mr. Flynn	Mr. Madigan	3:0:0

Comments:

- Alternative Energy Committee: Has one open seat for a term to June 30, 2019.
- Duxbury Bay Management Commission: Still waiting to hear regarding the re-appointment of one member.
- Duxbury Cultural Council (DCC): The DCC can have 5 or more members with a term limit of two terms. With the above appointments the DCC will have 7 members. If others are interested they should fill out a Talent Bank form. [**Editorial Note: Correction – The appointment terms should both be to June 30, 2020 (T-2)*]
- King Caesar Advisory Committee (KCAC): Anne W. Hill, RN who has been the Intake Case Worker stepped down at the end of her term on June 30th. The KCAC met with and voted to recommend Marie Villarin, RN for appointment by the Selectmen as the new KCF Intake Case Worker contingent upon the completion of appropriate background checks.
- Local Historic District Commission: With the above-appointments the LHDC is fully staffed, but the LHDC might be interested in having additional Alternate members so any interested parties should fill out a Talent Bank form for consideration.
- MBTA Advisory Committee: This is an annual appointment and with the above appointment it will be fully staffed.

- Nuclear Advisory Committee: The Nuclear Advisory Committee has one open seat for a 3-yr term.
- OCPC-AAA: Mr. Rutkowski already received the support of the COA Board and is recommended by the COA Board to the Selectmen for appointment.
- Plymouth County Advisory Committee: With the above-referenced appointments the PCAC will be fully staffed.
- Shellfish Advisory Committee: The SAC has one open seat for a 3-year term.
- Sidewalk & Bike Path Committee (SWBP): The SWBP has 2 open seats; 1 for 3-yr term and 1 for a 1-year term.

VII ONE-DAY LIQUOR LICENSE REQUESTS

08-05-17 Miramar's Some Enchanted Evening

Mr. Flynn moved that the Board of Selectmen grant to Reverend Thomas Griffith, as a representative of Miramar Retreat Center, a One-Day All-Alcohol License to hold a fundraising dinner dance "Some Enchanted Evening" at 121 Parks Street on Saturday, August 5, 2017 from 5:00 PM to 10:00 PM, subject to the conditions on the license. Second by Mr. Madigan. VOTE: 3:0:0.

08-12-17 DRHS 7th Annual Croquet Tournament

Mr. Flynn 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 7th Annual DRHS Croquet Tournament at the King Caesar House, 120 King Caesar Road, on Saturday, August 12, 2016 from 3:00 PM to 7:00 PM subject to the conditions on the license. Second by Mr. Madigan. VOTE: 3:0:0.

VII EVENT PERMITS

07-29-17 Wedding Reception at Winsor House

Mr. Flynn moved that the Board of Selectmen grant to Ms. Anna Weiss, as representative of Modern Family Associates DBA The Winsor House Inn, an Event Permit for a wedding reception, to be held outdoors at The Winsor House Inn on Saturday, July 29, 2017 from 5:00 pm to 10:00 pm, subject to the conditions on the license. Second by Mr. Madigan. VOTE: 3:0:0.

IX MINUTES

Executive Session Minutes: *None*

Open Session Minutes: *07-10-17 Selectmen's Minutes -Draft*

Mr. Flynn move that the Board of Selectmen approve the 07-10-17 Selectmen's Minutes, as presented. Second by Mr. Madigan. VOTE: 3:0:0.

X ANNOUNCEMENTS

Mr. Flynn read the following announcements:

1. Myles Standish Monument on Crescent ST:

The State's Department of Conservation and Recreation (DCR) will be opening the Myles Standish Monument on Saturdays and Sundays from 9:30 a.m.-5 p.m., through Sept. 3rd. The monument is located on Crescent Street on Standish Shore. The schedule is subject to change for thunderstorms or heavy rains. There is no charge. The site is not wheelchair accessible, and there are no restroom facilities. For more information call:
508-208-0675 for more information.

2. Next Board of Selectmen's meeting: August 7, 2017

XI BONUS SHELLFISH SEASON (for August, 2017)

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

for the **commercial** harvesting of **quahog clams** for the month of August, 2017 in accordance with posted Attachments A & B.

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

XII ADJOURNMENT

At approximately 7:40 PM., Mr. Flynn moved that the Board adjourn the meeting. Second by Mr. Madigan. VOTE: 3:0:0.

Minutes respectfully submitted by: C. Anne Murray

(See next page for list of documents.)

*LIST OF DOCUMENTS FOR 07-24-17 SELECTMEN'S MEETING
(Documents for Executive Session will be noted on Executive Session Minutes)*

1. *Agenda for: 07-24-17 Selectmen's Meeting*
2. *EXECUTIVE SEESION: Coversheet with suggested motion for entering Executive Session. Other Executive Session items will be noted in the Executive Session Minutes.*
3. *OPEN FORUM: no documents*
4. *NEW BUSINESS:*
 - a. *Introduction of new Superintendent Dr. John Antonucci – no documents*
 - b. *Swearing In - Firefighter/Paramedic Justin Stratton and Years of Service Recognitions / Chief Nord –Coversheets with Names and brief background information.*
 - c. *Discussion with Harbormaster Jake Emerson pertaining to Bonus Shellfish Seasons – no documents*
 - d. *Acceptance of Donation from Copeland Family Foundation, Inc. for Animal Shelter – Coversheet with suggested motion and letter with copy of the check;*
 - e. *Acceptance of Donation from Duxbury Interfaith Council for Summer Kids Program (Recreation Dept.) – Coversheet with suggested motion and 06-26-17 Memorandum from Gordon Cushing*
5. *Town Manager's Report: July 24, 2017 Town Manager's Report*
6. *APPTS./Re-APPTS/RESIGNATIONS: 07-10-17 Appointments / Reappointments sheet.*
7. *ODLLs:*
 - 08-05-17 Miramar's Some Enchanted Evening – Draft One-Day Liquor License and packet*
 - 08-12-17 DRHS 7th Annual Croquet Tournament– Draft One-Day Liquor License and packet*
8. *EVENT PERMITS:*
 - 07-29-17 Wedding Reception at Winsor House –Draft Event Permit and Packet.*
9. *MINUTES: 07-10-17 Selectmen's Minutes-Draft*
10. *ANNOUNCEMENTS: Suggested Announcements for 07-24-17*
11. *BONUS SHELLFISH SEASON for August, 2017*