

Date: September 29, 2008

Date Minutes Approved: October 6, 2008

BOARD OF SELECTMEN MINUTES

Present: Jon Witten, Chair; Elizabeth Sullivan, Vice-Chair, and Andre Martecchini, Clerk.

Staff: Richard MacDonald, Town Manager; and C. Anne Murray, Department Secretary.

The meeting was called to order at 7:00 PM.

ENTER EXECUTIVE SESSION

Mr. Witten moved that the Board enter Executive Session in order to discuss matters regarding the King Caesar Fund (KCF), which are of a confidential nature, as the fund's purpose is to provide medical relief for the financially needy residents of Duxbury, in accordance with Massachusetts General Laws, Chapter 39 section 23B, and then to reconvene in Open Session. Second by Ms. Sullivan.

Roll Call Vote: Mr. Witten – aye; Ms. Sullivan—aye; Mr. Martecchini—aye.

Having completed the business of the Executive Session the Board re-convened in Open Session at approximately 7:15 PM, but waited until 7:30 PM for live broadcast before continuing.

At 7:30 PM Mr. Witten mentioned that the Board convened at 7:00 PM and went into an Executive Session to discuss a matter regarding the King Caesar Fund.

OPEN FORUM

A group was recognized later in the meeting. See notes below.

Mr. MacDonald said he received notification from Ms. Joanne Moore that the Town of Duxbury Senior Center has won the Massachusetts Council on Aging (MCOA) Innovator of the Year Award for the Life Long Learning Program. The award will be presented at an awards luncheon at the Seacrest Resort in Falmouth on October 15th and he will be attending on behalf of the Selectmen. He asked Ms. Moore to speak about the Program.

LIFELONG LEARNING PROGRAM / Joanne Moore

Ms. Moore mentioned that there are 352 towns in the Commonwealth of Massachusetts. So to receive the MCOA Innovator of the Year Award is quite a recognition.

The Lifelong Learning Program came about because 2-3 years ago a group of seniors approached her with the challenge that they needed something to expand their minds. She asked them what they had in mind and the concept of “college-like courses without tests” was the foundation for the Lifelong Learning Program. Tapping into the wealth of experience in the Duxbury community they have found willing instructors. Of the eight courses being offered this Fall only two “*Introduction to Algebra*” and “*Crucial Battles of the Civil War*” still have a few spots available. Anyone who is interested can find out more on the Town's website under the Council on Aging or by calling the Senior Center: 781-934-5774.

REQUEST FROM TOWN CLERK: Poll Hours for November 4, 2008 Election

Town Clerk Mrs. Nancy Oates has requested the vote of the Board to allow her to open the polls on Election Day November 4, 2008 one hour earlier than is required by law. This has been Mrs. Oates' practice for many years for the benefit of the commuters, but it does require a vote of the Board.

Ms. Sullivan moved that the Board extend the hours the polls are open to be from 6:00 AM to 8:00 PM on Election Day, November 4, 2008. Second by Mr. Martecchini. VOTE: 3:0:0.

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

1. Bay Road Project. Three grants were received, which allowed the Town to complete the more serious work needed on Bay Road. The project was completed on time, and he recognized the efforts of Mr. Peter Buttkus, DPW Director, and Mr. Joe Grady, Conservation Administrator.
2. Triathlon. This weekend was the Duxbury Beach Triathlon and fortunately the weather cooperated enough that they were able to hold the entire event. He commended the Public Safety officials who ran a safe event.
3. Fire Dept. Grant. Dep. Chief Carrico applied for and received a grant in the amount of \$2600 from FM Global to be used towards the purchase of a Geo file Property and Pre-plan module for our REDALERT fire server. It is a software program for another layer of our red alert system.

ONE-DAY LIQUOR LICENSE REQUESTS

- *Patrick Browne for the Duxbury Rural & Historical Society: Chowder Supper on 10-5-08*

Ms. Sullivan moved that the Board grant to Mr. Patrick Browne, as a representative of the Duxbury Rural & Historical Society, a One-Day Wine & Malt License to hold a Chowder Supper at the Gershom Bradford House, 931 Tremont Street, on October 5, 2008 from 5:00 PM to 7:00 PM, subject to the conditions read (and on the license). Second by Mr. Martecchini. VOTE: 3:0:0.

Ms. Sullivan indicated prior to the vote that the request had been circulated to all the appropriate departments and the paperwork was in order.

- *Patrick Browne for the Duxbury Rural & Historical Society: Wedding on 10-18-08*

Ms. Sullivan moved that the Board grant to Mr. Patrick Browne, as a representative of the Duxbury Rural & Historical Society, is granted a One-Day All-Alcohol License to hold a wedding at the Nathaniel Winsor, Jr. House on October 18, 2008 from 4:00 PM to 8:00 PM, subject to the conditions read (and on the license). Second by Mr. Martecchini. VOTE: 3:0:0.

Ms. Sullivan indicated prior to the vote that the request had been circulated to all the appropriate departments and the paperwork was in order.

- *Crossroads for Kids / Harvest Moon on 10-18-08*

Mr. Martecchini moved the Board grant to Ms. Gaby King, as a representative of Crossroads for Kids a One-Day All-Alcohol License to hold a fundraiser (Harvest Moon) at Camp Wing (742 Myrtle Street) on October 18, 2008 from 6:00pm to Midnight, contingent to the conditions read (and on the license). Second by Ms. Sullivan. VOTE: 3:0:0.

Prior to the vote, Mr. Martecchini reviewed the departmental feedback received and noted that the paperwork was in order.

- *Event Permit: Reach-Out Walk-a-thon: 10-23-08*

Ms. Sullivan moved that the Board grant to Ms. Linda Quinlan and Ms. Traci Najarian, as representatives of the Alden School Reach-Out Program, permission to hold a Walk-a-Thon on Thursday, October 23, 2008 (rain date: October 29, 2008) to benefit the Plymouth Area Coalition of the Homeless, contingent on the following:
that the event is conducted as described in a letter by Ms. Quinlan and Ms. Najarian, dated September 14, 2008, and
that the Board gets approval from the School Superintendent's Office prior to the event.
Second by Mr. Martecchini. VOTE: 3:0:0.

RETURN TO OPEN FORUM

Mr. Witten recognized Ms. Ellen Snoeyenbos, Young Adult Librarian at the Duxbury Free Library. Ms. Snoeyenbos said she was there with a few members of her Teen Book Club to promote National Banned Book Week (NBBW). The NBBW is a reminder to Americans not to take the freedom to choose or the freedom to express one's opinion for granted. The Teen Book Club will be holding an event on Saturday, October 4th at the Duxbury Free Library's grounds at Noon. Students in costumes representing some of the books on the "banned" list will be there. Ms. Snoeyenbos read a short Proclamation regarding National Banned Book Week. She finished with the message that "Teens do read."

7:45 P.M. CONTINUED PUBLIC HEARING RE: FOODIES DUXBURY, LLC / Conditions of Liquor License

Present were:

Mr. Victor "Vic" J. Leon, applicant (Foodies Duxbury, LLC)
Mr. Victor G. Leon, applicant's son (Foodies Duxbury, LLC)
Attorney Robert J. Allen, Jr., representing Foodies Duxbury, LLC (applicant's attorney)
Attorney Jon D. Aieta, representing Duxbury Wine & Spirits (Joseph & Carole Carroll)
Numerous citizens of Duxbury

Not Present (but noted for the record):

Attorney Robert S. Troy, Duxbury Town Counsel

As it was 7:45 Mr. Witten said that several weeks ago the Board advertised and opened a public hearing regarding a request to amend the Annual Wine & Malt Retail Package Store License granted to Foodies and by agreement it was continued until this evening.

Ms. Sullivan recused herself due to a financial relationship between Ms. Sullivan's employer and the applicant, and left the room.

Mr. Witten invited Attorney Allen, who is representing Foodies Duxbury, LLC to begin the discussion with a brief overview.

Attorney Robert Allen, introduced himself and his clients Vic Leon and Victor Leon of Foodies Duxbury, LLC, the applicants. When the license was originally granted there were ten conditions imposed and they are requesting amendment of three of the conditions related to the following:

1. Wine tastings and whether the Board had the right to exclude them and/or to regulate them as to time and manner.
2. Advertising in the window (i.e. exterior advertising)

3. The 522 sq ft. +/- area where wine and malt was allowed and whether it (the wine & malt display area) could be distributed elsewhere in the store.

At the opening of the public hearing Attorney Allen said he was asked to prepare and submit a legal opinion regarding the following questions. He has done so and gave his findings:

1. Do we have the right to request the amendments?

Answer: Atty. Allen's opinion was that they do.

2. It is beyond the scope of the board to regulate the wine tastings, but a question remained as to whether the Board has the right to impose limits with regard to time and manner.

Answer: Atty. Allen's research leads him to believe that the Board does have the right to regulate them within the limits of the time of the license. The location and the amount (frequency) could not be regulated. This is the same for the advertising which would have to fall within the zoning laws.

3. The third issue revolves around the 522 sq. ft. +/- agreed to as the designated wine and beer area.

Answer: With respect to the 522 sq ft.+/- wine and beer area Mr. Allen made the case for his clients that they had been working from architectural drawings when the area was proposed. After the build-out they have found some aspects of the space not practical and other aspects not in keeping with their marketing plan. Mr. Allen indicated that they are not requesting to expand the agreed 522 sq. ft.+/- wine and beer area. However, they would like to have some flexibility to place wine and beer displays in other designated areas for cross-promotional marketing.

In the course of making the above comments Atty. Allen did mention that Atty. Troy, Town Counsel for Duxbury, did also provide an opinion and Town Counsel's opinion did concur with the above.

Attorney Jon Aieta of Cassis & Cayer, representing Duxbury Wine & Spirits, then spoke on behalf of his clients. Atty. Aieta indicated that he had reviewed Atty. Allen's legal opinion and he spoke in disagreement with some of the findings. To the question of "whether the board had the authority to impose the conditions," Atty. Aieta opined that the Board did have the right as long as the conditions are not arbitrary and capricious and are done so with the general goal of the public good and the Town in mind. The Board has the right to govern the conduct of the licensed business. He summed up as follows:

1. The Board does have the authority.
2. Yes, the conditions can be reviewed.
3. The board imposed the conditions, and Foodies accepted the conditions. Atty. Aieta stated that the proper procedure would have been for Foodies not to have accepted the conditions, for the Board to therefore have denied the application, and for Foodies to have appealed that denial with the Alcohol Beverage Control Commission (ABCC). He stated that the request to change the selling area should have been an application for "alteration of premises" and as such the procedures for that have not been met.

Mr. Joe Ridge, longtime Duxbury resident, stood in support of the request by Foodies and in doing so made some complimentary comments regarding the Foodies market.

Ms. Carole Carroll, of Dux. Wine and Spirits, spoke in opposition by citing comments that Mr. Leon made in an interview published in the *Duxbury Clipper*. She cited his comments regarding the welcome he had received by the community and that he had indicated

Foodies was meeting its projected business expectations. She voiced her concern that the license issue shouldn't be decided by what were characterized as Foodies' threats to leave Duxbury if the Board does not grant them everything they request.

Mr. Robert Casey, of Casey's Fine Wines and Spirits, spoke in opposition. He stated he had a petition signed by approximately 200 people, who have indicated that they do not want Foodies to "expand" their wine and malt. Mr. Casey also said that when you agree to conditions then you should respect the conditions and follow them. He mentioned that in other grocery markets that have alcohol licenses, the wine and malt is confined to one area. He stated in Foodies it is "all over the store." In his opinion, Foodies is being rewarded for bad behavior for failing to observe the conditions imposed. He expressed concerns about who is monitoring the alcohol; esp. in view of underage customers and employees at Foodies. Mr. Casey raised concerns about comments made by Mr. Martecchini at the opening of this public hearing regarding Mr. Martecchini's support of Foodies.

Mr. Greg Sanders, Osborne's Country Store, said that this does not affect his store, but he has observed wine and malt displays in other areas of the Foodies. He said he is also concerned by who is monitoring the alcohol.

Mr. Joseph Carroll, Duxbury Wine and Spirits, asked "How many times can someone petition the Board?" Mr. Witten responded that there is no cap on the number of times. Mr. Martecchini added that would be true for any license holder.

Mr. John Bear, 9 Old Mill Lane, mentioned that Foodies was actively recruited to open a store in Duxbury. He pointed out that there are other stores where the displays of alcohol have been moved within the store without any restrictions and urged caution about imposing too many conditions on businesses in Duxbury.

Mr. Vic Leon, Foodies Duxbury LLC, made a number of points, including the following: He stated he takes exception to having to be constrained in how he can market his products. Mr. Leon cited the competitors he faces in his business, such as Trader Joe's and Whole Foods, and how they also cross-market products. He mentioned that Foodies serves about 1000 customers a day and about 10% do purchase beer or wine, and he feels that his customer's speak with their business patronage. Mr. Leon said he has chosen not to have people sign a petition. He said he has heard that some of the people who signed the petition did so because they thought Foodies was intending to "expand" to become a liquor store. Mr. Leon stated empathically that was not their intent. He also stated he was not looking to hurt the business of others, but rather to enhance them and to grow his own. To illustrate the point he mentioned that Foodies does not sell lottery tickets, magazines or cigarettes. He pointed out that many other places, such as gas stations sell milk or grocery items. Mr. Leon stated Foodies is a 20,000 sq. ft. store and < 2% of it is designated for beer and wine. Mr. Leon stated his merchandising plan requires him to have a variety of products that build on each other.

Mr. Ron Ramseyer, 42 Sunset Road, stated he was shocked that there are two lawyers here tonight to talk about a sign in a window and 522 sq. ft. of space and in "legalistic terms." He feels that it should be the market that determines how stores compete.

Mr. Dan Gale, 337 Chandler ST, spoke in favor of granting the amended conditions. Mr. Gale made very complimentary comments specifically in regard to how Foodies fills a need for the senior citizens of the community with their customer service, variety of products, and willingness to accommodate special dietary requests.

Mr. Alden Ringquist, a longtime Duxbury resident, also had complimentary comments regarding his experience in Foodies and their customer service. He too was in favor of granting the amendments to the license.

Mr. Joe Carroll, Duxbury Wine and Spirits, said it is not a free market situation; it is a license. He said that we are all for the (Foodies) market, but there is a (alcohol) license involved here. To paraphrase Mr. Carroll's example, he said that just because an individual wants to go faster on a posted road and therefore asks for the speed limit increased, does not mean it meets the public need or good.

Ms. Mandy Fariello, 41 Chestnut ST, spoke in opposition. She stated that she does not shop at Foodies, but she is reminded that they are there every day when she hears the delivery trucks. She mentioned that the discussion last year was around the public need for another liquor license. There were significant objections regarding the issuance of a liquor license at that time. She believes that the ten conditions reached were a compromise for the granting of the license versus not granting a license. In her opinion, the conditions should not be changed because there might have been additional objections expressed were it known that the license would not have those conditions.

Mr. Witten asked Atty. Allen if any guidelines had been provided regarding a proposal of the time and the frequency of the wine tastings. Atty. Allen said Mr. Leon did address that at the last meeting with the statement indicating that was to be determined. It was not their intent to hold them daily; likely closer to monthly, as logistically it does take planning to organize them.

Mr. Witten stated that Duxbury Town Counsel's opinion is that two out of the three conditions (i.e., the wine tastings and the exterior advertising) are outside the jurisdiction of the Board. If those conditions were denied and an appeal were filed with the ABCC they would likely be granted. Mr. Witten, in addressing Atty. Allen, stated he thought "that we had an understanding that it was because of the conditions that we were meeting the public good through that compromise."

Atty. Allen stated he views it differently. He feels that the Board, as the licensing authority, sometimes has to impose conditions. The Applicant can appeal the conditions or choose to live with the conditions. Mr. Allen stated he does see the conditions as more unilateral than bilateral situation. He took the opportunity to explain why his client at the time chose "to live with the conditions." Mr. Allen went on to state that now his client does feel that he does need the requested amendments to the conditions for his merchandising plans.

Mr. Witten stated that this is not a referendum on Foodies, but a licensing matter.

Mr. John Britten, 16 Upland Road, asked the Board for clarification of Mr. Troy's opinion. Mr. Witten responded, and Mr. Britten made some followed-up remarks. He said his comments were based upon his experience with a 40B project. In general he does not feel a Board or licensing authority should have to review and change decisions because an applicant is uncertain of his business strategy. Mr. Britten said the Town should not be in the business of bailing out local business. He added that while that comment might not be appropriate here, he felt he had to voice it.

To Mr. Britten's point, Mr. Martecchini responded the Board can impose conditions and theoretically the applicant can appeal. If they choose not to appeal it, then the conditions would stand. A business does have a right to request an amendment. In this case, the time frame to appeal had expired, and therefore, they have filed for the amendment to their license, and the Board must act on that.

Atty. Jon Aieta pointed out that if there is a denial followed by an appeal, it is not automatically a sure thing that the Alcohol Beverage Control Commission (ABCC) would grant the appeal.

Mr. Martecchini pointed out that there are other stores in Duxbury where they have food and liquor, and they have not been restricted as to where it can be displayed. The intent in

imposing the conditions was to address the concerns of people who were felt that it was not going to be a grocery market but had the potential to become a large liquor store.

Mr. Witten said that the foundation for the license is the public convenience (need) and public good. The Board is the licensing authority so if there is an issue it comes to back to the Board. Mr. Witten is concerned as to how they would enforce the square footage if it is "scattered" throughout the store. He was comfortable with the 522 +/- sq. ft originally indicated as it was measured, discreet and verifiable.

Atty. Allen tried to address that concern, by providing a plan with exhibits showing where the displays would be placed. It was his belief that with the plan the inspector could easily verify the approximate footage just by walking through and counting the number of displays.

Atty. Aieta said the Board is the only licensing authority. From what he observed he opined that Foodies is in violation. They are ignoring the violations and now want to adjust the conditions so they won't be in violation. He again opined that an Application for Alteration should have been filed.

Ms. Barbara Ripley, Executive Assistant to the Town Manager, mentioned that she did have conversations with the ABCC and was informed that an Application for Alteration would be necessary if they were physically expanding and especially if the expansion affected the exits. It is not necessary if the change is to the percentage of the floor space to be used for alcohol sales.

Mr. Charles Rogerson, 33 Surplus ST, asked if the public good is the basis for the license? Upon hearing that it is, Mr. Rogerson stated that he thinks it is for the public good that Foodies stays in Duxbury, and therefore that the amendments should be granted if that is what it would take to keep Foodies here because he believes having Foodies in Duxbury does serve the public good.

Mr. Ramseyer spoke again urging the Board to accept a creative solution, which compromises by using a floor plan indicating the potential display locations for the beer and wine that is based on footage, which could be used to visually know that the Foodies was within the agreed to square footage.

Mr. Witten just pointed out that while he tends to agree, but this is not a creative process but rather a licensing matter, which is strictly regulated.

Mr. Vic Leon, the applicant, briefly mentioned that it bothers him that there are other stores that can do things and they do not necessarily have the specific license required for those activities. For example, grocery items sold at a gas station; do they have to have a Common Victualler's License?

Ms. Mandy Fariello: As the licensing board are there consequences to violations? Mr. Witten did indicate that if enforcement actions have been taken then there are.

Motion to close the hearing was then offered.

Mr. Martecchini moved that the Board amend the Annual Wine & Malt Retail Package Store License to Foodies Duxbury, LLC to delete the condition which stated "No exterior advertising permitted for sale of wine or malt"; To delete the condition, which stated "No wine or malt tasting events permitted inside or outside of the store", and (to amend the conditions that read "The area designated for sale of wine and malt shall be limited to the 522 sf (± 10sf) shown on the submitted Drawing R-1 (Fixture Plan) and change that condition to read "the area designated for sale of wine and malt shall be limited to the 522 sf (± 10sf) as shown on the beer and wine merchandising plan submitted by the Law Office of Robert L. Allen Jr., LLP in the letter dated September 19, 2008.

Mr. Witten moved to amend that motion by deleting the third condition. Second by Mr. Martecchini for discussion.

The Board briefly discussed what approval of that amended motion would mean. Mr. Martecchini indicated he could not support the amended motion.

Mr. Witten and Mr. Martecchini, then discussed approaching this with three separate motions; one for each of the conditions. Mr. Witten explained for the benefit of the audience that he and Mr. Martecchini differed in their opinion regarding the third condition. The concern was if all of the conditions were addressed in one motion, then it is likely none of them would pass. By separating the motion to a vote on each of the conditions the vote on one does not affect the others. It was agreed to proceed in this manner.

Mr. Martecchini and Mr. Witten, both withdrew their prior motions.

Motion One: Mr. Witten moved that the Board vote, as the Licensing Authority, to amend the conditions of the Wine & Malt Retail License granted to Foodies Duxbury, LLC by deleting the prohibition of wine and malt tasting events. Second by Mr. Martecchini. VOTE: 2:0:0.

Motion Two: Mr. Witten moved the Board vote, as the Licensing Authority, to amend the conditions of the Wine & Malt Retail License granted to Foodies Duxbury, LLC by deleting the prohibition of exterior advertising. Second by Mr. Martecchini. VOTE: 2:0:0.

Motion Three: Mr. Martecchini moved that the Board vote, as the Licensing Authority, to amend the condition of the Wine & Malt Retail License granted to Foodies Duxbury, LLC "The area designated for sale of wine and malt shall be limited to the 522 sf (\pm 10sf) shown on the submitted Drawing R-1 (Fixture Plan) and replace that condition to read "the area designated for sale of wine and malt shall be limited to the 522 sf (\pm 10sf) shown on the beer and wine merchandising plan submitted by the Law Office of Robert L. Allen Jr., LLP in the letter dated September 19, 2008. Second by Mr. Witten. Vote: 1:1:0 (Mr. Martecchini "aye"; Mr. Witten "nay." *Note: In a split vote with no majority the motion has failed.*)

BUSINESS

Mr. MacDonald said that he has two documents from the Duxbury Police Commanders Association and the Duxbury Police Union. He explained that there is an issue with the flaggers and in our opinion it would not have a big impact within the Town of Duxbury, and therefore he is requesting the Board execute the amendments at this time.

Mr. Witten summarized the action by stating the bottom line is this provides the Police Chief with the discretion on roads, other than State roads, in Duxbury.

Ms. Sullivan voiced her concern that this action is being requested outside the bargaining process. Mr. MacDonald explained that because of legislation the action needed to take place by October 3, 2008.

Mr. Martecchini moved that the Board of Selectmen amend the Bargaining Agreement between the Town of Duxbury and the Duxbury Police Commanders Association to add the following paragraph to section 11.2 of the bargaining agreement effective October 1, 2008:

"The Town and the Association acknowledge that the Chief of Police possesses the discretion to determine the appropriate level of police service in the Town to ensure public safety. Therefore, notwithstanding any regulations or guidelines to the contrary, the Chief of Police has the discretion to require the presence of a sworn Police Officer, employed on a

paid basic, in all instances where there is a street opening or any work to be done on a public way or at any public function in Town. The Chief shall have the further discretion to determine the number of Officers assigned to any such instance necessary to maintain public safety." Second by Ms. Sullivan. Vote: 3:0:0.

Mr. Martecchini moved that the Board of Selectmen amend the Bargaining Agreement between the Town of Duxbury and the Duxbury Police Union to add the following paragraph effective October 1, 2008:

"The Town and the Association acknowledge that the Chief of Police possesses the discretion to determine the appropriate level of police service in the Town to ensure public safety. Therefore, notwithstanding any regulations or guidelines to the contrary, the Chief of Police has the discretion to require the presence of a sworn Police Officer, employed on a paid basis, in all instances where there is a street opening or any work to be done on a public way or at any public function in Town. The Chief shall have the further discretion to determine the number of Police Officers assigned to any such instance necessary to maintain public safety."

Second by Ms. Sullivan. Vote: 3:0:0.

ANNOUNCEMENTS

FLU CLINICS: The Board of Health will hold public Flu Clinics at the Duxbury Senior Center, 10 Mayflower ST, on the following dates and times:

MONDAY, October 6, 2008 from 10:00 AM to NOON

THURSDAY, November 6, 2008 from 10 AM-noon (*CORRECTION Rec'd. 09/30/08*)

THURSDAY, November 13, 2008 from 5:00 PM to 7:00 PM

NOTICE: SHELLFISHING CLOSURE from Don Beers, Harbormaster

Shellfish harvesting in Duxbury is prohibited until further notice due to the amount of rainfall in the past several days. We received notice from the Division of Marine Fisheries during the morning of 9/28/08.

In the past a State closure has lasted approximate 5 days. Sampling occurs on the 4th day, and the Department will post at all landings and provide notice to commercial interests the ongoing status. Any questions should be directed to the Duxbury Harbormaster's Office at: (781) 934-2866

UPCOMING EVENTS:

Thursday, October 2, 2008 U.S.S. Duxbury Bay Memorial Wreath Ceremony

Although the schedule in the paper did indicate a 9 AM start to the ceremony, we believe that the actual ceremony will begin closer to 10 AM.

REMINDER: The Powder Point Bridge will be closed to vehicular traffic prior to and during the ceremony.

Saturday, October 18th: The Ply. Area Chamber of Commerce "Barktober Fest" ("A one-day canine festival") from 11:00 AM – 4:00 PM on the Plymouth Waterfront

MINUTES

Ms. Sullivan moved to approve the Minutes of September 15, 2008 as presented.

Second by Mr. Martecchini. Vote: 2:0:1. (Mr. Witten abstained as he was not in attendance at that meeting.)

COMMITTEE RESIGNATIONS

The Board received resignation letters from Mr. Charles Rourke, who was serving on the Local Housing Partnership, and from Ms. Jackie Barbieri, who served as the King Caesar Fund Intake Case Worker. Both were thanked for their service.

COMMITTEE APPOINTMENTS / RE-APPOINTMENTS

Ms. Sullivan moved to appoint Judith F. Hatch, R.N. as the Intake Case Worker for the King Caesar Fund for a term to expire on June 30, 2011. Second by Mr. Martecchini. Vote: 3:0:0.

Mr. Martecchini mentioned that Mr. Fitzpatrick formerly served as the Chair of the Cable TV Advisory Committee. He has continued on to assist the committee during the current cable negotiations with Comcast and has agreed to be re-appointed as a member.

Mr. Martecchini moved to re-appoint Robert Fitzpatrick to the Cable TV Advisory Committee for a term to expire on June 30, 2010. Second by Ms. Sullivan. Vote: 3:0:0.

BONUS SHELLFISH SEASON

Mrs. Sullivan moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for the month of October, as outlined in the Memorandum dated September 24, 2008 for:

- 1) the commercial harvesting of softshell clams. (Please see Attachment B & C)
- 2) for the commercial harvesting of quahog clams. (Please see Attachment A & C)

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

Mr. Witten announced that the next meeting is scheduled for Monday, October 6th.

Mr. Martecchini moved for adjournment at approximately 9:15 PM. Second by Ms. Sullivan. Vote: 3:0:0.