

Date: March 23, 2009

Date Minutes Approved: March 30, 2009

BOARD OF SELECTMEN MINUTES

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

Absent: No members were absent.

Staff: Richard MacDonald, Town Manager; John Madden, Finance Director; and Barbara Ripley, Executive Assistant.

The meeting was called to order at 6:45 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.

RE-CONVENED IN OPEN SESSION:

At approximately 7:02 PM and the Chair explained that the Board had been in an Executive Session regarding a matter involving the King Caesar Fund.

OPEN FORUM

No items were discussed.

FARMER'S MARKET

Ms. Linda Collari and Ms. Laura Doherty were present to represent DFAM (Duxbury Farmers' & Artisans' Market). They presented a parking plan for the Tarkiln Center. Duxbury Youth Baseball uses the Tarkiln Fields, beginning at 5:30 PM on weekdays. Therefore, DFAM would like to hold the market between 1:00 PM and 5:00 PM, or between 12:30 PM and 4:30 PM on Wednesdays.

Ms. Sullivan said that the use of Town-owned property for a commercial venture could be problematic. She said that there are legal and insurance issues involved. Ms. Collari and Ms. Doherty said that they are in the process of becoming a non-profit, and will be creating their bylaws this week.

Mr. Martecchini said that there could be complications with the Tarkiln construction, which should begin shortly.

Mr. Witten proposed that the Town Manager investigate the insurance and legal issues, and that the matter be put back on the agenda for April 6.

LOCAL HISTORIC DISTRICT STUDY COMMITTEE

Mr. Dennis Murphy, 290 High Street, was present to ask the Selectmen to establish a Local Historic District Study Committee. He hopes that a historic district can be created for High Street. In 1991, a Town Meeting article aimed at creating a historic district on High Street failed by only 18 votes.

Ms. Barbara Kiley, member of the Duxbury Historical Commission (DHC), was present. She said that the DHC has not yet voted on this proposal. However, she said that several members have mentioned this idea as one of the next big projects for the DHC, now that the push for the Tarkiln project funding is over.

Requirements for the Committee were discussed. Massachusetts General Laws require that the Local Historical Society, the Board of Realtors, and the American Institute of Architects be invited to nominate members. Town bylaws require that members be Duxbury residents. It was noted that it will up to the committee to decide whether to propose an historic district, and if so, where it will be.

It was agreed that the Town Planner would have knowledge that would be helpful in this effort, and that this could be discussed with the Planning Board.

Mr. Martecchini moved to establish, under the provision of Massachusetts General Law Chapter 40C, General Laws, a Local Historic District Study Committee consisting of seven members, which shall make an investigation and report on the historic significance of the buildings, structures, features, sites or surroundings included in such proposed local historic district or districts as the committee may recommend, and shall submit a final report with its recommendations after a public hearing, together with a map of the proposed district or districts and a draft of the proposed bylaw, to the Town Meeting. Second by Ms. Sullivan.

Under discussion of the motion, Mr. Witten asked whether it would be advisable to include alternate members. Mr. Martecchini and Mr. Murphy advised against this. Mr. Martecchini said that alternate members must sit through many meetings, but cannot vote. He would prefer not to ask someone to do this for the Historic District Study Committee.

Next, a vote was taken, and the motion passed 3:0:0.

Mr. Witten asked that the agenda for May 11, 2009 include making appointments for the committee.

LAND USE FORUM

Mr. Witten suggested that the Selectmen set-up a second Land Use Forum for Boards and Committees involved with land use issues. Ms. Ripley will try to set this up for May 13th or 20th.

EVENT PERMIT: BEST BUDDIES CHALLENGE ON MAY 30, 2009

Mr. Martecchini moved that the Board grant permission for participants in the tenth annual Best Buddies Challenge bicycle ride to travel through Duxbury and to use the Duxbury Middle School as a rest stop, contingent upon the conditions listed on the event permit. Second by Ms. Sullivan. Vote: 3:0:0.

TOWN MANAGER BRIEF

Green Communities Act: The Town of Duxbury has provided information to the State about possible energy projects.

Cable Television: Negotiations continue with COMCAST, and are beginning with VERIZON.

Budget: Work on the FY2011 budget has begun. Mr. MacDonald will keep the Selectmen and citizens informed as to whether we receive money from the federal economic stimulus package.

AMERICAN FOREIGN SERVICE STUDENTS

Mr. Martecchini moved that the following American Foreign Service students be named honorary citizens of the Town of Duxbury: Bernardo Neves, Catrine Sigstadstoe, and Vanessa Wirzberger. Second by Ms. Sullivan. Vote: 3:0:0.

ANNOUNCEMENTS

Annual Town Election: The Annual Town Election will be held on Saturday, March 28, 2009 from 8:00 AM to 8:00 PM at the T. Waldo Herrick Memorial Gymnasium, Duxbury Middle School, St. George Street.

Open House at Fire Station: Mr. Martecchini noted that there was an Open House at the Fire Station on Saturday, March 21. Citizens were generally surprised by the deteriorating conditions of the Main Fire Station.

Ballot Questions: Mr. Martecchini noted that there will be six ballot questions on the Town Election Ballot. These represent the second step in funding projects that were approved at Town Meeting: Percy Walker Pool, Public Safety Buildings, and School Department projects. All of the questions represent debt exclusions. The period of borrowing varies between four and twenty years, depending on the project.

MINUTES

Mr. Martecchini moved to accept the minutes of March 9, 2009 with the following amendment: On page six, at the end of paragraph 2, insert "Mr. Murphy indicated that the Zoning Board of Appeals will entertain the commercial aspects of this project on their own merits." Second by Ms. Sullivan. Vote: 3:0:0.

NORTH HILL GOLF COURSE

Mr. Jason Laramee, a representative of Johnson Golf Management, apologized for missing the Open Forum portion of the meeting, and began to address the Board. He said that the Board had disapproved the renewal of the liquor license for Johnson Golf Management for the North Hill Country Club, because at the time, Johnson Golf did not have control over the premises. However, since that time, there has been a court judgment, granting control over the premises to Johnson Golf. Mr. Laramee asked whether the Board would look favorably on an appeal of that denial. Mr. Witten and Mr. MacDonald responded that, since the Town and Johnson Golf Management are currently in litigation over the management of the golf course, that all correspondence and discussion should be through legal counsel.

Board of Selectmen
Date: March 23, 2009
Page 4

ADJOURNMENT

**Mr. Martecchini moved that the meeting be adjourned at 8:08 PM. Second by Ms. Sullivan.
Vote: 3:0:0.**