

**Date: May 11, 2009**

*Date Minutes Approved: May 18, 2009*

## **BOARD OF SELECTMEN MINUTES**

**Present:** Elizabeth Sullivan, Chair; Christopher Donato, Vice-Chair, and Jon Witten, 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.

### **EXECUTIVE SESSION**

At 6:45 PM, Ms. Sullivan moved that the Board enter Executive Session, in order to discuss recommendations from the King Caesar Advisory Committee, which are of a confidential nature as they relate to the provision of relief for the poor and elderly citizens of Duxbury. Second by Mr. Witten. Roll Call Vote: Ms. Sullivan---aye; Mr. Donato---aye; and Mr. Witten---aye.

### **END EXECUTIVE SESSION**

At 7:05 PM, Ms. Sullivan moved that the Board end the Executive Session, and then convene in Open Session. Second by Mr. Witten. Roll Call Vote: Ms. Sullivan---aye; Mr. Donato---aye; and Mr. Witten---aye.

### **OPEN FORUM**

No items were discussed.

### **PUBLIC MEETING FOR THE USE OF THE MILLENIUM TOWN GREEN/ South Shore Conservatory for the Duxbury Music Festival**

(Abutters within 300 feet of the Town Green were notified via U.S. mail of the Public Meeting.)

Present for the South Shore Conservatory were: Ms. Laura Carleton and Ms. Judy Gagnon. They explained that this is the fourth annual festival. As in previous years, they are requesting permission to erect a tent on the Town Green, and to conduct various musical and social events.

There were no comments from the general public.

Mr. Witten moved that the Board grant permission to Ms. Laura Carleton, as a representative of the South Shore Conservatory, to hold a portion of the Duxbury Music Festival on the Duxbury Town Green from Thursday, July 16 to Sunday, July 19, subject to the seven conditions listed on the permit. Second by Mr. Donato. Vote: 3:0:0.

Mr. Witten moved that the Board grant a One-Day Wine & Malt License to Ms. Laura Carleton, as a representative of the South Shore Conservatory, for a Welcome Dinner to be

held on Thursday, July 16, on the Duxbury Town Green, and also that the Board grant Ms. Laura Carleton a One-Day All-Alcohol License for a concert to be held on Saturday, July 18, on the Town Green, both licenses subject to five conditions listed on the permits. Second by Mr. Donato. Vote: 3:0:0.

**ONE-DAY LIQUOR LICENSE REQUEST: CHARLES LEONARD FOR THE DUXBURY BAY MARITIME SCHOOL / Reception on May 22, 2009**

Mr. Witten moved that the Board grant a One-Day All-Alcohol License for a reception to be held at the Duxbury Bay Maritime School on Friday, May 22, 2009 from 6:30 PM to 11:30 PM, subject to the eight conditions listed on the permit. Second by Mr. Donato. Vote: 3:0:0.

**EVENT PERMIT REQUEST: EVAN SOBRAN / RIDE & DRIVE ON DUXBURY BEACH / May 30 & 31, 2009**

Mr. Sobran explained that the purpose of this event is to educate people about newer, smaller, more fuel efficient sport utility vehicles that can be driven on the beach. In turn, the event will raise funds for the Duxbury Student Union (DSU).

He explained that auto dealerships will demonstrate a total of six to ten new vehicles. Their participation fee of \$100.00 will go to the DSU. Beach visitors may try the vehicles for \$5.00 per ride.

Mr. Witten questioned whether the Board of Selectmen may grant a permit for activities on Duxbury Beach, since Duxbury Beach is owned by the Duxbury Beach Reservation. Ms. Ripley explained that, under the terms of the Town's beach lease, the Town may authorize activities, so long as they are in compliance with the Endangered Species Act. Ms. Sullivan added that the President of the Duxbury Beach Reservation, Ms. Kearney, was consulted about the activity and gave her permission.

Mr. Witten urged Mr. Sobran to get permission from the Trustees of the Duxbury Beach Reservation in writing.

Mr. Witten moved that the Board grant permission for Mr. Evan Sobran to conduct a fundraiser for the Duxbury Student Union, the "Duxbury Beach Ride & Drive", on Saturday and Sunday, May 30 & 31, from 10:00 AM to 2:00 PM, subject to the conditions listed on the permit, and subject to permission from the Trustees of the Duxbury Beach Reservation. Second by Mr. Donato. Vote: 3:0:0.

**MEETING OF THE WATER & SEWER COMMISSIONERS**

Ms. Sullivan moved that the Board adjourn as Selectmen, and re-convene as Water & Sewer Commissioners. Second by Mr. Witten. Vote: 3:0:0.

Present for the discussion were: Mr. Paul Anderson, Water Superintendent; and Mr. Peter Buttkus, DPW Director.

**Commitment of Charges:** Mr. Donato moved that the Board approve charges for water sewer and service, amounting in the aggregate to \$470,478.45, and that these charges be committed for collection. Second by Mr. Witten. Vote: 3:0:0.

**Mandatory Water Restrictions:** Mr. Anderson explained that the Department of Environmental Protection (DEP) has mandated that the Town reduce its water consumption to 65 gallons per person per day. Currently, our usage is 82 gallons per day. He said that the DEP mandate does not really make sense in Duxbury, since we have plenty of water

available. However, we have to abide by their regulations. He explained that this will not affect private wells. It only affects users of municipal water. Also, since separate wells have been dug for the Town playing fields and golf course, watering of those fields will not be affected.

Mr. Witten explained that water from separate/private wells and municipal water actually come from the exact same source. The difference is only that the water taken from separate/private wells is not measured by the Town. So, he feels it is not appropriate for the Town to be excused from the restrictions for field maintenance. Ms. Sullivan disagreed, saying that she would not like to see assets, such as the golf course and playing fields, be harmed.

Mr. Witten added that, if Townspeople are subjected to mandatory water restrictions, they may wonder why we are giving water away to Marshfield in certain circumstances.

The proposed water restrictions call for restricting odd-numbered houses to Mondays, Wednesdays, and Fridays between the hours of 5:00 AM and 8:00 AM only; and for restricting even-numbered houses to Tuesdays, Thursdays, and Saturdays during those same hours; with no watering on Sundays. After discussion, it was decided that the Water Superintendent should look at changing the hours of operation, since they may be too early for many people. Also, it was suggested that watering be allowed on Sundays, since many working people are only able to do yardwork on weekends. Finally, it was suggested that the fines be examined, to see if a warning could be issued first.

#### **ADJOURN MEETING OF WATER & SEWER COMMISSIONERS**

At 8:02 PM, Ms. Sullivan moved that the Water & Sewer Commissioners adjourn, and reconvene as the Board of Selectmen. Second by Mr. Donato. Vote: 3:0:0.

#### **PAT LORING: CONSERVATION RESTRICTION FOR BERRYBROOK FIELDS**

Ms. Loring explained that the Berrybrook property was purchased with Community Preservation Act funds at the 2008 Annual Town Meeting. It is required that Towns protect lands purchased with CPA funds with permanent restrictions. The Conservation Restriction has been prepared for this property, which she described as "spectacular".

Mr. Witten moved that the Board grant a Conservation Restriction to the Wildlands Trust of Southeastern Massachusetts, on land located on Winter Street in Duxbury. Second by Mr. Donato. Vote: 3:0:0.

#### **NOMINATIONS FOR A LOCAL HISTORIC DISTRICT STUDY COMMITTEE**

Mr. Murphy explained that nominations came in from the Local Historical Society, the local Board of Realtors, and the American Institute of Architects. He is looking forward to the committee being named.

Ms. Lynne Devnew, member of the Duxbury Historical Commission said that the idea of a local historic district is very appealing to the Commission. However, the Commission might have recommended doing a town-wide study (which could consider Neighborhood Conservation Districts as well), instead of appointing a Local Historic District Study Committee. Nonetheless, the two avenues may well end up with the same result.

Ms. Sullivan moved that the following people be appointed as members of the Local Historic District Study Committee:

**Name & Affiliation**

Mr. Terry Vose, Duxbury Historic Commission  
Ms. Georgia Taft Pye, Plymouth and South Shore Association of Realtors (PASS)  
Ms. Donna Wood, (PASS)  
Ms. Pamela Campbell Smith, Architect  
Mr. Peter Smith, Architect  
Mr. James Hartford, Duxbury Rural & Historical Society (DRHS)  
Mr. Lee Kennedy, DRHS  
Alternate: Mr. James R. Kimball, Jr., American Institute of Architects (AIA)  
Alternate: Ms. Renee Mierzejewski, AIA  
Alternate: Mr. William S. Thayer, AIA

Second by Mr. Donato. Vote: 3:0:0.

Ms. Sullivan said that she will be the Selectmen liaison to the committee, and will attend the first meeting, which will occur on May 27, 2009 at 7:30 PM---Location to be determined.

*(Later in the meeting, it was noted that the Massachusetts Historical Commission call for the appointments to be for three-year staggered terms. Mr. Donato moved to amend the vote such that Ms. Ripley would randomly assign term expiration dates for each member, so that there would be three-year staggered terms. Second by Mr. Witten. Vote: 3:0:0.)*

**NOMINATION FOR NATIONAL REGISTER: TARKILN BUILDING**

Mr. Norman Tucker announced that consideration of the Tarkiln Building for inclusion in the National Register of Historic places has been set for June 10, 2009. A letter of support for the nomination was requested of the Board.

Mr. Witten moved that the Board of Selectmen endorse the nomination of the Tarkiln Community Center for inclusion in the National Register of Historic Places. Second by Mr. Donato. Vote: 3:0:0.

**ONE-DAY LIQUOR LICENSES**

- 1) Mr. Donato moved that the Board grant a One-Day Wine & Malt license to Mr. John Hamilton, as a representative of the Duxbury Council on Aging, in order to hold a Kennedy Retrospective Show at the Duxbury Senior Center on May 17, 2009, subject to the five conditions listed on the permit. Second by Mr. Witten. Vote: 3:0:0.
- 2) Mr. Donato moved that the Board grant a One-Day Wine & Malt license to Mr. John Hamilton, as a representative of the Duxbury council on Aging, in order to hold a golf banquet at the Duxbury Senior Center on June 1, 2009, subject to the five conditions listed on the permit. Second by Mr. Witten. Vote: 3:0:0.
- 3) Mr. Witten moved that the Board grant a One-Day Wine & Malt license to Mr. Alden Ringquist, as a representative of the Alden Kindred Society of America, Inc. in order to hold the "Speak for Thyself" banquet at the Duxbury Senior Center on June 20, 2009, subject to the five conditions listed on the permit. Second by Mr. Donato. Vote: 3:0:0.
- 4) Mr. Witten moved that the Board grant a One-Day Wine & Malt license to Mr. Alden Ringquist, as a representative of the Alden Kindred Society of America, Inc. in order

to hold a golf banquet at the Duxbury Senior Center on September 28, 2009, subject to the five conditions listed on the permit. Second by Mr. Donato. Vote: 3:0:0.

- 5) Mr. Witten moved that the Board grant a One-Day All-Alcohol license to Mr. Patrick Browne, as a representative of the Duxbury Rural & Historical Society in order to hold a wedding at the Nathaniel Winsor, Jr. House on May 24, 2009, subject to the six conditions listed on the permit. Second by Mr. Donato. Vote: 3:0:0.

#### TOWN MANAGER'S BRIEF

**Island Creek Oysters:** Mr. MacDonald explained that 150,000 Island Creek Oysters have been placed in the Charles River in order to clean the water. This was featured in a recent *Boston Globe* article.

**Budget:** The Town Manager and Finance Director have been watching the State budget situation very closely. The news is very troubling for local cities and towns.

#### ANNOUNCEMENTS

**Shellfish Closing:** The Division of Marine Fisheries has reclassified that section of the Bluefish River known as Bluefish River, South (CCB46.1) to "Conditionally Approved" and the status of the area has been changed to "Closed to Shellfishing" from May 1<sup>st</sup> through October 31<sup>st</sup>. The area is described as "the waters and flats of the Bluefish River in the Town of Duxbury, northwesterly of a line drawn from Long Point to Maxfield Point and southerly of a line drawn from Thompson's Pier to Long Point." The status will not automatically revert to "Open to Shellfishing" on November 1, 2009, but will remain closed until examined by the Division and notification is made that the area has been placed in the open status.

**Dogs on Duxbury Beach:** Ms. Sullivan announced that anyone wishing to bring a dog on Duxbury Beach must have a dog-walking permit, and that dogs **MUST** be leashed. Violators will be fined. If dogs are found to be on the beach without a lease, the Town may lose its right to use the beach, due to the threat to endangered species.

**Land-Use Summit:** There will be a joint meeting of Land Use Boards on Wednesday, May 20 at 7:30 PM at the Duxbury Senior Center. The public is invited.

**Percy Walker Pool:** The pool may be closed, effective July 1, 2009 for renovations.

**Reception:** There will be a reception on Tuesday, May 12, 2009 from 5:00 PM to 7:00 PM at the Duxbury Senior Center to honor former Selectmen Andre Martecchini. The public is invited.

#### MINUTES

Mr. Witten moved that the Board approve the minutes of April 27, 2009 as amended. Second by Mr. Donato. Vote: 3:0:0.

Mr. Donato moved that the Board approve the minutes of May 4, 2009 as written. Second by Ms. Sullivan. Vote: 2:0:1 (Mr. Witten abstained.)

Mr. Witten moved that the Board approve the Executive Session minutes of October 28, 2008 and December 8, 2008, to be kept sealed until the need for confidentiality has passed. Second by Mr. Donato. Vote: 2:0:1 (Mr. Donato abstained.)

**APPOINTMENT**

**Mr. Donato moved that the Board appoint Ms. Jill Cadigan-Christenson to the Board of Appeals, for a term to expire on June 30, 2011. Second by Mr. Witten. Vote: 3:0:0. Prior to the vote, Mr. Donato said that she is a very talented person who will make a great addition to the Board. Ms. Sullivan said that she had spoken with the Chairman of the Board of Appeals, who would be pleased to have Ms. Cadigan-Christensen as a member.**

**Mr. MacDonald took the opportunity to thank Mr. Joseph Maher, who stepped down from the Board of Appeals due to illness, and who had made an excellent contribution to the Board.**

**ADJOURNMENT**

**Mr. Donato moved for adjournment of the meeting at 9:05 PM. Second by Mr. Witten. Vote: 3:0:0.**