

Date: March 30, 2009

Date Minutes Approved: April 6, 2009

BOARD OF SELECTMEN MINUTES

Present: Jon Witten, Chair; Elizabeth Sullivan, Vice-Chair, and Christopher Donato, newly-elected member.

Absent: No members were absent.

Staff: Richard MacDonald, Town Manager; John Madden, Finance Director; and C. Anne Murray, Department Secretary.

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

SWEARING-IN OF NEW TOWN OFFICIALS

As has been the Duxbury tradition, at the first Board of Selectmen's meeting following the Annual Town Elections the newly-elected officials are invited to be sworn in. The elected officials were invited up and Ms. Nancy Oates, Town Clerk, administered the standard oath of office to the following individuals:

Christopher Donato (Selectman)
John P. Heinstadt (School Committee)
Allen M. Bornheimer (Moderator)
Josh S. Cutler (Planning Board)
George D. Wadsworth (Planning Board)
Linda M. Collari (Assessor)
Paula S. Harris (Library Trustee)
Laney S. Mutkoski (Library Trustee)

All the newly-elected officials were congratulated. Mr. Donato was welcomed as the newly-elected member of the Board of Selectmen.

RECOGNITION OF ANDRE MARTECCHINI

On behalf of the Board and the community, Mr. Witten expressed thanks to Mr. Andre Martecchini for his many, many years of dedicated service to the Town. In doing so Mr. Witten noted that Andre served as a Selectman for twelve years, of which four years were as the Chair, and that Andre was a Member of CPZBIC (the Comprehensive Plan/Zoning Bylaw Implementation Committee). As part of his duties as a Selectmen Mr. Martecchini served as the Board of Selectmen liaison on many committees a list of which were read. It was also noted that Mr. Martecchini was an advocate for making Duxbury a greener place through his work on the Pay-As-You-Throw (PAYT) initiative and on the Alternative Energy Committee.

Mr. Witten stated that as a public servant Andre truly listened to all sides of an issue, he carefully weighed the pros and cons in thoughtful deliberation, and made his decisions on what he truly believed was in the best interest of Duxbury. Mr. Martecchini was lauded by his colleagues for his demeanor and strong work ethic.

OPEN FORUM

Nothing was brought forward for discussion.

RE-ORGANIZATION OF THE BOARD OF SELECTMEN

It has been the Board's practice to re-organize the Board of Selectmen at the first meeting after the Annual Town Election, and to rotate the chairmanship.

Mr. Witten moved that the Board be re-organized by appointing Ms. Elizabeth H. Sullivan as its Chair, Mr. Christopher Donato as its Vice-Chair, and himself (Mr. Jonathan D. Witten) as its Clerk. Second by Ms. Sullivan. Vote: 3:0:0.

Following the re-organization vote Ms. Sullivan assumed the Chair for the rest of the meeting.

COMMON VICTUALLER'S LICENSE: SCOOPS ICE CREAM: Rich Michelson (new owner)

Prior to discussing this matter of business Mr. Witten disclosed that Mr. Michelson is a friend of his, and that Mr. Michelson's son and his son have grown-up together. Mr. Witten stated he does not believe this is a conflict of interest as there is no financial interest.

Mr. Michelson indicated that he has purchased Scoops from the prior owner. He said that he plans to run Scoops, the ice cream shop at Hall's Corner, as it has been in the past with the same hours of operation. The hours will be 3 PM to 8 PM on weekdays and 11 AM to 9 PM on weekends. Pending approval of the Common Victualler's License and inspection by the Board of Health he hopes to be open for business this weekend.

Mr. Witten moved that the Board of Selectmen grant a Common Victualler's License to Richard A. Michelson d/b/a "Scoops", contingent on the following: completed Workers' Compensation Affidavit, Proof of Workers' Compensation coverage, completed Massachusetts Revenue Enforcement and Protection (REAP) Attestation, and adherence to all Board of Health and Inspectional Services Department Regulations. Second by Mr. Donato. Vote: 3:0:0.

BUSINESS

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

1. **Transfer Station stickers expire on March 31st.** If residents have not purchased their sticker, they may download the application from the town website (www.town.duxbury.ma.us) or stop by the Treasurer/Collector's office at town hall.
2. **Bay State Gas Fuel Assistance Information:** Bay State Gas has sent information to the Town Manager's office regarding how individuals struggling to pay for fuel can apply for fuel assistance. Anyone who needs fuel assistance is encouraged to contact the Town Manager's office to obtain information.
3. **Resignation of Ms. Beth Conway, Duxbury Town Treasurer:** Mr. MacDonald announced the resignation of Ms. Beth Conway, the Duxbury Town Treasurer. He said Ms. Conway has been taking courses for advanced financial credentials and had candidly let the Town Manager and Finance Director know that upon completion it was her intention to seek another position. Mr. MacDonald and the Board commented on what a valued employee Ms. Conway has been and wished her all the best in her new position.

ANNOUNCEMENTS

Ms. Sullivan announced that Commercial Shellfish Applications are available in the Board of Selectmen's Office. The Commercial Shellfish Applications can be submitted during the month of APRIL only. Applicants must be Duxbury residents and have a Massachusetts Commercial Fisheries license showing "endorsed shellfish." The Massachusetts Commercial Fisheries license can be obtained through the Department of Marine Fisheries in Boston. For additional information please contact C. Anne Murray in the Board of Selectmen's Office.

MINUTES

Mr. Witten moved that the Board accept the (Open Session) Minutes of March 23, 2009 as written. Second by Mr. Donato. VOTE: 2:0:1. (Mr. Donato abstained as he was not a seated member of the Board of Selectmen on March 23, 2009.)

Mr. Witten moved that the Board accept the Executive Session Minutes of March 23, 2009, as written and to remain sealed due to medical confidentiality. Second by Mr. Donato. VOTE: 2:0:1. (Mr. Donato abstained as he was not a seated member of the Board of Selectmen on March 23, 2009.)

BONUS SHELLFISH SEASON (FOR APRIL 2009)

Mr. Witten moved that the Board of Selectmen Declare a temporary Bonus Shellfish Season for:

- 1) the commercial harvesting of softshell clams for the month of April. Regulations as attached to posting. (Please see Attachment B & C)
- 2) the commercial harvesting of quahog clams for the month of April. Regulations as attached to posting. (Please see Attachment A & C)
- 3) the recreational harvesting of Soft Shelled Clams for the month of April. Regulations as attached to posting. (Please see Attachment D)

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

Prior to going into Executive Session the following items were mentioned to be taken up at upcoming Selectmen's meetings:

1. Board of Selectmen assignments as liaisons to the various Boards and Committees: A handout was distributed to the Board and Ms. Sullivan requested that the Selectmen review it so they could discuss the assignments at the next Board of Selectmen meeting.
2. Tarkiln Study Committee: Mr. Witten requested that the Tarkiln Study Committee be put on the next Selectmen's agenda as the Committee has some items they would like to discuss with the Selectmen.
3. Public Safety Buildings: Ms. Sullivan also raised the need to have a discussion about the Public Safety Buildings as the questions for funding did not pass on the ballot. Mr. MacDonald suggested he would like to sit down with some of the Public Safety Building Feasibility Study Committee (PSBFSC) members and think about a different philosophy or strategy for educating the public on the needed repairs to the buildings. The Board briefly discussed potential funding for the immediate urgent needs, such as a leaking roof and a failing boiler, but no conclusions were reached or votes taken.

ENTERED EXECUTIVE SESSION (RE: Litigation and King Caesar Fund)

Ms. Sullivan moved the Board of Selectmen go into Executive Session to discuss strategy with respect to litigation since an open meeting may have a detrimental effect on the town's litigating position, and to discuss matters regarding the King Caesar Fund, 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 Mass. General Laws Chapter 39, Section 23b, and then to reconvene in open session for the purpose of adjournment. Second by Mr. Witten. Roll Call Vote: Mr. Witten "aye", Ms. Sullivan "aye", Mr. Donato "aye".

After the public exited the Mural Room the Board conducted the business of the Executive Session.

RE-CONVENED IN OPEN SESSION FOR PURPOSE OF ADJOURNMENT

At approximately 8:08 PM the Board re-convened in Open Session and Ms. Sullivan moved that the meeting be adjourned. Second by Mr. Witten. Vote: 3:0:0.