

Date: September 20, 2010

Date Minutes Approved: September 27, 2010

BOARD OF SELECTMEN MINUTES

Present: Shawn Dahlen, Chair; Elizabeth Sullivan, Vice-Chair; and Christopher Donato, Clerk.

Absent: No members were absent.

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

Meeting convened at 7:00 PM in Open Session.

OPEN FORUM

No items were brought forward for discussion.

SELECTION OF COVER PHOTO FOR ANNUAL TOWN REPORT

At the August 9, 2010 Selectmen's meeting an announcement was made that the Selectmen were initiating a photo contest with the winning photos to appear on the front cover, back cover and inside front page on/in the Annual Town Report. Tonight the photo entries were displayed on the front table and the Selectmen faced the difficult task of choosing the three winning photos. It was noted that all the entrants had given permission for their photos to be either featured inside the report, and/or in other Town promotional materials.

Mr. Dahlen, Mr. Donato, and Ms. Sullivan discussed their choices, but by unanimous agreement chose the following:

Front Cover:	Barbara L. Van Dingstee	Bonfire Pallets
Back Cover:	Bob Doyle (submission) / David Grossman (photographer)	"Got Oysters?"
Inside Front Page:	Linda Baker	Path to Beach

The Selectmen extend their thanks to all who submitted photos and their congratulations to the winning entries.

HEARING: POSSIBLE CONTRACT VIOLATIONS / JOHNSON GOLF MANAGEMENT, INC. / NORTH HILL COUNTRY CLUB

At 7:10 PM Mr. Dahlen introduced Town Counsel Robert Troy, and asked Mr. Troy to limit his comments at this time to just provide an explanation as to why the hearing would not be going forward tonight. Mr. Dahlen suggested, after the Open Meeting business is completed, that the Selectmen go into an Executive Session at the end of the meeting to discuss strategy with respect to the litigation involving the North Hill Country Club.

Mr. Robert Troy, Duxbury Town Counsel, explained that the Town received notice on Friday afternoon that Mr. Johnson's Attorney had gone to Middlesex Superior Court and brought an emergency motion for a Temporary Restraining Order before Judge Smith. Judge Smith is the justice, who has been sitting on the case. Judge Smith invoked a temporary restraining order until Thursday (Sept. 23rd) at 2 PM when a hearing has been scheduled. Mr. Troy indicated the Town intends to oppose the injunction. In response to a question from Ms. Sullivan, Mr. Troy did say the restraining order was limited to postponing tonight's scheduled hearing.

BUSINESS

ONE-DAY LIQUOR LICENSE REQUESTS / Linda Herrick for Duxbury Bay Maritime School / Reception on October 2, 2010

Mr. Dahlen recused himself from the discussion and vote on this business item (because he is a Director of the Duxbury Bay Maritime School). He turned the chair over to Ms. Sullivan.

Ms. Sullivan questioned whether there was a time limit on the number of hours allowed for an open bar, as she thinks it may be limited to 5 hours and the requested license is for 6 hours. As this point could not be answered on the spot it was agreed to approve the license with further investigation of the hours allowed to be done and conveyed when it is issued.

Ms. Sullivan moved that the Board of Selectmen grant to Ms. Linda Herrick, as a representative of Duxbury Bay Maritime School, a One-Day All-Alcohol License to hold a wedding reception at Clifford Hall/Duxbury Bay Maritime School, Washington Street, on Saturday, October 2, 2010 from 4:30 PM to 10:30 PM, contingent upon conditions listed on the license and Ms. Ripley's investigation regarding the number of hours allowed. Second by Mr. Donato.

VOTE: 2:0:0. (Mr. Dahlen recused himself and did not vote.)

TOWN MANAGER BRIEF

Mr. MacDonald mentioned the following items:

1. **Harbor Dredging:** Mr. MacDonald said that Harbormaster Don Beers has informed him that we will be beginning the process of the harbor dredging. This is a long process that involves many federal, state, and local licenses and permits which must be reviewed and issued. He has asked that the Harbormaster keep him informed and he in turn will keep the Board informed. He suggested that at a future date he plans to have the Harbormaster come before the Board to explain the process and the status at that time.
2. **Duxbury Triathlon:** the Duxbury Triathlon was held this weekend without incident. Mr. MacDonald recognized that was in large part due to the coordinated efforts of the organizers, the Harbormaster, the Duxbury Fire staff, and Duxbury Police staff. He understands that 640 entrants participated.
3. **Budget Updates:** All the budgets have been submitted and review of them will now begin, with presentation to the Selectmen expected to be in December. The Capital Budget requests were submitted a couple of weeks ago, and they will be reviewed by the Fiscal Advisory Committee for their recommendations. Ms. Sullivan congratulated the Dept. Heads as this is the earliest she recalls the budget process getting underway.

MINUTES

Ms. Sullivan moved that the Board accept the Minutes of September 13, 2010, as amended to reflect the correct date. Second by Mr. Donato. **VOTE: 3:0:0.**

BOARDS AND COMMITTEES: APPOINTMENTS

The following committee appointments were made. All votes were unanimous (3:0:0):

<u>Committee</u>	<u>Name</u>	<u>Appt. or Re-Appt.</u>	<u>Term to Expire</u>	<u>Motion</u>	<u>Second</u>
Duxbury Cultural Council	Janet "Jan" Schwartz	Appt.	6/30/13	Ms. Sullivan	Mr. Donato
Highway Safety Committee	Patrolman Timothy Wigmore (Police Representative)	Appt.	6/30/13	Mr. Dahlen	Mr. Donato
Local Housing Partnership	Leslie Lawrence	Appt.	6/30/13	Mr. Dahlen	Mr. Donato

OLD BUSINESS - No old business was brought forward for discussion.

NEW BUSINESS – No new business was brought forward for discussion.

ENTERED EXECUTIVE SESSION

Ms. Sullivan moved that the Board of Selectmen go into an 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 reconvene in Open Session afterwards solely for the purpose of adjournment, in accordance with Mass. General Laws Chapter 39, Section 23b. Second by Mr. Donato.

In accordance with Open Meeting Law, Mr. Dahlen, as the Chair, declared that the public discussion of strategy with respect to litigation may have a detrimental effect on the negotiating position of the governmental body, and therefore warrants discussion in an Executive Session.

ROLL CALL VOTE: Mr. Donato "aye"; Mr. Dahlen "aye"; Ms. Sullivan "aye".

RE-CONVENED IN OPEN SESSION

Having completed the business of Executive Session the Selectmen reconvened in Open Session and immediately voted to adjourn.

ADJOURNMENT

Ms. Sullivan moved to adjourn the meeting at 8:40 PM. Second by Mr. Donato. Vote: 3:0:0.