

Date: September 27, 2010

Date Minutes Approved: October 4, 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.

CONVENED & ENTERED EXECUTIVE SESSION

The Selectmen convened at 6:32 PM in Open Session and immediately Mr. Dahlen moved that the Board of Selectmen go into an Executive Session 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. Second by Mr. Donato.

In accordance with Open Meeting Law, Mr. Dahlen, as the Chair, declared that because of medical confidentiality the discussion of financial assistance to King Caesar Fund cases does warrant 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 re-convened at 7:00 PM in Open Session.

OPEN FORUM

No items were brought forward for discussion.

WATER & SEWER COMMISSIONERS: VOLUNTARY RESTRICTIONS

Ms. Sullivan moved that the Board of Selectmen adjourn the meeting as Selectmen in order to meet as the Water & Sewer Commissioners, with the intent of re-convening as Selectmen afterward. Second by Mr. Donato. VOTE: 3:0:0.

Mr. MacDonald mentioned that earlier this summer while many Towns had mandatory water bans, Duxbury implemented a voluntary water ban. Thanks to the response of the community Mr. Mackin, the Water Superintendent, is now recommending that the voluntary water ban can be lifted. Mr. MacDonald took the opportunity to acknowledge the work of Mr. Buttкус, DPW Director, and Mr. Mackin, Water Superintendent, and their staffs.

Ms. Sullivan moved that the Duxbury Water and Sewer Commissioners lift the voluntary restrictions on outdoor watering that were imposed on July 12, 2010. Second by Mr. Donato. VOTE: 3:0:0.

Ms. Sullivan moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen. Second by Mr. Donato. VOTE: 3:0:0.

UPDATE ON GATRA SERVICE (Greater Attleboro Transportation Regional Authority) / Frank Gay

This item was tentatively placed on the agenda, but due to a scheduling conflict had to be postponed.

JOINT MEETING WITH PLANNING BOARD: FILL PLANNING BOARD VACANCY

Present from the Planning Board were: Ms. Amy MacNab (Chair), Mr. John Bear, Mr. Josh Cutler, Ms. Cynthia Ladd-Fiorini, Mr. George Wadsworth, and Brendan Halligan.

Mr. Harold Moody recent resigned from the Planning Board so the joint meeting tonight was to fill the open seat. It was explained that Chapter 41 Section 81A of the Massachusetts General Laws states that, "If the members of a planning board are elected, any unexpired term shall be filled by appointment by the Board of Selectmen and the remainder of the members of the Planning Board until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term."

The three candidates being considered for the appointment were: James M.B. Bond, Brian E. Glennon, II, and Paul E. McCormack. Each of the candidates introduced himself and gave a brief overview of his background.

Before the process continued, Ms. Sullivan recused herself because her employer uses the appraisal services of the company Mr. Bond works for, and while this may not be a conflict, she felt it best not to vote on this matter.

Mr. Dahlen then invited the Planning Board members followed by the members of the Board of Selectmen to ask questions of the candidates. Each of the candidates answered the questions posed by the Planning Board members and the Board of Selectmen with the order rotating.

The motion was then made to appoint Mr. Glennon and seconded for discussion. Several of the members of the Planning Board and the Selectmen explained their thoughts regarding the basis for their decision. There was general consensus that the Town was fortunate to have three extremely qualified candidates. A couple of board members did support the idea that longevity and knowledge of the community is helpful, but in this situation, given the short-term nature of the appointment, there was general support for appointing the individual, who had the most experience with Planning Boards as there is a learning curve involved. Several members indicated that they felt Mr. Glennon was the candidate who had the most experience for the position.

Ms. MacNab moved to appoint Mr. Brian E. Glennon, II to fill the open Planning Board seat until the next Town election. Second by Mr. Dahlen. VOTE: 8:0:0. (*Ms. Sullivan recused herself and did not vote.*)

RESIDENTS OF INDIAN TRAIL RE: MAPC PRE-DISASTER MITIGATION PLAN

Mr. MacDonald mentioned that he had expected some residents from the Indian Trail area to be here this evening so he made arrangements for Mr. Buttkus, the DPW Director, to be present along with Mr. Brian Giovanoni, of Amory Engineering. He further explained there had been issues with flooding in the Indian Trail area. He had Mr. Buttkus and Mr. Mackin review the issue to see if it was due to the reconstruction of Rte. 3A. In addition, Mr. Giovanoni, who is an engineer, was called in for an opinion as well. At this point, Mr. MacDonald turned the discussion over to Mr. Buttkus and Mr. Giovanoni to explain what the Town had done and the findings.

Mr. Buttkus introduced Mr. Giovanoni, who is an engineer with a firm that deals with water management issues.

Mr. Giovanoni explained that they looked at all obvious possibilities first. They checked the Town's drainage structures in the area and investigated to see if there were any water main leaks. He noted that there was a historic amount of rainfall in March 2010, and as a result the water table was so high that many areas that have never had problems experienced problems. He said that they sampled water coming from sump pumps and from the pH level determined that it was ground water as the readings were under 6. (He noted that treated water has a pH around 7.5 where as ground water is usually about 5.9.) In reviewing the topography of the area and the aquifer, he determined that the

surrounding area tends to drain toward the Indian Trial area. As a result, he concluded that the flooding in the area was “a natural issue” and not the Town’s responsibility.

Mr. MacDonald said that he wanted the Board of Selectmen to know the steps that had been taken to address the issue.

Ms. Sullivan mentioned that in the real estate business they were required to have appraisals redone, and Mr. Bond, who is a real estate appraiser, confirmed that by adding that it was a federal mandate that re-appraisals be done because of the historic rainfall.

With respect to the MAPC Pre-Disaster Mitigation Plan, Mr. Giovanoni stated that the Town’s response was more than adequate.

BUSINESS

EVENT PERMIT REQUEST / Theresa Woodward for Duxbury Student Union: Yard Sale on 10-2-10

Ms. Woodward was present. She briefly explained that this would be a yard sale held by the students as a fundraiser for the Duxbury Student Union. She invited the community to come and support them.

Ms. Sullivan moved that the Board of Selectmen grant to That Ms. Theresa L. Woodward, as a representative of the Duxbury Student Union (DSU), permission to hold a Yard Sale on the grounds of the Wright Building, on Saturday, October 2, 2010, from 9:00 AM to 3:00 AM, subject to the conditions on the license. Second by Mr. Donato. VOTE: 3:0:0.

ONE-DAY LIQUOR LICENSE REQUESTS / John Hamilton for COA: Dinner Dance on 10-25-10

Ms. Sullivan moved that the Board of Selectmen grant to Mr. John A. Hamilton, as a representative of the Friends of the Duxbury Council on Aging, a One-Day Wine & Malt License to hold a Dinner Dance at the Duxbury Senior Center on October 25, 2010 from 6:00 PM to 9:30 PM, subject to the conditions on the license. Second by Mr. Donato. VOTE: 3:0:0.

ONE-DAY LIQUOR LICENSE REQUESTS / Cathy Rogerson for Duxbury Yacht Club: Golf Tournament on 10-08-10

Ms. Sullivan moved that the Board of Selectmen grant to Catherine M. Rogerson, as a representative of the Duxbury Yacht Club, a One-Day All-Alcoholic Beverage License to hold a Member/Guest Golf Dinner on Friday, October 8, 2010, from 5:00 PM to 10:00 PM, subject to the conditions listed on the license. Second by Mr. Donato. VOTE: 3:0:0.

ONE-DAY LIQUOR LICENSE REQUESTS / Linda Herrick for Duxbury Bay Maritime School: Memorial Service on 10-09-10

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 noted that this request is with regard to a Memorial Service to be held for Mr. Ted Brodie, who recently passed away. She took just a few moments and spoke of the many contributions to the Town and how he will be missed. On behalf of the Board she extended condolences to his family.

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 memorial service at Clifford Hall, 457 Washington Street, on Saturday, October 9, 2010 from 3:00 PM to 6:00 PM, contingent upon the conditions listed on the license. Second by Mr. Donato. VOTE: 2:0:0. (Mr. Dahlen recused himself and did not vote.)

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

1. **Harbor Dredging**: Mr. MacDonald said, that as he mentioned at the last meeting, the Town is at the very early stages of the process of the harbor dredging. He had a meeting on this today and understands that although it is a long process, involving many federal, state, and local licenses, it will be picking up speed shortly. The dredging involves federal funding, but there are also opportunities for piggyback funding. The process will also involve the other organizations along the waterfront, including the Duxbury Yacht Club, Duxbury Bay Maritime School, Bayside Marine, Inc., and Battelle.

Mr. MacDonald said that Harbormaster Don Beers was named as the point person. 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. **Betterments**: Mr. MacDonald said that he is in the process of reviewing all the paperwork on this issue. He met briefly with Mr. John Mann and it was agreed that after he has had the opportunity to review the paperwork another meeting will be held.

With regard to the betterment issue, Ms. Sullivan asked the Town Manager to also have available a listing of all the different public notices and meetings that were held regarding this matter.

ANNOUNCEMENTS

Mr. Donato read the following announcement: Undersecretary of Consumer Affairs, Barbara Anthony, will be at the Duxbury Senior Center on Tuesday, September 28 at 2:00 PM, to speak about issues relevant to seniors such as: ID Theft, Reverse Mortgages, and Long-Term Care Insurance. All are welcome.

MINUTES

Ms. Sullivan moved that the Board accept the Minutes of September 20, 2010, as presented. Second by Mr. Donato. VOTE: 3:0:0.

Ms. Sullivan moved that the Board accept the Executive Session Minutes of September 20, 2010, to remain sealed until the need has past.. Second by Mr. Donato. VOTE: 3:0:0.

Ms. Sullivan moved that the Board accept the Minutes of September 22, 2010, as presented. Second by Mr. Dahlen. VOTE: 2:0:0. (*Mr. Donato abstained as he was not present at that meeting.*)

BONUS SHELLFISH SEASON (FOR OCTOBER 2010)

Ms. Sullivan asked if it would be possible for the Board to approve the Bonus Shellfish Seasons quarterly or bi-annually. Mr. MacDonald said that this had come up in the past, and he recalled speaking with the Harbormaster about it. He explained it was not possible because there is some wording in the regulations that requires it to be done monthly.

Mr. Donato moved that the Board of Selectmen declare a temporary Bonus Shellfish Season:

- 1) for the commercial harvesting of softshell clams for the month of October in accordance with Attachment B & C of the posted regulations
- 2) for the commercial harvesting of quahog clams for the month of October in accordance with Attachment A & C of the posted regulations

Second by Ms. Sullivan. 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>
Design Review Board	Judith Hall	Re-Appt.	6/30/13	Mr. Donato	Ms. Sullivan
South Shore Coalition	Josh Cutler (Planning BD rep.)	Re-Appt.	6/30/11	Mr. Donato	Ms. Sullivan

BOARDS AND COMMITTEES: RESIGNATION

Mr. Donato announced Ms. Millie Morrison has resigned from the Duxbury Nuclear Advisory Committee (DNAC) and with this resignation the DNAC now has two open seats.

BOARDS AND COMMITTEES: OPEN SEATS

Mr. Dahlen noted that the following committees have open seats:

- Council on Aging: 1 Open Seat: with term to 2011
- Design Review Board: 1 Open Seat: with term to 2013 and 1 Open ALTERNATE
Seat with term to 2011
- Nuclear Advisory Committee: 2 Open Seats: 1 with term to 2011 & 1 with term to 2012
- Recreation Activities Committee: 1 Open Seat: term to 2013
- Sidewalk & Bike Path Committee: 1 Open Seat: 1 with term to 2012 (*will allow an existing member to step down)
- Zoning Board of Appeals: 1 Open Seat: with term to 2014

He noted that the resignation of one member was recently received, and the Talent Bank Forms are being reviewed for candidates for the open seat and potentially some Alternate members.

Mr. Dahlen encouraged any interested Duxbury residents to submit a Talent Bank Form, which can be downloaded from the Town website or obtained at the Selectmen's office

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

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

ADJOURNMENT

Ms. Sullivan moved to adjourn the meeting at 8:00 PM. Second by Mr. Donato. Vote: 3:0:0.