

Date: April 26, 2010

Date Minutes Approved: May 10, 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 Barbara Ripley, Executive Assistant.

The meeting was called to order at 7:02 PM.

OPEN FORUM

No items were brought forward.

PUBLIC HEARING: APPLICATION FOR USE OF TOWN GREEN: South Shore Conservatory / 2010 Music Festival

All abutters within 300 feet had been notified of the time and place of the hearing via U.S. Mail. Ms. Amy Schomp, representative of the South Shore Conservatory was present to answer questions about the event. There were no comments from the public.

Motions:

- 1) **Use of Town Green:** Mr. Donato moved that Ms. Amy Schomp, as a representative of the South Shore Conservatory, be granted permission to hold a portion of the Duxbury Music Festival on the Duxbury Town Green from Thursday, July 29 through Sunday, August 1, 2010, subject to the conditions listed on the permit. Second by Ms. Sullivan. Vote: 3:0:0.
- 2) **One-Day Liquor License-I:** Mr. Donato moved that Ms. Amy Schomp, as a representative of the South Shore Conservatory, be granted a One-Day All-Alcohol License for a concert to be held on the Town Green, in conjunction with the Duxbury Music Festival, on Saturday, July 31, 2010 from 7:30 PM to 10:00 PM, subject to the conditions listed on the permit. Second by Ms. Sullivan. Vote: 3:0:0.
- 3) **One-Day Liquor License-II:** Mr. Donato moved that Ms. Amy Schomp, as a representative of the South Shore Conservatory, be granted a One-Day Wine & Malt license for a concert to be held on the Town Green, in conjunction with the Duxbury Music Festival, on Sunday, August 1, 2010, from 5:00 PM to 7:30 PM, subject to the conditions listed on the permit. Second by Ms. Sullivan. Vote: 3:0:0.

REQUEST FOR USE OF MAYFLOWER FUNDS: CEMETERY MAINTENANCE

Present were:

**Ms. Patricia Pappas, Cemetery Superintendent
Mr. Robert Hayes, Cemetery Trustee
Mr. Emmett Sheehan, Cemetery Trustee**

On behalf of the Board of Cemetery Trustees, Ms. Pappas requested that the Board allow a portion of the interest from the Mayflower Care and Improvement Fund be used to fund five areas of drainage and to repave a portion of the road known as Locus Avenue in Mayflower Cemetery, at an estimated cost of \$13,500.00. She explained that the work is all being done in areas of the cemetery that are already being used. This work is not intended for an expansion of burial areas.

Mr. Madden commented that there are sufficient monies in the Mayflower Care and Improvement Fund to cover this expense, without using the principal amount.

Mr. Donato moved that the Selectmen approve the use of a portion of the interest from the Mayflower Care and Improvement Fund to fund five areas of drainage and to repave a portion of the road known as Locust Avenue in Mayflower Cemetery, at an estimated cost of \$13,500.00. Second by Ms. Sullivan. Vote: 3:0:0.

SUSTAINABLE DUXBURY: EARTH DAY PRESENTATION

The following members of the Sustainable Duxbury organization were present: Jim Savicki, Janis Owens, Mike Wilson, and Anne Baird. They presented the Board of Selectmen and staff with stainless steel water bottles, as an incentive to promote the use of Town water over the use of bottled water. They explained that large amounts of fossil fuels are used in the creation of plastic water bottles, and in the transportation of bottled water. In addition, a large number of plastic bottles end up in landfills. They explained that Duxbury water is very clean and healthy, and costs 2,000 times less for the consumer. They encouraged the Selectmen to consider taking a "Think Outside the Bottle Pledge". The Selectmen thanked the members of Sustainable Duxbury for their gift and their presentation.

CONTINUED PUBLIC HEARING: APPLICATION FOR ALTERATION OF PREMISES: JOHNSON GOLF MANAGEMENT / North Hill Country Club

The hearing was originally opened on March 22, 2010, and was continued to April 26, 2010. Present for the hearing was Duxbury Town Counsel, Robert S. Troy. The applicant sent a letter to the Board, received on April 20, 2010, stating that the applicant would not be present at the continued public hearing, but requesting that the Board act on the application.

Mr. Troy made the following points:

- 1) North Hill Country Club is currently being run by Johnson Golf Management under a court order, which allows them to run it under the terms of their previous contract. Mr. Troy emphasized that a liquor license was not guaranteed in this contract. He suggested that there should not be any "sweeteners" to the entity that has challenged the Town in court.**
- 2) North Hill Country Club is a municipal recreational facility with children present. He questioned the wisdom of having players imbibe alcohol during their course of play.**

- 3) Since the facility is owned by the Town, the Town may experience liability problems with the serving of alcohol on the course.
- 4) The Town has received a number of unsolicited letters by patrons of North Hill Country Club, stating that alcoholic beverages have been available from a cart since 2000. If this is true, this would be a violation of the current liquor license, and the Board should consider having a hearing for the revocation of the license.
- 5) Johnson Golf is in violation of the terms of their contract, because they have not provided evidence of a surety bond to the Town. This exposes the Town to potential financial loss. If Johnson Golf does not produce a surety bond in timely fashion, the Town will return to court for a reversal of the court judgment.

Mr. Dahlen said that the last point should be kept separate from the Alteration of Premises request. Mr. Dahlen also said that he is uncertain whether the sale of alcoholic beverages from a cart was illegal prior to 2009, when the ABCC issued guidelines for this matter.

Mr. Donato said that he would like to hear the opinion of the North Hill Advisory Committee and the Recreation Director. Mr. Cushing said that they are reluctant to speak for or against a matter pertaining to Johnson Golf Management, since they are named in the lawsuit by Johnson Golf Management against the Town.

Mr. MacDonald said that beverage carts are not uncommon on golf courses today. However, most of them are on 18-hole courses, while North Hill is only a 9-hole course.

Mr. Dahlen said that he is reluctant to grant permission for the beverage cart since the Town encourages junior players to use the course.

Mr. Robert Doyle, resident of Old Cove Road, presented a letter to the Selectmen objecting to the beverage cart. He commented that Duxbury's General Bylaws, Section 7.4, prohibit the consumption of alcoholic beverages on public ways and places. He said that it is wrong to approve a beverage cart to travel the course of a family-oriented golf club, and that it sends the wrong message to junior golfers at North Hill.

Mr. Donato moved that the Board of Selectmen, acting as the Licensing Authority for the Town of Duxbury, grant permission for an Alteration of Premises to Johnson Golf Management for North Hill Country Club, such that alcohol sales are permitted from a golf cart on the course. Second by Ms. Sullivan. Vote: 0:3:0 (motion failed).

LIAISONS TO BOARDS AND COMMITTEES

The Board discussed their assignments as liaisons to the Town's many Selectmen-appointed boards and committees. A complete list of committees and liaison assignments may be found in the Selectmen's office.

DISCUSSION REGARDING TRANSFER STATION BAGS

Mr. Dahlen said that he has started to get phone calls from residents, who are opposed to the Board decision to allow the sale of Duxbury Town Transfer Station bags at Duxbury stores only. Mr. Dahlen said that he would like to see the process be more convenient for residents.

Ms. Sullivan said that she has asked that calls to the DPW department regarding bags be forwarded to her. She said that she has not gotten a tremendous number of calls. However, those who do call seem to be persuaded by her arguments about the benefits to Town businesses.

Mr. Will Zachmann, resident of Standish Street, said that he had served on the prior Economic Advisory Committee. This committee had come to the conclusion that it is the role of the Town to support local business activity. However, it is not the role of the Town to limit competition. Mr. Zachmann said that he feels that it is inappropriate for the Selectmen to make it inconvenient for townspeople to buy disposal bags.

Mr. Frank Mangione, resident of Sampson Street and Chairman of the Fiscal Advisory Committee, commented that the reason for the Pay-As-You-Throw system implementation was to encourage recycling; not to help local businesses.

Ms. Sullivan maintained that she wanted to do everything she can to help local businesses, who face very stiff competition from “big box” stores. She said that townspeople would be very disappointed if local stores could not stay in business. She urged Mr. Dahlen to speak to some local business owners before calling for a vote on this subject. Mr. Dahlen agreed to postpone the matter until he spoke with more local business operators.

ONE-DAY LIQUOR LICENSE: MS. LINDA HERRICK FOR THE DUXBURY BAY MARITIME SCHOOL / WEDDING ON JUNE 26, 2010

Mr. Dahlen recused himself from the discussion and vote on this license, because he is a Director of the Duxbury Bay Maritime School.

Ms. Herrick was not present. Ms. Ripley said that the Town’s public safety departments had given their feedback with regard to their requirements for the event.

Mr. Donato moved that the Board grant a One-Day All-Alcohol license to Linda Herrick, as a representative of the Duxbury Bay Maritime School, Washington Street, on Saturday, June 26, 2010 from 5:00 PM to 11:00 PM, subject to the conditions listed on the license. Second by Ms. Sullivan. Vote: 2:0:0 (Mr. Dahlen did not vote).

TEN ONE-DAY LIQUOR LICENSES: MR. EDWARD P. DEVNEW FOR THE DUXBURY YACHT CLUB

Mr. Devnew was not present. Ms. Ripley said that the Town’s public safety departments had given their feedback with regard to their requirements for the events.

Mr. Dahlen moved that Mr. Edward P. Devnew, as a representative of the Duxbury Yacht Club, be granted One-Day All Alcohol Licenses to hold events on the following dates, subject to the conditions listed on the licenses: May 14, 2010; May 29, 2010; May 30, 2010; June 16, 2010; June 19, 2010; June 25, 2010; June 26, 2010; July 3, 2010; July 9, 2010; and July 10, 2010. Second by Mr. Donato. Vote: 3:0:0.

TOWN MANAGER REPORT

- 1) The Town Manager and Finance Director are keeping a close watch on the State Budget Process.**
- 2) The Fire Department should be commended for the rescue of a local contractor over the weekend. The contractor suffered a heart attack, but was successfully resuscitated by the Town’s fire/medical personnel.**
- 3) There will be an installation ceremony for Chief Matthew Clancy on Monday, May 3rd at 5:30 PM. This will delay the start of the Selectmen’s meeting until 7:45 PM.**
- 4) Many thanks are due to Interim Police Chief Stephen Doherty. He has done a terrific job during the transition.**

ANNOUNCEMENTS

1. **FOR VETERANS “Dial A Lawyer”:** On Thursday, April 29, 2010 from 5:30 PM to 7:30 PM only veterans and families of veterans can call (617) 338-0610 for FREE legal advice. “Dial A Lawyer” is sponsored by the Massachusetts Bar Association with the financial support of the Massachusetts Bar Foundation. Veterans or families of veterans, who have legal questions involving access to benefits, family issues, employment concerns, landlord/tenant matters and other legal issues are encouraged to call.
2. **LAST CALL... Commercial Shellfish License Applications:** Reminder that Commercial Shellfish License Applications can be submitted during the month of APRIL only. Applications are now available in the Board of Selectmen office. Applicants must be Duxbury residents and have a Massachusetts Commercial Fisheries license showing “endorsed shellfish.”

ACCEPT GIFT FROM COMMITTEE TO ELECT GARY MAGNUSON

The Committee to Elect Gary Magnuson for School Committee had \$3.14 left after the election, which the Committee decided to donate to the Town.

Ms. Sullivan moved that the Board accept the gift of \$3.14 from the Committee to Elect Gary Magnuson. Second by Mr. Donato. Vote: 3:0:0.

MINUTES

Ms. Sullivan moved that the Board accept the minutes of April 5, 2010 as presented. Second by Mr. Dahlen. Vote: 2:0:1 (Mr. Donato abstained, since he was not present at the April 5 meeting.)

Ms. Sullivan moved that the Board accept the Executive Session (A) minutes of April 5, 2010 as presented. Second by Mr. Dahlen. Vote: 2:0:1 (Mr. Donato abstained, since he was not present at the April 5 meeting.)

Mr. Donato moved that the Board accept the minutes of April 12, 2010 as amended. Second by Mr. Dahlen. Vote: 2:0:1 (Ms. Sullivan abstained, since she was not present at the April 12 meeting.)

Ms. Sullivan moved that the Board accept the minutes of April 21, 2010 as presented. Second by Mr. Donato. Vote: 2:0:1 (Mr. Dahlen abstained, since he was not present at the April 21 meeting.)

COMMITTEE APPOINTMENTS

Mr. Dahlen moved that the Board appoint, with gratitude, the following persons to the Fourth of July Committee, for terms to expire on April 30, 2011:

Janet Ritch
Margaret Kearney
William Kearney
Connie S. (Siegel) Dennis
Don Reed
Nancy Reed
Dave Robinson

Linda Robinson
Terri Woodward
Jamie MacNab
Rich Potash
Amy Hill
Brian Hill
Katy Gaenicke
Joan Edger
Sue Lawrence
Terry Reiber
Jeff Goldman
Rob (Robert) Ali
Stuart A. Ruggles
Barbara Munsey

BONUS SHELLFISH SEASON

Bonus Shellfish Season (May 2010): 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 May in accordance with Attachment B & C of the posted regulations.
and
- 2) for the commercial harvesting of quahog clams for the month of May in accordance with Attachment A & C of the posted regulations.

Second by Ms. Sullivan. Vote: 3:0:0.

Bonus Oyster Season (May 2010): Mr. Donato moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for the recreational harvesting of oysters, in the locations described in the posting, during May, 2010 on Wednesdays only (i.e., May 5th, 12th, 19th, and 26th, 2010) with a bag limit as prescribed in the Shellfish Rules and Regulations at six (6) quarts per week per family permit. All the Shellfish Rules and Regulations, laws, terms and conditions shall apply.

Second by Ms. Sullivan. Vote: 3:0:0.

ADJOURNMENT

Ms. Sullivan moved for adjournment of the meeting at 8:37 PM. Second by Mr. Donato. Vote: 3:0:0.