

Date: July 26, 2010

Date Minutes Approved: August 9, 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 7:00 PM.

OPEN FORUM

No items were brought forward.

AFFORDABLE HOUSING PROGRAM LOTTERY

Present from the Affordable Housing Trust were:

Mr. Brendan Keohan, Trustee and Chair

Ms. Betsy Sullivan, Trustee and Selectmen Liaison

Ms. Martha Himes, Trustee

Ms. Diane Bartlett, ex-officio

Mr. Keohan explained that the 2008 Annual Town Meeting (Article 26) authorized the creation of a Housing Assistance Program, to be funded with Community Preservation Act Funds. It took a long time to get approval from the Department of Housing and Community Development (DHCD) for Duxbury's program. The program provides cash to qualified home buyers, to reduce the cost of a home to an affordable price.

Applications for Duxbury's program were due on July 16, 2010. There were four qualified applicants. There was enough money to make awards to all four applicants, so a lottery was not necessary after all. Two applicants will receive \$100,000.00 each. The other two applicants will receive \$75,000.00 each. There is still some money left in the program, after administrative costs are paid. The Trustees will be working on a program for awarding the balance of the funds.

Mr. Keohan emphasized that DHCD has assured the Town that all four units will be credited toward Duxbury's affordable unit count.

Mr. Keohan and Ms. Sullivan acknowledged their consultant, Mr. Dennis Falcione. They said that his expertise has been invaluable in getting the program off the ground. In addition, Ms. Sullivan praised the hard-working Trustees.

DISCUSSION REGARDING STRATEGIC PLANNING

Mr. Dahlen commented that Ms. Judi Barrett met with Town Department Heads earlier today, to begin the strategic planning process. She is scheduled to meet with the Selectmen on August 9 and August 23. Further discussion by the Selectmen will be postponed until then.

MR. EDWARD DEVNEW FOR THE DUXBURY YACHT CLUB: EIGHT ONE-DAY LIQUOR LICENSE REQUESTS / JULY-SEPTEMBER 2010

Ms. Ripley explained that all the paperwork is in order for these events.

Mr. Donato moved that the Board grant eight One-Day All-Alcoholic Beverage Licenses to hold events on the following dates, subject to the conditions listed on the licenses:

- July 30, 2010, 6:00 PM to 10:00 PM, Golf Clubhouse on Fairway Lane
- July 31, 2010, 6:00 PM to 11:00 PM, Ellison Clubhouse on Mattakeesett Court
- August 6, 2010, 5:00 PM to 7:00 PM, Golf Clubhouse on Fairway Lane
- August 21, 2010, 6:00 PM to 8:00 PM, Ellison Clubhouse & Porch on Mattakeesett Court
- August 27, 2010, 6:00 PM to 9:00 PM, Golf Clubhouse on Fairway Lane
- September 4, 2010, 6:00 PM to 8:00 PM, Ellison Clubhouse, Porch/Lawn on Mattakeesett Court
- September 18, 2010, 6:00 PM to 10:00 PM, Golf Clubhouse on Fairway Lane
- September 25, 2010, 5:00 PM to 9:00 PM, Golf Clubhouse on Fairway Lane

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

TOWN MANAGER BRIEF

State Budget: Mr. MacDonald attended a meeting of the Massachusetts Municipal Managers' Association last week. He learned that the FY12 State Budget is expected to be \$2-\$3 billion less than FY11. If Ballot Question #3 passes (rollback of sales tax) the amount could be much more.

Marshall Street Bridge: It appears that this bridge needs extensive repairs. These will be managed by the Department of Public Works.

Water Dam Issues: We have received a notice from the Department of Conservation & Recreation that the Lower Chandler Pond Dam is in need of repair. This dam is on the border of Pembroke and Duxbury, so Mr. MacDonald will coordinate with the Pembroke Town Administrator.

MINUTES

Ms. Sullivan moved that the Board approve the minutes of July 12, 2010 as written. Second by Mr. Donato. Vote: 3:0:0.

APPOINTMENTS

The following appointments were made. All votes were unanimous:

Committee	Name	Appt. or Re-Appt.	Term Expires	Motion	Second
Community Preservation Committee (Historical Comm. Rep.)	Norman Tucker	Appt.	6/30/13	Mr. Dahlen	Mr. Donato
Historical Commission	James A. Nihan	Re-Appt.	6/30/13	Mr. Donato	Ms. Sullivan
Historical Commission	Robert C. (Terry) Vose	Re-Appt.	6/30/13	Mr. Donato	Ms. Sullivan
Old Colony Elder Services (Duxbury Alternate)	John R. Madden	Re-Appt.	6/30/11	Ms. Sullivan	Mr. Donato
Recreation Activities Committee	Brooks Holmes	Re-Appt.	6/30/13	Ms. Sullivan	Mr. Donato
Recreation Activities Committee	Greg Chandler	Re-Appt.	6/30/13	Ms. Sullivan	Mr. Donato
Recreation Activities Committee	Rick Davis	Re-Appt.	6/30/13	Ms. Sullivan	Mr. Donato

BONUS SHELLFISH SEASON

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 August in accordance with Attachment B & C of the posted regulations; and
- 2) for the commercial harvesting of quahog clams for the month of August in accordance with Attachment A & C of the posted regulations.

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

RECESS

At 7:30 PM, Ms. Sullivan moved that the Board adjourn temporarily, and re-convene at 8:00 PM, for the next item on the agenda. Second by Mr. Donato. Vote: 3:0:0.

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

At 8:00 PM, the Board re-convened for this hearing. Mr. MacDonald noted that the attorney for Johnson Golf Management has requested a continuance, due to his court schedule. Mr. MacDonald said that the item will most likely be taken up again in September.

RECESS

At 8:05 PM, Ms. Sullivan moved that the Board adjourn with the intention to re-convene when the Zoning Board of Appeals is ready for the joint meeting. Second by Mr. Donato. Vote: 3:0:0.

JOINT MEETING WITH ZONING BOARD OF APPEALS PERTAINING TO THE ISLAND CREEK NORTH COMPREHENSIVE PERMIT

At 8:18 PM, the Board of Selectmen re-convened their meeting.

Present for the Town, from Robert S. Troy & Associates were:

**Attorney Robert Troy
Attorney Brian Wall
Attorney Craig Jordan**

Present from the Zoning Board of Appeals (ZBA) were:

**Mr. Dennis Murphy, Chair
Ms. Judi Barrett
Mr. Scott Zoltowski
Mr. Michael Gill
Ms. Jill Cadigan-Christenson**

Present for the applicant were:

**Mr. John Keith, Property Owner
Mr. Maurice "Skip" Sullivan, Attorney
Mr. Thomas Duggan, Partner of Mr. Keith
Mr. Ed Marchant, Consultant
Mr. Paul Brogna, Project Engineer**

Attorney Troy explained that a great deal of work has been done to come to an agreement between the applicant and the Town. He thanked the members of the ZBA, as well as the applicant. He said that, in a public meeting earlier this evening, a document was accepted as a final agreement between the parties. The Board of Appeals vote in favor of the agreement was 4:1:0. The attorneys for the Town and the applicant will work together to edit the language of the document, but no substantive changes will be made. In addition, the public may make comment on the document until August 3. The final document will be presented to the Selectmen at their meeting of August 9. Members of the Board of Selectmen thanked members of the ZBA and the applicant.

Ms. Sullivan moved that the Board of Selectmen authorize the Town Manager and Town Counsel to take all actions necessary, including the authorization of stipulations and settlement documents, to resolve matters raised in the Appeal of the Board of Appeals decision [pertaining to Island Creek Village North] on terms and conditions substantively consistent with the proposed Comprehensive Permit attached hereto and incorporated by reference, and on the terms and conditions determined by the Town Manager to be in the best interest of the Town. Second by Mr. Donato. Vote: 3:0:0.

ADJOURNMENT

Ms. Sullivan moved for adjournment of the meeting at 8:32 PM. Second by Mr. Donato. Vote: 3:0:0.