

Date: April 25, 2011

Date Minutes Approved: May 9, 2011

BOARD OF SELECTMEN MINUTES

Present: Shawn Dahlen, Chair; Theodore J. Flynn and Christopher Donato, Clerk.

Absent: No members were absent.

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

The meeting was convened at 7:00 PM.

OPEN FORUM

No items were brought forward.

BUSINESS

REPRESENTATIVE FROM CONGRESSMAN KEATING'S OFFICE: MEET & GREET

Mr. Michael "Mike" Jackman introduced himself to the Board and the public as Congressman William Keating's District Director in the Quincy office. He provided a handout to the Board containing contact information for the Congressman's local staff and invited anyone in the district with issues or concerns to contact the Congressman's local staff at offices in Quincy or Hyannis.

QUINCY OFFICE:
1250 Hancock ST, Suite 802N
Quincy MA 02169
Tel. (617) 770-3700
Fax (617) 770-2984

HYANNIS OFFICE (Cape Cod & Islands)
297 North ST, Suite 312
Hyannis MA 02601
Tel. (508) 771-0666
Fax (508) 790-1959

He spoke briefly about Congressman Keating's beginnings in Congress, noting The Congressman has been assigned to the following committees:

1. Homeland Security Committee
2. Committee on Small Business
3. Committee on Foreign Affairs

For more information see Congressman Keating's website: <http://keating.house.gov>

PLYMOUTH COUNTY COMMISSION UPDATE: WILLIAM HARRIS

Mr. William "Bill" Harris was present to update the Board and the public on the recently formed Plymouth County Charter Commission (hereafter "Commission"). He introduced himself as the elected Sixth Duxbury representative, which encompasses Duxbury, Kingston, Plympton and Halifax.

Mr. Harris indicated that several subcommittees have been established. The main ones are reviewing:

- Council of Governments
- Abolishing Plymouth County, which Mr. Harris chairs
- The Special Charter

Mr. Harris said the Commission has just begun the task so a lot of work is in the research and review stage. He does not anticipate any decisions will be made until at least September. He also mentioned that the Commission has been established for a two-year period. Following a brief general discussion about the pension system and the concerns about it being underfunded, Mr. Harris assured the Board he would keep them informed. He invited the Board or members of the public to contact him with any questions or comments. (Mr. Harris can be contacted at willmharris@gmail.com or 781-934.8788.)

7:15 P.M. PUBLIC HEARING: CLUB LIQUOR LICENSE FOR DUXBURY BAY
MARITIME SCHOOL-postponed

Mr. Dahlen recused himself because he is a Director of the Duxbury Bay Maritime School. Mr. Donato assumed the Chair.

Mr. Donato announced that the applicant (Duxbury Bay Maritime School) submitted a liquor license application on March 29, 2011. Tonight's public hearing was advertised in the Duxbury Clipper and via certified letters to abutters. The applicant has since withdrawn the application, and plans to resubmit it on a future date.

Mr. Dahlen then returned as Chair.

7:15 P.M. PUBLIC HEARING: LIQUOR LICENSE TRANSFER APPLICATION/ BENNETT'S
GENERAL STORE

Present for this discussion were:

Attorney Joseph H. Devlin of Demakis Law Offices, P.C., representing the petitioners.

Mr. Vishnubhai C. Patel, President of Jay Veeram Corp.

Ms. Aanal Patel, Director of Jay Veeram Corp. & Manager of Record

Atty. Devlin introduced his clients, as represented above. He explained that Mr. & Ms. Patel are in the process of a purchase of the Bennett General Store and are seeking a transfer of the liquor license. He noted that Mr. Patel has experience working in a liquor store in New York, and he is currently training with a relative at Hanover Home Spirits. Atty. Devlin also mentioned the arrangements include a two-week training period with the seller after the closing. Both Mr. and Ms. Patel will be TIPS certified before the closing, but upon his advice are waiting until after the local permitting process.

Mr. Donato and Mr. Dahlen asked a couple of questions related to Mr. Patel's experience in liquor sales. In addition to the prior information, Mr. Patel noted he was an Assistant Manager at the beer and wine store in New York.

Mr. Dahlen then noted that the application received favorable reviews from the following departments: Treasurer, Police, Fire, and the Inspectional Services. It was noted that the Board of Health had no objections, but indicated that the business will have to be inspected. Ms. Mello, Executive Assistant to the Town Manager, indicated that the application was in order.

The Chair then asked if there was anyone from the public who wished to speak for or against the transfer, and no one indicated they wanted to comment.

Motion RE: Liquor License Transfer:

Mr. Donato moved that the Board of Selectmen, acting as the Licensing Authority, approve the transfer of the Retail All-Alcohol License held by Bennett's General Store, Inc. dba Bennett's Country Store (Manager: Elizabeth Tewskbury), at 136 Tremont Street, to Jay Veeram Corporation, dba Bennett's General Store (Manager: Aanal Patel), and furthermore to allow a Pledge of the License from Jay Veeram Corporation to Wylesbury, LLC.; all subject to:

- Payment of Property Taxes owed for 136 Tremont Street
- Satisfactory Completion of a Criminal Background Check (CORI) on applicant--done
- Signed Workers' Compensation Affidavit
- Provision of Proof of Workers' Compensation Insurance
- Proof of Liquor Liability Coverage
- Payment of Annual Fee (currently \$2,000.00 for All-Alcohol Retail License)
- Server Training Certificate for the Manager
- Provision of signed R.E.A.P. form (Payment of State Taxes)
- Hours of Sale of Alcoholic Beverages: Monday through Saturday, 8:00 AM to 11:00 PM; Sundays and Holidays, Noon to 11:00 PM –certain holidays excluded

Second by Mr. Flynn. VOTE: 3:0:0.

Motion RE: Common Victualler License:

Mr. Donato moved that the Board approve a Common Victualler's License for Bennett's General Store, Aanal Patel, Manager, subject to the following conditions:

- Payment of Property Taxes owed for 136 Tremont Street
- Signed Workers' Compensation Affidavit
- Provision of Proof of Workers' Compensation Insurance
- Payment of Annual Fee (currently \$25.00 for Common Victualler License)
- Food Establishment Permit from the Board of Health
- Inspection by the Board of Health
- Provision of signed R.E.A.P. form (Payment of State Taxes)

Second by Mr. Flynn. VOTE: 3:0:0.

DISCUSS APPOINTING A COMMITTEE TO REVIEW OPTIONS AND MAKE RECOMMENDATIONS PERTAINING TO HOW BEST TO FACILITATE A REVIEW AND UPDATE OF THE DUXBURY ZONING BYLAW

Mr. Flynn initiated the discussion by explaining he requested this topic be put on the agenda. He said that Town Counsel recently updated the Board on pending litigation matters and it was noted that 10 out of 19 matters involved zoning bylaws. Some of the wording in the zoning bylaws is not clear and is subject to interpretation, which has resulted in litigation. Given that Mr. Flynn suggested having a broad-based committee, including representatives of some of the boards that work with the zoning bylaws, to initiate the review process, and then that an expert be hired to re-write the zoning bylaws for review by the Board of Selectmen and ultimately to be voted on by Town Meeting.

Mr. Dahlen agreed with Mr. Flynn and noted that a number of individuals have made similar comments. He further commented that he thinks the Committee should have discussions with the various boards and department heads to identify: (a) where they see the problems as being (b) what sections need to be focused on, and (c) where one change might also effect other sections.

Mr. Donato agreed with his colleagues.

The focus of the discussion then shifted to what the next steps for establishing the committee would be. Mr. MacDonald suggested establishing a committee by deciding on a total number of members and which boards should have representatives on it. Then interested parties should be asked to fill out a Talent Bank form indicating their interest in serving on a zoning bylaw study committee.

The Selectmen discussed this and decided the committee should have one representative from the Planning Board, the Zoning Board of Appeals, and the Conservation Commission and then six citizens-at-large for a total of nine members.

Mr. Will Zachmann suggested there are two different approaches: The first would be to only focus on given sections. The second would be to take a more comprehensive approach to review the zoning bylaw as a whole. He advocated for the latter.

Mr. Dahlen then asked all those interested in serving on a zoning bylaw committee to complete and submit Talent Bank forms, which are available of the Board and Committee page of the town website (www.town.duxbury.ma.us). In the interim, Mr. Flynn will be reaching out to the Planning Board, Zoning Board, and Conservation Commission to explain how this came about. The Selectmen's staff was asked to coordinate having representatives of those Boards at a future Selectmen's meeting to discuss this process further.

ONE-DAY LIQUOR LICENSE REQUESTS / CATHERINE ROGERSON FOR DUXBURY YACHT CLUB: *Events on May 7 & May 14, 2011*

Mr. Dahlen gave a brief overview of the requests and noted there were no objections in the department feedback. No one in the room indicated they wish to comment.

Mr. Donato moved that the Board of Selectmen grant to Ms. Catherine Rogerson, as a representative of the Duxbury Yacht Club, is granted two One-Day All-Alcohol Liquor Licenses for the following events:

1. Kentucky Derby Party, on May 7, 2011 from 5:00 to 7:30 PM, at the Ellison Clubhouse on Mattakeesett Court.
2. Season Opener Cocktail Party, on May 14, 2011, from 6:30 to 10:00 PM, at the NYC waterfront.

subject to the conditions listed on the licenses. Second by Mr. Flynn. VOTE: 3:0:0.

ONE-DAY LIQUOR LICENSE REQUEST / LINDA HERRICK FOR DUXBURY BAY MARITIME SCHOOL: *For Events on 5-16-11, 6-17-11, and 5-21-11*

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

Mr. Flynn moved that the Board of Selectmen grant to Ms. Linda Herrick, as a representative of Duxbury Bay Maritime School two One-Day All-Alcohol Liquor Licenses for the following events:

1. Duxbury High School Boosters Reception & Supper--Monday, May 16, 2011 from 6:00 PM to 10:00 PM at Clifford Hall
2. Pre-performance Reception---Saturday, May 21, 2011 from 6:00 to 8:00 PM at Clifford Hall. subject to the conditions listed on the licenses. Second by Mr. Donato. VOTE: 2:0:0. (Mr. Dahlen did not vote.)

EVENT PERMIT REQUEST /DEBORAH BURNS FOR DUXBURY MIDDLE SCHOOL RUNNING CLUB: Road Race on May 20, 2011

Ms. Barbara Mello, Executive Assistant to the Town Manager, gave an overview of the petitioner's event. She noted this is the third year the DMS Running Club is holding the event. There have been no problems in the past. She said the organizers anticipate about 100 participants, but understand that if more than 150 individuals show up an ambulance detail would be needed. The department feedback was all favorable and any conditions have been noted on the license.

Mr. Donato moved that the Board of Selectmen grant to Ms. Debbie Burns, as a representative of the Duxbury Middle School Running Club, permission to conduct the Third Annual DMS Running Club 5K Road Race and Family Fun Day beginning at the Duxbury Middle School, on Friday, May 20, 2011 at 4:30 PM, subject to the conditions listed on the licenses. Second by Mr. Flynn. VOTE: 3:0:0.

TOWN MANAGER BRIEF

Mr. MacDonald mentioned the following items:

- 1) **Regional Dispatch Meeting**: Mr. MacDonald mentioned that originally meetings were being held in Middleborough with as many as 16 communities. With a group that large it was hard to accomplish anything. So, with the State's approval, a smaller group has been formed involving representatives from the towns of Kingston, Plymouth, Halifax and Duxbury. Pembroke may be interested in attending in the future. Mr. MacDonald, Chief Clancy and Chief Nord attended a meeting in Hanover two weeks ago with representatives of those towns to begin the process of filing for a regional dispatch grant.
- 2) **Prescription Drug Collection**: Mr. MacDonald announce that on Saturday, April 30 from 10:00 AM to Noon residents can drop off at the Duxbury Fire Department, 669 Tremont ST, unused prescription medications for disposal.
- 3) **Historic District Commission**: An article was passed at Town Meeting which requires the formation of a Historic District Commission by the Selectmen. So Mr. MacDonald encouraged anyone who is interested in serving to please fill out a Talent Bank form.
- 4) **375th Committee**: The Town of Duxbury will celebrate its 375th Anniversary next year. Mr. MacDonald said he would be meeting with Mr. Patrick Browne, of the Duxbury Rural and Historical Society, and Mr. Rick Potash, Co-Chair of the Fourth of July Committee, to start forming a 375th Committee. Anyone interested in serving is asked to submit a Talent Bank.
- 5) **NStar Vegetation Plan**: Mr. MacDonald announced that NStar is preparing to begin its annual vegetation plan, which will run from June 2nd through October 14, 2011. He has contact names and numbers in his office if anyone has any questions.
- 6) **Budget Planning Continues**: Although Town Meeting recently ended, budget planning is ongoing. He mentioned that the Capital Budget will focus on buildings during the next fiscal year. Eventually, the Town will be looking to hire a Facilities Manager and towards that end Jeannie Horne, HR Officer, is researching job descriptions in preparation of this. Mr. MacDonald also noted that Local Aid was cut, but due to the conservative approach used in preparing the Duxbury budget the Town's projections were on track.
- 7) **Water Main Flushing**: He announced for the next two weeks the Water Department will be conducting water main flushing throughout the Town. If your water is discolored

you should not be concerned, just allow your water to run until it runs clear. If you have any questions, please contact the Water Department.

- 8) **Myles Standish Monument:** Mr. MacDonald mentioned that he sent a letter to the State's Department of Conservation and Recreation (DCR) requesting that they open the Myles Standish Monument so that the public can enjoy this historic site. In the letter he requested permission for the Town to open it, if the DCR will not.
- 9) **Shiff Scholarships:** Mr. MacDonald announced that he was recently informed that the Town is the beneficiary of \$950,000. from the Estate of Dr. Richard M. Shiff for the establishment of three Shiff Scholarships. Notification was just received and a copy of the paperwork has been forwarded to the Superintendent of Schools and to Town Counsel for review.

ANNOUNCEMENTS

Mr. Donato made the following announcement:

Commercial Shellfish Applications: Last call...reminder that Commercial Shellfish Applications can be submitted during the month of APRIL only. Applications are now available in the Board of Selectmen office. Reminder: The Town Hall closes at 12:30 PM on Fridays.

MINUTES

Mr. Flynn moved that the Board approve the Executive Session Minutes of April 11, 2011 as written, with the contents to remain sealed until the need for confidentiality has passed. Second by Mr. Donato. Vote: 3:0:0.

Mr. Flynn moved that the Board approve the Open Session Minutes of April 11, 2011 as written. Second by Mr. Donato. Vote: 3:0:0.

APPOINTMENTS

Zoning Board of Appeals – Selectmen's Liaison:

At a recent meeting the Selectmen decided on their board and committee liaison assignments. Mr. Donato had been the liaison to the Zoning Board of Appeals (ZBA). Mr. Flynn asked, with the approval of Mr. Donato, to be named as the ZBA liaison instead. Mr. Donato had no objection.

Mr. Donato moved that Mr. Flynn be named as the Board of Selectmen's liaison to the Zoning Board of Appeals. Second by Mr. Flynn. VOTE: 3:0:0.

Fourth of July Committee:

Mr. Dahlen moved to re-appoint the following individuals as members of the Fourth of July Committee all with terms to expire as of April 25, 2012: Katy Gaenicke, Rich Potash, Janet Ritch, Margaret Kearney, William Kearney, Connie Siegel-Dennis, Don Reed, Nancy Reed, Linda Robinson, Dave Robinson, Terri Woodward, Jamie MacNab, Amy Hill, Brian Hill, Joan Edgar, Sue Lawrence, Terry Reiber, Jeff Goldman, Stuart A. Ruggles, and Barbara Munsey. Second by Mr. Donato. VOTE: 3:0:0.

Design Review Board:

Mr. Donato moved to appoint Mr. Stephen Williams to the Design Review Board for a term to expire as of June 30, 2013. Second by Mr. Flynn. VOTE: 3:0:0.

BONUS SHELLFISH SEASON (for May 2011)

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 Attachments B & C of the posted regulations, and**
- 2. for the commercial harvesting of quahog clams for the month of May in accordance with Attachments A & C of the posted regulations.**

Second by Mr. Flynn. VOTE: 3:0:0.

NEW BUSINESS - Nothing brought forward.

OLD BUSINESS – Nothing brought forward.

ADJOURNMENT

Mr. Donato moved to adjourn the meeting at 8:00 PM. Second by Mr. Flynn. VOTE: 3:0:0.

List of Documents:

- 1) *Congressman Bill Keating: Proudly Representing Massachusetts' Coastal District (1 pg. document)*
- 2) *Handout listing contact information for Congressman Keating's offices and staff*
- 3) *Emailed information from Mr. William Harris RE: Plymouth County Commission and copy of article "Plymouth County charter update" published in the Duxbury Clipper on April 6, 2011.*
- 4) *Announcement regarding the liquor license application of the Duxbury Bay Maritime School*
- 5) *Bennett's Liquor License Transfer:*
 - a. *Letter from Demakis Law Offices, P.C. to License Administrator dated April 4, 2011*
 - b. *Bennett's Liquor License Transfer Application*
 - c. *Department Head Feedback on Bennett's:*
- 6) *One-Day Liquor Licenses – 2 Duxbury Yacht Club Events:*
 - a. *Kentucky Derby Party on 5/07/11*
 - b. *Season Opener Cocktail Party on 5/14/11*
- 7) *One-Day Liquor Licenses – 2 Duxbury Bay Maritime School Events:*
 - a. *DHS Boosters Reception & Supper on 5/16/11*
 - b. *Pre-performance reception on 5/21/11*
- 8) *Event Permit Request: Third Annual DMS Running Club 5K Road Race*
- 9) *Suggested Announcement(s): Commercial Shellfish Application submission during April only*
- 10) *Draft Minutes of 4-11-11 Executive Session –(moved to confidential files)*
- 11) *Draft Minutes of 04-11-11 Open Session*
- 12) *Board and Committee Appointments: Fourth of July Committee & Design Review Committee*
- 13) *Bonus Shellfish Season (for April): Suggested Motion and 03-28-11 Memo /Posting*
- 14) *Proposed Summer Schedule of Selectmen's Meetings*