

Date: May 16, 2011

Date Minutes Approved: May 23, 2011

BOARD OF SELECTMEN MINUTES

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

Absent: No members were absent.

Staff: Richard MacDonald, Town Manager; and Barbara Mello, Executive Assistant.

The meeting was called to order at 6:34 PM.

VOTE TO ENTER EXECUTIVE SESSION

Mr. Dahlen moved that the Board enter Executive Session, in order to discuss pending litigation. Second by Mr. Donato. Mr. Dahlen declared that there is a need for Executive Session because a discussion of the matters in Open Session would have a detrimental effect on the Town's litigating position. Roll Call Vote: Mr. Dahlen---aye; Mr. Donato---aye; and Mr. Flynn---aye.

Also Present for the Executive Session were: Duxbury Town Counsel Robert S. Troy and Associate Town Counsel Craig S. Jordan.

RE-CONVENE IN OPEN SESSION

At 7:05 PM, Mr. Flynn moved that the Board adjourn the Executive Session and re-convene in Open Session. Second by Mr. Donato. Roll Call Vote: Mr. Dahlen---aye; Mr. Donato---aye; and Mr. Flynn---aye.

OPEN FORUM

No items were brought forward.

SCHOOL BUILDING COMMITTEE RE: FEASIBILITY STUDY AGREEMENT

Present: Ms. Elizabeth Lewis, School Building Committee Chairman

Ms. Lewis noted that three contracts are currently being executed:

- 1) Contract with the Massachusetts School Building Authority (MSBA): Feasibility Study Agreement
- 2) Owner's Project Manager: KV Associates
- 3) Project Designer: Mount Vernon Group

The total contract amount is \$1.55 million, considerably less than the \$2.9 million that was approved by Town Meeting.

Additional work that has been done includes traffic counts, soils borings, and site assessment.

The School Building Committee will be meeting on Monday to talk about space needs. The District's extensive athletic, music and performing arts programs require large amounts of space.

The Committee is on track for a design submission in August, in time for the fall MSBA meeting. This would lead to the possibility of a Special Town Meeting and Special Election in late October and early November.

Ms. Lewis explained that the MSBA requires that the Selectmen vote to authorize the Feasibility Study Agreement.

Mr. Flynn moved that the Board of Selectmen vote to authorize the Town of Duxbury to enter into and be bound by the Feasibility Study Agreement for the Duxbury Middle/High School in the Town of Duxbury. Second by Mr. Donato. Vote: 3:0:0.

CHRIS HEBERT RE: MARSHFIELD TRIATHLON

Mr. Dahlen recused himself from the discussion and vote on this issue, since it involves the Duxbury Beach Reservation, of which he is a Director.

Mr. Chris Hebert was present to apply for permission to conduct a portion of the Marshfield Triathlon (aka, the "Marsh Man") in Duxbury. Mr. Hebert explained that he is a twenty-year Duxbury resident, and the co-owner of "Fast Forward", a race management company. They direct marathons in Hull, Plymouth, and Hanover.

Mr. Hebert said that the proposed Marsh Man race will begin and end in Duxbury. Fast Forward has secured permission from the Duxbury Beach Reservation (DBR) to stage the race on their lot. The swim portion will be conducted on the ocean side of the beach, in Duxbury. The bike ride will begin and end at the DBR lot, but most of the riding will be in Marshfield. The same is true for the running portion of the race. Mr. Hebert said that there would be no road shutdowns. The organizers are expecting 200-300 participants, since this is a first-time event.

Mr. MacDonald explained that the organizers had met with the Town's public safety departments, and that several safety requirements were established. Mr. MacDonald said that the departments are in favor of allowing the event.

Mr. Flynn moved that the Board grant permission to Mr. Richard Berard and Mr. Chris Hebert, as representatives of Fast Forward Race Management, to conduct a portion of "The Marsh Man---Marshfield Sprint Triathlon" in Duxbury on Sunday, July 31, 2011, subject to the conditions listed on the permit. Second by Mr. Donato. Vote: 2:0:0 (Mr. Dahlen recused himself.)

ONE-DAY LIQUOR LICENSES

- 1) Mr. Donato moved that Mr. Alexander Salmela, as a representative of the Duxbury Yacht Club, be granted three One-Day All-Alcohol Liquor Licenses for the following events:**
 - a) Commodore's Reception on May 29, 2011, from 5:00 PM to 7:00 PM, to be held at the Sprague-Parker Clubhouse at 70 Fairway Lane;**
 - b) Commodore's Dinner on June 11, 2011, from 6:00 PM to 10:00 PM, to be held at the Ellison Clubhouse on Mattakeesett Court;**
 - c) Tennis Fire & Ice on June 26, 2011, from 6:00 PM to 9:00 PM, to be held at the Sprague-Parker Clubhouse at 70 Fairway Lane;**

subject to the conditions listed on the permit. Second by Mr. Flynn. Vote: 3:0:0.

- 2) Mr. Flynn moved that Ms. Catherine Rogerson, as a representative of the Duxbury Yacht Club, be granted a One-Day All-Alcohol Liquor License for a golf Reception on June 25, 2011, from 5:00 PM to 7:00 PM, to be held at the Sprague Parker Clubhouse at 70 Fairway lane, subject to the conditions listed on the permit. Second by Mr. Donato. Vote: 3:0:0.

EVENT PERMIT REQUEST: DUXBURY STUDENT UNION SUMMER SKATE FEST

Ms. Mello explained that this the second annual Summer Skate Fest sponsored by the Duxbury Student Union. The event includes local bands, skateboarding and a rock wall. Public Safety departments have been contacted for their requirements, and the applicant has agreed to comply.

Mr. Flynn moved that Ms. Teresa L. Woodward, as a representative of the Duxbury Student Union be granted permission to hold a Summer Skate Fest on the grounds of the Wright Building, and in the DSU/Duxbury Middle School Parking lots, on Saturday, June 18, 2011, from Noon to 6:00 PM, subject to the conditions listed on the permit. Second by Mr. Donato. Vote: 3:0:0.

TOWN MANAGER BRIEF

Police Department Grant: The Police Department is applying for a federal grant which would cover the cost of two police officers for three years. The federal grants are very difficult to obtain. The Police Chief guesses that the Town has a 45% chance of success.

Building Management: Managers of Town Buildings met last week to discuss building management issues. Mr. MacDonald said that the FY2013 budget will include more funds for building maintenance. He said that it is crucial that we take better care of our existing buildings.

Department Budgets: Work has already begun on planning for the Fiscal Year beginning July 1, 2012.

ANNOUNCEMENTS

1. Nature Scavenger Hunt: The Duxbury Open Space and Recreation Community announces its annual Nature Scavenger Hunt will take place on Saturday, May 14, 2011 at 1:00 PM at the Myles Standish Monument (light rain or shine). There will be refreshments and prizes. This free event is geared towards families with children and is open to all.
2. Sullivan Reception: There will be a reception to honor Betsy Sullivan for her nine years of service as a Selectwoman on Wednesday, May 18 from 5:00 PM until 7:00 PM at the Duxbury Senior Center. The public is invited to attend.

MINUTES

Mr. Flynn moved that the Board approve the minutes of May 6, 2011 as presented. Second by Mr. Dahlen. Vote: 2:0:1 (Mr. Donato abstained from voting as he was not present for the May 6 meeting.)

APPOINTMENTS

Mr. Dahlen announced that Mr. Joe Messina resigned from the Blairhaven Study Committee for personal reasons. He had been chairperson of that committee, and the representative from the Conservation Commission. Mr. MacDonald appointed Mr. Sam Butcher to represent the Conservation Commission. The committee elected Ms. Betsy Sullivan to be the new chairperson.

VOTE TO ENTER EXECUTIVE SESSION

At 7:30 PM, Mr. Dahlen moved that the Board conduct a joint Executive Session with the Zoning Board of Appeals, in order to discuss pending litigation, and to adjourn immediately afterward. Second by Mr. Donato. Mr. Dahlen declared the necessity of holding an Executive Session, stating that an Open Session would have a detrimental effect on the Town's litigating position. Roll Call Vote: Mr. Dahlen---aye; Mr. Donato---aye; Mr. Flynn---aye.

Duxbury Town Counsel Robert S. Troy, and Associate Counsel Craig S. Jordan returned to the meeting for the Executive Session.

ADJOURNMENT

At 8:45 PM, Mr. Flynn moved that the Executive Session be closed and that the meeting be adjourned. Second by Mr. Donato. Roll Call Vote: Mr. Dahlen---aye; Mr. Donato---aye; and Mr. Flynn---aye.

LIST OF DOCUMENTS

- 1) *Feasibility Study Committee Agreement with the Massachusetts School Building Authority for the Duxbury Middle/High School*
- 2) *Application materials for the Marshfield Triathlon permit (Duxbury portion).*
- 3) *Application materials for three one-day liquor licenses at the Duxbury Yacht Club: May 29, June 11, and June 26.*
- 4) *Application materials for a one-day liquor license at the Duxbury Yacht Club: June 25, 2011*
- 5) *Application materials for the Duxbury Student Union SkateFest permit*
- 6) *Announcement for Open Space and Recreation Committee Scavenger Hunt: May 14, 2011*
- 7) *Draft Board Minutes of May 6, 2011*