

**Date: March 26, 2012**

*Date Minutes Approved: April 2, 2012*

## **BOARD OF SELECTMEN MINUTES**

**Present:** Shawn Dahlen, Chair; David J. Madigan.

**Absent:** Theodore J. Flynn, Vice-Chair.

**Staff:** Richard MacDonald, Town Manager, Susan Kelley, Executive Assistant and C. Anne Murray, Administrative Assistant (Executive Session Only).

The meeting was called to order at 6:30 PM.

### **VOTE TO ENTER EXECUTIVE SESSION**

Upon convening, Mr. Dahlen moved that the Board enter Executive Session in order 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 30a, Section 21, and then to reconvene in Open Session.

As Chair, Mr. Dahlen declared that due to medical confidentiality it is necessary for King Caesar Fund cases to be discussed in Executive Session. Second by Mr. Madigan. Roll Call Vote: Mr. Dahlen---aye; Mr. Madigan---aye.

Adjourned Executive Session and Reconvene in Open Session.

Mr. Dahlen moved to adjourn the Executive Session at 6:50 PM and to re-convene the Open Session at 7:00 PM. Second by Mr. Madigan. Roll Call Vote: Mr. Dahlen---aye; Mr. Madigan--aye.

The meeting was called to order at 7:00 PM.

### **OPEN FORUM**

No items were brought forward.

### **SWEARING-IN OF NEWLY ELECTED TOWN OFFICIALS**

Town Clerk Nancy Oates administered the oath of office to the following newly-elected Town Officials:

Mr. David J. Madigan, Selectman  
Mr. Friend S. Weiler, Sr., Moderator  
Mr. Scott C. Casagrande, Planning Board  
\*Ms. Linda M. Collari, Assessor  
\*Mr. John P. Heinstadt, School Committee  
Ms. Paula S. Harris, Library Trustee  
\*Ms. Laney S. Mutkoski, Library Trustee  
Mr. Michael J. Thorp, Housing Authority.

**\*Denotes individuals who were elected but could not attend tonight's meeting, and will be sworn in at another time.**

**New Selectman Mr. David J. Madigan was sworn in at the polls on Saturday night, March 24, 2012 so as to have a quorum for tonight's meeting.**

## **BUSINESS**

### **DUXBURY NUCLEAR ADVISORY COMMITTEE RE: Entergy Hearing on Safety**

**Present for this item of business were: Ms. Mary "Pixie" Lampert, Co-Chair; Ms. Becky Chin, Co-Chair; Joseph Walstein, Member of the Nuclear Advisory Committee.**

**Ms. Lampert explained that on March 12, 2012, the NRC (Nuclear Regulatory Commission) issued four Orders based on lessons learned from Fukushima. There is an opportunity provided in Section V of the Orders to file a request for hearing under 10 C.F.R. §2.309. Ms. Lampert asked if the Selectmen, on behalf of the Town of Duxbury, wanted to join Pilgrim Watch and participate in the hearing.**

**Of particular concern were two Orders effecting the Pilgrim Nuclear Power Plant:**

- 1. the "Vent Order" regarding the installation of filtered vent systems that do not require rupture disks (rendering them inoperable absent electric power); and**
- 2. the Spent Fuel Order which fails to require dry casks and low-density, open frame pool storage but rather just instrumentation to assess water level in the pool.**

**After discussion of the options for action ranging from becoming a full participant in the hearings to no action at all, the Selectmen agreed to bring forth the following motion:**

**Mr. Dahlen moved that the Board of Selectmen, for the Town of Duxbury, hereby request status as a participant in any future hearings with regard to Reliable Hardened Containment Vents (EA-12-050) and to Spent Fuel Pool Instrumentation (EA-12-051) issued March 12, 2012. These orders, as written, are insufficient to protect the health, safety and property of our community. Support of this position reflects several previous votes by the residents of Duxbury at previous Town Meetings. Second by Mr. Madigan. Vote: 2:0:0.**

**Mr. Frank Mangione suggested attaching copies of the Annual Town Meeting Articles that were voted.**

## **ONE-DAY LIQUOR LICENSES**

**For Event Permits and One-Day Liquor Licenses: Departmental review of each request was completed before submission of the permit or license to the Selectmen for consideration. There were no objections and departmental feedback was incorporated into the conditions listed on the permit or license.**

**One-Day Liquor License Request / Mr. Chris Barry for the Friends of the Duxbury Council on Aging (COA): Fashion Show & Champagne Brunch on 4/29/12**

**Mr. Chris Barry from the Friends was present if the Board had any questions and to promote the event.**

**Mr. Madigan moved that the Board of Selectmen grant to Mr. Chris Barry, as a representative of the Friends of the Duxbury Council on Aging, a One-Day Wine & Malt License to hold a brunch and fashion show on April 29, 2012 at the Duxbury Senior Center,**

**10 Mayflower Street, from Noon to 4:00PM, subject to the conditions listed on the license. Second by Mr. Dahlen. VOTE 2:0:0**

**One-Day Liquor License Request / Mr. Chris Barry for the Friends of the COA: Annual Golf Tournament Reception on 6/4/12**

Mr. Chris Barry from the Friends was present if the Board had any questions and to promote the event.

Mr. Madigan moved that the Board of Selectmen grant to Mr. Chris Barry, as a representative of the Friends of the Duxbury Council on Aging, a One-Day Wine & Malt License for an event on June 4, 2012 at the Duxbury Senior Center, 10 Mayflower Street, from 4:30-10PM, subject to the conditions listed on the license. Second by Mr. Dahlen. VOTE 2:0:0

**One-Day Liquor License Request / Rev. Robert J. Deehan for Holy Family Church: Monsignor William Glynn's 65<sup>th</sup> Anniversary of Ordination to the Priesthood**

Mr. Madigan moved that the Board of Selectmen grant to Rev. Robert J. Deehan, as a representative of the Holy Family Church, a One-Day Wine & Malt license for a banquet to be held at the Holy Family Church, 601 Tremont Street, from 6:00 – 11:00PM on April 28, 2012, subject to the conditions listed on the license. Second by Mr. Dahlen. VOTE 2:0:0

#### **TOWN MANAGER BRIEF**

Mr. MacDonald reported on the following:

- 1) **Roundabout at Rt. 53 and Winter Street:** Mr. MacDonald stated the roundabout project had been put on the back burner because of funding shortfall. Previous inquiries indicated that the design remained 25-50% complete. Last week, Mr. MacDonald received a communication from the design firm that the plan was 100% complete and being presented to the Department of Transportation (DOT). It has been his experience that the DOT does not receive plans 100% complete unless the project is ready to go. Mr. MacDonald will follow up on the status of the project.
- 2) **Audio Video Equipment:** PAC TV has ordered new AV equipment which will be installed as soon as it arrives.

#### **ANNOUNCEMENTS**

**Commercial Shellfish Applications:** Reminder that Commercial Shellfish Applications can be submitted during the month of April only. Applications are now available in the Board of Selectmen's office. Applicants must be Duxbury residents and have a Massachusetts Commercial Fisheries license showing "endorsed shellfish".

#### **MINUTES**

No minutes were presented for approval.

#### **COMMITTEE APPOINTMENTS/RE-APPOINTMENTS**

Mr. Dahlen made a motion to appoint Emmett Sheehan as an alternate to the Zoning Board of Appeals to fill an unexpired term to expire on June 30, 2012. Second by Mr. Madigan. Vote 2:0:0. This appointment was made at the request of the ZBA Chair who felt it was necessary in order to obtain a quorum if members were unavailable to meet.

### **BONUS SHELLFISH SEASON**

**Mr. Dahlen moved that the Board of Selectmen declare a temporary Bonus Shellfish Season as follows:**

- 1. For the commercial harvesting of softshell clams for the month of April 2012, in accordance with posted Attachments B & C; and**
- 2. For the commercial harvesting of quahog clams for the month of April 2012, in accordance with posted Attachments A & C**

**Second by Mr. Madigan. Vote 2:0:0.**

### **ADJOURNMENT**

**Mr. Madigan moved for adjournment at 7:55 PM. Second by Mr. Dahlen. Vote: 2:0:0.**

### *LIST OF DOCUMENTS*

- 1) Email from Mary "Pixie" Lampert to Richard MacDonald and the BOS dated March 22,*
- 2) Application Packet: Friends of the Duxbury Council on Aging Fashion Show/Brunch 4/29/12*
- 3) Application Packet: Friends of the Duxbury Council on Aging Golf Reception 6/4/12*
- 4) Application Packet: Holy Family Church 65<sup>th</sup> Anniversary Banquet 4/28/12*
- 5) Announcements*
- 6) Appointments/Re-appointments*
- 7) Memo dated 3/23/12 from Don Beers RE: Bonus Shellfish Season with Attachments A, B & C*