

Date: April 2, 2012

Date Minutes Approved: April 9, 2012

BOARD OF SELECTMEN MINUTES

Present*: Theodore J. Flynn, Chair; Shawn Dahlen, Vice Chair; and David J. Madigan, Clerk.

Absent: None

Staff: Richard MacDonald, Town Manager; John Madden, Finance Director (Open Session Only); and C. Anne Murray, Administrative Assistant.

The meeting was called to order at 6:00 PM.

VOTE TO ENTER EXECUTIVE SESSION

Upon convening, Mr. Dahlen moved that the Board enter Executive Session in order to discuss strategy with respect to pending litigation, including North Hill Country Club, since an open meeting may have detrimental effect on the Town's litigating position, in accordance with Mass. General laws Chapter 30a, Section 21, and then to reconvene in Open Session.

As Chair, Mr. Dahlen declared the necessity to discuss strategy with respect to pending litigation in Executive Session. Second by Mr. Flynn. Roll Call Vote: Mr. Dahlen---aye; Mr. Flynn---Aye; Mr. Madigan---aye.

RECONVENED IN OPEN SESSION

Having completed the business of the Executive Session the meeting reconvened at 7:00 PM in Open Session after the public entered the room.

OPEN FORUM

No items were brought forward by the public.

***RE-ORGANIZATION OF THE BOARD OF SELECTMEN**

Mr. Dahlen indicated that he has appreciated his time as Chair but recognized that with the new Board it was time to re-organize.

Mr. Dahlen moved to nominate Mr. Flynn as the Chair. Second by Mr. Madigan. Vote: 3:0:0.

With that Mr. Flynn assumed the role of Chair.

Mr. Flynn moved to nominate Mr. Madigan as the Clerk. Second by Mr. Dahlen. Vote: 3:0:0.

Mr. Flynn moved to nominate Mr. Dahlen as the Vice Chair. Second by Mr. Madigan. Vote: 3:0:0.

DISCUSSION OF BOARD AND COMMITTEE LIAISON ASSIGNMENTS

In discussion it was explained that typically the new Selectmen assumes the Committees to which the previous one was assigned. Therefore, Mr. Madigan will assume all the Boards and Committees previously assigned to Mr. Donato with some exceptions, which were discussed. Mr. Flynn specifically asked to be the liaison to the Alternative Energy Committee and the Nuclear Advisory Committee, which were previously assigned to Mr. Donato. In exchange, Mr. Flynn asked

that Mr. Madigan take on the duties for two of his committees: the Insurance Committee and the Economic Advisory Committee.

Mr. Dahlen also mentioned that the Chair of the Board of Selectmen is designated as a member of the MBTA Advisory Committee, so Mr. Flynn will assume that committee.

Mr. MacDonald requested that a member of the Board be assigned as the delegate to the Old Colony Planning Council (OCPC) with Mr. Tom Broadrick, Duxbury Planning Director, will be the Alternate. Mr. Dahlen volunteered to be the Selectman's representative to the OCPC.

Beyond the above-referenced changes usly assigned to Mr. Dahlen and Mr. Flynn remain the liaison to the other Boards and Committees they were previous

On the listing of Boards and Committees there were a few which were labeled as "inactive." There was a discussion about dissolving the "inactive" committees. Ms. Murray explained that this had previously come up with respect to the Duxbury Youth Commission. How the committee was formed determines the necessary steps for dissolving it. In the case of the Duxbury Youth Commission it was formed by a Town Meeting vote and the article involved a state statute. Given that the previous Board chose not to dissolve it, but to let it remain inactive. [Editorial Note: See Selectmen Minutes of January 4, 2010 and January 25, 2010 regarding this matter.]

The other two committees listed as inactive were the Waterfront Advisory Committee and the Insurance Advisory Committee. Ms. Murray reported she was advised that the Waterfront Advisory Committee morphed to become the Duxbury Bay Management Commission, but from the records readily available how the Waterfront Advisory Committee was formed and transitioned is not clear. Mr. Flynn asked Ms. Murray to research the formation of the Waterfront Advisory Committee and the Insurance Advisory Committee and to report back to the Board.

Mr. Dahlen moved that the Selectmen vote the following changes to the Selectmen's liaison assignments:

Board or Committee	Former Selectman LIAISON Assigned <i>Note: V = Voting / NV = NON-voting.</i>	NEW Selectman LIAISON Assigned
Agricultural Commission	Chris Donato (NV)	David J. Madigan
Alternative Energy Committee	Chris Donato (NV)	Andre Martecchini as BOS Designee (voting) / Ted Flynn
Cable TV Advisory Committee	Chris Donato (NV)	David J. Madigan
Conservation Commission	Chris Donato (NV)	David J. Madigan
Design Review Board	Chris Donato (NV)	David J. Madigan
Economic Advisory Committee	Ted Flynn (V)	David J. Madigan
Historical Commission	Chris Donato (NV)	David J. Madigan
Insurance Committee	Ted Flynn (NV) [Betsy Sullivan until it is transitioned to Ted Flynn.]	David J. Madigan
Local Historic District Commission (new in 2011)	Chris Donato (NV)	David J. Madigan
MBTA Advisory Board	Shawn Dahlen (NV) / (BOS CHAIR)	Ted Flynn / Tom Broadrick (Voting) as BOS Designee

Metropolitan Area Planning Council (MAPC) Rep.	Chris Donato (NV)	David J. Madigan (V)
Nuclear Advisory Committee	Chris Donato (NV)	Ted Flynn
Old Colony Planning Council (Delegate)	NONE (Joanne Moore) (V)	Shawn Dahlen (Delegate) & Tom Broadrick (Alternate)
Recreation Activities Committee	Chris Donato (NV)	David J. Madigan
Shellfish Advisory Committee	Chris Donato (NV)	David J. Madigan
Sidewalk & Bike Path Committee	Ted Flynn (NV)	
South Shore Coalition	Chris Donato (V)	David J. Madigan as Selectmen's Rep. & Josh Cutler as Planning BD rep.
	<i>NOTE: If a BOS designee has been named then they would be the voting party.</i>	

DISCUSSION ABOUT THE APPOINTMENT OF A WIND ADVISORY COMMITTEE

Mr. Flynn noted that the Selectmen received a copy of a letter that was published in the Duxbury Clipper, Alternative Energy Committee's (AEC) recommendations for the Committee's formation, and potential candidates list and Talent Bank forms.

Mr. Jim Goldenberg, Chair of the AEC, gave an overview of why this committee is being formed. The AEC were studying several different energy options, including wind turbines and solar options. When the wind turbine options were being considered for a potential site on North Hill a group of concern citizens formed Duxbury Wind Wise (DWW) to voice their concerns. In the interim, the AEC decided to pursue the solar options as they felt they were more economically advantageous.

So at that point the wind turbine was tabled.

At this point Mr. MacDonald mentioned that the AEC has been working diligently to implement a solar farm at the Transfer Station. Similar to the previously announced contract with Pegasus, this will be a net metering process. Mr. MacDonald announced that he did sign the contract for the solar farm today after it had been reviewed by Town Counsel and the Attorney for the solar farm.

Mr. Goldenberg then continued by explaining that although the wind turbine was tabled DWW was concerned with the Duxbury wind bylaw. After voicing their concerns both sides agreed to recommend the indefinite postponement of a Town Meeting article that would have dramatically modified the wind bylaw. Instead they recommended a Wind Advisory Committee be established to study potential opportunities and risks of future wind turbine development in Duxbury and to propose possible changes to the existing Wind Bylaw. An additional goal of the Wind Advisory Committee would be to educate and inform the community about wind turbine development.

The AEC's recommendation is that the Selectmen appoint the Wind Advisory Committee to consist of 7 members as follows:

- 2 members from the Alternative Energy Committee
- 2 members from Duxbury Wind Wise
- 3 members from Duxbury citizens at large

It was stressed that whoever is appointed should join the Committee with an open mind.

Mr. Madigan asked why another committee was being formed instead of adding 2 individuals to the AEC. Mr. Goldenberg responded that the AEC will not be focusing on wind energy at this time and therefore there were concerns that wind discussions would be distracting to their work. Mr. Dahlen added that was previously discussed. The AEC is currently 11 members and (a) there were concerns about making the committee too large to be effective and (b) enlarging the committee poses quorum considerations.

Mr. Chris Sherman, of Hounds Ditch Land and DWW, said in their discussions with the AEC they felt the new Committee should have 3 goals:

1. To study the impacts of wind, including the economic, aesthetic, and health aspects.
2. Informing /educating various boards about wind energy
3. Drawing conclusions of what the recommendations should be regarding the Wind Bylaw.

Mr. Flynn indicated that several Talent Banks from potential candidates have been received, but not enough to appoint the Committee this evening. He asked anyone interested in serving to please fill out and submit a Talent Bank form as soon as possible so the Wind Advisory Committee could be appointed at an upcoming meeting.

BUSINESS

For Event Permits and One-Day Liquor Licenses, departmental reviews of the requests were done. There were no objections and departmental feedback was incorporated into the conditions listed on the permit or license.

ONE-DAY LIQUOR LICENSE REQUESTS

*2 One-Day Liquor Licenses Duxbury Yacht Club: Member/Guest Golf Dinners
6-13-12 & 6-16-12*

Mr. Dahlen moved that the Board of Selectmen grant to Mr. Douglas Hart, as a representative of the Duxbury Yacht Club, two One-Day All-Alcohol Liquor Licenses for the following events:

1. 3 Day Member/Guest Golf Dinner on June 13, 2012, to be held at the Ellison Clubhouse at Mattakeesett Court from 6:30 PM to 11:00 PM;
2. 3 Day Member/Guest Golf Dinner on June 16, 2012, to be held at the Ellison Clubhouse at Mattakeesett Court from 6:30 PM to 11:00 PM,

subject to the conditions on the license. Second by Mr. Madigan. Vote: 3:0:0.

In response to a question from the Board it was explained that the Duxbury Yacht Club does intend to apply for a Club Liquor License, but given the timeframe involved they wanted to wait until after approval of these One-Day Liquor Licenses as you cannot apply for One-Day Liquor Licenses once an application has been filed.

Mr. Rick Cowen, Friends of Tarkiln: Tarkiln Schoolhouse Fundraising Event May 5, 2012

Mr. Rick Cowen and Mr. Tag Carpenter were present representing the Friends of Tarkiln. Mr. Carpenter explained that although the Tarkiln was restored and is in use the kitchen is not able to be used. The Friend of Tarkiln have estimated that \$25,000. is needed to renovate the kitchen so it is useable. They have raised approximately \$7,000. so far. This is their largest fundraiser of the year and all the money goes to directly support the Tarkiln building. So he encouraged people to come to their event on Saturday, May 5th for a silent auction, hors d'oeuvres, and music to support a good cause.

Mr. Dahlen moved that the Board of Selectmen grant to Mr. Rick Cowen, as a representative of the Friends of Tarkiln, is granted a One-Day Wine & Malt License to hold a fundraising event on Saturday, May 5, 2012 from 7:30 PM to 11:00 PM at the Tarkiln Building, contingent upon the conditions on the license. Second by Mr. Madigan. Vote: 3:0:0.

EVENT PERMITS

Anne Marie Winchester: S. Shore Race Management Road Race: Fundraiser 3.1 Mi. Road Race on 6-10-12

Present for this item of business were Ms. Anne Marie Winchester and Ms. Chrissy Gurney of South Shore Race Management, LLC. Ms. Winchester gave a brief description of the race they are planning for Sunday, June 10, 2012. It will be a fundraiser for the Duxbury Police and a medical charity.

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Anne Marie Winchester, as a representative of the South Shore Race Management, LLC, is granted permission to hold a road race event in Duxbury on Sunday, June 10, 2012, with registration beginning at 6:45 AM and the race to begin at 8:00 AM, contingent upon all the conditions (21) on the permit. Second by Mr. Madigan. Vote: 3:0:0.

BUSINESS

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

1. Solar Farm – as mentioned above.
2. Construction Costs for March: Mr. MacDonald announced the construction costs for March were \$1.8 Million.
3. Chapter 90 (Highway) Funds: The Town Manager said he received official notification today that Duxbury would be receiving approximately \$540,000. in Chapter 90 Funds and this was close to what had been projected.

ANNOUNCEMENTS - No announcements made.

MINUTES

Mr. Dahlen noted that there are Minutes from the 02-27-12 and 03-01-12 meetings in their packets for review and approval. It was pointed out that only he and Mr. Flynn should vote on them since Mr. Madigan was not a member of the Board for those meetings.

Mr. Dahlen moved that the Board approve the February 27, 2012 Selectmen Minutes, as presented. Second by Mr. Flynn. Vote: 2:0:1. (Mr. Madigan abstained.)

Mr. Dahlen moved that the Board approve the March 1, 2012 Selectmen Minutes, as presented. Second by Mr. Flynn. Vote: 2:0:1. (Mr. Madigan abstained.)

Mr. Dahlen noted that there are Minutes from the 03-26-12 Open Session and from the 03-26-12 Executive Session in their packets, and was indicated on them that since Mr. Flynn was not in attendance on that date only he (Mr. Dahlen) and Mr. Madigan should vote on them.

Mr. Dahlen moved that the Board approve the March 26, 2012 Open Session Selectmen Minutes, 2012, as presented. Second by Mr. Madigan. Vote: 2:0:1. (Mr. Flynn abstained.)

Mr. Dahlen moved that the Board of Selectmen approve the March 26, 2012 Executive Session Minutes, as presented with the Minutes to remain sealed due to medical confidentiality. Second by Mr. Madigan. Vote: 2:0:1. (Mr. Flynn abstained.)

COMMITTEE RESIGNATIONS AND APPOINTMENTS/RE-APPOINTMENTS

There were no appointments made tonight, but two resignations were received.

Mr. Dahlen announced that Ms. Cynthia Ladd Fiorini resigned from the Duxbury Affordable Housing Trust, and thanked her for her service.

Mr. Dahlen moved to accept the resignation of Ms. Cynthia Ladd Fiorini as a Trustee of the Duxbury Affordable Housing Trust effective March 27, 2012. Second by Mr. Madigan. Vote: 3:0:0.

Mr. Flynn announced that Ms. Patricia Fahey resigned from the Sidewalk and Bike Path effective March 29, 2012 due to her other civic commitments. She too was thanked for serving.

Mr. Flynn moved to accept the resignation of Ms. Patricia C. Fahey as a member of the Sidewalk and Bike Path Committee effective March 29, 2012. Second by Mr. Madigan. Vote: 3:0:0.

Mr. Flynn took this opportunity to again encourage anyone who is interested in serving on a Board or Committee to please fill out a Talent Bank form, which are on the Town website (www.town.duxbury.ma.us) or available from the Selectmen's office. He also mentioned that currently the following committees have open seats:

- Design Review Board has 1 open ALTERNATE seat.
- Duxbury Affordable Housing Trust (Trustee of) has 1 open seat.
- Nuclear Advisory Committee has 1 open seat.
- Recreation Activities Committee has 1 open seat.
- Municipal Commission on Disabilities has 1 open seat.
- Sidewalk & Bike Path Committee has 2 open seats.

IN THE SIGNATURE FILE:

Mr. Dahlen mentioned that there is a draft of a letter to be sent out to Federal and State legislators to solicit their help in obtaining funding for needed dredging of Duxbury Harbor.

Mr. Dahlen moved that the BOS sign the letter, as drafted, to solicit help in obtaining funding for dredging Duxbury Harbor. Second by Mr. Madigan. Vote: 3:0:0.

ADJOURNMENT

At 7:40 AM PM Mr. Dahlen moved that the Board of Selectmen's meeting be adjourned. Second by Mr. Madigan. VOTE: 3:0:0.

LIST OF DOCUMENTS

- 1. Draft motion for entering Executive Session and explanation of the King Caesar Fund*
- 2. 04-02-12 Duxbury Board of Selectmen Exec. Session HANDOUTS RE: King Caesar Cases #2012-02 (in Executive Session Records)*
- 3. Table of BOS Liaison Assignments to Boards & Committees (as of 04-12-11)*
- 4. Formation of new Wind Advisory Committee packet: (a) AEC recommendations to the Selectmen regarding new "Wind Study Committee"; copy of a letter that was published in the Duxbury Clipper regarding how this suggested committee came about; spreadsheet for the naming of a committee; Listing of Potential Members and their Talent Bank forms.*
- 5. Two One-Day Liquor Licenses: DYC for Golf Tournament Dinners on 6/13/12 & 6/16/12*
- 6. One One-Day Liquor License: Friends of the Tarkiln for Tarkiln Schoolhouse Fundraiser on 05-05-12*
- 7. One Event Permit: S. Shore Race Management 3.1 Mi. Road Race*
- 8. 02-27-12 Selectmen's Minutes -DRAFT*
- 9. 03-01-12 Selectmen's Minutes -DRAFT*
- 10. 03-26-12 Selectmen's Minutes -DRAFT*
- 11. 03-26-12 Executive Session Selectmen's Minutes -DRAFT*
- 12. Board & Committee Resignation Sheet*