

Date: April 19, 2012

Date Minutes Approved: April 30, 2012

BOARD OF SELECTMEN MINUTES (OPEN SESSION)

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

Absent: None

Staff: Richard MacDonald, Town Manager and C. Anne Murray, Administrative Assistant.

CONVENED IN OPEN SESSION

The meeting was called to order at 8:00 AM in the Town Manager's office. There was one matter of business to be conducted in Open Session and then it was anticipated the Board would be voting to enter an Executive Session.

OPEN FORUM – Nothing was brought forward.

COMMON VICTUALLER'S LICENSE: Susan P. Horton/ for Scoops Ice Cream Shop

Ms. Susan P. Horton was present for this item of business. As she was not sure what the Board required from her, Mr. MacDonald took the lead in presenting the matter to the Board.

Mr. MacDonald explained that Ms. Horton had purchased the business, Scoops Ice Cream Shop, but not the business property from the previous owner. She is before the Board today to request a Common Victualler's License. He advised the Board that the necessary Fire Department, Inspectional Services Department and Board of Health inspections have been done or are scheduled to be done this week. Mr. MacDonald mentioned that there is a small outstanding property tax (\$19.00) due by the previous owner on the property and suggested it will need to be paid. If approved by the Board the Common Victualler's License will be contingent upon the completion / submission of a number of items, but by voting the Common Victualler's license today, it would enable the applicant to move forward with the opening of the business as soon as all the criteria have been met.

Mr. Dahlen moved that the Board of Selectmen approve a Common Victualler's License for Scoops Ice Cream Shop, Susan P. Horton, Manager, contingent upon the following:

- Provision of Workers' Compensation Affidavit
- Proof of Worker's Compensation Coverage (if applicable)
- Adherence to all Board of Health, Fire, and Inspectional Service Department Regulations
- Payment of License Fee
- R.E.A.P. Certification (i.e., Tax ID)
- Provision of all emergency business contact information and premises security data to the Duxbury Police Department
- Satisfactory completion of a criminal record (CORI) check
- Payment of any taxes owed on the property

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

VOTE TO ENTER EXECUTIVE SESSION

At approximately 8:02 AM Mr. Dahlen moved that the Board enter Executive Session in order to discuss strategy with respect to pending litigation, including the matter of the North Hill Country Club, since an open meeting may have detrimental effect on the Town's litigating position, and then not to reconvene in Open Session but to adjourn at the conclusion of the Executive Session.

As Chair, Mr. Flynn declared the necessity to discuss strategy with respect to pending litigation, including the matter of the North Hill Country Club in Executive Session. Second by Mr. Madigan. Roll Call Vote: Mr. Dahlen---aye; Mr. Flynn---aye; Mr. Madigan---aye.

Ms. Horton and Ms. Amy MacKinnon, Editor of the *Duxbury Clipper*, exited the room.

EXECUTIVE SESSION.