

Date: April 23, 2012

Date Minutes Approved: May 21, 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, and C. Anne Murray, Administrative Assistant.

CONVENED IN OPEN SESSION

The meeting was called to order at 6:00 PM in the Mural Room.

ENTERED EXECUTIVE SESSION

Upon convening the meeting, the Chair entertained a motion to enter Executive Session. 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 to reconvene in Open 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. Madigan---aye; and Mr. Flynn---aye.

After others in the room exited the Executive Session began. When the Executive Session was adjourned the Board agreed to re-convene the Executive Session at the conclusion of the Open Session to complete the business being discussed.

RECONVENED IN OPEN SESSION

The Executive Session was adjourned and the Open Session meeting was called to order at 7:00 PM after the public entered the room.

OPEN FORUM

Ms. Janet Ritch, of 992 Tremont ST, brought to the Board's attention that there have been numerous double utility poles on Tremont ST and she is wondering what can be done to expedite their removal. Mr. MacDonald told her to call his office tomorrow to discuss it.

Mr. Peterson, of Bolas Road, mentioned that a month or so ago he brought up the concern that Executive Session Minutes have not been released, and he was following up as he has heard nothing further. Mr. Dahlen said that a meeting shortly after he brought it up the Board did review three years of Executive Session Minutes and approved the release of what they could. *[Editorial Note: A staff member left just prior to Annual Town Meeting and the staff, which was short-handed is doing its best to get the Minutes done for review, approval and posting.]*

PUBLIC HEARING: 375th COMMITTEE/ Anne Antonellis –Co-Chair

(A) Event Permit for Town Green 06-17-12 AND

(B) One-Day Liquor License for Clambake 06-09-12

Ms. Anne Antonellis, Co-Chair of the 375th Committee, spoke on behalf of the Committee.

She mentioned that since its establishment several months ago the Committee has raised over \$40,000. and has scheduled a number of events already with the assistance of other Duxbury organizations. She mentioned a few events coming up in June:

On June 9, 2012 the 375th Committee will be holding an Old-Fashioned Clam Bake on the Beach. In addition to enjoying the food of a traditional old-fashion clam bake, there will be a band. Tonight they hope the Selectmen will approve a one-day liquor license so beer and wine may be served. The tickets are \$50.00 and are available at locations around town. For those who would like to attend but financially can't afford it, 25 tickets have been turned over to the Interfaith Council for distribution. The clam bake is limited to 500 people.

On June 12, 2012 the Duxbury Student Union (DSU) will host their annual "Summer Fest." It will be held at the DSU at 147 St. George ST, and this is the official kids' event to celebrate the Duxbury's 375th Anniversary.

On June 17, 2012 there will be a free celebration on the Town Green on Washington ST. June 17th commemorates Duxbury's actual 375th birthday and all are invited to come enjoy a picnic on the Town Green. There will be musical entertainment and the sharing of a cake to commemorate the occasion.

For event details see: www.Duxbury375.com.

Mr. Madigan moved that the Board of Selectmen grant to Ms. Anne Antonellis, as a representative of the 375th Committee, permission to hold a Duxbury 375th Birthday Picnic on the Millennium Town Green on Sunday, June 17, 2012 from 12 noon to 3:00 PM, contingent on the conditions on the permit. Second by Mr. Dahlen. VOTE: 3:0:0.

Mr. Madigan moved that the Board of Selectmen grant to Ms. Anne Antonellis, as a representative of the 375th Committee, a One-Day Wine and Malt License for an event at Duxbury Beach Park on Saturday, June 9, 2012 from 6:00 PM to 11:00 PM, contingent upon the conditions on the license. Second by Mr. Dahlen. VOTE: 3:0:0.

MEETING OF THE WATER & SEWER COMMISSIONERS: *Water Commitment*

Mr. Flynn moved that the Board of Selectmen adjourn the meeting as Selectmen in order to meet as the Water & Sewer Commissioners, with the intent of reconvening as Selectmen afterward. Second by Mr. Dahlen. VOTE: 3:0:0.

Mr. Madigan moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the amount of \$496,264.25 for water, sewer and service. Second by Mr. Dahlen. VOTE: 3:0:0.

It was noted that this allows the billing for the water, sewer and service charges to be mailed.

Mr. Madigan moved that the Board adjourn the meeting as Water & Sewer Commissioners in order to reconvene as Selectmen. Second by Mr. Dahlen. VOTE: 3:0:0.

**PUBLIC HEARING: DUXBURY YACHT CLUB – 2 CLUB LIQUOR LICENSES:
486 Washington Street and 70 Fairway Lane**

As it was after the advertised time of 7:10 PM, Mr. Flynn opened the public hearing on the request of the Duxbury Yacht Club for Club Liquor Licenses for two of its locations: 486 Washington Street and 70 Fairway Lane

Present for this item of business was Mr. Doug Hart and Ms. Phyllis Gleason of the Duxbury Yacht Club (DYC).

Mr. Hart explained that currently the DYC, when it is holding a function for which alcohol is to be served, has to apply for a One Day Liquor License. This involves a lot of time and paperwork for the staff at the DYC and the Town Hall. It was suggested to the DYC that they apply for a Club Liquor License, which would eliminate the need to file requests for the One-day liquor licenses and would streamline the process. He stressed that the DYC does not plan to make any changes to how they are running events, and they have no plans to run a pub.

Mr. Dahlen mentioned he had received a communication from Mr. Balboni of 11 Long Point Lane, who is an abutter but who could not attend tonight. The Mr. Balboni's concern was that the DYC would now be getting a license, which would allow them to serve liquor 365 days a year. While that is technically true Mr. Dahlen said that every indication is that the DYC is not looking to dramatically increase the number of events, but rather to streamline the administrative process so they will no longer have to apply for one-day liquor licenses.

Ms. Carol Moss, of 266 Circle ST, is an abutter to the Golf Course. She mentioned that she has not had an issue with the DYC, but have had issues with general vandalism, such as smashed mailboxes. She did not have concerns about the number of functions but more about the noise issues. She spoke about other areas with residential condos abutting a golf course (i.e., Turner Hill). Ultimately the golf course there was open to outside functions and it caused quality of life issues for the residents in the abutting condos. She is concerned that could happen here.

Mr. Dahlen mentioned that as part of the application process they have to describe the intended uses. He reiterated what was already mentioned that this is not going to change how they are running the events, but really is for administrative ease. He also noted that as is case with all licenses they have to be renewed on an annual basis. So there is incentive for a license holder not to have any issues as the Board of Selectmen could deny the license at renewal.

Ms. Phyllis Gleason of the DYC tried to address some of the concerns. She mentioned that while she couldn't say there never would be a band the DYC's own rules would preclude it.

Mr. Warren Steadman, Fairway Way, mentioned that some individuals coming off of Harrison ST tend to speed until they get closer to the club where there is a speed bump. He was hoping something could be done to alleviate that, which was really outside the consideration of the Club Liquor License.

There were no other public comments.

Mr. Madigan moved that the Board of Selectmen approve two All-Alcohol Club Licenses for the Duxbury Yacht Club at its 489 Washington St and its 70 Fairway Lane location, contingent upon the conditions on the licenses. Second by Mr. Dahlen. Vote 3:0:0.

ARBOR DAY PROCLAMATION

Duxbury has been recognized as a Tree City USA, which is a program of the National Arbor Day Foundation. The Foundation is dedicated to tree planting and environmental stewardship. As part of the Tree City USA program an annual Arbor Day celebration is proclaimed.

Mr. Madigan moved that the Board of Selectmen proclaim April 27, 2012 as Arbor Day in the Town of Duxbury in accordance with the Proclamation as presented. Mr. Madigan read the Arbor Day Proclamation. Second by Mr. Dahlen. VOTE: 3:0:0.

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

Duxbury Business Association / DuxBizEx 2012: May 10, 2012

Mr. John Mattes, Vice President of the Duxbury Business Association (DBA), was present and spoke briefly about the event. There will be approximately 25 exhibitors from the local business community. The event is free and open to the public. This is a good opportunity for networking and to learn of the businesses in the community. Prizes will be raffled so he encouraged the residents to stop by.

Mr. Madigan moved that the Board of Selectmen grant to Mr. John Mattes, as a representative of the Duxbury Business Association, a One-Day Wine & Malt License for an event at the Duxbury Senior Center, 10 Mayflower St, on May 10, 2012 from 5:30 PM – 8:00 PM contingent upon the conditions on the license. Second by Mr. Dahlen. VOTE: 3:0:0.

EVENT PERMITS

Duxbury Middle School 5K Road Race / Debbie Burns – May 18, 2012

Mr. Madigan moved that the Board of Selectmen vote to grant to Ms. Debbie Burns, as a representative of the Duxbury Middle School Running Club, permission to conduct the Fourth Annual DMS Running Club 5K Road Race and Family Fun Day beginning at the Duxbury Middle School, on Friday, May 18, 2012 at 4:00 PM, contingent upon the event as described and any conditions on the permit. Second by Mr. Dahlen. VOTE: 3:0:0.

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

1. **Performing Arts Center Emergency** – Mr. MacDonald mentioned that last Friday at the Performing Arts Center (PAC) there were about 300 children at a show. A gentleman who was involved in the presentation collapsed and went into full cardiac arrest. Fortunately Mr. Tony Kelso retrieved the AED and a doctor who was at the performance performed CPR. The Town's Emergency Personnel responded and he was transported to the hospital. Mr. MacDonald said that he received a report that as of this afternoon the gentleman is doing fine.
2. **SE Massachusetts Tree Wardens' & Arborists' Association** – Mr. MacDonald noted that a letter of thanks has been sent to the Southeastern Massachusetts Tree Wardens' and Arborists' Association. Members of the group were in Duxbury recently for a volunteer Arbor Day Work Day and did a lot of work at the Mayflower Cemetery.
3. **Legal Costs** - Mr. MacDonald reported the total legal costs of Atty. Troy's work on the North Hill Country Club (Johnson Golf) case from 2008 through February 2012 were \$177,368.84.

ANNOUNCEMENTS

The following announcements were made:

1. **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 office. Applicants must be Duxbury residents and have a Massachusetts Commercial Fisheries license showing “endorsed shellfish.”
2. **Dispose of Unused or Expired Medications:** On Saturday, April 28th from 10 AM – 2 PM the public is invited to turn in any unused or expired medications where they will be taken to be disposed of properly.
3. **Next Meeting:** The next meeting of the Duxbury Board of Selectmen will be on April 30, 2012.

MINUTES

Mr. Dahlen moved that the Board of Selectmen approve the April 9, 2012 Minutes as presented. Second by Mr. Madigan. VOTE: 3:0:0.

COMMITTEE APPOINTMENTS / RE-APPOINTMENTS

Mr. Dahlen moved that the Board of Selectmen appoint Linda Garrity to the Duxbury Affordable Housing Trust to fill an unexpired term due to expire on June 30, 2013. Second by Mr. Madigan. VOTE: 3:0:0.

Mr. Flynn moved that the Board of Selectmen appoint Linda Hayes as the Town of Duxbury delegate to the Old Colony Elder Services (OCES) effective July 1, 2012 for a term to expire as of June 30, 2013. Second by Mr. Madigan. VOTE: 3:0:0.

ADJOURNMENT OF OPEN SESSION & RECONVENE IN EXECUTIVE SESSION

At 8:40 PM, Mr. Dahlen moved that the Board adjourn Open Session and reconvene in 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 not to reconvene in Open Session but to adjourn directly from Executive Session.

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

The public was asked to leave the room and then the Executive Session began.

LIST OF DOCUMENTS FOR OPEN SESSION MEETING

1. *Suggested Motion for Entering Executive Session*
2. *Event Permit Duxbury 375th Birthday Picnic on Sunday, June 17, 2012*
3. *One-Day Wine and Malt License for 375th Clam Bake on Saturday, June 9, 2012*
4. *Suggested Motions for Water & Sewer Commissioners and Commitment form*
5. *Duxbury Yacht Club -2 Club (Liquor) Licenses –complete application packet and feedback*

- 6. Arbor Day Proclamation*
- 7. One-Day Wine and Malt License for Duxbury Business Association's DuxBizEX 2012 on Thursday, May 10, 2012 –application and feedback packet.*
- 8. Event Permit for Annual DMS Running Club 5K Road Race and Family Fun Day on 05-18-12*
- 9. Analysis of Robert S. Troy & Associates North Hill Invoices for calendar years 2008, 2009, 2010, 2011 and 2012 through February, 2012. (Also prepared by Fiscal Year.)*
- 10. Suggested Announcements: Commercial Shellfish Application and Take Back Unwanted Drugs Flyer and Information*
- 11. 04-09-12 Selectmen Minutes – Draft*
- 12. Board & Committee Appointment Sheet – Fourth of July Activities Committee*
- 13. Appointment / Re-Appointment Sheet for 04-23-12: DAHT and OCES*