

Date: April 30, 2012

Date Minutes Approved: 06-04-12

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; and Susan Kelley, Executive Assistant.

CONVENED IN OPEN SESSION

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

VOTE TO ENTER 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

Mr. Peterson, of Bolas Road, addressed the Board with his concerns regarding the appointment of special counsel, the cases assigned to them, mounting attorney's fees and the transparency of same.

Mr. Madigan stated that in the spirit of transparency, the Board would put together the billing information pertaining to the 4 insurance cases in litigation as soon as current bills were available. As the information is public record, some bills relating to the North Hill Country Club case have already been released.

PUBLIC HEARING: DUXBURY YACHT CLUB – 1 CLUB LIQUOR LICENSE **23 Mattakeesett Court**

Mr. Peter Watson of 476A Washington Street was present to comment on the issuance of this license. A resident at that address since 1999, Mr. Watson was regrettably not in attendance on April 23, 2012 to speak regarding the other 2 licenses issued that evening.

Mr. Watson expressed concern that when the Fitzgibbons House (479 Washington Street) was purchased by the Duxbury Yacht Club (DYC), it was to be used for family events not as a club. Since the sale, the

landscape has been altered to accommodate for more parking. Now, there is a block-long track with liquor licenses, including parties at the Nathaniel Winsor House and the DYC. The Corner has been quiet but there is concern about the increased noise 2-4 years down the road.

Mr. Dahlen addressed Mr. Watson's concerns stating that the Board of Selectmen issues One-Day Liquor Licenses regularly to the DYC. Any facility is entitled to multiple One-Day Liquor Licenses each year. Because of the volume of requests submitted by the DYC, the Board had approached the club and requested that they apply for a "Club License" not to magnify use but decrease the administrative workload involved with the many One-Day License requests. Mr. Dahlen also stated that the Board has the ability to revoke, change or refuse to renew the Club License as it must be renewed annually.

Mr. Watson asked how many licenses had been revoked.

Mr. Dahlen stated that no licenses had been revoked since he was on the Board. There have been no complaints with licenses issued to the DYC in the past.

Mrs. Phyllis Gleason was in attendance representing the DYC. She stated that the DYC has no intention of doing anything other than events similar to what they have done in the past. She also mentioned that the Fitzgibbons House has retained its "home-like" feel and will be for events such as bridge groups or small meetings.

Mr. Madigan moved that the Board of Selectmen approve an All-Alcohol Club License for the Duxbury Yacht Club at its 23 Mattakeesett Court location. Second by Mr. Dahlen. Vote 3:0:0.

APPOINTMENT OF SPECIAL TOWN COUNSEL and NAMING AS SPECIAL MUNICIPAL EMPLOYEES - ANDERSON & KREIGER LLP

There was no discussion regarding the appointment of Special Town Counsel.

Mr. Madigan moved that the Board of Selectmen approve the appointment of Anderson & Kreiger, LLP as Special Counsel for the Town of Duxbury. Second by Mr. Dahlen. Vote 3:0:0.

Mr. Madigan moved that the Board of Selectmen designate all Special Town Counsels as Special Municipal Employees under Massachusetts General Laws, Chapter 268A, Section 1 (n), also known as "Special Employee" under said law. Second by Mr. Dahlen. Vote 3:0:0.

CONVENE AS WATER & SEWER COMMISSIONERS

In order to address the next item on the agenda, Mr. Dahlen moved that the Board of Selectmen adjourn as the Board of Selectmen and re-convene as the Water & Sewer Commissioners. Second by Mr. Madigan. Vote 3:0:0.

VOLUNTARY WATER RESTRICTIONS / PETER MACKIN, Water Superintendent

Mr. Peter Mackin, Superintendent of the Duxbury Water & Sewer Department, was present to request that the Board of Selectmen institute Voluntary Water Restrictions. He mentioned that the State had been in touch with the Town to discuss the implementation of a voluntary water ban. This request is being made earlier than in previous years because of the unusually warm winter and spring.

Mr. MacDonald mentioned that this restriction is done every year and because of the lack of precipitation, it was appropriate to ask for the ban.

Mr. Madigan moved that due to the recent extremely dry conditions and in order to maintain our water supply for domestic use and fire protection, the Board of Selectmen approve the following voluntary outside watering restrictions effective immediately:

- Odd numbered houses will be restricted to Mondays, Wednesdays and Fridays
- Even numbered houses will be restricted to Tuesdays, Thursdays and Saturdays
- All outdoor watering to be done between the hours of 5am – 8am and 5pm – 8pm.
- No watering on Sunday.
- Please direct any questions to the Water Department at 781-934-1100 x129 or x130.

Second by Mr. Dahlen. Vote 3:0:0.

Having no further discussion, Mr. Madigan moved that the Water & Sewer Commissioners adjourn and that the Board reconvene as the Board of Selectmen. 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

Island Creek Oyster foundation / Friends for Haiti: September 8, 2012

Michelle Conway, Executive Director of the Island Creek Oyster Foundation, was present at the meeting in case the Board had any questions. The Board had no questions as the departmental reviews were complete.

Mr. Madigan moved that the Board of Selectmen vote to grant Mr. Shore Gregory of the Island Creek Oyster Foundation an One-Day All-Alcohol Permit for the “Friends of Haiti” fundraiser to be held at Duxbury Beach Park from 6:30 pm – 11:00 pm on Saturday, September 8, 2012. Second by Mr. Dahlen. Vote 3:0:0.

Leukemia & Lymphoma Society, Reggae for Research, Stu Ruggles – May 19, 2012

Mr. Stuart Ruggles was present at the meeting. He mentioned that this event was both a fundraising event for the Leukemia & Lymphoma Society as well as a celebration of Kathy Gram’s (111 Depot Street, Duxbury) nomination for L&LS’s “Woman of the Year”.

Mr. Madigan moved that the Board of Selectmen vote to grant Mr. Stuart Ruggles, as a representative of the Leukemia & Lymphoma Society, an One-Day Wine and Malt License for the Reggae for Research fundraiser to be held at the Bayside Marine boat shed at 433 Washington Street from 7:00 pm – 11:00 pm on Saturday, May 19, 2012. Second by Mr. Dahlen. Vote 3:0:0.

EVENT PERMITS

July 4th Celebration – July 4, 2012 through July 7, 2012 / Fourth of July Activities Committee

Mr. Stuart Ruggles was present on behalf of the Fourth of July Activities Committee in case the Board had any questions. The Board had no questions as the Committee had met with the Development Review Team and feedback was complete.

Mr. Madigan moved that the Board of Selectmen vote to grant the Fourth of July Activities Committee permission to hold the annual Fourth of July celebration in the Town of Duxbury from July 4, 2012 – July 7, 2012 as described in the Parade, Concert, Beach Party Plan for 2012 received by the Town Manager's office. Second by Mr. Dahlen. Vote 3:0:0.

July 4th Road Race / Tammy Kirk & John King (Race Coordinators) – July 4, 2012

The Board had no questions about this event as the Race Coordinators had met with the Development Review Team and feedback was complete.

Mr. Madigan moved that the Board of Selectmen vote to grant Tammy Kirk, as a representative of the Duxbury Education Foundation, permission to hold a road race on July 4, 2012 beginning at 7:00 am at the Duxbury Middle School. Second by Mr. Dahlen. Vote 3:0:0.

Duxbury Beach Triathlon / Brian Noyes – September 29, 2012

Mr. Brian Noyes was present on behalf of the Duxbury Beach Triathlon in case the Board had any questions. The Board had no questions as Mr. Noyes had previously met with the Public Safety officials and all feedback was complete.

Because of the heavy participant traffic across Powder Point Bridge during the race, Mr. Madigan made the following motion:

Move that the Board of Selectmen approve closure of the Powder Point Bridge to vehicle traffic only on Saturday, September 29, 2012 from approximately 9:25 am to 11:25 am, or as the Harbormaster deems appropriate, for the purposes of the Duxbury Beach Triathlon. Second by Mr. Dahlen. Vote 3:0:0.

Mr. Madigan then moved that the Board of Selectmen vote to grant Mr. Brian Noyes, as a representative of the Duxbury Beach Triathlon, a permit to hold a triathlon event in Duxbury on Saturday, September 29, 2012 beginning at 9:30 am. Second by Mr. Dahlen. Vote 3:0:0.

After the vote, Mr. Noyes thanked the Selectmen for approving the permit and was appreciative of their support. He also wished to publicly thank the hundreds of volunteers who turn out to help make the event a success.

Mr. MacDonald acknowledged Mr. Noyes' efforts and cooperation in the permitting process for this event.

DSU Summerfest / Terri Woodward – June 16, 2012

Mr. Stuart Ruggles was present on behalf of the Duxbury Student Union in case the Board had any questions. There was no discussion.

Mr. Madigan moved that the Board of Selectmen grant Ms. Theresa Woodward, as a representative of the Duxbury Student Union (DSU), permission to hold a Summerfest on the grounds of the Wright Building and in the DSU/Duxbury Middle School parking lots from noon to 4:00 pm on Saturday, June 16, 2012. Second by Mr. Dahlen. Vote 3:0:0.

Historic Winslow House of Marshfield bike ride – May 6, 2012

The Board had no questions as Departmental Review was complete.

Mr. Madigan moved that the Board of Selectmen grant permission to the participants in the inaugural Historic Winslow House Association of Marshfield bicycle ride to travel through Duxbury on Sunday, May 6 2012. The 43.5 mile ride will begin at the Winslow House in Marshfield at 9AM. Second by Mr. Dahlen. Vote 3:0:0.

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

1. **Blairhaven** - The asbestos removal at the Blairhaven property was complete. Minor cleanup had been done. Demolition of the buildings was anticipated to take place in the next week or so as the firm doing the work had a 30 day window in which to complete the job. After the buildings have been removed, the grounds will be cleaned up to allow for safe and enjoyable use of the property.
2. **Wind Advisory Committee** - Applications for the Wind Advisory Committee have been slow in coming. The committee will be addressed at a future meeting.
3. **Lincoln Street Water Mains** - The new water lines on Lincoln Street will be completed this week. Mr. MacDonald thanked the residents for their patience during the work and road closures.
4. **PAC TV** - PAC TV system upgrades will begin tomorrow. Installation should be completed by the end of the week.
5. **Electricity Rate Reduction** - Mr. MacDonald signed a contract today for electricity. He introduced Mr. John Madden, Finance Director, to speak of this topic. Mr. Madden stated that the current contract expired on 12/31/12. The cost of electricity is currently 10.4¢ per KWH. The new contract represents a decrease in cost to 7.2¢ per KWH locked for 4 years. This will be a savings of \$150,000 - \$170,000 town wide each year.

ANNOUNCEMENTS –

Mr. Madigan announced the 2nd Annual Duxbury Litter Sweep on Saturday, May 5, 2012 from 8 am – 4 pm. Three sign-in/drop off locations for the event include the Tarkiln Building on Summer Street, Keene Street Fields on Keene Street, and the Duxbury Senior Center on Mayflower Street. Only blue (Pay as you throw) bags may be disposed of at the Transfer Station pit. All other bags, whether supplied by the pickup stations or provided by citizens, must be tightly closed and brought to one of the three drop off locations by 5:30pm. Any recyclables/returnables must be taken to the Transfer Station by 4pm. Questions about the event should be directed to Mary Gazzola at playhooky@comcast.net.

MINUTES

Mr. Madigan moved that the Board of Selectmen approve the April 19, 2012 Open Session minutes as presented. Second by Mr. Dahlen. Vote 3:0:0.

Mr. Madigan moved that the Board of Selectmen approve the April 19, 2012 Executive Session minutes as presented with the contents to remain sealed until the need for confidentiality has passed. Second by Mr. Dahlen. Vote 3:0:0

Mr. Dahlen moved that the Board of Selectmen approve the February 27, 2012 Executive Session minutes as presented with the contents to remain sealed until the need for confidentiality has passed. Second by Mr. Flynn. Vote 2:0:1. Mr. Madigan abstained as he was not on the Board at the time.

Mr. Dahlen moved that the Board of Selectmen approve the March 19, 2012 Open Session minutes as presented. Second by Mr. Flynn. Vote 2:0:1. Mr. Madigan abstained as he was not on the Board at the time.

COMMITTEE RESIGNATIONS AND APPOINTMENTS/RE-APPOINTMENTS

Mr. Dahlen moved that the Board of Selectmen appoint or re-appoint the following to the fourth of July Committee with all terms to expire as of April 30, 2013:

Katy Gaenicke	Terri Woodward
Rich Potash	Jamie MacNab
Janet Ritch	Amy Hill
Margaret Kearney	Brian Hill
William Kearney	Joan Edgar
Janet Skaggs *	Sue Lawrence
Don Reed	Terry Reiber
Nancy Reed	Jeff Goldman
Linda Robinson	Stuart Ruggles
Dave Robinson	Barbara Munsey

**New Appointment*

BONUS SHELLFISH SEASON

Mr. Madigan moved that the Board of Selectmen declare a temporary Bonus Shellfish Season:

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

Second by Mr. Dahlen. Vote 3:0:0.

ADJOURNMENT OF OPEN SESSION & RE-ENTER EXECUTIVE SESSION

At 7:32 PM, Mr. Dahlen moved that the Board adjourn Open Session and re-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. Flynn declared the necessity to discuss strategy with respect to pending litigation in Executive Session. Second by Mr. Dahlen. Roll Call Vote: Mr. Flynn---aye; Mr. Dahlen---aye; Mr. Madigan---aye.

The public was asked to leave the room. Ms. Kelley left the meeting and Ms. Murray returned to take minutes of the Executive Session.

LIST OF DOCUMENTS FOR OPEN SESSION MEETING

1. *Packet RE: Duxbury Yacht Club All-Alcohol Club (Liquor) License for 23 Mattakeesett Court*
2. *Public Service Announcement – Press Release RE: Voluntary Water Restrictions*
3. *One-Day Liquor License: Island Creek Foundation Inc. / Friends for Haiti Sept. 8, 2012*
4. *One-Day Liquor License: Leukemia & Lymphoma Society / Reggae for Research*

May 19, 2012

- 5. Event Permit Town of Duxbury Fourth of July Celebration July 4 – July 7, 2012*
- 6. Event Permit Duxbury Education Foundation July 4th Road Race July 4, 2012*
- 7. Event Permit Duxbury Beach Triathlon September 29, 2012*
- 8. Event Permit Duxbury Student Union (DSU) Summerfest June 16, 2012*
- 9. Event Permit Historic Winslow House Association bike ride May 6, 2012*
- 10. Announcement – Duxbury Litter Sweep May5, 2012*
- 11. 04-19-12 Open Session Selectmen’s Minutes – DRAFT*
- 12. 04-19-12 Executive Session Selectmen’s Minutes - DRAFT*
- 13. 02-27-12 Executive Session Selectmen’s Minutes –DRAFT*
- 14. 03-19-12 Open Session Selectmen’s Minutes -DRAFT*
- 15. Board & Committee Appointment Sheet – Fourth of July Activities Committee*
- 16. Bonus Shellfish Season – May 2012*