

**Date: June 25, 2012**

*Date Minutes Approved: August 13, 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, Susan Kelley, Executive Assistant**

### **CONVENED IN OPEN SESSION**

The meeting was called to order at 6:10 PM.

### **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 ongoing litigation including the North Hill Country Club a/k/a Johnson Golf, since an open meeting may have detrimental effect on the Town's litigating position, and then to re-convene in Open Session. Second by Mr. Madigan.

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

The public left the room.

The Executive Session was adjourned at 7:00 PM and the Board re-convened in Open Session.

### **RE-CONVENED IN OPEN SESSION**

#### **OPEN FORUM**

Mr. Flynn recognized Mr. Dennis Murphy, Chair of the Zoning Board of Appeals. Mr. Murphy stated that he was present to address the Selectmen regarding his possible re-appointment to the ZBA. Mr. Flynn asked that he wait until the later in the meeting when the Selectmen would be addressing Committee Appointments.

#### **JOANNE MOORE – RECOGNITION, Massachusetts COA Director of the Year**

Mr. Flynn recognized Joanne Moore, Director of the Duxbury Senior Center, who had recently been named COA Director of the Year by the Massachusetts Council on Aging. He read the following statement on behalf of the Selectmen:

*On Thursday, June 7<sup>th</sup>, Joanne was recognized by the Massachusetts Council on Aging (MCOA) as the "Director of the Year". In fact, not only was she chosen for the honor, but the vote to do so was unanimous.*

*It seems like the Massachusetts Council on Aging is just getting around to recognizing what the Duxbury Town Officials and citizens have known for years.... That Joanne Moore is a gem.*

*If you ask Joanne, she is the first one to give credit to her staff and the legion of volunteers at the Duxbury Senior Center, but just for tonight we would like to put the spotlight on Joanne to recognize everything she does to make the Duxbury Senior Center the vibrant hub of Duxbury, which is welcoming not just to the Duxbury Seniors, but to the community as a whole.*

**DEPARTMENTAL TRANSFERS – Fire Department, DPW, Town Clerk, Police Department**

Mr. Madden explained that Massachusetts General Laws, Chapter 44, Section 33B, allows for the transfer of funds between salaries and expenses within a department, and also between departments under certain conditions. He explained that 5 transfers are being requested, and explained the circumstances that led to each budget deficit or surplus. After discussion, the following votes were taken:

Amount	From	To	Motion	Second	Vote	Purpose
\$37,250	Fire - Other Expenses	Fire - Personal Services	Mr. Madigan	Mr. Dahlen	3:0:0	STM 3/10/12 authorized a transfer i/a/o \$18,750.00 for uniform re-imbursement. Transfer done incorrectly. This corrects error and transfers the originally requested amount
\$7,000	DPW Vehicle Maintenance - Personal Serv	DPW Cemetery - Personal Serv	Mr. Madigan	Mr. Dahlen	3:0:0	Cover shortfall - retirement payout total i/a/o \$15,700.
\$6,000	DPW - Lands and Natural Resources	DPW Highway - Personal Serv	Mr. Madigan	Mr. Dahlen	3:0:0	Cover shortfall - retirement payout i/a/o \$7,400.
\$860.94	Town Clerk - Personal Serv	Elections & Registrations	Mr. Madigan	Mr. Dahlen	3:0:0	Cover shortfall - unbudgeted \$10,126.53 cost for STM 10/29/11 & STE 12/5/11
\$8,689.50	Police - Salaries	Police - Investigative Services	Mr. Madigan	Mr. Dahlen	3:0:0	Chief returned large salary surplus. Money requested for capital purchase previously requested but not budgeted.

**TOWN TREASURER – RENEWAL OF BOND ANTICIPATION NOTES**

Mr. Tom Connolly, Town Treasurer, was present to address the Selectmen and request an approval and signature on the Bond Anticipation Note from Eastern Bank dated June 28, 2012 in the amount of \$2,515,000 with an interest rate of .5% and a due date of September 14, 2012. Upon maturity, a permanent Bond may be considered. This bond is a renewal of a previous loan with a \$150,000 pay down from Fire Station Planning. The bond was to fund expenses involving Crematory Construction, Fire Station Planning, Police Station Construction, Fire Station Construction, Land Acquisition and the School Feasibility Study.

Mr. Dahlen moved that the Selectmen vote to execute the Bond Anticipation Note dated June 28, 2012 in the amount of \$2,515,000. Second by Mr. Madigan. 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 LICENSES -**

#### ***Miramar Retreat Center – Some Enchanted Evening, August 4, 2012***

Reverend Thomas Griffith was present at the meeting. He mentioned that this event was not only a fundraiser to for capital improvements but also an effort to bring the neighborhood together.

Mr. Madigan moved that the Board of Selectmen vote to grant Reverend Thomas Griffith, as a representative of Miramar Retreat Center, a One-Day All-Alcohol Liquor License to hold a fundraising dinner dance at 121 Parks Street from 5:00 PM to 10:00 PM on Saturday, August 4, 2012. Second Mr. Dahlen. Vote 3:0:0

#### ***Duxbury Rural & Historical Society – Members’ Reception, June 29, 2012***

Mr. Madigan moved that the Board of Selectmen vote to grant Ms. Alison Arnold, as a representative of the Duxbury Rural & Historical Society, a One-Day Wine & Malt License for a members’ event at the King Caesar House, 120 King Caesar Road, from 6:00 PM – 8:00 PM on Friday, June 29, 2012. Second by Mr. Dahlen. Vote 3:0:0.

#### ***Duxbury Rural & Historical Society – Wedding, July 6, 2012***

Mr. Madigan moved that the Board of Selectmen vote to grant Ms. Alison Arnold, as a representative of the Duxbury Rural & Historical Society, a One-Day All-Alcohol Liquor License to hold a wedding at the Nathaniel Winsor, Jr. house at 479 Washington Street from 5:30 PM – 10:30 PM on July 6, 2012. Second by Mr. Dahlen. Vote 3:0:0.

#### ***Duxbury Rural & Historical Society – Nips, Sips and Shots; An Educational look at Wines/Spirits in the 19<sup>th</sup> Century.***

Mr. Madigan moved that the Board of Selectmen vote to grant Ms. Alison Arnold, as a representative of the Duxbury Rural & Historical Society, a One-Day All-Alcohol Liquor License for an event to be held at the Nathaniel Winsor, Jr. House, 479 Washington Street, from 7PM – 9PM on August 10, 2012. Second by Mr. Dahlen. Vote 3:0:0.

#### ***Duxbury Rural & Historical Society – Croquet & Cocktail Party***

Mr. Madigan moved that the Board of Selectmen vote to grant Ms. Alison Arnold, as a representative of the Duxbury Rural & Historical Society, a One-Day All-Alcohol Liquor License to hold a Croquet & Cocktail Party at the King Caesar House, 120 King Caesar Road, from 3:00PM – 7:00PM on August 18, 2012. Second by Mr. Dahlen. Vote 3:0:0.

### **TOWN MANAGER’S BRIEF**

Mr. MacDonald mentioned the following items:

1. **NStar** – Because of the Tropical Storm currently in Florida, NStar contacted Mr. MacDonald to keep lines of communication open with the Town. While the path of the storm has yet to be determined, NStar will be contacting Chief Nord and establishing lines of communication on the

web and phone to be used in the event of severe weather. It seems that the Town's complaints related to NStar's response during hurricane Irene in 2011 have been heard and NStar is working to correct communication deficiencies.

2. **Cemetery Office/Crematory opening** – There will be no Board of Selectmen's meeting on July 9<sup>th</sup>, however at 6 PM that evening, there will be a dedication ceremony at the new cemetery office and crematory located on Mayflower Street. The facility is state of the art. It has been said that this is one of the best crematories in the country – the taxpayers should be proud.
3. **Blairhaven** – The buildings have been removed and the fencing is being installed. Mr. MacDonald will be in touch with the Blairhaven Committee to discuss their recommendations for use. Mr. Dahlen also stated that the conservation restrictions should be reviewed. Mr. MacDonald suggested that the Selectmen should entertain possible names for the location as they had indicated that the name Blairhaven should be changed.

### MINUTES

Mr. Flynn noted that there are Minutes from the June 4, 2012 Open Session and June 14, 2012 Open Session in their packets for review and approval.

Mr. Madigan moved that the Board approve the June 4, 2012 Open Session Selectmen Minutes as presented. Second by Mr. Dahlen. Vote 3:0:0.

Mr. Dahlen moved that the Board approve the June 14, 2012 Open Session Selectmen Minutes as presented. Second by Mr. Madigan. Vote: 3:0:0.

### COMMITTEE APPOINTMENTS/RE-APPOINTMENTS

The following votes were taken pertaining to appointments to Town Boards and Committees:

<u>Committee</u>	<u>Name</u>	<u>Appt or Re-Appt</u>	<u>Term Expires</u>	<u>Motion</u>	<u>Second</u>	<u>Vote</u>
Board of Health	Dr. David Brumley	Re-Appt.	6-30-15	Mr. Flynn	Mr. Madigan	3:0:0
Board of Health	Karen Tepper	Re-Appt.	6-30-15	Mr. Flynn	Mr. Madigan	3:0:0
Design Review Board	Susan Bourget	Appt.	6-30-15	Mr. Madigan	Mr. Dahlen	3:0:0
Design Review Board ALTERNATE	Robert M. Mustard, Jr.	Appt.	6-30-13	Mr. Madigan	Mr. Dahlen	3:0:0
Design Review Board ALTERNATE	Heidi Pape Laird	Appt.	6-30-13	Mr. Madigan	Mr. Dahlen	3:0:0
Dux. Affordable Housing Trust ( <i>Selectmen's Rep.</i> )	Shawn Dahlen	Re-Appt.	6-30-14	Mr. Madigan	Mr. Flynn	2:0:1 ( <i>Dahlen abstained</i> )
Dux. Affordable Housing Trust	Martha Himes	Re-Appt	6-30-14	Mr. Madigan	Mr. Dahlen	3:0:0
Dux. Affordable Housing Trust	Laura Schaefer	Re-Appt	6-30-14	Mr. Madigan	Mr. Dahlen	3:0:0
Dux. Affordable Housing Trust ( <i>ex officio</i> )	Diane Bartlett (Chair of LHP)	Re-Appt	6-30-14	Mr. Madigan	Mr. Dahlen	3:0:0

Economic Advisory Committee (Planning Board Rep)	John Bear	Re-Appt	6-30-15	Mr. Madigan	Mr. Dahlen	3:0:0
Economic Advisory Committee (Selectmen's Rep)	David J. Madigan	Re-Appt	6-30-15	Mr. Flynn	Mr. Dahlen	2:0:1 (Madigan abstained)
Economic Advisory Committee (Business Rep)	Thomas Tucker	Re-Appt	6-30-15	Mr. Madigan	Mr. Dahlen	3:0:0
Economic Advisory Committee (At-Large Rep)	John B. Mattes	Re-Appt	6-30-15	Mr. Madigan	Mr. Dahlen	3:0:0
Local Housing Partnership (Selectmen's Rep)	Shawn Dahlen	Re-Appt	6-30-15	Mr. Flynn	Mr. Madigan	2:0:1 (Dahlen abstained)
Local Housing Partnership (At-Large member)	Diane Bartlett	Re-Appt	6-30-15	Mr. Dahlen	Mr. Madigan	3:0:0
Local Housing Partnership (At-Large member)	Brian P. Murphy	Re-Appt	6-30-15	Mr. Dahlen	Mr. Madigan	3:0:0
Local Housing Partnership (Dux Housing Authority Rep)	John J. Todd	Re-Appt	6-30-15	Mr. Dahlen	Mr. Madigan	3:0:0
Local Housing Partnership (Conservation Commission rep)	Barbara Kelley	Re-Appt	6-30-15	Mr. Dahlen	Mr. Madigan	3:0:0
Metropolitan Area Planning Comm. (MAPC) –Dux. rep.	Thomas A. Broadrick	Appt.	6-30-15	Mr. Madigan	Mr. Dahlen	3:0:0
**Old Colony Planning Council (for Planning)	Josh Cutler	Appt.	6-30-15	Mr. Madigan	Mr. Dahlen	3:0:0
Registrar of Voters	Miriam B. McCaig	Re-Appt	6-30-15	Mr. Flynn	Mr. Dahlen	3:0:0
Registrar of Voters	Mary Ellen See	Re-Appt	6-30-15	Mr. Flynn	Mr. Dahlen	3:0:0
South Shore Coalition (SSC) – Selectmen's Rep.	David Madigan	Appt.	6-30-15	Mr. Flynn	Mr. Dahlen	2:0:1 (Madigan Abstained)
South Shore Coalition (SSC) – Planning BD's Rep.	Scott Casagrande	Appt.	6-30-15	Mr. Flynn	Mr. Dahlen	3:0:0
Zoning Board of Appeals	Paul Boudreau	Appt.	6-30-17	Mr. Flynn	Mr. Dahlen	3:0:0

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Zoning Board of Appeals - ASSOCIATE	Dennis A. Murphy	Appt.	6-30-13	Mr. Madigan	Mr. Dahlen	3:0:0
Zoning Board of Appeals - ASSOCIATE	Emmett Sheehan	Re-appt.	6-30-13	Mr. Flynn	Mr. Dahlen	3:0:0

*\*\* There are two different OCPC committees: The OCPC –AAA is the committee that deals with Area Agencies on Aging. The OCPC –Planning is the committee which specifically deals with planning issues.*

**Zoning Board of Appeals –**

Mr. Flynn nominated Paul Boudreau, currently a ZBA Alternate, to become a full member of the Zoning Board of Appeals. Second by Mr. Dahlen. *(see vote below)*

Dennis Murphy, a current member of the ZBA asked to address the Selectmen. He stated that he has served on the ZBA for the last 5 years and continues to enjoy the unanimous support of the Zoning Board members. He also mentioned that Mr. Boudreau was in support of his re-appointment to the Board. He also said that he would be happy to assume the role of liaison to the Economic Advisory Committee if re-appointed to the ZBA. *(Editorial note: Mr. Flynn had stated during the earlier appointments that, although required, no members of the ZBA were currently on the Economic Advisory Committee.)* Mr. Murphy continued by saying that it was tradition for those persons leaving the Board of Appeals to serve as an alternate for a term of one year to finish up any pending cases they had been involved with.

Ms. Sue Lawrence of 65 South Street asked the Selectmen why Mr. Murphy wasn't being re-appointed. Mr. Flynn responded that as Mr. Murphy has already served a 5 year term, he would like to see an Alternate member move up and have the opportunity to serve as a full member.

A motion was already made and seconded to appoint Mr. Paul Boudreau as a member of the Zoning Board of Appeals with a term to expire 6/30/17. Vote 3:0:0.

Mr. Madigan moved that the Board vote to appoint Mr. Dennis Murphy as an Alternate member of the Zoning Board of Appeals with a term to expire on 6-30-13. Second by Mr. Dahlen. Vote 3:0:0.

**BONUS SHELLFISH SEASON**

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

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

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

**ADJOURNMENT**

At 7:43, Mr. Dahlen moved that the Board of Selectmen adjourn. Second by Mr. Madigan. Vote 3:0:0.

**LIST OF DOCUMENTS**

1. Departmental Transfer Spreadsheet
2. Request for \$37,500 Transfer - Fire Dept.

- 3. Request for \$6,000 Transfer – DPW*
- 4. Request for \$7,000 Transfer – DPW*
- 5. Request for \$860.94 Transfer – Town Clerk*
- 6. Request for \$8,689.50 Transfer – Police*
- 7. Note and assorted documents re: Bond Anticipation Note dated June 28, 2012 (renewal)*
- 8. FY'13 Board and Committee Appointments*
- 9. One Day Liquor License – Miramar Retreat Center, August 4, 2012*
- 10. One Day Liquor License – Duxbury Rural & Historical Society, June 29, 2012*
- 11. One Day Liquor License – Duxbury Rural & Historical Society, July 6, 2012*
- 12. One Day Liquor License - Duxbury Rural & Historical Society, August 10, 2012*
- 13. One Day Liquor License – Duxbury Rural & Historical Society, August 18, 2012*
- 14. Draft Minutes – Selectmen's Meeting Open Session, June 4, 2012*
- 15. Draft Minutes – Selectmen's Meeting Open Session, June 14, 2012*
- 16. Memorandum from Judi Barrett, Chair of ZBA re: ZBA Appointment 7/1/12 (Mr. Dennis Murphy)*
- 17. Bonus Shellfish Season, July 2012*