

Date: July 23, 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, Susan Kelley, Executive Assistant

OTHERS PRESENT:

- **Atty. Arthur “Art” Kreiger of Anderson & Kreiger, LLP**
- **Scott Lambiase, Director of Inspectional Services**
- **Zoning Board of Appeals members: Judith Barrett, Chair, Jill Cadigan Christenson, Dennis Murphy, Emmett Sheehan, Wayne Dennison, and Paul Boudreau**

CONVENED IN OPEN SESSION

The meeting was called to order at 6:02 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 Webster Point, North Hill Country Club a/k/a Johnson Golf, and the Police Union since an open meeting may have a 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 Executive Session was adjourned at 6:58 PM and the Board re-convened in Open Session. Atty. Art Kreiger, Scott Lambiase and the members of the Zoning Board of Appeals left the room.

RE-CONVENED IN OPEN SESSION

OPEN FORUM – No topics for discussion were brought forth.

EXECUTION OF DUXBURY BEACH LEASE FOR FY2013

Mr. Dahlen recused himself for this agenda item as he is a Director of the Duxbury Beach Reservation, Inc.

Mr. Madigan moved that the Board of Selectmen execute the annual lease between the Duxbury Beach Reservation, Inc. and the Town of Duxbury as presented. Second by Mr. Flynn. Vote 2:0:1.

Mr. Madigan mentioned that there was an Eagle Scout in town who wanted to build a ramp to the Bay side of the beach. Mr. Dahlen responded that he was already working with the scout to determine where the ramp could be built.

Mr. Dahlen re-joined the Board for the remainder of the meeting.

LICENSE AGREEMENT, The Wildlands Trust, Inc. and the Town of Duxbury – 0 Anchorage Lane

Mr. Dahlen stated that in order to build the access road for the High School/Middle School building project, the Town had 2 options:

1. build a small retaining wall along the property line abutting 0 Anchorage Lane, a parcel owned by The Wildlands Trust, Inc.; or
2. execute this agreement with Trust which would allow the Town to clear a strip of land, re-grade and build the access road on Town property, but allowing grading along the portion of 0 Anchorage Lane that abuts the building site. The property would be restored/re-landscaped at the completion of the school building project.

Mr. Madigan moved that the Board of Selectmen approve and execute a License Agreement with The Wildlands Trust, Inc. to temporarily use a portion of the property located at 0 Anchorage Lane, described on the Duxbury Assessor's Map as Parcel 180-418-001, abutting the Town-owned site that has been designated for the construction of the new High School and Middle School Project. The period of the license and permission granted here shall begin on the date of execution of the License Agreement and continue until the date that the construction of the Project and restoration of the property covered by the license has been completed. 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 LICENSES -

Duxbury Rural & Historical Society – Private Function, August 11, 2012

There was no discussion about this event. Public Safety Officers' review was completed with no issues.

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 private function at the Nathaniel Winsor, Jr. House, 479 Washington Street, from 4:00 PM to 10:00 PM on Saturday, August 11, 2012. Second Mr. Dahlen. Vote 3:0:0

Friends of the Duxbury Council on Aging – Amendment of License previously granted, October 1, 2012

This license was an amendment to a license previously granted for an event to be held on June 4, 2012. The event was postponed due to rain.

Mr. Madigan moved that the Board of Selectmen vote to grant Mr. Chris Barry, as a representative of the Friends of the Duxbury Council on Aging, a One-Day Wine & Malt License for an event at the Duxbury Senior Center, 10 Mayflower Street, from 3:30 PM – 9:00 PM on Monday, October 1, 2012. Second by Mr. Dahlen. Vote 3:0:0.

Children's Well-Being Foundation – August 11, 2012

Ms. Angela Walsh was present on behalf of the Children's Well-Being Foundation. She stated that the event was being held on the property at 222 Powder Point Ave and not on the beach in front of the home as stated in the letter of intent sent to the Board.

Mr. Madigan moved that the Board of Selectmen vote to grant Ms. Angela Walsh, as a representative of the Children's Well-Being Foundation, a One-Day All-Alcohol Liquor License to hold a fundraising event at 222 Powder Point Ave from 5:00 PM – 10:00 PM on Saturday, August 11, 2012. Second by Mr. Dahlen. Vote 3:0:0.

EVENT PERMIT -

ALYSSA FRAZAR COMMEMORATIVE WALK – September 8, 2012

Mr. Tom Frazar was present to answer any questions.

Ms. Suzanna Sheehan, of 122 Powder Point Ave., asked if the roads around Powder Point would be closed during the course of the walk. Ms. Kelley stated that the number of participants expected was approximately 50. It would not be a high traffic event. Mr. MacDonald stated that the permit could be approved contingent upon further review of the proposed route with the Police Department.

Hearing no more questions, Mr. Madigan moved that the Board of Selectmen grant Mr. Tom Frazar permission to conduct the Alyssa Frazar Commemorative Walk beginning at the Duxbury High School at 11:00 AM on Saturday, September 8, 2012. Second by Mr. Dahlen. Vote 3:0:0.

TOWN MANAGER'S BRIEF

Mr. MacDonald mentioned the following items:

1. **Cemetery Office/Crematory opening/ acceptance of gifts** – Mr. MacDonald thanked everyone who attended the dedication of the new Crematory. He also wished to publicly thank several people for gifts and ask that the Board of Selectmen vote to accept the following: Mr. Emmett Sheehan for the donation of trees, granite steps and site/drainage work; Mr. Wes Langeland for the epoxy flooring; and an anonymous donor for furniture and furnishings for the office and crematory.

Mr. Madigan moved that the Board of Selectmen vote to accept the generous donations listed above. Second by Mr. Dahlen. Vote 3:0:0.

2. **Metromedia Energy Inc. / Natural Gas Contract** – Mr. MacDonald signed a contract with Metromedia Energy to purchase Natural Gas at a price of \$.70 per therm, a reduction of \$.15 from the current price of \$.085 per therm. This reduction will save the Town approximately \$50,000.00 per year. The contract is for a term of 2 years.
3. **Mosquito Spraying / EEE** – 21 Area communities were recently sprayed for mosquitos. Duxbury is not on the spray list as the Town is not considered high risk for EEE at this point. Mr. MacDonald will keep both the Board and the public updated on the situation.

4. **Resignation of Norman Tucker** – Mr. Norman Tucker has submitted his resignation from the Historical Commission and the CPC. Mr. MacDonald wanted to publicly acknowledge Mr. Tucker and thank him for his many years of service.
5. **Severe Weather** - Finally, Mr. MacDonald thanked everyone for their efforts during and after the severe weather on Wednesday of last week (July 18, 2012). The Police, Fire, DPW and Recreation Director did a terrific job dealing with the effects of and damage caused by the storm – including the direct lightning strike at the North Hill Country Club.

MINUTES

Mr. Flynn noted that there were Minutes from the July 2, 2012 Open Session and June 25, 2012 and July 9, 2012 Executive Session in their packets for review and approval.

Mr. Madigan moved that the Board approve the July 2, 2012 Open Session Selectmen Minutes as presented. Second by Mr. Dahlen. Vote 3:0:0.

Mr. Madigan moved that the Board approve the June 25, 2012 and July 9, 2012 Executive Session Selectmen Minutes as presented with the minutes to remain sealed until the need for confidentiality has passed. Second by Mr. Dahlen. Vote 3:0:0.

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS

There were no appointments

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

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

ADJOURNMENT

At 7:18, Mr. Madigan moved that the Board of Selectmen adjourn the Open Session. Second by Mr. Dahlen. Vote 3:0:0.

LIST OF DOCUMENTS

1. *FY 2013 Beach Lease between Duxbury Beach Reservation, Inc. and the Town of Duxbury*
2. *License Agreement between The Wildlands Trust, Inc. and the Town of Duxbury*
3. *One Day Liquor License – Duxbury Rural & Historical Society, August 11, 2012*
4. *One Day Liquor License Amendment – Friends of the Duxbury Council on Aging, October 1, 2012*
5. *One Day Liquor License – Children’s Well-Being Foundation, August 11, 2012*
6. *Event Permit – Alyssa Frazar Commemorative Walk, September 8, 2012*
7. *Draft Minutes – Selectmen’s Meeting Open Session, July 2, 2012*
8. *Draft Minutes – Selectmen’s Meeting Executive Session, June 25, 2012*
9. *Draft Minutes – Selectmen’s Meeting Executive Session, July 9, 2012*
10. *Bonus Shellfish Season, August 2012*

