

**Date: January 28, 2013**

*Date Minutes Approved: February 4, 2013*

## **BOARD OF SELECTMEN MINUTES**

**Present: Theodore J. Flynn, Chair (Arrived at 6:58 PM, the end of Executive Session) and Shawn Dahlen, Vice Chair; and David J. Madigan, Clerk**

**Absent:**

**Staff: Richard MacDonald, Town Manager; John Madden, Finance Director; Susan C. Kelley, Executive Assistant, and C. Anne Murray, Administrative Assistant.**

### **CONVENED IN OPEN SESSION**

The meeting was called to order at 6:45 PM in the Mural Room.

### **ENTERED EXECUTIVE SESSION**

As Mr. Flynn was delayed in reaching the meeting, Mr. Dahlen assumed the Chair.

Upon convening the meeting, the Chair entertained a motion to enter Executive Session. Mr. Madigan moved that the Board enter Executive Session in order to discuss strategy with respect to collective bargaining, since an open meeting may have detrimental effect on the Town's negotiating position, and then to reconvene in Open Session. Second by Mr. Dahlen.

As Chair, Mr. Dahlen declared the necessity to discuss the afore-mentioned matter in Executive Session, as discussion in open session would be detrimental to the Town's negotiating position.

ROLL CALL VOTE: Mr. Madigan---aye; Mr. Dahlen---aye.

### **RECONVENED IN OPEN SESSION**

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

### **OPEN FORUM**

Mr. Flynn introduced the "Interim" Town Manager Richard MacDonald. He pointed out that if the Interim Town Manager looks familiar it is because he is the former Town Manager Richard MacDonald, who retired on Friday. Mr. Flynn said that the Board has signed an Agreement with Mr. MacDonald for him to continue as the Interim Town Manager until such time as the Board hires a new Town Manager.

As it was not 7:10 PM, the advertised time of the Public Hearing, the Board moved to other business.

### **PRESENTATION BY TOWN MANAGER SEARCH COMMITTEE – Wayne Heward, Chair**

Mr. Wayne Heward, Chair of the Town Manager Search Committee, gave a brief overview of the Town Manager Search Committee's charge and the process the Committee followed. Regarding the Committee's charge he mentioned the following tasks:

1. To establish an understanding of the role, responsibility and authority of the Town Manager position;
2. To consult with town officials, committees, residents and other interested parties in order to obtain views regarding issues facing the town and the community;

3. To review, screen and interview qualified candidates; and
4. To recommend two or three candidates for the Selectmen's consideration.

As to the Committee membership and process they followed, Mr. Heward mentioned the following:

- The following residents of Duxbury served on the Town Manager Search Committee: Judi Barrett, Karen Butcher, Fred Clifford, Elizabeth Hartford, Wayne Heward, John Heinstadt, Kathleen Muncey, Sandy Salmela and Anita Stiles.
- There were a total of 23 applications received for the position.
- Several meetings were held and during those meetings the Committee narrowed the list to 4 applicants to be interviewed.
- Interviews were held with the 4 candidates, following which the list was narrowed to 3 candidates to bring forward to the Selectmen.
- One of the three candidates withdrew citing "family challenges at this time."

Mr. Heward then announced the Committee was recommending the following candidates for the Board of Selectmen's consideration:

- Mr. Rene' J. Read, who is the Town Administrator of the Town of Hanson.
- Mr. James Boudreau, who is the Town Administrator of the Town of Norwell.

Resumes of the above-named candidates have been provided to the Board of Selectmen.

The Selectmen thanked the Committee. As the next step the Selectmen briefly discussed scheduling an additional Selectmen's meeting for a morning timeframe during which they would hold interviews with each of the candidates and allow time for the candidates to have a "meet & greet" with the staff.

## **DISCUSSION OF TOWN MEETING ARTICLES**

### **Compensation of Elected Officials – Revise Vote**

Mr. Madigan explained that at the 1/07/13 Selectmen's Meeting the Selectmen voted on the article to set the compensation of elected officials and in doing so recommended that the Selectmen's compensation be eliminated. Subsequently Town Counsel advised them that based on the Ethics laws the Selectmen should not be voting on their own salaries. Accordingly the article has been revised so that the article will appear with a double asterisk \*(\*) under the headings "Requested FY' 14" and "BOS Recommended FY14" with the double asterisk (\*\*) signifying the Board of Selectmen take no position regarding the Selectmen compensation.

It was recommended that since the Board had previously a vote, they should revise their vote.

Mr. Madigan moved that the Board of Selectmen revise the vote taken at the Selectmen's meeting of January 7, 2013 to support the 2013 ATM Article III: Compensation of Elected Officials without making any recommendations regarding the salary amounts for the Selectmen listed in the warrant article. Second by Mr. Dahlen. VOTE: 3:0:0.

Mr. Dahlen added that Town Counsel did say that the Selectmen, acting as individuals, could express an opinion regarding the Selectmen's compensation. Mr. Madigan also mentioned that all of the current Selectmen have chosen not to accept the Selectmen's compensation.

## **Re-Write of Zoning Bylaws**

Mr. Flynn mentioned that the Zoning Bylaw Review Committee (ZBRC) recommended hiring a consultant to rewrite and recodify the Zoning Bylaws (See Selectmen Minutes of September 24, 2012.) Mr. Bob Fitzpatrick, Chair of the ZBRC, has also indicated that several of the members of the ZBRC have offered to continue on to assist the consultant in that task.

Mr. Madigan moved that the Board of Selectmen recommend approval of the 2013 Annual Town Meeting Article pertaining to the revision of the Duxbury Protective Bylaw for the purpose of updating, re-codifying, clarifying and resolving inconsistencies with other bylaws or regulations affecting land development in the Town, in the amount of \$60,000.

(Before voting, Mr. Madigan read the article (ATM Art. XXIII) as it appears in the current draft warrant.)  
Second by Mr. Dahlen. VOTE: 3:0:0.

### **7:10 P.M. PUBLIC HEARING: ALL-ALCOHOLIC BEVERAGES PACKAGE STORE LICENSES BY SQUARE CORP. d/b/a Halls Corner Store, 8 Chestnut ST**

At 7:10 PM Mr. Madigan began the PUBLIC HEARING for an All-Alcoholic Beverage Package Store License submitted by Square Corp. d/b/a Halls Corner Store, 8 Chestnut ST by mentioning that the public hearing was advertised in the Duxbury Clipper on Wed., January 16, 2013 and the abutters were also notified by certified mail.

Mr. Madigan moved that the Board of Selectmen open the public hearing for an all-alcoholic beverages package store license by Square Corp. d/b/a Hall's Corner Store, 8 Chestnut Street, Duxbury MA. Second by Mr. Dahlen. VOTE: 3:0:0.

Mr. Flynn asked the applicant or his/her legal representative to present their proposal and Philip A. Markella, Esq., spoke on behalf of his clients, "Vicki" (Viktoria A.) Patel, Das Patel and Jay Patel. He introduced his clients and mentioned:

- Vicki (Viktoria A.) Patel has applied as the manager. He noted she is experienced liquor store owner /operator. She currently runs the Main Street Market & Deli in Hingham and has for 5-6 years, and is TIPS certified.
- Square Corp. has owned the Hall's Corner Store for 11 years.
- That his clients' intention is not to turn the Hall's Corner Store into a liquor store, but rather to have it remain as a convenience store that also sells liquor.
- As shown on the diagram in the application materials, the liquor would be displayed for sale on a few shelves in the middle of the store and in the cooler at the back of the store. Storage of the liquor would be in a storage room that already exists.

Mr. Madigan asked him to clarify if they were requesting an All-Alcoholic Beverage license versus a Wine and Malt license and questioned whether they had the space for an all-alcoholic beverages license? Atty. Markella confirmed that they are seeking an all-alcoholic beverages package store license and responded to the comment about the space limitation by saying they would have a limited selection of various spirits; not a full selection.

Mr. Flynn then opened the discussion up to the Public for questions or comments.

Mr. Joe Carroll, Duxbury Wine & Spirits, spoke against the issuance of the license citing the following:

- He mentioned that the Town went through a similar issue when Foodies applied for a license about five years ago, which he believes was for the third license in the area at the time.
- He believes at the time that there were no All-Alcoholic licenses available.

- The issue at that time seemed to be whether there was a need for a supermarket, and that was the key to Foodies receiving a Wine & Malt license on a limited basis. He questioned whether Foodies is adhering to the limited space conditions, but added that is a discussion for another day.
- Back then there was a question of whether there was a need for a third liquor license. He questioned “Is there a demonstrable need for this license?”
- He mentioned that issuance of the license to Foodies has diluted business to other establishments in the area. He stated that there has been no substantial increase in population, and therefore opined that there is still no demonstrable public need for another (liquor license).

Seeing no one else wanted to comment Mr. Flynn invited questions or comments from the Board.

Mr. MacDonald mentioned that he has a couple of questions and is waiting for additional information to be provided to the Board. He asked the Board to continue the hearing until the next Selectmen’s meeting scheduled for Monday, February 4th.

There was a brief discussion about whether to close the hearing but delay voting until the next meeting or to continue the public hearing. It was decided to continue the hearing so that any new information could be received and commented on by the public.

Mr. Wayne Heward, a Duxbury resident who was in the audience, asked to speak and was recognized by the Chair. He asked “What is the basis for issuance of a liquor license?” In response Mr. MacDonald said that it is based on population. He said it is governed under two sections of the Massachusetts General Laws (Chap. 138) Section 12 and 15.

Mr. Dahlen added that there are a couple of different levels of licenses: Beer and Wine only and All-Alcoholic. He gave an overview of the establishments that currently have the different licenses in the Hall’s Corner / Depot ST area.

Mr. MacDonald stressed that he is taking no position on this matter. His request for the continuance is strictly for clarification and informational purposes.

Mr. Madigan moved to continue this public hearing (i.e., for an All-Alcoholic Beverage Package Store License submitted by Square Corp. d/b/a Halls Corner Store, 8 Chestnut ST) to 7:01 PM on Monday, February 4, 2013. Second by Mr. Dahlen. VOTE: 3:0:0.

### **DISCUSSION OF TOWN MEETING ARTICLES (as numbered in Draft Warrant)**

*[For the purposes of this discussion Annual Town Meeting will be abbreviated as ATM and Special Town Meeting will be abbreviated as STM. Roman numerals are used until the order of the articles is set by the Board of Selectmen at which time Arabic numbering will be assigned. ]*

#### **Citizen’s Petition Removal of Drainage Easement – 86 Candlewick Close**

Attorney Robert S. Galvin, Sr., spoke on behalf of his clients, Mr. and Mrs. Goldstein, the owners of 86 Candlewick Close. He explained that his clients applied for a building permit and were surprised to learn that the house was built over a drainage easement owned by the Town. The drainage easement was granted to the Town in 1971, but was never used and no pipes were ever laid. Atty. Galvin said that initially the citizen petition was drafted with the idea that since the drainage easement was never used it should be considered abandoned. After discussions with Town officials, he will be proposing an amendment at the Annual Town Meeting to relocate the drainage easement as shown on a plan he submitted to the Selectmen and to Ms. Kathy Muncey, a member of the Finance Committee, who will be reviewing this article. He noted that there are actually two easement on the property, and the other easement is a drainage and water

easement, which will remain as is. This one, which relates to a spur, will just be re-located so that his clients can proceed with their plans for an addition and the drainage easement will not interfere with that.

Mr. MacDonald mentioned that both Director of Municipal Services Scott Lambiase and DPW Director Peter Buttkus have reviewed the plan to relocate the spur and have no issues with it.

Mr. Dahlen questioned why Mr. Lambiase and Mr. Buttkus felt the need for the easement. Mr. MacDonald said he could not answer that without further conversations with them.

Mr. Madigan suggested that it should not be a problem for the Board to support the article, and amend it if additional information is received and it is appropriate to do so.

Mr. Madigan moved that the Board of Selectmen recommend approval of the Citizen's Petition for the Removal of a Drainage Easement at 86 Candlewick Close. Second by Mr. Dahlen. VOTE: 3:0:0.

### **Merge of the Local Housing Partnership & Duxbury Affordable Housing Trust**

Mr. Madigan moved that the Board of Selectmen recommend approval of the 2013 ATM Meeting Article pertaining to the merger of the Local Housing Partnership and the Duxbury Affordable Housing Trust. Second by Mr. Dahlen.

Mr. Dahlen suggested an explanation be provided before they vote. Ms. Diane Bartlett, Chair of the LHP, was present, but had expected Mr. Matt Walsh, a member of the Local Housing Partnership (LHP) to be present to explain this article. As Mr. Walsh was not present, Mr. Dahlen, who serves on both the LHP and the Duxbury Affordable Housing Trust (DAHT) provided the following explanation:

- The LHP and the DAHT are made up of 14 appointed volunteers; some of whom also serve on other boards or committees.
- Both boards have a similar focus.
- There been difficulty getting quorums for meetings so both groups felt that consolidating the two groups and reducing the membership to 7 appointed members might help with the quorum issues but enable them to continue their work.

Having received the explanation the Board voted on the motion. VOTE: 3:0:0.

Ms. Bartlett took the opportunity to publicly thank Mr. MacDonald on behalf of the LHP as he has always been most helpful whenever a concern was brought to him.

### **Article Pertaining to the CPC – Operating Budget**

Mr. Madigan moved that the Board of Selectmen recommend approval of the 2013 ATM Article pertaining to the Community Preservation Committee operating expenses.

Mr. Bear, Chair of the Community Preservation Committee (CPC), under the CPA you are allowed to designate up to a maximum of 5% for administrative costs (i.e., an amount of money to cover the staffing, Conservation Agent's and Conservation Administrative Assistant salaries, legal costs, architects, land restriction, surveyors, etc.) Many of these expenses are estimated, but at the end of the budget year whatever funds have not been expended are transferred back into the CPC fund. This year's request is for \$39,000.

Mr. Madigan moved that the Board of Selectmen recommend approval of the 2013 ATM Article pertaining to the Community Preservation Committee operating expenses. Second by Mr. Dahlen.  
VOTE: 3:0:0.

### **Article Pertaining to CPC – Allocations**

Mr. Madigan moved that the Board of Selectmen recommend approval of the 2013 Annual Town Meeting Article pertaining to the allocation of Community Preservation Act Funds for the following purposes, and in the designated amounts:

- 1) Open Space: 60%
- 2) Community Housing: 10%
- 3) Historic Preservation: 10%

Second by Mr. Dahlen.

Mr. Flynn asked if the above percentages were similar to in the past. In discussion it was noted that historically each of the categories was set at 10% for each of the categories. This year there is an increase in the percentage recommended for open space.

Mr. Bear explained that the CPA requires that a minimum of 10% of estimated revenue must be dedicated to each of the three purposes of the CPA, which are open space, historical preservation, and affordable housing. He said that over the 10-11 years of Duxbury's CPC it was figured that they have actually spent 60% towards open space. He added that with the reduction to the CPA surcharge that is coming the feeling was that additional monies should be designated to the open space category versus leaving it undesignated.

Mr. Bear mentioned that it also reflects the reality of the situation of buying open space. Projects come along every couple of years but the purchase prices are 1-2 million dollars. Putting in a smaller percentage will not provide enough funds to be available to make the land purchases when they become available. If enough funds are not available then you might need to do bonding for the purchase. In addition, the costs of projects in the other categories, with the exception of the Wright Building project, which was considered historical, have been significantly less.

VOTE: 3:0:0.

### **CPC- Land Purchase**

This is a large plot of land on Mayflower Street across from some town forest areas, which Joe Grady has done most of the work regarding this proposed purchase. Mr. Ricker had offered one parcel but in order to get up to a buildable lot with more frontage a portion of another parcel was added for a total of 60,000 sq. ft. with 300' of roadway frontage. It is west of the new Police Station and eventually the rest of the cranberry bog could become Town property.

The total price is \$200,000., which includes \$190,000. as the purchase price plus \$10,000. for ancillary costs (recording, deed restrictions, etc.).

Mr. Madigan moved that the Board of Selectmen recommend approval of the 2013 Annual Town Meeting Article pertaining to the purchase of a parcel of land off Mayflower Street totaling 60,000 sq. ft. identified as Parcel Number 150-024-003 and a portion of Parcel Number 150-024-000 as shown on the Duxbury Assessors maps. Second by Mr. Dahlen. VOTE: 3:0:0.

### **CPC-Luther Sampson Carpenter Shop**

This article has been withdrawn so there was no discussion.

### **CPC-Conservation Fund**

Mr. Bear said the Conservation Fund is under the jurisdiction of the Conservation Commission, and the Town has traditionally tried to keep about \$100,000 in it to purchase small parcels of land, to pay for appraisals and legal work, etc. The last time funds were put in it was about four years ago when \$77,000. was approved at ATM to bring the Conservation Fund balance back up to the \$100,000. level. Since then funds have been used so this is a request to replenish the fund. He added that the Conservation Commission uses the Fund to purchase small parcels of land that are adjacent to larger land purchases to tie the properties together. Any land purchases using this fund still have to go through the process of appraisal and review by the Board of Selectmen.

Mr. Madigan moved that the Board of Selectmen recommend approval of the 2013 ATM Article pertaining to the transfer of funds from the Community Preservation Committee to the Conservation Fund, in the amount of \$100,000.00. Second by Mr. Dahlen. VOTE: 3:0:0.

### **CPC-Chandler Field Study**

This is a proposal from the Recreation Director to do an engineering study on the property west of Chandler School to determine the suitability for a number of athletic fields, drainage, parking, etc. It is a 67-acre parcel of town-owned property. The request is for \$40,000. for the study and once they know what is recommended then they would have to determine how to fund the project.

Mr. Madigan moved that the Board of Selectmen recommend approval of the 2013 Annual Town Meeting Article pertaining to the study for potential playing fields on town-owned land off Chandler Street, in the amount of \$40,000.00. Second by Mr. Dahlen. VOTE: 3:0:0.

### **CPC-Temple Street (also known as Camp Wing) Funding**

Mr. Bear said the Town acquired a large portion of Camp Wing property about five years ago and the motion at the time called for it to be used for affordable housing. This is the result of that and calls for three buildings with two units each with 3 affordable units and 3 moderate income units. This project relies on CPC funding this time as well as reuse of monies that went to Affordable Housing for buying down mortgages authorized at a past Town Meeting. The funding this year would be \$165,000. plus a transfer of \$330,000. from the Housing Assistance Program.

Mr. Dahlen suggested the motion include the actual article as it was drafted by Town Counsel.

Mr. Madigan moved to see if the Town will vote to:

(1) raise and appropriate or transfer from available funds, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund; and

(2) release, upon recommendation of the Community Preservation Committee, the condition of a previous appropriation under Article 27 of the 2011 Duxbury Annual Town Meeting to the Duxbury Affordable Housing Trust to fund a Homeownership Assistance Program and authorize such funds instead to be expended, together with funds appropriated under (1) herein, under the direction of the Town Manager and subject to the approval of the Board of Selectmen, to subsidize development, design, construction and marketing costs of low or moderate income housing on a Town-owned parcel of land on Temple Street, said parcel identified as Parcel Number 010C-512-001 on the Duxbury Assessors Map, or take any action in relation thereto.

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

### **CPC-Grange/Fire Station Conveyance**

Ms. Diane Bartlett, Chair of the Local Housing Partnership, explained that previously the plans to develop the Grange and adjacent Fire Station property were based on leasing the land. That development did not happen. Their Housing Consultant has advised them that leasing the land was not a good idea as it would restrict the projects, but instead to allow for the sale of the properties in the request for proposals (RFPs).

Mr. Dahlen added that this would mean that the Town would not be in the development business but would allow for the sale of the property after all the permits were in place. The previous language only allowed for leasing whereas the current articles include the word “conveyance” to allow for the sale of the properties.

Mr. Madigan moved that the Board of Selectmen recommend approval of the 2013 ATM Article pertaining to the conveyance of 153 Franklin Street (the Grange Hall) and 159 Franklin Street (site of former fire station) for low- and/or moderate-income housing. Second by Mr. Dahlen. VOTE: 3:0:0.

Mr. MacDonald mentioned that if we are going to proceed with this and not use the building, then he recommends the building be declared surplus. In that way we can proceed with a bid process for someone to either move it or to demolish it.

Mr. Madigan asked if the building was safe to be moved. Mr. Dahlen said that the concept is for someone to dismantle it and then reconstruct it. This would save the Town money and allow for the reuse of an older building.

Mr. Madigan moved the Board of Selectmen declare the Grange building surplus to be disposed of at the Town Manager’s discretion. Second by Mr. Dahlen. VOTE: 3:0:0.

For the record Mr. MacDonald added that the handling of the building will go through the proper channels including the Historical Commission and the bidding process.

### **CPC-Camp Wing Article 97 Petition & Conveyance**

Ms. Bartlett said that when the Camp Wing property was purchased there was a problem with the deed in terms of not pulling the 2.91 acres out for affordable housing. This was brought back to Town Meeting the following year to rectify that but new Town Counsel has advised that has not been done because we still need to petition the General Court so that this acreage is taken out of natural lands and resource category so that the building can be done.

Mr. Dahlen elaborated that this article has two aspects. The first is as Ms. Bartlett described. In the deeding it was all deeded to the care and control of the Conservation Commission, but the parcel for affordable housing should have come under the care and control of the Board of Selectmen. The second aspect is to allow for the conveyance (sale) versus leasing of the property.

Mr. Madigan moved that the Board of Selectmen recommend approval of the 2013 Annual Town Meeting Article pertaining to removing a portion of the Temple Street property from protection as natural and open space and convey the Property for low- and/or moderate-income housing in accordance with 2013 Art. XXXIV as proposed. Second by Mr. Dahlen. VOTE: 3:0:0.

## **RE-OPEN ANNUAL TOWN MEETING WARRANT TO CONSIDER:**

In explanation it was mentioned that most of the changes came out of a meeting where the warrant was reviewed. At that time it was determined that several of the articles were not needed as there were no funds available. Adding the article pertaining to the changing of the date of the Town Election was as a result of the article proposed by the School Committee to change the date of the Annual Town Meeting, which if adopted would necessitate a change in the Town Election date to accommodate items that might have to be on a ballot. The end result is the Board will be adding 4 articles and deleting 3 articles so the Warrant will contain a total 35 articles.

Mr. Madigan moved that the Board of Selectmen re-open the ATM Warrant to do the following:

- Delete an Article Pertaining to Affordable Housing Allocation Plan
- Delete an Article Pertaining to Stabilization Fund
- Delete an Article Pertaining to Free Cash
- Add an Article Pertaining to Changing the Date of Town Election
- Add an Article Pertaining to the Release of Drainage Easement
- Add an Article Pertaining to CPC - Luther Sampson Carpenter Shop
- Add an Article Pertaining to CPC - Conservation Fund
- Add an Article Pertaining to CPC - Chandler Playing Field Study

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

Mr. Madigan moved that the Board of Selectmen close the warrant with 35 articles in total. Second by Mr. Dahlen. VOTE: 3:0: 0.

## **BUSINESS**

### **ONE-DAY LIQUOR LICENSE REQUESTS AND EVENT PERMITS –None**

### **TOWN MANAGER’S BRIEF**

Mr. MacDonald mentioned the following items:

1. **Swearing In of Deputy Police Chief:** Mr. MacDonald thanked those who attended the swearing in ceremony of Deputy Police Chief McDonald last Friday afternoon. It was a very nice ceremony emceed by Police Chief Clancy. Mr. MacDonald said that he hopes to have the Deputy Chief come before the Board to introduce himself to them and the public.
2. **Thin Ice Warnings from Fire Chief and Harbormaster:** Mr. MacDonald said that the Fire Chief asked him to announce that even though we have had cold winds, which have dropped the temperatures, they do not assist in the freezing of the water. So please be careful as the ice is not safe.

Likewise the Harbormaster asked him to remind the public that there is no such thing as safe salt-water ice.

3. **Powder Point Bridge:** The Town Manager mentioned that the contractor has mobilized and is on site. He will keep the Board informed as he receives updates, but that project is underway.
4. **Dredging:** Mr. MacDonald mentioned that this is an ongoing project, but he has been very thankful for the support is receiving all the way from our federal representatives to our state representatives to our

local officials. Harbormaster Don Beers is keeping him informed. With respect to the dredging, he added that he met with State Representative Josh Cutler at the State House last week and looks forward to his support with this as well.

- 5. Massachusetts Municipal Association Annual Meeting:** Mr. MacDonald mentioned that he attended the Massachusetts Municipal Association Annual Meeting last Friday. It was not as well attended as in the past. He attended the session where Governor Patrick spoke and indicated that according to the Governor the Commonwealth's tax revenue shortfalls will be resolved by the introduction of new taxes. The Governor's budget proposal will be reviewed by the legislature and hopefully there will be a meeting of the minds before July 1<sup>st</sup>.

**ANNOUNCEMENTS** –There were no announcements.

## **MINUTES**

### *12-04-12 Selectmen Minutes*

Mr. Madigan moved that the Board approve the Selectmen Minutes of December 4, 2012, as presented. Second by Mr. Dahlen. VOTE: 3:0:0.

### *01-07-13 Selectmen Minutes*

Mr. Dahlen moved that the Board approve the Selectmen Minutes of January 7, 2013, as presented. Second by Mr. Flynn. Vote: 2:0:1. (David Madigan abstained as he was not present at the 01-07-13 meeting.)

## **COMMITTEE APPOINTMENTS / RE-APPOINTMENTS**

### **Discussion of Zoning Bylaw Review Committee (ZBRC) – new charge and membership**

Mr. Flynn said that the ZBRC presented their report and recommendation to the Selectmen (See 09-24-12 Selectmen's Minutes). The Selectmen took the information under advisement but took no further action. It was mentioned that the ZBRC was originally made up of 10 Members total, which included 3 representatives of Planning Board, Zoning Board of Appeals, and Design Review Board and 7 Citizens-at-large. As part of the ZBRC recommendations it was suggested that the ZBRC membership be revised to a smaller working group to assist the consultant (if approved by Town Meeting) and to be given a new charge.

The following members of the ZBRC have expressed an interest in continuing to serve: Judi Barrett, (Zoning Board of Appeals Rep.); George Wadsworth (Planning Board Rep.); Nancy Armington Johnson (Design Review Board Rep.); Scott Casagrande (Citizen-at-Large); and Freeman Boynton (Citizen-at-Large)

Mr. Dahlen moved that the Board of Selectmen accept the Zoning Bylaw Review Committee's report and their recommendations as drafted. Second by Mr. Madigan. VOTE: 3;0:0.

Mr. Madigan moved that for the second phase of this project the Zoning Bylaw Review Committee membership be revised to 5 members total; to include 3 Reps from Boards (1 rep. each from Planning BD, ZBA & Design Review Bd.) & 2 Citizens-at Large. Second by Mr. Dahlen. VOTE: 3:0:0.

**Discussion of Zoning Bylaw Review Committee (ZBRC) – new charge and membership (continued)**

Mr. Madigan moved that the following individuals be appointed to continue on the Zoning Bylaw Review Committee:

- Judi Barrett (Zoning Board of Appeals Rep.)
- George Wadsworth (Planning Board Rep.)
- Nancy Armington Johnson (Design Review Board Rep.)
- Scott Casagrande (Citizen-at-Large)
- Freeman Boynton (Citizen-at-Large)

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

Mr. Madigan moved that the Zoning Bylaw Review Committee continue the work of the Committee toward the second phase which is focused on the recodification of the Zoning Bylaws and should the Town engage a qualified profession to prepare a plan for recodification of the Bylaw that the ongoing Zoning Bylaw Review Committee form the working group to assist that individual. Second by Mr. Dahlen. VOTE: 3:0:0.

**BONUS SHELLFISH SEASON (For February & March 2013)**

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

- 1) for the commercial harvesting of softshell clams for the for the months of February and March, 2013 in accordance with posted Attachments B & C; and
- 2) for the commercial harvesting of quahog clams for the months of February and March, 2013 in accordance with posted Attachments A & C; and
- 3) for the recreational harvesting of softshell clams for the months of February and March, 2013 in accordance with posted Attachment D.  
Second by Mr. Dahlen. VOTE: 3:0:0.

**ADJOURNMENT**

At approximately 8:03 PM, Mr. Madigan moved that the Board adjourn. Second by Mr. Dahlen. VOTE: 3:0:0.

Minutes prepared by: C. Anne Murray

**LIST OF DOCUMENTS FOR OPEN SESSION MEETING**

1. *Agenda for 01-28-13 Selectmen's Meeting*
2. *01-28-13 Memorandum from Town Manager Search Committee from Wayne Heward, Chair RE: Committee Recommendation (naming two finalists)*
3. *Public Hearing: All-Alcohol Beverages Package Store License by Square Corp d/b/a Halls Corner Store Packet: Suggested motions for public hearing protocol, 01-16-2013 Ad in Duxbury Clipper, Dept. Feedback: Police, Fire, Municipal Services, BD of Health, Treasurer/Collector; Coversheet for Request for Dept. Feedback; Public Comments Received: email from Joe Carroll, Duxbury Wine & Spirits Co.; ABCC LIQUOR APPLICATION PACKET: New License Checklist, Application, 01-*

*16-2013 Ad in Duxbury Clipper; Affidavit of Abutter Notification from Philip M. Markella, Esq.; Abutter List Report; Assessor's Map – 8 Chestnut ST; Names and Addresses of 3 Abutters; Certified mail receipts; Form 43; Diagram of interior of the store showing liquor placement; Monetary Transmittal Form; \$200.00 check payable to ABCC; Revised Form 43 showing hours for sale of Alcoholic Beverages; Application for Retail Alcoholic Beverage License; Copy of Standard Form Commercial Lease, including hand-written and initialed amendments; Articles of Organization (Gen. Laws, Chapter 156B); Manager Application – Viktoria A. Patel; Personal Information Form – Purben Patel; Sec. of State's Office Statement of Change of Supplemental Information – Square Corp.; Cori Request Form; Applicant's Statement; Permanent Resident Cards: Purshottambhaii Patel and Puriben P. Patel; larger scale diagram of store interior showing placement of liquor*

4. *Town Meeting Articles- Background and Suggested Motions for the following:*
  - a. *ATM Article III: Compensation of Elected Officials*
  - b. *ATM Article##: Re-write of Zoning Bylaws*
  - c. *Citizen's Petition Removal of Drainage Easement – 86 Candlewick Close*
  - d. *Merge Local Housing Partnership & Duxbury Affordable Housing Trust  
CPA funding Request Spreadsheet & FY'14 ATM FUNDING & Press Release “ List of 2013 Applications for Community Preservation Act Funds ”*
  - e. *CPC- Operating Fund*
  - f. *CPC-Allocations*
  - g. *CPC- Land Purchase*
  - h. *CPC-Luther Sampson Carpenter Shop (withdrawn)*
  - i. *CPC-Conservation Fund*
  - j. *CPC-Chandler Field Study*
  - k. *CPC-Temple Street (also known as Camp Wing) Funding*
  - l. *CPC-Grange/Fire Station Conveyance*
  - m. *CPC-Camp Wing Article 97 Petition & Conveyance*
5. *RE-OPEN ANNUAL TOWN MEETING WARRANT TO CONSIDER: Sheet listing the articles to be deleted or added.*
  - *Delete Article Pertaining to Affordable Housing Allocation Plan*
6. *Town Manager Brief (potential items)*
7. *MINUTES: 12-04-13 Selectmen Minutes-DRAFT & 01-07-13 Selectmen Minutes-DRAFT*
8. *APPOINTMENTS: Discussion of Zoning Bylaw Review Committee (ZBRC) – new charge & membership and suggested motions & Background information about the formation of the ZBRC.*
9. *BONUS SHELLFISH SEASON (for Feb. and March 2013) and suggested motion*