

Date: August 26, 2013

Date Minutes Approved: September 9, 2013

BOARD OF SELECTMEN MINUTES

Present: David J. Madigan, Chair; Theodore J. Flynn, Vice Chair; and Shawn Dahlen, Clerk.

Absent: -----

Staff: René J. Read, Town Manager, and C. Anne Murray, Administrative Assistant

CONVENED IN OPEN SESSION

The meeting was called to order at 7:00 PM in the Mural Room.

OPEN FORUM

Ms. Brenda Boleyn (of Kingstown Way) addressed the Board. She began by thanking the Town officials for posting the “Sea Level Rise” report on the Town website. (*Editorial Note: It is posted in the Town News section.*) She asked if there would be a public meeting about the Sea Level Rise report? Mr. Read responded by indicating that there are plans to hold a public meeting, probably sometime in September, and public notification will be made as soon as the details are worked out.

INTRODUCTION OF BRIAN J. CHERRY, FACILITIES ~~MANAGER~~ DIRECTOR

Mr. Madigan said that on the agenda it refers to introduction of the Facilities Manager, which is how we have been referring to the position, but Mr. Cherry has been hired as the Facilities Director. He also mentioned that two years ago the Town started the process of discussing the hiring someone to oversee the Town facilities, last year the Town funded the position, and this year after an extensive search Mr. Brian Cherry was hired. He noted that Brian comes with great experience and education. Mr. Madigan then asked Mr. Cherry to introduce himself.

Mr. Cherry said that he brings to the position about 10 years in the business with a range of experience from managing shopping malls to stadiums to school districts. He also mentioned that he grew up in the area and is glad to be moving back. He added that he welcomes the opportunity that he has been given and thanked those involved in the process who chose him.

7:01 P.M. [POSTPONED UNTIL 09-09-13]
ALL ALCOHOL LIQUOR LICENSE TRANSFER – Casey’s Fine Wines & Spirits to Gupta Enterprises, Inc. d/b/a Cellar d’Or Wine & Spirits

Mr. Madigan mentioned that the public hearing for All-Alcohol Liquor License Transfer from Casey’s Fine Wines & Spirits to Gupta Enterprises, Inc. d/b/a Cellar d’Or Wine & Spirits, advertised in the *Duxbury Clipper* for tonight’s Selectmen’s meeting, has been **postponed to the Selectmen’s meeting on September 9, 2013** at 7:01 PM.

RATIFICATION OF THE DUXBURY BEACH LEASE

Mr. Madigan began by mentioning that Mr. Dahlen is on the Board of the Directors of the Duxbury Beach Reservation, and therefore does not participate in the decision. He said he also learned that the Chair of the Board of Selectmen is supposed to be a member of the Board of Directors of the Duxbury Beach Reservation, but because Mr. Dahlen has been a long-standing member, Mr. Madigan said he has chosen not to participate and does not plan to participate on the Duxbury Beach Reservation Board. Therefore, Mr. Madigan stated that he feels does not have a conflict of interest and can vote on the Duxbury Beach lease.

Mr. Flynn moved that the Board of Selectmen ratify the annual lease between the Duxbury Beach Reservation, Inc. and the Town of Duxbury, which was signed by René J. Read, Duxbury Town Manager, on August 12, 2013. Second by Mr. Madigan. VOTE: 2:0:1. (*Mr. Dahlen abstained.*)

NSTAR LICENSE AGREEMENT – Solar Farm, Mayflower Street

Mr. Madigan explained that the Board has been asked to vote on a temporary easement, which will allow NSTAR to be able to install, maintain and access the electrical infrastructure to service the solar panel farm, which is being installed on Mayflower Street.

Mr. Dahlen moved that the Board of Selectmen approve and execute a License Agreement with NSTAR Electric Company, its successors and assigns, the right to locate, relocate, erect, construct, reconstruct, install, operate, maintain, patrol, inspect, repair, replace, alter, change the location of, extend or remove poles, transformers, and primary wire, together with service conductors and other necessary equipment and apparatus (“Equipment”), along, upon, under, across and over the Premises substantially in accordance with the attached plan (the “License Area”) located at Lot 39, Mayflower Street, Duxbury. The location of said easement to be 15’ in width as shown on a sketch labeled Exhibit A attached to the License Agreement and made part thereof. Second by Mr. Flynn.
VOTE: 3:0:0.

MEMORANDUM OF UNDERSTANDING ON THE REAL-TIME RADIATION MONITOR / Duxbury Nuclear Advisory Committee

Present for this item of business were: Fire Chief Kevin Nord and the Co-Chairs of the Duxbury Nuclear Advisory Committee, Mary “Pixie” Lampert and Becky Chin.

[Editorial Note: This item of business was previously discussed at the Selectmen’s Meeting on July 15, 2013. The Memorandum of Understanding (hereafter “Memorandum”) was approved by the Board of Selectmen, contingent upon review and approval by Town Counsel.]

Ms. Lampert said that the Memorandum was “tweaked” and some additions were recommended by the attorneys. The additions were specifically in regard to the notification protocols to add more details. This was done after consultation with the MDPH (Mass. Dept. of Public Health) to assure the facts were included, and then the Town attorneys made the necessary adjustments to the document. We are in full accord with how the Memorandum reads now, but the Town Manager felt that this should go back before the Board for approval of the final version.

Mr. Dahlen moved that the Board of Selectmen approve and execute the final version of the Memorandum of Understanding between the Town of Duxbury and the Massachusetts Department of Public Health regarding Real-Time Radiological Air Monitoring of Emissions from Pilgrim Station in the Town of Duxbury, which includes the recommended revisions after review by Town Counsel. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Madigan explained that this motion was to put up the monitor that the Town voted to pay for at Town Meeting and to have the MDPH to take over the monitoring maintenance and everything that goes along with that up to and including replacement.

AMENDMENT TO JAKE'S DOG LICENSE

The Chair explained that the license granted to Jake Genereux allows him to operate his hot dog cart at Mattakesett Court, so any change to the license requires that the Selectmen to vote an amendment to the license. He has requested permission to serve at the Duxbury Youth Soccer games this fall as the food concession will not be open there.

Mr. Dahlen moved that the Board of Selectmen to amend the general license granted to Jake Genereux, d/b/a Jake's Dogs, to grant permission to Jake Genereux to operate his hot dog stand at the Ray Coppens Soccer Fields on Sundays from 11:00 AM until 3:00 PM, from September 8, 2013 through October 27, 2013, contingent upon a letter of support from the Director of Duxbury Youth Soccer. Second by Mr. Flynn. 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 and Event Permits -- None this evening.

TOWN MANAGER'S BRIEF

Town Manager René Read mentioned the following items:

- 1. Start of School:** The first day of school is on Wednesday, August 28, 2013. Mr. Read reminded the public to please use caution with buses and children on the road.
- 2. Police Station:** The restoration of the Police Station is underway. The drywall is being replaced and it is expect that will be completed in the next two weeks.
- 3. NSTAR:** The NSTAR tree cutting is winding down, and the planting process is beginning. The plantings will have a one-year guarantee.
- 4. Dedication of the Lt. Timothy J. Steele Athletic Building:** Mr. Read said the Lt. Timothy J. Steele Athletic Building is now open, and there will be a Dedication Ceremony on Saturday, September 7, 2013 at 11:00 AM at 130 St. George Street.

5. Old Colony Hospice Quilt:

Mr. Read pointed out one of the Old Colony Hospice Memorial Quilts, which was on display at the Selectmen's meeting. He said that the quilt will be on display in the Selectmen's Office through Friday, August 23, 2013. The handmade quilts are a beautiful piece of art in which each square tells a special story and honors a loved one.

The Old Colony Hospice services over 40 cities and towns in Norfolk, Plymouth and Bristol counties. Since 1979 Old Colony Hospice a licensed, non-profit, Medicare certified, accredited Hospice organization, has provided highly-skilled, pain and symptom management, meeting the needs of individuals with advanced illness, while compassionately assisting our patients and their loved ones in preserving dignity and quality of life.

For more information about Old Colony Hospice go to: www.oldcolonyhospice.org

ANNOUNCEMENTS

Mr. Dahlen read the following announcements:

1. Conflict of Interest Training for Board and Committee Members:

The Massachusetts State Ethics Commission will provide Conflict of Interest training on Thursday, September 19 from 3-4 PM and from 7-9 PM at the Duxbury Senior Center's Ellison RM, 10 Mayflower St, Duxbury, MA. Attendance is ***strongly encouraged for all Board and Committee members*** to ensure that we continue to adhere to the requirements of this law. Choose a session and please RSVP to Phylis Hughes by email to hughes@town.duxbury.ma.us or by phone to 781-934-1100; 163.

Mr. Madigan mentioned that this training is in addition to the online training that Board and Committee members must do every two years.

2. COA Golf Classic:

COA Golf Classic, which is a fundraising golf tournament and reception sponsored by the Friends of the COA, will be held on Monday, September 30, 2013. The full package is \$150.00 per person, which covers the green fee, cart, lunch, post-tournament reception and prizes. Non-golfers can attend the reception only for \$25.00 per person. For more information call: 781-775-9871 or 781-724-8308.

3. Next Scheduled Selectmen's Meeting: Monday, September 9, 2013

Mr. Madigan added that a discussion of the Town's Legal Bills will be on the agenda.

MINUTES

08-12-13 Selectmen's Minutes

Mr. Dahlen moved that the Board of Selectmen approve the August 12, 2013 Selectmen Minutes, as written. Second by Mr. Flynn. Vote: 2:0:1. (*Mr. Madigan abstained as he was not at that meeting.*)

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS

Mr. Madigan moved to appoint Mr. Charles J. Weilbrenner as a Business Representative to the Economic Advisory Committee for a term to expire on June 30, 2016. Second by Mr. Flynn.
VOTE: 3:0:0.

BONUS SHELLFISH SEASON (*for September, 2013*)

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

- 1) for the **commercial** harvesting of soft shelled clams for the for the month of September, 2013 in accordance with posted Attachments B & C; and
- 2) for the **commercial** harvesting of quahog clams for the month of September, 2013 in accordance with posted Attachments A & C; and

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

ADJOURNMENT

The meeting adjourned at approximately 7:15 PM.

Minutes prepared by: C. Anne Murray

LIST OF DOCUMENTS FOR 08-26-13 SELECTMEN'S MEETING

1. *Agenda for 08-26-13 Selectmen's Meeting*
2. *Open Forum: none*
3. *SELECTMEN INTRODUCE AND WELCOME: BRIAN J. CHERRY, Facilities Director: Informational sheet regarding the process and Mr. Cherry's background*
4. *RATIFICATION OF THE DUXBURY BEACH LEASE FOR FY2014: Suggested motion, extracted Selectmen Minutes from 08-12-13 regarding this topic with email from Town Counsel with recommended process for signing the lease, and a copy of the Duxbury Beach Lease signed by René J. Read on August 12, 2013.*
5. *TEMPORARY EASEMENT –Solar Farm, Mayflower ST: Suggested motion and copy of the License Agreement.*
6. *MEMORANDUM OF UNDERSTANDING ON THE REAL-TIME RADIATION MONITOR: Suggested motion, extracted minutes related to this topic from 07-15-13 Selectmen's Meeting, and a copy of the final Memorandum of Agreement between the MDPH and the Town of Duxbury*
7. *AMEND FOOD CART LICENSE FOR JAKE'S DOGS: Background explanation, suggested motion, and draft of Amendment to General License (Jake's Dogs)*
8. *POTENTIAL TOWN MANAGER BRIEF ITEMS: Info. Sheet about Old Colony Hospice Memorial Quilt and Invitation regarding the Dedication of the Lt. Timothy J. Steele Athletic Building.*
9. *SUGGESTED ANNOUNCEMENTS: COA Golf Tournament flyer*

Board of Selectmen

Date: August 26, 2013

Page 6

10. MINUTES: Suggested motion and 08-12-13 Selectmen's Minutes –DRAFT
11. APPOINTMENTS/ RE-APPOINTMENTS: *Board and Committee Appointment Sheets for 08-26-13*
12. *Bonus Shellfish Season (for September, 2013)*