

Date: March 25, 2013

Date Minutes Approved: April 22, 2013

BOARD OF SELECTMEN MINUTES

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

Absent: -----

Staff: C. Anne Murray, Administrative Assistant

CONVENED IN OPEN SESSION

The meeting was called to order at 6:32 PM in the Mural Room.

VOTE TO ENTER EXECUTIVE SESSION

Upon convening the meeting, the Chair entertained a motion to enter Executive Session. Mr. Madigan moved that the Board enter Executive to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel, and then to reconvene in Open Session immediately following, in accordance with Mass General Laws Chapter 30A, Section 21.

RE-CONVENED IN OPEN SESSION

Having completed the Executive Session business the Selectmen re-convened in Open Session and began the meeting at approximately 7:00 PM after the public had entered the room.

Mr. Flynn mentioned that the public hearing advertised to begin at 7:01 PM for the Wine and Malt Package Store License will be slightly delayed to allow for the Swearing in of Newly-Elected Officials and the Re-Organization of the Board of Selectmen.

OPEN FORUM

Mr. Flynn mentioned that the Lady Green Dragons (the DHS girls' hockey team) did a "three-peat" by earning its third-straight Division 2 State Title. He noted that Liz Collins scored an unassisted breakaway goal, and goalie Rachel Myette had 21 saves to hold Falmouth scoreless for a 1-0 Duxbury win. Congratulations to the DHS girls' hockey team.

SWEARING-IN OF NEWLY ELECTED OFFICIALS

The newly-elected officials were asked to step to the side of the room for the Town Clerk to swear them in. The following individuals were elected on Saturday, March 23, 2013:

Name	Position
Shawn Dahlen	Board of Selectmen
James E. MacNab	Board of Assessors

Continued – Individuals elected on Saturday, March 23, 2013:

Name	Position
Friend S. Weiler, Sr.	Moderator*
Nancy M. Oates	Town Clerk
Mary Lou Buell	School Committee*
Kellie M. Bresnehan	School Committee*
Cynthia Ladd-Fiorini	Planning Board
Brian E. Glennon, II	Planning Board
Lamont R. Healey	Library Trustees*
Laura Sullivan	Library Trustees
Bertram L. Walters	Duxbury Housing Authority
David M. O'Connell	Duxbury Housing Authority*

(*Denotes those who were not able to attend due to previous commitments. They will be sworn in by the Town Clerk at another time, if they have not already been.)

REORGANIZATION OF BOARD OF SELECTMEN

Mr. Flynn moved to nominate Mr. Madigan as the Chair (of the Board of Selectmen). Second by Mr. Dahlen. Vote: 3:0:0.

Mr. Dahlen moved to nominate Mr. Flynn as the Vice Chair (of the Board of Selectmen). Second by Mr. Madigan. Vote: 3:0:0.

Mr. Flynn moved to nominate Mr. Dahlen as the Clerk (of the Board of Selectmen). Second by Mr. Madigan. Vote: 3:0:0.

To complete the re-organization the Selectmen changed seats and Mr. Madigan assumed the Chair for the rest of the meeting.

7:01 P.M. PUBLIC HEARING: WINE & MALT PACKAGE STORE LICENSE Snug Harbor Wine, Mr. Richard Marble, Manager, 459 Washington Street, Unit 1A

As it was several minutes after the advertised time, Mr. Dahlen moved that the Board of Selectmen open the public hearing for a Wine & Malt package store license by Snug Harbor Wine, LLC, 459 Washington Street, Unit 1A, Duxbury, MA. Second by Mr. Flynn. Roll Call Vote: Mr. Dahlen – aye; Mr. Flynn-aye; and Mr. Madigan –aye.

The applicant was invited to tell the Board and public what the plans are for the location. Mr. Richard Marble spoke briefly and stated that he is requesting a Wine & Malt license to open a store to sell fine wine and beer and “other odds and ends” at the location of the Sweetser store. *[Editorial Note: The store is planned for the location of the former Maison du Vin, which recently closed.]* Mr. Marble said it is his intention to offer a shop that will complement the other stores in the area.

It was asked if there was anyone in the audience who had any questions or comments regarding this license request. No one in the audience asked to speak.

Mr. Marble was asked by the Board to clarify what he meant by “other odds and ends.” He said what he meant was wine or beer accessories, such as wine openers, wine glasses, etc.

Mr. Dahlen mentioned that there is currently a wine and malt license available. He also noted that departmental review was done and there were no issues or concerns raised.

As there were no further comments or questions from the Board, the Board proceeded to the vote.

Mr. Dahlen moved that the Board of Selectmen, acting as the Licensing Authority, approve the Wine & Malt beverages package store license application of Snug Harbor Wine LLC, 456 Washington Street, Unit 1A, Duxbury, MA, subject to the following conditions:

- Satisfactory Completion of a Criminal Background Check (CORI) on applicant
- Signed Workers’ Compensation Affidavit
- Provision of Proof of Workers’ Compensation Insurance
- Proof of Liquor Liability Coverage
- Payment of Annual Fee (currently \$1,000 for Wine & Malt beverages package store license)
- Server Training Certificate for the Manager
- Provision of signed R.E.A.P. form (Payment of State Taxes)
- Hours of Sale of Alcoholic Beverages:
 - o Summer Hours:
 - Mondays Closed
 - Tuesday - Thursday 11:00am – 7:00pm
 - Fridays 11:00am – 8:00pm
 - Saturdays 10:00am – 7:00pm
 - Sundays 12:00pm – 5:00pm
 - o Winter Hours
 - Monday & Tuesday Closed
 - Wednesday – Thursday 11:00pm – 6:00pm
 - Friday & Saturday 11:00pm – 7:00pm
 - Sundays 12:00pm – 5:00pm

Second by Mr. Flynn. Vote: Mr. Flynn- aye; Mr. Dahlen –aye; and Mr. Madigan –aye.

CALL FOR SPECIAL STATE PRIMARY ELECTION

Mr. Dahlen moved that the Board of Selectmen directs either of the Constables of the Town of Duxbury to notify and warn the inhabitants of Duxbury who are qualified to vote in the Special State Primaries to vote at Precincts One through Six at the T. Waldo Herrick Gymnasium, Duxbury Middle School, 71 Alden Street, Duxbury, Massachusetts on Tuesday, the 30th day of April, 2013 from 7:00 AM to 8:00 PM. Second by Mr. Flynn. Vote: 3:0:0.

BUSINESS

One-Day Liquor License Requests

Bay Farm Montessori Academy – 40th Anniversary Auction, April 6, 2013

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Mr. Dahlen moved that the Board of Selectmen grant to Jos Wanschers, as a representative of the Bay Farm Montessori Academy, a One Day All-Alcohol Liquor License to hold the 40th Anniversary Bay Farm Montessori Academy Auction on Saturday, April 6, 2013 from 6:00 PM to 11:00 PM at 145 Loring Street, Duxbury, contingent on the conditions on the license. Second by Mr. Flynn. Vote: 3:0:0.

Mr. Jos Wanschers, Director of Development at the Bay Farm Montessori Academy, introduced himself and thanked the Board for approving the license. He thanked Ms. Susan Kelley for assisting him through the process.

Amend Duxbury Art Association – Juried Show Reception, April 27, 2013

It was explained that an amendment to a one-day liquor license previously approved for February 9, 2013 was requested because the event had to be rescheduled due to the snowstorm Nemo. All other terms and conditions of the license remain unchanged.

Mr. Dahlen moved that the Board of Selectmen amend the One-Day Liquor License originally granted on February 4, 2013 to grant to Mary Beth Brown, as a representative of the Duxbury Art Association, a One-Day Wine and Malt License for a reception on April 27, 2013 from 6:00 PM to 9:00 PM at the Art Complex Museum, 186 Alden ST, subject to the conditions on the license. Second by Mr. Flynn. Vote: 3:0:0.

Event Permits

14th Annual Best Buddies Challenge: Hyannis Port –Sat., June 1, 2013

Mr. Dahlen moved that the Board of Selectmen grant permission for the participants in the 14th Annual Best Buddies Challenge bicycle ride to be held on Saturday, June 1, 2013 permission to travel through Duxbury and to use the Duxbury Senior Center as a rest stop, contingent upon the conditions on the permit. Second by Mr. Flynn. Vote: 3:0:0.

TOWN MANAGER’S BRIEF - Bypassed as Town Manager Richard MacDonald was not present.

ANNOUNCEMENTS

1. Commercial Shellfish Applications: Applications will be available on Monday, April 1st in the Board of Selectmen Office. Commercial Shellfish Applications can be submitted during the month of APRIL only. Applicants must be Duxbury residents and have a Massachusetts Commercial Fisheries license showing “endorsed shellfish.”
2. Next Meeting: The next scheduled meeting of the Duxbury Board of Selectmen will be on April 8, 2013.

MINUTES

Mr. Dahlen moved to approve the 03-04-13 Selectmen’s (Open Session) Minutes, as presented. Second by Mr. Madigan. Vote: 2:0:1 (*Mr. Flynn abstained as he was not present at that meeting.*)

Mr. Dahlen moved to approve the 03-04-13 Executive Session Minutes, as presented, with the contents to remain sealed until the need for confidentiality has passed. Second by Mr. Madigan. Vote: 2:0:1 (*Mr. Flynn abstained as he was not present at that meeting.*)

Mr. Dahlen moved to approve the 03-20-13 Selectmen's (Open Session) Minutes, as presented. Second by Mr. Flynn. Vote: 3:0:0.

Mr. Dahlen moved to approve the 03-20-13 Selectmen's Executive Session Minutes, as presented, with the contents to remain sealed until the need for confidentiality has passed. Second by Mr. Flynn. Vote: 3:0:0.

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS

Zoning Bylaw Review Committee (ZBRC) Additional Appointees

Mr. Flynn said that a recommendation was made suggesting that the Board consider expanding the Zoning Bylaw Review Committee by appointing Mary Steinke and Kathy Muncey. He noted that Mary Steinke was a valuable member of the first ZBRC and has confirmed her willingness to continue on the Committee. Mr. Flynn also mentioned that when the ZBRC was re-formed both Bob Fitzpatrick and Marty Desmery stepped down, which left the ZBRC without an attorney on it. So Kathy Muncey was recommended so that the ZBRC would have an attorney on the Committee. He added that Kathy's experience in town would make her a great addition to the ZBRC.

Mr. Flynn moved to appoint Mary Steinke and Kathy Muncey to the Zoning Bylaw Review Committee. Second by Mr. Dahlen. Vote: 3:0:0.

Duxbury Affordable Housing Trust (DAHT)

Mr. Dahlen gave an overview of the consolidation of the Duxbury Housing Authority Trust (DAHT) and the Local Housing Partnership (LHP). At the 2013 Annual Town Meeting Article 29 was passed, which in effect disbanded the Local Housing Partnership by eliminating Chapter 6.14 of the General Bylaws and changed the Town of Duxbury Affordable Housing Trust (DAHT) by increasing the number of Trustees from five to seven and eliminating the need for the Trustees to represent other specified Boards or Committees. The intent of the article was to consolidate the LHP and the DAHT by setting up one group to focus on affordable housing. The members of both the LHP and the DAHT were in favor of the consolidation as they were having quorum issues. The members of the two committees were polled and the above-referenced members indicated that they would be interested in continuing to serve. Tonight he would like the Board to appoint the revised DAHT.

Mr. Dahlen moved to appoint the following individuals to serve on the Duxbury Affordable Housing Trust:

Diane Bartlett for a term to expire on 06/30/16; Martha Himes for a term to expire on 06/30/16; Shawn Dahlen for a term to expire on 06/30/16; Leslie Lawrence for a term to expire on 06/30/15;

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George Wadsworth for a term to expire on 06/30/15; Matthew Walsh for a term to expire on 06/30/14; and Laura Schaeffer for a term to expire on 06/30/14.

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

Mr. Dahlen also thanked the following individuals for their service and interest in affordable housing over the years: Bruce Bygate, Denece McCann Clinton, Barbara Kelley, Brendan Keohan, Brian Murphy, and John Todd.

BONUS SHELLFISH SEASON (*FOR APRIL AND MAY, 2013*)

Mr. Dahlen 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 April and May, 2013 in accordance with posted Attachments B & C; and
- 2) for the commercial harvesting of quahog clams for the months of April and May, 2013 in accordance with posted Attachments A & C.

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

ADJOURNMENT

At approximately 7:45 PM, Mr. Dahlen moved that the Board adjourn. Second by Mr. Flynn.
VOTE: 3:0:0.

Minutes prepared by: C. Anne Murray

LIST OF DOCUMENTS FOR OPEN SESSION MEETING

1. *Agenda for 03-25-13 Selectmen's Meeting*
2. *For Open Forum: Patriot Ledger article "Green Dragons take third straight state hockey title with 1-0 win over Falmouth"*
3. *Duxbury Town Election results for Saturday, March 23, 2013*
4. *Suggested Motions for Re-organization of the Board of Selectmen*
5. *Public Hearing: Wine & Malt Package Store License by Snug Harbor Wine LLC, 459 Washington ST, Unit 1A Packet: Suggested motions for public hearing protocol, 03-20-13 Ad in Duxbury Clipper, 03-10-13 Letter from Richard Marble, II –applicant providing the planned hours of operation.; Draft of License Public Comments Received: None ; ABCC LIQUOR APPLICATION PACKET: Application (submitted 2-21-13 to BOH); \$200.00 Check payable to "Alcoholic Beverages Control Commission"; Certified Mail Receipts of Notices to Abutters; Ad in Duxbury Clipper 03-20-13; Memorandum to Assessors Requesting Abutters' Lists; Abutter List Report certified by the Director of Assessing; Abutters' Names and Addresses; Receipt for \$30.00 for Abutters' list; Snug Harbor Wine LLC Certificate of Organization; Diagram of store; Copy of Sweetser's Properties Commercial Lease with Catherine M. Shannon; Financial Statements (Bank of America and ING Direct); CORI*

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- Request Form –Catherine M. Shannon and Richard W. Marble, II; Applicant’s Statements – Catherine M. Shannon and Richard W. Marble, II; Corporate Vote of Snug Harbor Wine, LLC; Form 43 –for Signature by the Local Licensing Authority;*
- 6. Suggested Motion for Call for Special State Primary Election*
 - 7. One-Day Liquor Licenses: Bay Farm Montessori Academy-04-06-13 packet and Amendment to One-Day Liq. License granted to Duxbury Art Association for rescheduled reception 04-27-13*
 - 8. Event Permit: 14th Annual Best Buddies Challenge packet*
 - 9. Suggested Announcements*
 - 10. MINUTES: 03-04-13 Selectmen Minutes-DRAFT & 03-04-13 Executive Session Minutes-DRAFT and 03-20-13 Selectmen’s Minutes-DRAFT & 03-20-13 Executive Session Minutes – DRAFT*
 - 11. APPOINTMENT Sheet 03-25-13: Zoning Bylaw Review Committee (ZBRC) and Duxbury Affordable Housing Authority (DAHT)*
 - 12. BONUS SHELLFISH SEASON (for April and May 2013)*