

Date: June 24, 2013

Date Minutes Approved: July 8, 2013

BOARD OF SELECTMEN MINUTES

Present: David J. Madigan, Chair; Theodore Flynn, Vice-Chair

Absent: Shawn Dahlen, Clerk; John Madden, Finance Director

Staff: Rene' J. Read, Town Manager and Susan Kelley, Executive Assistant

CONVENED IN OPEN SESSION

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

OPEN FORUM - no items were brought forth for discussion

Others present for this discussion: Ms. Margaret Kearney, President, and Mr. Robert Hayes, Duxbury Beach Reservation, Inc.

DISCUSSION PERTAINING TO AND EXECUTION OF DUXBURY BEACH LEASE FOR FY 2014

Mr. Read began by explaining that in accordance with Massachusetts Procurement Law, specifically, MGL c. 30B, sec 16(e)(2), the Town is required to solicit proposals prior to acquiring by purchase or rental real property or an interest therein from any person at a cost exceeding \$25,000. The Town is also required to place an advertisement inviting the submission of proposals in a newspaper with a circulation sufficient to inform the people of the affected locality pursuant to a number of requisite publication and submittal deadlines as noted in the statute. However, the Town may shorten or waive the advertising requirement, if in the case of a proposed acquisition (in this case a lease), the Town determines in writing that advertising will not benefit the Town's interest because of the unique qualities or location of the property needed.

Mr. Read continued stating that MGL requires that the determination of the uniqueness shall specify how the property satisfies the unique requirements and that the determination shall be published in the central register not less than 30 days before the Town executes the lease.

Mr. Read read the following motion for the Selectmen's consideration:

With regard to the proposed lease by the Town of Duxbury of land owned by the Duxbury Beach Reservation, Inc., consisting of approximately 66 acres and including any improvements thereon, and located at and described as: all the land and interests in the land in the towns of Duxbury and Plymouth called Duxbury Beach owned by the Reservation south of a line running approximately east to west along the northerly edge of the northerly parking area at the east end of Powder Point Bridge and north of the entrance to Gurnet/Saquish, subject to continuation of the Massachusetts Audubon Society migratory shorebird refuge at High Pines, and excluding the land at High Pines now or formerly leased to Patrick J. Cudmore, I would suggest that the Board move that advertising concerning this lease will not benefit the Town's interests because of the unique qualities or location of the property needed by the Town, such land satisfying the Town's unique requirements in the following manner: the property is located

immediately adjacent to, and comprises part of, Duxbury Beach and provides access to the Beach; similar access to the Beach is not possible from other locations as the result of the local geography and environmental limitations in the area; and the parcel provides much needed parking for and access to the beach for members of the public.

Mr. Flynn – “so moved”. Second by Mr. Madigan. VOTE: 2:0:0

Mr. Read then stated that the Lease before the Selectmen for consideration is the same lease that the town has entered into in the past, except that the term of the lease has been changed to run only from July 1 to August 14, and the rent for that period will be \$1.00.

Mr. Read explained that executing the short term lease was a bridge to allow for the 30 day publication of uniqueness. After the 30 day publication period but before the 14th of August, the Selectmen will meet again to vote on the lease for the remainder of the fiscal year.

Mr. Read read the following motion for the Selectmen’s consideration:

That the Board of Selectmen executes the lease between the Duxbury Beach Reservation, Inc. and the Town of Duxbury with a term of 45 days beginning July 1, 2013 and ending August 14, 2013, as presented.

Mr. Flynn – “so moved”. Second by Mr. Madigan. VOTE: 2:0:0.

Mr. Madigan asked Ms. Kearney if the Reservation was in agreement with the plan. She indicated they were.

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

Duxbury Rural & Historical Society – Private Function, August 10, 2013

Mr. Flynn moved that the Board of Selectmen grant Ms. Alison Arnold, as a representative of the Duxbury Rural & Historical Society, a One-Day All-Alcohol License to hold a private function at the Nathaniel Winsor, Jr. house at 479 Washington Street on Saturday, August 10, 2013 from 7:00 PM to 10:00 PM subject to the conditions listed on the license. Second by Mr. Madigan. VOTE 2:0:0

Duxbury Rural & Historical Society – Wicked Wicket Croquet Tournament, August 17, 2013

Mr. Flynn moved that the Board of Selectmen grant Ms. Alison Arnold, as a representative of the Duxbury Rural & Historical Society, a One-Day All-Alcohol License to hold a Croquet & Cocktail party at the King Caesar House at 120 King Caesar Road on Saturday, August 17, 2013 from 3:00 PM to 7:00 PM subject to the conditions on the permit. Second by Mr. Madigan. VOTE 2:0:0.

Event Permits

Duxbury Triathlon – Brian Noyes, September 14, 2013

Mr. Flynn moved that the Board of Selectmen approve the closure of the Powder Point Bridge to vehicle traffic only on Saturday, September 14, 2013 from approximately 7:30 am to 10:00 am, or as the Harbormaster deems appropriate, for the purposes of the Duxbury Beach Triathlon. Second by Mr. Madigan. VOTE 2:0:0

Mr Flynn moved that the Board of Selectmen grant to Mr. Brian Noyes, as a representative of the Duxbury Beach Triathlon, permission to hold the Duxbury Beach Triathlon on Saturday, September 14, 2013, beginning at 7:45 AM, subject to the conditions listed on the permit. Second by Mr. Madigan. VOTE 2:0:0

Town Manager's Brief

Mr. Read read a news release from the Duxbury Police Department alerting residents to a new telephone scam technique in Duxbury. This telephone scam involves a suspect calling an intended victim and identified himself as a Duxbury Police Officer in an attempt to validate the authenticity of the intended scam. Anyone receiving a call from someone claiming to be a law enforcement officer in connection with requests for money or personal information should immediately report the call to the Duxbury Police Department.

Mr. Read also mentioned the following items:

1. **Beach Update/Sticker Refund Count** – after stating the conditions for refund of beach sticker fees, Mr. Read indicated that the number of people who have applied for a full refund are as follows:

Non-Resident	203	\$59,885
Resident	28	\$ 4,480
Total	231	\$64,365

2. **Follow-up letter to Bruce Fenton** – Mr. Read read his response to Bruce Fenton regarding number of beach passes sold, total revenue received from those sales and how the funds have been spent. He indicated that sales for FY12 were as follows:

3,011 Resident Parking permits totaling \$240,880
2,937 Resident Over Sand permits totaling \$469,920
3,413 Non-Resident Over Sand permits totaling \$1,006,835

Total beach revenue for FY 2012 was \$1,717,635 was paid to the town per MGL Chapter 44, section 53.

Mr. Read indicated that \$400,000 is allocated to the beach lease, \$200,000 dedicated to funding the rehabilitation of the Powder Point Bridge, \$250,000 was used for emergency bridge repairs required by the State. In addition to these costs, the beach revenue provides funding for life guards and other necessary public safety (Police, Fire and Ambulance) services provided to the beach. Revenue also provides for Harbormaster staff, equipment, fuel and supplies.

3. **Library steps / front entrance** – the restoration of the campus entrance to the library will begin on June 27th. The front entrance will be closed for the duration of the restoration project; approximately 2 weeks. Patrons are asked to use the lower level entrance on the tennis court side of the building.

ANNOUNCEMENTS

Mr. Madigan mentioned that Mr. Read, the Beach Committee and the Selectmen would be meeting (at the next Selectmen's meeting) to discuss the issues of overcrowding at the beach, amount of money needed to support the beach, options for sticker sales and methods for sticker checks at the bridge, such as an easy pass system or camera system similar to what is used at the transfer station. Mr. Read added that this was a kickoff meeting to be sure the Selectmen and Beach Committee were on the same page to begin working on solutions.

Mr. Flynn continued with the following announcements:

1. State Election for US Senate:

The Special State Election for the U.S. Senate seat will be held tomorrow, Tuesday, June 25, 2013. The polls will be open from 7:00 AM to 8:00 PM at the Duxbury Middle School, 71 Alden ST.

2. Board and Committee Appointees:

Reminder: If you have been recently appointed or re-appointed to a board or committee it is important that you see the Town Clerk and get sworn in.

3. The Green Mile:

Reminder: The Sidewalk & Bike Path Committee invites you to join them at The Green Mile event. This is a free, family-friendly walk, bike, or jog from the Duxbury Student Union to Snug Harbor on Sunday, June 30th from 1 -3 PM.

4. Open Meeting Law Training:

All Board and Committee members will be invited to attend and participate in an Open Meeting Law training being presented by Nina Pickering-Cook of Anderson & Krieger, LLC, Duxbury's Town Counsel. The Open Meeting Law training has been scheduled for Wednesday, July 24, 2013 starting at 7:00 PM in the Ellison Room at the Senior Center. Please save the date!

5. Next Scheduled Selectmen's Meeting: Monday, July 15, 2013

MINUTES –

Mr. Flynn moved that the Board of Selectmen approve the minutes of June 17, 2013 Open Session, as written. Second by Mr. Madigan. VOTE 2:0:0

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS

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

Committee	Name	Appt or Re-appt	Term Expires	Motion	Second	Vote
Design Review Board	Stephen Williams	Re-appt	6/30/2016	Mr. Madigan	Mr. Flynn	2:0:0
Design Review Board	Judith Hall	Re-appt	6/30/2016	Mr. Madigan	Mr. Flynn	2:0:0
Design Review Board	Robert Mustard, Jr.	Re-appt as alternate	6/30/2014	Mr. Madigan	Mr. Flynn	2:0:0
Design Review Board	Heidi Pape Laird	Re-appt as alternate	6/30/2014	Mr. Madigan	Mr. Flynn	2:0:0
King Caesar Advisory Committee	Diane Barker	Re-appt	6/30/2016	Mr. Flynn	Mr. Madigan	2:0:0
Recreation Activities Committee	Greg Chandler	Re-appt	6/30/2016	Mr. Madigan	Mr. Flynn	2:0:0
Recreation Activities Committee	Brooks Holmes	Re-appt	6/30/2016	Mr. Madigan	Mr. Flynn	2:0:0
Recreation Activities Committee	Chuck Rubin	Re-appt	6/30/2016	Mr. Madigan	Mr. Flynn	2:0:0

ADJOURNMENT

At 7:20 PM, Mr. Flynn moved that the Board of Selectmen adjourn. Second by Mr. Madigan.
Vote 2:0:0.

LIST OF DOCUMENTS:

1. *Finding of Uniqueness Determination re: Duxbury Beach*
2. *Duxbury Beach – Short Term Lease July 1, 2013- August 14, 2013*
3. *Duxbury Rural & Historical Society – private event, August 10, 2013; One Day Liquor License package including application, feedback from and license*
4. *Duxbury Rural & Historical Society – Wicked Wicket Croquet Tournament, August 17, 2013; One Day Liquor License package including application, feedback from and license*
5. *Duxbury Beach Triathlon – Brian Noyes, September 14, 2013; Event Permit including letter of intent, course maps, department feedback, event permit.*
6. *Duxbury Police news release – Scam*
7. *Town Manager’s Report*
8. *Announcements*
9. *Draft minutes, June 17, 2013 Open Session*
10. *Board/Committee Appointments/Re-appointments*