

Date: July 8, 2013

Date Minutes Approved: October 28, 2013

BOARD OF SELECTMEN MINUTES

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

Absent: (none)

Staff: René J. Read, Town Manager, John Madden, Finance Director 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 --nothing was brought forward.

DISCUSSION PERTAINING TO THE MANAGEMENT AND OPERATIONS OF DUXBURY BEACH

Mr. Madigan began this discussion by indicating that the intention is to discuss “How should we manage the beach for next year?” We have heard comments /concerns about:

- Counterfeit beach stickers being used
- Individuals “sneaking on” the beach; and
- There being too many stickers and the beach is too crowded.

He noted that the Board had received a copy of the report from the Harbormaster to the Duxbury Beach Committee dated October 12, 2012, which was very helpful in understanding some of the issues. Mr. Madigan then recognized the Town Manager to begin the discussion.

Town Manager René Read read the following prepared statement:

Duxbury Beach *Topics for Discussion* July 8, 2013

As a result of the recent temporary closure of Duxbury Beach due to environmental considerations, there have been a number of suggestions presented to our office for consideration pertaining to the operations of Duxbury Beach. While the actual operations of the Beach are found in the “Duxbury Beach Habitat Conservation and Management Plan,” many residents (and non-residents) are probably largely unfamiliar with this document. This largely comprehensive document covers many of the concerns that have been raised in the past few weeks, but it does not address all of the concerns as no document is able to do so. That said, I have outlined a number of ideas for consideration by both the Board and the Beach Committee which I hope will be the impetus for an exchange over the coming months and serve as a beginning in this important conversation.

Suggested ideas about Communication/Information

There appears to be a need to improve communication between all parties (Town Staff, Beach Committee, Reservation, and the Community) so that information is provided to the public clearly, accurately and with one voice. Consideration should be given in determining what the best methods are for communicating clearly and effectively with the public such as Facebook, Twitter, Town website, e-mail, etc.

Make the “Duxbury Beach Habitat Conservation and Management Plan” available on-line on the Town’s website and the Reservation’s website.

Ensure that links to both organizations are available on each other’s websites.

Provide information to the public about who serves as members of the Reservation Board of Directors, when and where they meet and if the public may attend those meetings. Explain the role more clearly about the Reservation such as what it does and why it exists.

Beach Stickers

Should the type of stickers be changed? Questions for consideration (that could be asked of other coastal communities with similar situations):

Should the town consider the implementation of an EZ Pass-type system in lieu of sticker?
Does such a product exist? What does it cost?

Should the town consider a bar code-type Sticker with electronic reading/scanning device?
Does such a product exist? What does it cost?

OCR (Optical Character Recognition) for reading plates (similar to the system used at the Transfer Station). With some of the applications noted above, validation information is obtained instantly however, it may not be reviewed until after-the-fact. In theory, patrons would have visited the beach, without permission, and the data would then be forwarded to the Town of the patron having visited the beach after the fact. Then what? Fines?

Point of Sale Ideas

Keep sticker sale program status quo

Limit Beach to residents only

Limit/cap sticker sales for non-residents and residents – first come, first serve basis

Sell stickers by capped lottery system

Establish a limit on the number of stickers to be sold - sell to residents in January/February - open sticker sales to non-residents in March and remaining months until limit is reached

Point of Entry Ideas

Keep car counting methods status quo

Is there a need to improve car counting methods? How do other communities do this (or do they count cars at all)?

Can a minimum estimated vehicle width be defined and mandated without seasonal/environmental change?

Revenues

What impact will any/all of these changes have on Town revenues?

What are the costs associated with any of the foregoing changes?

Is it worth it?

Over Crowding - Perception versus Reality

Beach stickers are available on an unlimited basis meaning there is no cap or limit to the number of stickers sold to either residents or non-residents.

However, Off Road Vehicle (ORV) access is limited to 500 vehicles parked on the beach at a given time (pursuant to Section 4.1.2 “ORV Limits” of the Duxbury Beach Habitat Conservation and Management Plan). Of this 500 vehicle maximum capacity, 250 resident vehicles are allowed and 250 non-resident vehicles are allowed. Vehicle counts occur periodically (typically hourly or more frequently based on demand) after patrons have arrived (parked) on the beach (not as they are entering). Information taken following the count is radioed to the personnel positioned along the beach so that they may ensure that the 500 vehicle maximum capacity is not exceeded.

As the Harbormaster has noted in his memo to the Duxbury Beach Committee dated October 12, 2012, without natural conditions or restrictions impeding access (such as storm driven seas, astronomically high tides, endangered species mandated restrictions, etc.) the ORV corridor along the front beach (i.e., the area accessible by off road vehicles) is 11,088 linear feet in length. As the Harbormaster has further noted, given this dimension of over 11,000 linear feet, there is ample room along the front beach ORV corridor area to accommodate the 500 off road vehicle maximum count.

Without any of the aforementioned restrictions, each off road vehicle would be provided with a +/- 22 feet wide area to park their vehicle and set up gear adjacent to it.

$$11,088 / 500 = 22.17' \text{ feet}$$

As we are well aware, endangered species restrictions routinely go into effect in May, June, July and August. On average, the presence of endangered species can restrict ORV access by approximately 60% of the front beach ORV corridor or 6,652 linear feet. Once divided by the remaining amount of 4,436 linear feet, each off road vehicle would be provided with only a +/- 9' foot wide area to park their vehicle and set up gear adjacent to it.

$$11,088 \times 40\% = 4,435$$

$$4,436 / 500 = 8.87' \text{ feet}$$

Thus, the impression of “overcrowding” that may be experienced by some of the patrons visiting the beach is not necessarily the result of additional cars being allowed entry to the beach beyond the 500

vehicle limit but rather, as a result of the area of vehicular parking access between vehicles having been reduced.

**Beach Committee Meeting Minutes
April 18, 2013**

The Committee should act as ombudsmen for the community and develop better communication between the town government, the Reservation and the community

Create a mechanism for concerns of the community to be communicated in a timely manner to the harbormaster's department during the beach season.

Create a resource that integrates information from the town and Reservation regarding the beach; current ideas would be bridge updates, status of beach reconstruction, beach area closures due to protected species.

Formalize a pre and post season meeting with public safety officials, Reservation and other relevant town officials to review protocols and expectations and assess how well they worked.

Understand the use of ATV's in areas where children may be playing (emergency and non-emergency situations)

The committee should follow up with officials regarding improved trash handling and upgraded portable lavatories

Can permanent restroom facilities be installed?

Monitor the presence of dogs on the beach

The committee is impressed by the expansive responsibilities of the harbormaster's department and the success they have meeting those responsibilities.

To free up some manpower, the committee suggests looking into an automatic sticker monitoring system not unlike that used at the dump. This would likely have to be coordinated with the Gurnet Saquish community as some traffic is pass-through to that area.

The "Welcome to Duxbury Beach" pamphlet should be reviewed for updates and to strengthen language relative to safety and behavior

It is the impression of the committee that the Gurnet Saquish area of Plymouth demands a lot of resources from the town and the reservation. A study should be conducted to see how much time effort and expense is allocated to this area and whether there is sufficient quid pro quo in terms of mutual aid, etc. The point was made that Plymouth gets all the say as to what gets built up at that end of the beach and Duxbury has to put up a lot of resources to support that.

The committee should explore a rainy day fund for bridge maintenance

The committee should review sticker prices for the 2014 season.

Mr. Read concluded by saying he wanted to use that as a starting point of the discussion.

Mr. Madigan then asked the Finance Director to speak about the beach revenue.

Mr. Madden said that in FY'12 about \$1.7 million was collected in beach revenue. In FY'13, prior to the refunds, we had collected \$1,540,000; so the beach revenue was off. Due to a conservative budgeting approach, we had budgeted \$1.5 million as anticipated revenues.

He mentioned that we might need to discuss the long-term effects of the revenue projections answering questions like: "Will people come back and when will they come back?" He noted that an increase in beach revenue had been built into the next fiscal year's budget for the Powder Point Bridge debt service for repairs. The belief being that the users should pay for most of the bridge repairs.

He added that for FY'13 we should be able to offset the reduction in revenues. Going forward a significant decrease would ultimately affect the amount of free cash, which gets certified by the State, and the free cash is heavily relied on to fund the capital budget plan.

Mr. Madigan clarified that the \$1.5 million budgeted as revenues from the beach does go to cover expenses related to the beach. So that has to be kept in mind when discussing whether to limit the number of beach stickers.

Overcrowding / Vehicle Limits: The discussion then turned to a discussion of the overcrowding and how often the vehicle limits (250 resident & 250 non-resident) had been hit causing closures. During this discussion it was mentioned that:

- Typically any closures due to the vehicle limits being reached are weather-related, e.g., extremely hot weekend days.
- Closures due to hitting the resident sticker limit have rarely happened.
- Closures due to hitting the non-resident sticker limit have happened more frequently. So far this season they have occurred 3 times.
- In response to a question asking "How many closures a year are there?" Mr. Dahlen mentioned that on an annual basis the Duxbury Beach Reservation submits a report to the Duxbury Conservation Commission at the end of the season. The report has a number of sections, including infrastructure (dune/road repairs), an endangered species accounting, and the number of closures. From his memory, he said that over the last ten years there have been about a ½ dozen times per year and typically they are 1 hr. to 1 ½ hrs. long.
- Staff follows set policies and procedures when closures are implemented.

Mr. Dahlen opined that it comes down to "the quality of the experience" and different people assess that differently. The current method allows some choice as to when and how you enjoy the beach.

Counterfeit Stickers & Transferring the Sticker from one vehicle to another:

- With regard to counterfeit stickers that issue did come up last summer. The Harbormaster said that there were less than 10 cases of what he would classify as "counterfeit" stickers. Several of those cases were referred to the Duxbury Police Department for investigation. He mentioned one particular case in which someone who was moving had purchased a

sticker and then sold it on e-Bay at a discount. The buyer unaware of the regulations bought it in good faith

- He said that they have seen some cases, equally between resident and non-resident populations, in which the sticker issued to one vehicle has been transferred to another vehicle. It is evident when they are stuck on a piece of clear contact paper taped to the window.
- The stickers are made to tear away if they are removed. In addition, the staff has become very good at checking the vehicle number on the sticker to make sure it match the vehicle's plate.

Sticker Refunds: The Town Manager reported that the following refunds were made:

351 non-resident stickers totaling	\$103,545.
<u>41 resident stickers totaling</u>	<u>\$ 6,490.</u>
392 total refunds	\$110,035.

The refund program is now closed as it ended June 28, 2013.

Beach Re-Opening Status: The Harbormaster reported:

- Major portion of the beach re-opened today at Duxbury Beach Park
- Other sections are dependent on the plovers and an update could be issued at any time between now and July 15th.

Ms. Sue Rourke, Chair of the Duxbury Beach Committee (hereafter DBC), said that the DBC membership does not feel the number of stickers needs to be limited at this time.

Ms. Sandy Sweetser mentioned a discount for Veterans was raised at the Duxbury Beach Committee meeting, and that prompted a discussion of it.

Mr. Flynn said that this was something recently brought up by Mike Thorp, the Duxbury Veterans' Agent. He mentioned the following:

- There are 825 Duxbury veterans and most are over age 62 and take advantage of the senior discount for beach stickers.
- There are 103 Duxbury veterans under the age of 62 and the recommendation was that the senior discount be extended to all Duxbury only Veterans regardless of age.

Ms. Rourke mentioned that the Duxbury Beach Committee did endorse that request.

Mr. Madigan said that fee changes have to be reviewed and approved by the Fiscal Advisory Committee. So this would be referred to that Committee.

Electronic Monitoring (Similar to Transfer Station) of Vehicles on the Beach:

- Harbormaster said he has not investigated that type of program.
- One issue he would have is how "unpermitted, but authorized groups" both public and private would be recognized.
- Asst. Harbormaster mentioned that the Transfer Station has one entrance / exit, but the beach has several different access points with vehicles traveling to several locations. Some vehicles might not be going to an oversand area, but traveling through to the Gurnet area.

- It was suggested that the Duxbury Beach Technical Committee would have to sign off on whatever is suggested for compliance with Federal and State Endangered Species program. Access to Duxbury Beach is only allowed because of the program in place. As a follow up to that several people mentioned beaches from Dennis to Newburyport that are closed under Federal mandate.

OTHER TOPICS:

- Citations: Harbormaster spoke about some of the scenarios they see regarding “offenders” and
They issue about 160 non-criminal citations annually, which generates between \$5000 - \$6000. annually.
- Mr. Dahlen mentioned that **the Harbormaster’s Department prepared a 17-page report for the Duxbury Beach Committee, which provides a lot of information and answers to some of the other issues / concerns that have been raised. The report will be posted on the Town website tomorrow.** [See in the Town News section on Town website the file named “Duxbury Beach Comm. Memo from Harbormaster.”]
- Blakeman’s Parking Lot: The Duxbury Beach Reservation (DBR) has been allowing non-resident oversand stickered vehicles to park there (during this time of closures) at no extra cost. It has been split 50% -50% between non-resident stickers and paying customers, and has allowed for about 300 vehicles. This has meant a reduction in revenue, but the DBR felt it was the right thing to do.
- Privacy Tents/ Camp Latrines: These started to appear about two years ago, and were being brought in by individuals going to the beach for the whole day. There have been a couple of complaints and the Harbormaster’s staff has investigated. There are about a ½ dozen being used. Half are used for changing areas and half are used as camp latrines, in which waste is put in a double sealed bag and left near the porta-potties. The staff have removed them daily, and they have not presented a problem. They have taken some of the stress of the numbers using the porta-potties.
- Hours: It was asked if the 2nd crossover could be open after 8 PM? Answer: With the presence of endangered species must close it at 8 PM because of the requirements in the endangered species agreement. Without the presence of endangered species, it is open to 11 PM.
- Overcrowding /Spacing: There are concerns that vehicles are parked so closely that you can barely open your doors. There is less space per car when the closures occur so that does give the impression of “overcrowding” even though the number allowed have not changed.

Mr. Phil Thorn, resident and member of Duxbury Beach Committee: Asked when the Town first began the non-resident sticker program? (He was under the impression it began in the 1990’s, but this was incorrect.) Answer: Maggie Kearney, President of the Duxbury Beach Reservation (DBR), said it was probably in 1975. She then spoke about the history of the DBR, which dates to 1919 and in 1975 established their Articles of Organization. She added that the oversand program really came into existence with the arrival of SUVs because before then access was limited to those with JEEPs.

Ms. Maggie Kearney mentioned that three times the State tried to takeover the beach and the DBR, with residents’ backing, have managed to prevent that. It was the DBR’s decision to allow public access in order to keep the beach open. She said that they allow 375 spaces in the Resident Lots and

500 spaces in the oversand area. The DBR would like to prepare some additional areas on the backside of the dunes, which could be used during closures, but it is a matter of funding.

Mr. Phil Thorn mentioned that while there is a perceived or a real issue with unpermitted use of the ORV, he also believes that there is a perceived or a real issue with unpermitted use of resident lot. He then cited some statistics for what appeared to be unpermitted vehicles on a specific date /time. In response Mr. Beers mentioned that last year they ran out of stickers and used a voucher system-not decals. He also mentioned that there are unpermitted but AUTHORIZED vehicles which are not stickered. They are using a placard system, which should be displayed from the rearview mirror, but are limited to some of the groups who are using the beach on a daily basis. In addition, there are times when the Harbormaster's staff does use their discretion. For example, there have been situations when the Duxbury Beach Park is closed, but non-resident groups were showing up and staff uses their discretion to try to accommodate some of those groups.

At the end of the discussion Mr. Flynn asked that the request regarding discounting Duxbury Veterans' beach stickers be referred to the Fiscal Advisory Committee for review.

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

Review and Re-voting of Duxbury Rural & Historical Society- Private Function, August 10, 2013

The One-Day Liquor License was previously approved for an all-alcohol liquor license for this function but it should have been approved for a one-day wine and malt liquor license. The vote tonight is requested for the correction to be made.

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Alison Arnold, as a representative of the Duxbury Rural & Historical Society, a One-Day Wine and Malt 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, contingent upon the conditions on the license. Second by Mr. Flynn. Vote: 3:0:0.

Reschedule the Friends of the Council on Aging Golf Tournament, September 30, 2013

It was explained that the One-Day Liquor License was previously granted for a reception following the Friends of the COA Golf Tournament, which was originally scheduled for June 3, 2013. The COA Golf Tournament was postponed due to inclement weather and has been rescheduled to September 30, 2013.

Mr. Dahlen moved that the Board of Selectmen vote to amend a One-Day Liquor License granted on April 22, 2013 to grant to Mr. Chris Barry, as a representative of the Friends of the Duxbury Council on Aging, a One-Day Wine & Malt License for an event on Monday, September 30, 2013 at the Duxbury Senior Center, 10 Mayflower Street, from 4:00 PM – 8:30 PM, with a rain date of Monday, October 7, 2013 contingent on the conditions on the license. Second by Mr. Flynn. Vote: 3:0:0.

Event Permits (see Town Manager Brief)

TOWN MANAGER'S BRIEF

Mr. Read mentioned that an event permit request was received this morning for a Toyota commercial shoot to occur on Thursday, July 11, 2013. Mr. Read explained that the event details were circulated, there were no objections and any conditions were included on the event permit.

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Karen Stark, of Right Coast Locations, and as a representative of Kaleidoscope Productions, permission to hold a filming session in Duxbury Thursday, July 11, 2013, contingent upon the conditions on the license. Second by Mr. Flynn. Vote: 3:0:0.

ANNOUNCEMENTS

Mr. Dahlen read announcements about:

1. 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!

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

MINUTES

06-24-13 Selectmen's Minutes -DRAFT

Mr. Flynn moved to approve the 06-04-13 Selectmen's Minutes, as presented. Second by Mr. Madigan. Vote: 2:0:1. (*Mr. Dahlen abstained as he was not present at that meeting.*)

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS (on next page)

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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
Alternative Energy Comm.	“Lew” (Lewis N.) Segall	Appt.	6-30-16	Mr. Flynn	Mr. Dahlen	3:0:0
Alternative Energy Comm.	Stephen Campbell	Appt.	6-30-16	Mr. Flynn	Mr. Dahlen	3:0:0
Highway Safety Advisory Comm.	Phillip Tuck	Re-Appt.	6-30-16	Mr. Dahlen	Mr. Flynn	3:0:0
Highway Safety Advisory Comm.	Patrolman Timothy Wigmore (Police Rep.)	Re-Appt.	6-30-16	Mr. Dahlen	Mr. Flynn	3:0:0

ADJOURNMENT

At approximately 8:25 PM, Mr. Flynn 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 07-08-13 Selectmen’s Meeting*
2. *Open Forum: No documents*
3. *Management and Operations of Duxbury Beach: Duxbury Beach Topics for Discussion 07-08-13 by René Read and 10-12-12 Harbormaster’s Report (on website as “Duxbury Beach Comm. Memo from Harbormaster”)*
4. *ONE-DAY LIQ. LICENSE(S):*
 - a. *08-10-13 DR&HS Private Function correction to one-day wine and malt. Amended license, application. (License was previously approved on June 24, 2013 for a one-day all-alcohol license).*
 - b. *Re-scheduled 09-30-13 Friends of the COA Golf Tournament Reception – License was previously approved for 06-03-13 but the event was rained out and re-scheduled for 09-30-13. Packet: Amended ODLL, prior approved ODLL, and application.*
6. *EVENT PERMITS: (none)*
7. *TOWN MANAGER BRIEF: Late Event Application for 07-11-13 Toyota Photo Shoot; packet: Event Permit-Draft;07-08-13 Memo from Karen Stark of Right Coast Locations;*
8. *Suggested Announcements for 07-08-13*
9. *MINUTES: 06-24-13 Selectmen’s Minutes -DRAFT*
10. *Appointment and Re-appointment Sheet 07-08-13*