

Date: August 12, 2013

Date Minutes Approved: August 26, 2013

BOARD OF SELECTMEN MINUTES

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

Absent: David J. Madigan, Chair

Staff: Rene' Read, Town Manager; Susan Kelley, Executive Assistant

CONVENED IN OPEN SESSION

The meeting was called to order at 7:00 PM in the Mural Room. Mr. Flynn assumed the Chair as Mr. Madigan was absent.

OPEN FORUM – No items were brought forward for discussion

AQUACULTURE HEARING

Others present for this item were:

Mr. Don Beers, Harbormaster; Mr. Alan Hoban, Chair, Shellfish Advisory Committee

Mr. Dahlen moved that the Board of Selectmen open an advertised public hearing regarding a 10-year aquaculture lease renewal application from Claire Bezdek. Second by Mr. Flynn.

VOTE: 2:0:0.

Mr. Flynn recognized Mr. Al Hoban, Chair of the Shellfish Advisory Committee (SAC). Mr. Hoban said that the application was reviewed in accordance with the regulations. The SAC considered the renewal application and the information Ms. Bezdek presented. The SAC voted to recommend that the Board of Selectmen approve the renewal application for the ten (10) year term, the maximum allowed by law.

There were no comments from the public.

Mr. Dahlen moved that the Board of Selectmen approve the renewal the Shellfish Aquaculture License #NAE-2006-1837 issued to Ms. Claire Bezdek, for the aquaculture lease located west of Two Rock Channel, for a period of ten (10) years, contingent upon all required State, Federal and local permits and approvals, and terms and conditions. Second by Mr. Flynn. Vote: 2:0:0.

Mr. Dahlen moved that the Board of Selectmen close the public hearing regarding a 10-year aquaculture lease renewal application from Claire Bezdek. Second by Mr. Flynn. VOTE 2:0:0

Mr. Flynn stated that oyster beds on the Cape had been robbed recently and asked Mr. Beers if Duxbury has seen any of this activity. Mr. Beers responded that no thefts have taken place to date.

DISCUSSION PERTAINING TO SENIOR TAX WORKOFF PROGRAM

Others present for this item were:

Ms. Joanne Moore, Director, Council on Aging; Mr. Stephen Dunn, Director of Assessing

Ms. Moore stated that there had been changes made to the guidelines of the Senior Tax Work-off program in an effort to clarify and streamline the process. She indicated that the changes included:

- Period during which applications are accepted: from September 15 – October 15. Interested individuals must re-apply each year.
- The timeframe during which the work is done: the program year runs January 1 – December 31.
- How the credits will be applied to the tax bill: the benefit will be applied to the 4th quarter tax bill.

The number of available positions remains at 35 and the positions are filled on a first come, first served basis. A resident who works 125 hours will receive a real estate tax abatement in the amount of \$1,000 for that fiscal year. If the worker is unable to complete the 125 hours, a prorated credit will be applied to their taxes at a rate of \$8 an hour. Ms. Moore added that the program was expanded 2 years ago from 25 to 35 positions and 33 of the positions are currently filled.

Mr. Dahlen moved that the Board of Selectmen accept the changes to the Senior Tax Work-Off Program as proposed in the guidelines updated August, 2013. Second by Mr. Flynn. VOTE 2:0:0

DISCUSSION PERTAINING TO AND EXECUTION OF THE DUXBURY BEACH LEASE

Others present for this item were:

Ms. Maggie Kearney and Mr. Bob Hayes, Duxbury Beach Reservation

Mr. Flynn turned the floor over to Town Manager Rene' Read. Mr. Read indicated that the lease for the remainder of FY14 had to be executed before August 15, 2013. Because a quorum of the Selectmen would not be present at tonight's meeting (Mr. Madigan was absent and Mr. Dahlen would have to recuse himself as he is on the Duxbury Beach Reservation), Mr. Read contacted Town Counsel for advice. Counsel indicated that in an absence of a quorum, Mr. Read could execute the lease and the Selectmen could ratify his signature at the next scheduled Selectmen's meeting on August 26, 2013.

Mr. Hayes asked if Town Counsel believed that only one signature was sufficient or if Mr. Flynn should also sign the document. Mr. Read re-iterated that he would sign the document at the end of the meeting and Mr. Flynn and Mr. Madigan would ratify it on August 26th.

Ms. Kearney indicated that she would also sign the document and deliver it to Mr. Hinckley (of the Duxbury Beach Reservation) for his signature and return it to the Selectmen.

DISCUSSION PERTAINING TO COMMERCIAL TRUCK EXCLUSION ON HIGH STREET

Others present for this item were:

Mr. Paul Brogna, Co-Chair, Highway Safety Advisory Committee

Mr. Read stated that he had met with Ed Thorne, Pembroke Town Administrator; Peter Buttkus, Duxbury Director of Public Works; and Paul Brogna, Co-Chair, Highway Safety Advisory Committee to discuss a commercial truck exclusion on High Street (a residential street that runs from Route 53 in Duxbury to the Pembroke Town Line). On August 1, 2013, the Duxbury Highway Safety Advisory Committee (HSAC) voted 6-0 in favor of the exclusion with the condition that the Town of Pembroke provide the necessary signs and posts for installation by the Duxbury DPW. As a result of that vote, the HSAC recommended to the Selectmen that they vote in favor of the commercial vehicle exclusion on High Street.

Mr. Dahlen moved that the Board of Selectmen support the commercial vehicle exclusion on High Street, Duxbury from Route 53 (Summer Street) to the Pembroke Town Line, with the condition that the Town of Pembroke provide the necessary signs and posts for installation by the Duxbury Department of Public Works; Signage would be on High Street and also extend to all streets intersecting with High Street, including Taylor Street, Keene Street (from Route 14 to Route 53 and then to High Street), and Summer Street (Route 53). Second by Mr. Flynn. VOTE 2:0:0.

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 –

Rotary Club of Duxbury – Seafest, Saturday, September 21, 2013 - Mr. Dahlen moved that the Board of Selectmen grant to Mr. Paul Brogna, as a representative of the Rotary Club of Duxbury, a One-Day Wine and Malt License for an event to be held at the Duxbury Senior Center, 10 Mayflower Street, on Saturday, September 21, 2013 from 12:00 noon to 4:00 PM. Second by Mr. Flynn. VOTE 2:0:0

The Art Complex Museum – Reception: Coastal Printmakers, Sunday, September 22, 2013 – Mr. Dahlen moved that the Board of Selectmen grant to Ms. Doris Collins, as a representative of the Duxbury Art Complex Museum, a One-Day Wine and Malt license to hold a reception for The Coastal Printmakers and the Pastel Painters of Cape Cod at the Art Complex Museum, 186 Alden Street, on Sunday, September 22, 2013 from 1:30 PM to 3:30 PM. Second by Mr. Flynn. VOTE 2:0:0

Event Permit Requests – None

TOWN MANAGER'S REPORT

Mr. Read briefed the Board on the following:

- 1) **NSTAR Re-planting Public Hearing** – Planning Director Tom Broadrick forwarded a memo to Duxbury Town Clerk Nancy Oates dated July 31, 2013. This memo was drafted subsequent to a public hearing of the Planning Board held July 29, 2013. The hearing addressed the proposed cutting of 172 trees (hearing pursuant to MGL Chapter 40, section 15C (scenic roads) and Chapter 87, Section 3 (public shade trees). The memo serves as the letter of approval of NSTAR's petition and replanting plan to mitigate clearing along NSTAR's Right of Way.
- 2) **Sea Level Rise Study** – the recently completed Sea Level Rise Study for Duxbury Marshfield and Scituate has been posted on the Town's website. Andre Martecchini will come before the board after Labor Day to discuss the study.
- 3) **DPW** - Last week DPW Director Peter Buttkus advised me that the Town of Duxbury has received our Chapter 90 funding and as a result, in the next few weeks the town will begin paving the following roads in town:

Church Street from Simmons Drive to Route 3A
Hicks Point Road
Park Street from Route 3A to the Kingston line
Soule Avenue
Temple Street from Route 14 to Lincoln Street

Once start times have been agreed upon with the contractor (T. L. Edwards has the South Shore Consortium bid.) we will be contacting residents via reverse 911 in these areas to notify them of any construction delays and/or temporary closures and detours.

Crack sealing and micro-surfacing to be completed in the spring.

- 4) **FY15 Budget** - Last week John Madden forwarded the FY15 Operating and Capital Budget materials to the Department Heads for their requests for the coming fiscal year. Included in those materials is a timeline of key dates for submittals to our office including operating budget information, capital budget information and warrant articles and explanations. This information was also forwarded to the members of the Finance Committee and the Fiscal Advisory Committee.

Mr. Dahlen suggested modifying the schedule to include:

- Providing residents and committees a time to meet with Town Counsel to draft and review proposed articles. *(This date was included on the internal schedule prepared by Mr. Read)*

- The deadline approximately 1 month before the final budget presentation to present a draft version of the capital and operating budgets so the Selectmen can have an idea of the funding.

Mr. Dahlen also asked when the Selectmen would be able to review and vote on articles.

Mr. Read replied that voting could begin after December 16th.

- 5) **Conflict of Interest Training** - On Thursday, September 19th the State Ethics Commission will be conducting a mandatory training at the Senior Center for all Town employees, board and committee members on Conflicts of Interest. We will be providing two time options to accommodate employees with further information to follow as the date draws closer.

ANNOUNCEMENTS

The Miles Standish Monument Reservation: The Myles Standish Monument Reservation on Crescent Street, Duxbury, is managed under the authority of the Commonwealth of Massachusetts Department of Conservation and Recreation (DCR); not the Town of Duxbury. **According to the DCR, the Myles Standish Monument State Reservation is open on Saturdays and Sundays from 9 AM to 5 PM until Labor Day.** Group tours can be requested (for the months of June, July and August only) by calling (508) 208-0675.

Next Scheduled Selectmen's meeting: Monday, August 26, 2013

MINUTES

Mr. Dahlen moved that the Board of Selectmen approve the 07-29-13 Open Session minutes as presented. Second by Mr. Flynn. Vote 2:0:0.

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Resignation:

Historical Commission – Terry Vose, Chair / BOS Liaison: David Madigan
David Uitti Term expires 6/30/16
Laura Ricketson Doherty Term expires 6/30/14

Appointment:

Historical Commission – Terry Vose, Chair / BOS Liaison: David Madigan
Robb D'Ambruoso Term expires 6/30/16

Mr. Flynn moved that the Board of Selectmen accept the resignations of Mr. David Uitti and Ms. Laura Ricketson Doherty and appoint Mr. Robb D'Ambruoso to fill an unexpired term on the Historical Commission. Second by Mr. Dahlen. VOTE 2:0:0

Re-Appointments:

Sidewalk & Bike Path Committee – Peter Sullivan, Chair / BOS Liaison: Ted Flynn

Jerry Polak	Term expires 6/30/15
Eileen Kelliher	Term expires 6/30/15
Nancy A. Johnson	Term expires 6/30/16
Sarah Weihman	Term expires 6/30/16

Mr. Flynn moved that the Board of Selectmen re-appoint to the Sidewalk & Bike Path Committee Mr. Jerry Polak, Ms. Eileen Kelliher, with terms to expire 6/30/15, and Ms. Nancy A. Johnson and Ms. Sarah Weihman with terms to expire on 6/30/16. Second by Mr. Dahlen. VOTE 2:0:0

ADJOURNMENT

At 7:22 PM, Mr. Dahlen moved that the Board adjourn. Second by Mr. Flynn. Vote 2:0:0.

LIST OF DOCUMENTS

- 1) *Aquaculture Hearing Package: Claire Bezdek: Memo from Alan Hoban, Shellfish Advisory Committee to Board of Selectmen dated 08-07-13; lease; legal notice –Duxbury Clipper 07-31-13; license renewal application*
- 2) *Senior Tax Work-off Package: program guidelines dated August 2013*
- 3) *Duxbury Beach Lease for the period covering August 15, 2013 – June 30, 2014*
- 4) *Commercial Vehicle Exclusion – High Street: letter from Selectmen to Ed Thorn, Pembroke Town Administrator dated 08-13-13; letter to Board of Selectmen from Paul Brogna, Co-Chair of the Duxbury Highway Safety Advisory Committee dated 08-07-13; Old Colony Planning Counsel's Pembroke/Duxbury Heavy Vehicle Traffic Pattern Study pages 4-18 (data collected 2010)*
- 5) *One Day Liquor License – Rotary Club of Duxbury, Seafest – September 21, 2013*
- 6) *One Day Liquor License – Duxbury Art Complex Museum, reception – September 22, 2013*
- 7) *FY15 Budget Memo dated 08-05-13 from Rene' Read and John Madden to all Department Heads*
- 8) *Memo dated 07-31-13 from Tom Broadrick, Planning director to Nancy Oates, Town Clerk*
- 9) *Announcements*
- 10) *BOS Draft Open Session Minutes dated 07-29-13*
- 11) *Committee Appointments/Resignations*