

Date: June 16, 2014

Date Minutes Approved: June 30, 2014

BOARD OF SELECTMEN MINUTES

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

Absent: (none)

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

I CALL TO ORDER

The meeting was called to order at 6:16 PM in the Mural Room at the Duxbury Town Hall.

II ENTERED EXECUTIVE SESSION: Pending Litigation (i.e., Johnson Golf case) & King Caesar Fund Case

Upon convening the meeting, the Chair entertained a motion to enter Executive Session. Mr. Flynn moved the Board of Selectmen go into executive session in order:

- (a) to discuss strategy with respect to pending litigation (Johnson Golf v. Town of Duxbury), since an open meeting may have detrimental effect on the Town's litigating position; and
- (b) to discuss matters regarding the King Caesar Fund, [specifically case(s): KCF-2014-02(MF)] which are of a confidential nature, as the fund's purpose is to provide medical and/or dental relief for the financially-needy residents of Duxbury in accordance with Mass. General Laws chapter 30A, section 21, and then to reconvene in open session. Second by Mr. Madigan.

As Chair, Mr. Dahlen declared the business needs to be discussed in an Executive Session as an open meeting may have a detrimental effect on the Town's litigating position and because of medical confidentiality regulations, matters concerning the King Caesar Fund must be discussed in an Executive Session.

Roll Call Vote: Mr. Flynn –aye; Mr. Madigan –aye; and Mr. Dahlen---aye.

RE-CONVENED IN OPEN SESSION

After completing the business of the Executive Sessions the Board recessed to reconvene in Open Session at 7:00 PM after the public had entered the room.

III OPEN FORUM --Nothing was brought forward.

IV NEW BUSINESS

Presentation to the Board of Selectmen commemorating U.S.S. Duxbury Bay (AVP-38) Day in Norfolk, VA by Mr. Russell Hamblin who served aboard the vessel as an EN2 Petty Officer 2nd Class

Mr. Read introduced Mr. Russell Hamblin, a Navy veteran who served aboard the U.S.S. Duxbury Bay (AVP). He read a statement that explained that Mr. Hamblin was present tonight to present to the Board a framed proclamation, which was made by the City of Norfolk, Virginia proclaiming September 24, 2013 as U.S.S. Duxbury Bay Day in City of Norfolk, VA. His statement of introduction gave an overview of the U.S.S. Duxbury Bay's history including the following:

- The U.S.S. Duxbury Bay was a 1,766 Barnegat-class small seaplane tender.
- Launched in 1944 and in service until the ship's decommissioning in April, 1966.
- Active during WWII serving in the Pacific as a seaplane tender, seadrome control tender, mail ship, movie exchange, and gasoline supply ship for small craft.

- After WWII the U.S.S. Duxbury Bay served for several tours in the Far East tending patrol squadrons.
- Between January, 1950 and early 1966, the U.S.S. Duxbury Bay performed 15 tours of duty in the Persian Gulf, the Arabian Sea, and the Indian Ocean as the flagship for Commander, Middle East Force, and earned the nickname the “Galloping Ghost of the Persian Coast.”
- The ship also acted as a contingent recovery ship for Project Mercury in May, 1963.

Mr. Hamblin came forward and read the proclamation and then presented it to the Board.

Mr. Flynn moved that the Board of Selectmen, on behalf of the Town of Duxbury, accept with gratitude a plaque [*framed Proclamation*] from Mr. Russell Hamblin commemorating the U.S.S. Duxbury Bay Day, a recognition made in Norfolk, Virginia in the fall of 2013. Second by Mr. Madigan. VOTE: 3:0:0.

After that presentation, Ms. Judi Barrett surprised Mr. Dahlen with the presentation of a birthday cake.

Duxbury Housing Authority Vacancy – Joint Meeting with Duxbury Housing Authority to appoint interim member until next election

Mr. Dahlen explained that the Board of Selectmen was meeting in a joint session with the Duxbury Housing Authority to fill a vacancy, and he then recognized Mr. John Todd, Chair of the Duxbury Housing Authority.

Present for this item of business were:

Mr. John Todd, Chair of the Duxbury Housing Authority

Mr. Michael Thorp, member of the Duxbury Housing Authority

Bertram Walters, member of the Duxbury Housing Authority

Ms. Michelle Gill, Executive Director of the Duxbury Housing Authority

Ms. Pauline Flynn, a nominee for the seat on the Duxbury Housing Authority.

Mr. Todd began by explaining that Mr. David O’Connell, an elected member of the Duxbury Housing Authority, tendered his resignation to the Duxbury Housing Authority as he is moving from Duxbury. Mr. O’Connell’s term was to expire as of the March, 2016 Town Election. Notification was sent to the Selectmen’s office within 30 days of the resignation, and tonight a joint meeting of the Board of Selectmen and Duxbury Housing Authority has been called to fill the vacancy until the March, 2015 election, at which time the seat will be open for the remaining term.

Mr. Todd noted that a quorum of the Duxbury Housing Authority was present. He added that the Duxbury Housing Authority is recommending Ms. Pauline Flynn as a nominee for the vacant seat.

Ms. Flynn was introduced and made the following statement:

“Currently, I am the Finance Coordinator at the Duxbury Senior Center (DSC) and have held this position since 2009. From 2005 until 2009, I volunteered at the Duxbury Senior Center. In that capacity, I served as the Town Delegate to Old Colony Elder Services (OCES), chaired the Administration and Finance Team for the Accreditation process, and built infrastructure around the volunteer program (wrote policies, job descriptions and conducted workshops). I welcome the opportunity to serve on the Duxbury Housing Authority and believe the nine plus years of experience I have working with seniors will enable me to be a productive member of the Authority. “

Mr. Flynn moved to nominate Ms. Pauline Flynn to fill the vacancy on the Duxbury Housing Authority until the next Town election in March, 2015. Second by Mr. Madigan. Then for the Duxbury Housing Authority Mr. Todd moved to nominate Ms. Pauline Flynn to fill the vacancy on the Duxbury Housing Authority until the next Town election in March, 2015. Second by Mr. Walters. SELECTMEN'S VOTE: 3:0:0. DUXBURY HOUSING AUTHORITY VOTE: 3:0:0.

NOTE: Mr. Dahlen mentioned that he will be taking the agenda items out of order as the Board agreed to speak with Atty. Kreiger at or shortly after 7:30 PM regarding the Town Counsel's billing related to McLean's Way.

He then asked the Town Manager to give his report.

IV TOWN MANAGER'S REPORT

Mr. Read reported on the following topics:

1. Powder Point Bridge Pile Repairs:

He announced that the Contractor, C. While Marine, Inc. of Danvers, MA has advised that the grouting and epoxy resin processes and other work should be completed early next week. They will be re-securing the cross-bracing and bolting and putting on a final coat of pigmented resin. So the work should be completed within the next few weeks.

2. Response to Letters to the Editor: Mr. Read read the following statement:

“Recently a letter was written and published in the editorial section of the May 14, 2014, and June 4, 2014, editions of the Duxbury Clipper in which the author inquired about the status of the Town of Duxbury seeking grant funding for coastal-related projects.

The DPW did not apply for the 2014 coastal grant however; the Town of Duxbury did apply in 2013 for the Seawall and Dam grant which we did not receive. In 2012 we applied for and received a \$110,000 grant which funded the seawall condition survey and study. (If the decision is made to apply for the second round, we will need to discuss and obtain answers on some lingering questions most notably, seawall ownership and responsibility for future ongoing maintenance.)

From the Planning side, the Planning Department has been concentrating on the Town's Hazard Mitigation Plan with FEMA...not the State Coastal Grant program. The Towns of Duxbury, Marshfield and Scituate received a Metropolitan Area Planning Council District Local Technical Assistance (DLTA) grant and a Gulf of Maine Council grant to complete our Sea Level Rise Study. As a result of that Study we will be considering “Adaptation Zoning” or methods to adapt to Sea Level Rise.

DLTA funding helps promote regional collaboration, economic development, better land use and zoning, and environmental protection across the Commonwealth. The funds are administered each year through a competitive process managed by MAPC.

The Town Planner Tom Broadrick has recently attended a 2-day workshop with FEMA and MEMA concerning Hazard Mitigation Plans and will be meeting with the local MEMA planners to finish our

plan. No FEMA grants are available until a community has a completed plan. As background, in 2009 MAPC was working on our plan however, the planner assigned to that task left. Duxbury's was one of the last plans done by MAPC and it was not a high priority.

The completion process was accelerated by the Department when the Duxbury Beach Reservation filed a FEMA grant application for work on the beach (cobble berms). FEMA indicated that the Town needed at least a plan in the approval application process and as a result of the foregoing; the Town did not even have a completed plan. Tom called MAPC and it was soon completed, submitted to MEMA, therefore meeting the 'approval application' process, and forwarded to FEMA.

FEMA has some additional revisions they want to have completed; hence Tom's attending the recent 2-day workshop. He will be meeting with MEMA to complete the revisions and they will re-send it to FEMA and once we receive their approval, we will need to schedule a public hearing with the BOS to adopt it (the timeframe for which has yet to be decided).

Further, the Planning Department is also pursuing assistance with the Community Rating System (CRS) program (through FEMA) offering flood insurance rate relief as is the Town of Barnstable under the State Coastal Grant Program."

3. Duxbury Beach Update:

In keeping with the commitment he made to inform the public, Mr. Read provided an update on the piping plovers and beach restrictions. He noted that last year, there were a total of 17 nesting pairs of piping plovers on Duxbury Beach. According to information from the Endangered Species Officer he reported that there are currently 25 plover nests on Duxbury Beach.

Restrictions are in place on areas of the Off Road Vehicle (ORV) corridor (1st and 2nd crossovers), bayside areas adjacent to the ORV restrictions, and Pedestrian Beach (Northern & Southern Resident Beach).

This past weekend, restrictions were instituted that limited the number of Off Road Vehicles (ORV) to 250 TOTAL. Specifically, daytime limitations are 125 resident ORV and 125 non-resident ORV. After 8:00 p.m., night time ORV limits are 120 total (60 resident ORV and 60 non-resident ORV).

The Duxbury Beach Reservation, in cooperation with the Town of Duxbury, is providing free overflow parking to all (resident and non-resident) ORV beach sticker holders. Harbormaster staff are on-site to direct patrons to that parking area. It should be further noted that this reserve parking lot provided by the Reservation will likely not be impacted by these restrictions at this present time.

Please appreciate that these are wild animals and are unpredictable. We will do the very best we can to enable safe and appropriate access to occur.

As has been done in the past, if any nests hatch within the ORV area, ORV access will be further restricted as is mandated by state and Federal law and the Duxbury Beach Management Plan. Based on past experiences this season, non-resident access has been limited between 10:00 a.m. and 10:30 a.m. until approximately 2:00 to 2:30 p.m. Yesterday, beach access was limited to both non-residents as of 9:00 a.m. and residents shortly after 11:00 a.m. With these limitations having been imposed, earlier arrival times (i.e., in advance of the times noted above) may help to ensure access. We hope that this

information will help to illustrate the importance of arriving early since access is provided on a first come, first serve basis (and can matter greatly if the weather is favorable for beach conditions).

This information will be updated if conditions change or as new information becomes available. For further information about Duxbury Beach, please visit the Town of Duxbury Harbormaster's website at: <http://www.duxburyharbormaster.org> or call (781) 934-2866 Ext. 5 for beach information. The most up-to-date information pertaining to beach conditions including restrictions and access limitations may be found by following the Duxbury Harbormaster's Twitter feed at https://twitter.com/Dux_HM

Mr. Dahlen stressed that if you are not into Twitter you can go on the Harbormaster's website (*click on "Current Beach Conditions"*) to see current conditions and to sign up to receive notification **by email** of beach restrictions and closures.

Request For Use Of Mayflower Funds: Cemetery Maintenance

Ms. Patricia Pappas, Cemetery Director, was present to discuss this matter with the Selectmen.

Ms. Pappas indicated that the request is for the Selectmen to approve an expenditure from the Mayflower Care and Improvement Fund ("Fund") to allow for the sealcoating of the roadways in the Mayflower Cemetery. She explained that the Fund was set up in 1953 and requires that both the Board of Cemetery Trustees and the Board of Selectmen authorize expenditures.

Mr. Dahlen noted that the Board of Cemetery Trustees had met on June 3, 2014 and voted their approval of the request.

Mr. Flynn moved that the Selectmen approve the use of a portion of the interest from the Mayflower Care and Improvement Fund to fund crack sealing in Mayflower Cemetery, at a cost of \$5,704.00. Second by Mr. Madigan. VOTE: 3:0:0.

Discussion to consider extending prior year's beach lease through July 7th and to consider execution of Duxbury Beach Lease for FY2015 (from July 7, 2014 - June 30, 2015)

Mr. Dahlen recused himself from this item of business. [*Mr. Dahlen is a Director of the Duxbury Beach Reservation, Inc.*] Mr. Dahlen stepped down and Mr. Madigan assumed the Chair for this item of business.

Mr. Madigan explained that there is a need to extend the current year's lease by one week and to vote an extension due to the timing of this matter.

Mr. Flynn moved that the Board of Selectmen execute a one-week extension of the lease agreement between the Duxbury Beach Reservation, Inc. and the Town of Duxbury with a term beginning July 1, 2014 and ending on July 7, 2014. Second by Mr. Madigan. VOTE: 2:0:0. (*Mr. Dahlen recused himself and did not vote.*)

Mr. Flynn moved that the Board of Selectmen execute the lease agreement between the Duxbury Beach Reservation, Inc. and the Town of Duxbury with a term beginning July 1, 2014 and ending on June 30, 2015, effective as of July 7, 2014. Second by Mr. Madigan. VOTE: 2:0:0. (*Mr. Dahlen recused himself and did not vote.*)

VII EVENT PERMITS

4th of July Events

Present for this item of business were: Mr. Jamie MacNab, Mr. Don Reed, and Ms. Maggie Kearney as representatives of the Duxbury 4th of July Committee.

Mr. MacNab gave an overview of the scheduled 4th of July events, which is summarized in the table below.

Duxbury 4th of July Celebration 2014		
July 4-6, 2014		
FRIDAY., July 4th	7 AM Registration 8 AM –Kids race 8:30 AM- main race	DEF 4th of July Road Race REGISTRATION at Alden School (More info below)
FRIDAY., July 4th	2:00 - 4:00 PM	Duxbury 4th of July Parade (Route: Halls Corner down Washington St. to Dux. High School) / 4 PM Parade Awards Ceremony at Duxbury Middle School or Alden School (TBA)
CANCELLED	4 PM -10 PM	Annual Duxbury Beach Party (See notes below about feedback being requested.)
SUN, July 6th	8 AM -11 AM	Holiday Breakfast at the Corner Stone Lodge, 585 Washington Street, Duxbury
SUN., July 6th	6:00 PM	Concert (free) at the Dux. Senior Center (NEW LOCATION)- S.S. Bay Band- Traditional Holiday Music

In addition to the above schedule Mr. MacNab and his colleagues mentioned the following:

- The Duxbury Educational Foundation (DEF) is not part of the Duxbury 4th of July Committee, but they have been holding the 4th of July Road Race in collaboration with the weekend’s events. The 4th of July Committee would welcome collaboration from other groups.
- Duxbury 4th of July Parade:
 - This year’s theme is “American Movie Favorites.”
 - The Grand Marshall will be Mrs. Nancy Oates.
 - Information regarding street closures /parking restrictions has been received from the Duxbury Police and will be published in the *Duxbury Clipper*.
 - Special requests: Parents are asked to avoid purchasing poppers and silly string. The poppers scare the horses, and the silly string can ruin the finish on the antique vehicles. Parents are also asked to please keep your children back on the curbing for their safety.
- Beach Party Cancellation: It was explained that due to the presence of the piping plovers, an endangered species, the Committee made the decision to cancel the bonfire and Beach Party. The 4th of July Committee is interested in public feedback/comments about the possibility of hold future Beach Parties latter in the summer or on Labor Day weekend. It likely won’t happen for this summer, but is something the Committee might consider for future years. Send your comments via their website: www.duxbury4thofjuly.com.
- July 6th Band Concert: The S.S. Bay Band will perform a free concert. This year the concert will be held on the grassy area at the Duxbury Senior Center, 10 Mayflower ST.
- Donations Requested: Primary funding for the 4th of July events are from public donations. Please consider making a donation to the "Margery Parcher Fund" PO Box 1743, Duxbury, MA 02331.

Mr. Flynn moved that the Board of Selectmen grant to the Town of Duxbury Fourth of July Committee permission to hold the annual Fourth of July celebration in the Town of Duxbury, subject to the conditions on the permit. Second by Mr. Madigan. VOTE: 3:0:0.

Acceptance of Gift: DARE Vehicle Lease (Police Dept.)

Mr. Flynn moved that the Board of Selectmen accept with gratitude the donation of the cost of the lease (approximately \$26,900.) for a 2014 Toyota Sienna by Toyota of Braintree to the Duxbury Police Department to be used by the DARE Officer. Second by Mr. Madigan. VOTE: 3:0:0.

In response to Mr. Madigan it was confirmed that this vehicle is a replacement vehicle.

Acceptance of Gift: Uniform Clothing (Fire Dept.)

Mr. Flynn said that tonight the Board is being asked to accept the gift of uniform clothing. He explained that the Fire Department received about \$800.00 worth of uniform clothing, i.e. sweat shirts, ball caps, golf shirts from a company in Kingston (Pro Sports) that went out of business. All the items were donated and had Duxbury Fire Department embroidery.

Mr. Flynn moved that the Board of Selectmen accept the gift of uniform clothing (i.e. sweatshirts, ball caps and polo shirts embroidered with the Duxbury Fire Dept.) to the Duxbury Fire Department from Pro Sports (formerly in Kingston) in the amount of \$800.00. Second by Mr. Madigan. VOTE: 3:0:0.

Discussion pertaining to Surplus Declaration of Musical Supplies and Textbooks from Duxbury High School

Mr. Dahlen said that with the pending closures of the current Duxbury Middle School / Duxbury High School they have found a need to get rid of items that are no longer needed and haven't been claimed by other Town departments. He said the Selectmen have been asked to vote the items as surplus goods. *(Note: This was done recently for other items, tonight's list are for textbooks and music department items to be voted on.)*

Mr. Flynn moved to declare the attached lists of items as obsolete and to direct the Duxbury Public Schools' Business Administrator to auction off this material or to dispose of it in conjunction with provisions of M.G.L 30B. Second by Mr. Madigan. VOTE: 3:0:0.

Discussion pertaining to Town Counsel billing Regarding McLean's Way

As it was just after 7:30 PM the Board returned to this item of business.

Town Counsel, Atty. Art Kreiger of Anderson & Kreiger, joined the meeting remotely by speakerphone. Ms. Judi Barrett, a member of the Zoning Board of Appeals (ZBA), who is the seated Chair on the McLean's Way hearings, was also present for this item of business.

Mr. Dahlen mentioned that discussion of whether Town Counsel time spent on the McLean's Way project should be covered under the general –flat fee or be billed on an hourly basis was brought up at the last meeting He mentioned that as of the May 12th billing \$2832. is the hourly amount due on the McLean's Way matter. The Board wanted some additional input from the Zoning Board of Appeals to decide this matter. He made Atty. Kreiger aware that Ms. Barrett was present in the room for the discussion.

Mr. Dahlen stated his opinion was that he wants to keep litigation as litigation (i.e., allowing for hourly billing) and non-litigation covered under the flat fee. He added he doesn't want to hamper in any way the Board of Appeals, or any Town board or committee, from utilizing Town Counsel services.

Mr. Dahlen mentioned that in the interim he has received an update from the Town Manager regarding pending and/or anticipated legal items and noted that there are not many. He asked Atty. Kreiger what his expectations are for the monthly costs associated with McLean's Way.

Atty. Kreiger mentioned the following:

- The outstanding charges were for Atty. Steve Anderson's attendance at one recent McLean's Way hearing and the preparation before and after that hearing.
- He stated he expects that there may be at least 4-6 hearings on the McLean's Way project, but can sometimes be more. Suggested Ms. Barrett might have a better sense of how many.
- There also was discussion of counsel's attendance at a neighborhood meeting regarding the project. Ms. Barrett confirmed that a neighborhood meeting was happening in 15 minutes.
- At the last meeting Mr. Dahlen characterized the McLean's Way case as a "land use case," but a 40B is not a typical land use case it is more like "administrative litigation."
- The services they are providing are currently over the agreed to \$12,000. per month flat fee, but he is hopeful that with the completion of some of the regulatory rewrites discussed at the last meeting the amount will cover the services. In the flat fee arrangement, often leading up to Town Meeting the flat fee is not covering costs, but after Town Meeting it is compensated for when less Town Counsel time is needed.
- He opined that "the Town is getting great service at a real bargain." He added that during the first five months of 2014 their bills were under \$100,000. Last year for a comparable period it was \$350,000 because of the Johnson Golf trial and other matters.
- In his opinion, it is fair to do this (i.e., bill McLean's Way on an hourly basis). He said he hoped that it would not be a Board discussion every time one of these matters comes up, but that the Board would set some protocols or standards for the Town Manager to administer it effectively.

In response Mr. Dahlen did said that he felt Anderson & Kreiger was doing a great job. He noted that they had taken a large number of cases they inherited (from the former Town Counsel) down to 2-3 cases. So he has no concerns as far as that goes, but that they are trying to figure out how to manage these type of arrangements and notification to the Board so they are aware of the cases.

Mr. Dahlen tried to get from Ms. Barrett a better sense of the timeframe expected for the McLean's Way matter.

Ms. Judi Barrett comments included the following:

- She indicated that Chap. 40B cases are more involved than regular land cases. She added that in addition to the meetings there is a lot of work involved beyond the meetings which make 40B cases unique.
- With Chap. 40B cases it is not unusual to have a neighborhood meeting, side meetings with the Applicant's and the Applicant's legal counsel, and work sessions, which are public meetings but not public hearings. The work sessions are used to work out a lot of the conditions and often with a more long-term strategy in mind.
- She mentioned that professionally she deals with lots of Chap. 40B cases and is aware how much work is needed. Therefore, she does feel it is fair for Anderson & Kreiger to be billing this on an hourly basis.
- If the Selectmen decide to keep this under the flat fee arrangement, then Ms. Barrett said she would not ask for further assistance from Town Counsel as she doesn't believe it would be fair to do so knowing the time commitments and level of work involved.
- Mr. Madigan asked "how often do 40Bs come up in Duxbury?" In response Ms. Barrett said that when the market is hot Chap. 40Bs come back as they are market driven. She mentioned there is the McLean's Way project, which is a new Chap. 40B. There is also Webster Point Village, which is an old one that is coming back to go forward. It had been in litigation, but that was settled and now it is going forward. Brewster Commons and Duxbury Crossing are older Chap. 40Bs that were old ones that are now going forward.
- Writing the permit for a Chap. 40B is a totally different situation. For a regular special permit you write the background, write the law write the finding, and it is done. With a 40B there are no plans required so

the conditions are much more prescriptive and much more detailed and much harder to write because you have to write the conditions for things that you can't see. Atty. Kreiger added that Chap. 40B permits can be 40 to 60 pages or more versus regular special permits that might be 3 pages.

Mr. Dahlen opined that this case (McLean's Way) never should have ended up as a Chap. 40B, but it has and now we have to deal with it.

Atty. Kreiger said he would extend that to say that a lot of the cases that the Town ended up in litigation; shouldn't have ended up in litigation. He suggested that the involvement of Town Counsel earlier on can help make the Boards dealing with cases easier, and although, he can't quantify it, he hopes that it would help to avoid some litigation.

Mr. Dahlen asked some hypothetical questions with respect to other Chap. 40Bs coming back. The gist of the response was that it is difficult to predict and each case is its own situation, but a new Chap. 40B is a new Chap. 40B.

Ms. Barrett again stressed that one of the benefits to having Town Counsel involved is Town Counsel can have discussions with the applicant and the applicant's legal counsel that the Zoning Board members cannot have outside of a public meeting. She suggested that those types of discussion might be very useful in this situation.

Mr. Flynn was comfortable with Town Counsel billing McLean's Way on an hourly basis as it is complicated enough to warrant it. He opined that Anderson & Kreiger has served the Town well. Although he said he can't quantify it he believes a significant amount of money was saved on the cases that Anderson & Kreiger managed to close out.

Mr. Madigan agreed, esp. in a case like McLean's Way, which seems to have a lot of controversy that it would help to deal with the issues upfront.

Mr. Dahlen said that he now agrees, but he does not want it to be a normal routine that Chap. 40Bs are always granted an hourly rate. If things are going to be outside the flat fee, then he feels the Board should be informed.

Mr. Flynn agreed. He also mentioned that he heard one of the attorneys currently on the Zoning Board of Appeals and if so, then the Board should be looking to appoint another attorney to replace that individual so that some of these issues can be dealt with the Zoning Board of Appeals. He suggested that maybe the ZBA chair should inform the Town Manager and the Town Manager inform the Board.

Mr. Read briefly explained that Ms. Barrett did contact Atty. Kreiger, Atty. Kreiger in turn contacted the Town Manager, and the Town Manager notified the Board. Mr. Dahlen agreed and stated that "nobody did anything wrong", but that what came out of it was the need for the Board to have a better understanding of the trigger process for the decision that was made. Perhaps a smoother process so everyone is on board from the beginning.

Mr. Flynn moved that the Board approve Anderson & Kreiger to work on the McLean's Way, 40B, on an hourly basis. Second by Mr. Madigan. VOTE: 3:0:0.

Atty. Kreiger concluded the business by thanking the Board and stating he appreciated the thoughtful discussion and the outcome.

V COMMITTEE APPOINTMENTS / RE-APPOINTMENTS / RESIGNATIONS

Committee	Name	Appointment or Re-appt.	Term Expires	Motion	Second	Vote
Alternative Energy Committee	Josh S. Cutler	Re-appt.	6/30/2017	Mr. Flynn	Mr. Madigan	3:0:0
Alternative Energy Committee	Bob Schnibbe	Re-appt.	6/30/2017	Mr. Flynn	Mr. Madigan	3:0:0
*Conservation Commission	Sam Butcher	Re-appt.	6/30/2017	Mr. Madigan	Mr. Flynn	3:0:0
*Conservation Commission	Thomas J. Gill, MD	Re-appt.	6/30/2017	Mr. Madigan	Mr. Flynn	3:0:0
Constable	Alden Ringquist	Re-appt	6/30/2017	Mr. Dahlen	Mr. Madigan	3:0:0
Design Review Board	Sarah B. McCormick	Re-appt.	6/30/2017	Mr. Madigan	Mr. Flynn	3:0:0
Design Review Board	Nancy A. Johnson	Re-appt.	6/30/2017	Mr. Madigan	Mr. Flynn	3:0:0
Design Review Board ALTERNATE	Heidi Pape Laird	Re-appt.	6/30/2015	Mr. Madigan	Mr. Flynn	3:0:0
Economic Adv. Comm. (Business Rep.)	John M. Stanton	Re-appt.	6/30/2017	Mr. Madigan	Mr. Flynn	3:0:0
Economic Adv. Comm. (At-Large)	Clark Hinkley	Re-appt.	6/30/2017	Mr. Madigan	Mr. Flynn	3:0:0
*Highway Safety Adv. Comm.	Richard Brennen	Re-appt.	6/30/2017	Mr. Dahlen	Mr. Flynn	3:0:0
*Highway Safety Adv. Comm.	Paul Brogna	Re-appt.	6/30/2017	Mr. Dahlen	Mr. Flynn	3:0:0
*Highway Safety Adv. Comm.	Jeff Lewis	Re-appt.	6/30/2017	Mr. Dahlen	Mr. Flynn	3:0:0
Historical Commission	Arthur Evans	Re-appt.	6/30/2017	Mr. Dahlen	Mr. Madigan	3:0:0
Historical Commission	Christopher Tice	Re-appt.	6/30/2017	Mr. Dahlen	Mr. Madigan	3:0:0
	Continued	on next page.				

Committee	Name	Appointment or Re-appt.	Term Expires	Motion	Second	Vote
*Ply. County Adv. BD - DELEGATE	Shawn Dahlen	Re-appt.	06-30-15	Mr. Dahlen	Mr. Madigan	3:0:0
*Ply. County Adv. BD - ALTERNATE	Ted Flynn	Appt.	06-30-15	Mr. Dahlen	Mr. Madigan	3:0:0
Sidewalk & Bike Path Comm.	Peter Sullivan	Re-appt.	06-30-17	Mr. Flynn	Mr. Madigan	3:0:0
Sidewalk & Bike Path Comm.	Elaine Mullen Philbrick	Re-appt.	06-30-17	Mr. Flynn	Mr. Madigan	3:0:0

Additional comments regarding the Boards and Committees:

*With the above-appointments the board or committee will be fully staffed.

Alternative Energy Committee: Mr. John Doherty, whose term is up as of June 30th, is stepping down. So there is one open seat and any interested individuals should fill out a Talent Bank form.

Constable: As is required, Mr. Ringquist submitted a letter requesting re-appointment and that was referred to the Police Chief for review and comment. Chief Clancy commented that he supports this re-appointment.

Design Review Board: One of the Alternates (Robert B. Mustard, Jr.) is stepping down. To be fully-staffed another Alternate member is needed.

Economic Advisory Committee: Just waiting to hear from the ZBA whether Mr. Dennison will remain as their representative to the Economic Advisory Committee or if someone else will fill the spot.

Historical Commission: There is one open seat on the Historical Commission. The Commission is reviewing Talent Bank forms.

Sidewalk & Bike Path Committee: They have a couple of open seats. The committee is reviewing Talent Banks.

VIII MINUTES

06-02-14 Selectmen Minutes

Mr. Flynn moved the acceptance of the 06-02-14 Selectmen Minutes, as presented. Second by Mr. Madigan. VOTE: 3:0:0.

06-03-14 Selectmen's Minutes (Dredging Meeting)

Mr. Flynn moved the acceptance of the Open Session 03-03-14 Selectmen's Minutes (Dredging Meeting), as presented. Second by Mr. Madigan. VOTE: 3:0:0.

VII ANNOUNCEMENTS

Mr. Flynn mentioned the next scheduled Selectmen's Meeting will be Tuesday, June 3, 2014 at the Duxbury Bay Maritime School at 5:00 PM. It will be regarding the dredging of Duxbury Harbor and the approach channel, and the congressional response to the request for assistance with funding. Mr. Read added that it is expected that there will be representatives from the House and Senate congressional delegations present.

VIII ADJOURNMENT

At approximately 7:28 p.m., Mr. Madigan moved that the Board adjourn. Second by Mr. Flynn.
VOTE: 3:0:0.

Minutes prepared by: C. Anne Murray

LIST OF DOCUMENTS FOR 06-16-14 SELECTMEN'S MEETING

1. *Agenda for 06-16-14 Selectmen's Meeting*
2. *Executive Session: Coversheet with Suggested Motion/ Procedure for Executive Session; all other items moved to Executive Session folder.*
3. *OPEN FORUM: no documents*
4. *NEW BUSINESS:*
 - a. *PRESENTATION TO THE BOARD OF SELECTMEN COMMEMORATING U.S.S. DUXBURY BAY (AVP-38) DAY IN NORFOLK, VA BY MR. RUSSELL HAMBLIN: Coversheet with suggested motion and memo from René Read dated 06-10-14 regarding this item of business.*
 - b. *DUXBURY HOUSING AUTHORITY VACANCY – JOINT MEETING WITH DUXBURY HOUSING AUTHORITY TO APPOINT INTERIM MEMBER UNTIL NEXT ELECTION– Coversheet with resignation information, overview of process, some background information, statement from Candidate Pauline Flynn and suggested motion. Memorandum from Michelle Gill, Exec. Director of Duxbury Housing Authority transmitting 04-29-14.*
 - c. *DISCUSSION PERTAINING TO TOWN COUNSEL BILLING REGARDING MCLEAN'S WAY–Copy of 05-12-14 Anderson & Kreiger bill RE: McLean's Way; from prior packet Anderson & Kreiger LLP Revenue Analysis Billied and Paid Report (05-15-14) & 05-08-14 Email from Art Kreiger to René Read "McLean's Way –billing". Copies of Agreements between Town of Duxbury and Anderson & Kreiger, LLP.*
 - d. *REQUEST FOR USE OF MAYFLOWER FUNDS: Coversheet with background from General Bylaws and suggested motion and copy of the Memorandum of June 3, 2014 from Cemetery Trustees requesting funding with attached Proposal / Price Quote from Sealcoating Inc. for the proposed work.*
 - e. *DISCUSSION TO CONSIDER EXTENDING PRIOR YEAR'S BEACH LEASE THROUGH JULY 7TH AND TO CONSIDER EXECUTION OF DUXBURY BEACH LEASE FOR FY2015 (FROM JULY 7, 2014 - JUNE 30, 2015): Coversheet with suggested motions; Background – 06-11-14 Email from Atty. Christine Griffin RE: Beach Lease; Copies of One-Week Extension of Lease Agreement and FY'15 Lease Agreement.*
 - f. *ACCEPTANCE OF GIFT: DARE VEHICLE LEASE (POLICE DEPT.): Coversheet with suggested motion.*
 - g. *ACCEPTANCE OF GIFT: UNIFORM CLOTHING (FIRE DEPT.): Coversheet with background and suggested motion.*

- h. Surplus Declaration of Musical Supplies and Textbooks from DHS: Coversheet with brief explanation and suggested motion; Letter of May 28, 2014 from Susan Nauman with attached list of textbooks and music department items to be declared surplus.
5. *TOWN MANAGER'S REPORT DATED JUNE 16, 2014: Handout with copies of Duxbury Clipper letters to the editor from Y. Oktay dated 05-14-14 and 06-04-14. Commercial and Residential Sticker Fee Summery Report.*
6. *APPOINTMENTS /RE-APPOINTMENTS & RESIGNATIONS: FY'15 Board and Committee Appointments / Re-appointments 06-16-14 sheet*
7. *EVENT PERMIT: 4TH OF July Committee Events: Draft of Event Permit; Fourth of July Committee's Parade/Concert/Beach Party 2014 overview; Dux. Police Dept. 's July 4, 2014 Parade and Detours and Parking Restrictions information; and note that Safety Meeting regarding the events was held on June 30, 2014.*
8. *MINUTES: OPEN SESSION MINUTES: 06-02-14 Selectmen's Minutes-DRAFT and 06-03-14 Selectmen's Minutes (Dredging Meeting) -DRAFT*
9. *ANNOUNCEMENTS: none.*