

Date: August 25, 2014

Date Minutes Approved: September 15, 2014

BOARD OF SELECTMEN MINUTES

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

Absent: David J. Madigan, Vice Chair

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

I CALL TO ORDER

The meeting was called to order at 7:01 PM in the Mural Room at the Duxbury Town Hall.

II OPEN FORUM

Mr. Bernard Graham, of Puritan Way, Duxbury, requested that the Selectmen put on a future agenda the issue of dog feces on the Powder Point Bridge.

Mr. Read mentioned the Margery Parcher Cup (displayed at the front of the room) was recently awarded to the Town of Duxbury by the 4th of July Committee for the Town's community spirit. He explained that Margery Parcher was an individual deeply involved in the community and a huge force in helping to strengthen the 4th of July Parade. Her legacy is found in this event annually. This year the 4th of July Committee has honored the Town for its spirit in helping with the re-scheduling of the parade from Friday, July 4th to Saturday, July 5th due to the forecasted extreme inclement weather. Our DPW, Police, Fire, and Harbormaster Departments helped to make the parade possible this year. Mr. Read thanked the Committee for the recognition.

Mr. Jamie MacNab, a member of the 4th of July Committee, spoke on behalf of a number of the Committee members, who were present. He rose to mention that Dave and Linda Robinson have served on the Committee for 20+ years. He wanted to acknowledge them and to point out that the Town is lucky to have had them as such dedicated volunteers.

As Mr. Robinson rose to speak, he and Mrs. Robinson received a warm round of applause. He mentioned that what clinched it for the Town to receive the Margery Parcher Cup was the spirit that was shown by the Town employees at the meeting to discuss the re-scheduling of the parade. This was the first time in 20+ years that the parade ever had to be re-scheduled, and in spite of a few cancellations it was very successful and well received.

Mr. Flynn commented that he was surprised by the large turnout. One suggestion he had is that a banner be provided for the selectmen so the onlookers would know who they are.

Mr. Don Reed, a member of the Committee, suggested that people in the community consider entering a float in next year's parade.

III NEW BUSINESS

Discussion of Public Property Naming Policy -Draft

Mr. Read read from a Memorandum dated August 18, 2014 "Public Property Naming Policy - July 28, 2014 Draft", a copy of which will be posted along with the minutes. The memorandum explains that the draft policy being present to the Board tonight came out of his meetings with Ms. Nancy Melia,

who spearheaded a working committee, members of which were in attendance. He extended his thanks to Ms. Melia and the Committee for their assistance.

He then explained that when last discussed it was thought the naming policy should involve Town Meeting, but Town Counsel “pointed out that Town meeting and its voters do not control property - they place property under the care and control of specific bodies. That said, the authority to name a place rests with the specific body given that custody by the Town Meeting voters.” After further discussions it was felt that the Board of Selectmen should render the final decision following a thoughtful, open public process. The policy has been reviewed by Town Counsel, who voiced no legal concerns with proceeding as proposed. He recommended, that unless the Board has any changes, that the Board approved the proposed Public Naming Policy as drafted.

Ms. Nancy Melia said the goal was to make a naming of any public property known to a wide, cross-section of the community, and the Town Meeting was just seen as a means to that end. Involving the Town Meeting got very complicated so they abandoned that idea. The proposed naming policy does leave the final authority with the Board of Selectmen, but it involves a process that allows for the community to be informed about a proposed naming through a series of steps.

Ms. Melia highlighted several of the provisions:

1. Guidelines: The naming of public property should be done sparingly, with compelling reasons stated by the petitioners. Priority should be given to names carrying geographical, historical or cultural significance to the area in which the property is located or to the Town as a whole.
2. Process: The process section outlines the steps to be followed. She pointed out that currently there is no criteria or process. So when a loved one has passed away and a request for naming a public property is presented to the Selectmen without criteria for evaluating such a request it is difficult under those circumstances for the Selectmen to turn down the request. So the naming policy is intended to be helpful to the Selectmen in such circumstances.

Mr. Dahlen spoke about some of the steps in the process mentioning that the proposed naming policy requires a written request signed by 75 registered voters and has a requirement to hold a public hearing. He felt this would give the public the opportunity to attend and comment on any given proposed naming and give the Board time to thoughtfully consider any proposed naming.

Mr. Flynn asked what impact this policy would have regarding the schools? In response Mr. Dahlen said this policy only applies “to all Town-owned property subject to the care, custody and control of the Board of Selectmen.” The school properties fall under the care and custody of the School Committee, which has its own policy.

Ms. Melia added that the School Committee’s policy is somewhat informal. It was the hope of the Committee that the Town adopting this policy might influence the School Committee’s practice to adopt something with more structure.

Mr. Flynn moved that the Board of Selectmen approve the drafted Public Property Naming Policy dated July 28, 2014. Second by Mr. Dahlen. VOTE: 2:0:0.

**VENDOR LICENSE REQUEST (Mobile Hot Dog/ Food Cart): Robert F. Shine d/b/a Shinetti’s Grill
(Continued)**

Mr Read mentioned that the Board has received a draft of proposed modified license conditions. He explained that a meeting was held and the process was reviewed with Town Counsel. We have a better understanding of the process and will be working to perfect it. In the interim, we are comfortable recommending the approval of this license.

Mr. Read then pointed out one of the modified conditions. Condition “#7. That evidence of compliance with all State laws is provided to the Town within 60 days of the issuance of the license.” He explained what that means is, in the process of reviewing this matter, it was learned there is also a State “Hawkers and Peddlers permit.” This would be applicable to Shinetti’s Grill and to Jake’s Dogs and/or any other vendor. Should anyone apply, re-apply or amend their license this State permit would be required too. It is an additional permitting process and there is a \$62 fee. The idea is to be equitable and consistent in the permitting process.

Mr. Dahlen said that he also spoke with Mr. Lambiase. The thing that he didn’t understand last week is the difference between coming before the Board of Selectmen and the Board of Health. He now understands that the primary difference was where they were proposing to sell their products. If a vendor is proposing to sell a product on Town property, i.e., public property, then the Board of Selectmen is involved in the permitting process. Whereas if a vendor is catering or doing some other food service on private or non-profit property, then the vendor would just need a Board of Health license. In Mr. Shine’s request since he was seeking to sell on public property it does require the extra level of permitting through the Board of Selectmen for permission to sell on public property, as well as the Board of Health permitting (for sanitary code regulations).

To that Mr. Read added and through the conditions you are telling the applicant specifically where they may or may not sell. If it is listed it is okay, but if it is not listed than it is not okay.

Mr. Flynn questioned that in the introductory information in their packet it mentions that Mr. Shine’s is seeking approval for a license to sell from his hot dog / food cart “at various locations (Town-owned and School-owned)...during ball games.” He said that seems very open-ended.

Ms. Murray pointed out that the operation is somewhat controlled by the other conditions. She mentioned that with respect to serving on school properties an outside vendor needs approval through the schools and can only serve when all other authorized school organizations, are not running a concession.

Mr. Flynn moved that the Board of Selectmen grant a General License for the operation of a mobile hot dog / food cart to Mr. Robert F. Shine, d/b/a Shinetti’s Grill, subject to the conditions indicated and made part of the license. Second by Mr. Dahlen. VOTE: 2:0:0.

IV TOWN MANAGER’S REPORT

Mr. Read reported on the following topics:

1. Great White Shark Sighting:

There was a confirmed sighting of a 15-ft’ great white shark between 2:00 PM - 2:30 PM off of Duxbury Beach this afternoon. The sighting was confirmed by the Division of Marine Fisheries. The beach closed immediately. He complimented the Harbormaster and Lifeguard staff for getting people out of the water in a calm manner to avoid a panic situation. The shark was followed by a State Police (by helicopter) for a couple of hours until it moved further south. Around 4 PM beach was re-opened.

He stressed that tomorrow there will be a State Police helicopter hovering in the area for a couple of hours watching to assure public safety should the shark return. This is a routine practice and the public should not be alarmed.

He added that the Town will also have an additional police presence on the beach on ATVs and additional harbormaster patrol boats.

2. Budgets:

He reported that budgets are due on September 2nd, and everything is on track.

V COMMITTEE APPOINTMENTS / RE-APPOINTMENTS / RESIGNATIONS

Committee	Name	Appointment or Re-appt.	Term Expires	Motion	Second	Vote
Nuclear Adv. Committee	Marischka Dopp	Appt.	6/30/2017	Mr. Flynn	Mr. Dahlen	2:0:0
*Recreation Activities Comm.	Brian Tonis	Re-appt.	6/30/2017	Mr. Flynn	Mr. Dahlen	2:0:0

Additional comments regarding the Boards and Committees:

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

Nuclear Energy Committee: There is open seat. Any interested individuals should fill out a Talent Bank form.

VI ONE-DAY LIQUOR LICENSE REQUESTS

09-05-14 Island Creek Oysters

Mr. Flynn moved that the Board of Selectmen grant to Mr. Christopher Sherman, as a representative of Island Creek Oysters, a One-Day Wine and Malt License for an “End of Summer” event to be held on Duxbury Beach (near Duxbury Beach Park, a/k/a Blakeman’s) on Friday, September 5, 2014 from 6:00 PM to 8:00 PM, subject to the conditions on the license. Second by Mr. Dahlen. VOTE: 2:0:0.

09-21-14 Artist Reception –Art Complex Museum

Mr. Flynn moved that the Board of Selectmen grant to Ms. Doris Collins, as a representative of the Duxbury Art Museum, is granted a One-Day Wine & Malt License to hold an artist reception on Sunday, September 21, 2014 from 1:30 PM to 3:30 PM at the Art Complex Museum (186 Alden Street), subject to the conditions on the license. Second by Mr. Dahlen. VOTE: 2:0:0.

11-16-14 Artist Reception –Art Complex Museum

Mr. Flynn moved that the Board of Selectmen grant to Ms. Doris Collins, as a representative of the Duxbury Art Museum, is granted a One-Day Wine & Malt License to hold an artist reception on Sunday, November 16, 2014 from 1:30 PM to 3:30 PM at the Art Complex Museum (186 Alden Street), subject to the conditions on the license. Second by Mr. Dahlen. VOTE: 2:0:0.

VII EVENT PERMITS

09-21-14 Alyssa Frazar Commemorative Walk

Mr. Flynn moved that the Board of Selectmen grant to Mr. Tom Frazar permission to conduct the Alyssa Frazar Commemorative Walk beginning and ending at the Ellison Center for the Arts, 64 Saint George Street, Duxbury on Sunday, September 21, 2014 at 10:00 AM, subject to the conditions on the permit. Second by Mr. Dahlen. VOTE: 2:0:0.

VIII MINUTES

Open Session Minutes: 07-21-14 Selectmen's Minutes –DRAFT

Mr. Flynn moved the acceptance of the 07-21-14 Selectmen's Minutes, as drafted. Second by Mr. Dahlen. VOTE: 2:0:0.

IX ANNOUNCEMENTS

1. New DMS/DHS Ribbon-Cutting & Building Tours:

The public is invited to attend a Ribbon-Cutting Ceremony at the new co-located Duxbury Middle School /Duxbury High School, 71 Alden ST at 2:00 PM on Thursday, August 28th. After the ceremony the public is invited to tour the new schools. Tours will be provide up to 7 PM.

2. State Primary Elections / Poll Location:

The State Primary Elections will be held on Tuesday, September 9th from 7:00 AM to 8:00 PM. **Please note that the polls for all precincts will be in the Chandler School Gymnasium, 93 Chandler Street.**

3. Labor Day: Monday, September 1st is Labor Day and the Town Hall will be closed.

4. Next Scheduled Selectmen's Meeting: will be on Monday, September 8, 2014.

X BONUS SHELLFISH SEASON (for September and October , 2014)

Mr. Flynn moved that the Board of Selectmen declare a temporary Bonus Shellfish Season:

- 1) for the **commercial** harvesting of **soft shelled clams** for the months of September and October, 2014 in accordance with posted Attachments B & C; and
- 2) for the **commercial** harvesting of **quahog clams** for the months of September and October, 2014 in accordance with posted Attachments A & C; and

Second by Mr. Dahlen. VOTE: 2:0:0.

ADJOURNMENT

At approximately 7:29 p.m., Mr. Flynn moved that the Board adjourn. Second by Mr. Dahlen. VOTE: 2:0:0.

Minutes prepared by: C. Anne Murray

(List of documents on next page.)

LIST OF DOCUMENTS FOR 08-25-14 SELECTMEN'S MEETING

1. *Agenda for 08-25-14 Selectmen's Meeting*
2. *OPEN FORUM: no documents*
3. *NEW BUSINESS:*
 - a. *Public Property Naming Policy: Coversheet listing handouts and a suggested motion; 08-18-14 Memorandum from René Read "Public Property Naming Policy –July 28, 2014 –DRAFT"Memorandum and the Public Property Naming Policy July 28, 2014 DRAFT.*
 - b. *VENDOR LICENSE REQUEST: Coversheet with a suggested motion; copy of the general license; and list of conditions as part of the general license regarding Shinetti's Grill. Spreadsheet showing all the requested year-end transfers and attached were the Request for Appropriation for Transfer form for each of the requested transfers.*
4. *TOWN MANAGER'S REPORT: no materials*
5. *APPOINTMENTS /RE-APPOINTMENTS & RESIGNATIONS: FY'15 Board and Committee Appointments / Re-appointments 08-25-14 sheet.*
6. *ONE-DAY LIQUOR LICENSE(S): For each of the following the packet included the ODLL application and other details provided about the event (if applicable), results of the department feedback received, and a drafted ODLL incorporating the conditions indicated. 09-05-14 Island Creek Oysters; 09-21-14 Artist Reception –Art Complex Museum 11-16-14 Artist Reception –Art Complex Museum*
7. *EVENT PERMIT(S): Alyssa Frazar Commemorative Walk*
8. *MINUTES: OPEN SESSION MINUTES: 07-21-14 Selectmen's Minutes-DRAFT*
9. *ANNOUNCEMENTS: 08-25-14 Suggested Announcement Sheet*
10. *BONUS SHELLFISH SEASON for September & October 2014; suggested motion and memorandum.*