

Date: September 22, 2014

Date Minutes Approved: October 6, 2014

BOARD OF SELECTMEN MINUTES

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

Absent: David J. Madigan, Vice Chair

Staff: René J. Read, Town Manager; Nancy R. O'Connor, Executive Assistant

CONVENED IN OPEN SESSION –

I. CALL TO ORDER

The meeting was called to order at 6:45 PM in the Mural Room.

II. ENTERED EXECUTIVE SESSION – King Caesar Fund Case

Upon convening the meeting, Mr. Dahlen as Chair motioned to enter Executive Session. Mr. Flynn moved that the Board of Selectmen go into executive session to discuss matters regarding the King Caesar Fund, [specifically case(s): KCF-2012-05(DS)], 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. Dahlen. Mr. Dahlen as Chair declared the necessity for the King Caesar Fund cases to be discussed in an Executive Session due to medical confidentiality laws. Roll Call Vote: Mr. Flynn –aye and Mr. Dahlen-aye.

RE-CONVENED IN OPEN SESSION

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

III. OPEN FORUM

No items were brought forward for discussion

IV. NEW BUSINESS

7:01 P.M. PUBLIC HEARING: Transfer of a Wine and Malt Beverage License and the Transfer of a Seasonal All Kinds of Alcohol Beverages License from KBBJ Marketplace, Inc. (d/b/a Sandy Lambert's Marketplace) to Sangita Patel, New Manager d/b/a Duxbury Package Store, Inc.

Mr. Flynn moved that the Board of Selectmen open the advertised public hearing for the transfer of liquor licenses (0300-00039 Wines and Malt Beverages License and 0300-00046 Seasonal All Kinds of Alcohol Beverages License) from KBBJ Marketplace, Inc., d/b/a Sandy Lambert's Marketplace, Sandy Lambert (aka Sandy Barry) Manager, to Sangita Patel, New Manager d/b/a Duxbury Package Store, Inc., for the premises located at 277 Saint George Street, Duxbury. Second Mr. Dahlen VOTE: 2:0 (Mr. Madigan absent)

As the applicant's legal representative, Robert Galvin, Esq. rose, stated that Duxbury Package Store is a new entity, introduced Ms. Sangita Patel, and provided background information on Ms.

Patel. Attorney Galvin stated that he has known her for about 10-15 years, and she is 31 years old and lives in Marshfield. There is a pending sale of the business. Ms. Patel has many years' experience in this area including retail at Ocean Bluff store from 2007-2010 and manager of Turnpike package store in Shrewsbury. Attorney Galvin stated that employees will all be TIPS certified and that he made them aware of the proximity to the schools. He also stated that there was a violation in her Shrewsbury location, but they accepted the consequences and made improvements with a license verification electronic reader, which they plan to use at the Duxbury location. Attorney Galvin said that she would sign a 5-year lease with three additional five-year renewals.

Mr. Dahlen asked what their plans/changes were for the existing store. Ms. Patel's husband spoke and stated that they would make sure that the alcohol section of the store was separate from the market/convenience store area.

Mr. Dahlen confirmed the difference of the two licenses and confirmed the expiration date of the Seasonal All Alcohol license. Mr. Dahlen asked what their intentions are to remove the alcohol (other than beer and wine) by November 30, 2014. They would remove and store.

There were no comments from the public.

Mr. Flynn moved that the Board of Selectmen approve the transfer. Second by Mr. Dahlen. Vote: 2:0

Mr. Flynn moved to close the public hearing. Second by Mr. Dahlen. Vote: 2:0

Review and sign Purchase and Sales agreement between the Town of Duxbury and E. J. Pontiff in re: property owned by the Town of Duxbury located on West Street (former Police Station site)

Mr. Flynn moved that the Board execute the Purchase and Sale Agreement between the Town of Duxbury and E. J. Pontiff, Inc. Second by Mr. Dahlen. Vote: 2:0

Mr. Dahlen asked Mr. Read for his explanation. Mr. Read stated that the purchase and sale agreement was drafted by town counsel and Scott Lambiase and is due to close in October.

Discussion Regarding Expanding Alternative Energy Committee Membership / Jim Goldenberg, Chair of Alternative Energy Committee

Mr. Steve Campbell spoke on behalf of Jim Goldenberg explaining the need and desire to add two additional members to their committee changing the number of seats from 11 to 13. Mr. Campbell stated that there were several very qualified candidates for the one open seat, subsequently determining that adding two extra would be a great benefit. They have been working on the net metering in town and believes that these three new people would be helpful. Mr. Flynn stated that if there was a quorum issue, the committee could come before the Board to reduce the number of members.

Mr. Flynn moved that the Board add two additional members to the Alternate Energy Committee; with one new seat to be for a two-year term and the other new seat to be for a three-year term, and then the subsequent terms of each new seat to be for three years to help maintain the staggering of the Committee's membership terms. Second by Mr. Dahlen. Vote: 2:0

V. TOWN MANAGER'S REPORT

Budget and Warrant information

Finance Director John Madden and I have concluded our review of the departmental budgets with the department heads. Capital Budget requests were submitted at the end of last week and we have reviewed most of those as well. The Finance Committee has held its first meeting of the FY16 Budget season and they are tracking on schedule as well.

I want to let people know that on Monday, October 6, 2014, the BOS will be voting to open the ATM/STM Warrants.

The deadline for the submission of Annual Town Meeting and Special Town Meeting Articles with explanations to Town Manager's Office will be by the close of business on Tuesday, December 2, 2014.

Fire Department Open House

In conjunction with the recognition of Fire Prevention Month, the Duxbury Fire Department will hold its annual Open House on Saturday, October 4th from 10:00 a.m. to 2:00 p.m. The public is welcome to attend this terrific free event and please be sure to bring the kids!

VI. COMMITTEE APPOINTMENT/RE-APPOINTMENTS/RESIGNATION

Mr. Flynn moved that the Board appoint or re-appoint the following:

<u>Council on Aging (COA)</u>	<u>(Anne Antonellis –Chair / Ted Flynn – BOS Liaison)</u>	
Harry Katz	Re-Appointment	06/30/17 (T2)
Paul Brogna	Re-Appointment	06-30-17 (T2)
Steve Dubuque	Appointment	06-30-17 (T1)
Gerry Thomson*	Appointment	06-30-17 (T1)

Comments: The above were recommendations of the COA Board. *With the above appointments the COA Board will be fully staffed.*
**(Corrected spelling.)*

COUNCIL ON AGING ALTERNATE MEMBERS (Anne Antonellis -Chair/ BOS Liaison: Ted Flynn)

Rev. Betsy Stevens	Re-Appointment	06/30/16
Shirley McMahon-Oktay	Re-Appointment	06/30/16
Terri Scott	Re-Appointment	06/30/16
Corinne Poore	Re-Appointment	06/30/16
Matthew Walsh	Appointment	06-30-16

Comments: The above were recommendations of the COA Board. *With the above appointments the COA ALTERNATE Members will be fully staffed.*

Second by Mr. Dahlen. Vote: 2:0

VII. ONE-DAY LIQUOR LICENSE REQUESTS

None were presented.

VIII. EVENT PERMITS

11/12 – 11/24/14 Nor'Easter Productions, Inc. filming "The Finest Hours"

Mr. Dahlen recused himself from voting (Mr. Dahlen is a member of the Duxbury Beach Reservation).

Mr. Flynn stated that the Board does not have a quorum to vote to approve this permit at this time. This event permit will be included on the October 6, 2014 Board of Selectmen agenda.

IX. MINUTES

09-15-14 Selectmen's Minutes (Open Session)

Mr. Flynn moved that the Board of Selectmen approve the 09-15-14 Selectmen's Minutes, as drafted. Second by Mr. Dahlen. Vote: 2:0

X. ANNOUNCEMENTS

1. **Duxbury Artisan Fair:** The public is invited to attend the Duxbury Artisan Fair on Sunday, September 28, 2014, from 11:00 AM until 5:00 PM on the grounds of the Tarkiln Community Center, 245 Summer Street, Duxbury MA 02332.
2. **Duxbury Food & Wine Festival:** The public is invited to attend the Duxbury Food & Wine Festival held at various locations beginning Thursday, September 25 through Sunday, September 28, 2014. For detailed information go to their website at www.duxburyfoodandwinefestival.com
3. **Next Scheduled Selectmen's Meeting:** will be on Monday, October 6, 2014.

XI. ADJOURNMENT

At 7:24pm Mr. Flynn moved that the Board adjourn. Second by Mr. Dahlen. Vote: 2:0

Minutes respectfully submitted by Nancy O'Connor

LIST OF DOCUMENTS (documents are kept in the Board of Selectmen files)

- 1) *Agenda*
- 2) *Transfer of Liquor License documents from KBBJ Marketplace to Duxbury Package Store*
- 3) *Draft Purchase and Sale Agreement between the Town of Duxbury and E.J. Pontiff re property located on West Street (former police station site) Town Manager's Report*
- 4) *Draft discussion points regarding expanding the Alternative Energy Committee*
- 5) *Town Manager's Report*
- 6) *Committee Appointments/Re-Appointments*
- 7) *Draft Event permit request from Jeremy Fiske as representative of Nor'Easter for filming of The Finest Hours in November, 2014 (not approved – moved to October 6, 2014 meeting)*
- 8) *Draft Minutes, Board of Selectmen Open Session September 14, 2014*
- 9) *Announcements*