

**Date: October 6, 2014**

*Date Minutes Approved: October 20, 2014*

## **BOARD OF SELECTMEN MINUTES**

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

**Absent:**

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

### **I CALL TO ORDER**

The meeting was called to order at 7:00 PM in the Mural Room at the Duxbury Town Hall.

**II OPEN FORUM** - Nothing was brought forward.

### **III NEW BUSINESS**

#### **Discussion of Domestic Violence Leave Act / Jeannie Horne**

Mr. Read presented this item of business, but indicated that HR Director Jeannie Horne was available to answer any questions.

Mr. Read explained that he and Ms. Horne were recommending acceptance by the Board of a Town-wide Domestic Violence Leave Policy. It relates to the State's recently passed Domestic Violence Act that helps victims of domestic and sexual abuse to stay safe and receive appropriate accommodation from law enforcement agencies, healthcare professionals, and employers.

It secures the employee's position and allows for the employee to take some unpaid leave to care for themselves or an eligible family member. The employee must provide documentation about the abuse, such as medical records or a police reports, which are kept confidential, to document the situation. The employee must also provide the Town with adequate advance notice (unless the employee or the family member of the employee face imminent danger), and exhaust their sick, personal or vacation time.

Mr. Dahlen added that it allows for up to two weeks (i.e., 15 days in the statute) after all other sick, personal or vacation time has been used.

Mr. Flynn moved that the Board of Selectmen accept the proposed Domestic Violence Leave Policy effective immediately. Second by Mr. Madigan. VOTE: 3:0:0.

#### **Vote to Open ATM / STM Warrants**

Mr. Flynn moved that the Board of Selectmen vote to open the 2015 Annual Town Meeting and Special Town Meeting warrants. Second by Mr. Madigan. VOTE: 3:0:0.

Mr. Flynn then announced that the Board of Selectmen invites citizens to submit articles for the 2015 Annual Town Meeting. Articles must be submitted to the Town Manager's Office by 4:00 PM on December 2, 2014. The complete Article language and a brief explanation of the article are required. Please contact Nancy O'Connor at 781-934-1100 x 5401 with any questions.

The Selectmen asked if assistance will be provided for any citizens, who need help with drafting an article. Mr. Read assured them assistance would be available. Often we are able to handle that electronically or by telephone, but if necessary arrangements would be made for Town Counsel to provide office hours locally.

There was a brief discussion about Special Town Meeting. Mr. Read indicated that the typical articles to appear on the Special Town Meeting will continue to be placed there, but we will be trying to limit the number of articles that are on the Special Town Meeting warrant versus the Annual Town Meeting warrant.

Mr. Madigan suggested that unless there is a real urgency that articles not be added to the Special Town Meeting warrant, but be held over to the next Annual Town Meeting if necessary.

While the Special Town Meeting warrant was historically for payment of bills or funding that was needed before the end of the fiscal year, it was pointed out by Town Counsel last year that those items could be included in the Annual Town Warrant instead. Mr. Read confirmed that and has discussed it with the Finance Director; however, he is not sure that the voters are ready for that change yet.

#### **Call for State Election – Tuesday, November 4, 2014**

Mr. Flynn moved that the Board of Selectmen directs either of the Constables of the Town of Duxbury to notify and warn the inhabitants of Duxbury who are qualified to vote in the State Election to vote at Precincts One through Six at the Chandler Elementary School Gymnasium, 93 Chandler Street, Duxbury, Massachusetts on Tuesday, the 4th Day of November, 2014 from 7:00 AM to 8:00 PM. Second by Mr. Madigan. VOTE: 3:0:0.

Mr. Madigan added that the schools will not be in session that day so there should be plenty of parking.

#### **Amendment to off-premises alcoholic beverages licenses for a Change of Hours to allow the sale of alcoholic beverages on Sundays starting at 10AM (various licensees).**

Mr. Dahlen explained that the Alcoholic Beverages Control Commission ("ABCC") is allowing off-premises retail alcohol beverages licensees to sell alcoholic beverages beginning at 10:00 am on Sundays effective October 23, 2014. In order for license holders to be in compliance with this change the licensees must obtain approval from the Board of Selectmen as local licensing authority.

Mr. Flynn moved that the Board of Selectmen, acting as the Licensing Authority, approve the change of the hours allowing alcoholic beverages to be sold on Sundays beginning at 10:00 A.M. effective October 23, 2014 with all other terms and conditions to remain unchanged on the licenses issued to the following off-premises locations:

**CELLAR D'OR WINE & SPIRITS**  
**DUXBURY PROVISIONS**  
**BO-TES DUXBURY**  
**FOODIES DUXBURY, LLC**  
**OSBORN'S COUNTRY STORE, INC.**

Second by Mr. Madigan. VOTE: 3:0:0.

Ms. Murray indicated that the afore-mentioned license holders had submitted their requests in time to be addressed tonight. We are anticipating that some others will be received and will be addressed at a future Selectmen's meeting.

### **Review and discuss application to Coastal Community Resilience Grant Program**

Mr. Dahlen introduced, Mr. Andre Martecchini, member of the Duxbury Beach Reservation, Inc. (DBR) and the DBR's Technical Committee, and explained that Mr. Martecchini was the author of the grant application. He then turned it over to Mr. Martecchini to explain this item of business.

Mr. Martecchini explained that periodically Coastal Zone Management (CZM) has grant opportunities. The DBR has applied for those and other grants in the past. In this round, however, the grant cannot be filed by a non-profit, but only by a community. Therefore, the DBR's Technical Committee are asking the Town to submit the grant application and to partner with the DBR's Technical Committee, who will be running the project.

He indicated that what the grant application proposes to do is to undertake a coastal processes study of both the ocean side and the bay side. It would be a study of the dynamics the entire beach system.

He mentioned that among the reasons that they wanted to pursue this is the DBR applied for National Fish and Wildlife Foundation grant for about \$5 million dollars to fund raising the dunes. The DBR did not get the funding, and they think that part of the reason was because while they have a lot of anecdotal knowledge the grant application was lacking a scientific basis behind the request. This grant will help get that scientific basis and a better understanding whether the whole dune system needs to be raised or just targeted portions. It is believed that this information would help with future grant applications.

Mr. Martecchini said that the cost is projected as \$275,000 with a 25% match. He indicated that the DBR will be providing the matching funds, so there will be no cost to the Town.

He said that a portion of the cost would be for payment of the Woods Hole Group, who they plan to use as the consultants. The Woods Hole Group would be putting some transponders in the water for about two months for to gather wave data and current data. They would also be studying sediment transport.

He indicated that Joe Grady, Duxbury's Conservation Administrator, is named in the grant as the Project Manager. The Committee felt this made sense because as the Conservation Administrator, Joe has oversight from the Town's perspective of the Town's Conservation Department and works with the Conservation Commission regarding the environmental regulations. This will provide a familiarity with the scientific basis of some of the work that will need to be permitted and will come before the Conservation Commission.

Mr Martecchini indicated that a letter has been drafted for the Town Manager's signature for submittal with the application. The grant application deadline is Friday, October 10<sup>th</sup>, which is why this business was brought before the Selectmen tonight.

Mr. Madigan questioned how this is different from the study, which was previously done. Mr. Martecchini said that was a completely different study, which looked at the levels of water as projected sea level rise, but not factors such as currents, wave energy and sediment transport.

Mr. Dahlen suggested that obtaining the scientific information would help with mapping which areas of the dune had to be addressed.

Mr. Martecchini added that DBR is looking to get as much funding from non-municipal sources as possible. It is hoped that the information obtained will help with future grant opportunities.

Mr. Flynn moved that the Town Manager submit a letter regarding the CZM Coastal Community Resilience Grant Application. Second by Mr. Madigan. VOTE: 3:0:0.

**IV OLD BUSINESS** -There was no old business to be discussed.

**V TOWN MANAGER'S REPORT**

Mr. Read reported on the following topics:

**1. Budget and Warrant information**

- He indicated that all the budgets have been submitted. He, the Finance Committee, and the Finance Director are going through them during meetings over the course of the next month or two.
- Capital Budget requests have also been submitted, and the process to review them will begin soon.
- The Warrant was opened tonight, and it will close on Tuesday, December 2<sup>nd</sup>.

**2. Fire Station Open House**

He extended his thanks to the Fire Department, which held an Open House yesterday. It was a very well-attended event.

**3. Winter ST / RTE 53 Round about Project Update:**

Mr. Read provided the Selectmen with a plan showing the Winter ST / RTE 53 Roundabout. He mentioned that he will be attending a pre-construction meeting the end of next week at the Mass Department of Transportation (Mass DOT) offices in Taunton. The project is scheduled to begin construction in November. This \$1.2 million dollar project is scheduled for completion by March, 2016. He will have more information after the pre-construction meeting and will provide an update at the end of the month.

**VI COMMITTEE APPOINTMENTS / RE-APPOINTMENTS / RESIGNATIONS**

**Alternative Energy Committee**

Mr. Flynn moved that the Board appoint Kate Moriarty as a member of the Alternative Energy Committee for a term to expire June 30, 2017. Second by Mr. Madigan. VOTE: 3:0:0.

He noted that the above appointment will fill a vacant seat on the Alternative Energy Committee and with the above appointment the Alternative Energy Committee established as 11- members will be fully staffed.

Then, Mr. Flynn mentioned that the Alternative Energy Committee membership was expanded from 11 to 13 members at the Selectmen's meeting on 09-22-14. The new seats will be for a two-year and a three-term, and then the subsequent terms are for three-years to help maintain the staggering of the AEC membership.

Mr. Flynn moved that the Board appoint to the Alternative Energy Committee Matt Koenig for a term to expire June 30, 2016 and Matt Cooney for a term to expire June 30, 2017. Second by Mr. Madigan. VOTE: 3:0:0.

Mr. Flynn noted that with the above-appointments the recently-expanded AEC will be fully staffed.

**Board of Health**

Mr. Flynn moved that the Board of Selectmen appoint Michael Count to the Board of Health to fill an unexpired term due to expire June 30, 2017. Second by Mr. Madigan. VOTE: 3:0:0.

Mr. Flynn mentioned that earlier this summer long-term Board of Health member, Jerry Janousek, was re-appointed, but then subsequently resigned in anticipation of moving from Duxbury. This left the vacant seat, but with the above-appointment the Board of Health will be fully staffed.

Mr. Flynn mentioned that the Zoning Board of Appeals is seeking volunteers to serve as Alternate members. The ZBA has a number of cases coming before it and they feel the added help is needed. If anyone is interested, please fill out a Talent Bank form, which is available on the Town website or from the Selectmen's office.

**VII ONE-DAY LIQUOR LICENSES** – none tonight.

**VIII EVENT PERMITS**

**10/25/14 – Duxbury Newcomers Halloween Spooktacular**

Mr. Flynn moved the Board of Selectmen grant to Ms. Nancy Rufo, as a representative of the Duxbury Newcomers' Club, permission to hold a Halloween Spooktacular event from 2:00 – 5:00pm on Saturday, October 25, 2014, contingent on the conditions on the permit. Second by Mr. Madigan. VOTE: 3:0:0.

Mr. Madigan mentioned that event will be in the Halls Corner area with lots of children. Police details will present.

**10/30/14 - Alden School Reach Out Committee Walkathon**

Mr. Flynn moved the Board of Selectmen grant to Ms. Kim Ballerene, as a representative of the Alden PTA Reach-Out Committee, permission to hold the 17th Annual Walk-a-Thon to benefit the Plymouth Area Coalition of the Homeless beginning at 11:00 AM on Thursday, October 30, 2014, contingent on the conditions on the permit. Second by Mr. Madigan. VOTE: 3:0:0.

Mr. Madigan noted this event is a walk-a-thon up St. George Street back along Cove Street. Given the date and time of day it should not have a big traffic impact.

**11/02/14 - Bay Farm Montessori Academy 5K Run by the Bay**

Mr. Flynn moved the Board of Selectmen grant to Ms. Sandy Kozlowsky, as a representative of the Bay Farm Montessori Academy, a permit to hold the 10th Annual 5K Run by the Bay on Sunday, November 2, 2014 from 8:30 AM to 12:00 PM, beginning and ending at the Bay Farm Montessori School, contingent on the conditions on the permit. Second by Mr. Madigan. VOTE: 3:0:0.

Mr. Dahlen mentioned that this event will be in the Bay Road –Park Street area.

**11/22/14 - Duxbury Recreation Department Turkey Trot Fun Run**

Mr. Flynn moved the Board of Selectmen grant to Mr. Steve Studley, as a representative of the Duxbury Recreation Department, a permit to hold the their annual Turkey Trot fun run on Saturday, November 22, 2014

from 10:00 AM to 11:00 AM, beginning and ending at the Percy Walker Pool, contingent on the conditions on the permit. Second by Mr. Madigan. VOTE: 3:0:0.

The route for this run is around the Powder Point loop.

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

Mr. Dahlen recused himself. As was reported when this item of business initially came up at the last meeting, Mr. Dahlen is a member of the Duxbury Beach Reservation.

Mr. Flynn moved the Board of Selectmen grant to Mr. Jeremy Fiske, Assistant Location Manager, of Nor'Easter Productions, Inc., and as a representative of The Walt Disney Company, is granted permission to hold filming sessions in Duxbury during November, 2014 (prep dates 11/12-11/17; filming dates 11/18-11/20; and strike dates 11/21-11/24), contingent on the conditions on the permit. Second by Mr. Madigan. VOTE: 2:0:1 (Mr. Dahlen recused himself and abstained when it came to the vote.)

**IX MINUTES**

**Executive Session Minutes: 09-22-14 Executive Session Selectmen's Minutes –DRAFT**

Mr. Flynn moved the acceptance of the 09-22-14 Executive Session Selectmen's Minutes, as presented, with the contents to remain sealed due to medical confidentiality. Second by Mr. Dahlen. VOTE: 2:0:1. (*Mr. Madigan abstained as he was not present at that meeting.*)

**Open Session Minutes: 09-22-14 Selectmen's Minutes - DRAFT**

Mr. Flynn moved the acceptance of the 09-08-14 Selectmen's Minutes, as drafted. Second by Mr. Dahlen. VOTE: 2:0:1. (*Mr. Madigan abstained as he was not present at that meeting.*)

**X ANNOUNCEMENTS**

Mr. Flynn read the following announcements:

**1. Columbus Day Holiday:**

Town Hall will be closed on Monday, October 13, 2014 in observance of Columbus Day. There will be no Selectmen's Meeting on October 13th.

**2. Voter Registration Deadline:**

The last day to register to vote and/or change party enrollment for the state election is Wednesday, October 15. The Town Clerk's office will remain open until 8pm on October 15 for voter registration.

**3. Next Scheduled Selectmen's Meeting:** will be on Monday, October 20, 2014.

**XI ADJOURNMENT**

At approximately 7:30 p.m., Mr. Flynn moved that the Board adjourn. Second by Mr. Madigan.  
VOTE: 3:0:0.

Minutes prepared by: C. Anne Murray

***LIST OF DOCUMENTS FOR 10-06-14 SELECTMEN'S MEETING (DOCUMENTS LOCATED IN THE SELECTMEN'S OFFICE FILES.)***

1. *Agenda for 10-06-14 Selectmen's Meeting*
2. *OPEN FORUM: no documents*
3. *NEW BUSINESS:*
  - a. *Discussion of Domestic Violence Leave Act / Jeannie Horne: Suggested motion, Memorandum to Town Employees outlining the Domestic Violence Leave Policy, Town of Duxbury Domestic Violence Leave Policy –DRAFT.*
  - b. *Vote to Open ATM / STM Warrants: Suggested Motion and Call for Articles -2015 Town Meeting announcement*
  - c. *Call for State Election – Tuesday, November 4, 2014: Suggested motion and copies of Warrants for State Election Precinct 1 and Precincts 2-6.*
  - d. *Change of Hours to allow the sale of alcoholic beverages: Coversheet with explanation and suggested Motion and Form 43s for licensees requesting the change: Cellar D'Or Wine and Spirits; Duxbury Provisions; Bo-Tes Duxbury; Foodies Duxbury LLC and Osborn's Country Store, Inc.*
  - e. *Review and discuss application to Coastal Community Resilience Grant Program: Coversheet with bullet-points regarding the grant; 10-06-14 LTR to Brad Washburn for Town Mgr's signature; Copy of the grant application*
4. *OLD BUSINESS: nothing*
5. *TOWN MANAGER'S REPORT: nothing provided.*
6. *APPOINTMENTS /RE-APPOINTMENTS & RESIGNATIONS: 10-06-14 Appointment / Re-appointment Sheet.*
7. *EVENT PERMITS: For each event there was a packet of information including the drafted permit and event information and if appropriate route map.*
  - a. *10-25-14 Duxbury Newcomers Club Halloween Spooktacular event*
  - b. *10-30-14 Alden PTA Reach-Out Committee: 17<sup>th</sup> Annual Walk-a-Thon for Ply. Area Coalition of the Homeless*
  - c. *11-02-14 Bay Farm Montessori Academy's Annual 5K Run by the Bay*
  - d. *11-22-14 REC Dept's Annual Turkey Trot*
  - e. *November 2014 –FILM –Nor'Easter Productions "The Finest Hours"*
8. *MINUTES: Coversheet with suggested motion, 09-22-14 Executive Session Minutes - DRAFT and 09-22-14 Selectmen's Minutes-DRAFT.*
9. *ANNOUNCEMENTS: 10-06-14 Suggested Announcement Sheet*