

Date: October 20, 2014

Date Minutes Approved: October 27, 2014

BOARD OF SELECTMEN MINUTES

Present: Shawn Dahlen, Chair; David J. Madigan, Vice Chair

Absent: Theodore J. Flynn, Clerk

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 6:30 PM in the Mural Room.

II. ENTERED EXECUTIVE SESSION – Johnson Golf Case

Upon convening the meeting, Mr. Dahlen as Chair motioned to enter Executive Session. Mr. Dahlen then moved that the Board of Selectmen go into executive session for the purpose of discussing strategy with respect to pending litigation regarding Johnson Golf v. Town of Duxbury, as an open meeting may have a detrimental effect on the Town's litigating position, 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 that an open meeting may have a detrimental effect on the Town's litigating position so it is necessary for the matter(s) to be discussed in Executive Session.

ROLL CALL VOTE: Mr. Madigan---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

There were approximately 25+/- residents in attendance who were there to address the Board about the current situation with respect to the termination of Coach Harry Taylor (assistant football coach and physical education teacher at Duxbury High School). Mr. John Clark (resident) said that the reason they were all there was about all the noise, traffic and social media regarding the actions against Harry Taylor, and more importantly some of the things the administration is doing to suppress students from expressing their opinions. He asked if the Board of Selectmen could request that the School Committee re-open the dialogue and action against Harry Taylor. Mr. Dahlen asked if the group has talked with the School Committee. Mr. Clark stated that they plan to attend the School Committee meeting on Wednesday night. Mr. Dahlen informed them that the Board of Selectmen do not have jurisdiction over the School Committee and anything relative to the schools so they can't do anything per se. Mr. Dahlen also stated that the School Committee is very aware, and we need to leave it to the School Committee and the school's superintendent to address. Mr. Clark stated that they are concerned about the action against Harry Taylor, and there is a larger concern over students' rights being violated. Mr. Clark asked about the process to get on the School Committee agenda. Mr. Dahlen suggested calling the chair of the School Committee to get on the agenda. Mr. Madigan said it's similar to

Board of Selectmen whereas the chair sets the agenda, and they should go to school committee chair to get on agenda. Ms. Selden Tearse suggested showing up for the public portion. Mr. Read informed them of the open meeting law and the required 48 hours to post the agenda and that the School Committee probably has an open forum. Another resident asked if this Board would be faced with a lawsuit if Harry Taylor sued the Town for wrongful termination and would this Board have a duty to review. Mr. Dahlen confirmed that the school has their own attorney to deal with those issues. Resident asked if the legal cost would fall back on the residents as tax payers. Mr. Read stated that the Board does not have any statutory authority and all authority falls under the school board and superintendent. Resident asked if it is beneficial for the Board of Selectmen to review this issue in advance. Mr. Dahlen said that obviously if there was a suit and the town was found guilty and have to pay an award, it would be coming out of the town's money and appropriated and voted at a town meeting, but we can't take that hurdle until the first approach is taken by the school. Mr. Clark asked if there is a fiscal element, when does it affect the Board of Selectmen, and the answer is during budget time. A new School Budget can be voted on at town meeting by the voters. Another resident asked if the School Committee was autonomous with no checks and balances. Mr. Dahlen stated that the School board is to the school system as the Board of Selectmen is to the town.

IV. NEW BUSINESS

Review and execute Quitclaim Deed and Record of Vote of Board of Selectmen with respect to the sale of 443 West Street (former police station location) from the Town of Duxbury to E.J. Pontiff, Inc.

Mr. Dahlen asked if the proceeds of the sale be used to reduce the debt for the police station to make the tax burden less. Mr. Read said that he would look into. Mr. Madigan moved that the Board of Selectmen execute the Quitclaim Deed conveying Town of Duxbury property located at West Street (former police station location/Parcel #069-507-111) from the Town of Duxbury to E. J. Pontiff, Inc., and execute the Record of Vote of the Duxbury Board of Selectmen approving closing and authorizing the Town Manager to take actions on behalf of the Town to complete the sale. Second by Mr. Dahlen. Vote: 2:0

Discussion regarding the Plymouth 400th celebration and the impact on Duxbury.

This information is brought forth by Board member David Madigan who attended the Alden Kindred luncheon which included a presentation by the Plymouth 400 Committee. They expect over 1.3 million visitors to Plymouth from November 2019 to November 2020 for several large events and general increase in tourism. For their tour maps, they have included Duxbury and various Duxbury historic sites as part of the original Plymouth tour map. There are plans for large events including British royalty. Although we have several years to work out a plan for the higher tourist traffic, I thought we should begin to research options proposed by town representatives that were present including using Senior Center buses on weekends to tour the Standish and Alden sites around town, preparing a tour map with parking and directions and reaching out to residents so that they are well-informed of the events and increased traffic. We also need to find a way to deal with the possible crowds at the various sites. It was suggested to create a Duxbury business map (parking/food establishments).

Mr. Dahlen asked if it makes sense to solicit advice from citizens and create an ad hoc group to coordinate. Mr. Madigan suggested creating a small committee to work with Plymouth 400 committee. Mr. Read said that he floated this idea at his senior staff meeting this morning and

thinks a committee is a good idea. We will need to get fire, police and harbor master involved and reach out to his counterpart in Plymouth to mirror their process as well.

Mr. Terry Reiber, Director of the Alden Society and DBA President, said that Pauline Kezer asked him to speak as part of the Alden Society. He said that this is going to be a world class event expecting 2-3 million people. He also said that their concern was whether or not Duxbury will be a welcoming town showing that we are part of the history. He would like to coordinate our events with Plymouth and also figure out how to accommodate extra people. The town people should know what events are happening in Plymouth and also put on our own events. This is a real opportunity for our town. He would like to get a committee together as soon as possible to not only lessen the impact but to coordinate our efforts and create our own world class events. Another gentleman suggested that we should consider hiring someone to oversee because a volunteer may not be able to oversee and handle a group. It was suggested that the library or the senior center be a tourist/information center. Mr. Dahlen suggested that we start off with a committee first to kick off with volunteer citizens and have them meet with the Plymouth 400 group.

Discussion re: town counsel assistance request from Judi Barrett, Vice-Chair, ZBA

Judi Barrett from the ZBA addressed the Board. She stated that the Board has worked really hard to bring a 40B case to closure without involving counsel and does not think that they will be successful in that. She is requesting that Attorney Anderson attend the hearing for Webster Point Village. Webster Point now has new counsel and is requesting additional changes to the comprehensive permit that are inconsistent with the agreement. Judi sees a lot of complications with this. Atty Kreiger is planning to meet with the new attorney tomorrow. They have opened a public hearing and is required to close in 180 days. Mr. Read mentioned that Judi attended tonight's meeting so that the Board is aware of the possible impact on the legal budget.

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. Madigan 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 10:00am effective October 23, 2014 with all other terms and conditions to remain unchanged on the licenses issued to the following off-premises locations:

SNUG HARBOR WINE, LLC
JAY VEERAM CORPORATION d/b/a BENNETT'S GENERAL STORE
SQUARE CORP d/b/a HALLS CORNER STORE
KBBJ MARKETPLACE d/b/a SANDY LAMBERT'S MARKETPLACE (Seasonal All Kinds of Alcohol Beverages and Wines & Malts Beverages)

Second by Mr. Dahlen. Vote: 2:0

Change of Manager for Osborn's Country Store

Mr. Madigan moved that the Board of Selectmen, acting as the Licensing Authority, approve the requested change of manager from **Barbara J. Sanders** to **Mark W. MacFarlane** on the All Kinds of Alcoholic Beverages Retail Package Goods Store (License #030000012) issued to Barbara J. Sanders, d/b/a Osborn's Country Store, 632 Summer Street, Duxbury MA with all other conditions to remain the same. Second by Mr. Dahlen. Vote: 2:0

Change of Manager for Duxbury Yacht Club

Mr. Madigan moved that the Board of Selectmen, acting as the Licensing Authority, approve the requested change of manager from **Douglas Hart** to **Guy C. Holbrook IV** on the All Kinds of Alcoholic Beverages Club Licenses issued to the Duxbury Yacht Club at 489 Washington Street, 70 Fairway Lane, and 23 Mattakesett Court, with all other conditions to remain the same. Second by Mr. Dahlen. Vote: 2:0

V. TOWN MANAGER'S REPORT

Mutt Mitt Update

We have been working on discussing the funding, installation and location of the mutt mitts. We are looking at a private firm that will handle the disposal for us. We are ironing out the specific locations – Powder Point Bridge (both ends), Bay Farm, Round Pond on Mayflower, Ship Yard Lane, and Blairhaven. Hope to have all squared away by the end of fall.

Route 53 and Winter Roundabout Project

Last week I, along with several departmental representatives, attended a preconstruction meeting at the MassDOT offices in Taunton for the Route 53 and Winter Street roundabout project which is scheduled to commence this fall. Construction signage will be in place by the end of this month and the tree and brush clearing work will begin by the first week of November. This \$1.2 million dollar project is scheduled for completion by March of 2016.

Mr. Madigan asked about when budget meetings will begin. Mr. Read stated that individual department meetings with FinCom will be concluding around mid-November. Mr. Dahlen asked if Mr. Read will be providing the Board with budgets that are almost finalized, and Mr. Read stated that he plans to provide budgets that are as close to finished as possible.

VI. COMMITTEE APPOINTMENT/RE-APPOINTMENTS/RESIGNATION

None were presented.

VII. ONE-DAY LIQUOR LICENSE REQUESTS

None were presented.

VIII. EVENT PERMITS

None were presented.

IX. MINUTES

10-06-14 Selectmen's Minutes (Open Session)

Mr. Madigan moved that the Board of Selectmen approve the 10-06-14 Selectmen's Minutes, as drafted. Second by Mr. Dahlen. Vote: 2:0

X. ANNOUNCEMENTS

1. PUBLIC FLU CLINIC

The Board of Health will hold a Public Flu Clinic on **Tuesday, October 21, 2014** from **4:00-5:30 p.m.**, at the Senior Center, 10 Mayflower Street. The Board has received a **limited supply** of state-supplied influenza vaccine that will be available to all children 7 years and above and all adults regardless of insurance status. The flu clinic will be first come first serve and may end before the allotted time.

2. Absentee Ballots:

Voters may request an absentee ballot by filling out an absentee ballot application at the Town Clerk's office during regular Town Hall hours or by requesting one in writing. (Please make sure to include your complete mailing address.) Absentee ballots will be available until November 3, 2014 at noon in the Town Clerk's office.

The Town Clerk's office will close at noon on November 3rd to prepare for the election.

3. Next Scheduled Selectmen's Meeting: will be on Monday, October 27, 2014.

XI. ADJOURNMENT

At 7:43pm Mr. Dahlen moved that the Board adjourn. Second by Mr. Madigan. 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) *Suggested Motion to Enter Executive Session*
- 3) *Quitclaim Deed and Record of Vote of Board of Selectmen re property located on West Street (former police station site)*
- 4) *Plymouth 400th Celebration briefing*
- 5) *Amendments to off-premises alcoholic beverage licenses (Snug Harbor, Bennett's, Halls Corner Store, KBBJ Marketplace – Sandy Lambert's)*
- 6) *Change of Manager for Osborn's Country Store*
- 7) *Change of Manager for Duxbury Yacht Club (3 locations)*
- 8) *ZBA memo re request of legal counsel regarding Webster Point*
- 9) *Town Manager's Report*
- 10) *Draft Minutes, Board of Selectmen Open Session October 6, 2014*
- 11) *Announcements*