

**Date: March 30, 2015**

**Date Minutes Approved: April 13, 2015**

**BOARD OF SELECTMEN MINUTES**

TOWN CLERK  
15 APR 13 AM 10:32  
DUXBURY, MASS.

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

**Absent:** None

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

**CONVENED IN OPEN SESSION –**

- I. CALL TO ORDER** - The meeting was called to order at 7:00pm in the Mural Room.
- II. OPEN FORUM** Nothing brought forward.
- III. NEW BUSINESS**

***Swearing in of Newly-Elected Town Officials***

Town Clerk, Susan Kelley, performed the swearing in ceremony for the following newly elected/re-elected town officials: David J. Madigan, Selectman; Friend S. Weiler, Sr., Moderator; Peter A. Quigley, School Committee; Craig M. Bloodgood and Cristin M. Mitchell; and Paul McCormack, Duxbury Housing Authority. The following were not in attendance and will be sworn in at the Town Clerk's office: Linda M. Collari, Assessor; John P. Bear, Planning Board; and Pauline A. Flynn, Duxbury Housing Authority.

***Board of Selectmen re-organization***

Mr. Dahlen moved to appoint Mr. Flynn as Chair. Seconded by Mr. Madigan. Vote: 3:0:0  
Mr. Flynn moved to appoint Mr. Dahlen as Vice Chair. Seconded by Mr. Madigan. Vote: 3:0:0  
Mr. Flynn moved to appoint Mr. Madigan as Clerk. Seconded by Mr. Dahlen. Vote: 3:0:0

***7:00 p.m. Hearings - Shellfish Aquaculture renewals***

Mr. Madigan moved that the Board of Selectmen open the advertised public hearing regarding the request for the ten-year aquaculture lease renewals of Benjamin Lloyd, Brad Doyle, Brian Zen (2), Henry McCarthy (2), Paul McCarthy (2), and Gregg Morris. Seconded by Mr. Dahlen. Vote: 3:0:0

Mr. Don Beers, Harbormaster, spoke on behalf of Mr. Al Hoban, Chair of Shellfish Advisory Committee, as he was unable to attend. Mr. Beers stated that the hearing was advertised and that the Shellfish Advisory Committee already voted in favor of the renewals. Mr. Flynn asked if the applicants had any questions or if there were any public comments. None were presented.

Mr. Madigan commented on the map that Mr. Read brought in to show the locations of the leases. Mr. Dahlen also stated that there will be references made on the new signs that were just recently approved at Town Meeting. Mr. Flynn asked if there are any more available shellfish leases. Mr. Read stated no and that a moratorium was put in place in 2008.

Mr. Madigan moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License #165866 issued to Benjamin Lloyd, for the aquaculture lease areas as advertised and publically posted as located 1200 yards east / southeast of Shipyard Beach, for a period of **ten (10) years**, contingent upon all required State, Federal and local permits, approvals and terms and conditions.  
Seconded by Mr. Dahlen Vote: 3:0:0

Mr. Madigan moved that the Board of Selectmen approved the renewal of the Shellfish Aquaculture License #9856-8 issued to **Brad Doyle**, for the aquaculture lease areas as advertised and publically posted as located

SW corner Round Flat for a period of **ten (10) years**, contingent upon all required State, Federal and local permits, approvals and terms and conditions. Seconded by Mr. Dahlen Vote: 3:0:0

Mr. Madigan moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License #155303-a issued to **Brian Zec**, for the aquaculture lease areas as advertised and publically posted as located on Beach Flat, for a period of **ten (10) years**, contingent upon all required State, Federal and local permits and approvals and terms and conditions. Seconded by Mr. Dahlen Vote: 3:0:0

Mr. Madigan moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License #155303-b issued to **Brian Zec**, for the aquaculture lease areas as advertised and publically posted as located on Beach Flat, for a period of **ten (10) years**, contingent upon all required State, Federal and local permits and approvals and terms and conditions. Seconded by Mr. Dahlen Vote: 3:0:0

Mr. Madigan moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License #142035-a issued to **Henry McCarthy**, for the aquaculture lease areas as advertised and publically posted as located on Beach Flat, for a period of **ten (10) years**, contingent upon all required State, Federal and local permits and approvals and terms and conditions. Seconded by Mr. Dahlen Vote: 3:0:0

Mr. Madigan moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License #142035-b issued to **Henry McCarthy**, for the aquaculture lease areas as advertised and publically posted as located on Beach Flat, for a period of **ten (10) years**, contingent upon all required State, Federal and local permits and approvals and terms and conditions. Seconded by Mr. Dahlen Vote: 3:0:0

Mr. Madigan moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License #120568-a issued to **Paul McCarthy**, for the aquaculture lease areas as advertised and publically posted as located on Beach Flat, for a period of **ten (10) years**, contingent upon all required State, Federal and local permits and approvals and terms and conditions. Seconded by Mr. Dahlen Vote: 3:0:0

Mr. Madigan moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License #120568-b issued to **Paul McCarthy**, for the aquaculture lease areas as advertised and publically posted as located on Beach Flat, for a period of **ten (10) years**, contingent upon all required State, Federal and local permits and approvals and terms and conditions. Seconded by Mr. Dahlen Vote: 3:0:0

Mr. Madigan moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License #146405 issued to **Greg Morris**, for the aquaculture lease areas as advertised and publically posted as located on NE Hunts Flat, for a period of **ten (10) years**, contingent upon all required State, Federal and local permits and approvals and terms and conditions. Seconded by Mr. Dahlen Vote: 3:0:0

Mr. Flynn then moved that the Board of Selectmen close the advertised public hearing regarding the request for the ten-year aquaculture lease renewals. Seconded by Mr. Dahlen. Vote: 3:0:0

**7:01 P.M. Hearing – Use of Millennium Town Green: Community Garden Club of Duxbury – Annual Plant Sale May 16, 2015**

Mr. Flynn moved that the Board of Selectmen open the public hearing regarding the request to use the Town Green by the Community Garden Club of Duxbury for their annual Plant Sale on May 16, 2015.

Mr. Madigan moved that Ms. Janet Spencer, as a representative of the Community Garden Club of Duxbury, is granted permission to hold a plant sale on the Duxbury Town Green on Saturday, May 16, 2015 from 9:00am – 12:00pm subject to the conditions on the permit. Seconded by Mr. Dahlen. Vote: 3:0:0

Mr. Flynn then moved that the Board of Selectmen close the public hearing regarding the request to use the Town Green. Seconded by Mr. Dahlen. Vote: 3:0:0

***Discussion pertaining to the use of a portion of the Perpetual Care Fund of the Cemetery Department for the construction, furnishing and finishing of the Cemetery Maintenance Facility***

Mr. Robert Hayes, Chair of the Board of Cemetery Trustees, provided a summary of the bid process regarding the construction of the Cemetery Maintenance Facility. He stated that 16 bidding packages were prepared, and only one was received back by the deadline. The price was higher than anticipated (due to the price increase of materials). The Board of Cemetery Trustees determined that they would not have a re-bid, and instead voted to use the interest only funds from the Perpetual Care Fund in order to complete the project. Mr. Flynn asked why only one bid. Mr. Hayes stated that the atmosphere for projects is bursting and this project is small and unattractive as well as being partnered with a municipality. Mr. Dahlen also stated that smaller contractors may not be familiar with all the required paperwork.

Mr. Madigan moved that the Board of Selectmen approve the use of up to \$85,000 of the current interest reserve in the Perpetual Care Fund of the Town Cemetery Department for the construction, furnishing and finishing of the Cemetery Maintenance Facility to be built next to the Cemetery office/Crematory facility in Mayflower Cemetery, and authorize the Treasurer to expend such funds for such purposes from the Perpetual Care Fund interest account, or take any action in relation thereto. Seconded by Mr. Dahlen. Vote 3:0:0

***Discussion pertaining to petition for one new pole on Franklin Street and two new poles on Autumn Avenue***

Mr. Madigan described the background of the petitions received from Verizon and NStar (d/b/a Eversource Energy) regarding the placement of two new poles on Autumn Avenue allowing the removal of an existing tree guy and low cables, and the placement of one new pole on Franklin Street to correct low hanging wires.

Mr. Madigan moved that the Board of Selectmen authorize the installation of two (2) new poles on Autumn Ave and one (1) new pole on Franklin Street, with the condition that Verizon New England, Inc. and/or NSTAR Electric Company (d/b/a Eversource Energy) contact the Duxbury Department of Public Works at least 48-hours prior to the commencement of the project along with other conditions that may be requested by the Board of Selectmen. Seconded by Mr. Dahlen. Vote 3:0:0

***Discussion pertaining to proposed Road Race moratorium***

Mr. Flynn turned the conversation over to Mr. Read, Town Manager. Mr. Read stated that he is working on a Road Race policy, but in the meantime wanted to establish a moratorium until that policy was drafted. He has been in contact with surrounding towns who are working on a similar policy. Mr. Dahlen asked if the moratorium was only for new applications and that races that have occurred in prior years would not be impacted. Mr. Read agreed. Mr. Dahlen asked that the motion be modified to permit anyone who was approved last year until the policy is drafted.

Mr. Madigan moved to enact a moratorium on any additional road race events in the Town of Duxbury beyond those as noted in the 2015 Duxbury Proposed Road Races schedule, and also beyond those permitted last year, until such time that a policy has been adopted by the Board of Selectmen for this purpose. Seconded by Mr. Dahlen. Vote 3:0:0

***Seasonal liquor license renewal - Duxbury Package Store, Inc.***

Mr. Madigan moved that the Board of Selectmen renew the following Seasonal Off-premises All Kinds of Alcohol Beverages license for the year 2015, subject to satisfactory inspection by the Municipal Services Department, proof of liquor liability and Workers Compensation insurance, payment of all funds/fees owed to the Town of Duxbury; and proof of server training: Duxbury Package Store, Inc. #030000046  
Seconded by Mr. Dahlen. Vote 3:0:0

***Discussion regarding the Eben H. Ellison Trust Fund***

Mr. Flynn deferred to Mr. Read who described what the Ellison Fund is used for and the current recommendations being presented to the Board of Selectmen for their approval, as stated below.

Mr. Madigan then moved that the Board of Selectmen recommend a total expenditure of \$30,000 from the Eben H. Ellison Trust fund for the following:

- \$15,000 for Worthy Town projects to be allocated towards finishing the parking lot at the Lincoln Street field; and
- \$15,000 for upkeep of the Ellison Playgrounds to be allocated to install impact zone material and to repair and replace equipment and fencing structures, as needed.

Seconded by Mr. Dahlen. Vote 3:0:0

***Review and signature of Purchase and Sale agreement re: Merry Property***

Mr. Flynn deferred to Mr. Dahlen. Mr. Dahlen stated that this agreement was for the remaining parcel that is held in a trust; therefore, necessitating a separate purchase and sale agreement and also completing the sale.

Mr. Madigan moved that the Board of Selectmen execute the Purchase and Sale Agreement for that certain parcel of vacant land as described and identified as Parcel #069-945-005 between the Town of Duxbury and James Taylor Pye, Trustee of the Alice N. Merry and Stanley H. Merry Charitable Remainder Trust.

Seconded by Mr. Dahlen. Vote 3:0:0

**IV CONTRACT REVIEW**

***Discussion pertaining to MassDOT Roadway Repair Reimbursement***

Mr. Madigan moved that the Board of Selectmen execute the contract between the Town of Duxbury and the Massachusetts Department of Transportation for the reimbursement of up to \$80,960 for roadway repairs.

Seconded by Mr. Dahlen. Vote: 3:0:0

**V. TOWN MANAGER'S REPORT**

The pool water has been replaced and the restorative work has been completed and the pool re-opened last week.

The building demolition of the Middle School has been completed and now the work on removing the foundation is at hand. It will be noisy for the next few weeks as the contractor jack hammers the foundation.

Reminder that everyone will need a transfer station sticker as of April 1, 2015. This can be purchased both at Town Hall and online.

As you know this past winter has taken a toll on a number of town assets one of which is the Powder Point Bridge. As a result of the winter storms and an extremely high amount of ice in Duxbury Bay, a few of the jacket wrappings on the repaired bridge pilings have sustained some degree of damage. The work performed on the pilings is under warranty and we are working with the manufacturer and contractor to resolve the issues. Last week we met on site with the contractor who performed the work and the vendor who provided the materials for the project and they are in the process of determining the cause of the problem. Later this week we will be meeting with the engineers to review the installation and materials. Once I have more information, I will be sure update the Board.

Last week Mr. Beers and I met with the Army Corps regarding the dredging project, which will commence around the first of September. This will be a 24-hour operation, which will require the removal of deep water moorings. Updates will be provided before the project commences.

## **VI. COMMITTEE APPOINTMENT/RE-APPOINTMENTS/RESIGNATION**

Mr. Madigan moved that the Board appoint Sarah Beattie to fill the open Business Representative seat on the Economic Advisory Committee. Seconded by Mr. Dahlen. Vote: 3:0:0

The Board thanked Ms. Leslie Lawrence for her time on the Duxbury Affordable Housing Trust and encouraged anyone interested to complete a Talent Bank form.

## **VII. ONE-DAY LIQUOR LICENSE REQUESTS**

04-16-15 Student Art Reception – Art Complex Museum

Mr. Madigan moved that the Board of Selectmen grant a one-day liquor license for the Student Art Reception at the Art Complex Museum. Seconded by Mr. Dahlen. Vote: 3:0:0

04-12-15, 05-17-15, 09-20-15, & 11-15-15 - Artist Receptions – Art Complex Museum

Mr. Madigan moved that the Board of Selectmen grant a one-day liquor license for Artist Receptions (various dates) at the Art Complex Museum. Seconded by Mr. Dahlen. Vote: 3:0:0

## **VIII. EVENT PERMITS**

05-02-15 Lt. Timothy J. Steele Scholarship Fund Road Race -- Mr. Madigan moved that the Board of Selectmen grant an Event Permit to Mr. Jeffrey Bishop, as representative of the Holy Family Knights of Columbus, to hold the Lt. Timothy J. Steele Scholarship Fund road race on May 2, 2015 subject to the conditions on the permit. Seconded by Mr. Dahlen. Vote: 3:0:0

## **IX. MINUTES**

Executive Session Minutes: None were presented

Open Session Minutes: 03-09-15 Selectmen's Minutes –Draft – Mr. Madigan moved that the Board of Selectmen approve the draft minutes as presented. Seconded by Mr. Dahlen. Vote: 3:0:0

## **X. ANNOUNCEMENTS**

### **1. Commercial Shellfish Applications:**

Commercial Shellfish Applications are available in the Board of Selectmen Office in Old Town Hall.

Commercial Shellfish Applications can be submitted during the month of APRIL ONLY. Applicants must be Duxbury residents and have a Massachusetts Commercial Fisheries license show “endorsed shellfish.”

### **2. New Transfer Station Stickers:**

Reminder as of April 1<sup>st</sup> you must have a new Transfer Station sticker to use the facility.

### **3. 3rd Annual Duxbury Half Marathon:**

The Friends of the Council on Aging will hold the 3<sup>rd</sup> Annual Duxbury Half Marathon to raise money for the Alzheimer's Respite Program on Saturday, April 4, 2015 at 7:30 AM, beginning and ending at the Duxbury Senior Center, 10 Mayflower ST. Register on Active.net or contact the Duxbury Senior Center at 781-934-5774 for further details.

**4. Retirement Planning Sessions:**

There are 3 free retirement planning sessions open to all ages being offered at the Duxbury Senior Center on April 9; May 14; and June 11 at 5:30 PM. The information is posted on the Town website in the Town News column.

**5. The Homestead Act Information Session:**

John R. Buckley, Plymouth County Registrar of Deeds, will hold a free, informational session about The Homestead Act on Tuesday, April 28, 2015 at 9:30 AM at the Duxbury Senior Center. For further information see the information posted on the Town website.

**6. Next Scheduled Selectmen's Meeting: will be on Monday, April 6, 2015.**

**XI. BONUS SHELLFISH**

Mr. Madigan moved that the Board of Selectmen declare a temporary Bonus Shellfish season for the commercial harvesting of quahogs for the month of April, 2015 in accordance with posted attachments A&B. Seconded by Mr. Dahlen. Vote: 3:0:0

**XII. ADJOURNMENT**

At approximately 7:45pm Mr. Madigan moved that the Board adjourn. Seconded by Mr. Dahlen. Vote: 3:0:0

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

- 1) Agenda
- 2) Election Ballot
- 3) Hearing – Shellfish aquaculture renewals
- 4) Hearing – Use of Town Green by Community Garden Club
- 5) Documents related to use of Perpetual Care Fund
- 6) Documents related to pole petitions on Franklin Street and Autumn Avenue
- 7) Seasonal liquor license renewal – Duxbury Package Store
- 8) Documents related to the use of the Eben H. Ellison Trust Fund
- 9) Purchase and Sale Agreement – remaining parcel – Merry properties
- 10) Contract – MassDOT roadway repair reimbursement
- 11) Committee appointments/resignations
- 12) One-day liquor licenses
- 13) Event permits
- 14) Minutes
- 15) Announcements
- 16) Bonus Shellfish information