

Date: April 27, 2015

Date Minutes Approved: May 18, 2015

BOARD OF SELECTMEN MINUTES

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

Absent: (none)

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 for discussion

III NEW BUSINESS

**7:01 P.M. HEARING – USE OF MILLENNIUM TOWN GREEN:
South Shore Conservatory – Duxbury Music Festival – July 24-26, 2015**

Mr. Madigan moved that Ms. Amy Schomp, as a representative of the South Shore Conservatory, be granted permission to hold a portion of the Duxbury Music Festival on the Duxbury Town Green from Friday, July 24 through Sunday, July 26, 2015, subject to the conditions listed on the event permit. (*Tent installation will take place on Wednesday, July 22 and removal on Monday, July 27.*) Second by Mr. Dahlen.

Mr. Flynn mentioned that all abutters within 300' of the Town Green were sent letters about the event and the Board received only one letter of complaint asking the Board to reject the request. The letter characterized the Blues Event as "loud and disruptive" and stating that it extends to long into the evening.

Ms. Amy Schomp, the event organizer, addressed the issue. She mentioned that for nine years now the South Shore Conservatory has held the Duxbury Music Festival without complaint or incident. It has become a summer tradition in Duxbury. Most of the abutters, who get the letter, are volunteers and attend the events. They do operate within the guidelines of the Town Green regarding the parking and the noise level.

Mr. Dahlen noted that the Saturday evening event is a dinner-dance with an ending time of 10:30 PM.

Mr. Madigan asked about the noise level. In response Ms. Pixie Lampert, who resides at 148 Washington ST, said that she and her husband, who are seniors, have not found it to be a problem, esp. since it does end at 10:30 PM.

Ms. Schomp re-iterated that because it is a dinner-dance it does go to 10:30 PM. They even moved the start time a bit early to accommodate it. She said that the Saturday night event is a fundraiser and a

ticketed event for which the proceeds go to scholarships. There are, however, other events during the festival that are no cost or low cost.

The concensus of the Board was that 10:30 pm was reasonable. It was also noted that the event has been held for many years without out complaint. The Chair said that a motion was made and seconded and called for the vote. VOTE: 3:0:0.

Mr. Madigan moved that Ms. Amy Schomp, as a representative of the South Shore Conservatory, be granted a One-Day All-Alcohol License for a reception and concert to be held on the Town Green, in conjunction with the Duxbury Music Festival, on Saturday, July 25, 2015 from 6:00 PM to 11:00 PM, subject to the conditions listed on the license. The later ending time was questioned and resulted in the motion being amended for the ending time to be 10:30 PM with the organizers agreement, to coincide with the ending time of the event.

The amended motion was as followed: Mr. Madigan moved that Ms. Amy Schomp, as a representative of the South Shore Conservatory, be granted a One-Day All-Alcohol License for a reception and concert to be held on the Town Green, in conjunction with the Duxbury Music Festival, on Saturday, July 25, 2015 from 6:00 PM to 10:30 PM, subject to the conditions listed on the license. Second by Mr. Dahlen. VOTE: 3:0:0.

Mr. Madigan moved that Ms. Amy Schomp, as a representative of the South Shore Conservatory, be granted a One-Day Wine & Malt License for a concert to be held on the Town Green, in conjunction with the Duxbury Music Festival, on Sunday, July 26, 2015, from 4:30 PM to 7:30 PM, subject to the conditions listed on the license. Second by Mr. Dahlen. VOTE: 3:0:0.

Discussion pertaining to the approval of the revised Radiological Emergency Response Plan (RERP)

Present for this item of business were Emergency Management Director (& Duxbury Fire Chief) Kevin Nord and the Co-Chairs of the Duxbury Nuclear Advisory Committee (DNAC): Ms. Pixie Lampert and Ms. Becky Chin.

Mr. Madigan moved that the Board of Selectmen approve the revisions to the Radiological Emergency Response Plan (RERP) as presented by the Town of Duxbury Emergency Management Director Fire Chief Kevin Nord and the Duxbury Nuclear Advisory Committee. Second by Mr. Dahlen.

Chief Nord said that the changes were presented to the Selectmen in bullet-point format since the documents are 100 pages and 700 pages respectively; one being the plan and the other being the procedures. He explained that he tries to review and update the documents on an annual basis. He noted, however, that the last changes were brought to the Board in 2013. When a review was undertaken in 2014 it was felt a more thorough review of the documents was needed to pick up mapping updates, business that weren't previously in existence and grammatical corrections. For example, he specifically mentioned the requirements have been updated for daycare centers for children under 6 years of age, of which there are now several in Duxbury.

The Chief also mentioned that prior to his tenure there were a number of changes voted at Duxbury Town Meeting, which the State has not incorporated into the update plan, and suggested Ms. Lampert could elaborate on that point. He noted that the Selectmen received as part of their package the current updates he is recommending and a listing from the DNAC of changes the town has repeatedly said are

necessary or policies voted on and passed by Duxbury Town Meeting, the Board of Selectmen and/or the School Committee that are yet to be incorporated.

Ms. Pixie Lampert mentioned that the DNAC suggests that the Selectmen vote that they have reviewed and updated the plan, but recommended that they do not approve the plan because of the past items, which have been voted at Duxbury Town Meetings, but have failed to be shown in the updated State plan. She suggests that doing so should send a message to the State administration that Duxbury would like to hold the Massachusetts Emergency Management Agency (MEMA) accountable for incorporating the voted changes. She gave some examples of items that the Duxbury voted to have incorporated, which have been overlooked on the State level.

Mr. Madigan moved that the Board of Selectmen approve the revisions to the Radiological Emergency Response Plan (RERP) as presented by the Town of Duxbury Emergency Management Director Fire Chief Kevin Nord and the Duxbury Nuclear Advisory Committee. Second by Mr. Dahlen. VOTE: 3:0:0.

Mr. Madigan moved that the Board of Selectmen not approve the Radiological Emergency Response Plan (RERP) until updated by MEMA (Massachusetts Emergency Management Agency) to reflect the votes of the Town of Duxbury. Second by Mr. Dahlen. VOTE: 3:0:0.

Approval of Conservation Restriction Blackfriar Swamp (a/k/a Koplovsky Property) (27.6 acres)

Mr. Madigan moved that the Board of Selectmen approve a Conservation Restriction to the Wildlands Trust Inc., pursuant to MGL Chapter 184, Section 8 (C) and in compliance with Chapter 184 of the General Laws Sections 31-33 on the town-owned property known as the Koplovsky Property, consisting of 27.6 acres, and further identified as lot #014-5020013 on the Duxbury Assessors Map. Second by Mr. Dahlen. VOTE: 3:0:0.

Mr. Dahlen mentioned that placing a conservation restriction is a standard procedure for land purchased with CPC funds.

Amendment to off-premises alcoholic beverages license for a Change of Hours to allow the sale of alcoholic beverages on Sundays starting at 10AM – Duxbury Wine & Spirits

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 10:00 AM with all other terms and conditions to remain unchanged on the license issued to Duxbury Wine & Spirits. Second by Mr. Dahlen. VOTE: 3:0:0.

IV CONTRACTS

Agreement between Woods Hole Group, Inc. and the Town of Duxbury regarding coastal evaluation services

In response to a question from the Board Mr. Read said this contract is being funded through two sources: (1) a Coastal Zone Management (CZM) Grant and (2) \$58,000. from the Duxbury Beach Reservation (DBR) Inc.

Given the DBR's involvement, Mr. Dahlen, who is a Director of that organization indicated he would recuse himself.

Mr. Madigan moved that the Board of Selectmen execute the Agreement between Woods Hole Group, Inc. and the Town of Duxbury regarding coastal evaluation services as described in the Woods Hole Group, Inc. Services Agreement in the amount of \$258,300. Second by Mr. Flynn. VOTE: 2:0:1 (*Mr. Dahlen abstained.*)

V TOWN MANAGER'S REPORT

Mr. Read reported on the following items:

A. Dredging

In a meeting with the Army Corps the following was learned and/or discussed:

- Dredging will not (and cannot) begin until September 1st since the dumping grounds (for the sediment) aren't open until then.
- The bid documents will be issued by the Army Corps in mid to late May. A copy of the documents will be provided to the Town, and once the bid documents are available, we will ask the local mooring serving agents to meet for a discussion about the removal of moorings from their various locations. Mr. Read noted that it would not be productive to meet sooner since without the specific requirements contained in the bid documents, everything would still be theoretical.
- Once the bid documents are published, there will be a 30-day submittal timeline by the vendor(s) i.e., the dredging companies. Following that, there will be an evaluation period (15-30 days) performed by the Corps followed by an award to the contractor(s).
- The project is slated to start on September 1st, but most likely will be a week or two (or possibly three) later than that.
- Until a dredging company is chosen we can't say for certain, but it is likely that the dredging will begin on the outside (i.e., in the channel) and then work into the harbor.

B. Beach and Transfer Station Stickers

Mr. Read provided to the Board a report comparing sales of Beach stickers and Transfer Station stickers from last year to this year.

Regarding the Transfer Station stickers he mentioned the following:

- Last year (as of May 25, 2014) we had sold 3,228 transfer station stickers and this year (as of April 24, 2015) we have sold 4,998.
- As we suspected, it appears that some people were not purchasing the stickers. The Optical Character Recognition (OCR) system was not working as we had hoped and there were enforcement issues. We noticed our volumes going up, but the number of stickers going down, which caused this suspicion.
- Since re-implementing the sticker system the trash volumes have significantly dropped. For example, on a typical Monday the Town was on average hauling 3 tractor trailer loads, but on recent Mondays we haven't even filled 1 ½ tractor trailers.

Regarding the Beach stickers he mentioned the following:

- Each year we encourage people to purchase their oversand beach stickers early in order to obtain the pre-season discounted rate. The discounted price for beach stickers ends as of this Thursday and the rates will increase on Friday May 1st, so we encourage patrons to buy your

beach sticker online now. Resident stickers cost \$160 to increase to \$180 as of May 1st. Non-Resident stickers cost \$295 to increase to \$325 as of May 1st.

- The sales figures show about an overall 25% increase in Beach sticker sales with about a 60% increase in resident oversand stickers.

Regarding Piping Plovers Mr. Read reported:

The Piping Plovers have returned and there are currently 12-15 pair on Duxbury Beach. There are currently 3 nests, but no area closures have been needed yet.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATIONS

Fourth of July Committee -appointments

Mr. Dahlen moved to re-appoint the following individuals to the Fourth of July Committee, all for terms to expire as of April 30, 2016: Terri Woodward, Jeff Goldman, Katy Gaenicke, Rich Potash, Janet Ritch, Margaret Kearney, William Kearney, Janet Skaggs, Don Reed, Nancy Reed, Linda Robinson, Dave Robinson, Jamie MacNab, Amy Hill, Brian Hill, Joan Edgar, Sue Lawrence, Stuart A. Ruggles, Barbara Munsey, and Walter Osborne, *ex officio*. Second by Mr. Madigan. VOTE: 3:0:0.

Old Colony Elder Services (OCES)-appointment

Mr. Madigan moved to re-appoint Donna Ciappina as the Duxbury delegate to the Old Colony Elder Services (OCES) effective July 1, 2015 for a term to expire 6/30/2016. Second by Mr. Dahlen. VOTE: 3:0:0.

Historical Commission-appointment

Mr. Madigan moved to appoint Mr. David L. Amory to the Historical Commission to fill an unexpired term due to expire on 06-30-15*. Second by Mr. Dahlen. VOTE: 3:0:0.

**Editorial Note: Mr. Amory would be eligible for re-appointment at that time for a full, 3-year term.*

Historical Commission-resignation

Mr. Madigan announced that Ms. Leslie Lawrence has submitted her resignation to the Historical Commission. He mentioned that during her tenure on the Historical Commission Ms. Lawrence prepared the history of the Town of Duxbury for posting on the Town's website and was instrumental in getting the deed to Duxbury's Old Town Hall entered and displayed as a Notable Land Record at the Plymouth County Registry of Deeds.

Local Historic District Commission-resignation

Mr. Madigan announced that Mr. James Hartford has submitted his resignation from the Local Historic District Commission. He noted that Mr. Hartford has been the Chair of the Local Historic District Commission since it was established by a vote at the March 2011 Annual Town Meeting. He served as the Duxbury Rural & Historical Society's (DR&HS) representative to the Local Historic District Commission, and we are waiting for the DR&HS to provide the Board of Selectmen with the name of a new nominee.

VII ONE-DAY LIQUOR LICENSE REQUESTS

[For Event Permits and One-Day Liquor Licenses, departmental reviews of the requests were done. There were no objections and departmental feedback was incorporated into the conditions listed on the permit or license.]

06/01/15 Friends of the Duxbury COA Golf Tournament Reception

Mr. Madigan moved that the Board of Selectmen grant to Mr. Chris Barry, as a representative of the Friends of the Duxbury Council on Aging, a One-Day Wine & Malt License for a Golf Tournament Reception on Monday, June 1, 2015 at the Duxbury Senior Center, 10 Mayflower Street, from 5:00 PM – 9:30 PM, subject to the conditions on the license. Second by Mr. Dahlen. VOTE: 3:0:0.

VIII EVENT PERMITS

06/14/15 Sheehan Orthodontics 5k Road Race

Mr. Madigan moved that the Board of Selectmen grant to Ms. Anne Marie Winchester, as a representative of the South Shore Race Management, LLC, permission to hold their annual Sheehan Orthodontics 5K Road Race in Duxbury on Sunday, June 14, 2015, from 7:00 AM to 10:00 AM, contingent on the all the conditions on the permit. Second by Mr. Dahlen. VOTE: 3:0:0.

06/27/15 Cape Cod Getaway MS Bike Ride

Mr. Madigan moved that the Board of Selectmen grant to the National Multiple Sclerosis Society (Central New England Chapter) permission to conduct a portion of their 30th annual Cape Cod Getaway MS Bike Ride in the Town of Duxbury on Saturday, June 27, 2015, contingent on the conditions on the permit. Second by Mr. Dahlen. VOTE: 3:0:0.

07/04/15 Duxbury Education Foundation 4th of July Road Race

Mr. Madigan moved that the Board of Selectmen grant to Ms. Mollie O'Hara, as a representative of the Duxbury Education Foundation, permission to hold a road race on Saturday, July 4, 2015, beginning at 7:00 AM (registration) with the race to be from 8:00 AM to 10:30 AM as described in the application materials, and contingent upon the conditions on the permit. Second by Mr. Dahlen. VOTE: 3:0:0.

IX MINUTES

Open Session Minutes: 03/02/15 and 03/14/15 Selectmen's minutes - drafts

Mr. Madigan moved to approve the 03-02-15 and the 03-14-15 Selectmen's Open Session Minutes, as presented. Second by Mr. Dahlen. VOTE: 3:0:0.

Open Session Minutes: 4/13/15 Selectmen's minutes - draft

Mr. Madigan moved to approve the 04-13-15 Selectmen's Open Session Minutes, as presented. Second by Mr. Flynn. VOTE: 2:0:1. *(Mr. Dahlen abstained as he was not at that meeting.)*

X ANNOUNCEMENTS

Mr. Madigan read the announcements about:

- **The Annual Duxbury Spring Litter Sweep**
The Annual Duxbury Spring Litter Sweep will be held on Saturday, May 2, 2015 from 8 a.m. to 4 p.m. Registration and trash bags will be available at the Tarkiln Building, 245 Summer ST, Duxbury MA. All trash must be dropped off at the Tarkiln Building by 4 p.m. If collected separately recyclables and returnables, should be taken to the Transfer Station by 4 p.m. For more information see: www.duxburylitterpatrol.com or email duxburylitterpatrol@gmail.com.
- **BEACH STICKERS:**
The discounted price for beach stickers ends as of May 1st, so we encourage you to buy your beach sticker online now.
- **Next Scheduled Selectmen's Meeting is on: Monday, May 11, 2015.**

XI BONUS SHELLFISH SEASON (for May, 2015)

Mr. Madigan moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for the commercial harvesting of quahogs for the month of May 2015 in accordance with posted Attachments A & B. Second by Mr. Dahlen. VOTE: 3:0:0.

ADJOURNMENT

At approximately 7:40 PM, Mr. Madigan moved that the Board adjourn. Second by Mr. Dahlen. VOTE: 3:0:0.

Minutes respectfully submitted by C. Anne Murray

LIST OF DOCUMENTS FOR 04-27-15 SELECTMEN'S MEETING (DOCUMENTS LOCATED IN THE SELECTMEN'S OFFICE FILES.)

1. *Agenda for 04-27-15 Selectmen's Meeting (revised)*
2. *OPEN FORUM: no documents*
3. **NEW BUSINESS:**
 - a. *HEARING – USE OF MILLENNIUM TOWN GREEN: South Shore Conservatory – Duxbury Music Festival – July 24-26, 2015; Suggested motions; Event Permit-Draft and two One-Day Liquor Licenses –Drafts; 04-08-15 Memorandum to Abutters; Event Permit / One-Day Liquor License application; 03-05-15 Letter to Selectmen providing details of the 10th Anniversary of the Duxbury Music Festival, and sample brochure. COMPLAINT LETTER from The Hill Family dated April 27, 2015 with attachments indicated.*
 - b. *Discussion pertaining to the approval of the revised Radiological Emergency Response Plan (RERP): Pages*

- c. *Approval of Conservation Restriction Blackfriar Swamp (a/k/a Koplovsky Property) (27.6 acres): Suggested motion, summary of Blackfriar Swamp Conservation Restriction, and copy of the Conservation Restriction.*
- d. *Amendment to off-premises alcoholic beverages license for a Change of Hours to allow the sale of alcoholic beverages on Sundays starting at 10AM – Duxbury Wine & Spirits: explanation, suggested motion, information from ABCC, Form 43 with vote of members of Duxbury Wine & Spirits, and draft of license with change of hours.*
4. *CONTRACT(S): Coversheet with some background information and a suggested motion and a copy of the contract: Agreement between Woods Hole Group, Inc. and the Town of Duxbury regarding coastal evaluation services*

1. *TOWN MANAGER REPORT (Potential Items): 04-27-15 Town Manager’s Report and Beach and Transfer Station Revenue Comparison FY2014 vs FY2015.*
2. *COMMITTEE APPOINTMENTS-RE-APPOINTMENTS /RESIGNATIONS:
04-27-15 Appointment and Resignation sheets.*
3. *ONE-DAY LIQUOR LICENSE REQUESTS: [For each the packet included the ODLL application and other details provided about the event, results of the department feedback received, and a drafted ODLL incorporating the conditions indicated.]
06/01/15 Friends of the Duxbury COA Golf Tournament Reception*

4. *EVENT PERMITS: For each of the following events the packet included the Event Permit application and other details provided about the event, route maps, if applicable, results of the department feedback received, and a drafted Event Permit incorporating the conditions indicated.
05/08-05/09/15 Ragnar Relay Cape Cod
05/15/15 DMS Running Club
05/30/15 Best Buddies Challenge bike ride*

5. *MINUTES: Open Session Minutes: 03/02/15 and 03/14/15 and 04-13-15 Selectmen’s minutes - drafts*
6. *SUGGESTED ANNOUNCEMENTS for 04-27-15.*
7. *BONUS SHELLFISH SEASON (for May 2015).*