

Date: March 9, 2015

Date Minutes Approved: March 30, 2015

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

Absent: *none*

Staff: René J. Read, Town Manager; John Madden, Finance Director; and C. Anne Murray, Administrative Assistant

I. CALL TO ORDER

The meeting was called to order at 7:00 PM in Open Session at the Duxbury Town Hall (Mural RM).

II. OPEN FORUM - nothing was brought forward.

III. NEW BUSINESS

7:00pm WATER & SEWER COMMISSIONERS: Discussion pertaining to and review of the water consumption bill for property located at 26 Ice House Road

Mr. Madigan moved that the Board of Selectmen adjourn the meeting as Selectmen in order to meet as the Water & Sewer Commissioners, with the intent of re-convening as Selectmen afterward. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Read read a memorandum prepared regarding this matter. The gist of it was that the water bill assessed to the owner of 26 Ice House Road was discussed by the Town Manager, Water Superintendent, and Town Counsel. They looked at the usage and the rates given the circumstances and if the Board agrees they are suggesting a one-time discount of \$1,445.50.

Mr. Dahlen summarized the situation by explaining that the resident received a water bill of almost \$6,000., which was substantially higher than past bills. It turned out the resident's sprinkler system had been leaking all summer, which went undetected until the water bill was received. In the process of having the sprinkler system fixed, the resident also learned that the toilets were leaking, which compounded the issue. So basically the arrangement being made is not to charge the resident the higher rate, but just the base rate for the overage. This would be a one-time discount. Mr. Dahlen added that the arrangement was discussed with the property owner, and he appreciated the consideration being given.

Mr. Flynn moved that a one-time discount in the amount of \$1445.50 be granted for a water bill associated with the property located at 26 Ice House Road. Second by Mr. Madigan. VOTE: 3:0:0.

Mr. Flynn moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen. Second by Mr. Madigan. VOTE: 3:0:0.

7:01 PM Public Hearing regarding Aquaculture License Renewals

Mr. Flynn moved that the Board of Selectmen open the advertised, public hearing regarding the request for the ten-year aquaculture lease renewals of Joseph M. Grady, Scott Doyle, Stephen Gilbert, Arthur W. Bennett, Christian P. Horne, F. William Driver and the additional aquaculture acreage for a 3-year aquaculture lease to Peter K. Prime. Second by Mr. Madigan. VOTE: 3:0:0.

Before recognizing Mr. Alan Hoban, Chair of the Shellfish Advisory Committee (SAC), Mr. Dahlen said that he would be abstaining from voting on the license renewal of Mr. Driver. He indicated that he was doing some work professionally at Mr. Driver's residence and to avoid any conflict of interest he would abstain from voting on Mr. Driver's license renewal request.

Mr. Hoban, Chair of the SAC, said that in accordance with the rules and regulations the SAC met on February 24, 2015 and reviewed the eight, above-mentioned renewals and the additional acreage request. In all cases of the renewals the SAC carried out its mandate to inquire of each grower their experience, the acquisition of shellfish stock, their operations on the bay, the care with which they follow the regulations, and their productiveness. In all cases the applicants were in adherence with the regulations and the SAC voted unanimously in all eight cases to recommend approval of the renewal requests.

Mr. Hoban added that at the same meeting the SAC reviewed the request of Mr. Prime to add additional acreage to his grant. This was discussed and the SAC voted unanimously to recommend to the Selectmen approval of Mr. Prime's additional acreage request.

1- Joseph M. Grady Aquaculture Lease Renewal:

Mr. Flynn moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License #4647-7 issued to Joseph M. Grady, for the aquaculture lease areas as advertised and publically posted as located 400 yards northeast of Shipyard Beach, for a period of ten (10) years, contingent upon all required State, Federal and local permits, approvals and terms and conditions. Second by Mr. Madigan. VOTE: 3:0:0.

2- Scott Doyle Aquaculture Lease Renewal:

Mr. Flynn moved that the Board of Selectmen approved the renewal of the Shellfish Aquaculture License # 0117 issued to Scott Doyle, for the aquaculture lease areas as advertised and publically posted as located 300 yards 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. Second by Mr. Madigan. VOTE: 3:0:0.

3- Stephen Gilbert Aquaculture Lease Renewal:

Mr. Flynn moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License # COE 4000-2 issued to Stephen Gilbert, for the aquaculture lease areas as advertised and publically posted as located 400 yards east of Eagles Nest Point, for a period of ten (10) years, contingent upon all required State, Federal and local permits, approvals, and terms and conditions. Second by Mr. Madigan. VOTE: 3:0:0.

4- Stephen Gilbert Aquaculture Lease Renewal:

Mr. Flynn moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License # 6277-1 issued to Stephen Gilbert, for the aquaculture lease areas as advertised and publically posted as located 300 yards east of Eagles Nest Point, for a period of ten (10) years, contingent upon all required State, Federal and local permits, approvals, and terms and conditions. Second by Mr. Madigan. VOTE: 3:0:0.

5- Arthur W. Bennett Aquaculture Lease Renewal:

Mr. Flynn moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License # COE 4054-E issued to Arthur W. Bennett, for the aquaculture lease areas as advertised and publically posted as located 400 yards east of the Federal Anchorage north of Hunts Flat, for a period of ten (10) years, contingent upon all required State, Federal and local permits, approvals, and terms and conditions. Second by Mr. Madigan. VOTE: 3:0:0.

6- Arthur W. Bennett Aquaculture Lease Renewal:

Mr. Flynn moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License # 2409-1 issued to Arthur W. Bennett, for the aquaculture lease areas as advertised and publically posted as located 400 yards east of the Federal Anchorage north of Hunts Flat, for a period of ten (10) years, contingent upon all required State, Federal and local permits, approvals, and terms and conditions. Second by Mr. Madigan. VOTE: 3:0:0.

7- Christian P. Horne Aquaculture Lease Renewal:

Mr. Flynn moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License # 2122-2 issued to Christian P. Horne, for the aquaculture lease areas as advertised and publically posted as located west of Hunts flat, 200 yards north of the Federal Channel marker nun #14, for a period of ten (10) years, contingent upon all required State, Federal and local permits, approvals, and terms and conditions. Second by Mr. Madigan. VOTE: 3:0:0.

8- William Driver Aquaculture Lease Renewal:

Mr. Flynn moved that the Board of Selectmen approved the renewal the Shellfish Aquaculture License # 0693-1 issued to William Driver, for the aquaculture lease area as advertised and publically posted as

located 250 yards southwest of Howland's Landing for a period of ten (10) years, contingent upon all required State, Federal and local permits, approvals, and terms and conditions. Second by Mr. Madigan. VOTE: 2:0:1. (*Mr. Dahlen abstained.*)

Peter Prime Aquaculture Application for additional acreage:

Mr. Flynn moved that the Board of Selectmen approve this additional acreage application as advertised and posted, for the proposed aquaculture lease area, east of the northern half of Two Rock Creek, Duxbury Bay as to the location (s) and concept (s) for a period of (3) years, pending and contingent upon all required Federal, State and local reviews and approvals. Second by Mr. Madigan. VOTE: 3:0:0.

MOTION TO CLOSE PUBLIC HEARING:

Mr. Flynn moved that the Board of Selectmen close the advertised, public hearing regarding aforementioned aquaculture lease hearings. Second by Mr. Madigan. VOTE: 3:0:0.

SEASONAL LIQUOR LICENSE RENEWALS - DUXBURY PACKAGE STORE, INC. & DUXBURY BEACH PARK 2

Mr. Flynn moved that the Board of Selectmen renew the following seasonal liquor licenses 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: Restaurant: Seasonal On-Premises Wine & Malt for Duxbury Beach Park 2 and the Retail: Seasonal Off-Premises All-Alcoholic Beverages for Duxbury Package Store, Inc.

Mr. Madigan asked for clarification of which establishment Duxbury Package Store is and was told it is the location on St. George Street formerly known as Sandy Lampert's Marketplace. He then questioned whether the Duxbury Package Store, Inc. seasonal license was just being renewed because they had it last year. He said that he thought that the process was going to be opened up to other applicants as last year there were other establishments interested. He felt the Board should review any other applicants before taking action.

Ms. Murray responded that it was her understanding that because Duxbury Package Store, Inc. had the seasonal license previously; they were on the top of the renewal list. She was not aware of any further applicants and while not being 100% certain she believes the current holder has, for lack of better terminology, the "right of first refusal." Typically any liquor applications are reviewed and issued on a first-come, first-serve basis. Mr. Read indicated that was his understanding as well, but he also was not certain. He also added that the process was under the regulations of the Alcoholic Beverages Control Commission (ABCC) rules; not the local licensing authority.

In further discussion it was noted that seasonal liquor licenses only become effective as of April 1st. Given that and the questions raised, the Board decided to forego voting on the Seasonal Off-Premises All-Alcoholic Beverages license to Duxbury Package Store, Inc. until the next meeting.

The motion was amended as follows: Mr. Flynn moved that the Board of Selectmen renew the following seasonal liquor 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: Restaurant: Seasonal On-Premises Wine & Malt for Duxbury Beach Park 2. Second by Mr. Madigan. VOTE: 2:0:1. (Mr. Dahlen abstained as he is a Director of the Duxbury Beach Reservation, which leases the establishment.)

COMMON VICTUALLER AND PARKING FACILITIES LICENSES RENEWALS – DUXBURY BEACH PARK 2

Mr. Flynn moved that the Board of Selectmen renew the following licenses for the year 2015, subject to the receipt of all renewal paperwork and payment of all funds/fees owed to the Town of Duxbury: Common Victualler license for Duxbury Beach Park II and General (Parking facilities) Duxbury Beach Park II. Second by Mr. Madigan. VOTE: 2:0:1. (Mr. Dahlen abstained as he is a Director of the Duxbury Beach Reservation, which leases the establishment.)

IV. TOWN MANAGER'S REPORT

1. Annual Town Meeting:

Mr. Read announced that Annual Town Meeting begins at 9 AM on Saturday, March 14, 2015 at the Performing Arts Center.

In discussion it was decided the Board of Selectmen will convene at 8:30 AM, just prior to the Annual Town Meeting (AM) should any business needed to be done prior to the ATM.

2. Grand Opening of the Plymouth Colony Records Storage & Reading Room - ROOM 1620 And The Celebration of Governor William Bradford's 425th Birthday

Mr. Read advised the Board that an invitation has been received from Mr. John R. Buckley, Jr., the Plymouth County Registrar of Deeds to the Grand Opening of the Plymouth Colony Records Storage & Reading Room - ROOM 1620 and The Celebration of Governor William Bradford's 425th Birthday. It will be held at the Plymouth Registry of Deeds, 50 Obery ST, Plymouth MA on Thursday, March 19, 2015 - from 2:00 – 4:30 PM for public viewing.

3. DREDGING:

To update the Board, Mr. Read mentioned that he and Harbormaster Don Beers will be meeting with representatives of the Army Corps of Engineers (ACOE) to discuss the beginning of the dredging project.

Mr. Madigan asked if the Town has to come up with funds for the other dredging to be done? In response it was explained that several of the other stakeholders (i.e., Duxbury Yacht Club, Duxbury Bay Maritime, School, and Bayside Marine, etc.) are involved in what is called the

“piggy-back projects.) They will have to pay for their portion of the additional dredging to be done. Likewise, the Town will have to pay for a small piggy-back project of 2400 cubic yards near the pier and floats.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

Mr. Madigan announced the Board had received two resignations from the Economic Advisory Committee. The resignation of Georgia Cosgrove, who was as an At-Large member, was tendered effective January 5th. She cited the demands of the new job she accepted at Plimoth Planation earlier in the fall as the reason. Mr. Stanton’s resignation was received today. He was a Business Representative to the EAC. Candidates for that seat would need to be a Duxbury business owner, as well as a registered voter of Duxbury.

The Board extended their thanks to both, and encouraged any registered Duxbury voters, who are interested in serving on the Economic Advisory Committee to fill out a Talent Bank form.

It was mentioned that there is an article (2015 ATM Article 20) on the warrant to change the make-up of the Economic Advisory Committee. The article will reduce the number of members as they have been having trouble achieving a quorum.

VI ONE-DAY LIQUOR LICENSES

04-02-15 – Duxbury Rural & Historical Society – Pop the Cork event

Mr. Flynn moved that the Board of Selectmen grant to Ms. Erin McGough, as a representative of the Duxbury Rural & Historical Society, a One-Day Wine and Malt License for an event to be held at the Nathaniel Winsor, Jr. House, 479 Washington Street, from 7:00 PM to 9:00 PM on April 2, 2015, subject to the conditions on the license. Second by Mr. Madigan. VOTE: 3:0:0.

04-11-15 – Duxbury Art Association Winter Juried Show Reception

Mr. Flynn moved that the Board of Selectmen grant to Ms. Mary Beth Brown, as a representative of the Duxbury Art Association, a One-Day Wine & Malt License to hold a reception on April 11, 2015 from 6:00PM to 9:00PM at the Art Complex Museum, 186 Alden Street, subject to the conditions on the license. Second by Mr. Madigan. VOTE: 3:0:0.

04-11-15 - Peace Awards Ceremony - First Parish Church

Mr. Flynn moved that the Board of Selectmen grant to Ms. Faith Fleming, as a representative of Faith Fleming Catering and on behalf of Lewis Randa, a One-Day Wine & Malt License for the Peace Awards Ceremony on Saturday, April 11, 2015 at the First Parish Unitarian Church on 842 Tremont Street, Duxbury from 6:30pm to 8:00 PM, subject to the conditions on the license. Second by Mr. Madigan. VOTE: 3:0:0.

VII EVENT PERMITS – none

VIII MINUTES

02-04-15 Selectmen's Minutes –Draft

Mr. Flynn moved that the Board of Selectmen approve the 02-04-15 Selectmen's Minutes, as presented. Second by Mr. Madigan. VOTE: 3:0:0.

IX ANNOUNCEMENTS

Mr. Flynn read several announcements relating to Town Meeting, which will be on Saturday, March 14, 2015 starting at 9:00 AM in the Performing Arts Center, 73 Alden ST.

Next Scheduled Selectmen's Meeting: If Town Meeting extends beyond Saturday, then the Selectmen will be in attendance on Monday, March 16th at the Town Meeting. The next Selectmen's meeting after that will tentatively be on Monday, March 23, 2015 at 7:00 p.m.

X ADJOURNMENT

At approximately 7:26 p.m., Mr. Flynn moved that the Board adjourn. Second by Mr. Madigan. VOTE: 3:0:0.

Minutes respectfully submitted by: C. Anne Murray

LIST OF DOCUMENTS FOR 03-09-15 SELECTMEN'S MEETING (DOCUMENTS LOCATED IN THE SELECTMEN'S OFFICE FILES.)

1. *Agenda for 03-09-15 Selectmen's Meeting*
2. *OPEN FORUM: no documents*
3. *NEW BUSINESS:*
 - a. *WATER & SEWER COMMISSIONERS: Coversheet with draft motions; 03-05-15 Memorandum from René Read RE: Water Bill -26 Ice House Road; 12-11-14 Letter from Mr. Mackin to Mr. Shultz; 12-01-15 Letter from Property Owners – Mike and Julia Schultz and copies of water bills and water usage printout*
 - b. *AQUACULTURE HEARINGS: Coversheet with draft motions; copy of Legal Notice published in Duxbury Clipper; copies of Aquaculture Renewal Applications and Additional Acreage Application.*
 - c. *SEASONAL LIQUOR LICENSE RENEWALS: Coversheet with draft motions and copies of the respective applications.*
 - d. *COMMON VICTUALLER & PARKING LICENSE RENEWALS: Coversheet with draft motions and copies of the prepared licenses for Duxbury Beach Park II.*
4. *TOWN MANAGER'S REPORT: Invitation to Grand Opening of the Plymouth Colony Records Storage & Reading Room - ROOM 1620 And The Celebration of Governor William Bradford's 425th Birthday*
5. *APPOINTMENTS /RE-APPOINTMENTS & RESIGNATIONS: 03-09-14 Resignation sheet –two from Econ. Advisory Committee.*

6. *ONE-DAY LIQUOR LICENSES: (For each there was a packet of information including the drafted permit and application request.)*
 - 04-02-15 DR&HS "Pop the Cork"*
 - 04-11-15 Duxbury Art Assoc. Postponed "2015 Winter Juried Show" Reception*
 - 04-11-15 Faith Fleming Catering for First Parish Church – Peace Awards Ceremony*
7. *EVENT PERMITS: (For each event there was a packet of information including the drafted permit and event information and if appropriate route map.) -- none*
8. *MINUTES: 02-09-15 Selectmen's Minutes –Draft*
9. *ANNOUNCEMENTS: 03-09-15 Suggested Announcement Sheet*