

**Date:** June 1, 2015

**Date Minutes Approved:** June 15, 2015

**BOARD OF SELECTMEN**

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

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

**Others present for this meeting:**

Attorney Art Kreiger, Anderson & Kreiger; Attorney Lenny Kesten, Brody, Hardoon, Perkins & Kesten; Bill MacKinnon, MIIA, Peter Buttkus, DPW Director; Peter Mackin, Water and Sewer Superintendent; Gordon Cushing, Recreation Director; and Anne Murray, Administrative Assistant.

**CONVENED IN OPEN SESSION**

The Selectmen's meeting was called to order at 6:00PM in Open Session.

**VOTE TO ENTER EXECUTIVE SESSION**

Mr. Madigan moved that the Board of Selectmen enter into an Executive Session for the purpose of discussing strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body, if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, Section 21. This Executive Session will adjourn when completed and *will* reconvene in Open Session. Seconded by Mr. Dahlen.

As Chair, Mr. Flynn declared that the necessity for an Executive Session is due to the confidential nature of discussions pertaining to litigation.

**ROLL CALL VOTE:** Mr. Flynn ---aye; Mr. Madigan---aye; and Mr. Dahlen---aye

After completing the business of the Executive Session, at approximately 6:30pm, Mr. Madigan moved that the Board adjourn the Executive Session and re-convene in Open Session at 7:00pm. Seconded by Mr. Dahlen.

**ROLL CALL VOTE:** Mr. Madigan --Aye; Mr. Dahlen-Aye; Mr. Flynn -- Aye.

**I. OPEN FORUM** Nothing brought forward.

**II. NEW BUSINESS**

***Discussion pertaining to litigation tracker update.***

Attorney Art Kreiger provided a brief update of matters in litigation as follows:

**CALM Golf v. Duxbury and Robert Troy** – update discussed in Executive Session

**Carlsen v. Fontaine** – private party claim – completed

**Cook v. Masciarelli Wine Company** – employee hit by a pallet at transfer station, covered by WC, no claim against Town, employees deposed, and that should be end of Town involvement

**Duxbury v. Troy** – update discussed in Executive Session

**Erikson** – update discussed in Executive Session – potential for litigation

**Hickey** – wrongful cremation – in discovery phase. Attorney Kreiger asked Mr. Read if he has received any emails, and Mr. Read replied no. This was a mix up in documentation, which also involved chief medical examiner and the funeral home.

**Johnson Golf** – update discussed in Executive Session

**McLaughlin** – handled by special counsel – pending before Conservation Commission

TOWN CLERK  
15 JUN 16 PM 1:35  
DUXBURY, MASS.

**7:01 pm WATER & SEWER COMMISSIONERS:** Water, Sewer & Service Commitment

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

Mr. Madigan moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the amount of \$1,212,716.76 for water, sewer, and service. Seconded by Mr. Dahlen. Vote 3:0:0

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

***Discussion pertaining to Duxbury Beach Lease***

Mr. Dahlen recused himself from this discussion as he is a member of the Duxbury Beach Reservation.

Mr. Madigan moved that the Board of Selectmen execute the lease between the Duxbury Beach Reservation, Inc. and the Town of Duxbury with a term beginning July 1, 2015 and ending on June 30, 2016 in the amount of \$600,000. Seconded by Mr. Flynn. Vote: 2:0:1 Mr. Dahlen recused.

***Discussion pertaining to 4<sup>th</sup> of July events***

Present from the 4<sup>th</sup> of July Committee were Maggie Kearney, Jeff Goldman, Nancy & Don Reed, Sue Lawrence, and Jamie MacNab. Mr. Goldman spoke about the events celebrating July 4<sup>th</sup> weekend. On Saturday, July 4, the day begins at 8:00am with the DEF Road Race (registration at 7am), and then the parade at 2:00pm which starts in Hall's Corner. On Sunday, July 5, there is a breakfast at Cornerstone Lodge, and then the South Shore Bay Band will be playing starting at 6:00pm at the Senior Center. The Beach Party, originally scheduled for Sunday evening, will most likely be cancelled due to plover nests. They are waiting for official word from Mr. Read.

Mrs. Kearney stated that the annual fundraising information was mailed to every home in Duxbury and encouraged residents to make a donation. Checks should be made out to the Margery Parcher Fund. She also thanked everyone who has helped maintain this tradition. Mr. Reed stated that this is the second oldest parade in the country.

Mr. Madigan moved that the Board of Selectmen grant to the Town of Duxbury Fourth of July Committee permission to hold the annual Fourth of July celebration in the Town of Duxbury, subject to the conditions of the event permit. Seconded by Mr. Dahlen. Vote: 3:0:0

**V. TOWN MANAGER'S REPORT**

As part of our ongoing commitment to advising the public of the status of Piping Plovers on Duxbury Beach, I wanted to let you know that I have been providing periodic Press Releases on the status of conditions at Duxbury Beach. Last Thursday, May 28, 2015, I noted in a press release that there were 21 nests and 22 pairs. As of this evening, there is no change to these figures.

Mr. Read provided status of the beach/plover nest restrictions and pending restrictions. He stated that the north end of the first crossover is closed due to an anticipated hatch date. Mr. Read further stated that he wants to provide as much information as possible before people go to the beach. It is estimated that by June 20, the ORV (Off Road Vehicle) access will be reduced to 80 vehicles (40 resident/40 non-resident). Mr. Read is encouraging everyone to arrive at the beach early (beach opens at 8:00am).

Mrs. Kearney also provided a plover update. She reported that there were 23 nests, but lost two. One of those has re-nested. Two nests have hatched (4 chicks each), and it takes 31 days for the birds to fledge. Some may fledge early in July. The Town is making arrangements so that there are no total closures, including Blakeman's, and to accommodate both residents and non-residents.

Mr. Flynn inquired if there was a number to call to receive an update. Mr. Read said that status updates are provided on the website, through Twitter @Dux\_HM, or anyone can call the Harbormaster's office at 781-934-2866 x5.

Mr. Read further mentioned that 25 vehicles got stuck due to the soft sand at the crossovers. Mr. Dahlen mentioned that you can go to the Town website and sign up to receive notifications.

Mr. Read then stated that he received a letter from the Governor's office that the Town of Duxbury and the Duxbury Fire Department will be receiving \$14,670 in Federal reimbursement through its participation in the Ambulance Certified Public Expenditure Program overseen by the Executive Office of Health and Human Services. The Town should receive payment in early June.

Mr. Read discussed his meeting with Monty Healy, Chair of the Duxbury Friends of Plymouth 400, and Michele Pecoraro, Executive Director of the Plymouth 400 Committee, regarding Plymouth's 400<sup>th</sup> anniversary. Ms. Pecoraro believes that the Plymouth celebration will be quite a bit larger than the Jamestown events. The kick-off will begin in November 2019 with a full year of events leading up to November 2020. They further discussed how the Duxbury committee could raise funds and whether that committee would function better as a Town committee or restructure as a private 501(c)3, resulting in that the DFP400 would most likely be disbanded as a Town committee.

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

Mr. Flynn moved that the Board of Selectmen appoint the following:

##### **Plymouth County Adv. Board**

Ted (Theodore J.) Flynn (Duxbury Delegate) for a term to expire as of 6/30/16; and  
Shawn Dahlen (Duxbury Alternate) for a term to expire as of 6/30/16.

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

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

##### ***06-13-15 Duxbury Cornerstone Lodge fundraiser***

Mr. Madigan moved that the Board of Selectmen grant to Mr. Ward Kraemer, as a representative of the Duxbury Cornerstone Lodge, a One-Day Wine and Malt License for an event to be held at the Cornerstone Lodge, 585 Washington Street, on Saturday, June 13, 2015 from 11:00am to 5:00pm, subject to the conditions on the license. Seconded by Mr. Dahlen. Vote: 3:0:0

#### **VIII. EVENT PERMITS**

##### ***07-13 through 07-17-15 Myles Standish Archaeological Survey***

Mr. Craig Chartier, Director of the Plymouth Archaeological Rediscovery Project, provided details of his proposed survey of the Myles Standish homestead site. He stated that the last dig was in the 1850's, and he feels that he will be able to provide essential information (especially for the application to register this location as a National landmark). After the Selectmen/Town approval, he will also obtain approval from the Massachusetts Historical Commission. Ms. Susanna Sheehan asked who will be

overseeing this project. Mr. Terry Vose, member of Duxbury's Historical Commission, was also present and stated that he will oversee this project.

Mr. Madigan then moved that the Board of Selectmen grant to Mr. Craig S. Chartier, Director of the Plymouth Archaeological Rediscovery Project, permission to conduct limited archaeological testing at the Myles Standish Homesite from July 13 through July 17, 2015, during the hours of 8:00am to 5:00pm, 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: 05-18-15 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. Planning Board Meetings:**

Reminder the Planning Board meetings on June 8<sup>th</sup> June 22<sup>nd</sup> will be held in the Mural Room and televised on the local Duxbury channels (**COMCAST - Channel 15 and VERIZON - Channel 39**)

### **2. Duxbury 4<sup>th</sup> of July events:**

For information on the schedule of events planned for the 4<sup>th</sup> of July weekend, please visit [www.duxbury4thofjuly.com](http://www.duxbury4thofjuly.com). Donations for the 4<sup>th</sup> of July events should be made payable to the "Margery Parcher Fund" and sent to:

Margery Parcher Fund  
P.O. Box 1743  
Duxbury, MA 02331

### **3. Next Scheduled Selectmen's Meeting is on: Monday, June 15, 2015.**

## **XI. ADJOURNMENT**

At approximately 7:30pm 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) Motion for Executive Session
- 3) Litigation Tracker
- 4) Water & Sewer Commissioners – Agenda and Commitment
- 5) Duxbury Beach Lease
- 6) 4<sup>th</sup> of July Committee – Event Permit and supporting documentation
- 7) Committee appointments/resignations
- 8) One-day liquor license – Cornerstone Lodge
- 9) Event permit –Myles Standish Dig
- 10) Minutes
- 11) Announcements