

Date: April 25, 2016

Date Minutes Approved: May 23, 2016

BOARD OF SELECTMEN

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

Absent: None

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

Others in Attendance: Art Kreiger, Esq., Anderson & Kreiger

CONVENED IN OPEN SESSION –

I. CALL TO ORDER - The meeting was called to order at 6:00pm in the Mural Room.

II. 6:00PM EXECUTIVE SESSION

VOTE TO ENTER EXECUTIVE SESSION

Mr. Dahlen moved that the Board of Selectmen enter into an Executive Session for the purpose of discussing strategy with respect to pending litigation since an open meeting may have a detrimental effect on the litigating position of the Town, if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, Section 21. This Executive Session will adjourn when completed and the Board will reconvene in Open Session on or about 7:00 PM. Seconded by Mr. Flynn.

As Chair, Mr. Madigan declared the need to enter executive session is due to the confidential nature of discussions pertaining to litigation.

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

ADJOURNED EXECUTIVE SESSION & RE-CONVENED IN OPEN SESSION

Having completed the Executive Session business at approximately 6:59 p.m., Mr. Dahlen moved that the Board of Selectmen adjourn the Executive Session and re-convene in Open Session. Seconded by Mr. Flynn.

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

III. OPEN FORUM *Nothing presented.*

IV. NEW BUSINESS

Announcement of new Treasurer/Collector

Mr. Read announced and introduced Ms. Jill Stewart as the new Treasurer/Collector. Mr. Read further stated that there were 22 applicants for this position and hers rose to the top. Jill has worked for the Town for five years. Susan Kelley, Town Clerk, performed the swearing-in ceremony. Jill's family was also in attendance. The Selectmen wished her well on her new position.

Before moving onto the hearings, Mr. Flynn spoke to compliment the Town's Public Safety staff for their hard work and professionalism during the weekend's apprehension of a shooter. Mr. Dahlen also stated that he was impressed that the police used a Taser instead of a gun.

Mr. Madigan opened the public hearings.

7:01 PM Aquaculture Hearing for Licensing of Aquaculture Processing Floats Discussion

The Shellfish Advisory Committee held a posted public meeting on 03.24.16 to discuss the Management Plan: "Designated Aquaculture Float Area". The committee voted to recommend to the Board of Selectmen that they approve the applications as provided and required by MGL 130 sec 57- 68 to conduct activities as outlined by the Management Plan: "Designated Aquaculture Float Area" pending all Federal, State and local reviews and approvals.

Mr. Dahlen moved that the Board of Selectmen approve the applications as attached and as required by MGL 130 sec 57-68 to conduct activities as outlined by the Management Plan: "Designated Aquaculture Float Area" pending all Federal, State and local reviews and approvals. Seconded by Mr. Flynn. Vote: 3:0:0

Mr. Alan Hoban, Chair of the Shellfish Advisory Committee, mentioned that the float plan was created to deal with vibrio conditions, which will help public safety and public health. Mr. Madigan asked how many floats this pertained to. Mr. Hoban replied 19.

7:03 PM Aquaculture Hearing for Licensing of Aquaculture Floats Including Upweller Systems

The Shellfish Advisory Committee held a posted public meeting on 04.14.16 to discuss the DBMS Aquaculture Up-weller Management Plan.

The Shellfish Advisory Committee recommend to the Board of Selectmen that they approve the applications as provided and required by MGL 130 sec 57 -68 to conduct activities as outlined by the DBMS Aquaculture Up-weller Management Plan.

Mr. Flynn moved that the Board of Selectmen approve the applications as attached and as required by MGL 130 sec 57-68 to conduct activities as outlined by the DBMS Aquaculture Up-weller Management Plan, pending all Federal, State and local reviews and approvals. Seconded by Mr. Madigan. Vote: 2:0:1 (Mr. Dahlen recused himself from the discussion and the voting.)

Mr. Madigan asked what the difference was with these floats. Mr. Hoban responded and stated that these floats near DBMS are for the growing of shellfish seed (up-wellers).

Mr. Jack Kent, of Bayside Marine, discussed his concern regarding the protection of his business, which includes fueling, and asked that regulations/wording could be included in the permits. Don Beers, Harbormaster, was present and stated that he is concerned about all lawful activities and want to protect all access and use.

Mr. Hoban then stated that at the last Shellfish Advisory Committee meeting, there was a representative of the Division of Marine Fisheries ("DMF") who said that there were no ongoing problems because of the pre-existing run businesses, which are within local review. There was no recommendation to amend anything else.

Mr. Chuck Leonard, DBMS, suggested that we take the time to look into this because the permits are renewed every year. Mr. Hoban replied that that was correct, the permits expire December 31 of each year and they are reviewed to ensure that all shellfish permits are following the laws and permits would be denied if not followed.

Mr. Kent agreed that allow the Shellfish Advisory Committee make a determination for the next renewal year. Mr. Madigan asked if they could get clarification from the DMF. Mr. Hoban replied that there is no telling what the DMF will do, there is no problem currently, but they will continue to monitor for rule changes.

Mr. Flynn moved to adjourn the hearings. Seconded by Mr. Madigan. Vote: 2:0:1 (Mr. Dahlen recused)

Announcement & Acceptance of Equipment from Duxbury Beach Reservation

Michael Pforr, Endangered Species Officer, requested and received funding from the Duxbury Beach Reservation for the following equipment:

- 2 Apple Tablets with wireless connectivity plans.
- 2 Protective Cases
- 1 Patrol Vehicle Mount

The equipment (valued at approximately \$890) will be of enormous benefit to the current needs and anticipated growth of the Endangered Species Management Program. It will enable reports, scheduling, bird data, mapping, and field notes to be kept current by the Endangered Species Officer and the Deputy Endangered Species Officer and allow for better communication shift to shift.

Mr. Flynn moved that the Board of Selectmen accept with gratitude the gift of two Apple tablets with wireless connectivity plans and protective cases and one patrol vehicle mount for the use by the Endangered Species Administration. Seconded by Mr. Madigan. Vote: 2:0:1 (Mr. Dahlen recused himself from the discussion and the voting.)

Discussion pertaining to Endorsement of Proposed Alterations to the Federal Navigation Project (FNP) in Duxbury Harbor by the Duxbury Bay Maritime School

Mr. Read stated that the Army Corps of Engineers has sent a letter to the Board of Selectmen regarding the Duxbury Bay Maritime School's proposal to maintain their floats within the setback and mooring anchors within the limits of the Federal project. This proposal requires an endorsement from both the Town of Duxbury and the State as both entities are considered non-Federal sponsors of the Federal project.

Mr. Flynn moved that the Board of Selectmen endorse the proposed alterations to the Federal Navigation Project in Duxbury Harbor by Duxbury Bay Maritime School. Seconded by Mr. Madigan. Vote: 2:0:1 (Mr. Dahlen recused himself from the discussion and the voting.)

Discussion and review of Common Victualler and Entertainment licenses for Johnson Golf Management with respect to North Hill Country Club

Mr. Dahlen moved that the Board of Selectmen approve the following licenses for Johnson Golf Management, Inc. d/b/a North Hill County Club for the year 2016, subject to the receipt of all required paperwork and payment of all fees owed to the Town of Duxbury regarding Common Victualler License #CV44YR16 and Entertainment License #E06YR16. Seconded by Mr. Flynn. Vote: 3:0:0

4th of July Committee Plans and Discussion/Jamie MacNab, Co-Chair

Mr. McNab was not present, therefore, no discussion ensued.

Call for Special State Election – Tuesday, May 10, 2016

Mr. Dahlen moved that the Board of Selectmen directs either of the Constables of the Town of Duxbury to notify and warn the inhabitants of Duxbury who are qualified to vote in the Special State Election to vote at Precincts One through Six at the Chandler Elementary School Gymnasium, 93 Chandler Street, Duxbury, Massachusetts on Tuesday, the 10th Day of May, 2016 from 7:00 AM to 8:00 PM. Seconded by Mr. Flynn. Vote: 3:0:0

V. TOWN MANAGER'S REPORT

Police Department

As you all know, early yesterday morning we had a series of random drive-by shootings here in town none of which thankfully resulted in any fatalities. There were, however, two, non-fatal injuries as a result of the gunshots and we wish those individuals a complete and speedy recovery.

The Duxbury Police Department was able to apprehend the suspect and detain him in their custody until such time that he was transported to the Plymouth County House of Correction.

On behalf of the Board and the entire Town of Duxbury, I would to thank the Duxbury Police Department for their tremendous efforts during this event, and specifically, Officer Dennis Pierce whose clear and quick judgement during an incredibly tense situation resulted in the department arresting the suspect as opposed to a far more gruesome conclusion.

I would also like to thank the members of the Duxbury Fire Department who skillfully attended to the shooting victims and provided transportation to the hospital, even while their Fire Station became a crime scene.

Finally, I would like to thank the Kingston Police Department and the Massachusetts State Police for their coverage and assistance during this event.

All of the efforts of the individuals involved are greatly appreciated and we are deeply indebted to you for your service.

Beach and Transfer Station Stickers

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 midnight this Saturday and will increase on Sunday May 1st, so we encourage patrons to buy your beach sticker either online or at the Treasurer/Collector's office before the close of business on Friday, April 29.

Resident – \$160/\$180 (after May 1st)

Non-Resident – \$295/\$325 (after May 1st)

You will recall that three years ago I committed myself to advising the public of the arrival of the Piping Plovers to our shore. As has been the case for many generations, the Plovers have returned and as of this morning we have 14 pairs of birds and 2 singles for a total 30 birds and we have our first located plover nest. For the sake of comparison, at this time last year we had 12-15 pairs of birds on Duxbury Beach. Please note that the beach is open for patrons to enjoy.

FEMA Flood Map Update

Last week our office received notification from FEMA that the Letter of Final Determination is expected to be issued on May 4, 2016, regarding FEMA's map revisions in November of 2015 and March of 2016.

Once we receive Letter of Final Determination, the town will have six months to adopt the maps via Town Meeting, the date for which has yet be determined (but we are considering Monday, October 3, 2016).

Through our consultant, the Woods Hole Group, we are continuing to work on identifying map errors, and the day after the voters at Town Meeting approve the maps (assuming they will do so), the Town will file a LOMA (Letter of Map Amendment) with FEMA to request that the maps be reviewed and amended.

If the maps are not approved by Town Meeting, the following things will happen:

1. The community will be suspended from the National Flood Insurance Program (NFIP).
2. The following sanctions apply if a community is suspended from the NFIP:

Property owners will not be able to purchase NFIP flood insurance policies and existing policies will not be renewed.

Federal grants or loans for development will not be available in identified flood hazard areas under programs administered by Federal agencies such as the Department of Housing and Urban Development, Environmental Protection Agency, and Small Business Administration.

Federal disaster assistance will not be provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood.

Federal mortgage insurance or loan guarantees will not be provided in identified flood hazard areas such as those written by the Federal Housing Administration and the Department of Veteran Affairs.

Federally insured or regulated lending institutions, such as banks and credit unions, are allowed to make conventional loans for insurable buildings in flood hazard areas of nonparticipating communities. However, the lender must notify applicants that the property is in a flood hazard area and that the property is not eligible for Federal disaster assistance. Some lenders may voluntarily choose not to make these loans.

Since Federally backed mortgage companies require flood insurance, homeowners would have to try to get private flood insurance that will be much more expensive if they are able to get it all.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION *None presented*

VII ONE-DAY LIQUOR LICENSE REQUESTS

5/09/16 Friends of COA Dinner Theater Event

Mr. Dahlen moved that Mrs. Maureen Connolly, as a representative of the Friends of the Duxbury Council on Aging, is granted a One-Day Wine & Malt License to hold a Dinner Theater event on Monday, May 9, 2016 at the Duxbury Senior Center on 10 Mayflower Street, from 6:00pm to 9:00pm, contingent upon the conditions of the license. Seconded by Mr. Flynn. Vote: 3:0:0

5/28/16 Wedding Reception at First Parish Church Hall

Mr. Dahlen moved that Ms. Faith Fleming, as a representative of Faith Fleming Catering, is granted a One-Day Wine & Malt License for a Wedding Reception on Saturday, May 28, 2016 at the First Parish Unitarian Church on 842 Tremont Street, Duxbury from 5:00 to 10:00PM, contingent upon the conditions of the license. Seconded by Mr. Flynn. Vote: 3:0:0

VIII EVENT PERMITS

05/15/16 Winsor House - Oyster Festival Outdoor Entertainment Permit

Mr. Dahlen moved that Mr. Charles Weillbrenner, as representative of Modern Family Associates DBA The Winsor House Inn, is granted an Event Permit for entertainment at their Oyster Festival, to be held outdoors at The Winsor House Inn on Sunday, May 15, 2016 from 3:00pm to 7:00pm, subject to the conditions of the permit. Seconded by Mr. Flynn. Vote: 3:0:0

10/01/16 Cure in the Nick of Time Road Race

Mr. Dahlen moved that Ms. Jessica Curran is granted permission to hold A Cure in the Nick of Time Road Race on Saturday, October 1, 2016 from 10:00AM to 1:00PM, subject to the conditions of the permit. Seconded by Mr. Flynn. Vote: 3:0:0

IX MINUTES

Executive Session Minutes: 01/25/16, 02/11/16, and 03/7/16 Drafts

Mr. Dahlen moved that the Board of Selectmen approve the 1/25/16, 2/11/16, and 3/7/16 Selectmen's Executive Session Minutes, as presented, with the contents to remain confidential until the need has passed.

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

Open Session Minutes: 04/04/16 Selectmen's Minutes –Draft

Mr. Dahlen moved that the Board of Selectmen approve the 04-04-16 Selectmen's Minutes, as presented.

Seconded by Mr. Madigan. Vote: 2:0:1 (Ted Flynn was not at this meeting, therefore, he abstained.)

X ANNOUNCEMENTS

1. BEACH STICKERS:

The discounted price for beach stickers ends April 30th, so we encourage you to buy your beach sticker online now.

2. Annual Duxbury Spring Litter Sweep

The Annual Duxbury Spring Litter Sweep will be held on Saturday, May 7, 2016 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.

3. MassDOT roadwork:

- **Milling and paving of Route 3** (northbound and southbound) ramps at Exits 11, 12, and 13 was to begin on or about April 20th and is expected to continue for about one month. The roadwork is scheduled to be done from 7 PM to 5 AM with ramp closures and detours expected.
- **RTE. 53- Winter ST Roadwork Update:** Work has resumed on the roundabout at Winter Street. If you can use an alternate route during this time, please do so.

4. Duxbury Senior Center Closure:

The Duxbury Senior Center will be closed at **NOON on Friday, April 29th** for the Volunteers' Appreciation Luncheon.

5. Next Scheduled Selectmen's Meeting is on: Monday, May 9, 2016.

XI BONUS SHELLFISH SEASON (May, 2016)

Mr. Dahlen moved that the Board of Selectmen declare a temporary Bonus Shellfish season for the commercial harvesting of quahog clams for the month of May, 2016 in accordance with posted Attachments A&B.

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

XII ADJOURNMENT

Mr. Dahlen moved that the Board of Selectmen adjourn at approximately 7:45 p.m. Seconded by Mr. Flynn. Vote: 3:0:0

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

Executive Session documents kept in confidential file until such time they are released.

- 1) Agenda – Board of Selectmen*
- 2) Documentation regarding Aquaculture Hearing for Licensing of Aquaculture Processing Floats*
- 3) Documentation regarding Aquaculture Hearing for Licensing of Aquaculture Floats Including Upw Systems*
- 4) Documentation regarding acceptance of equipment from Duxbury Beach Reservation*
- 5) Documentation regarding Endorsement of Proposed Alteration to the Federal Navigation Project*
- 6) Copy of Common Victualler and Entertainment licenses for Johnson Golf Management – North Hill*
- 7) Motion – call for Special Election*
- 8) One-Day Liquor Licenses*
- 9) Event Permits*
- 10) Open Session Minutes (Executive session minutes are kept in a confidential file)*
- 11) Announcements*
- 12) Bonus Shellfish –May 2016*