

**Date: June 6, 2016**

*Date Minutes Approved: June 27, 2016*

**BOARD OF SELECTMEN**

TOWN CLERK

2016 JUL -8 AM 9:44

DUXBURY, MASS.

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

**Absent:**

**Staff:** René J. Read, Town Manager; and C. Anne Murray, Administrative Assistant

**I CALL TO ORDER**

The meeting convened in open session at 6:34 PM in the Duxbury Town Hall (Mural RM).

**ENTERED EXECUTIVE SESSION** - King Caesar fund cases

Upon convening Mr. Dahlen moved we go into Executive Session to discuss matters regarding the King Caesar Fund, [specifically case(s): KCF case 2012-02 (DN); KCF case 2016-02 (SA); and KCF case 2016-01 (AH)and an administrative matter], which are of a confidential nature due to medical confidentiality laws, as the fund's purpose is to provide medical relief for the financially-needy residents of Duxbury, in accordance with Mass. General Laws Chapter 30a, Section 21, and to adjourn upon the completion of the business.

As Chair, Mr. Madigan declared the necessity for King Caesar Fund cases to be discussed in an Executive Session due to medical confidentiality

Second by Mr. Flynn. ROLL CALL VOTE: Mr. Dahlen- Aye; Mr. Madigan – Aye; Mr. Flynn- Aye.

The meeting reconvened in Open Session at 7 PM after the public had entered the room.

**II OPEN FORUM** - Nothing was brought forward.

**III NEW BUSINESS**

**7:01 P.M. Public Hearing – Duxbury Yacht Club Alterations to Current Liquor Licenses**

Mr. Dahlen moved that the Board of Selectmen open the advertised public hearing regarding the Alteration to Premises and Change of Hours for Duxbury Yacht Club All Alcohol Club License No. 030000041 located at 70 Fairway Lane, and Duxbury Yacht Club All Alcohol Club License No. 030000042 located at 23 Mattakesett and 489 Washington Street, Guy C. Holbrook IV, Manager. Second by Mr. Flynn.

VOTE: 3:0:0.

The following individuals were present on behalf of the applicant: Gene (Eugene R.) Richard, Esq. of Wayne, Richard, and Hurwitz LLP as legal representative to the Duxbury Yacht Club (DYC); Mr. Guy Holbrook, the Secretary/ Manager, and Mr. David Hollowell, the Vice Commodore.

In his remarks Atty. Richard mentioned the following:

- The Duxbury Yacht Club (DYC) currently has 3 all-alcohol licenses. He characterized these applications by indicating that the DYC basically wants to continue to serve alcohol as they have with some slight changes.
- The first application seeks to combine the licenses for two of the locations (i.e., 23 Mattakeesett Court and 489 Washington ST) into one license. He noted that those two locations are appurtenant and contiguous, and therefore under the statute the applicants believe they can be combined to be one license. The main reason they want to do this is because it would give the DYC more flexibility with respect to the liquor inventory. He said at the end of the summer the Ellison Clubhouse location closes and because it is currently a separate license the inventory can't be used at the Mattakeesett location. This would enable the applicant to move the remaining inventory to be used.
- He mentioned that this would be turning a license back to the Town for use elsewhere.
- The first application also seeks to clarify that liquor will only be served on the first floor at the Mattakeesett ST location. He indicated that this was not a change, but really to clarify the location.
- The first application with respect to 489 Washington ST (Ellison Waterfront) seeks to extend the serving area to the surrounding lawns, i.e. where the flag pole is and a small strip along the waterfront. For this location they are seeking an extension of the hours from the current hours (5 P M to Midnight) to from 10 AM to Midnight to conform to the hours currently on the Mattakeesett Court license.
- Regarding second application, the 10 Fairway Lane (Golf Course location) application: The applicant is requesting that the area where alcohol can be served to include Pool seasonal tent, tennis house and paddle tennis house and tent with respective decking areas. Also asking to extend the hours by changing the hours from 5 PM to Midnight to 10 AM to Midnight so the hours will conform on the two licenses.

Mr. Madigan questioned the need for extending it to outside the facility. In discussion it was explained that it is already allowed on the lawn outside the Mattakeesett Court location and the additional lawn at the 489 Washington ST location is a relatively small area.

Since Mr. Richard mentioned it, Mr. Flynn indicated that he did not believe this would affect the number of licenses that can be issued.

Mr. John Balboni, an abutter to the DYC's waterfront locations, said that he is not here to contest the granting of the applications but wanted to hear some clarifications of the changes. He questioned why the hours were being extended to 10 AM. The answer given was (a) for it to be consistent with the hours at the Mattakeesett Court location for events that might occur in the late morning, such as wedding showers or brunches. Mr. Balboni then expressed his concerns that the DYC was expanding so that the it was becoming less of a club and more of a bar service for open events. Mr. Madigan did explain that one of the reasons that the DYC applied for the liquor license is because of the number of one-day liquor licenses they were requesting, and it was felt by holding a liquor license it would be alleviate that. Mr. Madigan questioned whether they are expanding the use of the club or whether the liquor licenses are intended to handle the current volume of events.

In response, it was explained that members can rent the club and invite non-members to attend events. With respect to the volume of events the Club is more of a year-round club than it used to be, but all events must be approved by the Directors ahead of time; so it is not just an open bar.

Mr. Balboni mentioned that somewhere he read that they were requesting removal of the provision about requiring Directors' approval for events. Atty. Richard indicated that might have been a miscommunication. He had thought they wanted it removed from the license, but it would still be in the DYC's bylaws. He said that his clients have no problem with leaving it on the license.

Mr. Dahlen moved that the Board of Selectmen, acting as the Local Licensing Authority, approve the Alteration to Premises and Change of Hours for Duxbury Yacht Club All Alcohol Club License No. 030000041 located at 70 Fairway Lane, and Duxbury Yacht Club All Alcohol Club License No. 030000042 located at 23 Mattakesett and 489 Washington Street, subject to all the conditions and final approval by the Alcoholic Beverages Control Commission ("ABCC"); including a letter from the applicant surrendering to the Town of Duxbury the Duxbury Yacht Club's All Alcohol Club License No. 030000040, as amended by our recent discussion that all three licenses include the restriction that the Board of Directors has to approve each event. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Dahlen moved that the Board of Selectmen close the advertised public hearing. Second by Mr. Flynn. VOTE: 3:0:0.

**7:05 p.m. Public Hearing – Use of Millennium Town Green:  
9/11/16 Interfaith Council Service to Remember the 15<sup>th</sup> Anniversary of 9/11**

Mr. Madigan mentioned this is a request from the Interfaith Council to hold a service on the Town Green on the 15<sup>th</sup> Anniversary of the 9/11 attacks.

Mr. Dahlen moved that the Board of Selectmen grant to Mr. Harry Katz, as a representative of the Duxbury Interfaith Council, permission to hold a Remembrance Service for the 15<sup>th</sup> Anniversary of September 11, 2001 on the Duxbury Millennium Town Green on Sunday, September 11, 2016, from 4:00 – 5:00 p.m., subject to the conditions on the permit. Second by Mr. Flynn. VOTE: 3:0:0.

In response to an inquiry from Mr. Madigan, Ms. Murray indicated it is listed as a public hearing because in the guidelines it is indicated that events on the Town Green are advertised and notices sent to the abutters.

**Discussion pertaining to Duxbury Beach Lease for FY17**

Mr. Dahlen recused himself (as he is a member of the Board of Directors of the Duxbury Beach Reservation, Inc.).

Mr. Flynn 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, 2016 and ending on June 30, 2017 in the annual amount of \$650,000. Second by Mr. Madigan.

It was noted that the dollar amount of the lease was approved by Town Meeting. Mr. Read also noted that the lease was reviewed and approved by Town Counsel and the terms have been agreed to by the Duxbury Beach Reservation, Inc.

VOTE: 2:0:0. *(Mr. Dahlen recused himself and did not vote.)*

**Discussion pertaining to Fall Special Town Meeting**

Mr. Read began the discussion by distributing two handouts regarding the Fall 2016 Special Town Meeting:

- 1<sup>st</sup> Handout: calendar of dates relative to a Monday, September 19, 2016 Special Town Meeting.
- 2<sup>nd</sup> Handout: Potential Articles to be brought forward at the 2016 Fall Special Town Meeting

He mentioned that originally we were planning for September 26<sup>th</sup> as the date of the Special Town Meeting, but we subsequently learned that the schools had arranged for a program that evening and booked a guest speaker. Since the date was still flexible the recommendation is that the Special Town Meeting be on **Monday, September 19, 2016.**

Mr. Read mentioned that he also has received word that Mr. Diamond has received an extension from Battelle so the zoning change regarding the Battelle property will not have to go forward at the 2016 Fall Special Town Meeting, but is expected to be brought forward to the Spring 2017 Town Meeting.

Mr. Read reviewed the **dates with respect to the SPECIAL TOWN MEETING --- MONDAY, SEPTEMBER 19, 2016**

*(Please note: Some dates may be tentative – all dates will be finalized as of June 13, 2016)*

June 6, 2016	Selectmen announce date of STM
June 13, 2016	Selectmen Vote to Open STM Warrant/Call for Articles.
June 22, 2016	Publish in Clipper – Call for Articles – starting Wednesday, June 22, 2016
June 13 – July 25, 2016	Draft articles, including Citizens Petitions, submitted to Town Manager’s office
July 25, 2016	Selectmen vote to close Warrant
August 15, 2016	Deadline for Finance and Fiscal Advisory Committee votes (to be inserted Into warrant prior to BOS sign). Also, deadline for all sources and uses information from the Finance Director
August 22, 2016	Warrant to be finalized and Selectmen sign warrant.
August 31, 2016	Warrant to be submitted to the Clipper to be published on Wednesday, September 7 and to the Constable for posting. Warrant to printer.
September 19, 2016	7:00 p.m. – Special Town Meeting at PAC

**Overview of potential warrant article topics to be heard at the Fall STM.**

Mr. Read then gave an overview of some of the potential articles which might be on the 2016 Fall STM warrant:

- FEMA Flood Insurance Rate maps – Mr. Read said the primary purpose for having the Fall 2016 was the need to approve the FEMA Flood insurance rate maps. He has confirmed that the Town’s consultant, Leslie Fields from the Woods Hole Group would be available on September 19<sup>th</sup>.
- Union Contracts: Currently agreements have been reached with 3 unions (Police Commanders, Library and Clerical).

Mr. Read asked for some feedback from the Board regarding the next two potential articles, which we recently brought to his attention:

- Police Department Computer leasing proposal; and
- Police Department property – proposed cell tower location

Mr. Flynn said that he felt that both should be moved to the Annual Town Meeting. He suggested that while both are good proposals he could be supportive of; the Board has been criticized when money articles are brought forward at STMs. Mr. Dahlen added the other advantage is when they are handled at the ATM they can be taken as a whole. Mr. Madigan agreed with his colleagues, esp. since these are substantial financial articles.

- Settlement with Johnson Golf:  
We have been working on a settlement with Johnson Golf, and we hope to have things wrapped up in the next couple of weeks with more information on this issue to be coming at a later date.
- Zoning articles – maps, housekeeping  
Mr. Read stressed that these would not have anything to do with any changes or additions. This is to make sure the maps in the zoning bylaw are the same as any maps that exist online or used as a source so that the existing zoning is properly documented. So what was previously voted and being properly illustrated on the maps and on the GIS maps. There was some discussion whether this actually had to go back to Town Meeting given that it would just be corrections to what was already voted.
- Zoning –re-voting the Historic District properties:  
Ms. Kelley explained that while the articles passed at the 2016 ATM it was done on a voice vote and called as a simple majority. It turns out that they should have been voted as 2/3 votes and there was no way to certify that it passed by a 2/3 vote so they need to be voted again.
- Budget adjustments:  
This will be needed to seek funding additional hours for the Municipal Services building inspector position and for Planning /ZBA staffing. Mr. Read said these could not wait until next March, because the need is immediate.
- Fluoride in the Drinking Water Supply (Citizen Petition)  
He has heard that proponents might be bringing this forward. Ms. Kelley added that the proponents had been holding off on producing a citizen petition, which would trigger a STM. So when she knew the 2016 Fall STM was being called she let the proponents know.
- Saw Mill Road (Citizen Petition)  
Although he has not heard anything formally this is another issue that might be brought forward as a Citizen Petition.

If a STM has been scheduled then only 100 signatures are required on a Citizen Petition. If a STM has not been scheduled, than a Citizen Petition with 200 signatures triggers the calling of a STM within a 45-day timeframe. A Citizen Petition for the Annual Town Meeting only requires 10 certified signatures.

Mr. Dahlen requested that it be clear who the sponsor of each article is and who will be making the presentation.

#### **IV TOWN MANAGER'S REPORT**

Mr. Read mentioned the following item:

Over the course of the past week our office has received a number of comments including a recent letter to the editor concerning tree removal work on Keene Street.

The work that has been performed is part of a two-part process. The first is in compliance with a dam safety permit issued by the state’s Department of conservation and recreation. The road along Keene Street which bisects the dam from the former Keene Mill foundation site actually serves as a dam. The trees were required to be removed so as to not be an impediment to the overall safety of the dam (via the roots destroying the dams’ integrity).

The second aspect is the clearing of the trees at the base of the foundation of the old mill site which was approved by the voters in 2011 (Article 22 –copy provided) as part of a CPA project to restore that area.

**V. COMMITTEE APPOINTMENTS/ RE-APPOINTMENTS**

Mr. Dahlen moved the following appointments / re-appointments as follows: *[Move that we (the Board of Selectmen) appoint or re-appoint {Name} to the {Name of Board} for a term to expire on {DATE}.]* See table below for specifics. After all the appointments / re-appointments were read Mr. Flynn moved to second them. Votes were as shown.

Committee	Name	Appointment or Re-appt.	Term Expires	Motion	Second	Vote
<b>Agricultural Commission</b>						
	Orie Fontaine	Re-appt.	06-30-19	Mr. Dahlen	Mr. Flynn	3:0:0
	Gregory D. Morris	Re-appt.	06-30-19	Mr. Dahlen	Mr. Flynn	3:0:0
<b>BD of Health</b>						
	Clinton E. Watson		06-30-19	Mr. Dahlen	Mr. Flynn	3:0:0
<b>Burial Agent to BOH</b>						
	Susan C. Kelley		06-30-19	Mr. Dahlen	Mr. Flynn	3:0:0
<b>Historical Commission</b>						
	“Terry” (Robert C.) Vose, III	Re-appt.	06-30-19	Mr. Dahlen	Mr. Flynn	3:0:0
	“Tag” (R. Taggart) Carpenter	Re-appt.	06-30-19	Mr. Dahlen	Mr. Flynn	3:0:0
	Mark P. Barry	Re-appt.	06-30-19	Mr. Dahlen	Mr. Flynn	3:0:0

Committee	Name	Appointment or Re-appt.	Term Expires	Motion	Second	Vote
<b>King Caesar Advisory Committee</b>						
	Diane Barker, R.N.	Re-appt.	06-30-19	Mr. Dahlen	Mr. Flynn	3:0:0
<b>Municipal Comm. on Disability</b>						
	Patty Cristoforo	Re-appt.	6/30/2019	Mr. Dahlen	Mr. Flynn	3:0:0
	Patricia Randall	Re-Appt.	6/30/2019	Mr. Dahlen	Mr. Flynn	3:0:0
<b>Old Colony Elderly Services as Duxbury delegate</b>						
	Donna Ciappina	Re-appt.	06-30-19	Mr. Dahlen	Mr. Flynn	3:0:0
<b>Shellfish Advisory Committee</b>						
	Alan Hoban	Re-appt.	6/30/2019	Mr. Dahlen	Mr. Flynn	3:0:0
	John McCluskey	Re-appt.	06-30-19	Mr. Dahlen	Mr. Flynn	3:0:0
	Kenneth S. McKim	Re-appt.	06-30-19	Mr. Dahlen	Mr. Flynn	3:0:0
	Donald C. Beers ( <i>ex officio</i> )	Re-appt.	6/30/2019	Mr. Dahlen	Mr. Flynn	3:0:0
<b>Zoning Bd. of Appeals (ZBA)</b>						
	Freeman Boynton, Jr.	Re-appt.	06-30-21	Mr. Dahlen	Mr. Flynn	3:0:0
<b>ZBA Alternates</b>						
	Emmett Sheehan	Re-appt.	06-30-17	Mr. Dahlen	Mr. Flynn	3:0:0
	Borys Gojnycz	Re-appt.	06-30-17	Mr. Dahlen	Mr. Flynn	3:0:0

Committee	Name	Appointment or Re-appt.	Term Expires	Motion	Second	Vote
<b>ZBA Alternates</b>						
	John Baldwin	Re-appt.	06-30-17	Mr. Dahlen	Mr. Flynn	3:0:0
	Scott Zoltowski	Re-appt.	06-30-17	Mr. Dahlen	Mr. Flynn	3:0:0
	Dimitri Theodossiou	Re-appt.	06-30-17	Mr. Dahlen	Mr. Flynn	3:0:0

**VI ONE-DAY LIQUOR LICENSE REQUESTS - None.**

*[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.]*

**VII EVENT PERMITS**

*06-11-16 Sportworks "Store Opening"*

Mr. Dahlen moved that the Board of Selectmen grant to Colleen Murphy, as a representative of Sportworks, permission to hold a "Store Opening" event in the retail parking lot located at 45 Depot Street, on Saturday, June 11, 2016, from 8:30am – 1:00pm, subject to the conditions on the permit. Second by Mr. Flynn. VOTE: 3:0:0.

*07/04/16 4<sup>th</sup> of July Committee Events*

Mr. Dahlen 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 on the permit. Second by Mr. Flynn. VOTE: 3:0:0.

**VIII MINUTES**

Executive Session Minutes: *None presented*  
Open Session Minutes: *05-23-16 Selectmen's Minutes-DRAFT*

Mr. Dahlen moved that the Board of Selectmen approved the 05-23-16 Selectmen's Open Session Minutes, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

**IX ANNOUNCEMENTS**

Mr. Dahlen read the following announcements:

**1. FIREFIGHTER SUNDAY:**

The public is invited to attend Firefighter Sunday on Sunday, June 12, 2016 starting at 8:30 AM with refreshments served immediately after at the Central Fire Station, 668 Tremont ST, Duxbury.



**2. Advance Notice of Town Clerk's Office Closure:**

The Town Clerk's Office will be **closed Wednesday, June 15 – Friday, June 17** as the staff will be attending a conference presented by the Massachusetts Town Clerk's Association.

**3. Next Scheduled Selectmen's Meeting is on: Monday, June 13, 2016.**

**X ADJOURNMENT**

At approximately 8:46 PM, Mr. Dahlen moved that the Board adjourn. Second by Mr. Flynn.  
VOTE: 3:0:0.

Minutes respectfully submitted by C. Anne Murray

***LIST OF DOCUMENTS FOR 06-06-16 SELECTMEN'S MEETING (DOCUMENTS LOCATED IN THE SELECTMEN'S OFFICE FILES).***

1. *Agenda for 06-06-16 Selectmen's Meeting*
2. *Executive Session (in Exec. Session File) – Suggested Motion for going into Exec. Session; Materials regarding the cases and administrative matter to be discussed.*
3. *OPEN FORUM: no documents*
4. *NEW BUSINESS:*
  - a. *7:01 p.m. Public Hearing – Duxbury Yacht Club Alterations to Current Liquor Licenses: Suggested Motions for Public Hearing; 05-23-16 Memorandum from Wayne, Richard & Hurwitz LLP explaining the combining of 2 of the liq. Licenses and the change in serving area and hours to the 70 Fairway Lane license held by DYC; ABCC forms and public notice*
  - b. *7:05 p.m. Public Hearing – Use of Millennium Town Green:  
9/11/16 Interfaith Council Service to Remember the 15th Anniversary of 9/11  
Draft Event Permit; notice sent to Abutters to the Millennium Town Green; 05-10-16 Letter from Mr. Katz and application for use of Town Green; Dept Feedback sheet.*
  - c. *Discussion pertaining to Duxbury Beach Lease for FY17: Suggested Motion; copy of lease to be signed*
  - d. *Discussion pertaining to Fall Special Town Meeting: STM – Schedule for STM on 09-19-16  
Overview of potential STM articles*
5. *TOWN MANAGER REPORT (Potential Items): Handout – Town Manager's response to the recent letters to the editor about the tree removal work on Keene ST with a copy of Art. 22 from the 2011 ATM included.*
6. *COMMITTEE APPOINTMENTS-RE-APPOINTMENTS /RESIGNATIONS: -  
06-06-16 Appt. / Re-appt. Sheets: Agricultural Commission; BOH; Burial Agent to BOH; Historical Commission; KCAC; MCOB; OCES; Shellfish Advisory Committee.*

*[ODLL and Event Permits -For each the packet included the ODLL /Event application and other details provided about the event, results of the department feedback received, and a drafted ODLL or Event Permit incorporating the conditions indicated.]*
7. *ONE-DAY LIQUOR LICENSE REQUESTS: --none*
8. *EVENT PERMITS: 06-11-16 Sportworks "Store Opening" and 4<sup>th</sup> of July Committee 4<sup>th</sup> of July celebration.*
9. *MINUTES: 05-23-16 Selectmen's Minutes-DRAFT*
10. *SUGGESTED ANNOUNCEMENTS: 06-06-16 Suggested Announcements.*