

Date: September 26, 2016

Date Minutes Approved: October 17, 2016

TOWN CLERK

2016 OCT 20 AM 10:17

DUXBURY, MASS.

BOARD OF SELECTMEN MINUTES

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

Absent: David J. Madigan, Chair

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

I CALL TO ORDER

As the Acting Chair this evening Mr. Flynn called the meeting to order at approximately 7:00 PM in the Town Hall (Mural RM).

II OPEN FORUM

Mr. Fernando Guitart, of Powder Point Av., said he did not want to hold up the ceremonies and requested to speak briefly with the Board later in the meeting, in general about zoning articles. Mr. Flynn welcomed Mr. Guitart as "our newest citizen" as Mr. Guitart received his U.S. citizenship on Thursday, September 22nd, which received a round of applause. The Board agreed to hear from him later in the meeting.

III NEW BUSINESS

Recognition Of Police Officers – presented by Chief Matthew Clancy

Chief Clancy began the proceedings by stating this evening's recognitions would include the introduction of the new Duxbury School Resource Officer (SRO), the swearing in of a new Sergeant, and recognition and awarding of two citations to a member of the Duxbury Police Department and a member of the Kingston Police Department for response and actions in the line of duty.

He took a moment to acknowledge and thank the Kingston Police Department contingent who were in attendance.

Chief Clancy then introduced Officer Nick Jamali, who is the new Duxbury School Resource Officer (SRO). Chief Clancy's remarks gave an overview of SRO Jamali's educational background and his police employment. His police career began in 2008 at Babson College. In 2012 he became a Permanent Intermittent Officer in Duxbury and subsequently a full-time Duxbury Police officer in 2013. He is a cybercrimes investigator and an expert in information technology. The Chief mentioned that there were seven highly-qualified candidates for the position. Officer Jamali had distinguished himself as a valuable asset, taking on multiple roles and excelling in all assignments, and was chosen to fill the SRO position.

Chief Clancy called Officer Friend S. Weiler, Jr. forward for his promotional swearing in to the rank of Sergeant. The Chief noted it is as a result of this promotion that the School Resource Officer position needed to be filled as Officer Weiler a 17-year veteran of the Duxbury Police Department had been the SRO for the past 16 years. Officer Weiler is readily recognizable for his work in the community as

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DARE Coordinator, Junior Police Academy facilitator, and as head coach of Duxbury High School Girl's Hockey team, i.e., the four times State Champion DHS Girl's Hockey team.

Before proceeding Chief Clancy recognized the Weiler family members in attendance, including his parents, his wife, and his children. The Chief also mentioned that Officer Weiler grew up in Duxbury and said that home-grown officers are the core of community policing.

Chief Clancy gave an overview of Officer Weiler's educational background. Officer Weiler began his career in 1995 as a permanent intermittent officer and subsequently became a full-time Duxbury Police Officer in 1999. In 2001 he became the School Resource Officer.

Town Clerk Susan Kelley administered the oath to Sergeant Weiler, and Sgt. Weiler's wife was given the honor of pinning the Sergeant's badge on his uniform.

Legislative Aide Colin McDonald presented a citation from the Massachusetts House of Representatives to Sergeant Weiler in recognition of his promotion. The citation was signed by Speaker Robert A. DeLeo and State Representatives Josh Cutler and Thomas Calter.

Kingston Police Officer Michael R. Gallo was then called forward. Following the acknowledgement of his family members present, Chief Clancy awarded Officer Gallo a Chief's Citation. The Chief's Citation is awarded for a creditable act in the line of duty, which meets some, but not all the requirements for other medals and is unusual in nature, showing initiative and accomplishment. This award is primarily for significant arrests. Important considerations include response time, initiative, persistence, excellent police work and teamwork.

In recognizing Officer Gallo, Chief Clancy explained the Officer Gallo responded after hearing the radio transmissions of a shooting in Duxbury on the evening of April 24, 2016. He received permission to cross jurisdictions and responded directly to the scene. His timely response was instrumental in the apprehension of the armed suspect. Chief Clancy said if it were it not for Officer Gallo's selfless and prompt reaction it is likely the suspect would not have been controlled and the outcome might have been dramatically different.

Legislative Aide Colin McDonald presented a citation from the Massachusetts House of Representatives to Officer Gallo in recognition of his actions signed by Speaker Robert A. DeLeo and State Representative Thomas Calter.

Officer Dennis M. Pearse was called forward for the awarding of The Medal of Honor for response and actions relating to the Active Shooter event in the early morning hours of April 24, 2016. Before proceeding Chief Clancy recognized the Pearse family members in attendance, including his children, his parents, his sister, and other extended family members.

Chief Clancy gave an account of the events in which Officer Dennis M. Pearse responded to an active shooter situation on the evening of April 24, 2016. The incident began at the Fire Station where the first shooting victim went to receive aid. Officer Pearse observed a suspicious vehicle making a U-turn and pulling into Holy Family parking lot. Then the vehicle exited the lot and headed south and turning onto Tobey Garden Street at a high rate of speed. Officer Pearse followed the vehicle and after briefly losing visual contact, he spotted the vehicle again at 116 Tobey Garden ST. Officer Pearse used his patrol vehicle to block the suspect vehicle in a driveway. As he was trying to reach the suspect Officer Pearse was approached by a terrified resident covered in blood, who said he had just been shot. Officer

Pearse instructed the resident to go inside and then called for EMS and backup. In the interim, the suspect was attempting to reload a shotgun but failing to do so; exited the vehicle with a hunting knife. Officer Pearse holstered his weapon, but drew his taser while instructing the suspect to get down on the ground. The suspect ignored the commands and straightened up to lunge at Officer Pearse. After warning the suspect Officer Pearse tased him, which dropped the suspect to the ground. The suspect was tased a second time after failing to comply with commands. It was at this time that Office Gallo arrived to apprehend the suspect while Officer Pearse continued to hold the taser at the ready.

Chief Clancy noted that Officer Dennis M. Pearse is only the fourth officer to be recognized with The Medal of Honor in the Duxbury Police Department's 85 years. The Medal of Honor is awarded for an outstanding act in the line of duty at imminent personal hazard of life, with full knowledge of the risk involved.

The Chief said that he is awarding The Medal of Honor to Officer Pearse for his keen awareness back at the initial crime scene, which lead to the apprehension of a violent and dangerous individual, who, if not immediately located, would have likely have harmed more people. He recognized the split second decisions Officer Pearse made and the fact that while deadly force might have been justified it was avoided. The Medal of Honor is awarded

Legislative Aide Colin McDonald presented a citation from the Massachusetts House of Representatives to Officer Dennis M. Pearse in recognition of his heroic actions signed by Speaker Robert A. DeLeo and State Representatives Josh Cutler and Thomas Calter.

Acceptance of gift from the Veterans of the USS Duxbury Bay AVP-38

Mr. Flynn mentioned that there is a tradition in the military of holding reunions. On Monday, September 19, 2016 the Town of Duxbury welcomed crew members of the USS Duxbury Bay AVP-38. A ceremony was held at the Duxbury High School for the 50th anniversary celebration of the decommissioning of the USS Duxbury Bay and a laying of the wreath in remembrance of all who served on her. Following the ceremonies a luncheon was held at the Duxbury Senior Center for the shipmates and their family members.

Mr. Russ Hamblin, the local crew member who was the organizer of their reunion, came into the Town Manager's office a few days later and presented the Town with \$560 collected by the USS Duxbury Bay shipmates attending the reunion as a donation to the Duxbury Senior Center to express their thanks for the hospitality extended to them.

Mr. Dahlen moved that the Board of Selectmen accept with gratitude the donation of \$560 from the USS Duxbury Bay AVP-38 crew to the Town of Duxbury for the Duxbury Senior Center. Second by Mr. Flynn VOTE: 2:0:0.

Update from Duxbury 2020 – presented by Monty Healy

Mr. Monty Healy, Chair of the Duxbury 2020, a private, non-profit 501(c) 3, was present along with Directors Mr. Mark Jacobson and Ms. Jayne Talmage O'Farrell. Mr. Healy had provided to the Board a letter outlining the formation of the Duxbury 2020 and some of the startup activities. He mentioned the following:

- Duxbury 2020 has been active in advocating for traffic lights at Rte. 3 EXIT 10.

- The State did recently form the Expediting Committee, who will be reviewing matters relating to the Plymouth 400th commemoration. The Committee was formed with members from the State, business organizations, and other organizations.
- They are looking at the possibility of a traffic light at the intersection of Tremont ST (RTE 3A) –Chestnut ST and Tobey Garden ST.
- Work is in progress at the Myles Standish Monument regarding tree clearing to possibly be followed by goat scaping to help with clearing brush and poison ivy.
- They are planning a tourist brochure in conjunction with the Duxbury Clipper.
- A guidebook is to be worked on by the Duxbury Rural & Historical Society (DRHS).
- They are proposing two tourist information sites. The first will be the Alden House and that has already been agreed to. The Committee is hoping that perhaps a second site could be established in the Girl Scout House on Washington ST.
- They have plans to ask the Expediting Committee about the installation of sidewalks on RTES 53 and 3A.
- They feel there is a need for signage for public lands, which would direct tourist to the various sites.
- A movie currently titled “Duxbury: Our Pilgrim Story” is being planned.
- They are looking to establish a website, which would not only allow for content but include an online donation feature.
- A fundraising campaign, “One Small Candle”, in conjunction with the Plymouth400th is in planning for this fall (October / November 2016).
- They have temporarily abandoned an Airbnb plan due to current litigation in San Francisco involving Airbnb.
- Overall they are projecting a \$250,000 to \$300,000 budget through January 2021.
- With some startup donations from the Directors of the Duxbury 2020 they have paid for the design of a logo.

At this point, Mr. Healy mentioned that the Town of Plymouth has given \$120,000 to the Plymouth 400th as economic development funds in preparing Plymouth for what has been projected as 1.5 million to 6 million visitors to Plymouth. In Duxbury the projections are for perhaps 50,000 visitors, esp. for genealogical research and to visit sites related to Myles Standish and John Alden.

The Duxbury 2020 is requesting that the Town provide funding of \$13,540 as seed funds to cover the startup costs towards fundraising. He noted that the 375th Committee received a \$5,000. Donation from the DRHS, but do to renovations at the Bradford House the DRHS is not in a position to help at this time.

This led to a discussion about the legality of whether or not the Town could provide funding to a private, non-profit organization. Mr. Healy believes it can, but Town Manager Read cited the Massachusetts Anti-Aid Amendment, which he believes would prevent the Town from providing the funding. The Board asked Mr. Read to consult with Town Counsel to try to figure out the logistics of how the Town could legally contribute to the Duxbury 2020. Once an answer is received the topic will be revisited at a future meeting.

IV TOWN MANAGER’S REPORT

Mr. Read mentioned the following items in his report:

a. Winter Street-3A Roundabout

From the September 23, 2016 update from James A. Kersten at MassDOT: The Contractor will finish spreading loam this week. The Landscaper will mobilize Monday to begin raking new loam and spreading seed. Plantings will arrive Wednesday and planting is expected to take approximately 1 week. The Contractor will then pave berm and final paving scheduled for Oct. 12th pending weather and landscaping completion.

b. Don Beers

A Retirement celebration for Don Beers will be held on Thursday, October 20th from 5:00 PM to 7:00 PM at the Duxbury Senior Center.

c. Duxbury High School to hold a Meet the Candidates Program

The Duxbury Senior Center and the Duxbury High School will host a Meet the Candidates Program from 9:30 a.m. to 10:45 a.m. on Friday, Oct. 14 at the Performing Arts Center, 73 Alden St.

The program is open to the public. Students from Duxbury High School and seniors from the Duxbury Senior Center will pose questions to Democrat and Republican candidates that reflect the students' and seniors' priorities regarding the quality of life in their community. Questions will come in via Twitter and in person.

The candidates that will be attending are Paul Gannon, Tom Calter, Josh Cutler, Scott Vecchi, Greg Hanley, Patrick O'Connor, Peter Boncek, Vince Cogliano and Joseph McDonald.

U.S.S. Duxbury Bay

Mr. Read mentioned that last Monday we held a wreath-laying ceremony in remembrance of all who served aboard the U.S.S. Duxbury Bay (AVP-38) on the occasion of the 50th Anniversary of her decommissioning. He took this opportunity to publically thank the speakers, the celebration participants, and the donors to the celebration, but specifically naming the following:

Speakers:

1. Russell Hamblin, USS Duxbury Bay shipmate
2. Secretary of Veterans' Affairs Francisco Ureña
3. Congressman William Keating
4. State Senate Patrick O'Connor
5. State Representative Josh Cutler
6. State Representative Tom Calter
7. Chaplain Phillip Ryan
8. Reverend Catherine Cullen
9. David Madigan, Board of Selectmen

Celebration Participants:

10. USS Constitution Color Guard
11. Duxbury High School Band – He added they were amazing.
12. Duxbury Police Department
13. Duxbury Fire Department
14. Alden Elementary School Students –who waved flags and greeted the veterans.

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15. Duxbury High School
16. Mike Thorp, Veterans' Agent
17. Duxbury Senior Center
18. Joe Grady, Conversation
19. DHS Principal Andrew Stephens and Superintendent Ben Tantilto.

Donations Received From:

19. Big Y (cake)
20. Bloom Bus (transportation)
21. Consider the Lilies (wreath)
22. First Parish Church/Rev. Cullen (flags)
23. Island Creek Oysters (oysters)
24. We Print Today (discount on programs)
25. Karen Wong (photographer)

OPEN FORUM (CONTINUED):

Mr. Fernando Guitart mentioned to the Board that there are 15 zoning articles currently under review for the March 2017 Annual Town Meeting (ATM). The Duxbury Civic Association has attended meetings where the articles have been discussed and have participated by providing comments on the articles. To date, however, they have only received draft language on one article and his concern is that if final language is due by October, then this will not give the public adequate time to fully and fairly assess the article language. So he was questioning if that many articles might be too many given the timeframe.

Just to respond to the voiced concern, Mr. Read mentioned that he and Ms. Valerie Massard, the Duxbury Town Planner, have been grappling with that same issue. As they were getting the articles in mid-stream without sufficient time they have gone back to the boards to recommend a refinement and a prioritizing of the article lists so that only a handful of articles will be brought forward to allow adequate time for the appropriate public hearings and review of draft language.

As this matter was brought forth under Open Forum and not listed on the agenda, it was agreed to re-visit the discussion of zoning articles forward on an upcoming Selectmen's agenda. If Town Planner Valerie Massard is available it will be on the next Selectmen's meeting. If not, it will be on a Selectmen's agenda as promptly as possible to discuss the timelines for articles, including the draft language deadline.

V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

Sidewalk & Bike Path Committee

Mr. Dahlen moved to appoint Lucy Weilbrenner to the Sidewalk & Bike Path Committee to fill an unexpired seat due to expire as of June 30, 2019. Second by Mr. Flynn. VOTE: 2:0:0.

VI ONE-DAY LIQUOR LICENSE REQUESTS -None presented

VII EVENT PERMITS -None presented

VIII MINUTES

Executive Session Minutes: none

Open Session Minutes: 09-12-16 and 09-19-16 Selectmen's Minutes -DRAFTS

Mr. Dahlen moved that the Board approve the Minutes of the 09-12-16 and 09-19-16 Selectmen's Minutes, as presented. Second by Mr. Flynn. VOTE: 2:0:0.

IX ANNOUNCEMENTS

Mr. Dahlen read the following announcements:

1) **Duxbury Litter Sweep**

The **Annual Duxbury FALL Litter Sweep** will be held on **Saturday, October 1, 2016** from **8 a.m. to 4 p.m.** Registration and trash bags will be available at the Tarkiln Building. For more information see: www.duxburylitterpatrol.com or email duxburylitterpatrol@gmail.com.

2) **Duxbury Fire Department Annual Open House:**

The Duxbury Fire Department Annual Open House will be held on **Sunday, October 2, 2016** from **10 AM to 2 PM at the Central Fire Station** on Tremont Street. This family-friendly event is free and open to the public.

3) **Duxbury Cultural Council - Grants and Survey:**

Grants: The Local Cultural Council (LCC) grants are now open. Information and a link to the online application can be found on the Duxbury Cultural Council's webpage on the Town website. **The deadline is October 17th.**

Survey: The Duxbury Cultural Council is also seeking the public's feedback and has posted a survey in the Town News column on the Town's website. Hardcopies of the survey are available in the lobby at Town Hall.

4) **CPC Funding Requests:**

Applications for CPC funding requests are available online or at the Conservation Department. All funding request applications to the Community Preservation Committee (CPC) must be filed with the CPC **no later than October 15th**. All applications must be reviewed with the staff prior to submission to the CPC. The CPC encourages anyone with potential proposals to contact the committee early in the process to begin preliminary discussions.
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5) **Guided Walk Through Whiton Woods:**

On Sunday, October 2nd at 1:00 PM join Town Historian Tony Kelso, Conservation Administrator Joe Grady and the Duxbury Open Space Committee for a guided walk through Whiton Woods and the Cedar Crest parcels which were part of the 2015 Merry Land CPA purchase. Tony and Joe

will provide historical and ecological facts about this Duxbury hidden gem. Attendees should meet on at the Whiton Woods trailhead located on Temple Street between Franklin and Laurel Streets. Park on Temple Street in front of the Merry Bog.

6) **Next Scheduled Selectmen's Meeting is on: Monday, October 3, 2016.**

X BONUS SHELLFISH SEASON (FOR OCTOBER, 2016)

Mr. Dahlen moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for:

- 1) the **commercial** harvesting of **softshell clams** for the month of **October, 2016** in accordance with posted Attachments B & C.
- 2) the **commercial** harvesting of **quahog clams** for the month of **October, 2016** in accordance with posted Attachments A & C.

Second by Mr. Flynn. VOTE: 2:0:0.

XI ADJOURNMENT

At approximately 8:17 p.m., Mr. Dahlen moved that the Board adjourn. Second by Mr. Flynn. VOTE: 2:0:0.

Minutes respectfully submitted by: C. Anne Murray

LIST OF DOCUMENTS FOR 09-26-16 SELECTMEN'S MEETING (DOCUMENTS LOCATED IN THE SELECTMEN'S OFFICE FILES.)

1. *Agenda for 09-26-16 Selectmen's Meeting*
2. *OPEN FORUM: no documents*
3. *NEW BUSINESS:*
 - a. *Recognition Of Police Officers – presented by Chief Matthew Clancy*
 - b. *Acceptance of gift from the Veterans of the USS Duxbury Bay AVP-38: Coversheet with explanation of gift and suggested motion for acceptance by Selectmen*
 - c. *Update from Duxbury 2020 – presented by Monty Healy: 09-26-16 Letter from Monty Healy, President of Duxbury2020 regarding Duxbury 2020 activities with attachments:*
4. *TOWN MANAGER'S REPORT: none*
5. *APPOINTMENTS /RE-APPOINTMENTS & RESIGNATIONS: APPOINTMENT-REAPPOINTMENT Sheet for 09-26-16*
6. *ONE-DAY LIQUOR LICENSE REQUESTS: none.*
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: Executive Session Minutes: none. Open Session Minutes: 08-08-16 and 08-22-16 Selectmen's Minutes –DRAFT*
9. *ANNOUNCEMENTS: 09-26-16 Suggested Announcement Sheet & 09-26-16 Additional Suggested Announcement Sheet.*