

Date: October 24, 2016

Date Minutes Approved: November 7, 2016

TOWN CLERK

2016 NOV -9 PM 2:46

DUXBURY, MASS.

BOARD OF SELECTMEN MINUTES

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

Absent:

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

I CALL TO ORDER

At 7:00 PM the Chair called the meeting to order in open session in the Town Hall (Mural RM).

II OPEN FORUM - *nothing was brought forward*

III NEW BUSINESS

7:01 p.m. Public Hearing – Transfer of Liquor License from Wildflower Café to Chestnut Street Grille

Mr. Dahlen moved that the Board of Selectmen open the public hearing for the transfer of an All Kinds of Alcoholic Beverages License from Wildflower Café d/b/a Wildflower Café, Thomas Bissett, Manager; to Emily Walker, New Manager, Chestnut Street Grille, Inc., d/b/a Chestnut Street Grille located at 8 Chestnut Street. Second by Mr. Flynn. VOTE: 3:0:0.

Ms. Emily Walker, the applicant/Manager, introduced herself. She mentioned that she grew up in Duxbury, graduated from Duxbury High School and the University of New Haven. She has a degree in criminal justice. She said she has worked for the past five years at Cabbysack in Plymouth. She also previously worked at Benchwarmers.

Ms. Walker mentioned that when she and her parents heard that The Wildflower Café was going to be sold, they felt this was their opportunity to open a family-run restaurant in Duxbury.

Mr. Michael Walker, father of the applicant and owner, wanted to address some of the rumors. He said that they are not planning significant changes. They are not planning changes to the breakfast menu other than adding some items. They sat down with the staff and most are staying on. They are planning to offer more evening entertainment and a restaurant focused on family dining.

Attorney Brian Cook, the Walker's legal representative, asked the Board about the Sunday hours on the License. The Sunday hours shown on the license are "10 AM to 1 AM for Sundays and holidays."

As no one else had any comments the Board proceeded to vote.

Mr. Dahlen moved that the Duxbury Board of Selectmen, acting as the Licensing Authority, vote to transfer the All Kinds of Alcoholic Beverages License from Wildflower Café d/b/a Wildflower Café, Thomas Bissett, Manager; to Emily Walker, New Manager, Chestnut Street Grille, Inc., d/b/a Chestnut Street Grille located at 8 Chestnut Street, and such license subject to the conditions on the license.

Second by Mr. Flynn. VOTE: 3:0:0.

Discussion & review of Common Victualler & Entertainment license application Chestnut Street Grille

Mr. Dahlen moved that the Board of Selectmen approve the following licenses: Common Victualler License (#CV13YR17) and Entertainment License (#E01YR17) for Chestnut Street Grille, Inc., d/b/a Chestnut Street Grille; Emily Walker, Manager, (subject to the receipt of all required paperwork, Board of Health requirements, Building Department requirements, and payment of all fees owed to the Town of Duxbury). Second by Mr. Flynn. VOTE: 3:0:0.

Close Public Hearing

Mr. Dahlen moved that the Board of Selectmen close the public hearing for the transfer of an All Kinds of Alcoholic Beverages License from Wildflower Café d/b/a Wildflower Café, Thomas Bissett, Manager; to Emily Walker, New Manager, Chestnut Street Grille, Inc., d/b/a Chestnut Street Grille located at 8 Chestnut Street. Second by Mr. Flynn. VOTE: 3:0:0.

Discussion regarding letter of September 26, 2016, from Mr. Monty Healy requesting funding for Duxbury 2020 Startup Activities

Mr. Healy was not in attendance although Mr. Read said that he had emailed him on Friday about tonight's meeting. Mr. Read had prepared a memorandum to the Board dated October 21, 2016 regarding Town Counsel's opinion on the request for funding made in the Duxbury 2020's letter of September 26, 2016. Mr. Read summarized his memorandum as follows:

- The Board had requested Mr. Healy's September 26, 2016 letter, on behalf of the Duxbury 2020, requested funding from the Town in which he was seeking funding for a 501 (c) 3 (i.e. Duxbury 2020) in the amount of \$13, 540 for startup activities.
- Town Counsel's opinion was that would not be legal. The legal opinion mentioned "The funding as proposed by Mr. Healy would violate the Anti-Aid Amendment, and be an unlawful appropriation (because it has not been voted by Town Meeting and does not appear to be for the procurement of any good or service for the Town). Therefore, before the Town can provide any funding, it must negotiate a contract with Duxbury 2020 for them to provide specific goods or services to the Town (deliverables) and then such funding must be approved by Town Meeting."
- Mr. Read added "Conversely, if all of the activities of Duxbury 2020 were done by the Town, as a Town Board under the purview and control of the Board of Selectmen, then it may be possible to fund the start-up costs through the budget. Doing so, however, subjects the group to all requirements of municipal law, including Public Records Law, Open Meeting Law and municipal finance restrictions."

Mr. Madigan provided some background on the establishment of the Committee. Initially it was established as a Town committee (i.e. the Duxbury Friends of the Plymouth 400th Committee). However some of the things they wanted to do did not meet the municipal purchasing code so the Town committee was disbanded. Instead the Duxbury 2020 was formed as a 501 (c) 3, a private, non-profit organization. Now they are coming back to the Town asking for funding which the Town cannot provide.

The Board discussed whether to re-create a Town committee as a separate committee from Duxbury 2020. The discussion noted that this might be a similar situation to the 4th of July Committee and the Margery Parcher Fund. At the same time there were concerns about municipal finance laws and what is and is not allowed.

Mr. Read mentioned that the 375th Committee received no funding, but managed to raise funds for the Town's celebration. It could be looked at as a model for this type of situation.

The consensus of the Board was the requested funding was not possible. Mr. Read will convey to Mr. Healy the options and that the decision of how to proceed is now up to the Duxbury 2020.

Discussion and review pertaining to FY18 Budget and related materials

Mr. Madigan said that tonight is the beginning of a series of departmental budget presentations. The presentations are provided to help inform the public on the departmental budgets and some of the services provided so the public can be more informed and have fewer questions at Town Meeting.

Council on Aging Budget Presentation / Joanne Moore, Director of the Council on Aging

Ms. Joanne Moore, the Director of the COA, mentioned that a presentation was made at the last Selectmen's meeting so this is just an overview. Ms. Moore's comments accompanied a PowerPoint presentation, which will be posted along with the minutes.

During the presentation she mentioned the following:

- Salaries: \$430,014.; This included annual increases for Personal Plan and custodial staff. New position(s) / requests totaling \$26,432 are for:
 - A 19-hrs./weekly Administrative Assistant at the front desk to help with sign-up of the numerous COA programs, meals, and the bus. This would provide full-day consistent service.
 - An additional 4 hrs. /weekly for the Food Service Manager. Currently the position allows for 28 hrs./weekly. The food service has increased at the COA in part due to the Café, which is why additional hours are requested.
 - 7 additional hours/ weekly for the Program Manager position. Currently 30 hrs./ week is covered by the Friend of the COA, but they are requesting the additional 7 hrs. be covered by the Town.
- Expenses: \$144,350; the budget includes a total of \$15,075. in expenses increases to cover the increased cost of utilities, food, building and ground maintenance and supply costs, printing costs, computer /equipment, dues and memberships, and subscriptions/publications. An explanation of each was given.
- Total Budget: \$574,364. (about a 9% increase). She noted that assigning a dollar value to the hours volunteers give adds about \$453,000 to the COA budget; so overall the COA budget is close to \$1 million.
- Capital Budget Request: \$182,029 for the Architectural Fee in Total for an addition to the Senior Center. The need for the addition is to handle the increasing senior population and its demand for services, as well as to provide adequate meeting space for the 47 Town boards and committees that utilize the space.

- Elderly Population Increases in Duxbury:

<u>Year</u>	<u>/ Population (projection)</u>
2000	2300 seniors
2010	3530 "
2020	4287 "
2030	7948 "

- Ms. Moore added that this past year 41,000 people had passed through the Senior Center and 3560 programs were offered. The Senior Center also provides meeting space for 47 Town boards and committees.

Library Budget Presentation / Carol Jankowski, Director

Ms. Jankowski's comments accompanied a PowerPoint presentation, which will be posted along with the minutes. During the presentation she mentioned the following:

- November 2017 will mark the 20th anniversary of the Duxbury Free Library at the 77 Alden Street location.
- While previously we talked about the "age of information"; today we talk about the "age of innovation."
- The library can be thought of as "the third place"; the third place people turn to after home and work.
- A statistical slide provided an overview of the numbers and percentage increases to the libraries collections (in differing formats), programs and services. Both traditional books and eBooks are available.
- In addition to the 154,614 people who visited the physical location many others use the library website as a portal to online programs /services. She specifically mentioned Lynda.com, which provides free, online training for many computer programs. Podcasting is also becoming very popular. The Library is currently engaged in a program of audio archiving interviews with residents to capture some of their life experiences.
- Focus has been on providing traditional services while being open to providing new services as they are developed and become available. For example: the digital media lab, 3D printing, and technology assistance.
- FY18 Budget: Salaries: \$1,017,833; no new staff. 3.2% contractual salary increases and one salary adjustment. Expenditures: \$345,755, including \$22,681 in total expense increases, which were explained by category. Total FY18 operating budget: \$1,363,588 or about a 4.2% increase.
- Capital Budget: 6,084 for reupholster or replacement chairs; Building Maintenance: \$5,400 dumpster enclosure; \$7,850 curbing repair at campus; and \$1,800 railings at campus entrance. Capital Improvement: \$50,000 for 3 soundproof study rooms.
- In conclusion, Ms. Jankowski extended her grateful thanks to the Friend of the Library for all the support that they provide.

IV TOWN MANAGER'S REPORT

Town Manager René Read reported on the following:

EARLY VOTING:

In May 2014, the Massachusetts legislature passed an historic reform of our state's election laws. As part of the new law, they established early voting starting with the November 2016 election. Early voting is one important way to expand access to our democracy, giving people whose work or family obligations preclude them from standing in line, or even getting to the polls on Election Day, more opportunities to vote.

In order to help ensure the success of early voting, Common Cause completed a report detailing the best practices for early voting administration in other states. From that, the Election Modernization Coalition drew up a series of recommend standards for municipalities implementing the law. Based on these, they host the inaugural Early Voting Challenge, a contest to encourage local officials to implement early voting so that it meets its goals: easing access to the ballot for Massachusetts voters, shortening lines at polling locations, and improving the voting experience.

Congratulations to Susan Kelley on receiving a Gold Medal for her efforts – one of only 24 communities to have done so!

Gold Medal Requirements:

- Have at least 1 early voting site for every 35,000 people.
- Have evening hours at least 2 times per week during early voting.
- Have 6 or more hours of weekend time available during early voting.

11-14-16 Joint Meeting of Selectmen-Finance Committee –Fiscal Advisory Committee:

A joint meeting between the Finance Committee, Fiscal Advisory Committee and the Board of Selectmen will be held on Monday, November 14th at 7:00 p.m. at the Senior Center. The format will consist of a presentation of proposed capital projects made by Facilities Director Brian Cherry followed by a Q and A session.

V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

None presented

VI ONE-DAY LIQUOR LICENSE REQUESTS *None presented*

VII EVENT PERMITS

May 12-13, 2017 – Ragnar Cape Cod – running relay

Mr. Dahlen moved that the Selectmen grant to Mike Dionne, as representative of the Ragnar Relay Series permission to conduct a portion of their Ragnar Cape Cod 2017 benefitting The Hole in the Wall Gang Camp in the Town of Duxbury from 10:00 AM on Friday, May 12, 2017 to 1:00 AM on Saturday, May 13, 2017, contingent on the conditions listed on the permit. Second by Mr. Flynn. VOTE: 3:0:0.

VIII MINUTES

**Executive Session Minutes: 10/17/16 Executive Session A Minutes- Draft and
10/17/16 Executive Session B Minutes- Draft**

Mr. Dahlen moved to approve the 10-17-16 Selectmen's Executive Session A Minutes, as presented with the contents to remain confidential until the need has passed. Second by Mr. Madigan. VOTE: 2:0:1 (*Mr. Flynn was not present for Executive Session A so he abstained.*)

Mr. Dahlen moved to approve the 10-17-16 Selectmen's Executive Session B Minutes, as presented with the contents to remain confidential until the need has passed. Second by Mr. Flynn. VOTE: 3:0:0.

Open Session Minutes: 10/03/16 and 10/17/16 Drafts

The 10-03-16 Open Session Minutes were not ready in time for this meeting so a vote on those minutes was postponed to a future Selectmen's Meeting.

Mr. Dahlen moved to approved the 10-17-17 Selectmen's Minutes as presented. Second by Mr. Flynn. VOTE: 3:0:0.

IX ANNOUNCEMENTS

1. Early Voting for Presidential Election:

For the November 8 Presidential Election you can vote early starting today (October 24th) through November 4th. Early Voting is done at the Town Clerk's office and the extended hours the Town Clerk's office will be open are posted on the Town Clerk's webpage and on the Town Calendar. There will be several reserved parking spots for Early Voters to the right of Town Hall and handicapped parking available in the back of Old Town Hall.

2. Presidential Election:

The Presidential Election is on Tuesday, November 8th. The polls will be open from 7 AM to 8 PM on Election Day. The Duxbury polls are located at the Steele Athletic Building, 130 St George St. Reminder: The traffic pattern is to enter on the left and to go clockwise around the property. A diagram has been posted on the Town Calendar.

3. Emergency Sirens Test

The annual emergency sirens test will be on Thursday, November 3, 2016 beginning at 3:45 PM. Expect a steady, three-minute siren tone. No action is needed. **This is only a test.**

4. Halloween:

Reminder: Monday, October 31st is Halloween. Please use caution as children will be out in the neighborhoods.

5. Razia Jan Day:

November 4th has been proclaimed Razia Jan Day in Duxbury in recognition of her work establishing a girls' school in Afghanistan. On November 4th "What Tomorrow Brings," a

documentary film about the school's beginnings in 2009 to its first graduation in 2015, will be shown at the Performing Arts Center from 7 -9 pm. The film traces the interconnected stories of the students, teachers, village elders, parents, and school founder Razia Jan. Tickets for the film or VIP reception (\$25. Film only -\$250 VIP Reception) are available at the door or in advance at bit.ly/500_Duxbury. This information will be posted in the on the Town's website in the Town News column.

6. Next Scheduled Selectmen's Meeting is on: Monday, November 7, 2016.

X BONUS SHELLFISH SEASON (for November, 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 **November, 2016** in accordance with posted Attachments B & C.
- 2) the **commercial** harvesting of **quahog clams** for the month of **November, 2016** in accordance with posted Attachments A & C.
- 3) the **recreational** harvesting of **softshell clams** for the month of **November, 2016** in accordance with posted Attachment D.

Second by Mr. Flynn. VOTE: 3:0:0.

XI ADJOURNMENT

At approximately 8:08 p.m., 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 10-24-16 SELECTMEN'S MEETING
(Executive Session items are located in the 10-24-16 Executive Session file.)

1. *Agenda for 10-24-09 Selectmen's Meeting –Revised2*
2. *OPEN FORUM: no documents*
3. *NEW BUSINESS:*
 - a. *Public Hearing – Transfer of Liq. License from Wildflower Café to Chestnut Street Grille and CV and Entertainment Licenses including application materials and prepared licenses.*
 - b. *Duxbury 2020 Funding Request: 10-21-16 René Read memorandum and copies of letter of September 26, 2016, from Mr. Monty Healy requesting funding for Duxbury, 2020 Startup Activities:*
 - c. *Discussion and review pertaining to FY18 Budget and related materials; Budget presentations by the following departments: Council on Aging; PowerPoint presentation and Library; PowerPoint presentation.*
4. *Town Manager's Report for 10-24-16*
5. *Committee Appts./ Re-appointments and Resignation – none*
6. *One-Day Liquor Licenses – none*
7. *Event Permits – packet of materials and department feedback regarding May 12-17, 2017 Ragnar Cape Cod Relay.*
8. *Minutes:*
 - a. *Executive Session: 10-17-16 Executive Session A Minutes –DRAFT and 10-17-16 Executive Session B Minutes –DRAFT --in Executive Session file.*
 - b. *Open Session: 10-17-16 Selectmen's Minutes –Draft.*
9. *Announcements – 10-24-16 Suggested Announcement Sheet*
10. *Bonus Shellfish Season (for November, 2016) – Suggested Motion and paperwork for Bonus Shellfish Season for November 2016.*