

Date: January 4, 2016

Date Minutes Approved: January 25, 2016

BOARD OF SELECTMEN

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

Absent: *(none)*

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

I CALL TO ORDER - CONVENED IN OPEN SESSION

The Selectmen's meeting was called to order at 7:00 PM in Open Session in the Mural Room.

II OPEN FORUM - nothing brought forward.

III NEW BUSINESS

7:01 P.M. ADJOURNED AS SELECTMEN & CONVENED AS WATER & SEWER COMMISSIONERS for the following purpose:

Discussion and review of water consumption bill(s): 201 Marshall ST and 140 Parks ST

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

(#3398) for property located at 201 Marshall ST

Mr. Madigan explained that the request is for a one-time discount due to an undetected leak in the irrigation system. The adjustment results in a one-time discount of \$304.43.

Mr. Madigan moved that a one-time discount in the amount of \$304.43 be granted regarding the water bill (#3398) associated with the property located at 201 Marshall ST. Second by Mr. Dahlen.

Before voting Mr. Flynn wanted to be clear that this would be a one-time adjustment and that was confirmed. He also questioned how the dollar figures were arrived at. Mr. Dahlen explained that adjustment is based on a formula. The ratepayer is still paying for every gallon of water used but at the base rate (\$4.55 per thousand gallons); not the higher rates charged over certain gallons of usage.

Shawn questioned the redacting of the property owners' names as from the property address it would be easy enough to figure out who the property owners are. The Town Manager didn't have an immediate response for this but said he would look into it.

The Board then voted on the above motion. VOTE: 3:0:0.

(#4566) for property located at 140 Parks ST

Mr. Madigan explained that the request is for a one-time discount due to an undetected leak in the irrigation system. The adjustment results in a one-time discount of \$312.38.

Mr. Madigan moved that a one-time discount in the amount of \$312.38 be granted regarding the water bill (#4566) associated with the property located at 140 Parks ST. Second by Mr. Dahlen. VOTE: 3:0:0.

ADJOURNED AS WATER & SEWER COMMISSIONERS & RE-CONVENED AS SELECTMEN

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

Report on the use of helical anchors for moorings in Duxbury Harbor / Duxbury Bay Mgmt. Commission (DBMC)

Mr. JR (Jackson S.) Kent, Jr., a member of the Duxbury Bay Management Commission (DBMC), was representing the DBMC to present the DBMC's report to the Selectmen. In the Selectmen's packets was a two-page report from Joseph Messina, Chairman of the DBMC, with attachments. Mr. Kent summarized the report as follows:

- He stated that it is a work in progress.
- They did have a company come down and install some test moorings, and it was found that the helical moorings would hold in the basin area and the flats area.
- However, the DBMC have concluded that we need further study to determine how these moorings would be inspected on a continuous basis. Currently these types of moorings are inspected by divers going down and visually inspecting the mooring. However, due to the silting and filling over time there are concerns about being able to adequately inspect them over time. Therefore, the DBMC feels additional study is warranted.

Harbormaster Don Beers discussed the DRAFT revised layout of Snug Harbor anchorage, which was included as part of the DBMC report. He mentioned the following:

- Just as in 1997, when the last dredging project was done, this year's dredging was seen as an opportunity to review the mooring plan. So he, Jake Emerson and JR Kent have been meeting and developed the DRAFT revised layout of the Snug Harbor anchorage.
- The draft mooring field plan is intended to put on paper ideas and thoughts of potential improvements effecting:
 - safety
 - future shoaling
 - potential mandates
 - access management and use
 - utilization of available space.
- Some of the suggested changes:

- Relocate moorings of deep drafted / large vessels out of areas impacted by future shoaling. So this would move the larger vessels from the northeast corner.
- Relocate and moor vessels of similar design, draft, and size together.
- Realign the federal Fairway.
- Relocate and manage moorings along the entrance channel to reduce conflicts with the navigating of passing vessels.
- Establish a special mooring field for oyster processing floats in anticipation of potential state and federal industry mandates.
- Reduce and develop (3) mooring size groups instead of multiple mooring size groups
- Stressed that this is only a DRAFT. The DBMC will be holding a public meeting to get input from stakeholders before a finalized version is adopted.

Mr. Kent mentioned that it would be for the same number of moorings, but increased the number of 35' moorings and decreased the number of 20' moorings. Mentioned that this because they were seeing the number of larger boats increase. Also, added on the flats 35' boat moorings.

Mr. Dahlen said that in effect this allows for the same number of people, who were issued deep-water moorings last year to have deep-water moorings this year. It also allows those who had moorings in the flats last year to have a mooring, and perhaps some who were on the waiting list to have a flats mooring this year.

Mr. Flynn asked if helical anchors would increase the number of slots? In response Mr. Kent said that since Duxbury has a single-location anchoring system (i.e., a tie off at the bow) the swing of the boats has to be taken into consideration. Given that, in his opinion, the number of moorings is probably at capacity.

IV CONTRACTS

Execution of North Hill Country Club Management & Concession Agreement

Mr. Read said that in the Selectmen's packets were a copy of the signed award letter to Johnson Golf Management, Inc. and a copy of the Management & Concession Agreement between Johnson Golf Management, Inc. (JGM) and the Town. He noted that this document was reviewed and approved by Town Counsel. He recommended that the Board execute the Agreement.

Before doing so, Mr. Flynn indicated that he had some questions. He asked if the Agreement includes an Annual Audit? In response, Mr. Read said "yes" but further explained that the staff is migrating the requirements in the Agreement from a MS Word document into an Excel spreadsheet to allow for better tracking of all the requirements on a daily, weekly, monthly, yearly, etc. basis. He noted that JGM has been informed of this and was receptive to it. He added that the insurance aspects had also been reviewed and there was one correction being made, which JGM was informed about and accepted.

A further discussion ensued in which the following topics were discussed:

- Capital items: Mr. Flynn noted that the food concession appeared to be in need of some equipment and questioned who would pay for it. Mr. Read explained that there are provisions in the Agreement and equipment not affixed to the building would be the responsibility of the

Manager. Things like the overall irrigation system and t-boxes would be the responsibility of the Town.

- Agreement language; implied vs. explicit: Mr. Flynn expressed some concerns that in some places in the Agreement it clearly stated that the Manager was responsible for performing certain tasks and/or covering costs, but in other places it was just implied. There was discussion about this and it was pointed out that:
 - Item #6. GOLF COURSE MAINTENANCE PLAN, Section 6.1 does seem to address this by explicitly stating that “Unless specifically provided for below, the Town shall not be responsible for the maintenance or repair of”
 - The Town Manager has had several discussions with representatives of JGM and they have been very clear on what JGM is responsible for doing and taking care of. JGM did not express any issues with any of the items, and he is confident of JGM’s understanding of the requirements.
 - The Agreement was drafted by Town Counsel using the previous Agreement as a template and expanding upon it.

Mr. Madigan moved that we accept the Management & Concession Agreement, as presented, with Johnson Golf Management, Inc. Second by Mr. Dahlen. VOTE: 3:0:0.

V. TOWN MANAGER’S REPORT

Mr. Read reporting on the following items:

- **North Hill Country Club:**
He said a walk-through of the North Hill Country Club was done today by himself, Mr. Lambiase, Mr. Cushing and Mr. Cherry with representatives from Johnson Golf. As a result of the signing of the contract, Johnson Golf Management, Inc. is prepared to take the course over and commence with running the operations.
- **Warrant Update:**
Mr. Read mentioned that he is working on preparing the warrant and hopes to distribute a copy to the Board by early next week, if not sooner.
- **Transfer Station:**
Mr. Read mentioned that during this past weekend, we had a large amount of recyclable materials arrive at the Transfer Station facility, which may have caused some temporary delays for patrons being able to visit the compactors with their materials. This is typically one of the busiest weekends of the year and the volumes of both trash and recyclable materials are extremely high. Additionally, our new contract with New Bedford Waste went into effect as of January 1st so these three factors may have contributed to creating a somewhat challenging situation for people visiting the site. We have worked through the majority of these issues and we appreciate everyone’s patience during the holiday rush and this brief period of transition.
- **FEMA flood maps:**

Mr. Read read the following email received today from Kerry Bogdan, a Senior Engineer at FEMA stating the following:

“This email is being sent to inform you that we have completed our review of all of the comments received for Plymouth County, Massachusetts during the recently closed comment period. We received dozens of comments including one lovely Christmas card. Generally speaking, comments from residents did not warrant changes to the maps with exception to the area of Lighthouse Point and Rebecca Road in Scituate. Most of the comments from homeowners were personal observations and anecdotal in nature. However, comments received from the Woods Hole Group on behalf of the Towns of Marshfield, Scituate and Duxbury identify corrections which will be made to the maps.

Please note that the Letter of Final Determination will be delayed while the corrections to the maps are being made.”

He added that this information has been forwarded to our consultant at Woods Hole Group, and it is his understanding that they will be working on making the corrections with the FEMA.

Mr. Dahlen commented that this would appear to be good news so that hopefully FEMA will have corrected maps in time for their acceptance at the March ATM, but if not he suggested that they be timed to allow approval at the 2017 ATM so that it will not be necessary to call a Special Town Meeting.

VI. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

Mr. Madigan announced the resignation of Mr. Chris Tice from the Historical Commission. Any Duxbury registered voters who are interested in serving were encouraged to fill out a Talent Bank form.

VII ONE-DAY LIQUOR LICENSE REQUESTS - None presented

[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.]

VIII EVENT PERMITS - None presented

IX MINUTES

Executive Session Minutes: *none*

Open Session Minutes: *12/14/15 Selectmen’s Minutes-DRAFT and 12/21/15 Selectmen’s Minutes-DRAFT*

Mr. Madigan moved that the Board of Selectmen approve the 12/14/15 and the 12/21/15 Selectmen’s Minutes, as presented. Second by Mr. Dahlen. VOTE: 3:0:0.

X ANNOUNCEMENTS

Mr. Madigan read the following announcements:

1. BLACK TIE BINGO:

A Black Tie Bingo night will be held on Saturday, January 23, 2016 from 6:00 PM to 11:00 PM at the Duxbury Senior Center, 10 Mayflower Street. Tickets are \$50.00 per person and available at the front desk at the Senior Center. This event has become very popular so get your tickets early.

2. Next Scheduled Selectmen's Meeting: Monday, January 25, 2016.

XI ADJOURNMENT

At approximately 7:42 PM, Mr. Madigan moved that the Board adjourn. Second by Mr. Dahlen.
VOTE: 3:0:0.

Minutes respectfully submitted by C. Anne Murray

LIST OF DOCUMENTS FOR 01-04-16 SELECTMEN'S MEETING (DOCUMENTS LOCATED IN THE SELECTMEN'S OFFICE FILES).

1. *Agenda for 01-04-16 Selectmen's Meeting*
2. *OPEN FORUM: no documents*
3. *NEW BUSINESS:*
 - *Water and Sewer Commissioners: Coversheet with suggested motions and paperwork for adjustments of water consumption bill(s): 201 Marshall ST and 140 Parks ST*
 - *DBMC Report on the use of helical anchors for moorings in Duxbury Harbor, including a DRAFT Duxbury Harbor Federal Anchorage Mooring Plan by Amory Engineers, PC and an email from Dave Merrill of boatmoorings.com regarding helix test probes.*
4. *CONTRACTS: Copy of the 12-28-15 Signed Notice of Award Letter to Mr. Jason Laramee of Johnson Golf Management, Inc. and copy of the Management & Concession Agreement between Johnson Golf Management, Inc. ("Manager") and the Town of Duxbury ("the Town").*
5. *TOWN MANAGER REPORT (Potential Items): 01-04-16 Town Manager's Report.*
6. *COMMITTEE APPOINTMENTS-RE-APPOINTMENTS /RESIGNATIONS: Resignation Sheet – Chris Tice from Historical Commission
[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: --none*
9. *MINUTES: Coversheet with suggested motion and 12/14/15 Selectmen's Minutes-DRAFT and 12/21/15 Selectmen's Minutes-DRAFT*
10. *SUGGESTED ANNOUNCEMENTS: 01-04-16 Suggested Announcements.*