

**Date:** January 25, 2016

*Date Minutes Approved: February 1, 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; Nancy O'Connor, Executive Assistant; John Madden, Finance Director, and Jeannie Horne, HR Director (Executive Session only)

**Others in Attendance:** Betsy Sullivan, Chair of Finance Committee (Executive Session only) and Frank Mangione, Member of Finance Committee (both sessions)

### **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. Madigan moved that the Board of Selectmen enter into an Executive Session for the purpose of discussing strategy with respect to collective bargaining since an open meeting may have a detrimental effect on the bargaining or litigating position of the public body, if the Chair so declares, and to conduct strategy sessions in preparation for negotiations with non-union personnel, and to reconvene in open session immediately afterward, in accordance with Mass. General Laws Chapter 30A, Section 21. Seconded by Mr. Dahlen.

As Chair, Mr. Flynn declared the need to enter executive session to discuss collective bargaining as to do so in open session may have a detrimental effect on the Town's bargaining and litigating position.

**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 7:05PM, Mr. Madigan moved that the Board of Selectmen adjourn the Executive Session and re-convene in Open Session. Seconded by Mr. Dahlen.

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

**III. OPEN FORUM**

Mr. Jackson S. Kent, Jr. suggested that parking should be considered by Planning and Zoning when the Battelle property ever gets sold. He stated that there is a lack of parking in the Snug Harbor area and especially on Sundays during church and feels that this would be the perfect opportunity to increase parking options.

**IV. NEW BUSINESS**

#### ***Recognition of Selden Tearse – Citizens Award for the Ride Phat program***

Mr. Flynn, on behalf of the Town of Duxbury and the Board of Selectmen, recognized Mrs. Selden Tearse for the spearheading of the Duxbury Ride PHAT program campaign. Mr. Flynn applauded Mrs. Tearse for her efforts in the founding of this program, working cooperatively with the Police Department, and educating parents and children to wear helmets. Mrs. Tearse was presented a Certificate of Appreciation by the Selectmen and thanked for her dedication to this program. Police Chief Clancy also commended Mrs. Tearse on her

efforts. He stated that Mrs. Tearse was nominated and received a AAA Northeast Traffic Safety Hero award for her efforts. Chief Clancy further mentioned that she is extremely dedicated and developed an effective program which helped to increase resident awareness about the safety of wearing a helmet. Chief Clancy and other members of the Duxbury Police Department presented Mrs. Tearse with a Chief's Citation in appreciation for her efforts.

**7:03pm WATER & SEWER COMMISSIONERS**

**ADJOURNED AS SELECTMEN & CONVENE AS WATER & SEWER COMMISSIONERS:**

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

***Discussion regarding water consumption bill (#2240) for property located at 35 Hounds Ditch Lane***

Mr. Madigan moved that a one-time discount in the amount of \$912.36 be granted regarding water bill (#2240) associated with the property located at 35 Hounds Ditch Lane. Seconded by Mr. Dahlen. VOTE: 3:0:0

**ADJOURN WATER & SEWER COMMISSIONERS & RE-CONVENE AS SELECTMEN**

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

***Discussion and review of proposed changes to Cemetery Rules and Regulations - Presented by Patricia Pappas and Bob Hayes, Cemetery Trustees***

Mr. Bob Hayes opened the discussion remarking that a cemetery's character reflects the quality of the defining elements. Duxbury's Old Burial Grounds are the oldest maintained cemetery in the country. Mayflower Cemetery maintains a peaceful setting and has evolved to meet the needs of residents as a non-denominational cemetery. The Cemetery Rules and Regulations were initially adopted in 1894 when Mayflower became a municipal cemetery and have been amended as needs have dictated. The proposed 2016 amendments are to provide clarity regarding consistency in character, the rights and mutual respect of the license holders, and clear and definitive needs for democracy.

Mr. Dahlen responded that this is an important and emotional issue for the community. He recommended that a public meeting be advertised so that the community can review the rules and regulations in advance of the meeting. Mr. Hayes replied that if this is what the Selectmen decide, then they would do that. Mr. Read asked if there was anything time-sensitive that could not wait until after Town Meeting. Mr. Hayes and Ms. Pappas stated no. At this time, the Selectmen did not motion to approve the amended rules and regulations. A future public meeting will be scheduled.

***Discussion and review of proposed changes to Mooring Layout Plan***

Mr. Jackson S. Kent, Jr., of the Duxbury Bay Management Commission, presented a final draft of the mooring layout revisions of the Duxbury Bay basin area. Mr. Kent stated that the reason for moving forward with this plan is because of the silting in the NE corner, which fills in more quickly. Historically, larger boats were in the NE corner, and with the dredging project, this was an opportune time to re-align and to provide enough scope for boats to turn. After the first proposal at a DBMC meeting, Mr. Kent incorporated the many suggestions and stated that no one lost a mooring. Mr. Dahlen thanked Mr. Kent and the DBMC for working with the public input and taking into account the major issues and addressed in the plan. Mr. Dahlen further stated that it is a good move to minimize boat damage and the added three fairways will provide a lot more buffer to get through.

Mr. Madigan moved that the Board of Selectmen approve the revised Mooring Layout Plan by Amory Engineers, PC dated January 21, 2016, as presented. Seconded by Mr. Dahlen. Vote: 3:0:0

**Discussion and review of Saw Mill Road Acceptance and Webster Point Easement and referral to Planning Board**

Mr. Flynn asked why there is a petition for the Town to accept. Mr. Dahlen stated that anyone can petition the Town, but that we have to be diligent on how this was created and the facts. Ms. Valerie Massard, Town Planner, stated that is presented at this time to the Selectmen for their referral to the Planning Board.

Mr. Madigan moved that the Board of Selectmen refer the layout of Saw Mill Road to the Planning Board for a non-binding recommendation on the request to adopt the layout as presented. Seconded by Mr. Dahlen. Vote: 3:0:0.

Mr. Dahlen inquired about status of the Webster Point Easement. Ms. Massard replied that she clarified with Town Counsel that the Selectmen did not need to take any action at this time related to the Webster Point Easement.

**Discussion and review of draft ATM Warrant**

Mr. Read presented the draft ATM Warrant with 40 articles along with a list of article one-liners. He mentioned that there was one change in the budget, Article 5, Line 17 Legal – the amount was reduced from \$300,000 to \$280,000. He mentioned that the Selectmen will begin reviewing all the articles at their next meeting. Mr. Read also stated that he is working on the STM Warrant, which may only have about 12 articles. There was further discussion regarding the order of the articles, which will be changed per Selectmen suggestions.

**Call for Presidential Primary State Election – Tuesday, March 1, 2016**

Mr. Madigan 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 Presidential Primary Election to vote at Precincts One through Six at the Chandler Elementary School Gymnasium, 93 Chandler Street, Duxbury, Massachusetts on Tuesday, the 1<sup>st</sup> Day of March, 2016 from 7:00 AM to 8:00 PM. Seconded by Mr. Dahlen. Vote: 3:0:0.

**Discussion and review of MSBA Statement of Interest submission re: Alden School window replacement**

Mr. Madigan explained that Mr. Brian Cherry, Facilities Director, on behalf of the Superintendent of Schools, is submitting to the MSBA a Statement of Interest application for grant money to fund the window replacement project at the Alden School. Both the School Committee and the Board of Selectmen votes are required for this application. The School Committee voted in favor at their January 6, 2016 meeting.

Mr. Madigan then moved that the Board of Selectmen of Duxbury, Massachusetts, move and resolve that they have convened in an open meeting on January 25, 2016, prior to the closing date, in accordance with its charter, bylaws, and ordinances, and vote to authorize the Facilities Director, on behalf of and under the authorization of the Superintendent of Schools, to submit to the Massachusetts School Building Authority the Statement of Interest Form by the closing date of February 12, 2016, for the Alden School located at 75 Alden Street, Duxbury, MA, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority- Alden School Window Replacement in the amount of \$300,000; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Duxbury Public School District to filing an application for funding with the Massachusetts School Building Authority. Seconded by Mr. Dahlen. Vote: 3:0:0

V **CONTRACTS** None presented

VI **TOWN MANAGER'S REPORT**

Mr. Read congratulated Chief Matthew Clancy on completing the FBI National Academy in Quantico, VA. Chief Clancy is the first Duxbury officer to complete this academy. Congratulations Chief Clancy!

Mr. Read mentioned that the Government Study Committee has posted a Town Government Survey on the Town website, which can be accessed from January 25, 2016 through February 15, 2016.

Mr. Read also thanked Representative Josh Cutler and Representative Tom Calter for their attention to the concerns regarding the ongoing project at the intersection of Winter Street and Route 53. There were many concerns on Facebook regarding the pace of completion and safety. Rep. Cutler and Rep. Calter contacted the DOT to remedy. There are now traffic calming measures in place.

## **VII COMMITTEE APPOINTMENT/RE-APPOINTMENTS/RESIGNATION**

Mr. Madigan announced the resignation of Laura Schaefer from the Duxbury Affordable Housing Trust and Greg Chandler from the Recreation Activities Committee.

Mr. Madigan moved that the Board of Selectmen appoint the following:

Molly Sheehan Curtin, Appointment – Historical Commission, to fill a term due to expire on 6/30/2017  
Patrick Boles, Appointment-Recreation Activities Committee, to fill a term due to expire on 6/30/2016

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

## **VIII ONE-DAY LIQUOR LICENSE REQUESTS**

### ***1-30-16 Friends of COA – Black Tie Bingo***

***(originally scheduled for 1-23-16 and was rescheduled due to inclement weather)***

Mr. Madigan moved that Mr. Christopher Barry, as a representative of the Friends of the Duxbury Council on Aging, is granted a One-Day Wine & Malt License to hold a Black Tie Bingo night on Saturday, January 30, 2016 at the Duxbury Senior Center on 10 Mayflower Street, from 6:00 PM to 11:00 PM, contingent upon the conditions of the license. Seconded by Mr. Dahlen. Vote: 3:0:0

### ***2-6-16 Duxbury Art Association Winter Juried Show***

Mr. Madigan moved that Ms. Mary Beth Brown, as a representative of the Duxbury Art Association, is granted a One-Day Wine & Malt License to hold a reception on February 6, 2016 from 6:00PM to 9:00PM at the Art Complex Museum, 186 Alden Street, subject to the conditions of the license. Seconded by Mr. Dahlen. Vote: 3:0:0

**IX EVENT PERMITS** None presented.

## **X MINUTES**

Executive Session Minutes: None were presented

Open Session Minutes: 01-04-16 Selectmen's Minutes –DRAFT  
01-20-16 Selectmen's Minutes - DRAFT

Mr. Madigan moved that the Board approve the 01-04-16 Selectmen's minutes as presented.

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

Mr. Dahlen moved that the Board approve the 01-20-16 Selectmen's minutes as presented.

Seconded by Mr. Flynn. Vote: 2:0:1 (Mr. Madigan abstained as he was absent from this meeting.)

**XI ANNOUNCEMENTS**

**1. Voter Registration:**

The last day to register to vote and/or to change party enrollment for the March Presidential Primary is Wednesday, February 10<sup>th</sup>. Contact the Town Clerk's office (Ext. 6004) regarding any registration or election questions.

**2. Next Scheduled Selectmen's Meeting: Monday, February 01, 2016.**

**XII BONUS SHELLFISH SEASON (for February, 2016)**

Mr. Madigan moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for the commercial harvesting of quahogs for the month of February, 2016 in accordance with posted Attachments A & B. Seconded by Mr. Dahlen. VOTE: 3:0:0

**XIII ADJOURNMENT**

At approximately 8:10pm Mr. Madigan moved that the Board adjourn. Seconded by Mr. Dahlen. Vote: 3:0:0

*Minutes submitted by Nancy O'Connor*

*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) Copy of Certificate of Appreciation to Selden Tearse*
- 3) Agenda – Water & Sewer Commissioners and documents related thereto*
- 4) Documents related to proposed Cemetery Rules and Regulations*
- 5) Documents related to Mooring Layout Plan*
- 6) Documents related to Saw Mill Road Acceptance*
- 7) ATM draft Warrant*
- 8) Motion to Call for Presidential Primary State Election*
- 9) Documents related to MSBA SOI submission*
- 10) Committee Appointments/Resignations*
- 11) ODLLs*
- 12) Draft Minutes*
- 13) Announcements*
- 14) Bonus Shellfish*