

**Date:** May 23, 2016

*Date Minutes Approved: June 6, 2016*

## **BOARD OF SELECTMEN**

**Present:** David J. Madigan, Chair; Theodore Flynn, Vice-Chair (Open Session only); and Shawn Dahlen, 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:** Fred Dupere, Esq. (Executive Session only)

### **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. Dahlen 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. Madigan.

As Chair, Mr. Madigan 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. Dahlen-aye and Mr. Madigan-aye

### **ADJOURNED EXECUTIVE SESSION & RE-CONVENED IN OPEN SESSION**

Having completed the Executive Session business at approximately 6:45 p.m., Mr. Dahlen moved that the Board of Selectmen adjourn the Executive Session and re-convene in Open Session. Seconded by Mr. Madigan.

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

**III. OPEN FORUM** *Nothing presented.*

**IV. NEW BUSINESS**

### ***Introduction and swearing-in of new police officers – presented by Chief Matthew Clancy***

Police Chief Matthew Clancy announced and introduced the following:

1. Introduction & Swearing-in of Lt. Mike Carbone – Badge Pinning
2. Introduction & Swearing-in of Sgt. Andrew Homestead – Badge Pinning
3. Introduction & Swearing-In New FT Officers Kathleen McIlroy, Steve Hall, Scott Kane, & Riley Mackin
4. Introduction of New PI Officer (reserve) Ryan Petersen
5. Introduction of New Harbormaster FT Special Officer Morgan Billings (presented by Harbormaster Don Beers)

All were highly commended by Chief Clancy and family members were in attendance to witness this special occasion. Town Clerk, Susan Kelley, performed the swearing-in ceremonies for all. The Board of Selectmen and Town Manager congratulated the officers.

***Discussion, review and approval of Rules, Regulations and Enforcement Policy for the Licensing of Alcoholic Beverage Sales in the Town of Duxbury*** (Due to a conflict in Chief Clancy's schedule, this item has been moved up in the agenda)

Police Chief Matthew Clancy began the discussion and stated that the Alcoholic Beverages Control Commission ("ABCC") recommends that each community adopt a progressive disciplinary standard to deal with any issues which may arise. Scott Lambiase, Municipal Services Director, further mentioned that they worked with both the director of the ABCC and Town Counsel to develop these rules and regulations. Mr. Madigan asked what we had now for rules and regulations. Mr. Lambiase replied that the Town does not have an established standard/policy and are now introducing one to provide an enforcement tool if there is an issue. Mr. Lambiase provided an example – in Whitman there was an issue, discipline was applied and appealed, and the Town of Whitman could not provide a written progressive discipline policy so ruling was overturned. Chief Clancy then stated that there are no issues, but that they want to be ahead of this in the event there is an issue.

Mr. Dahlen then read the following offenses and sanctions as provided in the rules and regulations:

***FIRST OFFENSE:***

- **Minimum Sanction:** Written warning with a clear indication that any further violations will be penalized in accordance with the guidelines provided for a second offense.
- **Maximum Sanction:** Up to a five (5) day suspension of liquor license.
  
- **First Violation for Sale Of Alcoholic Beverages To An Underage Person:** Where there are no aggravating circumstances, the Licensing Authority, in the exercise of its discretion, may offer first time violators the option to purchase and install Age Verification apparatus ("license swiping machine") capable of authenticating the identification card presented in exchange for a penalty reduction. In the event the licensee agrees to this option, the licensee must install the license-swiping machine within thirty (30) days of issuance of the sanction and submit monthly reports for three months following the installation of the apparatus and as requested thereafter by the Licensing Authority.

***SECOND OFFENSE:***

- **Minimum Sanction:** Five (5) day suspension of liquor license.
- **Maximum Sanction:** Up to ten (10) day suspension of liquor license.

***THIRD OFFENSE:***

- **Minimum Sanction:** Ten (10) day suspension of liquor license.
- **Maximum Sanction:** Up to thirty (30) day suspension of liquor license.

***FOURTH OFFENSE:***

- **Minimum Sanction:** Thirty (30) day suspension of liquor license.
- **Maximum Sanction:** Revocation of liquor license.

***MITIGATING AND AGGRAVATING FACTORS***

In the exercise of its discretion, the Licensing Authority may also consider the following factors when considering imposing sanctions against the licensee. This list is not intended to be exhaustive, and the Licensing Authority may consider other aggravating or mitigating factors that may be present in any given situation.

1. Actions taken in the past by the licensee to prevent future violations, including, but not limited to the purchase of age verification apparatus; the installation of security cameras on premises; additional training of employees and staff; the deployment of additional security staff and procedures; and the compilation and maintenance of an incident log.
2. Past history in relation to compliance checks;
3. Deliberateness of the violation;
4. Past history of violations, including but not limited to conduct of a recurring nature;
5. Level of employees involved in the violation;
6. Licensee's failure to comply with server training requirements;
7. Licensee's failure to provide sufficient supervision and management of the licensed Premises;
8. Cooperation with the reporting, investigation and resolution of violations.

Mr. Flynn asked if these will be posted on the website. Mr. Lambiase responded that yes, not only would they be on the website, but also delivered to the licensees. Chief Clancy also stated that they plan to have a meeting with the licensees to go over these new rules and regulations.

Mr. Dahlen moved that the Board of Selectmen, acting as the local liquor licensing authority, approve and adopt the Rules & Regulations for the Licensing of Alcoholic Beverage Sales in the Town of Duxbury, presented by Police Chief Matthew Clancy, for any licensee serving or selling alcoholic beverages pursuant to Massachusetts General Laws Chapter 138 and Chapter 140, and such rules and regulations will be in full force and effect immediately upon adoption. Seconded by Mr. Flynn. Vote: 3:0:0

**7:01 P.M. HEARING – USE OF MILLENNIUM TOWN GREEN:**

***South Shore Conservatory – Duxbury Music Festival – July 22-24, 2016***

Mr. Dahlen moved that Ms. Amy Schomp, as a representative of the South Shore Conservatory, is granted permission to hold a portion of the Duxbury Music Festival on the Duxbury Millennium Town Green from Friday, July 22 through Sunday, July 24, 2016, subject to conditions of the permit. Seconded by Mr. Flynn  
Vote: 3:0:0

Ms. Mary Steinke was present as a representative of the Duxbury Music Festival and stated that this was the 11<sup>th</sup> years of the Duxbury Music Festival and provided a brief description of the events, which can be found in their brochure or on their website.

Mr. Dahlen moved that Ms. Amy Schomp, as a representative of the South Shore Conservatory is granted a One-Day All Alcohol License for a Concert to be held on the Millennium Town Green, in conjunction with the Duxbury Music Festival, on Saturday, July 23, 2016 from 6:30 PM to 10:30 PM contingent upon the conditions of the license. Seconded by Mr. Flynn Vote: 3:0:0

Mr. Dahlen moved that Ms. Amy Schomp, as a representative of the South Shore Conservatory is granted a One-Day Wine & Malt License for a Concert to be held on the Millennium Town Green, in conjunction with the Duxbury Music Festival, on Sunday, July 24, 2016 from 5:00 PM to 7:30 PM contingent upon the conditions of the license. Seconded by Mr. Flynn Vote: 3:0:0

***7:05 P.M. Aquaculture Hearing for Licensing of Aquaculture Floats***

Mr. Dahlen moved that the Board of Selectmen open the aquaculture public hearing advertised in the Duxbury Clipper on May 11, 2016 regarding aquaculture float license applications from Joseph Grady, John McCluskey, Arthur Bennett, Stephen Gilbert, and William Bennett. Seconded by Mr. Flynn. Vote: 3:0:0

Mr. Madigan then introduced Mr. Al Hoban, Chair of the Shellfish Advisory Committee. Mr. Hoban stated that the Shellfish Advisory Committee held a posted/public meeting on May 12, 2016 to discuss the Management Plan (Federal Anchorage-Aquaculture Float) and voted to recommend to the Board of Selectmen that they approve the applications as provided and required by MGL c. 130 sec 57-68 to conduct activities as outlined by the Management Plan (Federal Anchorage-Aquaculture Float) pending all Federal, State, and local reviews and approvals.

Mr. Dahlen then asked if these floats were separate from Duxbury Bay Maritime School floats. Mr. Hoban stated that yes they were.

Mr. Dahlen moved that the Board of Selectmen approve the applications as attached (i.e., from applicants: Joseph Grady, John McCluskey, Arthur Bennett, Stephen Gilbert, and William Bennett) and as required by MGL c. 130 sec 57-68 to conduct activities as outlined by the Management Plan- (Federal Anchorage – AQUACULTURE FLOAT) pending all Federal, State and local reviews and approvals. Seconded by Mr. Flynn. Vote: 3:0:0

Mr. Dahlen moved that the Board of Selectmen close the aquaculture public hearing advertised in the Duxbury Clipper on May 11, 2016 regarding aquaculture float license applications from Joseph Grady, John McCluskey, Arthur Bennett, Stephen Gilbert, and William Bennett. Seconded by Mr. Flynn. Vote: 3:0:0

***PACTV update and Presentation by Nancy Richard, Director of Finance***

***(Nancy was not in attendance - update was presented by Dan Rodriguez and Dave Antoine in her absence)***

Mr. Dan Rodriguez, new Managing Director, provided an update on PACTV services. He stated that they are continuing to develop PCN weekly news program. He further mentioned that they will be holding a two-week summer camp for students in grades 8-9. He continued to say that they are developing their technology to change playback platform and enhance video on demand with better resolution. He also stated that videos could be downloaded. By the end of the summer, they plan to transmit digitally. Mr. Rodriguez also mentioned the sound system in the Mural Room and the possibility of a PA system. He will research what work needs to be done and the pricing involved. Mr. Dahlen asked about hearing impaired options for those attendees who have difficulty hearing the speakers. Mr. Rodriguez replied that he will research specifications. Mr. Read mentioned that the wireless mic is helpful and that they could use another for the other side of the room. He said that there have been some complaints by the home viewers, but he also recognizes that the speakers need to speak more directly into the mic.

Mr. Dave Antoine, Government Access Coordinator, spoke next. He thanked all the departments' assistants. He provided a brief summary of the services and meeting coverages. He stated that they have received good feedback with the video on demand and they will continue to push out notifications through Twitter.

Mr. Read stated that PACTV has been great to work with and that they always address concerns quickly.

***Discussion pertaining to acceptance of donated office equipment***

Mr. Dahlen moved that the Board of Selectmen accept with gratitude the donation of one (1) Konica Minolta Model C450 Full-color Printer/Scanner/Copier along with 12 additional toner cartridges and additional accessories valued at \$1,900 and one (1) Fellow's Shredder Model C-420 valued at \$500 to the Town of Duxbury under the direction of the Town Manager. Seconded by Mr. Flynn. Vote: 3:0:0

**7:30 p.m. WATER & SEWER COMMISSIONERS**

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

Mr. Dahlen 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. Flynn. VOTE 3:0:0

***Discussion regarding Water and Sewer Commitment (#4-FY 2016)***

Mr. Dahlen moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the amount of \$604,421.03 for Water and Sewer Commitment #4 of 2016. Seconded by Mr. Flynn. VOTE: 3:0:0

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

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

**V. TOWN MANAGER'S REPORT**

**Mattakeesett Court**

The parking lot has been ground the base course has been paved. The finish course is expected to be completed this week, weather permitting.

Washington Street has also been ground and weather permitting, will be repaved this week.

**Duxbury Beach Update**

As part of our ongoing commitment to advising the public of the status of Piping Plovers on Duxbury Beach, I wanted to let you know that I will again be providing periodic Press Releases on the status of conditions at Duxbury Beach.

I have been advised by the Endangered Species officer that we have 18 total pairs of Plovers with 21 pairs possible (meaning we could acquire 3 additional nests in the near future if they pair up). There are a total of 18 laid active nests.

The Endangered Species Officer has indicated that at this point it appears there may only be some restrictions within the pedestrian beach area north of the Resident North Lot through the Memorial Day weekend. He has further noted that of the nests and pairs known to us at this moment, there should not be any restrictions impacting the ORV corridor for the Holiday weekend. As a means of comparison, as of May 22, 2015, there were 20 Piping Plover nests in a number of areas on the beach and 22 established pairs of birds.

The Endangered Species officer, in conjunction with the Harbormaster's staff, is keeping close watch on these nests and the beach is open for patrons to enjoy.

**Beach and Transfer Station Stickers**

Mr. Read stated that beach sticker sales are down a little from last year. He also mentioned that transfer station stickers are down by over \$30,000 and will look into that further.

**VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION**

*None presented*

**VII ONE-DAY LIQUOR LICENSE REQUESTS**

***6/16/16 DRHS Wine Tasting/Snug Harbor Historic Walking Tour***

Mr. Dahlen moved that Ms. Erin McGough, as a representative of the Duxbury Rural & Historical Society, is granted a One-Day Wine and Malt License for a Wine Tasting event to be held at the Nathaniel Winsor, Jr. House, 479 Washington Street, from 4:00 p.m. to 5:00 p.m. on Saturday, June 18, 2016, subject to the conditions of the license. Seconded by Mr. Flynn. Vote: 3:0:0

***7/19/16 South Shore Conservatory – Duxbury Music Festival – Cabaret Concert at First Parish Church***

Mr. Dahlen moved that Ms. Amy Schomp, as a representative of the South Shore Conservatory is granted a One-Day All Alcohol License for a Cabaret Concert to be held at the First Parish Church, in conjunction with the Duxbury Music Festival, on Saturday, July 19, 2016 from 6:00 p.m. to 9:00 p.m. contingent upon the conditions of the license. Seconded by Mr. Flynn. Vote: 3:0:0

**VIII EVENT PERMITS**

***7/4/16 DEF 4<sup>th</sup> of July Road Race***

Mr. Dahlen moved that Ms. Christine Sovik, as a representative of the Duxbury Education Foundation, is granted permission to hold a road race on Monday, July 4, 2016, beginning at 7:00 AM (registration) with the race to be from 8:00 AM to 10:00 AM as described in the application materials, and contingent upon the conditions of the permit. Seconded by Mr. Flynn. Vote: 3:0:0

**IX MINUTES**

Executive Session Minutes: 4/25/16 Executive Session Minutes –Confidential DRAFT

Mr. Dahlen moved that the Board of Selectmen approve the 4/25/16 Executive Session Minutes, as presented, with the contents to remain confidential until the need has passed. Seconded by Mr. Flynn. Vote: 3:0:0

Open Session Minutes: 4/25/16 Selectmen’s Minutes –DRAFT

Mr. Dahlen moved that the Board of Selectmen approve the 4/25/16 Selectmen’s Open Session Minutes, as presented. Seconded by Mr. Flynn. Vote: 3:0:0

Open Session Minutes: 5/09/16 Selectmen’s Minutes –DRAFT

Mr. Dahlen moved that the Board of Selectmen approve the 5/09/16 Selectmen’s Open Session Minutes, as presented. Seconded by Mr. Flynn. Vote: 2:0:1 (Mr. Madigan abstained as he was not in attendance.)

**X ANNOUNCEMENTS**

**1. Battelle-Duxbury Landing Community Meeting:**

The public is invited to attend Diamond Sinacori’s Duxbury Landing Community Meeting regarding the Battelle – Duxbury Landing project to be held at the Duxbury Senior Center at 7 PM on May 24th.

**2. 16th Annual Best Buddies Challenge:**

Just an advance notice that the 16th Annual Best Buddies Challenge will be going through Duxbury during the morning of Saturday, June 4<sup>th</sup>. The route the riders take is Franklin St to Lincoln St to 1/2 way around round-about to Mayflower St to the Dux. Senior Center where there is a rest stop, and then out Mayflower St to Rte. 3A to Chestnut St to Bay Rd.

**3. Duxbury Senior Center Late Opening:**

REMINDER: The Duxbury Senior Center will be closed for most of morning on Tuesday, May 31<sup>st</sup> for Staff Training and will open at 11:00 AM.

**4. Next Scheduled Selectmen's Meeting is on: Monday, June 6, 2016.**

**XI BONUS SHELLFISH - June, 2016**

Mr. Dahlen moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for the commercial harvesting of softshell clams for the month of June, 2016 in accordance with posted Attachments B & C; for the commercial harvesting of quahog clams for the month of June, 2016 in accordance with posted Attachments A & C. Seconded by Mr. Flynn. VOTE: 3:0:0

**XII ADJOURNMENT**

At approximately 8:00 p.m. Mr. Dahlen moved that the Board adjourn. Seconded by Mr. Flynn. 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 and Water & Sewer Commissioners*
- 2) List of officers for swearing-in*
- 3) Documentation regarding Duxbury Music Festival*
- 4) Documentation regarding Aquaculture Hearing*
- 5) PACTV pamphlet*
- 6) Rules, Regulations and Enforcement Policy for Licensing of Alcoholic Beverage Sales*
- 7) Water and Sewer Commitment #4 FY16*
- 8) Town Manager's Report with Sticker Sales spreadsheet*
- 9) One-Day Liquor License Requests*
- 10) Event Permit Request*
- 11) Minutes (with the exception of Exec Session Minutes)*
- 12) Announcements*
- 13) Bonus Shellfish - June*