

Date: January 6, 2020

Date Minutes Approved: January 27, 2020

TOWN CLERK

2020 JAN 28 PM 3:10

DUXBURY, MASS.

BOARD OF SELECTMEN

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

Absent: Shawn Dahlen, Clerk

Staff: René Read, Town Manager; John Q. Adams, Finance Director; and Nancy O'Connor, Executive Assistant

Others: Joe Grady, Conservation Agent

CONVENED IN OPEN SESSION –

I. CALL TO ORDER The meeting was called to order at approximately 7:00 p.m.

II. OPEN FORUM

Ms. Sheila Lynch-Benttinen of 344 West Street mentioned that she was concerned about the latest Notice of Intent regarding the property at 761 Temple Street and encouraged the Selectmen to reject this current notice. She continued to say that 0 East Street should also be dropped because it is an illegal proffer to the Town because of the conditions (water rights and easement), and there cannot be conditions put on Ch. 61A.

III. NEW BUSINESS

7:01 p.m. Public Hearing - Discussion regarding Ch. 61A Property – 0 East Street

Mr. Flynn moved to open the public hearing regarding 0 East Street.
Seconded by Mr. Madigan Vote: 2:0:0

Mr. Read began the discussion by stating that he spoke with Town Counsel regarding what would the Selectmen need to do tonight, how the Purchase & Sale process works, and what the actual motion would be should the Selectmen wish to move forward; and that the Selectmen's options are: a) to exercise their right of first refusal on behalf of the Town; b) to not exercise their right of first refusal; or c) to assign their rights to a nonprofit conservation organization or to the commonwealth or any of its political subdivisions pursuant to Ch. 61A. He mentioned that the Selectmen are contemplating funding through the Duxbury Affordable Housing Trust. He continued to say that the Trust is a board of the Town, and if the Trust has sufficient funds and the authority under the Trust to acquire property, which they do, a Town meeting vote is not needed until such time the property is allocated for open space by transferring to conservation. He also remarked that the Selectmen do not have to execute a notice to exercise tonight, but be aware of the timing.

Mr. Madigan remarked that they are considering purchasing using Duxbury Affordable Housing Trust funds for affordable housing.

Ms. Lynch-Benttinen questioned the legality of the DAHT purchasing for affordable housing rather than open space. Mr. Read replied that Town Counsel has been involved and did not mention any concerns.

Ms. Betsy Sullivan, Finance Committee Chair, added that any 61A land coming out of 61A would have to pay back taxes to get out of chapter lane. She further questioned if Mr. Loring would get out of paying back taxes or how that would play out in this instance.

Ms. Holly Morris, CPC Chair, remarked that they are in favor of this and that the DAHT or the Town cannot do any engineering or survey work until the Notice of Exercise is submitted, which would allow the Town to do that. She further mentioned that CPA money could be used for engineering and survey work. Lastly, she stated that we are fortunate to be able to move on this.

Mr. Madigan said that we haven't bought anything since 2009 so it's time to be more efficient and to build housing within the character of the Town. Ms. Morris then stated that it has taken some time because they don't have an administrator for this process and to address the needs. She also mentioned that there is a Citizens' Petition Article to increase the CPA surcharge from 1% to 3% as currently it is difficult to meet the needs of the Town.

Ms. Sullivan then asked if anyone has talked with zoning to see if this is even plausible. Mr. Joe Grady, Conservation Agent, responded and stated that he recommended this to the DAHT as there is sufficient setback from wetlands for septic. He continued to say that they know they can get one lot, maybe two or maybe three and possibly do more under 40B and that the DAHT would take their time to do their due diligence.

Ms. Lynch-Benttinen questioned if DAHT purchased, then would the conditions come with the purchase.

Mr. Grady responded that the conditions on the rider: water access from Pine Lake, which isn't a problem; 30' utility easement along the edge of the expressway, which would be less than an acre and shouldn't encumber the property; and to negotiate with current cranberry growers within 60 days (which was not done so that clause has expired). He continued to say that the water and easement are the only two encumbrances that would not encumber the Town's usage of the property. He also mentioned that they are really looking at a small number of units.

Mr. Madigan mentioned again that the Town is considering buying with DAHT funds, the closing would be scheduled after submitting the Notice to Exercise and then there is 90 days to close.

Mr. Flynn moved that the Board of Selectmen exercise its statutory right of first refusal pursuant to Chapter 61A, Section 14 to purchase approximately 38 acres of land, located at 0 East Street, Duxbury (Assessor's Parcel 058-021-000), owned by Edgar W. Loring, Inc., and authorize the Chair of the Board of Selectmen to execute any and all documents necessary or convenient in connection with the acquisition of said property, including, but not limited to, a Notice of Exercise and Purchase and Sale Agreement. Seconded by Mr. Madigan Vote: 2:0:0

Mr. Flynn moved to close the public hearing. Seconded by Mr. Madigan Vote: 2:0:0

Discussion regarding Vote to Open 2/10/20 Special Town Meeting and Call for Warrant Articles (tentative)

Note: No discussion as it was determined that this not necessary at this time.

Discussion regarding MOU between the Town of Duxbury and DBMS regarding Seaport Council Grant

The purpose of this MOU is to establish the roles and responsibilities pertaining to the \$1m Seaport Economic Council Grant awarded to DBMS and the Town as co-applicants. This MOU has been reviewed and approved by both parties and Town Counsel.

Mr. Flynn moved that the Board of Selectmen approve and execute the Memorandum of Understanding, as presented, between the Town of Duxbury and the Duxbury Bay Maritime School, Inc. in order to establish roles and responsibilities pertaining to the \$1 Million Seaport Economic Council Grant awarded to DBMS and the Town as co-applicants.

Seconded by Mr. Madigan Vote: 2:0:0

Discussion regarding Change of Hours – Snug Harbor Wine

Mr. Richard Marble, Manager of Snug Harbor Wine, is requesting a Change of Hours to enable him to be open every day of the week. Under the current license, the store is closed on Mondays/Summer Hours and closed on Mondays and Tuesday/Winter Hours. Mr. Marble is asking to be open on Mondays and Tuesdays and to extend some of his days until 8pm.

Mr. Flynn moved that the Board of Selectmen as the Local Licensing Authority approves the Change of Hours, as presented, for Snug Harbor Wine, LLC, License No. 00043-PK-0300.

Seconded by Mr. Madigan Vote: 2:0:0

7:15pm Water & Sewer Commissioners – Marshfield Commitment M-2020-1

Mr. Flynn 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.

This is the commitment to collect the amount billed to the Town of Marshfield for Marshfield Residents receiving Duxbury Water.

Mr. Flynn moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the total amount of \$17,213.35 for water charges for Commitment M-2020-1. Seconded by Mr. Madigan
Vote: 2:0:0

Mr. Flynn moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen. Seconded by Mr. Madigan Vote: 2:0:0

IV TOWN MANAGER'S REPORT

Mr. Read began by wishing everyone a Happy New Year. He continued to say that he has been attending the Finance Committee meetings along with Finance Director John Adams, and the budget is almost wrapped up with Police/Harbormaster/Beach being discussed at tomorrow night's Finance Committee meeting. Mr. Read also mentioned that he is working on the warrant, which should be about 40-50 articles.

V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATION

Mr. Flynn moved that the Board of Selectmen appoint Mr. Christopher Andrew to fill an unexpired term due to expire on 06-30-22 on the Historical Commission. Seconded by Mr. Madigan Vote: 2:0:0

VI ONE-DAY LIQUOR LICENSE REQUESTS

01/25/20 Memorial Service – First Parish Church

Mr. Flynn moved that Ms. Faith Fleming is granted a One-Day Wine & Malt License for a Memorial Service on Saturday, January 25, 2020 at the First Parish Unitarian Universalist Church, 842 Tremont Street, Duxbury from 3:00pm to 5:30pm, contingent upon the conditions of the license.

Seconded by Mr. Madigan Vote: 2:0:0

02/02/20 Duxbury Art Association Winter Juried Show Reception

Mr. Flynn moved that Ms. Mandy Fariello, as a representative of the Duxbury Art Association, is granted a One-Day All-Alcoholic License to hold a reception on Sunday, February 2, 2020 from 11:30am to 3:30pm at the Art Complex Museum, 189 Alden Street, subject to the conditions of the license.

Seconded by Mr. Madigan Vote: 2:0:0

05/07/20 Friends of COA – Susan Branch Author Dinner

Mr. Flynn 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 for their Susan Branch Dinner event on Thursday, May 7, 2020 at the Duxbury Senior Center on 10 Mayflower Street, from 6:00 PM to 8:00 PM, contingent upon the conditions of the license. Seconded by Mr. Madigan Vote: 2:0:0

VII EVENT PERMITS None

VIII MINUTES

Mr. Flynn moved that the Board of Selectmen approve the 12-16-19 and 12-30-19 Selectmen's Minutes, as presented. Seconded by Mr. Madigan Vote: 2:0:0

IX ANNOUNCEMENTS

1) Expansion of Dog Walking Permit Program

The expanded Dog Walking Permit program began on January 1, 2020. You now need a Dog Walking Permit to walk a dog or dogs on Duxbury town-owned lands and Conservation land (in addition to Duxbury Beach). Cost is \$10 per dog for Duxbury residents, free to Duxbury dog owners 70 years of age or older, and \$25 per dog for non-residents. Dog Walking Permits can be obtained online, over-the-counter at the Town Clerk's Office or via US mail. Non-residents must provide proof that their dog has a current license in their own town before a walking permit will be issued. See the Town Clerk's webpage on the Town website for more details.

2) 2020 Dog Licenses:

The 2020 Dog Licenses are now available. Reminder: Massachusetts General Laws require that every dog over the age of 6 months be licensed. The cost to license your dog is \$12.00 for a spayed or neutered animal and \$17.00 for an intact animal. Dog Licenses can be obtained

online, over the counter at the Town Clerk's office or via US mail. Proof of a current rabies vaccination must be provided if it is not already on file with the Town Clerk.

3) Waiting Lists for Commercial Mussel & Razor Clam Licenses:

Waiting Lists for Commercial Mussel and Razor Clam Licenses have been posted on the bulletin board in the Selectmen's Office for any interested residents. A reminder that individuals already on the Waiting Lists for Commercial Mussel and Razor Clam Licenses must renew their application annually within the month of January.

4) Next Scheduled Selectmen's Meeting will be on Monday, January 13, 2020.

IV ADJOURNMENT

At approximately 7:45pm, Mr. Flynn moved that the Board adjourn. Seconded by Mr. Madigan

Vote: 2:0:0

Minutes submitted by Nancy O'Connor

LIST OF DOCUMENTS (documents are kept in the Board of Selectmen files)

- 1) Agenda*
- 2) Documentation regarding 0 East Street*
- 3) Documentation regarding opening STM*
- 4) Town of Duxbury/DBMS MOU documentation*
- 5) Water & Sewer Commissioners Agenda and Commitment M2020-1*
- 6) Committee Appointment*
- 7) ODLLs*
- 8) Draft Minutes*
- 9) Announcements*

