

**Date:** April 23, 2018

**Date Minutes Approved:** May 7, 2018

TOWN CLERK

**BOARD OF SELECTMEN**

2018 MAY 10 PM 2:48

DUXBURY, MASS.

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

**Absent:** Shawn Dahlen, Vice Chair

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

**CONVENED IN OPEN SESSION –**

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

**II. OPEN FORUM** Nothing presented.

**III. NEW BUSINESS**

***7:01 pm - Amendment of Liquor License (Alteration of Premises) – Peel Pizza***

Mr. Madigan moved that the Board of Selectmen open the advertised public hearing to consider an application for an Alteration of Licensed Premises to allow Wines and Malt Beverages to be served in a roped patio section containing approximately 300sf with two tables and eight seats for Peel Holdings LLC, d/b/a Peel Pizza Co., License No. 03261-RS-0300, Brendan Higgins, Manager, located at 19 Depot Street, Duxbury, MA. Seconded by Mr. Flynn Vote: 2:0:0

Ms. O'Connor read for the record her memo to the Selectmen dated April 19, 2018, as follows:

Dear Selectmen:

Peel Pizza (19 Depot Street) and Chestnut Street Grille (8 Chestnut Street) are both requesting an alteration to their premises to include serving food and liquor at outdoor seating.

After a meeting today with Chief Matthew Clancy; Chief Kevin Nord; René Read, Town Manager; Valeria Massard, Planning Director; Jim Wasielewski, Municipal Services; and me, it was determined that the respective requests from Peel Pizza and Chestnut Street Grille should be taken under advisement and their hearings continued until the next Selectmen's meeting on Monday, May 7, 2018 at the following times:

7:01pm Amendment of Liquor License (Alteration of Premises) – Peel Pizza

7:05pm Amendment of Liquor License (Alteration of Premises) – Chestnut Street Grille

The reasons for the continuation arise out of public safety and building code concerns as follows:

1. Concern that exit discharge areas are adequate in the event of a fire or other emergency requiring immediate egress;

2. Concern about vehicle impact protection for the patrons and pedestrians;
3. The determination of an adequate barrier between parking and seating;
4. Requirements for an accessible route for the handicapped; and
5. How the increase in the number of seats impacts occupancy load and parking.

These concerns will be researched and a final determination will be presented at the continued hearings.

Mr. Brendan Higgins, owner of Peel Pizza was present. He stated that the outdoor dining is in the front of the building on a patio already installed by the landlord.

There were no other comments.

Mr. Madigan moved that the Board of Selectmen, acting as the Local Licensing Authority, take the application under advisement for an Alteration of Licensed Premises to allow Wines and Malt Beverages to be served in a roped off patio section containing approximately 300sf with two tables and eight seats for Peel Holdings LLC, d/b/a Peel Pizza Co., License No. 03261-RS-0300, Brendan Higgins, Manager, located at 19 Depot Street, Duxbury, MA, and continue this hearing until Monday, May 7, 2018 at 7:01pm. Seconded by Mr. Flynn Vote: 2:0:0

***7:02 pm - Public Hearing: Transfer of Aquaculture Grant from John Brawley to Victoria Lloyd***

Mr. Madigan moved that the Board of Selectmen open the public hearing, advertised in the Duxbury Clipper on April 11, 2018, regarding the transfer of license to Victoria Lloyd, 732 Temple St, for Aquaculture lease # 7901-1, 2, 3 for 3 years.

Mr. Al Hoban, Chair of Shellfish Advisory Committee, stated that at a Shellfish Advisory Committee public hearing, the application provided detail about the transfer, and they approved it.

There were no other comments.

Mr. Madigan moved that the Board of selectmen approve the transfer of license to Victoria Lloyd, 732 Temple Street for Aquaculture lease # 7901-1,2,3 for 3 years.

Mr. Madigan moved that the Board of Selectmen close the public hearing regarding the aforementioned Aquaculture transfer to Victoria Lloyd.

***7:05 pm - Amendment of Liquor License (Alteration of Premises) – Chestnut Street Grille***

Mr. Madigan moved that the Board of Selectmen open the advertised public hearing to consider an application for an Alteration of Licensed Premises to allow All Alcoholic Beverages to be served in a roped off patio section containing four tables and sixteen seats for Chestnut Street Grille, LLC d/b/a Chestnut Street Grille, Emily Walker, Manager, License No. 0287-RS-0300, premises located at 8 Chestnut Street, Duxbury, MA. Seconded by Mr. Flynn Vote: 2:0:0

Emily and Suzanne Walker, owners of the Chestnut Street Grille, were present. Ms. Emily Walker provided additional documentation to the Selectmen and stated that they plan to install 4' pylons in the

front of the parking spaces, which will continue along side of the building. The hours of operation will end at 8pm and all tables will be back inside by 8:30pm. Mr. Read asked if there is additional seating. Ms. Suzanne Walker replied that there will not be additional seating. Tables from inside will be brought outside. Mr. Read also asked if there will be alterations to the façade. Ms. Emily Walker responded that the existing window will be replaced by a collapsible window (door), which will close when tables come in.

There were no other comments.

Mr. Madigan moved that the Board of Selectmen, acting as the Local Licensing Authority, take the application under advisement for an Alteration of Licensed Premises to allow All Alcoholic Beverages to be served in a roped off patio section containing four tables and sixteen seats for Chestnut Street Grille, LLC d/b/a Chestnut Street Grille, Emily Walker, Manager, License No. 0287-RS-0300, premises located at 8 Chestnut Street, Duxbury, MA., and continue this hearing until Monday, May 7, 2018 at 7:05 pm. Seconded by Mr. Flynn Vote: 2:0:0

***7:10 pm - Amendment of Liquor License (Alteration of Premises) – Duxbury Yacht Club***

Mr. Madigan moved that the Board of Selectmen open the advertised public hearing to consider an application for an Alteration of Licensed Premises to allow All Alcoholic Beverages to be served in the new pool area and new pool club house for Duxbury Yacht Club, LLC, d/b/a Duxbury Yacht Club, Guy C. Holbrook IV, Manager, License No. 00041-CL0300, located at 70 Fairway Lane, Duxbury, MA. Seconded by Mr. Flynn Vote: 2:0:0

Mr. Guy Holbrook, Manager, was in attendance. He stated that they have an existing license for the existing pool, which they are getting rid of and will be building a new pool. There was some discussion regarding the placement of the new pool and where the parking is. There were no further comments.

Mr. Madigan moved that the Board of Selectmen, acting as the Local Licensing Authority, approve the application for an Alteration of Licensed Premises to allow All Alcoholic Beverages to be served in the new pool area and new pool club house for Duxbury Yacht Club, LLC, d/b/a Duxbury Yacht Club, Guy C. Holbrook IV, Manager, License No. 00041-CL0300, located at 70 Fairway Lane, Duxbury, MA, and which application is subject to all conditions of the ABCC and all conditions of the Board of Selectmen. Seconded by Mr. Flynn Vote: 2:0:0

Mr. Madigan moved that the Board of Selectmen close the advertised public hearing.  
Seconded by Mr. Flynn Vote: 2:0:0

***Special Education Reserve Fund – Discussion and review of payments***

Mr. Read stated for the record the following explanation:

The Special Education Reserve Fund was established at the March 11, 2017 Special Town Meeting – Article 11 Special Education Reserve Fund Acceptance. This fund was established pursuant to MGL Ch. 40, Section 13E for the future payment of unanticipated or unbudgeted

costs of special education, out-of-district tuition, or transportation. The expenditures require both a majority vote of the School Committee and the Board of Selectmen.

Mr. Adams, Finance Director, provided an explanation for the Selectmen that the new special education law statute requires both the School Committee and the Board of Selectmen approval on expenditures. The School Committee has approved the \$221,515.32, but have not formally voted on the \$75,795.74, both of which presented to the Selectmen tonight for their approval.

Ms. Betsy Sullivan, Chair of the Finance Committee, stated that this fund was for unforeseen and unexpected expenditures, and the concern that the Finance Committee has is that the \$221,515.32 has already been spent without Board of Selectmen approval or even School Committee approval. She further mentioned that there is still money in the Circuit Breaker account from FY16 not spent and would prefer to spend that before spending from the stabilization fund. She continued to ask the Selectmen to wait on approving the \$75,795.74 expenditure as they should be using old money (meaning Circuit Breaker) before using money from the special education reserve fund. Ms. Sullivan continued to say that the initial funds provided in FY17 was one-time seed money to establish the special ed reserve fund, but if money is left over, it is supposed to go into the general fund and then move into the stabilization, which worked well this year. She further said that the rules are clear – the Board of Selectmen have to agree and the School Committee have to agree, and she is disappointed that the money has been spent without approval.

Mr. Read stated that he met with Dr. John Antonucci, School Superintendent, and David Proule, School Business manager to discuss. He further mentioned that it was our Town Accountant, Claudette Coutu, and our Finance Director, John Adams, who caught this spending error.

Mr. Flynn asked what happens to the circuit breaker money if not used.

Ms. Sullivan responded that if the money is left too long you lose it. She continued to say that her point is if money is left over, spend the oldest money first instead of tapping the stabilization fund.

Mr. Flynn then asked if they could use circuit breaker money now.

Mr. Adams replied yes. Mr. Flynn stated that they would like to use the circuit breaker money.

Mr. Madigan moved that the Board of Selectmen approve expenditures from the Special Education Reserve Fund pursuant to MGL Ch. 40, Section 13E, in the amount of \$221,515.32, as presented. Seconded by Mr. Flynn 2:0:0

No motion taken to approve the \$75,795.74. Mr. Flynn has postponed and will continue at the next Board of Selectmen's meeting on Monday, May 7, 2018.

***Request to install greenhouse for Garden Club at Duxbury High School/Middle School  
Presentation by Cameron Smith***

Mr. Cameron Smith, a senior at Duxbury High School, was present. He stated that this is a school senior project that he has been working on all year. He obtained the necessary approvals. He has met with his class officers as well as Brian Cherry, Facilities Director. The approved location for the

greenhouse is behind the Performing Arts Center. This will freshen up the area and will be used by the garden club and environmental club. This greenhouse will be donated as a class gift from the Class of 2018.

Mr. Read mentioned that he did discuss with Brian Cherry since this will be on Town property.

Mr. Madigan moved move that the Board of Selectmen approve the Senior Project of Mr. Cameron Smith for the construction of a greenhouse at the Duxbury High School as presented. Seconded by Mr. Flynn Vote: 2:0:0

***Discussion regarding Anti-Idling Law -- Presentation by Wendell Cerne, Sustainable Duxbury***

Mr. Cerne was unable to attend so his presentation has been postponed until the next Board of Selectmen meeting, which is scheduled for Monday, May 7, 2018 at 7pm.

***Presentation of Climate Resiliency Plan / MAPC***

Ms. Valerie Massard, Planning Director, and Ms. Darci Schofield, Senior Environmental Planner at MAPC, were present.

Ms. Schofield addressed the Selectmen. She provided a Power Point presentation entitled "Town of Duxbury – Climate Vulnerability Assessment and Action Plan", which summarized important topics such as the increase in storms, rising sea levels, a vulnerability assessment, extreme heat, public health, impacts on the shellfish industry, salinization of our aquifers and the impact on the economy. Mr. Flynn asked when this will be completed. Ms. Schofield replied that it is in final form and can be submitted to the State. Mr. Read mentioned that he and Ms. Massard have discussed grant funding for the seawall, and we need MVP status (deadline 5/18). We can submit with plan to prove that we are qualified. Ms. Schofield also touched upon the positive features such as Duxbury has 50% forest coverage and a healthy salt marsh system. She further mentioned that none of our critical facilities reside in a flood zone. Resident Brenda Boleyn did ask if there was a grant opportunity that would assist in the elevation of buildings. Ms. Schofield replied if it is a public structure, then yes, but didn't know of any for a private structure. Ms. Boleyn responded that assisting property owners and communities in getting grant assistance to elevate buildings is very important.

Mr. Madigan moved that the Board of Selectmen approve the Climate Vulnerability Assessment and Action Plan and approve submission of the Plan to the State. Seconded by Mr. Flynn Vote: 2:0:0

***2018 ATM Article 19 – Information Technology Steering Committee (new)***

The IT Steering Committee was presented at March 10, 2018 Annual Town Meeting and the motion to create this committee passed. The IT Steering Committee shall work with an independent consultant to develop a Town-wide master plan.

Mr. Madigan moved that the Board of Selectmen appoint the following to the Information Technology Steering Committee:

Kathleen Glynn  
Alex Chin  
David Madigan

One (1) member Finance Committee's representative  
One (1) member Fiscal Advisory Committee's representative  
One (1) member Board of Selectmen's representative

Julia Adams	One (1) member School Committee's representative
Capt. Rob Reardon	One (1) member Fire Department's representative
Lt. Chip Chubb	One (1) member Police Department's representative
Rene J. Read	Town Manager
John Antonucci	Superintendent of Schools
Mary Beth MacQuarrie	Town IT Director
Cheryl Lewis	School IT Director
Michael Woodford	School Network Administrator

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

**7:15 pm Water & Sewer Commissioners: Supplement to Commitment #3**

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. Flynn Vote: 2:0:0

Mr. Madigan moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the total amount of **\$75.00** for service charges related to water and sewer charges for Commitment #3 –FY'18. Seconded by Mr. Flynn Vote: 2:0:0

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

**IV TOWN MANAGER'S REPORT**

1. On Saturday, April 28, 2018 the Southeastern Massachusetts Tree Wardens' and Arborists' Association will be holding their annual Arbor Day Volunteer Day of Service at the athletic fields on Alden Street in Duxbury. Beginning at 9:00am, the volunteers will be hosting a tree planting demonstration. This demonstration will provide an educational opportunity for the community by suing best planting practices - "Right Tree Right Place" – with the installation of several Chinese Elm balled and burlapped trees donated by Eversource. These trees are replacing older, declining Norway Maple Trees (that will be removed during the week prior to the planting). The public is invited to observe these professionals as they perform these services for the community. Coffee and donuts will be available.
2. The ROCCC dispatch project is scheduled to start in the fall and will take eight months to one year to complete.
3. Contracts for the construction of the Senior Center addition have been signed.

**V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS – None**

**VI ONE-DAY LIQUOR LICENSE REQUESTS None**

**VII EVENT PERMITS - None**

**VIII MINUTES**

Mr. Madigan moved that the Board of Selectmen approve the 04/09/18 Selectmen's Minutes, as presented. Seconded by Mr. Flynn Vote: 2:0:0

**IX ANNOUNCEMENTS**

**1) Groundbreaking Ceremony:**

South Shore Habitat for Humanity will be holding a Ground Breaking Ceremony on Tuesday, April 24th at 10 AM at the Feinberg Bog RD site. The location is on Temple Street, just over the highway bridge heading towards Pembroke and to the right. South Shore Habitat for Humanity, working in partnership with the Duxbury Affordable Housing Trust, will be developing three duplexes on the site for three low-income homes and three moderate-income homes. The public is invited to attend.

**2) "An Afternoon on Broadway"**

The Duxbury High School Drama Troupe #355 will be putting on a Cabaret event - "An Afternoon on Broadway", at the Senior Center, 10 Mayflower Street, on Sunday, May 6, 2018 from 1:00pm to 5:00 pm. Tickets for this entertaining fundraising event are \$50; \$40 for Seniors; \$20 for children under 12 and can be purchased at [www.duxburydrama.com](http://www.duxburydrama.com).

**3) 2 REMINDERS:**

**a. Annual Duxbury Spring Litter Sweep:** The Annual Duxbury Spring Litter Sweep will be held on **Saturday, April 28, 2018\* from 8 a.m. to 4 p.m.** For more information see the News posting on the Town website.

**b. Commercial Shellfish License Applications:** The deadline for applying for a Commercial Shellfish License is April 30th. Applications are available in the Board of Selectmen Office in Old Town Hall.

**4) Next Scheduled Selectmen's Meeting is on: Monday, May 7, 2018.**

**X BONUS SHELLFISH SEASON (for May, 2018)**

**Mr. Madigan moved** that the Board of Selectmen declare a temporary Bonus Shellfish Season for:

- 1) the **commercial** harvesting of softshell clams for the month of **May, 2018** in accordance with posted Attachments B & C.

- 2) the **commercial** harvesting of **quahog clams** for the month of **May, 2018** in accordance with posted Attachments A & C.

Seconded by Mr. Flynn    Vote: 2:0:0

## **XI    ADJOURNMENT**

At approximately 8:15 p.m., Mr. Madigan moved that the Board adjourn.

Seconded by Mr. Flynn    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 Amendment of Liquor License – Peel Pizza*
- 3) *Documentation regarding Transfer of Aquaculture Grant*
- 4) *Documentation regarding Amendment of Liquor License – Chestnut Street Grille*
- 5) *Documentation regarding Amendment of Liquor License – Duxbury Yacht Club*
- 6) *Special Education Reserve Fund documentation*
- 7) *Greenhouse request documentation*
- 8) *Anti-Idling Law documentation*
- 9) *MAPC Climate Resiliency Plan*
- 10) *IT Steering Committee*
- 11) *Arbor Day Volunteer Day information*
- 12) *Draft Minutes*
- 13) *Announcements*
- 14) *Bonus Shellfish*