

Date: May 22, 2017
Date Minutes Approved:

BOARD OF SELECTMEN MINUTES

TOWN CLERK
2018 NOV -6 AM 11:44
DUXBURY, MASS.

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

Absent: -----

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

I CALL TO ORDER

At 7:00 PM the Chair called the meeting to order in Open Session in the Town Hall (Mural RM).

II. OPEN FORUM

Ms. Lorrie Hall addressed the Board and advocated that the Town should ban recreational marijuana. She said that if you enter "Marijuana Dangers of" on your browser a lot of information comes up regarding the dangers of smoking marijuana. She cited some examples of marijuana's negative effects. She indicated that news accounts have indicated a number of other towns are banning recreational marijuana. She requested that the Board of Selectmen propose a ban on recreational marijuana either as a general bylaw or as a zoning bylaw at the next town meeting.

Mr. Dahlen explained that the Town's only get a one-time chance of postponing the implementation of the law (i.e., a moratorium). The State has currently imposed a moratorium so the suggestion was made by Mr. Glennon, then Chair of the Planning Board and a practicing attorney, that Duxbury hold off on a moratorium for now and wait until some of the State guidelines are known and then perhaps have an article for a moratorium on next year's Town Meeting warrant. It was felt this would extend the State's moratorium and give Duxbury more time to look at the zoning and other implementation regulations once they have been developed.

Mr. Flynn said if we were to propose a permanent ban then the State Legislators are working on appropriate language for a city or town to do so. Can ban retail distribution but can't ban retail distribution and retail growing.

Mr. Read added when the law was passed in November it was just a short period before our warrant closed. It was felt that the guidelines likely won't be in place for many months and therefore it would be better for Duxbury to hold off on imposing a moratorium until next year's Town Meeting.

Mr. Dahlen mentioned a citizen brought to his attention the condition of the property at 59 Chestnut ST, which is owned by the Duxbury Housing Authority. He said the exterior is need of upkeep. He asked that a letter be sent by the Town Manager to the Duxbury Housing Authority to inquire what their maintenance plan is.

Speaking of State sites, Mr. Flynn commented that the grass at the RTE 53 Roundabout at Winter ST is overgrown. Mr. Read said he thought that was by design to help block the lights. Ms. Murray said that she had a call about that earlier today. She learned through the DPW that the matter is between the State and the Contractor. Since the State has not signed off on the project yet they are still determining who is responsible for taking care of it.

III NEW BUSINESS

Signing and Awarding the Sale of a Bond / Jill Stewart, Treasurer

After the motion and before the vote, Finance Director John Madden said that last Thursday, May 18th the Town sold general obligation bonds in the amount of \$3,528,000 for 10 years. There were 8 bidders, and Fidelity Capital Markets was the winner. They paid the highest premium in the amount of \$437,161.41. The great news is this is the best rate so far. He added that this is another portion regarding the school financing. We have bonded: \$70 million in 2012, \$4.5 million in June 2015, and \$3.5 million this week. Mr. Madden then said that once we get final reimbursement figures from MSBA, then we will know the remaining amount to be bonded. We will probably know in December. The total interest cost is 1.599%, which is 10 basis points lower than the sale. That is great news.

Mr. Madigan gave an explanation of why the bonds were at such a favorable rate.

Mr. Flynn move that the Board of Selectmen execute all bond documents related to the sale of \$3,185,000 General Obligation Municipal Purpose Loan of 2017 Bonds of the Town. Second by Mr. Madigan. VOTE: 3:0:0.

Discussion pertaining to the execution of a lease for Duxbury Beach for FY18

Mr. Dahlen recused himself as he is a Director of the Duxbury Beach Reservation, Inc. He did not participate in the discussion or in the vote.

After the motion and second and before the vote, Mr. Madigan explained that this was executing the lease for Duxbury Beach for the year, which was approved at Town Meeting.

Mr. Flynn moved that the Board of Selectmen execute the lease between the Duxbury Beach Reservation, Inc. and the Town of Duxbury with a term beginning July 1, 2017 and ending on June 30, 2018 in the annual amount of \$700,000. Second by Mr. Madigan. VOTE: 2:0:0. (*Mr. Dahlen recused himself and did not vote.*)

Discussion pertaining to Duxbury's Standard & Poor's Bond Rating

Mr. Dahlen mentioned that the Town has again received the Standard & Poor's bond rating of AAA.

Finance Director John Madden explained that the bond rating takes into many factors. They look at not just the internal economy of the Town, but also the management practices of the Town beyond just the finance practices. A copy of the report will be posted on the Town website.

Discussion pertaining to Declaring Vehicle Surplus

It was explained that the COA van, which is 10-years old and was received as a gift, needs to be declared as surplus so it can be sold.

Mr. Flynn moved that the Board of Selectmen declare as surplus a Ford Ecovan 2007 in order to dispose of it in accordance with provisions of Massachusetts General Law 30B with proceeds of the sale to be deposited in the General Fund. Second by Mr. Madigan. VOTE: 3:0:0.

Discussion pertaining to License Agreement - Verizon New England, Inc. – Request to install utility facilities along Cherry Lane, Duxbury, MA

Mr. Read explained that he met with Mr. Buttkus and Mr. Grady and reviewed a License Agreement submitted by Verizon, which would be for the purpose of installing utility facilities (fiber optic lines) on Town-owned land within an existing utility easement located on Cherry Lane. After meeting with Mr. Darryl Crossman, of Verizon, they determined that the portion of the project which would be within the existing utility easement is in conformance and they support the project. However, Mr. Read asked that if approval is granted it have the condition that the Duxbury DPW be given at least 48-hours' notice prior to commencement.

Mr. Flynn moved to approve and execute a License Agreement between the Town of Duxbury and Verizon New England, Inc. regarding utility installation along Cherry Lane in Duxbury, as shown in the exhibits provided for project 1A1WA9U and subject to the following condition: Prior to further commencement of this project, Verizon New England, Inc. contact the Duxbury Department of Public Work (DPW) at least 48 hours in advance and make them aware of the utility installation project commencing at this location. Second by Mr. Madigan. VOTE: 3:0:0.

IV TOWN MANAGER'S REPORT

Mr. Read reported on the following items:

Piping Plover Status:

Currently there are 25 active pairs with a total of 15 nests. We are expecting 6 of them to hatch this Thursday afternoon. The ORV (Off Road Vehicle) corridor might be reduced to 175 residents and 175 non-residents. This weekend there will be astronomically high tides so that may restrict some of the beach area as well. He noted that one nest is close to the first crossover so it is possible that will be closed, but we will keep people up to date. To get timely updates about the beach you can go to: 1: Town of Duxbury website; 2. The Duxbury Police Dept. (DPD) website; or 3. The DPD Twitter feeds. The updates are always published /posted on Fridays, but the Twitter feeds give more daily updates.

V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

Duxbury Nuclear Advisory Committee-resignation

Mr. Flynn announced the Board has received the resignation of Mr. Graeme Groombridge from the Duxbury Nuclear Advisory Committee for personal reasons. He was thanked for his service. Any interested parties are encouraged to fill out a Talent Bank form.

VI ONE-DAY LIQUOR LICENSE REQUESTS

July 20-21-22, 2017 –Golf Tournament –Marshfield Country Club

Mr. Flynn moved that the Board of Selectmen grant to Mr. Daniel G. Hall, as a representative of the Marshfield Country Club, three (3) One-Day All Alcohol Licenses for a golf tournament to be held on Thursday, July 20 through Saturday, July 22, 2017 at the Marshfield Country Club off Acorn Street, Duxbury, on Saturday, May 31, 2017 from 9:00 AM to 4:00 PM, subject to the conditions on the licenses. Second by Mr. Madigan. VOTE: 3:0:0.

Mr. Madigan suggested that the Marshfield Country Club should consider applying for a regular liquor license, but the problem with that is the storage of liquor is strictly regulated so that the liquor served in Duxbury would have to be stored somewhere secure on the Duxbury portion of the course.

VII EVENT PERMITS - none

VIII MINUTES -none

IX ANNOUNCEMENTS

Mr. Flynn read the following announcements:

1) PACTV Special: Governor Baker speaks at the Legislative Breakfast

A special presentation of Governor Baker speaking at the S.S. Chamber Breakfast in Marshfield was recently uploaded and can be view on www.pactv.org.

2) Memorial Day:

Town Hall will be closed on Memorial Day, and there will be no Selectmen's Meeting.

Participants in the **Memorial Day Parade** should gather at the Standish ST Cemetery at 9:45 AM. The Parade will begin at 10 AM proceeding thru Hall's Corner down Depot ST to the First Parish Unitarian Universalist Church where a service will be held at about 11:15 AM. After the service, there are military services at the Veteran's Memorial at Mayflower Cemetery. After that, the public is cordially invited to visit the Legion for refreshments and to honor those Veterans in attendance.

3) Pilgrim Nuclear Power Station Decommissioning Presentation

For those who missed the meeting, a copy of the Presentation from the Pilgrim Nuclear Power Station Decommissioning Forum on 05-18-17 is now available for viewing on the Town of Duxbury's Nuclear Advisory Commission's webpage.

Interested parties might want to view the information prior to the public meeting of the Nuclear Decommission Citizen's Advisory Panel Public Meeting on Wednesday,

May 24, 2017 from 6-8 PM at the Plymouth South High School, 490 Long Pond RD, Plymouth.

4) **Next Scheduled Selectmen's Meeting is on:** Monday, June 5, 2017.

X BONUS SHELLFISH SEASON (FOR JUNE, 2017)

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

- 1) the **commercial** harvesting of **softshell clams** for the month of **June, 2017** in accordance with posted Attachments B & C.
- 2) the **commercial** harvesting of **quahog clams** for the month of **June, 2017** in accordance with posted Attachments A & C.

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

Mr. Dahlen said that he would like to have Harbormaster Jake Emerson come in and explain the Bonus Shellfish Seasons with regard to (a) why they have to be approved each month and (b) how the determination is made as to what categories are allowed and whether it is commercial or recreational.

ADJOURNMENT

Mr. Flynn moved to adjourn at approximately 7:33 pm. Second by Mr. Madigan. VOTE: 3:0:0.

Minutes respectfully submitted by: C. Anne Murray

(List of Documents on next page)

LIST OF DOCUMENTS FOR 05-22-17 SELECTMEN'S MEETING

1. *Agenda for 05-22-17 Selectmen's Meeting -Revised*
2. *OPEN FORUM: Handout to the Board -Letter from Ms. Lorrie Hall with articles regarding recreational marijuana.*
3. *NEW BUSINESS:*
 - a. *Signing and Awarding the Sale of a Bond / Jill Stewart, Treasurer: Background for Sale of Bonds-Certificate of Award and Authorization and Proceeds of Sale; and Vote of the Board of Selectmen to be executed.*
 - b. *Execution of a lease for Duxbury Beach for FY18: Coversheet with suggested motion; Copy of the Lease Agreement.*
 - c. *Duxbury's Standard & Poor's Bond Rating: 5-page Summary from S&P Global Ratings on Duxbury, Massachusetts; General Obligation.*
 - d. *Declaration of Vehicle Surplus: Explanation of Surplus Vehicle Background and info regarding the vehicle plus suggested motion.*
 - e. *Install utility facilities along Cherry Lane, Duxbury, MA: printout of map showing location.*
4. *Town Manager's Report: no documents*
5. *APPTS./Re-APPTS/RESIGNATIONS: 05-22-17 Resignation Sheet*
6. *ODLL: Packet regarding ODLLs for July 20-21-22, 2017 Golf Tournament at Marshfield County Club.*
7. *EVENT PERMITS: none*
8. *MINUTES: none*
9. *ANNOUNCEMENTS: Suggested Announcements for 05-22-17*
10. *Bonus Shellfish Season for June, 2017*