

Date: June 29, 2020

Date Minutes Approved: July 13, 2020

TOWN CLERK

BOARD OF SELECTMEN

2020 AUG -5 AM 7:55

OPEN SESSION MINUTES

DUXBURY, MASS.

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

Absent: René Read, Town Manager

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

Others:

CONVENED IN OPEN SESSION (*via remote participation of the Board members and staff*)

I. CALL TO ORDER This meeting was called to order at approximately 9:30 am.

This Open Meeting is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus. In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely. The Order, which you can find posted on our agenda, allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. For public access – please email at occonnor@town.duxbury.ma.us or call-in at 781-934-1100 x5400 for questions or comments.

This meeting is convening via Zoom video conference produced and recorded by PACTV, and can be viewed live on the Duxbury Government Access Channels – Verizon 39 or Comcast 15; or for those without cable, on PACTV's Prime streaming channel at PACTV.org/LIVE. This meeting will then be available via video on-demand on PACTV's website.

II. OPEN FORUM/PUBLIC COMMENTS: No official “open forum” as these are remote meetings. No public comments via phone calls were received during this meeting.

III. NEW BUSINESS

Discussion regarding restaurant applications to expand their outdoor dining

The Landing @ Island Creek Oysters, the Oysterman and the Anchor have applied to expand their outdoor dining areas. These have all been reviewed by the Board of Health, Building Department, Fire Department, Police Department, and Town Manager's office. As previously authorized by the Selectmen, the Town Manager provided temporary approval so that these establishments could open their businesses. These are temporary licenses, which will expire November 1, 2020 or until the Order is rescinded, whichever comes first.

Mr. Flynn moved that the Board of Selectmen, as the Local Licensing Authority, approve of the temporary expanded outdoor dining areas, in accordance with Governor Baker's Phase II COVID-19 Order No. 35 and all applicable laws, for the following establishments:

The Landing at Island Creek Oysters (Liquor License #04212-RS-0300)
The Oysterman (Liquor License #00048-RS-0300)
The Anchor (Liquor License #04037-RS-0300)

Seconded by Mr. Madigan Mr. Madigan-Aye; Mr. Flynn – Aye

Discussion pertaining to Duxbury Beach License and Separate Operating Agreement

Due to the COVID-19 pandemic, the Town was unable to conduct their Annual Town Meeting in March, wherein the beach lease with the Duxbury Beach Reservation for FY21 would have been voted on. The Town and DBR are entering into this temporary license in order to bridge the gap until the Annual Town Meeting can be held.

Mr. Flynn moved that the Board of Selectmen execute the License & Operating Agreement and the Separate Operating Agreement between the Town of Duxbury and the Duxbury Beach Reservation, Inc. The parties enter into this license agreement to outline the temporary right to operate a public recreational beach and the responsibilities activities related to the maintenance, repair, or operation on Duxbury Beach under this agreement.

Seconded by Mr. Madigan Mr. Madigan-Aye; Mr. Flynn – Aye

Discussion pertaining to North Hill Country Club Lease

Due to circumstances of COVID-19, Johnson Golf Management initially requested that April's rent be paid over a period of time. Town Counsel drafted an agreement to allow payment of this shortfall in monthly installments over a two-year period; however, Johnson Golf Management has decided to pay April's rent in full.

Mr. Gordon Cushing and Mr. Jason Laramée (Johnson Golf) both asked the Selectmen if they would approve of the three-year extension as indicated in their current contract, which expires December 31, 2020. Mr. Laramée is requesting earlier action because he would like to invest in course improvements.

This will be addressed at an upcoming Selectmen's meeting. No votes taken.

Call for September Elections – State Primary and Special Town Election

Mr. Flynn moved that the Board of Selectmen directs the Election Constable of the Town of Duxbury to notify and warn the inhabitants of Duxbury who are qualified to vote in the State Primary Election and the Special Town Election to vote at Precincts One through Six at the Lt. Timothy J. Steele Athletic Building, 130 Saint George Street, Duxbury, Massachusetts on Tuesday, the 1st Day of September, 2020 from 7:00 A.M. to 8:00 P.M.

Seconded by Mr. Madigan Mr. Madigan-Aye; Mr. Flynn – Aye

Discussion pertaining to 3 Feinberg Bog Road – Certification of Line of Credit

The Selectmen just approved the Deed Rider and Resale Price Certificate regarding the sale of 3 Feinberg Bog Road. In addition, the buyer has applied for a Line of Credit, which the Selectmen have to approve because under Section 3 of the Deed Rider, written consent of the municipality is required for refinancing and junior encumbrances.

Mr. Flynn moved that the Board of Selectmen approve and execute the Town of Duxbury Consent to allow the home owner to obtain a home equity line and to secure same against the property located at 3 Feinberg Bog Road, as presented.

Seconded by Mr. Madigan Roll Call Vote: Mr. Madigan-Aye; Mr. Flynn-Aye

IV. TOWN MANAGER'S REPORT - None

V. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Mr. Flynn moved that the following members be re-appointed/appointed as follows:

<u>Community Preservation Committee</u>	(Holly Morris, Chair)	
Kathy Cross	Appointment – At-Large Member	06-30-23
Kathy Palmer	Re-Appointment – Open Space Rep	06-30-23
<u>Duxbury Cultural Council</u>	(Brooke McDonough-Chair)	
Kristine Brennen	Re-Appointment (completing T1)	06-30-22
Mary Beth MacQuarrie	Appointment (T1)	06-30-23
<u>Highway Safety Advisory Committee</u>	(Paul Brogna & Jeff Lewis – Co-Chairs)	
Richard Brennen	Re-Appointment	06-30-23
Paul Brogna	Re-Appointment	06-30-23
Jeff E. Lewis	Re-Appointment	06-30-23

Seconded by Mr. Madigan Roll Call Vote: Mr. Madigan-Aye; Mr. Flynn-Aye

VI ONE-DAY LIQUOR LICENSE REQUESTS - None

VII EVENT PERMITS - None

VIII MINUTES

Mr. Flynn moved that the Board of Selectmen approve the 06/22/20 and 06/25/20 Selectmen's Open Session Minutes, as presented.

Seconded by Mr. Madigan Roll Call Vote: Mr. Madigan-Aye; Mr. Flynn-Aye

VIII ANNOUNCEMENTS

1) Office closure – July 4th holiday observed

Town Hall offices will be closed on Friday, July 3, 2020, in observance of the July 4th holiday, which occurs on Saturday.

2) **Next Scheduled Selectmen's Meeting** will be on Monday, July 13, 2020 at 9:30am

IX BONUS SHELLFISH (month of June)

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

- 1) the commercial harvesting of quahog clams for the month of **JULY**. Regulations as attached. (Please see Attachment A & B)

Seconded by Mr. Madigan Roll Call Vote: Mr. Madigan-Aye; Mr. Flynn-Aye

X ADJOURNMENT

Mr. Flynn moved that the Board of Selectmen adjourn at approximately 9:50am.

Seconded by Mr. Madigan Roll Call Vote: Mr. Madigan-Aye; Mr. Flynn-Aye

Minutes submitted by Nancy O'Connor

LIST OF DOCUMENTS

- 1) Agenda*
- 2) Restaurant documentation*
- 3) North hill agreement*
- 4) Call for election motion*
- 5) Documentation regarding 3 Feinberg Bog Road*
- 6) Committee Appointments*
- 7) Minutes*
- 8) Announcements*
- 9) Bonus Shellfish*