

Date: August 6, 2018

Date Minutes Approved: September 17, 2018

TOWN CLERK

2018 SEP 20 PM 2:18

DUXBURY, MASS.

BOARD OF SELECTMEN

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

Absent:

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

I. CALL TO ORDER

The meeting was called to order at approximately 6:30 pm in the Town Hall (Mural RM) in Open Session.

II. ENTERED EXECUTIVE SESSION–RE: pending litigation: Duxbury v. C. White v. Quakewrap

Mr. Dahlen moved the Board of Selectmen go into Executive Session, if the Chair so declares, for the purpose of discussing strategy with respect to pending litigation (i.e., *Duxbury v. C. White v. Quakewrap*), since an open meeting discussion may have a detrimental effect on the litigating position of the Town in accordance with Mass. General Laws Chapter 30A, Section 21, and that the Executive Session adjourn when completed and the Board reconvene in Open Session on or about 7:00 PM.

As Chair, Mr. Flynn declared the necessity for the Executive Session because discussions in open session regarding pending litigation may have a detrimental effect on the bargaining or litigating position of the Town.

Second by Mr. Flynn. ROLL CALL VOTE: Mr. Dahlen-aye and Mr. Flynn-aye.

Mr. Madigan arrived just after the Board entered Executive Session and before the discussion began.

The Executive Session was adjourned at approximately 7:08 pm and the Selectmen reconvened in Open Session.

III. OPEN FORUM

Ms. Alicia Babcock, Chair of the Duxbury Seawall Committee, provided a letter and a binder of photographs of the seawall damage done this winter to the Selectmen. She read the letter, which was a request on behalf of the Committee, asking the Selectmen to increase the dollar amount of the Stabilization Fund article by \$50,000. for additional work to be done in the seawall sections damaged by this winter's storm season and with \$10,000 of the request to cover peer review cost of the new seawall design.

The Board briefly discussed this request with the conclusion being that there are a number of questions that would need to be researched before any action could be taken. Town Manager Read said he was not sure that this request could be accommodated by an increase to the Stabilization Fund article, which is intended to fund the FY18 deficit, but rather might need to be a separate article. He would need to discuss that with the Finance Director. In addition, some questions were raised with respect to the dollar

amount being requested and the best recommendation for what should be done for temporary repairs of the damaged sections of the seawall. The consensus was that the Town Manager will work on discussing this with the Finance Director and Mr. Pat Brennen of Amory Engineering to have some answers for the next Selectmen's Meeting. The Board said they would post the August 13, 2018 Selectmen's Meeting to begin at 6:30 PM with a discussion of this request with members of the Duxbury Seawall Committee after additional information is received. The meeting will be at the Duxbury Senior Center in the Ellison RM.

IV. NEW BUSINESS

Liquor License Change of Manager – Winsor House Inn

Mr. Madigan moved that the Board of Selectmen, acting as the Local Licensing Authority, approve the Change of Manager to Charles John Weilbrenner, for Modern Family Associates, d/b/a the Winsor House Inn & Restaurant, located at 390 Washington Street, License #00006-HT-0300.

Mr. Dahlen recused himself as his business is currently doing some work at the Winsor House.

Second by Mr. Flynn. VOTE: 2:0:0. (*Mr. Dahlen recused himself and did not vote.*)

Duxbury Emergency Operations Center (EOC) VoIP Telephone Lines / Dux. Nuclear Advisory Committee (DNAC)

Present for this item of business were: "Pixie" Lampert and Becky Chin –Co-Chairs of DNAC

Ms. Lampert asked the Board to send a letter to Entergy with copies to the NRC Region I and Massachusetts Secretary of Public Safety and Security (ESOPSS) with respect to the phone lines at the Duxbury Emergency Operations Center (EOC). The EOC is being renovated so it has to move to an interim site for a year to 15 months. The EOC is a critical communications center during any storms or other emergencies; not only for Town staff but also for the public. The problem is the current phones cannot just be moved to the interim site, and the phones at the interim site will only allow for outgoing calls unless they are convert from copper phone lines to a Voice over Internet (VoIP) capable system. This conversion costs money and Chief Nord has submitted a request to Entergy to help finance this. So the request is that the Board send a letter to support the request.

Mr. Madigan moved that the Board of Selectmen send a letter to Entergy to reinforce the Duxbury Emergency Management Director's request for assistance with funding the transition of the Duxbury Emergency Operations Center (EOC's) from copper phone lines to VoIP telephone lines and to send copies of the letter to David Lew, the NRC's Region I director, and Daniel Bennett, Massachusetts Executive Secretary of Public Safety and Security (ESOPSS). Second by Mr. Dahlen. VOTE: 3:0:0.

Vote to Re-Open the September 6, 2018 Special Town Meeting Warrant

Mr. Madigan moved that the Board of Selectmen re-open the September 6, 2018 Special Town Meeting Warrant. Second by Mr. Dahlen. VOTE: 3:0:0.

Discussion and review of warrant articles

Mr. Read explained that he requested the re-opening of the STM Warrant because the Town has just received an arbitration award regarding the Police Department Union. There is an obligation by the Town to both support it and to seek funding for it at the next scheduled Town Meeting, which would be the upcoming September 6, 2018 Special Town Meeting. This would be Article 3 in the 2018 Fall STM with the funding to come from the Stabilization Fund, with the intent that funds will be recommended to replenish the Stabilization Fund at the March 2019 Town Meeting.

In response to a question from Mr. Madigan the exact dollar amounts are being determined, but Mr. Read said it is approximately \$300,000 and some of that is retroactive for 2 or 3 years.

Based on tonight's discussion of the Duxbury Seawall Committee's request, Mr. Read indicated he would be getting additional information on the following questions /concerns for the next meeting:

- How much this will cost and is it the correct approach? He will also ask Pat Brennen of Amory Engineering what in his professional opinion might be the recommended approach to accomplish what the Committee has requested?
- He will be asking the Finance Director whether any seawall funds could be added to the article requesting monies from the Stabilization Fund to fund the FY18 deficit or whether this might need to be a separate article. He will also be asking Town Counsel about this.
- He will be obtaining copies of the proposed easements. The easements are to be 15' on landward side and 30' on the seaward side.

Vote to Close the September 6, 2018 Special Town Meeting Warrant

Mr. Madigan moved that the Board of Selectmen close the September 6, 2018 Special Town Meeting Warrant. Second by Mr. Dahlen. VOTE: 3:0:0.

IV TOWN MANAGER'S REPORT

Mr. Read mentioned the following items:

\$1.5 Million for Duxbury Seawalls passed in Bond Bill:

State Representative Josh Cutler (and Senator Patrick O'Connor) have let the Town know that a \$1.5 million earmark for Duxbury Seawalls was included in the recent Bond Bill that was passed by the legislature and is pending the Governor's signature.

FY2020 Budget:

The budget process has started, and there is a joint meeting next Monday with the Board of Selectmen, Finance Committee, School Committee, and the Fiscal Advisory Committee.

Beach Update:

As of August 3rd the second crossover at Duxbury Beach has been opened again. The vehicle limit is now at 370 vehicles (i.e., 185 for residents /185 for non-residents). The first crossover is open from 8 AM -11 PM. The second crossover is open from 8 AM -8 PM.

Mr. Madigan asked about a letter to the Editor in the *Clipper* that mentioned the beach sticker readers were not working. It was mentioned that the beach stickers have a chip that allow data to be collected. Mr. Read said he was not aware that that the readers were not collecting information, but he would try to find out.

V COMMITTEE APPOINTMENTS & RE-APPOINTMENTS / RESIGNATION

COMMITTEE / Names	Appointed or Reappointed	Special Position Designation	TERM EXPIRES	MOTION	SECOND	VOTE
Metropolitan Area Planning Council (MAPC)*						
Valerie Massard	Re-Appt.	Duxbury Delegate	06-30-21	D. Madigan	S. Dahlen	3:0:0
George D. Wadsworth	Re-Appt.	Duxbury Alternate	06-30-21	D. Madigan	S. Dahlen	3:0:0
Old Colony Planning Council (OCPC)-Planning*						
Valerie Massard	Re-Appt.	Duxbury Delegate	06-30-21	D. Madigan	S. Dahlen	3:0:0
George D. Wadsworth	Re-Appt.	Duxbury Alternate	06-30-21	D. Madigan	S. Dahlen	3:0:0
Old Colony Planning Council- (OCPC) -Area Agency on Aging*						
John Rutkowski	Re-Appt.	Duxbury Delegate	06-30-21	D. Madigan	S. Dahlen	3:0:0

**Board or Committee is now fully staffed.*

VI ONE-DAY LIQUOR LICENSE REQUESTS

08/31/18 Duxbury Art Association “Art by the Bay” opening reception

Mr. Madigan moved that the Board of Selectmen grant to Ms. Mandy Fariello, as a representative of the Duxbury Art Association, a One-Day All Alcohol License to hold a reception on Friday, August 31, 2018 from 6:30PM to 10:00PM at the Ellison Center for the Arts, 64 Saint George Street, subject to the conditions on the license. Second by Mr. Dahlen. VOTE: 3:0:0.

09/28/18 Duxbury Food & Wine Festival – “Oktoberfest”

Mr. Madigan moved that the Board of Selectmen grant to Ms. Marie Van Slyck, as a representative of the Duxbury Food & Wine Festival, a One-Day Wine & Malt License for “Oktoberfest” on Friday, September 28, 2018 located at the Parking Lot behind Sweetser’s, 459 Washington Street, from 6:30 PM to 10:00 PM, subject to the conditions on the license. Second by Mr. Dahlen. VOTE: 3:0:0.

09/29/18 Duxbury Food & Wine Festival – “Grand Tasting”

Mr. Madigan moved that the Board of Selectmen grant to Ms. Marie Van Slyck, as a representative of the Duxbury Food & Wine Festival, a One-Day Wine & Malt License for the “Festival Grand Tasting” on Saturday, September 29, 2018 located at the Parking Lot behind Sweetser’s, 459 Washington Street, from 3:00 PM to 6:00 PM, subject to the conditions on the license. Second by Mr. Dahlen. VOTE: 3:0:0.

VII EVENT PERMITS

08/24/18 Boston25 Morning News “Zip Trip”

Mr. Madigan moved that the Board of Selectmen grant to Ms. Maggie Hennessey-Nees, Location Manager and representative of Boston 25 Morning News, an Event Permit to hold their live “Zip Trip” broadcast in Duxbury on Friday, August 24, 2018 from 6:00 am to 10:00 am, subject to the conditions on the permit. Second by Mr. Dahlen. VOTE: 3:0:0.

Mr. Read added that this is Boston 25’s last Zip Trip of their season. They will be set up at Train Field, and the public is invited to attend.

VIII MINUTES

Executive Session Minutes: *none*

Open Session Minutes: 07-23-18 Selectmen’s Minutes

Mr. Madigan moved that the Board of Selectmen approve 07-23-18 Selectmen’s (Open Session) Minutes, as presented. Second by Mr. Dahlen. VOTE: 3:0:0.

IX ANNOUNCEMENTS

Mr. Madigan made the following announcements:

1. REMINDER Upcoming Elections and Voter Registration Deadlines:

State Primary Election – Tuesday, September 4th (day after Labor Day) –

The polls will be at the Lt. Timothy J. Steele Building, 130 Saint George ST and will be open 7am - 8pm. Last day to register to vote – Wednesday, August 15th

Special Town Meeting – Thursday, September 6th at 7:00 PM at the Performing Arts Center, 73 Alden ST, Duxbury, MA 02332. Last day to register to vote – Monday, August 27th

2. Table Reservations For Special Town Meeting:

If you or your organization is interested in reserving a table to display information at the Duxbury Town Meeting, please contact the Board of Selectmen office (Ext. 5402) by Monday, August 27th. Tables are limited and will be assigned on a first-come, first-serve basis with preference given to Duxbury boards and committees and civic organizations.

- 3. Next Selectmen's Meeting is on: Monday, August 13, 2018.** The next Selectmen's Meeting will be held at the Duxbury Senior Center, 10 Mayflower ST, Duxbury. Per tonight's discussion it will begin at 6:30 PM with a discussion regarding the seawall matters followed by at 7 PM with the joint meeting of the Board of Selectmen, Finance Committee, Fiscal Advisory Committee and School Committee with the focus being a discussion regarding revenues.

XI ADJOURNMENT

At approximately 8:45 pm, Mr. Madigan moved that the Board adjourn. Second by Mr. Dahlen.

VOTE: 3:0:0.

Minutes submitted by C. Anne Murray

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

- 1) *Agenda: 08-06-18 Selectmen's Agenda*
- 2) *EXECUTIVE SESSION – in 08-06-18 Exec. Session file.*
- 3) *OPEN FORUM: 08-06-18 Letter from Chair of Duxbury Seawall Committee RE: Duxbury Beach Emergency Repairs*
- 4) *NEW BUSINESS:*
 - a. *Liquor License Change of Manager – Winsor House Inn packet and suggested motion.*
 - b. *Duxbury Emergency Operations Center (EOC) VoIP Telephone Lines / DNAC: Letter from Pixie Lampert explaining request copy of Chief Nord's letter; Draft letter to be executed.*
 - c. *Vote to Re-Open the September 6, 2018 Special Town Meeting Warrant: Draft motion.*
 - d. *Discussion and review of warrant articles: 09-06-18 Special Town Meeting Warrant – DRAFT*
 - e. *Vote to Close the September 6, 2018 Special Town Meeting Warrant: Draft motion.*
- 5) *Town Manager's Report: Copy of 07-31-18 State Rep. Cutler and Sen. O'Connor's letter to Governor Baker - RE: \$1.5 mil. For Duxbury in Environmental Bond Bill.*
- 6) *Committee Appointments/ Re-Appointments / Resignation: 08-06-18 Board and Committee Appointment Sheet*
- 7) *One-Day Liquor License Requests: Packets for 08/31/18 Duxbury Art Association "Art by the Bay" opening reception, 09/28/18 Duxbury Food & Wine Festival – "Oktoberfest", and 09/29/18 Duxbury Food & Wine Festival – "Grand Tasting"*
- 8) *Event Permits: Packet for 08/24/18 Boston25 Morning News "Zip Trip"*
- 9) *Minutes: 07-23-18 Selectmen's Minutes –DRAFT*
- 10) *ANNOUNCEMENTS: 08-06-18 Suggested Announcements*