

Date: September 30, 2019

Date Minutes Approved: October 7, 2019

TOWN CLERK
2019 OCT -8 AM 11:30
OPEN SESSION
DUXBURY, MASS.

BOARD OF SELECTMEN MINUTES

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

Absent: David J. Madigan, Chair.

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

I CALL TO ORDER

The meeting was called to order in Open Session at 6:45 PM in the Mural Room at the Duxbury Town Hall.

II 6:45 pm EXECUTIVE SESSION – King Caesar Fund for case: 2012-02 (DN)

Shortly after convening, Mr. Dahlen moved the Board of Selectmen go into Executive Session to discuss matters regarding the King Caesar Fund, [*specifically case: 2012-02 (DN)*], which are of a confidential nature, as the fund's purpose is to provide medical relief for the financially-needy residents of Duxbury, in accordance with Mass. General Laws Chapter 30a, Section 21, and that the Board of Selectmen adjourn upon completion of the Executive Session matter to reconvene in Open Session at 7:00 PM. Second by Mr. Flynn.

As Acting Chair, Mr. Flynn also declared the necessity for King Caesar Fund cases to be discussed in Executive Session due to medical confidentiality.

ROLL CALL VOTE: Mr. Dahlen –“aye”; Mr. Flynn –“aye.”

Upon completion of the Executive Session business, the meeting was reconvened in Open Session at 7:00 pm.

III OPEN FORUM

Mr. Wendell Cerne, Bayridge LN, provided the Board with a handout just prior to the meeting regarding the Massachusetts’ anti-idling law. The handout contained the text of the Massachusetts’ anti-idling law (MGL Chap. 90 Sect. 16A), the MA Dept. of Environmental Protection Regulation language, and Mr. Cerne’s proposed suggestions for increasing compliance with the anti-idling law.

He explained that the law has been passed by Massachusetts. The gist of it is that motorists should not let a motor vehicle idle for more than five (5) minutes, and to do so is punishable by a fine of not more than \$100., for the first offense, nor more than \$500. for each succeeding offense. He advocated that the Town make additional efforts to get the word out about the anti-idling law with posting on the Town and School websites, social media postings, and in school newsletters. He also suggested the notification give the date when enforcement will be initiated by the Town. He felt additional signage is needed and suggested locations.

It was pointed out that signage has been posted in various places around Duxbury. Mr. Read mentioned that vendors delivering to the Town Hall do turn their engines off. Mr. Cerne based his proposals on those from communities which have higher compliance. Mr. Read asked which communities those were. Mr. Cerne mentioned Belmont and Cambridge as two examples. Mr. Read responded that Cambridge has its own parking division so they have the staff specifically to deal with the enforcement piece.

Mr. Jim Savicki added that statistics show that if your vehicle idles for more than 10 seconds, than it uses more gas then it takes to start your car. He suggested that there might be some generational misunderstanding as the older generation was raised to believe idling was more efficient than turning the vehicle off and back on, but that is no longer the case with today's vehicles.

How it was left is that Mr. Read will speak with the Police Chief and the DPW Director about this matter.

IV NEW BUSINESS - no new business

V TOWN MANAGER'S REPORT

Town Manager René Read mentioned the following items:

1. Powder Point Bridge

SGH (the Town's consulting engineering firm) has provided their field report regarding the Powder Point Bridge in which they have outlined a series of recommendations which are as follows:

- Continue to replace individual deck planks as needed.
- Repair loose sidewalk planks.
- Re-fasten loose or warped top rails.
- Remove brown and white rot to prevent further deterioration at those locations.
- Repair individual piles that have experienced severe section loss.
- Strengthen existing pile caps at locations with severely deteriorated piles. Future strengthening recommendations may include steel bent caps such as those that have already been installed at two locations. (i.e., steel channels sistered to either side of the existing timber pile caps).
- Repair loose bracing elements.

The next phase of work that SGH will perform will be to develop a repair plan for individual piles and other elements of the bridge which we expect to have sometime in November.

2. Temple Street Property

Mr. Read wrote to the attorney representing the seller of the property that on September 16, 2019, the Duxbury Board of Selectmen voted to rescind their vote of July 15, 2019, whereby the Board declined to exercise its right of first refusal to purchase the 17-acre parcel of land with improvements thereon located at 761 Temple Street (the "Property"), owned by Nathan R. Harrington, Trustee of the Pauline Harrington 2003 Trust ("Seller").

In that letter, he explained that the notice failed to comply with the requirements of Chapter 61A in material respects.

He further stated that the seller is required to submit a Notice of Sale and a Purchase Agreement that apply to the Chapter Land only, with a separate purchase price and on terms not dependent on the potential development of the Chapter Land for residential use.

As of today, he said he had not yet heard back from either the seller or his attorney.

3. Alden House

Following up from a discussion the Board had with representatives of the Alden Kindred several months ago, Mr. Read has been working with Town Counsel to prepare information for the Board's consideration at future meeting having to do with several aspects of the property.

The town owns the property upon which the historic Alden House is located and the Alden Kindred maintain the building and associated grounds.

There is interest (from the Alden Kindred) to discuss with the Town a variety of projects they would like pursue in the next few months in advance of the Plymouth 2020 celebration.

Once he has concluded my discussions with counsel and had additional conversation with representatives from the Alden Kindred, he will be bringing information forward for the Board's consideration. He added there are several legal mechanisms that are being reviewed, including, easements, potential gifting of the property, or licensing of the property.

4. Seawall Update

Mr. Read advised the Board of the following:

- Bid opening date – 2:00 p.m. - Wednesday, October 9th
- Completion date: Sept. 1, 2020
- This includes the 950 linear feet of seawall and removal of the revetment stones.
- Also, we have received, signed and returned to the State our seawall contract (for the \$1 million dollar award we received previously).

5. Budget

The FY21 budget targets have been met with Department Heads being asked to meet a modest 2.25%, but to meet that reductions had to be made in the amount of about \$392,000. Virtually every department have made reductions in service, not back-filling positions, holding off on purchases or other savings.

V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

South Shore Community Action Council

(NA-Chair / NA -Liaison)

Mr. Dahlen moved to appoint Mr. Robert Hughes to the South Shore Community Action Council to fill an unexpired term due to expire 06-30-20. Second by Mr. Flynn. VOTE: 2:0:0.

Mr. Flynn mentioned that the Reverend Dr. Catherine Cullen served as the Duxbury/Hanover delegate to the South Shore Community Action Council, but due to other commitments resigned earlier this summer. He extended the Board's thanks for her service.

He also noted that Mr. Robert Hughes has been highly recommended by Rev. Dr. Cullen to fill the open seat given his past work with Father Bill's, the Plymouth Coalition for the Homeless, and the Duxbury Interfaith Council. Mr. Hughes has met with the CEO of the SSCAC and has been invited to join the SSCAC Board.

VI ONE-DAY LIQUOR LICENSE REQUESTS

10/19/19 Bay Farm Montessori – Annual 5K Run by the Bay

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Kyra Mercer, as a representative of the Bay Farm Montessori Academy, a One-Day Wine and Malt License for the social gathering after the 15th Annual 5K Run by the Bay on Saturday, October 19, 2019 from 11:30 AM to 1:30 PM, contingent on the conditions on the license. Second by Mr. Flynn. VOTE: 2:0:0.

VII EVENT PERMITS

10-06-19 Duxbury2020- Dedication of the Green's Harbor Interpretive Path

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Kathy Cross, as a representative of the Duxbury2020, an Event Permit to hold a Dedication of Green's Harbor Interpretive Path followed by a trail walk and associated events on Sunday, October 6, 2019 from 12:15 PM to approximately 3:30 PM, contingent on the conditions on the Permit. Second by Mr. Flynn. VOTE: 2:0:0.

10-25-19 Newcomers' Annual Spooktacular

Mr. Dahlen moved that the Board of Selectmen grant to, Ms. Julie Ledwak, as a representative of the Duxbury Newcomers' Club, and Event Permit for their annual Halloween Spooktacular trick-or-treat event from 4:00 PM to 5:30 PM on Friday, October 25, 2019 (*Rain Date: Saturday, October 26, 2019*) at participating businesses located in Halls Corner, Brothers Marketplace Plaza, and Depot Street Marketplace, contingent on the conditions of the Event Permit. Second by Mr. Flynn. VOTE: 2:0:0.

10/26/19 Winsor House Annual Halloween Event

Mr. Dahlen moved that the Board of Selectmen grant to Mr. Charles Weilbrenner, as a representative of Modern Family Associates, dba The Winsor House Inn, an Event Permit for their Halloween Party on Saturday, October 26, 2019 from 6:00 PM to 10:00 PM, subject to the conditions of the Permit. Second by Mr. Flynn. VOTE: 2:0:0.

VIII MINUTES

Executive Session Minutes: 09-16-19-Draft

Mr. Dahlen moved that the Board of Selectmen approve the 09-16-19 Executive Session Selectmen's Minutes, as written, with the contents to remain unavailable until the need for confidentiality has passed. Second by Mr. Flynn. VOTE: 2:0:0.

Open Session Minutes: 08-26-19 –Draft and 09-16-19-Draft

Mr. Dahlen moved that the Board of Selectmen approve the 08-26-19 Selectmen's Minutes and the 09-16-19 Selectmen's Minutes, as presented. Second by Mr. Flynn. VOTE: 2:0:0.

IX ANNOUNCEMENTS

Mr. Dahlen made the following announcements:

1) Senior Tax Work-Off Program

Reminder the deadline for applications for the Senior Tax Work-Off Program is October 15th.

2) Duxbury Beach COASTSWEEP 2019

Duxbury Beach COASTSWEEP 2019 will be held on Saturday, October 5th from 9 AM to Noon. Meet at the east end of the Powder Point Bridge in the Duxbury Beach parking lot. Sign up on the Duxbury Beach Reservation website: www.duxburybeachreservation.org under the "Get Involved" tab.

3) Flu Clinic

There will be a flu clinic, open to the community, on Monday, October 7th at the Town Hall in the Kitchen/Sm. Conference RM on the lower level from 9:00 am to Noon. Attendees should bring their insurance card. The flu clinic is being provided by CVS Pharmacy.

4) Next Scheduled Selectmen's Meeting will be on Monday, October 7, 2019.

X BONUS SHELLFISH SEASON (for October, 2019)

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

- 1) for the commercial harvesting of softshell clams for the month of October, 2019 in accordance with posted Attachments B & C; and
- 2) the commercial harvesting of quahog clams for the month of October 2019 in accordance with posted Attachments A & C.

Second by Mr. Flynn. VOTE: 2:0:0.

ANNOUNCED THE PASSING OF MR. BOB (ROBERT E.) DOYLE

Mr. Dahlen read the recently-published obituary of Mr. Bob (Robert E.) Doyle

Mr. Dahlen added he knew Bob Doyle virtually his whole life. Bob was one of the premier volunteers for the Town of Duxbury and contributed his whole life. He will be missed.

XI ADJOURNMENT

At approximately 7:35 pm, Mr. Dahlen moved the Board of Selectmen adjourn. Second by Mr. Flynn.
VOTE: 2:0:0.

Minutes prepared by: C. Anne Murray

LIST OF DOCUMENTS FOR 09-30-19 SELECTMEN'S MEETING (Documents located in the selectmen's office files; executive Session documents in Executive Session files.)

1. *Agenda for 09-30-19 Selectmen's Meeting*
2. *Executive Session: Coversheet and KCF 2012-02(DN) packet (in Exec. Session file)*
3. *OPEN FORUM: Handout from Wendell Cerne RE: Anti-Idling Law and proposals*
4. *NEW BUSINESS: no documents*
5. *TOWN MANAGER REPORT: 09-30-19 Town Manager's Report*
6. *COMMITTEE APPOINTMENTS/REAPPOINTMENTS – none*
7. *ONE-DAY LIQUOR LICENSES:
10/19/19 Bay Farm Montessori – Annual 5K Run by the Bay*
8. *EVENT PERMITS:*
 - a. *10-06-19 Duxbury2020- Dedication of the Green's Harbor Interpretive Path*
 - b. *10-25-19 Newcomers' Annual Spooktacular*
 - c. *10/26/19 Winsor House Annual Halloween Event*
9. *MINUTES: EXECUTIVE SESSION: 09-16-19-Draft;
OPEN SESSION MINUTES: 08-26-19 –Draft and 09-16-19-Draft.*
10. *SUGGESTED ANNOUNCEMENTS for 09-30-19.*
11. *Bonus Shellfish Season for October, 2019.*