

**Date: November 25, 2019**

**Date Minutes Approved: December 2, 2019**

**BOARD OF SELECTMEN**

**OPEN SESSION MINUTES**

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

Absent: Shawn Dahlen, Clerk

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

Others: None

**CONVENED IN OPEN SESSION –**

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

**II. OPEN FORUM** Nothing brought forward.

**III. NEW BUSINESS**

**7:01pm – Water & Sewer Commissioners - Discussion regarding water bill adjustment request**

**Motion to Adjourn as Selectmen & Convene as Water & Sewer Commissioners:**

Mr. Flynn 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. Madigan Vote: 2:0:0

Mr. Read began by introducing Mr. Rizkalla's letter, which he read for the record (please see file for detailed copy), along with a copy of the water bill, and notice to the Rizkallas. Mr. Read also included his memo from April 4, 2016 and stated that adjustments have not been the recent practice of the board, so he asked Mr. Rizkalla to appear.

Mr. Sherif Rizkalla addressed the Selectmen regarding his water bill and the leak. He stated that the pipe was installed by a previous owner in 2015, connecting from the main house to the garage.

Mr. Flynn asked if he had heard water. Mr. Rizkalla replied no, he only knew when the meter was read and also because the ground was frozen. Mr. Peter Mackin, Water Department Superintendent, stated that they was no other way to determine a leak other than reading the meter every six months.

Mr. Read mentioned that as recently as 2018 other abatement requests were denied as the rules state that the property owner is responsible for water passing through the meter and maintenance of all pipes inside the curb shut-off.

Mr. Madigan asked how much was the higher/excess fee/rate? Mr. Mackin replied around \$8000.

Mr. Flynn moved that the Water & Sewer Commissioners approve an adjusted water bill (Account #144 – Sherif Rizkalla, 106 Powder Point Avenue) so the Town absorbs \$8,000 and the property owner pays \$2,305.45. Seconded by Mr. Madigan. Vote: 2:0:0

**Motion to Adjourn as Water & Sewer Commissioners & Re-Convene as Selectmen**

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

***Discussion and review of Lucy Hathaway Trust Fund Allocation – John Q. Adams***

Mr. John Adams, Finance Director, stated that he looked at the last distribution, which occurred in 2016. He further mentioned that this fund is helpful to departments as it covers items not in capital light.

Mr. Flynn moved that the Board of Selectmen approve the distribution from the Lucy Hathaway Trust Fund for a total of \$75,000 as outlined in a memo dated November 21, 2019 from John Q. Adams, Finance Director. Seconded by Mr. Madigan. Vote: 2:0:0

***Discussion and review of Ellison Fund Allocation***

The Ellison Fund is a non-expendable trust, which was accepted by the 1990 Annual Town Meeting. The terms of the gift allow for half of the interest to be spent for worthy Town projects and the other half to be spent on the upkeep of the Ellison playground (i.e., the one adjacent to the Duxbury Free Library). According to Mr. Cushing, the Treasurer has indicated that a total of \$27,379.37 is available from the Ellison Fund for this fiscal year. The staff has also reviewed their recommendations with the Ellison Fund Trustees, Mr. Matthew Walsh and Mr. Stephen Carleton, as the Trustees have the final approval. Both trustees have indicated their agreement with the suggested expenditures.

Mr. Flynn moved that the Board of Selectmen recommend a total expenditure of \$26,878 from the Eben H. Ellison Trust fund for the following:

- \$13,439 for Worthy Town projects to be allocated towards conversion of an Alden Street tennis court into a basketball court; and
- \$13,439 for upkeep of the Ellison Playgrounds.

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

**IV TOWN MANAGER'S REPORT**

Mr. Read first mentioned that with respect to the Harrington property (Temple Street), they hope to have a Purchase & Sale agreement first week in December.

**Recommendation on Chapter 61 Land: 0 East Street - Edgar W. Loring, Inc.**

This morning I was advised that the Conservation Commission, Community Preservation Committee and Planning Board have recommended to the Board of Selectmen that they exercise the Right of First Refusal for the Loring Bogs parcel located at 0 East Street.

Further, the CPC and Conservation Commission have requested that the Selectmen call a Special Town Meeting (which would be necessary to meet the statutory time requirements should the Board wish to exercise the right of first of refusal within the requisite 120 day timeframe) and the CPC has offered to provide the necessary funding for the purchase.

Timing here is a critical issue. There are several factors that will play heavily in this decision:

Does the Town want to purchase this property? The purchase price is \$739,900.

If so, what is the funding mechanism?

Are we willing to have a Special Town Meeting to do so? The cost of holding the Special Town Meeting is approximately \$1,000. As a frame of reference, the cost of our last Special Town Meeting (held for the purpose of adopting language related to speed limit laws) was \$811.00 (without the use of electronic voting devices).

Obviously I'll need to know the answers to these questions before we can proceed.

That said, I am placing this item on the Board of Selectmen's agenda for Monday, December 2nd for discussion along with an agenda item to allow the Board to open a warrant for a Special Town Meeting (should that be the Board's desire) which would occur on Thursday, January 9, 2020. If it is decided not to hold a Special Town Meeting, we'll simply drop the item from the agenda.

Since, if a Special Town Meeting were to be called and a warrant containing (at least one) article would be included in it, and there are several other bodies that would ultimately need to weigh in on this, I am also posting for the Finance Committee and Fiscal Advisory Committee in order to provide for the opportunity for everyone to weigh in on the same night. We will be meeting in the Ellison Room at the Senior Center.

**Kayaks** – Mr. Read wanted to remind everyone that the kayaks are to be removed from Shipyard Lane by Sunday, December 1, 2019.

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

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

**VII      EVENT PERMITS**

***12/1/19 - Chestnut Street Grille – Ugly Sweater Crawl***

Ms. Emily Walker of the Chestnut Street Grille addressed the Selectmen regarding her event permit application to have musical entertainment for this event and the recommended requirement to have police detail. She stated that she needed to apply for this permit in order to have indoor acoustical entertainment because her current entertainment license does not cover this time period. She continued to say that she spoke with Lt. Brown regarding the need for a police detail and the fact that she hasn't had any recent issues, but it was still recommended that she have police detail because this event coincides with Holly Days and police do not want to take away from other police detail working Holly Days in the event of noise, traffic, parking or other issues that may occur. Ms. Walker then chose to withdraw this event permit.

Mr. Read commented that he wished Ms. Walker spoke with him earlier as the use of this establishment has changed and the fact that music attracts more people. He suggested that for public safety reasons, the cost of a detail officer is a small amount to ensure safety, and since a need for detail hasn't been tested, it could be determined that a detail may not be needed in the future.

**VIII      MINUTES      None**

**IX      ANNOUNCEMENTS**

**1) Call for Articles -2020 March ATM/STM**

The Board of Selectmen invites citizens to submit articles for the March 14, 2020 Annual Town Meeting. The deadline for the submission of Annual Town Meeting and Special Town Meeting Articles, with a brief explanation of the purpose/intent of the article, is due to the Town Manager's Office by 12 Noon on Monday, December 2, 2019. Please contact Nancy O'Connor at 781-934-1100 x5401 with questions.

**2) Thanksgiving Closures:**

The Town Hall will be closed on Thursday, November 28, 2019 in observance of Thanksgiving as well as Friday, November 29, 2019. We wish everyone a safe and happy holiday.

**3) Next Scheduled Selectmen's Meeting will be on **Monday, December 2, 2019.****

**X BONUS SHELLFISH SEASON (for December 2019)**

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

- 1) for the commercial harvesting of soft-shelled clams for the month of December, 2019 in accordance with posted Attachments B & C; and
- 2) for the commercial harvesting of quahog clams for the month of December, 2019 in accordance with posted Attachments A & C; and
- 3) for the recreational harvesting of soft-shelled clams for the month of December, 2019 in accordance with posted Attachment D.

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

**XI ADJOURNMENT**

At approximately 7:45 pm, Mr. Flynn moved that the Board adjourn. Seconded by Mr. Madigan  
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) *Water & Sewer Commissioners Agenda and documentation*
- 3) *Lucy Hathaway Trust Fund Allocation Documentation*
- 4) *Ellison Fund Allocation Documentation*
- 5) *Announcements*
- 6) *Bonus Shellfish*