

Date: June 17, 2019

Date Minutes Approved: July 15, 2019

TOWN CLERK

2019 AUG 19 AM 5:43

DUXBURY, MASS.

BOARD OF SELECTMEN

Present: Mr. Madigan, Chair; Mr. Flynn, Vice Chair; and Mr. Dahlen, Clerk

Absent: None

Staff: René J. Read, Town Manager; and Nancy O'Connor, Executive Assistant

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

Recognition of AFS Students

Mr. Flynn stated that AFS hosted the following foreign students in Duxbury homes during 2018-2019. The Board of Selectmen signed "Honorary Citizen of the Town of Duxbury" certificates, which were recently presented to the following students: Anouk Leger from France (host family- Kathleen & Rob Teehan); Charlotte Alberti from Germany (host family- Michelle & George Russo); and Pedro Tendero Nunez from Spain (host family- Kelly & Norm Laviolette). Mr. Flynn thanked the families for hosting and congratulated the students.

7:01pm Hearing – Duxbury Music Festival and Use of Town Green (along with related Event Permits and One-Day Liquor Licenses)

Ms. Donna Ryan, manager of the Duxbury Music Festival events, stated that this is their 14th year, it's a wonderful community event, and encourages all to attend.

Mr. Dahlen moved that Ms. Donna Ryan, as a representative of the South Shore Conservatory, is granted permission to hold a portion of the Duxbury Music Festival on the Duxbury Millennium Town Green from Friday, July 19, 2019 through Sunday, July 21, 2019, subject to the conditions of the Event Permit. Seconded by Mr. Flynn Vote: 3:0:0

Mr. Dahlen moved that Ms. Donna Ryan, as a representative of the South Shore Conservatory, is granted One-Day Wine & Malt Licenses for the following events subject to the conditions of the licenses:

July 14, 2019	Pre-Concert Reception and Overture Concert at the Ellison Center
July 16, 2019	Duxbury Music Festival Faculty Concert and Reception at a private home
July 20, 2019	Americana on the Green Concert at the Town Green
July 21, 2019	Sunday in the Park Concert at the Town Green
July 22, 2019	Duxbury Music Festival Faculty Concert and Reception at a private home

Seconded by Mr. Flynn Vote: 3:0:0

7:05pm Fee Hearing/Discussion and Review of Proposed Fees – Senior Center Rental Fees

Tonight's fee hearing was advertised in *the Duxbury Clipper* on May 29 and June 5, 2019.

The proposed fees were reviewed by the Fiscal Advisory Committee at their meeting on May 16, 2019, and they unanimously voted in favor of all proposed fees.

Open Public Hearing:

Mr. Dahlen moved that the Board of Selectmen open the public hearing regarding proposed fee changes for: Council on Aging. Seconded by Mr. Flynn Vote: 3:0:0

Mr. Read stated that he spoke with Director Joanne Moore and that these new fees are for the new rooms, which are part of the new addition.

Mr. Dahlen moved that the Board of Selectmen approve the fees as listed in a memorandum dated May 13, 2019 from Joanne Moore, Director of the Council on Aging, with the new fees to be effective July 1, 2019. Seconded by Mr. Flynn Vote: 3:0:0

Close the Public Hearing:

Mr. Dahlen moved that the Board of Selectmen close the public hearing regarding proposed fee changes. Seconded by Mr. Flynn Vote: 3:0:0

Discussion pertaining to Conservation Restriction – North Hill – presented by Joe Grady

Mr. Joe Grady addressed the Selectmen and stated that this is the first of three conservation restrictions to be presented regarding the parcels of land purchased from the Merry Estate. He further mentioned that they have been negotiating with Mass Audubon and the State to create this conservation restriction. Mr. Madigan asked what Mass Audubon's role is? Mr. Grady replied that the restriction has to be held by a third party, and they chose Mass Audubon since they already have abutting land. Mr. Flynn asked if there was a fee. Mr. Grady responded yes, a one-time endowment of \$15,000, which covers the cost of creating base line documents, recording boundaries, installing concrete boundaries, and an annual inspection of the boundaries and possible encroachments.

Mr. Dahlen moved that the Board of Selectmen vote to grant and approve Conservation Restriction No. 43 for the premises known as North Hill located at West Street, Merry Avenue and Hatches Bar Road to Massachusetts Audubon Society, Inc., pursuant to MGL Chapter 184, Sections 31-33 and in compliance with MGL Chapter 44B, as presented. Seconded by Mr. Flynn Vote: 3:0:0

Discussion with Sidewalk & Bike Path Committee Chair and Highway Safety Committee Chair regarding Town sidewalks

Mr. Tom Nee was present from the Sidewalk & Bike Path Committee; and Mr. Paul Brogna and Mr. Jeff Lewis were present from the Highway Safety Committee.

Mr. Madigan began by saying that this discussion was put on the agenda due to the tragic accident on Washington Street and that they are looking for suggestions to make roads safer.

Mr. Flynn complimented the Fire Department Paramedics and the Police Department for doing fantastic work. He stated that both departments are professionals and should be commended.

Mr. Tom Nee, Chair of the Sidewalk & Bike Path Committee, stated that they are looking at different projects right now including the suggested one-way around the Power Point/King Caesar loop in the summer. He continued to say that they put out a poll to property owners, and Mr. Madigan replied that he would like to know what the poll says. Mr. Nee further mentioned the gaps in the sidewalk on Washington Street, such as from the Flag Pole to Fort Hill Lane. He also stated that this section may be funded by a Safe Routes to School grant because it is within a mile of the school.

Mr. Ted Lawson, 620 Washington Street, approached the microphone and stated that he is one of the houses between Fort Hill and Blue Fish, and that the accident occurred right in front of his house and would like to see a sidewalk added to the west side. Mr. Lawson further mentioned that he is the Executive Director of DBMS, and he is keenly aware of the number of kids coming from school. He continued to say that along with his neighbors, they feel strongly that there should be a sidewalk there as adding a sidewalk would increase safety. He also remarked that there is also strong support to lowering the speed limit on Washington Street, especially during high tide as they would hate for another tragedy to happen.

Mr. Paul Brogna, Co-chair of the Highway Safety Committee and resident of 21 Village Way, stated that they are open to any and all priorities that the Town establishes to improve the safety of the Town for biking, walking or swimming. He mentioned that speed limits are governed by the Commonwealth of MA, but that Governor Baker approved legislation so that towns can adopt a 25mph speed limit on certain roads, which they will continue to discuss. He noted that there is equal responsibility of the drivers to drive the speed limits.

Mr. Flynn asked if they can expect a recommendation.

Mr. Brogna responded that they will next at their next meeting (meetings are generally the first Thursday of every month with the exception of this July – which is the second Thursday, July 11 – at 3:30pm at the Senior Center).

Mr. Alex See of St. George Street stated that he has made this observation – the speed limit should be 20mph from the lights, through Millbrook, through the school zone, to the flag pole and around Powder Point, 10mph at the bridge, then 20mph on Washington Street into Halls Corner and up Chestnut Street as that area is usually congested. And this should also include Standish Street. He continued to say that it is not just safety, it is the character of our Town and we should be equally known as a safe place.

Ms. Joan Sullivan, 15 Surplus Street, stated that people are putting rocks on the edge of the road along Washington Street which is causing a hazard. She asked if someone could state to citizens to not obstruct that land along the road. Mr. Read suggested that the Highway Safety Committee look into that. Mr. Dahlen commented that the rights-of-way vary. Ms. Sullivan asked if there was any way to put closed circuit cameras up – like the Mass Pike to catch people speeding. Mr. Madigan replied that he was not sure that was allowed. Mr. Read stated that we do set up speed signs.

Ms. Megan Driscoll Greenstein, 416 Washington Street, presented the Selectmen with pictures of King Caesar Road and Washington Street and the different areas where site was inhibited due to the overgrowth of trees/brush encroaching into the streets. She further mentioned that jumping into the Blue Fish River was not legal years ago and feels that it's the Town's responsibility so that no one else

gets killed – we need to do something. She also stated that she is the creator of the Go Fund Me page for Andrea Gordon, which has raised over \$60,000 to date, and if anyone interested, they can make a donation.

Mr. Flynn asked Mr. Nee if his committee was looking at that section of Washington Street and asked that they take a hard look at it. Mr. Nee replied that they will.

Mr. Madigan asked what other routes would fall under the Safe Routes to School Grant. Mr. Nee responded that Railroad Ave would, but we do not have a defined path.

Mr. Dahlen suggested that we allocate funds each year to fund investigation, surveying and engineering of sidewalks. He stated that this is a daunting process for a volunteer committee. He also suggested items of minimal cost: change speed limits and trimming shrubs within the Town property for safety.

Mr. Nee mentioned that the Sidewalk & Bike Path Committee's next meeting is July 2, 2019 at the Senior Center at 7:30pm and invite all to the next meeting. He further stated that at least two members of his committee would attend the Highway Safety Meetings.

Mr. Bill Tenhoor, lives on Water Street at the corner of Washington Street, stated that he seconds the proposal by Mr. See to reduce the speed limit due to the pedestrians, strollers and size of vehicle, plus there are a lot of kids, which has changed dramatically and much more active.

Ms. Michelle Hatfield, 272 Saint George Street, (and former member of the Sidewalk & Bike Path Committee) said that she has been approached by families asking what the Town was going to do. She stated that she applauds the idea of annual funding, but action is demanded now – this summer. She continued to say that under Chapter 90 the Town is authorized to go under 25mph, and this is a priority for the Town. Ms. Hatfield urged the Town to take action quickly.

Mr. Alex See suggested as a pragmatic approach to cut back shrubbery and provide notification. Mr. Pat O'Malley, 27 Keene Street, asked how quickly the DPW can start trimming as this would improve visibility and urge the Town to address quickly before another tragedy.

Mr. Ted Lawson stated that there is a great sense of urgency here and obviously certain processes should take place like an increase in police presence at some of these constricted areas. He said that he encourages the Town to throw in any resources in that regard because we have a lot of kids and there are a lot of people.

Mr. Dahlen asked the committees (Highway Safety and Sidewalk & Bike Path) to provide specific recommendations for the next Selectmen's meeting on July 15, 2019 and asked Peter Buttkus to meet with committees and what he sees as priorities (such as cutting shrubs back).

Mr. Read thanked everyone for attending and stated that he has come up with a few ideas (some of which have already been mentioned) such as improved signage, speed limit signs – reducing speed limits to 25 or 20 (due to demand of the area). He continued to remark that they can deploy the speed/radar trailer, but they are not permanent, and other ideas such as enforcement, removable seasonal speed bumps before and after the bridge, funding sources as sidewalks are a lot of money (engineering and installation), alternatives to sidewalks and other things to consider.

Ms. Nancy Kolstad of 612 Washington Street asked if we need to give notification to trim shrubbery if shrubbery is in the street. Mr. Read stated that he wants to make sure we have the right to do so.

Mr. Flynn mentioned that there may be state funding for sidewalks that Mr. Nee mentioned. (Safe Routes to School). Mr. Dahlen remarked that exploratory/engineering work needs to be done first so you can apply for the grant.

Mr. Brogna thanked everyone for their recommendations and that the committee will do their best to provide recommendations. He remarked that with Selectmen approval, they can reduce the speed limit from 30 to 25. He further stated that signage is important and trimming trees is important as a vast majority are in the public way. He continued and again mentioned everyone's driving habits, their speed and attention to detail. He ended stating that the committee will do everything they can.

Mr. Jeff Lewis, Co-Chair of the Highway Safety Committee, reiterated that this is a good time to install an educational component and that we should all start driving the speed limit as a step in the right direction. This is a good time to start educating and following good driving habits.

Ms. Greenstein stated that we need to hold drivers accountable and the police need to be willing to pull people over as she has very infrequently seen people being pulled over. Police need to give more tickets.

Mr. Madigan replied that police have been more active on Washington Street, but that there is a lot of area to cover and we do the best enforcement we can.

There was further discussions about reducing the speed limit, however, this topic needs to be added to a future Selectmen meeting as this item was not on the agenda and no vote can take place. This will be scheduled for the next Selectmen's meeting.

Discussion pertaining to a Regulatory Agreement regarding Feinberg Bog Road/Temple Street presented by Diane Bartlett

Ms. Diane Bartlett stated that this regulatory agreement is for the low income housing and that there will be another agreement forthcoming regarding the moderate income housing.

Mr. Dahlen moved that the Board of Selectmen approve the Local Initiative Program Regulation Agreement and Declaration of Restrictive Covenants for Ownership Project for property located at Feinberg Bog Road, and authorize the Board of Selectmen Chair to execute, as presented.

Seconded by Mr. Flynn Vote: 3:0:0

Discussion pertaining to Municipal Relief Transfer – presented by Finance Director John Q. Adams

Mr. Dahlen moved that the Board of Selectmen approve the FY19 Municipal Relief Transfers, as presented June 17, 2019. Seconded by Mr. Flynn Vote: 3:0:0

Discussion pertaining to School and Town Shared Cost Agreement – presented by Finance Director John Q. Adams

Mr. Adams stated that we have an unwritten agreement which covers the usual administrative expenses. Other costs from other departments to be included are pool (now in General Fund); Lands & Natural Resources for field work; waste water treatment for the school campus; and Facilities Management since 65% of their salaries work on school projects. Mr. Dahlen asked if the School Committee has voted on this. Mr. Adams replied that they have reviewed and are ready to sign.

Mr. Dahlen moved that the Board of Selectmen approve of and agree to the Town of Duxbury Municipal/School Services Agreement, as presented. Seconded by Mr. Flynn Vote: 3:0:0

Distribution of DRAFT Vehicle Use Policy for review and discussion at a future meeting – presented by Finance Director John Q. Adams

Mr. Adams mentioned that the Fiscal Advisory and Finance Committees have been discussing fleet management, such as who takes home vehicles and why. We have reviewed with the Audit Committee and they want to make sure we are in compliance.

Discussion pertaining to the status of Foodie's Market Liquor License

Foodie's Market currently holds an Off-Premise Wine & Malt liquor license located at 46 Depot Street. In November, 2018, they renewed their license with a six month extension to afford them time to determine their intentions (i.e., transfer to another entity or move to another physical location). A certified letter was sent to Foodies requesting their appearance before the Board on this date. Mr. Victor Leon of Foodies called the Town Manager's office on Thursday, June 13, 2019 and stated that they will voluntarily surrender Foodies Duxbury LLC's Wine & Malt Off-Premise Liquor License #00032-PK-0300. The ABCC requires the Board's acknowledgement of this surrendering.

Mr. Dahlen moved that the Board of Selectmen, as the Local Licensing Authority, acknowledges that Foodies Duxbury LLC has voluntarily surrendered their Wine & Malt Liquor License #00032-PK-0300 located at 46 Depot Street effective as of June 13, 2019. Seconded by Mr. Flynn Vote: 3:0:0

7:30 Water & Sewer Commissioners - Marshfield Commitment M2019-2

Motion to adjourn as selectmen & convene as water & sewer commissioners:

Mr. Dahlen 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. Flynn Vote: 3:0:0

Marshfield Water Commitment M-2019-2 - This is the commitment to collect the amount billed to the Town of Marshfield for Marshfield Residents receiving Duxbury Water.

Mr. Dahlen moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the total amount of \$10,866.35 for water charges for Commitment M-2019-2.

Seconded by Mr. Flynn Vote: 3:0:0

Motion to adjourn as water & sewer commissioners & re-convene as selectmen:

Mr. Dahlen moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen. Seconded by Mr. Flynn Vote: 3:0:0

IV TOWN MANAGER'S REPORT

Mr. Read stated that our offices are concluding the evaluation process and collective bargaining with the remaining departments. He further mentioned that he started meeting with Finance Director John Adams regarding department five-year forecasts, which they will then meet with the Finance Committee and ultimately bring to the Selectmen.

V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Mr. Flynn moved that the Board of Selectmen appoint or re-appoint the following Board/Committee members with terms to expire as indicated: Seconded by Mr. Dahlen Vote: 3:0:0

Conservation Commission	- Corey Wineski (re-appointment)	Term to expire 6/30/22
Design Review Board	- Judith Hall (re-appointment)	Term to expire 6/30/22
	- Stephen Williams (re-appointment)	Term to expire 6/30/22
	- Megan McClure Koss (appointment as alternate)	Term to expire 6/30/20
Economic Advisory	- Charles (Chuck) Weilbrenner (re-appointment)	Term to expire 6/30/22
	- Michael Juliano (re-appointment)	Term to expire 6/30/22
Highway Safety Advisory	- Neal Frangesh (re-appointment)	Term to expire 6/30/22
	- Phillip Tuck (re-appointment)	Term to expire 6/30/22
Open Space Committee	- Freeman Boynton, III (W&S re-appointment)	Term to expire 6/30/22
	- Brian E. Glennon, II (Planning re-appointment)	Term to expire 6/30/22
	- Patricia Loring (Conservation re-appointment)	Term to expire 6/30/22
Rec. Activities Committee	- Brooks Holmes (re-appointment)	Term to expire 6/30/22
	- Patrick Boles (re-appointment)	Term to expire 6/30/22
Sidewalk & Bike Path	- Jim Fiset (re-appointment)	Term to expire 6/30/22
	- Nancy Armington Johnson (re-appointment)	Term to expire 6/30/22
Zoning Board of Appeals	- Kathleen P. Muncey (re-appointment 5yrs)	Term to expire 6/30/24
ZBA – Associates	- Borys Gojnycz (re-appointment)	Term to expire 6/30/20
	- Dimitri Theodossiou (re-appointment)	Term to expire 6/30/20
	- Philip Thorn (re-appointment)	Term to expire 6/30/20

Mr. Madigan stated that Ms. Sheila Lynch-Benttinen has resigned from both the Duxbury Affordable Housing Trust and the Nuclear Advisory Committee, but that she is staying with the Historical Commission. Mr. Madigan thanked her for her service. He further stated that if anyone is interested in the open seats to please fill out a Talent Bank form and submit to the Selectmen's office.

VI ONE-DAY LIQUOR LICENSE REQUESTS -- None presented

VII EVENT PERMITS

07/17/19 Friends of the Duxbury Free Library – Author Talk (event date changed from 6/25/19)

Mr. Dahlen moved that Ms. Maureen Baraky, as representative of the Friends of the Duxbury Free Library is granted an Event Permit for their Author Talk and Book Signing Fundraiser Event, to be held at the Duxbury Bay Maritime School, Washington Street, on Wednesday, July 17, 2019 from 7:00pm to 9:00pm, subject to conditions of the permit. Seconded by Mr. Flynn Vote: 3:0:0

VIII MINUTES

Mr. Dahlen moved that the Board of Selectmen approve the 06/03/19 Selectmen's Minutes, as presented. Seconded by Mr. Flynn Vote: 3:0:0

Mr. Dahlen moved that the Board of Selectmen approve the 06/03/19 Selectmen's Executive Session Minutes, as written, with the contents to remain unavailable until the need for confidentiality has passed. Seconded by Mr. Flynn Vote: 3:0:0

Mr. Dahlen moved that the Board of Selectmen release the 06/03/19 Selectmen's Executive Session Minutes. Seconded by Mr. Flynn Vote: 3:0:0

IX ANNOUNCEMENTS

- 1) Active Shooter Training: On Thursday, June 27, 2019 The Duxbury Police will provide trainings at the Duxbury Senior Center to learn the best ways to protect yourself in a worst-case scenario. The training is open to all members of the community. There will be two training sessions - 10 a.m. and 7 p.m. Please call to register: 781-934-5774 Ext. 5716.
- 2) Duxbury 4th of July Info: To make a donation to the Margery Parcher Fund, which supports the Parade, or for details regarding the 2019 Duxbury 4th of July events, please go to: www.duxbury4thofjuly.com
- 3) 4th of July Town Hall Closure: The Town Hall will be closed on Thursday, July 4th in observance of the holiday.
- 4) Next Regularly Scheduled Selectmen's Meeting will be on Monday, July 15, 2019.

X BONUS SHELLFISH SEASON (for July 2019)

Mr. Dahlen 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, 2019 in accordance with posted Attachments A & B.

Seconded by Mr. Flynn Vote: 3:0:0

XI ADJOURNMENT

At approximately 8:35 pm, Mr. Dahlen moved that the Board adjourn.

Seconded by Mr. Flynn Vote: 3:0:0

Minutes submitted by Nancy O'Connor

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

- 1) Agenda*
- 2) Document re: Recognition of AFS Students*
- 3) Duxbury Music Festival documentation*
- 4) Fee hearing documentation*
- 5) Conservation Restriction – North Hill*
- 6) Regulatory Agreement – Feinberg Bog Road*
- 7) Municipal Relief Transfers*
- 8) School and Town Shared Cost Agreement*
- 9) Draft Vehicle Use Policy*
- 10) Documentation regarding Foodies liquor license status*
- 11) Water & Sewer Commissioners Documentation*
- 12) Committee Appointments/resignations*
- 13) Event Permit*
- 14) Draft Open Session Minutes and Executive Session Minutes (in Exec Sess files)*
- 15) Announcements*
- 16) Bonus Shellfish*
- 17) Photographs provided by Ms. Megan Driscoll Greenstein of Washington Street with respect to the discussions about safety and sidewalks on Washington Street*

