

Date: September 25, 2017

Date Minutes Approved: October 2, 2017

TOWN CLERK

2017 OCT 11 AM 10:03

DUXBURY, MASS.

BOARD OF SELECTMEN MINUTES

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

Absent: David J. Madigan, Vice Chair

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

I. CONVENED IN OPEN SESSION

The meeting was called to order at 6:22 pm in Open Session in the Town Hall (Mural RM). Chair mentioned that the Board would be going into an Executive Session regarding pending litigation but will re-convene in Open Session following that (at approximately 7 PM).

II. VOTE TO ENTER EXECUTIVE SESSION

Mr. Dahlen moved the Board of Selectmen go into Executive Session to discuss strategy with respect to litigation since an open meeting may have a detrimental effect on the Town's litigating position, if the chair so declares, regarding the following: Ryan Cavicchi v. Town of Duxbury and to reconvene in open session in accordance with Mass. General Laws Chapter 39, Section 23b.

As Chair, Mr. Dahlen declared the necessity for Executive Session to discuss strategy with respect to litigation, as to do so in an open session may have a detrimental effect on the Town's litigating position.

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

At approximately 7:00 pm, having completed the business of the Executive Session, the Board reconvened in Open Session and began after the public had entered the room.

III. OPEN FORUM - Nothing was brought forward.

IV. NEW BUSINESS

Decommissioning Pilgrim Station-Cleanup Standard / Duxbury Nuclear Advisory Committee

Present for this item of business were: Ms. Mary "Pixie" Lampert and Ms. Becky Chin, Co-Chairs of the Duxbury Nuclear Advisory Committee.

Ms. Lampert began by saying that the EPA's and DEP's risk level goal for a mixture of chemicals is a lifetime cancer incidence risk of 1 in one hundred thousand. That is the basic limit. The DEP's risk level goal for one chemical is a lifetime cancer incidence risk of 1 in in one million.

Ms. Lampert opined that the NRC (Nuclear Regulatory Commission) seems to regard radiation as a privileged pollutant because they allow levels of 25 millirems/year, which translates to cancer incidence risk of 175 per 100,000; significantly higher than what is allowed for chemicals. In addition if the site is going to remain under control (restricted) versus being a park (unrestricted), the site would be allowed to have 100 millirems / year (i.e. 700 cancer risk incidences /100,000) or with more controls

500 millirems / year (i.e., 3500 cancer risk incidences / 100,000). These high standards are what would currently apply to a decommissioned Pilgrim Nuclear Power Station if no action is taken.

The Commonwealth of Massachusetts (i.e., the State) has a standard for its licensees, for example hospitals or companies that handle radioactive materials. Its standard is 10 millirems /year, which is a cancer incidence risk of 70 in 100,000.

So the Duxbury Nuclear Advisory Committee is suggesting that the State could amend its requirements for its current licensees and add nuclear reactors, such as Pilgrim Nuclear Power Station, to make stricter standards for restricted facilities. She mentioned that other states have done so, but cautioned it should not be an informal understanding as those have not held up in other states.

The Duxbury Nuclear Advisory Committee requested that the Board send a letter to State officials at different levels at the Massachusetts Health and Human Services asking them to extend their regulation to impose a stricter standard and to extend that stricter standard so it will apply to Pilgrim Nuclear Power Station.

Mr. Flynn moved that the Board of Selectmen send a letter to Marylou Sudders, Secretary of Health & Human Services, with copies to Monica Bharel, Massachusetts Department of Public Health Commissioner; Jan Sullivan, Acting Director of Bureau of Environmental Health, and Jack Priest, Director of the Radiation Control Division, asking them to do two things:

- 1) to establish a more conservative cleanup standard than NRC's, and hopefully more conservative than its current standard for state licensees under its authority; and,
- 2) to have an open public process during its deliberations.

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

[Editorial Note: Per agreement of the Board the motion was amended as shown above to reflect the names and titles on the final version of the letter being executed this evening.]

V. TOWN MANAGER'S REPORT

Town Manager René Read mentioned the following items:

PACTV's Give Hope Telethon for Hurricane Relief

On Saturday, PACTV held a live Give Hope Telethon for Hurricane Relief. They partnered with the Plymouth Rotary and 100% of the proceeds will be distributed to Rotary Clubs in the affected areas in Texas and Florida. To date \$28,000 has been collected. You can still donate online by visiting www.pactv.org.

Green Communities

Our Planning Director, Valarie Massard, has been in the process of coordinating our efforts to becoming a Green Community and she continues to make terrific progress on that front. She has been pulling together the draft Energy Reduction Plan and currently she is in the process of working with a number of departments to create a Vehicle Inventory in the format we need for the Green Communities application. We anticipate that she will have information for the Board's consideration in the next few weeks.

FY19 Budget

Budget reviews with Department Heads have concluded – finishing touches and details are being worked through now. The Finance Committee will be holding its first meeting of the budget season next Tuesday, October, 3rd.

VI. COMMITTEE APPOINTMENTS / RE-APPOINTMENTS / RESIGNATIONS -none

VII. ONE-DAY LIQUOR LICENSE REQUESTS

10/28/17 Bay Farm Montessori 5K Run by the Bay

Mr. Flynn moved that the Board of Selectmen grant to Mr. Erik Christensen, as a representative of the Bay Farm Montessori Academy a One-Day Wine & Malt License for the 13th Annual 5K Run by the Bay on Saturday, October 28, 2017 from 10:30AM to 4:00PM, contingent on the conditions on the license. Second by Mr. Dahlen. VOTE: 2:0:0.

VIII. EVENT PERMITS

10/28/17 Bay Farm Montessori 5K Run by the Bay

Mr. Flynn moved that the Board of Selectmen grant to Ms. Sandy Kozlowsky, as a representative of the Bay Farm Montessori Academy, a permit to hold the 13th Annual 5K Run by the Bay on Saturday, October 28, 2017 from 8:00AM to 12:00PM, beginning and ending at the Bay Farm Montessori School, contingent on the conditions on the event permit. Second by Mr. Dahlen. VOTE: 2:0:0.

10/28/17 Winsor House Halloween Party

Mr. Flynn moved that the Board of Selectmen grant to Mr. Charles Weillbrenner, as representative of Modern Family Associates DBA The Winsor House Inn, an Event Permit for their Halloween Party, to be held outdoors at The Winsor House Inn on Saturday, October 28, 2017 from 7:00 pm to 10:00 pm, subject to the conditions on the permit. Second by Mr. Dahlen. VOTE: 2:0:0.

IX. MINUTES

Executive Session Minutes: *none*

Open Session Minutes: *09-11-17 Selectmen's Minutes-DRAFT*

Review and approval of the 09-11-17 were postponed until the next meeting as Mr. Madigan was not able to attend tonight and Mr. Flynn was not present at that meeting.

X. ANNOUNCEMENTS

Mr. Flynn read the following announcements:

1. CPC Funding Applications & Deadline

Community Preservation Committee (CPC) Funding Applications are available online or at the Conservation Department, 2nd floor of Town Hall. The scope of the project must be discussed in detail allowing the CPC sufficient time for review before the closing of the Annual Town Meeting warrant. The CPC encourages anyone with potential proposals to contact the committee early in the process to begin preliminary discussions. All applications must be reviewed with the staff prior to submission to the CPC.

All funding request applications to the CPC must be filed with the CPC no later than October 16, 2017*. (**Typically October 15th is the deadline, but since October 15th falls on a Sunday the deadline is on Monday, October 16th.*)

2. Fire Station Open House

Reminder the Duxbury Fire Department Annual Open House will be held on Sunday, October 1, 2017 from 10 AM to 2 PM at the Central Fire Station on Tremont Street. This family-friendly event is free and open to the public.

3. Duxbury Litter Sweep

The Annual Duxbury FALL Litter Sweep will be held on Saturday, ~~October 7, 2017~~ September 30, 2017* from 8 a.m. to 4 p.m. Registration and trash bags will be available at the Tarkiln Building. For more information see: www.duxburylitterpatrol.com or email duxburylitterpatrol@gmail.com. [**Editorial Note: Traditionally Fall Litter Sweep is on the first Saturday in October. It was learned, after the fact, that the organizers changed the date to September 30th as the first Saturday in October is on Columbus Day Weekend this year.*]

4. Next Board of Selectmen's meeting: October 2, 2017

XI. BONUS SHELLFISH SEASON (for October, 2017)

Mr. Flynn 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 2017, in accordance with posted Attachments B & C; and
- 2) for the **commercial** harvesting of **quahog clams** for the month of October 2017, in accordance with posted Attachments A & C.

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

XII. ADJOURNMENT:

At approximately 7:20 pm., Mr. Flynn moved that the Board adjourn the meeting. Second by Mr. Dahlen. VOTE: 2:0:0.

Minutes respectfully submitted by: C. Anne Murray

LIST OF DOCUMENTS FOR 09-25-17 SELECTMEN'S MEETING (Open Meeting documents are located in the Selectmen's office files. The 09-25-17 Executive Session documents are filed in the Executive Session files.)

1. *Agenda for 09-25-17 Selectmen's Meeting -Revised*
2. *Executive Session: In Executive Session file – See 09-25-17 Exec. Session Minutes.*
3. *OPEN FORUM: no documents*
4. *NEW BUSINESS:*
Decommissioning Pilgrim Station Clean-up Standard: Coversheet with suggested motion; 2-page summary of request from DNAC; Draft of Letter to Marylou Sudders in Signature File; Radiation Cleanup – How Clean is Clean Enough? Overview.
5. *Town Manager's Report: 09-25-17 Town Manager's Report*
6. *APPTS./Re-APPTS/RESIGNATIONS: none.*
7. *ODLLs : 5K Run by the Bay (Beer Garden)/ Bay Farm Montessori Academy – Draft One-Day Liquor License; ODLL Request Application and letter; Dept. Feedback*
8. *EVENT PERMITS:*
 - a. *5K Run by the Bay (Beer Garden)/ Bay Farm Montessori Academy – Draft Event Permit; Permit Request Application and letter; Dept. Feedback*
 - b. *10-28-17 Halloween Party at Winsor House (outdoor entertainment)-Draft Event Permit; Event application and letter; Dept. Feedback*
9. *MINUTES: Executive Session:–none and Open Session: 09-11-17 Selectmen's Minutes - Draft*
10. *ANNOUNCEMENT: Suggested Announcements for 09-25-17*
11. *BONUS SHELLFISH SEASON for October, 2017*