

**Date: November 18, 2019**

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

TOWN CLERK

**BOARD OF SELECTMEN**

OPEN SESSION MINUTES

NOV 20 2019  
DUXBURY, MASS.

**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; Nancy O'Connor, Executive Assistant; and Jeannie Horne, HR Director

**Others:** None

**CONVENED IN OPEN SESSION –**

I. **CALL TO ORDER** The meeting was called to order at approximately 6:30 p.m.

II. **6:30 PM – EXECUTIVE SESSION**

**VOTE TO ENTER EXECUTIVE SESSION**

Mr. Flynn moved that we go into Executive Session to discuss strategy with respect to collective bargaining since an open meeting may have a detrimental effect on the Town's bargaining position, if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, Section 21, and that the Board reconvene in Open Session on or about 7:00 PM.

*As Chair, Mr. Madigan declared that the necessity for an Executive Session is to discuss strategy with respect to collective bargaining, as to do so in an Open Session may have a detrimental effect on the Town's bargaining position.*

Mr. Madigan seconded the motion.

ROLL CALL VOTE: Mr. Madigan-Aye; and Mr. Flynn-Aye

**ADJOURNED EXECUTIVE SESSION & RE-CONVENED IN OPEN SESSION**

At approximately 6:55 p.m., after completing the business of the Executive Session, Mr. Flynn moved that the Board adjourn the Executive Session and immediately re-convene in Open Session at approximately 7:00pm. Mr. Madigan seconded the motion.

ROLL CALL VOTE: Mr. Madigan-Aye; and Mr. Flynn-Aye

III. **OPEN FORUM**

Ms. Betsy Sullivan, Chair of the Finance Committee, addressed the Selectmen and stated that she wanted to report on the work the Finance Committee has been doing regarding budgets. She continued to say that they have worked through most budgets. She also remarked that the department heads are heroes as they all came in at 2 ¼% budget increase as requested by the Finance Director, John Adams, with only a few exceptions. The exceptions are IT (due to the work the IT Steering Committee is in the process of doing) and the beach lease with Duxbury Beach Reservation and how that may impact certain department budgets. Ms. Sullivan also applauded the Schools for their hard work and for bringing in a budget that we can use. She also mentioned that the Finance Committee will be

reviewing capital requests this week and invited residents to attend. Ms. Sullivan wrapped up by stating that every department took what the Finance Director asked them to do, did it, and all did a great job. (Note: No deliberation or discussion ensued.)

#### **IV. NEW BUSINESS**

##### ***Acceptance of Donation to replace Tree on Town Green***

Ms. Selden Tearse set in action the "Town Green Christmas Tree Fund" to raise money to replace the dying tree located on the Town Green. This Tree will be re-dedicated in honor of Dr. Donald Muirhead on Sunday, December 1, 2019 during the annual Holly Days celebrations. The total amount raised to purchase this new tree is \$8,500. The Selectmen thanked Ms. Tearse and everyone who has generously donated to fund the purchase of this new tree. Ms. Tearse added that 90 people donated to this fund and that it was a great group effort.

Mr. Flynn moved that the Board of Selectmen generously accept the monetary donation of \$8,500 to enable the Town to purchase a new tree for the Town Green. Seconded by Mr. Madigan Vote: 2:0:0

##### ***Discussion pertaining to Library Settlement Agreement – presented by Jeannie Horne***

Mr. Madigan stated that this was discussed in Executive Session, and this agreement has been settled.

Mr. Flynn moved that the Board of Selectmen accept the Settlement Agreement by and between the Duxbury Free Library Employees, SEIU Local 888 and the Town of Duxbury as presented (or amended) beginning July 1, 2019 through June 30, 2022. Seconded by Mr. Madigan. Vote: 2:0:0

##### ***Discussion pertaining to Secretaries & Clerks Settlement Agreement – presented by Jeannie Horne***

Mr. Madigan stated that this was discussed in Executive Session, and this agreement has been settled.

Mr. Flynn moved that the Board of Selectmen accept the Side Letter of Agreement by and between the Duxbury Secretaries and Clerks, SEIU Local 888 and the Town of Duxbury as presented (or amended) introducing and supporting a wage classification study at the March 2020 Town Meeting. Seconded by Mr. Madigan. Vote: 2:0:0

Mr. Flynn moved that the Board of Selectmen accept the Settlement Agreement by and between the Duxbury Secretaries and Clerks, SEIU Local 888 and the Town of Duxbury as presented (or amended) beginning July 1, 2019 through June 30, 2022. Seconded by Mr. Madigan Vote: 2:0:0

##### ***7:00pm Public Hearing re: Tax Classification – presented by Steven Dunn, Assessor***

Mr. Flynn that the Board of Selectmen open the public hearing regarding Tax Classification. Seconded by Mr. Madigan Vote: 2:0:0

Discussion Pertaining to Tax Classification – presented by Steve Dunn, Assessor.

Mr. Dunn reviewed the Annual Fact Sheet, which proposed a single tax rate for FY20 of \$14.66 per one thousand dollars of assessed valuation. He further stated that this is a two cent decrease over the FY19 tax rate of \$14.68.

(For detailed documentation and fact sheet, please contact the Board of Selectmen's office for a copy.)

Mr. Flynn moved that the Board of Selectmen vote to adopt a single tax rate for FY2020 by setting a residential factor of one and to also authorize and allow Stephen Dunn, Director of Assessing, to sign the LA-5 online in the DOR Gateway system on the Selectmen's behalf.

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

Mr. Flynn moved that the Board of Selectmen close the public hearing regarding Tax Classification.

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

***7:01pm Hearing – Liquor License Change of Classification, Hours & Manager – The Anchor***

Mr. Flynn moved that the Board of Selectmen open the public hearing regarding Liquor License changes for The Anchor. Seconded by Mr. Madigan Vote: 2:0:0

Mr. Christopher Schweiger addressed the Selectmen and stated that he is a partner of The Anchor and The Oysterman. He continued to say that they now have a full dinner menu 7 days a week at The Anchor, and they serve breakfast/brunch and would like to serve liquor starting at 10am. All other hours remain the same.

Liquor license changes for The Anchor as follows:

1. Change of Category from Wine & Malt with Cordials to All Alcoholic Beverages
2. Change of Manager from J. Dermot Loftus to Christopher Schweiger
3. Change of Hours as follows:
  - 11am to 11pm Monday-Saturday changed to 11am to 11pm Monday-Friday
  - 11am to 11pm Sunday & Holidays changed to 10am to 11pm Sat, Sun & Holidays

Mr. Flynn moved that the Board of Selectmen, acting as the Local Licensing Authority, approves the Change of Category from Wine & Malt with Cordials License to an All Alcoholic Beverages License; Change of Manager from J. Dermot Loftus to Christopher Schweiger; and Change of Hours as requested for License #04037-RS-0300, all subject to the requirements of the ABCC (Alcoholic Beverages Control Commission) and the Town of Duxbury. Seconded by Mr. Madigan Vote: 2:0:0

Mr. Flynn moved that the Board of Selectmen close the public hearing.

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

***7:05pm Fee Hearing for Dog Walking Permits***

Tonight's fee hearing was advertised in *the Duxbury Clipper* on October 30 and November 6, 2019. The proposed fees were reviewed by the Fiscal Advisory Committee at their meeting on November 13, 2019, and voted 6-1 in favor of all proposed fees.

Mr. Read stated that the Town has received a number of questions and comments on this dog walking permit proposal and unfortunately, one of the principal figures in this conversation, our Animal Control Officer, Eddy Ramos, was unable to attend this evening's meeting. That said, Mr. Read recommended that the Board of Selectmen open the public hearing, allow anyone in the audience here tonight to provide their statements, questions, opinions which we will record, and then following taking that testimony, immediately recess (not close) the public hearing to Monday, December 16<sup>th</sup> at 7:05 p.m. at which time the Board could then re-open the public hearing to allow all town staff to be present to respond to the statements from the public.

He also stated that they didn't want any of the people in attendance on behalf of this conversation to be short-changed, and that he wanted to make sure they are given the opportunity to be heard this evening in case they cannot make the meeting on 12/16.

Mr. Flynn moved that the Board of Selectmen open the public hearing regarding proposed fee changes for: *Town Clerk – Dog Walking Permits*. Seconded by Mr. Madigan. Vote: 2:0:0

Mr. Jim Lampert, Washington Street and also member of the Fiscal Advisory Committee, addressed the Selectmen. He stated that the Fiscal Advisory Committee voted to support these fees, and supported that the Town was looking for more money when needed. He continued to say that he read the focus was on the cost of cleaning up these sites. Mr. Lampert said that the Town clearly needs to recoup costs and the fees would vastly exceed costs. He also mentioned that it was his understanding that there are 3,000 dogs in town, with 1,300 unlicensed. He then suggested that if the bylaw was enforced to make sure all dogs are licensed, that should cover the cost. He continued to say that a lot of these walking paths/trails are accessible by vehicles and recommended that ten gallon cans be put at midpoints as that would have a dramatic impact on what needs to be cleaned up. Mr. Lampert also expressed concern that the rules and regs do not include Duxbury Beach's metes and bounds as well as the referenced Town Land/Conversation are not defined. He further mentioned a concern regarding visitors and how would they be able to walk their dog. He made it clear that he felt the Town is going overboard, which is not what we should be doing.

Mrs. Mary Lampert, Washington Street, also addressed the Selectmen. She stated that they are very familiar with the trails and appreciated the Town's need for money. She continued to say that it's very simple to add an additional can half way around the walking path.

Ms. Karen Barry, West Street, also addressed the Selectmen and stated that she sent an email earlier. Ms. Barry raised concern that this change would be a by-law change. Mr. Madigan responded that this is not a by-law change, but a fee change. Ms. Barry questioned why this fee was needed and the purpose of how this revenue would be used. She also asked if it would be prudent to look at the fee structure and how many dogs from out of town. Ms. Barry continued to say that should would like another review of fees, and would like to advocate that out of town pay the same fee because the conservation lands are paid by both local funds and state funds. She also mentioned that people feel offended to have to wear a badge. Another concern of Ms. Barry's is whether we were opening ourselves up for more liability and legal issues.

Ms. Sheila Lynch-Benttinen, West Street, thanks the Selectmen and thanked Eddy Ramos for being the best dog officer and provided an excellent service to the Town. Ms. Benttinen stated that she felt it was uncalled for in Duxbury to have to wear a tag/number on her outerwear. She further expressed that she felt this was based on the Bone Yard in Kingston, which is a fenced in dog park area where dogs are unleashed, as well as a dog park in Hingham. She continued to say that if passed, we will have the strictest dog walking rules. She asked the Selectmen to please not pass this and do not consider this.

Carol Bahr, Bay View Road, stated she is concerned as to what the purpose is and if it is to raise funds. She was further concerned about visitors from out of town, which would restrict her ability to walk that dog. She then remarked that this proposal was very complicated, and if it's to raise funds, there are ways to raise extra funds. She thanked the Selectmen for letting everyone speak.

Joe Grady, Conservation Agent, responded to these concerns. He explained that he has constructed all parking and walking areas everyone is using, which have been a huge success and also draws others from other towns. He continued to say that in 2014, there was a need to do something about the dog waste. Through Town Meeting, mutt mitts were installed and over time, waste buckets were added. Mr. Grady stated that the DPW spends two days a week in the summer to pick up the waste, and added that to date, the DPW has bought 120,000 mutt mitt bags. He then remarked that is why he supports charging a fee for this service as it's an expense and a big labor for DPW. He further explained that the parking lots are snow plowed and re-graded and trails are mowed as well. He made clear that they are happy to do that, but that it's a cost to the Town for labor and supplies.

Susan Kelley, Town Clerk and licensing authority, stated that this has been looked at as a vehicle to license more dogs and a way of enforcement. She then explained the process, charging a late fee, which then would lead to a citation which then results in a warrant for the owners arrest. She remarked that it's a concern because those unlicensed dogs may not be vaccinated. Ms. Kelley said that she is happy to run this as a pilot program. She also mentioned that this is basically an extension of the beach dog walking permit and that the rules and regulations boil down to pick up after your dog, control your dog, and don't leave your dog unattended in accordance with rules and regulations.

Ms. Susan Curtis, of High Street, said that she has been walking these trails for 42 years. She remarked that the biggest issue is licensing as most dogs that show up at the shelter unlicensed. She stated that people need to license their dogs so we know that the dog has had their shots and also know who they are. She continued to say that it is easy to check the beach, but not sure how you check in the woods. She ended saying that the biggest thing is enforcement, and dogs need to be licensed.

Mr. Madigan moved that the Board of Selectmen recess and continue this public hearing on Monday, December 16, 2019 at 7:05pm in the Mural Room of Town Hall. Seconded by Mr. Flynn Vote: 2:0:0

***Discussion and review of Annual Liquor License Renewals along with CV/Entertainment license and renewal certification***

Mr. Flynn moved that the Board of Selectmen renew the following liquor licenses along with their associated common victualler, innkeeper, and entertainment licenses as presented on the attached list for the year 2020, subject to satisfactory inspections by the Municipal Services Department, Board of Health, and Fire Department, receipt of all renewal requirements and payment of all funds/fees owed to the Town of Duxbury, as well as any additional conditions imposed by the Board of Selectmen as the Local Licensing Authorities. Seconded by Mr. Madigan Vote: 2:0:0

(Note: this vote also includes Jamie's Fine Wine & Spirits III since Mr. Dahlen was not in attendance as he would have had to recuse himself).

***Discussion regarding Liquor License Change of Manager for Duxbury Veteran's Club***

Mr. Flynn moved that the Board of Selectmen, acting as the Local Licensing Authority, approves the Change of Manager to Sara Lansing, for Duxbury Veteran's Club Inc. located at 5 West Street, License #00007-CL-0300, subject to the requirements of the ABCC (Alcoholic Beverages Control Commission) and the Town of Duxbury.

***Discussion and review of seasonal population with respect to seasonal liquor license quota***

M.G.L. Chapter 138, Section 17, requires that an annual estimate of temporary increased resident population shall be made prior to March 1 in any year, for the purpose of establishing a quota of seasonal liquor licenses that a town may issue.

Mr. Flynn moved that the Board of Selectmen certify to the Alcohol Beverage Control Commission, based on information from the Assessor and the Town Clerk, that the estimated temporary resident total population as of July 10, 2020 will be 17,912 (Current population of 16,414 plus an estimated increased summer population of 1,498 = 17,912). Seconded by Mr. Madigan. Vote: 2:0:0

**V TOWN MANAGER'S REPORT**

Mr. Read stated that there have been discussions with DBR regarding the beach lease at an initial review session, and that there will be another meeting again in December. He further mentioned that there are continuing discussions and review of bid documents regarding the seawall; and waiting on new P&S regarding the Harrington property.

Mr. Read read the following regarding the removal of kayaks from Shipyard Lane:

As of November 5<sup>th</sup>, there are now at least 80 kayaks, dinghies and paddleboards that have been stored and/or abandoned on Town property at Shipyard Lane. The storage of these vessels at this site is not permitted and in some cases, because of the standing water contained therein and their general neglect and disrepair, they constitute a public health hazard and liability to the Town. Please note that any vessels in this area must be removed by Sunday, December 1, 2019. Any remaining vessels found at this site after this date will be removed from the site and disposed of.

**VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS**

***Historical Commission – Liaison to CPC Appointment***

Mr. Flynn moved that the Board of Selectmen appoint Mr. R. Taggart (“Tag”) Carpenter as the Historical Commission’s liaison to the Community Preservation Committee to fill an unexpired term due to expire 6/30/22. Seconded by Mr. Madigan. Vote: 2:0:0

***Historical Commission – Resignation***

Mr. Robert C. (“Terry”) Vose resigned as of November 6, 2019 from the Historical Commission and November 7, 2019 from the Community Preservation Committee as the Historical Commission’s liaison. We commend and sincerely thank Terry for his time, talents, and outstanding dedication of over 15 years to the Town of Duxbury. Hopefully his generosity will inspire others to volunteer as well.

There is now an open seat on the Historical Commission. If you wish to apply, please fill out a Talent Bank form, which can be found in the Forms & Documents tab on the Town’s webpage.

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

**VIII EVENT PERMITS**

*12/14/19 Holiday Dingle Ball Fundraiser / Wicked Good Cause*

Mr. Flynn moved that Mr. Paul Casale is granted an Event Permit for their Holiday Dingle Ball Fundraiser for Wicked Good Cause, to be held at the Duxbury Bay Maritime School, Washington Street, on Saturday, December 14, 2019 from 8:00pm to 11:30pm, subject to the conditions of the permit. Seconded by Mr. Madigan Vote: 2:0:0

## **IX MINUTES**

### ***Open Session Minutes***

Mr. Flynn moved that the Board of Selectmen approve the 11/4/19 Selectmen's Minutes, as presented. Seconded by Mr. Madigan Vote: 2:0:0

## **X 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) Next Scheduled Selectmen's Meeting will be on Monday, November 25, 2019.**

## **XI ADJOURNMENT**

At approximately 8:25pm, 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) Executive Session motion (documents kept in separate confidential folder)*
- 3) Documentation regarding Tree Donation*
- 4) Collective Bargaining Agreements*
- 5) Tax Classification Hearing documentation*
- 6) Liquor License Amendment documentation – the Anchor*
- 7) Hearing documentation regarding Dog Walking Permits*
- 8) Annual Liquor License Renewal documentation*
- 9) Liquor License Change of Manager documentation – Duxbury Veteran's Club*
- 10) Committee Resignation and Appointment*
- 11) Event Permit*
- 12) Open Session Minutes*
- 13) Announcements*

