

Date: December 11, 2017

Date Minutes Approved: December 18, 2017

TOWN CLERK

2018 JAN 10 AM 10:54

DUXBURY, MASS.

BOARD OF SELECTMEN

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

Absent: David Madigan, Vice-Chair; and René J. Read, Town Manager

Staff: John Madden, Finance Director; and Nancy O'Connor, Executive Assistant
Jill Stewart, Treasurer/Collector, regarding Molly Hopkins Taft Scholarship
Tracy Mayo, Health Agent, regarding Plastic Bag Ban

Others in Attendance: Jeff Blake, Esq., KP Law (Town Counsel)

CONVENED IN OPEN SESSION –

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

II. OPEN FORUM

Resident Lorrie Hall approached the podium and asked the Selectmen for an update on banning recreational marijuana shops in Town. Mr. Dahlen replied that there will be articles presented at Town Meeting. Ms. Hall asked if Town Meeting vote was required. Attorney Blake responded that yes, Town Meeting vote is required. He further stated that the Town has been working on two articles regarding a general by-law change and a zoning by-law change. He continued to say that they have been seeking guidance from the Attorney General's office, and Attorney Barbara St. Andre plans to meet with the Town Manager and Valerie Massard, Planning Director, this Thursday morning to discuss. Ms. Hall asked if there would be any hearings involved. Mr. Flynn answered that the warrant articles would be presented to the Finance Committee and to the Selectmen. Ms. O'Connor advised Ms. Hall that she would notify her of upcoming meetings pertaining to this subject. Mr. Dahlen concluded that they are doing what the Attorney General tells us in order to be compliant.

III. NEW BUSINESS

7:01 p.m. Public Hearing – New Liquor License application – The Anchor

Mr. Flynn moved that the Board of Selectmen open the advertised public hearing for the new on-premises, Wine and Malt Beverages with Cordials liquor license application for Anchor289, LLC, d/b/a The Anchor, Dermot Loftus, Manager, for the premises located at 289 Saint George Street, Duxbury, MA. Seconded by: Mr. Dahlen Vote: 2:0:0

Mr. Chris Schweiger, partner and General Manager of the Oysterman, approached the podium. He described The Anchor as a breakfast, lunch and light dinner restaurant.

Mr. Dahlen questioned the hours of the liquor license and asked what times they would be serving. Mr. Schweiger responded that they most likely won't be serving liquor until lunch time. Mr. Dahlen suggested changing the liquor license serving hours to be 11:00am to 11:00pm Monday through Saturday and also Sundays and Holidays. Mr. Schweiger agreed.

There were no comments from the public.

Mr. Flynn moved that the Board of Selectmen, acting as the Local Licensing Authority, approve the new on-premises, Wine and Malt Beverages with Cordials liquor license for Anchor289, LLC, d/b/a The Anchor, Dermot Loftus, Manager, for the premises located at 289 Saint George Street, Duxbury, MA, subject to the conditions of the license. Seconded by Mr. Dahlen Vote: 2:0:0

Mr. Flynn moved that the Board of Selectmen close the advertised public hearing.
Seconded by Mr. Dahlen Vote: 2:0:0

Discussion pertaining to Common Victualler and Entertainment license applications – The Anchor
New Business – The Anchor, Dermot Loftus, Manager, has applied for Common Victualler license for a new restaurant serving breakfast, lunch and dinner located at 289 Saint George Street. (The applicant chose not to apply for an entertainment license.)

Mr. Flynn moved that the Board of Selectmen approve the following license for Anchor289, LLC, d/b/a The Anchor, for the year 2018, subject to the receipt of all required paperwork, Board of Health and Building Department requirements, as well as payment of all associated fees owed to the Town of Duxbury.

Common Victualler License #CV53YR2018

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

Discussion pertaining to Plastic Bag Ban – presented by Tracy Mayo
(Ms. Mayo arrived later and this matter was discussed after the approval of the water services waiver by the Water & Sewer Commissioners)

Molly Hopkins Taft Library Service Scholarship Award Fund - Transfer of care and management to the Partridge Fund

Attorney Blake remarked that the Town currently administers this fund for high school students applying for a scholarship and that the family (Georgia Taft Pye) has asked to transfer the management of this fund to the Trustees of the Partridge Academy to achieve a better return of the money. He further stated that this is considered a public charity, and the Attorney General has oversight and must be a co-petitioner. The Town would then have to file a Beede petition to the appeals court, which could take 1-2 months to be approved. At that time, all responsibility would be transferred from the Town to the Partridge Fund subject to all conditions of the original fund (Molly Hopkins Taft), and the Town would relinquish all rights and no longer have authority over this fund (Molly Hopkins Taft).

Mr. Dahlen opined that since the family is requesting this change, the Town shouldn't be doing something that someone else can do better, and servicing a scholarship fund is already what the Partridge Fund is doing. Mr. Dahlen said that it was a good idea to be compliant to the family wishes.

Mr. Flynn asked what the principal balance was. Ms. Jill Stewart, Treasurer, responded that the principal balance was \$10,053.

Mr. Flynn moved that the Board of Selectmen authorize the transfer of the care and management of the Molly Hopkins Taft Library Service Scholarship Award (the "Scholarship Fund") from the Treasurer of the Town of Duxbury as Trustee to the Trustees of Partridge Academy under the restrictions of the Scholarship Fund's 1995 Trust document and further to authorize René Read, Town Manager, or Jill Stewart, Treasurer, to execute any documents and approve all action necessary to effectuate said transaction, and this transfer will be contingent upon the receipt of an affidavit from the Partridge Academy Trustees agreeing to follow the restrictions of the Scholarship Fund's 1995 Trust document in perpetuity and upon court approval.

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

7:10 PM WATER & SEWER COMMISSIONERS

South Shore Habitat for Humanity request to waive Water Dept. fees

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. Dahlen Vote: 2:0:0

(Ms. Lorrie Hall asked about what was going to be said regarding the Plastic Bag Ban. Mr. Dahlen explained that it was approved at the last town meeting and Tracy Mayo was just providing information and details of what bags are and are not allowed.)

Mr. Flynn continued to read a memo from Mr. Read as follows:

Gentlemen,

Attached is a letter dated November 15, 2017 from South Shore Habitat for Humanity requesting the Water & Sewer Department waive all local fees related to the development and connection of services to their property at 66 Lake Shore Drive.

This request was vetted through the appropriate departments, and Peter Buttkus, Peter Mackin, Scott Lambiase and I are all in agreement to waive these fees, which fees would amount to approximately \$2,000.

If you are all in agreement as Water & Sewer Commissioners, below is the suggested motion.

Mr. Dahlen stated that this is for the meter hook-up fee only as a one-time waiver, and they will pay all their regular water bills.

Mr. Flynn moved that the Water & Sewer Commissioners authorize that all fees be waived related to the development and connection of water services for the property owned by South Shore Habitat for Humanity located at 66 Lake Shore Drive. Seconded by Mr. Dahlen Vote: 2:0:0

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

Discussion pertaining to Plastic Bag Ban – presented by Tracy Mayo

(Ms. Mayo arrived later and this matter was discussed after the approval of the water services waiver by the Water & Sewer Commissioners)

Ms. Mayo informed everyone that at the 2017 Town Meeting residents voted to adopt a by-law banning plastic carryout shopping bags, and the Board of Health is now the enforcer. Ms. Mayo sent out letters to all businesses informing them of this change as well as stating the by-law, which will be in effect starting January 1, 2018.

Mr. Dahlen asked if the Foodies plastic bags are banned except for the ones used for vegetables.

Ms. Mayo replied that those smaller plastic bags used for vegetables are fine. Other bags still allowed are dry cleaner bags and newspaper bags. The Foodies carryout grocery bags are banned; however, there are some plastic bags with handles that meet a certain thickness and are marked re-usable, which are fine.

IV COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

Resignation: Nuclear Advisory Committee

Mr. Flynn stated that Mr. Graeme I. Groombridge has resigned from the Nuclear Advisory Committee.

Appointments/Re-Appointments: Nuclear Advisory Committee

Mr. Flynn moved that the Board of Selectmen appoint Shelia Lynch-Benttinen to the Nuclear Advisory Committee for a term to expire of of June 30, 2020. Seconded by Mr. Dahlen Vote: 2:0:0

(Comments: With the above appointment the Nuclear Advisory Committee will be fully staffed.)

V ONE-DAY LIQUOR LICENSE REQUESTS *None presented*

VI EVENT PERMITS *None Presented*

VII MINUTES

Executive Session Minutes:

Mr. Flynn moved that the Board of Selectmen approve the 11/27/17 Executive Session Selectmen's minutes, as presented, with the contents to remain confidential until the need has passed. Seconded by Mr. Dahlen Vote: 2:0:0

Open Session Minutes:

Mr. Flynn moved that the Board of Selectmen approve the 11/27/17 Selectmen's minutes, as presented. Seconded by Mr. Dahlen Vote: 2:0:0

VIII ANNOUNCEMENTS

1. Holiday Closure Schedule:

The schedule of holiday closures for Town Hall, the Senior Center, Duxbury Free Library, Percy Walker Pool and Transfer Station has been posted in the Town News section on the Town website.

2. Next Board of Selectmen's meeting: December 18, 2017

IX ADJOURNMENT

At approximately 7:30 p.m., Mr. Flynn moved that the Board adjourn.
Seconded by Mr. Dahlen. 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) Hearing re New Liquor License Application – The Anchor documentation*
- 3) The Anchor – Common Victualler and Entertainment licenses documentation (Note: applicant chose not to apply for an entertainment license so that was not presented)*
- 4) Plastic Bag Ban documentation*
- 5) Molly Hopkins Taft Library Service Scholarship Award Fund documentation*
- 6) Water & Sewer Commissioners Agenda and waiver documentation*
- 7) Executive Session Minutes (Confidential – kept separately)*
- 8) Open Session Minutes*
- 9) Announcements*