

**Date: December 14, 2020**

**Date Minutes Approved: December 21, 2020** TOWN CLERK

**BOARD OF SELECTMEN**

2020 DEC 28 PM 5:30 OPEN SESSION MINUTES

DUXBURY, MASS.

**Present:** Theodore J. Flynn, Chair; David J. Madigan, Vice Chair; and Amy M. MacNab, Clerk

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

**Others:**

**CONVENED IN OPEN SESSION (via remote participation of the Board members and staff)**

**I. CALL TO ORDER** This meeting was called to order at approximately 6:00 pm.  
*This Open Meeting is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus. In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely. The Order, which you can find posted on our agenda, allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. For public access – please email at [oconnor@town.duxbury.ma.us](mailto:oconnor@town.duxbury.ma.us) or call-in at 781-934-1100 x5400 for questions or comments.*

*This meeting is convening via Zoom video conference produced and recorded by PACTV, and can be viewed live on the Duxbury Government Access Channels – Verizon 39 or Comcast 15; or for those without cable, on PACTV's Prime streaming channel at [PACTV.org/LIVE](http://PACTV.org/LIVE). This meeting will then be available via video on-demand on PACTV's website.*

**II 6:00PM – EXECUTIVE SESSION**

Ms. MacNab moved Move we go into Executive Session for the purpose of discussing strategy with respect to potential litigation since an open meeting may have a detrimental effect on the litigating position of the Town, if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, Section 21. This Executive Session will adjourn when completed and the Board will reconvene in Open Session on or about 7:00 PM.

*“Mr. Flynn, as Chair, declared the necessity for an 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.”*

*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

After the business of the Executive Session was concluded, Ms. MacNab moved that at approximately 7:00PM, the Board of Selectmen adjourn the Executive Session and reconvene in Open Session (at or around 7:00pm).

*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; and Ms. MacNab-Aye*

**III. OPEN FORUM/PUBLIC COMMENTS:** No official “open forum” as these are remote meetings. No public comments via phone calls were received during this meeting. Mr. Read read for the record the following email received inquiring about the vaccination process:

*This question is from Susanna Sheehan of the Duxbury Clipper who writes: I saw the front page report in Saturday's Patriot Ledger about South Shore towns like Marshfield preparing to vaccinate their residents against COVID-19. In Marshfield, the Board of Selectmen voted to create a vaccine task force and the town purchased two industrial freezers and special gloves to handle the vaccine. Marshfield is preparing its paramedics to administer the vaccine and coming up with places to vaccinate its residents. I was wondering if there are any plans in Duxbury to do something similar? And who would be involved in this?*

Mr. Read responded that this is a Board of Health issue, and we would probably enlist the Medical Reserve Corps. Mr. Read also stated that he had forwarded this email to Tracy Mayo, Health Agent, and she responded that the Town would not be buying a freezer at this time. Mr. Madigan asked if there would be a vaccination site (such as the Senior Center). Mr. Read answered that it will all depend on such things as the weather and when it arrives.

Mr. Madigan announced that he will not be running again in the Town Election for Selectman, so there will be another open seat along with two other seats (one two-year term and one three-year term) to expand the Board to five members.

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

##### ***7:05pm Fee Hearing – proposed fee increases for the Fire Department***

Ms. MacNab moved that the Board of Selectmen open the public hearing regarding the proposed fee changes for the following department: Fire Department – Ambulance Fees

*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

Fiscal Advisory met on November 19, 2020 and voted unanimously to approve these proposed fees.

Chief Kevin Nord stated that the last increase was in 2018 with the one before that in 2014. He added that adjustments are made over a period of years and that he looks at the trends and comparisons with other towns' costs. Chief Nord remarked that ambulance costs are increasing along with the unknown long-term costs associates with Covid-19 (such as PPE). He also said that they do waive fees for hardships. Ms. MacNab asked if we collect a fee for transports. Chief Nord responded yes. Ms. MacNab also asked if insurance companies have to accept these costs. Chief Nord replied that HMOs will pay what the rate is, but that Medicare and MassHealth only pay a certain amount.

Ms. MacNab moved that the Board of Selectmen approve the proposed Ambulance fees presented by Chief Kevin Nord, with the new fees to be effective January 1, 2021.

DUXBURY	Current Rate	Proposed Rate
BLS Base Rate	\$ 1,100.00	\$1,379.00
ALS1 Base Rate	\$ 1,300.00	\$1,630.00
ALS2 Base Rate	\$ 1,925.00	\$2,400.00
Mileage	\$ 26.00	\$31.06

*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

Ms. MacNab moved that the Board of Selectmen close this public Fee Hearing.

*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

**7:10pm Aquaculture Float Renewal Hearing**

Ms. MacNab moved that the Board of Selectmen open the aquaculture float license public hearing advertised in the *Duxbury Clipper* on December 2, 2020 regarding aquaculture float license applications from the aquaculture grant holders named in the notice.

*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

Mr. Al Hoban, Chair of the Shellfish Advisory Committee, stated in his memo dated 12/10/20 that the Shellfish Advisory Committee met on 11/18/20 to discuss the applications and voted to recommend that the Board of Selectmen approve the applications.

Harbormaster Jake Emerson explained that this is an annual renewal of licenses and under the State statute, can only be renewed annually.

Ms. MacNab moved move that the Board of Selectmen approve the float license applications submitted by the following applicants: Arthur Bennett, William Bennett, Mark Bouthillier, Brad Doyle, Scott Doyle, Michael George, Stephen Gilbert, Joseph Grady, Christian Horne, Robert Knecht, Benjamin Lloyd, Victoria Lloyd, John McCluskey, William McCormick, Donald Merry, Gregory Morris, Christopher Phillips, Joseph Pierce, Peter Prime, Charles White, and Brian Zec, and, as required by MGL 130 sec 57-68, grant permission to conduct activities as outlined by the Management Plan- (Designated Aquaculture Area, Federal Anchorage, DBMS Upweller-AQUACULTURE FLOAT) pending all Federal, State, and local reviews and approvals.

*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

Ms. MacNab moved that the Board of Selectmen close the aquaculture float license public hearing.

*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

**7:20pm Shellfish Aquaculture Renewal Hearing – Peter Prime**

Ms. MacNab moved that the Board of Selectmen open the shellfish aquaculture license renewal public hearing advertised in the *Duxbury Clipper* on December 2, 2020 regarding renewal license applications from Peter Prime.

*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

Mr. Al Hoban, Chair of the Shellfish Advisory Committee, stated in his memo dated 12/10/20 that the Shellfish Advisory Committee met on 11/18/20 to discuss the applications and voted to recommend that the Board of Selectmen approve the renewal application up to ten (10) years. He continued to say that this renewal is also a request of the joining of other parcels.

Harbormaster Jake Emerson explained that the three parcels are all already approved, but this is to tidy up the renewal process by joining them altogether instead of coming back three times before the Selectmen. Ms. MacNab asked if there is a limit on parcels. Mr. Emerson replied yes, three acres maximum and that these three parcels do not exceed that.

Ms. MacNab moved that the Board of Selectmen approve the renewal of the Shellfish Aquaculture License and Lease granted to Peter Prime of 150 Myrtle Street, for Aquaculture Lease #7949-01, 7949-02, and 7949-03 for a term of ten (10) years pending all Federal, State, and local reviews and approvals  
*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

Ms. MacNab moved that the Board of Selectmen close the shellfish aquaculture license renewal public hearing.

*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

***7:30pm Hearing – Transfer of Liquor License – Modern Family/Winsor House to Pros Only, LLC***

Ms. MacNab moved that the Board of Selectmen open the public hearing regarding the Transfer of License from Modern Family Associates, LLC d/b/a the Winsor House Inn & Restaurant to Pros Only, LLC d/b/a the Winsor House Inn & Restaurant

*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

Mr. Chris Sherman, representing Pros Only, LLC (Island Creek Oysters), stated that they were happy to acquire the Winsor House and have plans to redecorate and then re-open in the spring/summer. He further stated that there are no material changes to the licensed premises and that's it's simply a transfer. He added that they will have continuity of staff between the Winsor House and the ICO Raw Bar and is confident that they can take over the Winsor House and manage responsibly. Mr. Chuck Weilbrenner, current owner of the Winsor House, added that they closed the restaurant last Saturday to the public after a seven and one-half year run. He remarked that he was grateful to the community and extremely grateful to Island Creek Oysters to taking over as this is a perfect addition for the Town and the continuance of Winsor House traditions.

Ms. MacNab moved that the Board of Selectmen, acting as the Local Licensing Authority, approves the Transfer of License from Modern Family Associates, LLC d/b/a the Winsor House Inn & Restaurant, owner Mr. Charles Weilbrenner, to Pros Only, LLC d/b/a the Winsor House Inn & Restaurant, new Manager Timothy Mahoney, for the All Kinds of Alcoholic Beverages and Innholder License #00006-HT-0300 for the property located at 390 Washington Street and subject to the requirements of the Town of Duxbury and the ABCC (Alcoholic Beverages Control Commission)

*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

Ms. MacNab moved that the Board of Selectmen close the public hearing.

*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

***Review pertaining to renewal of annual licenses: Common Victualler, General, Entertainment, and Class II Auto***

Ms. MacNab moved that the Board of Selectmen renew the following Class II Auto, Common Victualler, Entertainment, and General Licenses as presented on the attached lists for the year 2021, subject to satisfactory inspection by the Municipal Services Department, receipt of all renewal requirements and payment of all funds/fees owed to the Town of Duxbury.

*Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

**V. TOWN MANAGER'S REPORT**

Mr. Read stated that he has been continuing to work on the FY22 budget, which will be presented to the Selectmen at their meeting on Monday, December 21, 2020 at 7pm.

**VI. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS None**

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

**VIII EVENT PERMITS - None**

**IX MINUTES**

Ms. MacNab moved that the Board of Selectmen approves the 12/03/20, 12/07/20, and 12/08/20 Selectmen's Open Session Minutes, as presented.

*Seconded by Mr. Madigan. Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

**X ANNOUNCEMENTS**

**1) Dog Licenses and Walking Permits:**

You can purchase your dog licenses and walking permits through the Town Clerk's office. These can be purchased online at [www.town.duxbury.ma.us](http://www.town.duxbury.ma.us) – click on Online Payments and choose Town Clerk's office or you can reach out to the Town Clerk's office at 781-934-1100 x5450.

**2) Papers available for Town Election openings:**

If you wish to run for an open office seat, papers are available through the Town Clerk's office. Please call at 781-934-1100 x5450 or email at [kelley@town.duxbury.ma.us](mailto:kelley@town.duxbury.ma.us)

**3) Holiday Town Hall Closures:**

The Town Hall will be closing at 12 Noon on Thursday, December 24 and will be closed all day on December 25. It will also be closing at 4 pm on Thursday, December 31 and will be closed all day on Friday, January 1.

**4) Next Scheduled Selectmen's Meeting will be on Monday, December 21, 2020 at 7pm**

**XI BONUS SHELLFISH (month of January 2021)**

Ms. MacNab moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for:

1) the commercial harvesting of softshell clams for the month of JANUARY. Regulations as attached. (Please see Attachment B & C)

2) the commercial harvesting of quahog clams for the month of JANUARY. Regulations as attached. (Please see Attachment A & C)

3) the recreational harvesting of Soft Shelled Clams for the month of JANUARY. Regulations as attached. (Please see Attachment D)

*Seconded by Mr. Madigan. Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

## **XII ADJOURNMENT**

Mr. Madigan moved that at approximately 7:37 PM, the Board of Selectmen adjourn.

*Seconded by Ms. MacNab Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; and Ms. MacNab-Aye*

*Minutes submitted by Nancy O'Connor*

### *LIST OF DOCUMENTS*

- 1) Agenda*
- 2) Executive Session motion (materials kept separately)*
- 3) Fee Hearing documentation*
- 4) Aquaculture and Shellfish hearings documentation*
- 5) Transfer of Liquor License Hearing documentation*
- 6) Annual license renewals*
- 7) Minutes*
- 8) Announcements*
- 9) Bonus Shellfish*