

Date: January 29, 2018
Date Minutes Approved: February 12, 2018

TOWN CLERK

2018 FEB 15 PM 2:06

DUXBURY, MASS.

BOARD OF SELECTMEN

Present: Shawn Dahlen, Chair; David Madigan, Vice-Chair and Theodore J. Flynn, 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 presented.

III. NEW BUSINESS

*'Discussion pertaining to March 2018 Annual Town Meeting Warrant – Article Review and Board recommendations – presentations may be made by article proponents.
(Note: Warrant is still in draft form and articles numbers are subject to change.)*

Ms. Gay Shanahan, Chair of the Government Study Committee, approached the podium. Ms. Shanahan stated that they met with the Finance Committee on January 23 where the Finance Committee raised questions and suggest changes. Ms. Shanahan asked Mr. Read if it would be possible to make a couple of word changes.

Mr. Read responded that the Selectmen will re-open the warrant next week for article changes/additions/modifications and will have a new version February 12 for the Selectmen to sign. He further mentioned that changes can also be addressed in a motion.

Article 20 General By-law Revisions Sponsored by the Government Study Committee

Mr. Gene Blanchard, member of the Government Study Committee, approached the podium. He began by stating that the Committee reviewed the Town's General by-laws for changes that we thought were appropriate or beneficial and that there were a lot of typos, confusing constructions, and references to obsolete State statutes, which have since been revised. He further said that the made corrections in all areas, which were all minor textural changes/numbering, and they produced a revision of the entire General By-laws, which will be on file with the Town Clerk shortly. Mr. Blanchard further stated that they submitted these changes to Town Counsel and are awaiting a response.

Mr. Flynn moved that the Board of Selectmen support the 2018 Annual Town Meeting Article No. 20 General By-law Revisions Sponsored by the Government Study Committee, as presented.
Seconded by Mr. Madigan Vote: 3:0:0

Article 21 Amend General By-laws – Increase Moderator's Term of Office Sponsored by the Government Study Committee

Mr. Blanchard stated that the Moderator is currently elected annually and is the only town office that suffers an annual election. The State statute allows a moderator to serve one year or three years. Mr.

Blanchard proposed to extend for three years, which makes more sense to have a longer term as there is some expense to running every year and a longer term would encourage more people to run.

Mr. Flynn moved that the Board of Selectmen support the 2018 Annual Town Meeting Article No. 21 Amend General By-laws – Increase the Moderator's Term of Office Sponsored by the Government Study Committee to extend the Moderator's term of office to three years, as presented.

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

Article 22 Reconsideration Sponsored by the Government Study Committee

Ms. Shanahan said that there were issues with the language when they went to the Finance Committee. The original purpose of reconsideration was to provide the ability to re-vote an article because new information was received, and the way information is received now is very different, and we think reconsideration is rarely used for that purpose. It was our thought that reconsideration was used primarily for the following two purposes 1) to freeze the vote (cannot reconsider a vote twice); and 2) watch as the composition of Town Meeting attendees changes and look to change the vote based on the composition. Ms. Shanahan continued to say that they talked about the use of reconsideration and their proposal keeps existing components, but changes 1) requiring the person making the reconsideration to provide new information, and 2) the second part is asking the Finance Committee to make the decision that the information presented is actually new factual information or if it was a continuation of the debate or another maneuver. The word "verifiable" was objected to by the Finance Committee because it was asking the Finance Committee to make the decision on the new information presented.

Mr. Dahlen asked why the Finance Committee is to make that decision instead of the Moderator.

Mr. Blanchard replied that they had talked about that, but felt that the Moderator needs to maintain his objectivity and that this would be a ruling of fact that could force him into a debate. The Selectmen would not fill this role because the Selectmen are more political and more responsive to the voters whereas the Finance Committee is one step removed from that.

Mr. Madigan mentioned a time when reconsideration was used regarding Blairhaven after people had left and he stated that he's not sure this solves the problem and felt that this opens the door for some time later to reconsider. He stated that he has an issue with this one.

Ms. Shanahan responded that we could debate that. Freezing the vote is maneuvering and not everyone who attends is familiar with all the ins and outs and all the rules and this is an attempt to purify the process by asking the Finance Committee to opine if it's a new fact/information.

Mr. Madigan asked if we are trying to be fair or speed up town meeting.

Mr. Blanchard answered if it is useful to reconsider to freeze the vote, then we should do away with reconsideration. Ms. Shanahan stated that they did talk about getting rid of reconsideration, but thought they needed the emergency nature of it. By limiting the use, we won't see as many reconsidered votes taken, which will speed up the town meeting. If there is a reconsideration and if the Finance Committee needs to make a decision and take a recess, that may slow down the process, but because we feel it will be rare, the overall impact would be to speed up Town Meeting.

Ms. Shanahan stated that the overarching goal is to remove the abuse.

Mr. Dahlen asked what the Finance Committee's position was on this. Mr. Read responded that they did not vote yet.

Mr. Flynn said that we should do away completely because it was being abused and was never used the way it was intended to be.

Mr. Madigan stated that we can't get rid of reconsideration because it serves a purpose when needed.

Ms. Shanahan mentioned that they may change the word "verifiable".

Mr. Flynn asked if the Finance Committee seemed positive to them being the arbiter.

Mr. Jerry Pisani, member of the Finance Committee, addressed the Selectmen and stated that there was concern about the flow of the Town Meeting and that they would have to recess to discuss if this was significant enough and prove if it was verifiable enough and how could that be implemented during Town Meeting. He continued to say that they did sympathize that this should not be used as a freezing the vote maneuver and that they were in favor of the intent, but didn't know if the execution would be manageable.

The Selectmen passed on the motion and no vote taken.

Article 23 Amend General By-laws – Change the appointing authority of the Town Planner from the Planning Board to the Town Manager Sponsored by the Government Study Committee

Mr. Blanchard stated that as a practical matter, the current day-to-day oversight is by the Town Manager while the appointing authority is the Planning Board. The Planner does not just work for the Planning Board anymore. The Planner acts as staff and provides expertise to other organizations. As a practical matter when appointing a Town Planner, the Town Manager is involved in the process as well as the HR Director. The Town Manager would have hiring authority with input and assistance of the Planning Board. He continued to say that most Planners do report to a town manager and not directly to the Planning Board.

Mr. Scott Casagrande, Chair of the Planning Board, questioned the changes as the article title mentions the appointing authority, but not the day-to-day reporting, which is currently with the Planning Board. Mr. Read responded that the article would change the reporting and appointing authority of the Planner to the Town Manager and that he would change the article title to clarify.

Mr. Flynn moved that the Board of Selectmen support the 2018 Annual Town Meeting Article No. 23 Amend General By-laws – Change the appointing and reporting authority of the Town Planner from the Planning Board to the Town Manager Sponsored by the Government Study Committee, as presented and amended. Seconded by Mr. Madigan Vote: 3:0:0

Article 24 Amend General By-laws – Add new Section 6.16-Audit Committee Sponsored by the Government Study Committee

Mr. Alex Chin, member of the Fiscal Advisory Committee, stated that they looked at the financial strategy/planning for the Town and an audit committee for best practices. He further mentioned that they researched different setups of audit committees and they went with a lighter strategy with two members of the Finance Committee and one member of the Fiscal Advisory Committee to help the Selectmen guide the scope of the audit and follow up on management findings and bring to Town

Meeting. Mr. Flynn said that the current by-laws stated a biennial audit, but we are audited every year. Ms. Shanahan weighed in and said that this is not an article that the Finance Committee has settled on. Mr. Pisani, member of Finance Committee, addressed the Selectmen and said that the discussion is not concluded as the group felt strongly that this was our historic responsibility, which is basically to have an ad hoc committee for the audit process. Ms. Shanahan replied not ad hoc – it is codified. Ms. Shanahan continued to say that one of the reasons we feel it is important to codify is that there is no specific language about audit anywhere except that the Selectmen cause the biennial audit. On our committee we have different memories on how audits were conducted so we need to define the process. In 2013 the Selectmen passed objectives to form an audit committees so we thought it should be codified. Mr. Flynn suggested that they to get more input from the Finance Committee.

The Selectmen passed on the motion and no vote taken.

Article 25 Amend General By-law – Prohibition on Holding Dual Offices Sponsored by the Government Study Committee

Ms. Shanahan said that this article was just to clean-up conflict of interest to avoid conflict.

Mr. Flynn moved that the Board of Selectmen support the 2018 Annual Town Meeting Article No. 25 Amend General By-law – Prohibition on Holding Dual Offices Sponsored by the Government Study Committee, as presented. Seconded by Mr. Madigan Vote: 3:0:0

Article 26 Amend General By-law – Enforcement of Tax Regulations and Authority for Partial Tax Payments Sponsored by the Government Study Committee

Ms. Shanahan stated that State law requires a by-law to accept partial tax payments, and our by-laws are silent. Mr. Read mentioned that this was drafted by our Town Counsel and that this will codify the process.

Mr. Flynn moved that the Board of Selectmen support the 2018 Annual Town Meeting Article No. 26 Amend General By-law – Enforcement of Tax Regulations and Authority for Partial Tax Payments Sponsored by the Government Study Committee, as presented. Seconded by Mr. Madigan Vote: 3:0:0

Article 27 Amend General By-laws – License Denial for Failure to Pay Taxes Sponsored by the Government Study Committee

Ms. Shanahan said that current by-laws allow us to deny/revoke/suspend licenses for not paying taxes and this will modernize our by-law to be consistent under the new Municipal Modernization Act.

Mr. Flynn moved that the Board of Selectmen support the 2018 Annual Town Meeting Article No. 27 Amend General By-law – License Denial for Failure to Pay Taxes Sponsored by the Government Study Committee, as presented. Seconded by Mr. Madigan Vote: 3:0:0

Article 28 Amend General By-laws – Elimination of Personnel Board Sponsored by the Government Study Committee

Ms. Shanahan explained that in 2008, the position of Human Resources Director was added to governmental structure and oversees a lot of people. This position was created due to complex needs of this field. This position reports on a day-to-day basis to the Town Manager. She further stated that prior to that, there was a Personnel Board, which is now an advisory position. They received input/report from the Department of Revenue's Division of Local Services Technical Assistance

Bureau and this is one of their recommendations that they took. Ms. Shanahan stated that it was her understanding that the Personnel Board was in support.

Mr. Flynn moved that the Board of Selectmen support the 2018 Annual Town Meeting Article No. 28 Amend General By-law – Elimination of Personnel Board Sponsored by the Government Study Committee, as presented. Seconded by Mr. Madigan Vote: 3:0:0

Article 30 Funding an Update of the Comprehensive (Master) Plan Sponsored by the Planning Board

Ms. Valerie Massard, Planning Director, stated that the MAPC was hired with grant money received from the MAPC in the amount of \$25,000, the Community Compact grant for \$10,000 and the Town Meeting Allocation of \$40,000, and that she is engaged with MAPC as lead consultant and is asking Town Meeting for additional funds of \$75,000 to finish the project. They are now getting the preliminary vision statement, open space goals, housing goals and historic preservation goals. Ms. Massard stated that there will be a presentation at Town Meeting showing an update. Ms. Massard further mentioned that she applied for another grant request to MAPC to offset the cost in order to reduce the amount requested. She continued to say that she has received great participation from volunteers and a big response rate of the survey.

Mr. Flynn moved that the Board of Selectmen support the 2018 Annual Town Meeting Article No. 30 Funding an Update of the Comprehensive (Master) Plan Sponsored by the Planning Board, as presented. Seconded by Mr. Madigan Vote: 3:0:0

Article 31 Amend Zoning By-Laws – Article 302 and Article 425 – Floor Area Ratio (FAR) Sponsored by the Planning Board

(Title to be amended to read – Amend Zoning By-laws – Article 425 – NB Coverage)

Ms. Massard provided revised language, which the Planning Board recently simplified. They talked about a Floor Area Ratio (FAR), but felt it wasn't necessary. Ms. Massard stated that in 2011 the committee researched commercial lots of most of the neighborhood business in the 70's-80's where lot coverage was 50% and several lots were built with gravel and pavement. The committee recommended that that coverage number needed to increase. Ms. Massard continued to say that developers and the business community felt that 70% worked to clean up the gravel and go with pavement. Ms. Massard added that it's affordable, we need to be in ADA compliance, and the maintenance becomes difficult for the business community with these mixes of gravel and pavement.

Mr. Dahlen moved that the Board of Selectmen support the 2018 Annual Town Meeting Article No. 31 (as amended) Amend Zoning By-Laws – Article 425 – NB Coverage Sponsored by the Planning Board, as presented. Seconded by Mr. Madigan Vote: 3:0:0

Article 32 Amend Zoning By-Laws – Article 621 Solar Photovoltaic Facilities Sponsored by the Planning Board

Ms. Massard said that the Town doesn't have any zoning in place for ground mounted solar. The Planning Board has been working on this for four years and reached out to other communities. The Planning Board saw the need for residential zoning (not a place for commercial solar arrays) and to state clearly in the by-laws. Commercial would all have to be adequately screened through the administrative process. Mr. Dahlen stated that on the residential side anyone can put any solar panels on a roof with a building permit. Ms. Massard responded yes, but they don't want to exceed the highest roofline and ground mounted not in residential at all. No commercial in residential areas.

Mr. Flynn moved that the Board of Selectmen support the 2018 Annual Town Meeting Article No. 32 Amend Zoning By-laws – Article 621 Solar Photovoltaic Facilities Sponsored by the Planning Board, as presented. Seconded by Mr. Madigan Vote: 3:0:0

Article 33 Amend Zoning By-Laws – Article 400 – Sections 404.6.5 and 404.10 Regarding Utilities Installation – Solar Photovoltaic Facilities Sponsored by the Planning Board

Ms. Massard stated that this was basically housekeeping regarding the wetland overly district and to make things simpler, make the Planning Board the special permit granting authority.

Mr. Flynn moved that the Board of Selectmen support the 2018 Annual Town Meeting Article No. 33 Amend Zoning By-Laws – Article 400 – Sections 404.6.5 and 404.10 Regarding Utilities Installation – Solar Photovoltaic Facilities Sponsored by the Planning Board, as presented. Seconded by Mr. Madigan Vote: 3:0:0

Article 46 Proposed New Local Historic Districts Sponsored by the Duxbury Local Historic District Commission

Ms. Massard spoke on behalf of the Local Historic District Commission (Renée Mierzejewski was present to answer any questions). Ms. Massard stated that they have been working with residents to volunteer new properties in historic districts. She further mentioned that this article was presented last year, so it is back this year and confirmed that residents are still interested in adding their property to a historic district, which is completely voluntary. Ms. Massard continued to say that she spoke with the registry to fix the title chain fees so it's a simpler process and people volunteering their property would pay the fee.

Mr. Flynn moved that the Board of Selectmen support the 2018 Annual Town Meeting Article No. 46 Proposed New Local Historic Districts Sponsored by the Duxbury Local Historic District Commission, as presented. Seconded by Mr. Madigan Vote: 3:0:0

Article 47 Amend Zoning By-Laws – Article 600 – Demolition of Historically Significant Buildings – 609.2 Definitions Sponsored by the Duxbury Historical Commission

Mr. Terry Vose was present on behalf of the Historical Commission. He is proposing to add a non-transferability clause, which is due to recent demolition of houses on Cove Street and Shipyard Lane (those demolition delays were transferred). Mr. Vose further stated that only 20 towns have transferrable or not and he would like a non-transferrable clause. Mr. Dahlen asked how different this article is from last year's proposed article. Mr. Vose replied that they were not going to bring an article forward until Cove Street and that we really need a sunset (expiration) clause. Mr. Dahlen responded that someone applies, then has six month demo delay, but does it end in time or when transfer property. Mr. Dahlen added that these most come up when someone moves to town and can't renovate. Mr. Dahlen further asked if the Planning Board of the Finance Committee have taken a position. Mr. Vose answered no, not on the transferability. Ms. Massard then spoke and mentioned that the Planning Board has not had a hearing yet, but will on February 14. She continued stating that Town Counsel reviewed transferability, but was concerned to add intent language, and Town Counsel advises that language explains that structure is a historic structure. Mr. Dahlen stated that he would like to wait until the Planning Board hearing.

The Selectmen passed on the motion and no vote taken as they prefer to wait until after the Planning Board hearing.

Article 48 Amend Zoning By-Laws – Article 600 – Demolition of Historically Significant Building – 609.3 Procedures Sponsored by the Duxbury Historical Commission

Ms. Vose again spoke on behalf of the Historical Commission. He stated that they are seeking to extend the demolition delay from 6 months to 12 months for historic significant houses 75 years or older. He continued to say that 50 years from now they could lose 70 houses.

The Selectmen passed on the motion and no vote taken as they prefer to wait until after the Planning Board hearing.

IV TOWN MANAGER'S REPORT

Mr. Read stated that he is planning to have the Selectmen re-open the Warrant at their February 5, 2018 meeting. He continued to say that they can then add articles, make changes, update budget figures and recommended votes. He plans to have the Selectmen close and sign the Warrants at their February 12, 2018 meeting. Mr. Read announced that we have a new Library Director, Denise Garvin, and that the Library Trustees put together a search committee and is happy that they hired from within. He further mentioned that Harbormaster seasonal job postings will be coming online.

V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS – None

VI ONE-DAY LIQUOR LICENSE REQUESTS

Mr. Flynn moved that Ms. Doris Collins, as a representative of the Duxbury Art Complex Museum, is granted a One-Day Wine & Malt License to hold artist receptions on **Sunday, February 25, 2018, May 20, 2018, September 16, 2018, and November 18, 2018** from 1:30 PM to 3:30 PM at the Art Complex Museum, 189 Alden Street, contingent upon the conditions of the license.

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

VII EVENT PERMITS - None

VIII MINUTES

Mr. Flynn moved that the Board of Selectmen approve the 1/22/18 Executive Session Selectmen's Minutes, as presented, with the contents to remain confidential until the need has passed.

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

Mr. Flynn moved that the Board of Selectmen approve the 1/22/18 Selectmen's Minutes, as presented.

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

IX ANNOUNCEMENTS

1) Table Reservations For Town Meeting:

If you or your organization is interested in reserving a table to display information at the Duxbury Town Meeting, please contact the Board of Selectmen office (Ext. 5402). Tables are limited and will be assigned on a first-come, first-serve basis with preference given to Duxbury boards and committees and civic organizations.

2) Duxbury COA Lifelong Learning Program

The new Lifelong Learning programs are listed in the COA's newsletter, Duxbury Doings. Registration will take place on Tuesday, February 13th from 3 pm – 5 pm and will continue on Wednesday, February 14th and Thursday, February 15th from 10 am – Noon at the Duxbury Senior Center

3) Panel Discussion on the new State Recreational Marijuana Law

DuxburyFACTS will host a panel discussion regarding recreational marijuana. The discussion will be about the new State Recreational Marijuana Law, related Duxbury Town Meeting articles, and community concerns. The panel will include representatives from the Police and School Departments, Town Government, the Planning Board, and the recovery community. The panel discussion will be at 7:00 PM on Tuesday, February 13, 2018 at the Duxbury Free Library, Merry Room, 77 Alden Street, Duxbury. The Duxbury community is invited and encouraged to attend to be informed prior to Town Meeting.

4) Next Scheduled Selectmen's Meeting is on: Monday, February 5, 2018.

X BONUS SHELLFISH SEASON (for February 2018)

Mr. Flynn moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for:

- 1) the commercial harvesting of softshell clams for the month of February, 2018 in accordance with posted Attachments B & C.
- 2) the commercial harvesting of quahog clams for the month of February, 2018 in accordance with posted Attachments A & C.
- 3) the recreational harvesting of softshell clams for the month of February, 2018 in accordance with posted Attachment D.

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

XI ADJOURNMENT

At approximately 8:30 p.m., Mr. Flynn moved that the Board adjourn.

Seconded by Mr. Madigan 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) ATM/STM Warrants (drafts)*
- 3) One-Liners – Articles (draft)*
- 4) One-Day Liquor Licenses*
- 5) Draft Minutes (Exec Sessions minutes kept in Confidential files)*
- 6) Announcements*
- 7) Bonus Shellfish*

