

**Date: February 10, 2020**

*Date Minutes Approved: February 18, 2020*

TOWN CLERK  
OPEN SESSION MINUTES  
2020 FEB 19 AM 10:28  
DUXBURY, MASS.

**BOARD OF SELECTMEN**

**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; 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 of the Annual Town Meeting & Special Town Meeting articles***

***Article 3 – Compensation of Elected Officials (re-vote)***

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #3, Compensation of Elected Officials for Assessors, Moderator, and Town Clerk, as presented. (*Note: the Selectmen take no position on the Selectmen's compensation.*) Seconded by Mr. Madigan Vote: 2:0:0

***Article 4 – Funding of Salaries***

Jeannie Horne, Human Resources Director, spoke regarding this article and pointed out that some of the changes were housekeeping items such as position status/job title changes, deleting old positions, adding new positions, and grade changes to more accurately reflect job duties. She continued to explain that the expanded salary ranges for grades 1-10, at a maximum increase by 3%, were determined through the Mercer index, which is related to pay increases on an annual basis.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #4, Funding of Salaries in the amount of \$115,575.00, as presented. Seconded by Mr. Madigan Vote: 2:0:0

***Article 12 – Pilgrim Nuclear Power Plant Decommissioning – Safer Spent Fuel Storage***

Ms. Mary Lampert and Ms. Becky Chin were present. Ms. Lampert asked that the Selectmen please support this article. She continued to say that the reason this article was brought forward was because the spent fuel may remain onsite indefinitely as dry cask storage. Ms. Lampert mentioned that there were issues with the canisters, which have been moved uphill and put on cement slabs and are visible and accessible by public roads. She remarked that the canisters are made from stainless steel, which is subject to corrosion as they were not designed to stay long-term. Ms. Lampert and the DNAC, in order to address some of these issues, are suggesting monitoring for radiation, heat and helium; and to install a barrier/dirt berm around the casks in order to deter line of sight attacks.

Mr. Madigan thanks Ms. Lampert and the Nuclear Advisory Committee for their hard work in order to protect the community.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #12, Pilgrim Nuclear Power Plant Decommissioning – Safer Spent Fuel Storage, as presented.  
Seconded by Mr. Madigan Vote: 2:0:0

***Article 15 – Petition the Legislature to Allow an Enterprise Fund for the ROCCC***

Fire chief Kevin Nord and Mike Mahoney, Director of the ROCCC, were in attendance. Chief Nord spoke to this article and stated that this fund will enable them to create an account just for the ROCCC in order to get a better grasp on expenses and revenues.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #15, Petition the Legislature to Allow an Enterprise Fund for the ROCCC, as presented. Seconded by Mr. Madigan Vote: 2:0:0

***Article 16 – Compensation and Classification Study***

Ms. Horne also spoke to this article. She informed the Selectmen that there hasn't been an external compensation and classification study since 2006/2007. She stated that this consultant will evaluate salaries for all Town positions, which the Town will then review for salaries and benefits and to ensure that we are competitive.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #16, Compensation and Classification Study in the amount of \$60,000.00, as presented.

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

***Article 21 – Citizens' Petition – Replacement of 4 Angled Parking Spaces in Halls Corner with One (1) Handicapped Space***

Mr. Dick Brennen, the proponent of this Citizens' Petition, stated that there are no handicapped spots, and if you are entering Hall's Corner from Standish Street when extended vehicles are parked in these angled spots, you need to move into the other lane to see around.

Business owners from Cottons and Reeds Jewelers spoke in opposition to this article stating that while they agree there is a need for a handicapped parking spot, the removal of these angled parking spots would be a detriment to their businesses and other local businesses.

The Selectmen decided to not take a position on this article at this time, but rather re-visit at another upcoming Selectmen's meeting.

***Article 22 – Citizens' Petition – Amend Zoning By-Laws – Abutter Notification for Residential Building Permits less than \$50,000***

Mr. Dick Brennen, Citizens' Proponent, clarified for the record the correct title of this article as he stated that was incorrect regarding Section 905.2 – Additional Requirements:

“The applicant shall provide proof of written notification to the landowners of parcels of land that are adjacent and continuous to the parcel of land that a building project, in excess of 1,000 square feet, is being submitted for a building permit.”

Mr. Brennen continued to say that currently there are no requirements, and this lack of notification favors a builder and not the abutters, who only have 30 days to appeal a building permit. He further stated that abutters would have to go to Town Hall to find out what permits were issued. Mr. Madigan mentioned that the Town is in the process of re-writing zoning and maybe this can be addressed then.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #22 – Citizens’ Petition Amend Zoning By-Laws – Abutter Notification for Residential Building Permits, as presented. Seconded by Mr. Madigan Vote: 0:2:0

***Article 31 – Citizens’ Petition – Amend General By-Laws – Storage of Property at Shipyard Lane-Kayaks***

Ms. Susanna Sheehan, proponent of this Citizens’ Petition, stated that she submitted this amendment to the general bylaws to not allow water craft (kayaks, paddleboards) to be left on Town property, namely Shipyard Lane. She remarked that in 1944, Shipyard Lane was gifted to the Town with three restrictions: 1. Residents only; 2. Used for recreational purposes; and 3. No pier to be installed. Susanna also mentioned that Town Meeting has rejected a past proposal for kayak racks. She informed the Selectmen that she counted over 100 kayaks and canoes left there last year. In summary, she stated that her goal was to prevent this from happening again, which will also provide the Town with an ability to issue fines.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #31, Citizens’ Petition – Amend General By-Laws – Storage of Property at Shipyard Lane-Kayaks, as presented. Seconded by Mr. Madigan Vote: 2:0:0

***Article 32 – CPC Operating Fund***

Ms. Holly Morris, Chair of the CPC, stated that 5% of the proceeds goes into this administrative account, and if there is money left over at the end of the years, that balance would go into the CPA account.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #32, CPC Operating Fund in the amount of \$33,745, as presented. Seconded by Mr. Madigan Vote: 2:0:0

***Article 33 – CPC Allocations***

Ms. Morris said that 10% of receipts is allocated between Historical Preservation, Housing, and Open Space.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #33, CPC Allocations in the amount of \$202,475, as presented. Seconded by Mr. Madigan Vote: 2:0:0

***Article 34 – Construction of Ball Field Dugouts at Upper High School and Train Fields***

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #34, Construction of Ball Field Dugouts at Upper High School and Train Fields in the amount of \$76,000.00, as presented. Seconded by Mr. Madigan Vote: 2:0:0

***Article 35 – Construction of a Picnic Shelter at Train Field***

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #35, Construction of a Picnic Shelter at Train Field in the amount of \$5,500.00, as presented. Seconded by Mr. Madigan Vote: 2:0:0

***Article 36 – Town Clerk Records Preservation***

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #36, Town Clerk Records Preservation in the amount of \$25,000.00, as presented. Seconded by Mr. Madigan Vote: 2:0:0

***Article 37 – Provide Funding for Farmland Improvements to the DeLorenzo Farm***

Mr. Joe Grady, Conservation Administrator, spoke to this article. He stated that in 2018, 28 acres were purchased with the plan to make into a working farm. In order to do that, they need to make improvements such as irrigation, clearing of land, and installation of wells/irrigation. Mr. Grady predicts that the land will support two farms on the property, possibly crops and livestock.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #37, Provide Funding for Farmland Improvements to the DeLorenzo Farm in the amount of \$63,000.00, as presented. Seconded by Mr. Madigan Vote: 2:0:0

***Article 38 – Housing Trust Transfer***

Mr. John Adams, Finance Director, stated that this transaction is basically a repurposing of the funds to the Duxbury Affordable Housing Trust.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #38, Housing Trust Transfer in the amount of \$318,783, as presented. Seconded by Mr. Madigan Vote: 2:0:0

***Article 39 – Conservation Land Purchase – Temple Street – Harrington Property***

There was no discussion on this article at this time.

***Article 40 – Citizens' Petition – CPA Surcharge***

*(Proponent not in attendance.)*

Ms. Holly Morris remarked that the CPA serves our Town to protect our resources, and there isn't enough money to work with when an acre of land sells for \$250-300K. She continued to say that they don't have the funds to protect against the deep pocket contractors, and that a 3% surcharge would allow the CPC to be more proactive than reactive.

Mr. Flynn commented that he believes it is imperative to go back to the 3%.

Mr. Flynn moved that the Board of Selectmen support 2020 ATM Article #40, Citizens' Petition – CPA Surcharge, as presented. Seconded by Mr. Madigan Vote: 2:0:0

***Article 4 – STM – informational only***

Ms. Horne simply provided information regarding the Collective Bargaining agreements under this article to the Selectmen in an open forum format as this item was not on the agenda. Ms. Horne was already in attendance, no reciprocal discussion took place, and no action taken on behalf of the Selectmen.

***Selectmen sign Annual and Special Town Meeting Warrants (3 of each)***

Mr. Flynn moved that the Board of Selectmen sign the 2020 Annual Town Meeting and Special Town Meeting Warrants. Seconded by Mr. Madigan Vote: 2:0:0

***Selectmen Call for Presidential Primary Election on March 3, 2020***

Mr. Flynn moved that the Board of Selectmen directs the Constable of the Town of Duxbury to notify and warn the inhabitants of Duxbury who are qualified to vote in the Presidential Primary Election to vote at Precincts One through Six at the Lt. Timothy J. Steele Athletic Building, located at 130 Saint George Street, Duxbury, Massachusetts on Tuesday, the 3<sup>rd</sup> Day of March, 2020 from 7:00 AM to 8:00 PM. Seconded by Mr. Madigan Vote: 2:0:0

***Selectmen Call for Town Election and Vote to Add Ballot Question to March Town Election***

Mr. Flynn moved that the Board of Selectmen directs the Constable of the Town of Duxbury to notify and warn the inhabitants of Duxbury who are qualified to vote in the Annual Town Election to vote at Precincts One through Six at the Lt. Timothy J. Steele Athletic Building, 130 Saint George Street, Duxbury, Massachusetts on Saturday, March 28, 2020 from 7:00 AM to 8:00 PM. Seconded by Mr. Madigan Vote: 2:0:0

Mr. Flynn moved that the Board of Selectmen vote to add the following ballot question to the Annual Town Elections on Saturday, March 28, 2020: "Shall an act passed by the General Court entitled 'An Act expanding the Board of Selectmen of the Town of Duxbury' be accepted?" Seconded by Mr. Madigan Vote: 2:0:0

***Discussions regarding Extension of Purchase & Sale Agreement with Champion Builders re: Lincoln Street***

Mr. Read stated that he received a memo from Bob & Pam Reed and Adam and Kelly (Reed) Rivers of 477 Lincoln Street, which he read into record as follows:

*"Unfortunately, we are unable to attend the open forum for the meeting tonight. As abutters to the 0 Lincoln Street property and long time residents of the Town, we would like to make sure that the Board is aware that Article 9 of the 1988 vote of the people of Duxbury states in part "...so that the minimum conservation land to be derived from final plans for development shall be 70% of the total acreage of both parcels." The RFP Development Objectives also states "20 single family homes on 30% contiguous land of the 20+ acre site ...70% to remain undisturbed". We are asking that the Board of Selectmen honor the vote of the people by ensuring that this restriction is clearly written in the deed to Champion Builders. We would also like to note that the Zoning Board has the authority to ensure that the 70% undisturbed conservation land restriction is in their permit to Champion Builders (if issued). Thank you for your attention."*

Mr. Read commented that he discussed with Scott Lambiase, Municipal Services Director, who stated that the ZBA is well aware of this, has reviewed the issue with Town Counsel, and it will be addressed in the comprehensive permit and in the land development agreement.

Mr. Flynn moved move that the Board of Selectmen approves and executes a Second Amendment of Purchase & Sale Agreement to Extend the Time for Performance between the Town of Duxbury and Champion Builders, Inc., as presented and as may be further amended, for property located on Lincoln Street consisting of approximately 21.52 acres and known as Parcel ID Nos. 053-512-36 and 053-512-037 and further described in deeds recorded with the Plymouth County Registry of Deeds in Book 4088, Pages 110 and 112. Seconded by Mr. Madigan Vote: 2:0:0

***Discussions regarding deed rider – Feinberg Bog Road***

Mr. Flynn moved that the Board of Selectmen approves and execute the Affordable Housing Deed Rider and Resale Price Certificate for the property located at 4 Feinberg Bog Road, as presented.

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

***Recommendation on Speed Reduction for Washington Street and Wadsworth Road, presented by Highway Safety Advisory Committee***

In attendance to speak on this matter was Mr. Jeff Lewis and Mr. Paul Brogna, Co-Chairs of the Highway Safety Committee. Mr. Lewis informed the Selectmen that the Highway Safety Committee had been completing the steps as required by the state in order to make speed reduction recommendations on these two streets. Mr. Flynn asked if part of their discussions included radar trailers and any applicability to buying more of those. Mr. Lewis replied that they would be a benefit, and that some are portable which attached to existing sign posts. Mr. Lewis stated that the next step is for the Selectmen to send a letter to MassDOT regarding these speed reduction changes on Washington Street and Wadsworth Road.

***Washington Street***

Mr. Flynn moved that the Board of Selectmen vote to accept the recommendation of the Highway Safety Advisory Committee for the reduction of the speed limit from 30 mph to 25 mph on Washington Street, as we find this road meets the thickly settled and/or business district criteria, as allowed by Sections 193 & 194 of Chapter 218 of the Acts of 2016 regarding changes to the Speed Limit Regulations under Chapter 90, Sections 17 & 18, and further to authorize the Chair to sign and send notice of action to the Massachusetts Department of Transportation (MassDOT).

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

***Wadsworth Road***

Mr. Flynn moved that the Board of Selectmen vote to accept the recommendation of the Highway Safety Advisory Committee for the reduction of the speed limit from 30 mph to 25 mph on Wadsworth Road, as we find this road meets the thickly settled criteria, as allowed by Sections 193 & 194 of Chapter 218 of the Acts of 2016 regarding changes to the Speed Limit Regulations under Chapter 90, Sections 17 & 18, and further to authorize the Chair to sign and send notice of action to the Massachusetts Department of Transportation (MassDOT).

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

**IV TOWN MANAGER'S REPORT**

Mr. Read mentioned discussions with the Duxbury Beach Reservation regarding the condition of the beach in the off season and further stated that those in the over sand areas need to stay out of the dune areas.

Mr. Read provided information regarding the seawall and that he received a call from Congressman Keating's office stating that the Town will be receiving approximately \$6.1m reimbursement for repairs to the Seawall, which construction will be starting later this spring.

**V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATION – None**

## **VI ONE-DAY LIQUOR LICENSE REQUESTS**

### ***5/6/20 Friends of COA Susan Branch Author Talk Event (change of date)***

Mr. Flynn moved that Mr. Christopher Barry, as a representative of the Friends of the Duxbury Council on Aging, is granted a One-Day Wine & Malt License for their Susan Branch Dinner event on Wednesday, May 6, 2020 at the Duxbury Senior Center on 10 Mayflower Street, from 6:00 PM to 8:00 PM, contingent upon the conditions of the license. Seconded by Mr. Madigan Vote: 2:0:0

## **VII EVENT PERMITS None**

## **VIII MINUTES**

Mr. Flynn moved that the Board of Selectmen approve the 2/03/20 Selectmen's Minutes, as presented. Seconded by Mr. Madigan Vote: 2:0:0

## **IX ANNOUNCEMENTS**

### **1) *Presidential Primary & Early Voting:***

Presidential Primary Registration: The last day to register to vote or change party affiliation for the Presidential Primary is Wednesday, February 12, 2020. The Town Clerk's office will remain open until 8 pm on that day.

Early Voting for the Presidential Primary: Voting booths will be set up in the lobby at Town Hall for early voting from February 24 through February 28, 2020. The parking spots alongside Town Hall will be reserved for voters.

The Early Voting Hours will be:

Mon., February 24	8 am- 7 pm (i.e., Town Hall hours)
Tues., Wed, & Thurs., February 25th -27th	8 am- 4 pm (i.e., Town Hall hours)
Fri., February 28	8 am- 1 pm

Presidential Primary is March 3rd. All voting in Duxbury takes place at the Lt. Timothy J. Steele Athletic Building, located at 130 Saint George Street, Duxbury, MA. The polls will be open from 7:00 AM to 8:00 PM.

### **2) *Planning Board Articles:***

Several articles related to Planning and/or Land Use are proposed on the 2020 Annual Town Meeting Warrant. To learn more about these articles, please go to the Planning Department's webpage and in the left toolbar click on Town Meeting 2020. The Planning and/or Land Use articles can be found there, in both an overview and a detailed format,

- 3) The Town Hall will be closed on Monday, February 17<sup>th</sup> in observance of President's Day. There will be no Selectmen's Meeting that evening.

- 4) Next Scheduled Selectmen's Meeting will be on TUESDAY, February 18, 2020

**X     ADJOURNMENT**

At approximately 8:45pm, 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) ATM/STM Warrants*
- 3) Election Motions*
- 4) Documentation regarding extending P&S – Champion Builders/Lincoln Street*
- 5) Documentation regarding Deed Rider – Feinberg Bog Road*
- 6) Documentation regarding speed reduction – Washington & Wadsworth*
- 7) ODLL*
- 8) Minutes*
- 9) Announcements*