

Date: February 24, 2020

Date Minutes Approved: March 9, 2020

TOWN CLERK

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BOARD OF SELECTMEN MINUTES

(Note: One correction on page 5.)

OPEN SESSION DUXBURY, MASS.

Present: David J. Madigan, Chair; Theodore J. Flynn, Vice Chair.

Absent: Shawn Dahlen, Clerk.

Staff: René J. Read, Town Manager; John Q. Adams, Finance Director and C. Anne Murray, Administrative Assistant

I CALL TO ORDER

The meeting was called to order in Open Session at 6:00 PM in the Duxbury Town Hall (Mural RM).

II Entered EXECUTIVE SESSION

Just after convening Mr. Flynn moved that the Board of Selectmen go into Executive Session for the purpose of:

- A. discussing strategy with respect to collective bargaining (*the Firefighters' Union*) since an open meeting may have a detrimental effect on the bargaining position of the Town; and
- B. discussing consideration of the purchase, exchange, lease or value of real estate (*761 Temple Street*), since an open meeting may have a detrimental effect on the strategizing and negotiating position of the Town,

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. Second by Mr. Madigan.

As Chair, Mr. Madigan declared the necessity for an Executive Session to discuss strategy with respect to (A) collective bargaining and (B) consideration of the purchase, exchange, lease, or value of real estate, as to do so in an Open Session may have a detrimental effect on the Town's bargaining, strategizing and negotiating position. Roll Call Vote: Mr. Madigan –aye; Mr. Flynn – aye.

Having completed the Executive Session the Selectmen reconvened in Open Session at 7:00 pm.

III OPEN FORUM - Nothing was brought forward.

IV NEW BUSINESS

Discussions regarding Firefighters' Union Contract negotiations – *presented by Jeannie Horne*

Mr. Madigan explained that HR Director Jeannie Horne had presented the proposed Agreement with the Firefighters' Union to the Selectmen in Executive Session. He provided a brief overview mentioning the following:

- The wage increases are the same as with other bargaining units: 2%, 2.5%, and 2.5% for the years (July 1,) 2019 –(June 30,) 2022.

- Agreements regarding FLMA (family leave) policies; and
- More consistent policies across all the negotiating units.

Mr. Flynn moved that the Board of Selectmen accept the Settlement Agreement by and between the Duxbury Firefighters' Association, Local 2167, IAFF and the Town of Duxbury, as presented, beginning July 1, 2019 through June 30, 2022. Second by Mr. Madigan. VOTE: 2:0:0.

Discussion of Annual Town Meeting & Special Town Meeting Articles

[Editorial Note: ATM = Annual Town Meeting and STM = Special Town Meeting.]

Saturday, March 12, 2020 – Special Town Meeting Article(s)

Finance Director John Adams provided the Selectmen with an overview of each article by explaining its purpose and the financials behind each.

2020 STM Article 1 – Supplemental Appropriations

Finance Director John Adams explained that there are a total of 9 supplemental appropriations, but the two main ones are needed by the Duxbury Police Department (DPD). The first is \$145,457 in DPD salaries. The second is for \$10,900 in DPD General Expenses. The supplemental appropriations are needed because the DPD had 3 vacancies and if they waited to fill the positions until the next fiscal year it would have resulted in significant overtime pay. Instead the DPD decided it made fiscal and operational sense to hire in FY20 and get the new hires through the Police Academy in FY20. He further explained that there was a budget error which resulted in a budget deficit, but the DPD was able to cover most of the deficit within their FY20 budget. The rest of the supplement appropriations are all related to the retroactive wage increases for FY20, and he provided the figures for each. The bottom line is a total supplemental appropriation of \$213,657 is needed.

Mr. Flynn moved to approve the 2020 STM Article 1 – Supplemental Appropriations in the amount of \$213,657, as presented. Second by Mr. Madigan. VOTE: 2:0:0.

STM Article 2 – Unpaid Bills

Mr. Adams gave an overview of the unpaid bills, which are shown in the STM Warrant. (These are bills that were received after the books were closed at the end of the last fiscal year, so authorization is needed from Town Meeting for them to be paid.) The unpaid bills total \$2,218.10.

Mr. Flynn moved that the Board of Selectmen approve the 2020 STM Article 2 – Unpaid Bills in the total amount of \$2,218.10, as presented. Second by Mr. Madigan. VOTE: 2:0:0.

STM Article 3 Restore Funding of Digital Photogrammetric Concept

Mr. Adams said funding for the digital photogrammetric concept was previously approved. There was an encumbrance in place on an open Purchase Order, but that was overlooked when the books were closed at the end of the last fiscal year. Therefore, Town Meeting must re-authorize the amount of \$22,700.

Mr. Flynn moved that the Board of Selectmen to approve the 2020 STM Article 3 – STM Restore Funding of Digital Photogrammetric Concept in the total amount of \$22,700, as presented. Second by Mr. Madigan. VOTE: 2:0:0.

STM Art. 4 Fund Collective Bargaining Agreements

Mr. Adams explained that the Town has reached collective bargaining agreements with the following units and he provided the funding authorization needed for the first fiscal year of collective bargaining agreements beginning July 1, 2019 for each: Duxbury Permanent Firefighter's Association (*\$51,350), Duxbury Free Library Employees (\$8,000.), Duxbury DPW Employees (\$43,150), Duxbury Police Commanders (\$9,900), and Duxbury Secretaries and Clerks (SEIU) (\$14,665).

*Mr. Adams mentioned that this figure might need adjustment in light of the agreed to shift differentials. If so, he suggested it could be re-voted at a subsequent meeting prior to the STM.

Still pending agreement are the Duxbury Public Safety Dispatchers and the Police Patrolman bargaining units.

Mr. Flynn moved that the Board of Selectmen approve the 2020 STM Art. 4– Fund Collective Bargaining Agreements, as presented. Second by Mr. Madigan. VOTE: 2:0:0.

STM Art. 5 Fund 53rd Week Payroll (Non-Union Salaried Personnel)

Mr. Adams explained that this is a one-time budget correction needed to meet the current fiscal year's salary and wage calculations. He explained that the Town has used a bi-weekly pay schedule since 2001. However, over the 19 years there have been 4 leap years and that has resulted in the shortfall for the non-union salaried personnel because there are more than 52 weeks in the year as a result of leap years.

Mr. Flynn moved that the Board of Selectmen approve the 2020 STM Art. 5 – Fund 53rd Week Payroll (Non-Union Salaried Personnel) in the amount of \$180,000, as presented. Second by Mr. Madigan. VOTE: 2:0:0.

Mr. Adams said the Articles 6 through 12 are all related to the Town's Fiscal Policies and relate to established benchmarks in those policies.

STM Art. 6 Special Education Reserve Fund

This fund is to stabilize the effect of unanticipated, unbudgeted Special Education costs. The Schools turned back \$104,746, and Mr. Adams recommended adding \$250,000. He mentioned that the Town had a larger balance of Free Cash certified than anticipated. We are looking to establish a minimum and a maximum amount for this Fund. This appropriation will put the fund balance closer to the targeted amount. So the total recommended amount from Free Cash is \$354,746.

Mr. Flynn moved that the Board of Selectmen approve the 2020 STM 6– Special Education Reserve Fund in the amount of \$354,746, as presented. Second by Mr. Madigan. VOTE: 2:0:0.

STM Art. 7 Pension Reserve Fund

As a result of a number of unexpected retirements in 2019 the Pension Reserve Fund has been depleted and needs to be replenished. The balance in the fund is based on an established percentage of the General Fund expenditures. The recommendation was to authorize \$91,500 to the Pension Reserve Fund.

Mr. Flynn moved that the Board of Selectmen approve the 2020 STM 7 -**Pension Reserve Fund** in the amount of \$91,500, as presented. Second by Mr. Madigan. VOTE: 2:0:0.

STM Art. 8 Other Post-Employment Benefits

The OPEB fund is currently at around \$2,616,000 with the liability assessed at \$34,704,000 (end of June, 2018). The annual amount recommended for the OPEB is \$300,000, per the recommendation of the Town's actuaries.

Mr. Flynn moved that the Board of Selectmen approve the 2020 STM 8 – Other Post-Employment Benefits in the amount of \$300,000, as presented. Second by Mr. Madigan. VOTE: 2:0:0.

STM Art. 9 Accrued Liabilities and Compensated Absences Fund

Mr. Adams said that due to the retirements in FY19 and so far in FY20, the fund has been exhausted, and needs to be replenished to the benchmark recommendation. The recommended amount was \$275,000.

Mr. Flynn moved that the Board of Selectmen approve the 2020 STM Art. 9 -Accrued Liabilities and Compensated Absences Fund in the amount of \$275,000, as presented. Second by Mr. Madigan. VOTE: 2:0:0.

STM Art. 10 Unemployment Fund

Mr. Adams said this fund is doing well so the amount of the appropriation request is the minimum of \$50,000.

Mr. Flynn moved that the Board of Selectmen approve the 2020 STM Art. 10 -Unemployment Fund in the amount of \$50,000, as presented. Second by Mr. Madigan. VOTE: 2:0:0.

STM Art. 11 Stabilization Fund

Mr. Adams indicated that currently the Stabilization Fund is at 6.7%. Under the Town's Fiscal Policies the benchmark for it is between 5-10% of General Fund Expenditures. So the recommendation was to authorize \$50,000.

Mr. Flynn moved that the Board of Selectmen approve the 2020 STM Art. 11- Stabilization Fund in the amount of \$50,000, as presented. Second by Mr. Madigan. VOTE: 2:0:0.

STM Art. 12 Capital (Improvement) Stabilization Fund

Initially, Mr. Adams said that he intended to recommend a higher dollar amount in the Stabilization Fund, but then the news about the much higher than anticipated cost of the required repairs to the Powder Point Bridge was received. Therefore, he recommended ~~\$326,951.85~~ \$76,951.65 (*correction*) to the Capital (Improvement) Stabilization Fund, which would be used to fund Powder Point Bridge repairs. This would allow for more of the work to be done in one mobilization versus piecemeal in a couple of phases. The funding for this will come partially from Free Cash and the rest from previously-authorized projects that have been closed out leaving remaining authorized balances.

Mr. Flynn moved that the Board of Selectmen approve the 2020 STM Art. 12- Capital (Improvement) Stabilization Fund in the amount of ~~\$326,951.65~~ \$76,951.65 (*correction*), as presented. Second by Mr. Madigan. VOTE: 2:0:0.

Annual Town Meeting Article(s)

ATM Art. 39 Conservation Land Purchase –Temple Street-Harrington Property

This article is being indefinitely postponed as it will be addressed in the Special Town Meeting Warrant to be taken up on Monday, March 16, 2010 at 7:05 pm instead.

Mr. Flynn moved that the Board of Selectmen indefinitely postpone 2020 ATM Article 39 – Conservation Land Purchase –Temple Street-Harrington Property. Second by Mr. Madigan. VOTE: 2:0:0.

Monday, March 16, 2020 –“EXTRA” Special Town Meeting Article(s)

“Extra” STM Art. 1 -Conservation Land Purchase – Temple Street – Harrington Property

Mr. Flynn moved the Board of Selectmen approved the 2020 “Extra” STM Art. 1 - Conservation Land Purchase – Temple Street – Harrington Property. Second by Mr. Madigan

Mr. Madigan said that there are three options for consideration:

1. Is to contest the purchase of the property as a *bona fide* Purchase and Sale Agreement was not submitted. This could take forever and would have high legal costs.
2. The Town could buy the approx. 10.61 +/- acres of agricultural land for \$2.25 million.
3. The Town could take the entire 17+/- acres by eminent domain and pay \$2.25 million (i.e., the current P+S Agreement price).

Mr. Madigan indicated that the third option is what is being proposed, but it would require an authorization by the voters. So an “extra” Special Town Meeting has been schedule for Monday, March 16, 2020 at 7:05 PM. The warrant for this STM contains just one article specifically related to the taking of 761 Temple ST (the Harrington Property), which will require approval from the Duxbury voters.

The Selectmen then voted on the motion. VOTE: 2:0:0.

V TOWN MANAGER'S REPORT

Town Manager René Read mentioned the following:

1. Town Meeting Preparations:

Mr. Read said his focus has been on finalizing the warrants in preparation for the Annual and Special Town Meetings.

2. PCE Update:

He will have an update on the PCE pipe replacement project for the Selectmen at their next meeting.

3. The Alden First Site:

In response to a request from Mr. Madigan, Mr. Read said that he would try to have an update at the next Selectmen's meeting regarding the requested agreement by the Alden Kindred regarding The Alden First Site.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION -none

VII ONE-DAY LIQUOR LICENSE REQUESTS -none

VIII EVENT PERMITS -none

IX MINUTES - none.

X ANNOUNCEMENTS

Mr. Flynn made the following announcements:

1) Presidential Primary & Early Voting for the Presidential Primary:

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 during Town Hall hours. The parking spots alongside Town Hall will be reserved for voters.

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

2) Feb. 6th CPC Meeting Is Available on PACTV

If you missed the Feb. 6th Conservation Preservation Committee (CPC) meeting held to review CPC projects, go over the CPC financials and for a discussion about the article calling for an

increase in the CPA surcharge, it was taped by PACTV. You can watch it on www.pactv.org. Click on the IP logo, then on "WATCH" and "Video-on-Demand."

3) Table Reservations For Town Meeting:

If you or your organization is interested in reserving a table to display information at the Duxbury Town Meeting on Saturday, March 14th, 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 Duxbury civic organizations.

4) Town Planner Hours

The Duxbury Town Planner will be at the Duxbury Senior Center Lobby area on Mondays from 9:30 AM to 11:30 AM to meeting with anyone interested in town planning issues. Stop by with your questions about town planning. The Senior Center Newsletter and Clipper notices will carry topic updates.

5) Next Scheduled Selectmen's Meeting will be on Monday, March 9, 2020.

XI. BONUS SHELLFISH SEASON (*For March, 2020*)

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

- 1) the commercial harvesting of **soft-shelled clams** for the month of **March, 2020** in accordance with posted Attachments B & C; and
- 2) the commercial harvesting of **quahog clams** for the month of **March, 2020** in accordance with posted Attachments A & C; and
- 3) the recreational harvesting of **soft-shelled clams** for the month of **March, 2020** in accordance with posted Attachment D.

Second by Mr. Madigan. VOTE: 2:0:0.

XII. Adjournment

At approximately 7:30 pm, Mr. Flynn moved the Board of Selectmen adjourn. Second by Mr. Madigan. VOTE: 2:0:0.

Minutes prepared by: C. Anne Murray

LIST OF DOCUMENTS FOR 02-24-20 SELECTMEN'S MEETING:

1. *Agenda for 02-24-20 Selectmen's Meeting*
2. *Executive Session – Documents will be in 02-24-20 Executive Session file.*
3. *OPEN FORUM: none*
4. *NEW BUSINESS:*
 - a) *Firefighters' Union Contract – suggested motion.*
 - b) *03-14-20 STM Warrant –Final; 03-14-20 ATM Warrant –Final; and 03-16-20 STM (II) –Final.*
4. *TOWN MANAGER REPORT: none*
5. *COMMITTEE APPOINTMENTS/REAPPOINTMENTS – none*
6. *ONE-DAY LIQUOR LICENSES: none*
7. *EVENT PERMITS: none*

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8. *MINUTES: EXECUTIVE SESSION: none; OPEN SESSION MINUTES: none*
9. *SUGGESTED ANNOUNCEMENTS for 02-24-20*