

Date: February 8, 2021

Date Minutes Approved: February 22, 2021

TOWN CLERK

BOARD OF SELECTMEN

2021 FEB 23 AM 8:14

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; Nancy O'Connor, Executive Assistant; and Jeannie Horne, HR Director

Others: Betsy Sullivan, Chair of Finance Committee; Peter Buttkus, DPW Director; Valerie Massard, Planning Director; Joe Grady, Conservation Administrator; Shirin Everett, Esq., KPLaw; Fire Chief Kevin Nord

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 7:00 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 or call-in at 781-934-1100 x5400 for questions or comments. This meeting convened via Zoom video conference produced and recorded by PACTV, and viewed live on the Duxbury Government Access Channels – Verizon 39 or Comcast 15; or visit www.pactv.org/duxbury for Duxbury programming, replays and on-demand.

II OPEN FORUM/PUBLIC COMMENTS: No official “open forum” as these are remote meetings. No public comments via phone calls or emails were received during this meeting.

Mr. Madigan mentioned the large amount of Library feedback and asked if it was too late to put an override on the ballot to pay for the library and let the voters decide. Mr. Read remarked that an override may not be necessary and would like to first speak with both Mr. Adams and Town Counsel. Ms. Sullivan also added that since Town Meeting isn't until May, they do expect some adjustments. Ms. MacNab remarked that she has attended Finance Committee meetings and that no one wants to defund the library. She continued to say that between now and Town Meeting, there is time to get a handle on that budget.

III. NEW BUSINESS

Discussion pertaining to A.W. Perry Land Swap

Attorney Shirin Everett of KPLaw explained that the Town went out to bid in June 2020 for the Town to dispose of landlocked land off Keene Street for a land swap or in exchange for consideration, which was awarded to A.W. Perry who will exchange for prime conservation land. A.W. Perry discovered during the title work that the Town acquired the property by tax title; therefore, the title was not clear.

Attorney Everett said that there were two ways to remedy – either judicially through Land Court (which may be timely and costly) or by a low value taking (the value is so low that you can obtain an affidavit stating that it does not meet the monetary threshold). She added that since this matter has not be aired by a court, subsequent buyers are usually reluctant to purchase. She recommended that the Town do an eminent domain taking of this property, which will best the Town with a good title and that this would require Town Meeting approval.

Attorney Everett pointed out that A.W. Perry, through this MOU, will perform a survey, appraisal, and cover the Town's out-of-pocket expenses in order to assist the Town in the taking of the property. She said that once Town Meeting votes on this, they will then file the Order of Taking. She commented that the Town has had this land in tax title for so long, she does not expect anyone to come forward to challenge.

Mr. Flynn asked if A.W. Perry owns more land around that area since this land is landlocked. Mr. Grady responded that they have 28 acres around this land that they want to develop.

Ms. MacNab thanked Attorney Everett and Joe Grady and remarked that this is a win-win for the Town getting rid of landlocked land for land that Joe has been looking at for years.

Ms. MacNab moved that the Board of Selectmen enter into a Memorandum of Understanding with A.W. Perry, Inc. with respect to the Town's acquisition of the Town property described below by eminent domain, subject to the conditions stated in said MOU, for title-clearing purposes and to effectuate the land exchange agreement between the Town and AW Perry, which Town property is located on Keene Street, identified as Parcel 025-500-006, and acquired by low value foreclosure affidavit recorded with the Plymouth Registry of Deeds in Book 1784, Page 567.

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

Discussion pertaining to 40B Project – Keene's Mill Village

Attorney Christopher Alphen presented a brief a Power Point presentation of this proposed project. His firm represents Old Myrtle Street LLC with respect to this development, and they are in the process of preparing to file a Comprehensive Permit Site Approval Application with MassHousing seeking a Project Eligibility Letter. Before they submitted their application, they asked to appear before the Board.

Prior to discussion, Ms. MacNab, as a point of order and procedural matter, questioned the appropriateness of this proposal due to quite a large tax bill which is in arrears. Mr. Read commented that the attorney had just contacted them recently and asked to make a presentation before the Selectmen. Ms. MacNab stated again that there are taxes in arrears, which taxes should be paid before the services of this Board are utilized.

Attorney Christopher Alphen, representing Old Myrtle Street LLC, along with Engineer Bart Lipinski, Attorney Paul Haverty and developers John Baldwin and Susan Curtis were in attendance. Attorney Alphen responded that the taxes will be paid at some point, but felt that it was irrelevant to their application and that they are just introducing the project to the Selectmen prior to submitting to MassHousing.

Ms. MacNab remarked that it was up to the Chair if we move forward. Mr. Flynn replied that he would like to see what they say on this project knowing that it would not be supported until the taxes are up-to-date. Mr. Madigan also added that they are not asking for our support, but do we want to know more about what they are doing. Mr. Flynn stated that he didn't have a problem receiving their briefing.

Attorney Alphen presented a PowerPoint slide show of the proposed development in rural Duxbury off of North and Keene Streets. The project consists of 28 cottage style homes with 1 ½ stories. Seven of the homes will be affordable (meeting 25% requirement of 28) and will be indistinguishable from the market rate units. He added that these are all for sale units – not rentals. Ms. MacNab asked if they have delineated the units on the ground. Mr. Bart Lipinski (engineer) answered that they have not been delineated yet. Ms. MacNab suggested that moving forward they should stake out the proposed units to the benefit of Conservation Administrator Joe Grady especially in relation to the wetlands.

Mr. Flynn thanks Attorney Alphen and others for their time tonight.

Discussions pertaining to Hiring Recommendations – presented by Jeannie Horne, HR Director

DPW/Transfer Station Equipment Operator

Mr. Flynn asked if this position has been posted. Ms. Horne responded no and that they are following the internal process when a vacancy is identified to determine if full-time replacement is the best option from a business perspective. She added that they are looking for Selectmen approval. Ms. MacNab asked if this was a full-time position being replaced with another full-time position. Ms. Horne responded yes and that it was important to note that DPW positions require specific licenses, such as CDLs, so they are flexible especially during storms and emergencies.

Mr. Buttkus also added that there is always one employee hauling trash to Seamans with our trailers, which would be impossible to do on the weekends. He continued to say that if this position was not filled, he would have to fill it with overtime, which would be costly.

Conservation Department – Administrative Assistant

Ms. Horne mentioned that this position just materialized and that it is a 30 hour/benefits eligible position. Ms. MacNab commented that we know Mr. Grady needs assistance there.

Promotion: Deputy Fire Chief, Robert G. Reardon

Mr. Read read the following into the record:

I am pleased to announce the promotion and appointment of Robert Reardon to the position of Deputy Fire Chief. Rob is stepping into the position that was vacated when Chris West retired in October. Rob was hired in 2002 and is in his 18th year with the Department. Rob achieved his Paramedic certification in 2005, was promoted to Captain in 2012 and has served as the Administration Captain before being promoted to Deputy. He has numerous accomplishments to his name including having attained Chief Fire Officer Certification and then Executive Fire Officer from the National Fire Academy (a 4 year program); establishing the social media program for the Department; serving as the Department's PIO (Public Information Officer); and in the early years of the Regional Dispatch Center, managing the PSD until a Director was appointed.

The promotional process for this position is highly competitive. In this most recent case, five candidates submitted letters of intent followed by a three-part assessment process. The first part is a written exam focusing on leadership and the provisions of MGL Ch. 148 (i.e., the laws related to the fire service). The second part is an oral assessment where the candidates are subject to three problems a Deputy would be expected to face and address - the first is a budget process, the second is a citizen complaint involving multiple agencies and the third is a significant fire problem involving injured firefighters.

Upon receiving a passing score of 70 or better, the candidates appear in front of an internal review panel made up of the Union President, Human Resources Director and Fire Department Management Team members all of whom ask questions and score the candidates for the third aspect of the process. Following the compilation of the scores, the panel presents its findings and recommendation to Chief who then reviews all of the data and makes recommendation to the Town Manager for final appointment.

Duxbury is very fortunate to have many great firefighters that step up each and every day and Rob has always been one of them. We look forward to Rob's continued contributions in the years to come.

Promotion: Chief Technology Officer, Michael J. Woodford

Mr. Read read the following into the record:

I am pleased to let you know that the Town of Duxbury has concluded its review of candidates for the Chief Technology Officer position following a robust hiring process that included over 40 applicants for the position and 5 semi-finalists.

At the end of the exercise, one candidate stood out ahead of the others - Michael Woodford. Mike was an internal candidate who has worked with both the Duxbury Public Schools and the Town during his nearly 10 years here as an employee. In this newly created position, Michael will report to the Town Manager and Superintendent of Schools and consult with Town Department Heads, School Administrators and the Information Technology Steering Committee to deliver the vision, leadership, management, strategy and direction necessary for the successful integration and alignment of technology services throughout our combined Town and School organizations. We look forward to Mike's continued contributions in the years to come.

Finally, I would like to offer my sincerest thanks the hiring team for their hard work:

David Madigan – Duxbury Board of Selectmen
Julia Adams - Duxbury School Committee
Dr. John Antonucci – Duxbury School Superintendent
Dr. Patrick Dillon – HR Director Duxbury Public Schools
Alex Chin – IT Study Committee Co-Chair and Fiscal Advisory
Kathleen Glynn - IT Study Committee Co-Chair, Finance Committee
Jeannie Horne –Human Resources Director
John Q. Adams – Finance Director
Cheryl Lewis – School Department IT Director
Mary Beth MacQuarrie – Town of Duxbury IT Director
Lt. Chip Chubb – Duxbury Police Department

Capt. (now Deputy Chief) Rob Reardon – Duxbury Fire Department
Mike Mahoney – Director of the Regional Old Colony Communications Center (Dispatching)

Ms. MacNab moved that the Board of Selectmen endorses and approves of the following:

- DPW/Transfer Station-Equipment Operator
- Administration Assistant – Conservation Department
- Promotions: Deputy Fire Chief, Robert G. Reardon
Chief Technology Officer, Michael J. Woodford

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

Town Manager's Contract

Ms. MacNab moved that the Board of Selectmen renews René Read's Town Manager contract for five years with a one-year extension and with a 3% increase to the base salary in the first year along with annual merit increases effective July 1, 2021.

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

Discussion regarding Beach Operations Administrator position

Mr. Read read the following into the record:

You will recall that at your previous meeting I noted that I would present to you a recommendation for your consideration to add the title of Beach Operations Administrator to Grade 7 of the current Pay Schedule set forth in Part IV of the Town's Personnel Policies.

The reasons and process for that are as follows:

- The position must be created and filled immediately in order to satisfy the Town's obligations under environmental regulations and its lease with the Reservation.
- Delaying the hiring of a qualified individual to fill this position will significantly impede the Town's ability to effectively manage the upcoming bird migration likely to happen in March.
- Based on the Town's review of current market conditions and the desired qualifications of the individual hired to fill this position, the salary range would fall between \$50,000 and \$79,355 – Grade 7 of our current Pay Schedule.
- There is a possibility that to not move forward with this concept at this time and fill this position now, it could have an adverse financial impact to the Town.
- Further amendments to the Pay Schedule will be placed on the Annual Town Meeting Warrant under Article 4.

- Section 5 (entitled “Duties of the Town Manager”) of the Personnel Policies states that “The Town Manager may add new jobs to the Plan or reclassify existing jobs and authorize new rates for the new jobs.”

I have discussed the funding of this position with John Adams and we agree that to cover the costs of this position at this time, we will need approximately \$25,000 for Seasonal Wages from April 1 to June 30. If the Beach Operations Administrator started on March 1st at the rate of \$57,000, the position cost until June 30 would be roughly \$20,000. The Balance left in Dept. 634 Salaries right now is approximately \$27,500. Thus, we will need an additional \$17,500 ($\$25,000 + \$20,000 - \$27,500 = \$17,500$).

Since there are only two methods to supplement a budget prior to May 1st (a Reserve Fund Transfer or a Special Town Meeting), and should the Board vote in the affirmative with regard to my recommendation below, I will be requesting a Reserve Fund Transfer in the amount of \$20,000 to cover the funding as noted above.

Thus, based on the foregoing, **I recommend that the Board of Selectmen add the title of “Beach Operations Administrator” to Grade 7 of the Pay Schedule contained in Part IV of the Town’s Personnel Policies.**

Ms. Sullivan commented that there is no other way as we have a meeting in May – our Special in the Annual – and there are no other options to fund this. She added that we need to get this done to satisfy the terms of the lease and get this person going.

Ms. MacNab moved that the Board of Selectmen add the title of “Beach Operations Administrator” to Grade 7 of the Pay Schedule contained in Part IV of the Town’s Personnel Policies.

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

IV. TOWN MANAGER’S REPORT

Vaccination Clinic Info

The Towns of Pembroke, Hanover and Duxbury have been diligently working to establish a tri-town Phase 2 vaccination clinic which encompasses persons in the following categories: 75+, 65+ and K thru 12. Numerous hours have been spent by our Boards of Health, Fire & EMS personnel and Town staff to mobilize this large effort and once we receive vaccine doses in large enough quantities, this clinic will provide seniors and others in Phase 2 local access to the vaccine.

Since we are finding that towns are only being offered smaller amounts of vaccine (e.g., 100 doses per community) at this time due to limited availability, each our communities will be offering smaller clinics when the vaccine is made available to us. When the vaccine supply becomes large enough, we will run a larger tri-town clinic at a single pre-determined site for all three communities together since teaming up with multiple communities allows us to share resources.

In the meantime, we are encouraging all persons residing in Duxbury over the age of 75 years old to contact the Duxbury Senior Center in advance of our vaccination clinic so that we can have their information on file prior to the administration of the vaccine. Those needing assistance should call the

senior center at 781-934-5774, Ext. 5703 to receive assistance with scheduling your COVID 19 vaccine appointment. Once we have determined a location and date, you will be contacted by the Duxbury Senior Center to schedule an appointment.

In the meantime, the State has opened up scheduling for vaccinations. Also, the Town of Marshfield has opened a large-scale drive-thru vaccination center, located at the Marshfield Fairgrounds. If you wish to obtain a vaccine prior to one of the tri-town clinics, you can find more information here:

<https://www.mass.gov/info-details/covid-19-vaccination-locations>

By clicking on the link above, you will be able to enter your zip code and find the nearest places offering the vaccine at locations such as nearby pharmacies and grocery stores. Please note that there could be a high volume of registrants and an unknown number of current appointments available.

Additional information will be provided as it becomes available.

Update on Deputy Director position at the ROCCC:

Mr. Read provided an update. Ms. MacNab commented that the Finance Committee had some concerns and that the Board of Selectmen approved contingent upon that discussion with the Finance Committee, which did bring about a change in grade from Grade 9 to Grade 8.

Ms. Sullivan stated that she spoke with Ms. Horne (along with Mr. Pisani) regarding placement of this job in the Personnel Policies and discussed putting this position in at Grade 8. They also discovered that they had to use the title of Deputy Director (there were discussions changing it to Operations Manager, which is an existing position listed under Grade 8 of the Personnel Policies) because it is directly tied to the Grant requiring the title to be Deputy Director. Ms. Horne stated that they will post the job now and then fill it upon Town Meeting vote.

V. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS None

VI ONE-DAY LIQUOR LICENSE REQUESTS - None

VII EVENT PERMITS - None

VIII MINUTES

Ms. MacNab moved that the Board of Selectmen approves the 1/25/21 and 2/1/21 Selectmen's Executive Session Minutes, as amended, with the contents to remain confidential until the need has passed. *Seconded by Mr. Madigan. Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

Ms. MacNab moved that the Board of Selectmen approves the 1/28/21 and 2/1/21 Selectmen's Open Session Minutes, as presented.

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

IX ANNOUNCEMENTS

1) President's Day Town Hall Closure:

The Town Hall will be closed on Monday, February 15 in observance of President's Day. There will be no Selectmen's Meeting that evening.

- 2) **Next Scheduled Selectmen's Meeting** will be on Monday, February 22, 2021 at 7:00pm.

X ADJOURNMENT

Mr. Madigan moved that at approximately 8:10PM, 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) Documentation related to AW Perry Land Swap*
- 3) Documentation related to Keene's Mill Village 40B*
- 4) Documentation related to Hiring Recommendations*
- 5) Documentation related to Beach Operations Administrator position*
- 6) Minutes*
- 7) Announcements*