

Date: February 22, 2021

Date Minutes Approved: March 1, 2021 TOWN CLERK

2021 MAR -2 AM 10:58

BOARD OF SELECTMEN

DUXBURY, MASS.

OPEN SESSION MINUTES

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; Carrie Mazerolle, Town Accountant; and Nancy O'Connor, Executive Assistant

Others: Attorney Shirin Everett, KPLaw; Fire Chief Kevin Nord; Jeannie Horne, HR Director; Steve Dunn, Assessor; Joe Grady, Conservation Administrator; Mrs. Pat Loring, Open Space Committee member; Mrs. Betsy Sullivan, Finance Committee Chair; and Alex Chin, Fiscal Advisory Co-Chair

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 occonnor@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.

III. NEW BUSINESS

Discussions pertaining to Refinancing of 892 Franklin Street – Affordable Housing

Background: The homeowner is in the process of refinancing his mortgage in accordance with the affordable housing deed restrictions. Those restrictions require the homeowner to seek approval from both the Board of Selectmen and also the DHCD (Department of Housing and Community Development). Nancy has been working with Diane Bartlett, Duxbury Affordable Housing Trust; Bertha Borin, DHCD; and the office of the lender's attorney to ensure we are following the correct process.

Ms. MacNab moved that the Board of Selectmen vote to approve of and consent to this refinancing of the property located at 892 Franklin Street with the stipulation that the loan be at a fixed rate and the principal loan amount should not exceed \$240,500; and that this consent is valid contingent upon obtaining the written approval of the Department of Housing and Community Development.

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

Discussions pertaining to Duxbury Rural & Historical Society's Conservation Restriction

Background: This restriction will permanently protect four conservation parcels which many people assume have always been permanently protected - two parcels at Round Pond and two parcels at Lapham Woods, across from Town Hall. This CR totals 87.82 acres. It protects our drinking water supply and wildlife habitat, as well as providing public access for passive recreation to many well maintained trails. Permanently protecting these beautiful conservation properties has been a long term goal of the town.

Mrs. Pat Loring, Open Space Committee member, stated that they were grateful to the Duxbury Rural & Historical Society for supporting this conservation restriction and that they are fully committed that their land is permanently protected.

Mr. Grady also commented that the Round Pond area is one of the oldest pieces of open space and was purchased in the 1890's for open space when people were riding horses.

Ms. MacNab thanked Mr. Grady, Mrs. Loring and the DR&HS for this wonderful acquisition.

Ms. MacNab moved that the Board of Selectmen vote to grant and approve the Duxbury Rural & Historical Society, Inc.'s Conservation Restriction (Duxbury CR #46) to the Town of Duxbury, acting by and through its Conservation Commission, pursuant to MGL Chapter 184, Sections 31-33, as presented.

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

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

Mr. Read explained that this was for the emergency hiring of two seasonal assistants for the fire department. Chief Nord stated that two volunteers from the Medical Reserve Corp have been putting in 40-60 hours a week to help with pandemic work related to testing and vaccinations, and he would like them to be reimbursed. He continued to say that these positions are part-time, do not include benefits, and paid by Federal grant.

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

Fire Department: Emergency hiring of two (2) seasonal assistants

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

Discussions pertaining to Seawall betterments

Mr. Adams began the discussion by sharing the March 2019 Town Meeting Article 13 showing the article language approved by the voters, which included betterments. He also provided a breakdown of the assessed betterments on the bettered properties.

There were discussions regarding the timing of signing and filing of the Order of Betterment Assessments. Attorney Everett remarked that the construction was completed around October 15, 2020, so the Order needs to be recorded by April 15. She recommended that that Selectmen vote on this in March.

There were discussions regarding putting money away for the required match in order to apply for grants. Ms. Sullivan asked if we needed to put money aside in anticipation of a grant or when it was awarded. Mr. Read answered that he asked Mr. William Hinkley of MEMA this question. Mr. Hinkley's response was *"Funding match may be contingent. We understand that it may be difficult to get funds from Town Meeting in anticipation of a grant that may or may not come through. That said, the more secure the match, the higher it will score on that evaluation criterium."*

Mr. Adams stated that we have the money in Free Cash now so we should put it aside. (\$250,000 or 25% is required to be put aside as the local match when applying for a \$1m State grant). Ms. MacNab added that the scope should be broadened out to include any disaster as it may have better success getting approved at Town Meeting.

Mr. Flynn remarked that part of the problem with grant money is whether or not we can carryover. Mr. Read replied that he also asked Mr. Hinkley this question, and his answer was *"Regarding carryover – we take it on a case-by-case basis. We really only know our own funding a year in advance so we hesitate to make long term commitments without being able to guarantee them."*

Mr. Flynn continued to say that if we looked at the cost to replace the sections north and on the south end of the wall and without being reimbursed by FEMA, the people who live there cannot afford to pay for this so we have to start planning in order to apply for grants.

There was more discussion about the length of years the betterments can be paid back. Attorney Everett confirmed that it is 20 years and a Special Act would be required to extend to 30 years.

Ms. Alicia Babcock, Seawall Committee Chair, commented that the seawall is a piece of Town infrastructure, although the beach is private, people still walk there, and even though they don't put chairs down, it is actively used, and the wall protects the bay, the beach and the homes. She said that she doesn't feel great about assessing this area because these become hardships and impact home sales too. Mr. Adams added that this part of the seawall cost is a minimum cost to those residents because we had FEMA involved and the Town was not going to foot the bill. Ms. MacNab also remarked that this portion of the seawall has been repaired and Town Meeting already voted betterments. Ms. Babcock asked that, going forward, the Town alters its view of betterments and to even the burden of assessments to all homeowners across the whole beach area to be more even. Ms. MacNab stated that the betterments are the fairest and most appropriate moving forward.

Mr. Flynn stated that the first step is to notify those land owners in the area so they can absorb the information and then we will plan to vote in March. Mr. Read recommended addressing this at the Selectmen's March 8 meeting in order to provide enough time to get this on record.

Ms. Babcock again mentioned the \$250,000 match requirement and asked to keep it as general as possible, but earmark it specifically for the seawall. Mr. Adams indicated that that was the intent. Ms. MacNab stated that she understands, but it also has to pass at Town Meeting so the concern is getting it passed and there would be a risk in not getting passed if the scope wasn't broader.

Mr. Flynn recommended that no vote be taken by the Board of Selectmen tonight in order to give the homeowners more time to review the betterments and that this matter will be addressed at their meeting on Monday, March 8, 2021.

Discussions pertaining to disbanding of the IT Steering Committee

The IT Steering Committee was approved at the March 2018 Annual Town Meeting. The Board of Selectmen to appoint an eleven (11) member Information Technology Steering Committee comprised of the following officials and personnel:

One (1) member Finance Committee
One (1) member Fiscal Advisory Committee
One (1) member Board of Selectmen
One (1) member School Committee
One (1) member Fire Department
One (1) member Police Department
Town Manager
Superintendent of Schools
Town IT Director
School IT Director
School Network Administrator

The Information Technology Steering Committee worked with an independent IT consultant to scope and develop a Town-wide 3-year strategic IT master plan and to provide a progress report and recommendations at Town Meeting of March 2020. As part of their IT Master Plan, it was recommended that a Chief Technology Officer be hired to oversee the successful integration and alignment of technology services throughout our combined Town and School organizations.

Thank you to all of the members who participated in this endeavor:

Alexander Chin, Co-Chairperson, Fiscal Advisory Committee Representative
Kathleen Glynn, Co-Chairperson, Finance Committee Representative
David J. Madigan, Board of Selectmen Representative
Julia Adams, School Committee Representative
Dr. John Antonucci, Superintendent of Schools
René J. Read, Town Manager
Lt. Lewis Chubb, Police Department Representative
Cheryl Lewis, School IT Director
Mary Beth MacQuarrie, Town IT Director
Michael Mahoney, Ex-Officio
Capt. Robert Reardon, Fire Department Representative
Michael Woodford, School Network Administrator

Ms. MacNab moved that the Board of Selectmen disband the IT Steering Committee having completed the scope of their charge.

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

Call for Town Election

Ms. MacNab 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 27, 2021 from 8:00 A.M. to 8:00 P.M.

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

IV. TOWN MANAGER'S REPORT

Ms. MacNab asked Mr. Read if he could address the status of re-opening Town Hall as other local Town Hall offices are opening. Mr. Read responded that it still remains to be seen and that his peers state that most are not allowing walk-in traffic. He also commented that the office, under State requirements, is still under the 40% occupancy order.

V. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Ms. MacNab moved that the Board of Selectmen appoint the following:

| <u>Board / Committee</u> | <u>Appointment/Re-appointment</u> | <u>Term</u> |
|--|--|--------------------|
| <u>Community Preservation Committee</u> | <u>(Holly Morris, Chair)</u> | |
| Kathy Cross | Appointment – Open Space Rep | 06-30-23 |
| Kathy Palmer | Appointment – At-Large Member | 06-30-23 |

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

The following boards/committees have available seats:

| | | |
|---|---|----------------------------------|
| <i>Alternative Energy Committee</i> | - | <i>two seats</i> |
| <i>Design Review Board</i> | - | <i>one Alternate seat</i> |
| <i>Duxbury Bay Mgmt Commission</i> | - | <i>two seats</i> |
| <i>Nuclear Advisory Committee</i> | - | <i>one seat</i> |
| <i>Sidewalk & Bike Path Committee</i> | - | <i>one seat</i> |
| <i>Zoning Board of Appeals</i> | - | <i>one Associate member seat</i> |

If anyone is interested in volunteering on a board or committee, you are encouraged to fill out a Talent Bank form, which can be found on the Town's website under the Forms & Documents tab.

VI ONE-DAY LIQUOR LICENSE REQUESTS - None

VII EVENT PERMITS

May, 2021 – Community Garden Club (various dates)

Ms. MacNab moved that Ms. Katherine Hunt, as a representative of the Community Garden Club of Duxbury, is granted permission to hold a flower sale fundraiser outdoors at the Duxbury Senior Center on Saturday, May 8, 2021 from 9:00AM to 12 Noon (with preparations on Friday, May 7), subject to the conditions of the permit.

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

Ms. MacNab moved that Ms. Katherine Hunt, as a representative of the Community Garden Club of Duxbury, is granted permission to hold a Plant sale fundraiser outdoors in the rear parking lot at the Duxbury Senior Center on Saturday, May 22, 2021 from 9:00AM to 12 Noon (with preparations on Friday, May 21), subject to the conditions of the permit.

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

VIII MINUTES

Ms. MacNab moved that the Board of Selectmen approves the 1/21/21 and 2/8/21 Selectmen's Open Session Minutes, as presented.

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

IX ANNOUNCEMENTS

1) Town-Wide Read and Discussion to acknowledge Black History Month:

We invite everyone to participate in this town-wide read and discussion about the history of racism in our country from revolutionary times to the present. The Duxbury Free Library has many copies of "*Stamped*" by Jason Reynolds and Ibram X. Kendi available.

A Zoom discussion is scheduled for Thursday, February 25, 2021 at 7pm (it is not necessary to read the book to participate).

Please go to www.zoom.us
Click on "Join A Meeting"
Meeting ID: 848 2784 3660

This is co-sponsored by Prejudice Free Duxbury, Duxbury Free Library, Duxbury Senior Center, and the Duxbury Interfaith Council.

2) Next Scheduled Selectmen's Meeting will be on Monday, March 1, 2021 at 7:00pm.

X BONUS SHELLFISH (month of March)

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 March.
Regulations as attached. (Please see Attachment B & C)
- 2) the commercial harvesting of quahog clams for the month of March.
Regulations as attached. (Please see Attachment A & C)
- 3) the recreational harvesting of Soft Shelled Clams for the month of March.
Regulations as attached. (Please see Attachment D)

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

XI ADJOURNMENT

Mr. Madigan moved that at approximately 8:16PM, 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 refinancing of 892 Franklin Street*
- 3) Documentation related to DR&HS Conservation Restriction*
- 4) Documentation related to Hiring Recommendations*
- 5) Documentation related to seawall betterments*
- 6) Committee Appointments*
- 7) Event Permits*
- 8) Minutes*
- 9) Announcements*
- 10) Bonus Shellfish*

