

Date: March 1, 2021

Date Minutes Approved: March 8, 2021

TOWN CLERK

2021 MAR -9 AM 10:14

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; and Nancy O'Connor, Executive Assistant

Others: Jeannie Horne, HR Director; Fire Chief Kevin Nord; ROCCC Director Mike Mahoney; Joanne Moore, COA Director; Police Chief Steve McDonald; Moderator John Tuffy; Town Clerk Susan Kelley; Harbormaster Jake Emerson

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 6:00 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 6:00 PM EXECUTIVE SESSION - A:
Potential litigation regarding Webster Point Village; and

6:30 PM EXECUTIVE SESSION – B:
Potential Purchase, Exchange, Lease or Value of Real Property – 6 Kingstown Way

Ms. MacNab moved we go into Executive Session for the following purposes:

- A. Discussing strategy with respect to potential litigation since an open meeting may have a detrimental effect on the litigating position of the Town; and
- B. Discussing consideration of the purchase, exchange, lease or value of real estate (6 Kingstown Way), 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.

“Mr. Flynn, as Chair, declared that the necessity for an Executive Session to discuss strategy with respect to (A) potential litigation 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.”

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

After the business of the Executive Session was concluded, Ms. MacNab moved that at approximately 7:00PM, the Board of Selectmen adjourn the Executive Session and reconvene in Open Session at or around 7:00pm.

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

III. 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.

IV. NEW BUSINESS

Discussions pertaining to Fire Department promotion: Captain Douglas Cunningham III

Mr. Read read into the record the following:

FF/EMT Doug Cunningham has been appointed to the rank of Captain by Town Manager René Read effective 3/1/21. This position is backfilling for the recently promoted Deputy Chief Reardon.

Captain Cunningham started in 2001 as a Call Firefighter and was hired as a fulltime FF in January 2003. Doug lives in Middleboro with his family. He currently serves as Union President. Doug has been very helpful in serving on many vehicle specification and selection committees with his vast knowledge of mechanics, auto extrication and tool use. Doug has been in a senior firefighter position and has great institutional knowledge about the Town and firefighting.

The process for selection is highly competitive with candidates first passing a written exam based on leadership, code compliance, firefighting strategy and tactics. Then pass an oral assessment which includes a fire problem, personnel issue and instructional presentation and finally a three person review panel of his peers, HR and Management.

Chief Kevin Nord also mentioned that they will be holding a ceremony at the end of March to recognize all the new hires and promotions.

Re-opening and closing of the ATM and STM Warrants

Annual Town Meeting Warrant

Ms. MacNab moved that the Board of Selectmen re-open the May 15, 2021 Annual Town Meeting Warrant.

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

Mr. Read began the discussion first regarding the Annual Town Meeting Warrant and the changes/status therein.

Formerly Article I – Election of Officers, Etc. –

Status: Dropped from warrant since the election will have already taken place and that an Election Warrant will be posted to inform the residents of the Election.

Formerly Article 17 – Amend General By-Laws – Chapter 12 Local Historic District

This was a revisit of Article 28 (Historic District article – scrivener's error) from last August's ATM. There was some confusion with regard to how the motion was called at that time but the Town Clerk and Town Counsel, working with the Attorney General's office, were able to conclude that the motion was unanimous and therefore it passed at that time and it is not necessary to bring it back for reconsideration in May. Status: dropped from warrant

Currently Article 13 - General By-Law Amendment – Addition of a New Section - Section 7.26, Beach Use

Status: Counsel still reviewing this article and is inserting an appeal provision to that section.

Mr. Flynn asked if we are talking about the police department issuing citations/tickets. Mr. Read responded yes.

Currently Article 16 – Proposed Change in Expenditure Limits to Revolving Funds

Status: This is just an expenditure change for Jaycox Tree Farm increase to \$30,000 (from \$20,000).

Article - Acceptance of Provisions of the Massachusetts Veterans' Brave Act. M.G.L. Chapter 59, S. 5 Clause Twenty-Second H.

Status: This is a proposal to add a new Article for The Brave Act. This began as a resident request of a veteran family, and Mr. Read recommends that the Selectmen are proponents along with Board of Assessors, if the Selectmen are in agreement. Mr. Flynn recommended that the Selectmen be the proponents and will include both Boards.

Mr. Read then asked if the Board wanted the articles re-ordered or if they were fine with the current order. General consensus was that the order was acceptable.

Ms. MacNab moved that the Board of Selectmen accept and approve of the recommended changes to the Annual Town Meeting Warrant by the Town Manager.

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

Ms. MacNab moved that the Board of Selectmen close the May 15, 2021 Annual Town Meeting Warrant.

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

Special Town Meeting Warrant

Ms. MacNab moved that the Board of Selectmen re-open the May 15, 2021 Special Town Meeting Warrant.

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

Mr. Adams recommended the following changes to the Special Town Meeting Warrant:

Article – Fund Collective Bargaining Agreements

Status: dropped as there are no union agreements.

Articles Re: Accrued Liabilities and Compensated Absences Fund & Unemployment Fund

Status: dropped as we don't need to fund this year.

Added Article 8 – Rescind Borrowing Authorization for Unexpended Funds

Status: basically housekeeping - Town Meeting action is required to dissolve these un-borrowed funding authorizations.

Added Article 9 – Transportation Contract for Duxbury Public Schools

Status: the schools are entering into a long-term contract, which Town Meeting approval is required for contracts in excess of five years.

Ms. MacNab asked why this article wasn't included in the Annual Town Meeting warrant. Mr. Adams responded that the schools want to sign the contract before June 30, so it made sense to get this in place.

Ms. MacNab moved that the Board of Selectmen accept and approve of the recommended changes to the Special Town Meeting Warrant by the Town Manager.

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

Ms. MacNab moved that the Board of Selectmen close the May 15, 2021 Special Town Meeting Warrant.

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

Discussion regarding Liquor Licenses – Change of Manager as follows:

The Alcoholic Beverages Control Commission ("ABCC") requires approval from the Board of Selectmen as the local licensing authority for a Change of Manager. Advertising and abutter notices are not required.

- ***Duxbury Bay Maritime School***

Ms. MacNab moved that the Board of Selectmen, acting as the Local Licensing Authority, approves the Change of Manager to Anita Sullivan for Duxbury Bay Maritime School located at 457 Washington Street, License #00037-CL-0300, subject to the requirements of the ABCC (Alcoholic Beverages Control Commission).

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

- ***Duxbury Wine & Spirits***

Ms. MacNab moved that the Board of Selectmen, acting as the Local Licensing Authority, approves the Change of Manager to Michael Carroll for Duxbury Wine & Spirits Company, Inc. located at 1 Washington Street, License #00015-PK-0300, subject to the requirements of the ABCC (Alcoholic Beverages Control Commission).

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

- ***Milepost Tavern Restaurant***

Ms. MacNab moved that the Board of Selectmen, acting as the Local Licensing Authority, approves the Change of Manager to Courtney LaPorte for the Milepost Tavern Restaurant, Inc., located at 581 Tremont Street, License #00005-RS-0300, subject to the requirements of the ABCC (Alcoholic Beverages Control Commission).

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

- ***Halls Corner Store***

Ms. MacNab moved that the Board of Selectmen, acting as the Local Licensing Authority, approves the Change of Manager to Purushottamhai Patel for Square Corp. d/b/a Hall's Corner Store located at 8 Chestnut Street, License #00044-PK-0300, subject to the requirements of the ABCC (Alcoholic Beverages Control Commission).

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

Discussions regarding Seasonal Liquor License renewals along with related CV and General License Renewals

- ***Duxbury Beach Park 2 – Seasonal Liquor License:***

Ms. MacNab moved that the Board of Selectmen, as the Local Licensing Authority, approve and renew the following Seasonal On-Premises Wine & Malt Beverages License issued to Duxbury Beach Park 2 (License #: 00034-RS-0300) for the calendar year 2021, subject to satisfactory inspection by the Town, submission of all required documents, and payment of all funds/fees owed to the Town of Duxbury, and the conditions on the license.

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

- ***Duxbury Beach Park 2 -Common Victualler And Parking License Renewals:***

Ms. MacNab moved that the Board of Selectmen renew the Common Victualler License and General License (for Parking) issued to Duxbury Beach Park 2 for the year 2021, subject to Town inspections, the receipt of all renewal paperwork and payment of all funds/fees owed to the Town of Duxbury.

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

- ***Duxbury Package Store, Inc.***

Seasonal Liquor Licenses are effective from April 1 through November 30, unless extended by the Local Liquor Authority (LLA) to January 15. That extension was granted to Duxbury Package Store, Inc. in 2020 and they are once again asking to extend to January 15, 2022.

Ms. MacNab moved that the Board of Selectmen, as the Local Licensing Authority, approve and renew the Seasonal Off-Premises All Kinds of Alcohol Beverages license issued to Duxbury Package Store, Inc. (License #: 00046-PK-0300) effective from April 1, 2021 through January 15, 2022, subject to satisfactory inspection by the Town, submission of all required documents, and payment of all funds/fees owed to the Town of Duxbury, and the conditions on the license.

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

V. TOWN MANAGER'S REPORT

Mr. Read stated that he will be attending a meeting at the Kingston Collection tomorrow morning as a proposed vaccination site and partnering with a larger scale clinic will help to be the recipient of more vaccines. He also added that he has been working with Joanne Moore who has been doing a great job getting our senior population vaccinated, although not all are vaccinated. Mr. Flynn also remarked that Joanne has been doing a phenomenal job.

Ms. MacNab asked Mr. Read to provide an update on re-opening Town Hall. Mr. Read responded that he has been working with Tracy Mayo, Health Agent; Fire Chief Kevin Nord; and Jeannie Horne, HR Director. He stated that he is looking at early April, but that they want to make sure they are adhering to State guidelines.

Ms. MacNab also asked about an update regarding the pool and how much money is coming in compared to the costs of keeping it open. Mr. Read responded that he will check with Gordon Cushing, Recreation Director.

Ms. O'Connor remarked that she had an email question from David Cedrone/WATD: he asked "*how often are you guys getting up to 100 shots?*" Mr. Read responded that we don't get them frequently as not a lot of does are coming in.

VI. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS None

VII ONE-DAY LIQUOR LICENSE REQUESTS - None

VIII EVENT PERMITS

Ms. MacNab moved that Ms. Cris Luttazi, as a representative of the Duxbury Beach Reservation, Inc., is granted permission to hold a Bake Sale fundraiser in the parking lot of Duxbury Beach Park on Saturday, April 3, 2021 from 10:00AM to 2:00PM, subject to the conditions of the permit.

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

IX MINUTES

Ms. MacNab moved that the Board of Selectmen approves the 02/22/21 Selectmen's Open Session Minutes, as presented.

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

X ANNOUNCEMENTS

1) 2021 Beach & Transfer Station Stickers

New 2021 Beach and Transfer Station stickers (effective April 1, 2021-March 31, 2022) are now available to purchase. Stickers can be purchased online on the Town of Duxbury's website by visiting: www.town.duxbury.ma.us under the Treasurer/Collector's webpage, by clicking on Online Payments on the home page, by calling City Hall Systems at 508-381-5455, or by mailing in or dropping off an application and supporting documents to Stickers Department, Duxbury Town Hall, 878 Tremont Street, Duxbury, MA 02332. Applications are available on the Town website and behind Town Hall for your convenience. If you are dropping off an application, please drop off in the black secure lockbox behind Town Hall with a self-addressed stamped envelope. Additional information regarding sales and current services can be located on the homepage of the Town's website www.town.duxbury.ma.us.

2) Annual Town Election will be held Saturday, March 27th at the Lt. Timothy Steele Building, 130 Saint George St. Polls will be open from 8am – 8pm.

Early and Absentee ballots can be requested using the Vote by Mail application on the Town Clerk's page of the town's website. Paper copies can be found in the rack to the left of the back door of Town Hall. Applications and voted ballots may be returned in the Town Clerk drop box behind Town Hall.

3) 2021 Dog licenses are available. Reminder: All dogs over the age of 6 months must be licensed annually. There will be a late fee in the amount of \$25 assessed for each unlicensed dog as of April 1st.

4) Next Scheduled Selectmen's Meeting will be on Monday, March 8, 2021 at 7:00pm.

XI ADJOURNMENT

Mr. Madigan moved that at approximately 7:40PM, 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) Executive Session motion (materials kept separately)
- 3) FD Promo information
- 4) Motion re Re-Opening and Closing Warrants
- 5) Liquor License Change of Manager documentation
- 6) Season Liquor License Renewal documentation
- 7) Event Permit
- 8) Minutes
- 9) Announcements

