

Date: March 23, 2020

Date Minutes Approved: April 13, 2020

TOWN CLERK

BOARD OF SELECTMEN

2020 APR 13 PM 12:37

OPEN SESSION MINUTES

DUXBURY, MASS.

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

Absent: Shawn Dahlen, Clerk

Staff: René Read, Town Manager; and Nancy O'Connor, Executive Assistant

Others: Jeannie Horne, HR Director; and Susan Kelley, Town Clerk

CONVENED IN OPEN SESSION –

I. CALL TO ORDER This meeting was called to order at approximately 10:00 a.m.

Mr. Read then read into the record Governor Baker's order regarding updated provisions of the Open Meeting Law during this COVID-19 crisis, which information was also posted on the Selectmen's agenda. Mr. Read also announced the call-in phone number so that the public could have access to ask questions during the meeting. (Note: no calls were received during this meeting).

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020, Order imposing strict limitation on the number of people that may gather in one place, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members. For this meeting, members of the public who wish to watch the meeting may do so by viewing the Duxbury Government Access Channels – Verizon 39 or Comcast 15 – which will be available via video on-demand through PACTV's website <https://www.pactv.org/pactv/towns/duxbury/duxbury>

NO IN-PERSON ATTENDANCE OF MEMBERS OF THE PUBLIC WILL BE PERMITTED

Every effort will be made to ensure that the public can adequately access the proceedings to the best of our technical abilities; and despite our best efforts due to lack of technical infrastructure, this meeting will be available on PACTV to view a video recording and a transcript or other comprehensive record of proceedings as soon as possible after the meeting. As always, you can contact the Town Manager/Selectmen office via email at [oconnor@town.duxbury.ma.us](mailto:connor@town.duxbury.ma.us).

Public phone-in access will be available during this meeting at 781-934-1100 x5409.

II. OPEN FORUM Nothing presented – no in-person attendance of members of the public was permitted; however, Mr. Read announced the call-in phone number. No calls were received.

III. NEW BUSINESS

Discussion pertaining to the postponement of the Annual Town Election – presented by Susan Kelley, Town Clerk

Ms. Kelley stated that last week legislation was filed on behalf of the Town to postpone the Annual Town Election, and the Secretary of State was working on legislation today. She continued to say that she thought she could select a date certain (May 16, 2020); however, she would have to start preparing in two weeks' time. Instead, Ms. Kelley remarked that the Selectmen have the ability to call the election twenty (20) days ahead as long as it done before June 30, 2020.

She further added the following:

1. Absentee voting will be expanded and that she will take email requests at kelley@town.duxbury.ma.us (both the application and the ballot will be sent out at the same time in order to make this process easier for everyone);
2. They will be using the ballots that are already printed (which reflect the March 28, 2020 date);
3. Voter registration deadline will be ten (10) days before the new election date; and
4. According to Mass General Laws, anyone serving in an elected position will remain until a new person is voted in.

Mr. Madigan asked if she needed more time than twenty days. Ms. Kelley replied that she does need time to staff (40 people), and she hopes that they can re-evaluate the situation in the next 2 – 3 weeks.

Mr. Flynn moved that in order to protect the rights of eligible voters and avoid disruption of local governmental processes and waste of municipal resources, the Board of Selectmen move the following:

- to postpone Duxbury's Annual Town Election scheduled for March 28, 2020, to a date before the end of June 2020 to be scheduled by the Selectmen with at least 20 days' notice.
- A copy of this vote of the board and a sample ballot shall be posted on the official town website no later than 20 days prior to the date of the postponed election.
- The last day to register to vote for such postponed election shall be ten days prior to the date of the election; and the board of registrars shall hold a registration session on that date, at a minimum, from two to four o'clock in the afternoon and seven to eight o'clock in the evening. The voting list to be used at such postponed election shall include all eligible voters registered as of that date.
- The election materials, including but not limited to absentee and official ballots originally prepared for the March 28, 2020 election, and bearing that date, shall be used for the rescheduled election to the extent practicable; if additional ballots must be printed, they shall be identical in form to those prepared for the March 28, 2020 election.
- Absentee ballots cast in connection with the March 28, 2020 election, whether returned prior to March 28, 2020, or otherwise, and received by the town clerk prior to the close of polls on the

date of the postponed election, shall be processed in accord with applicable law. Completed applications to vote by absentee ballot in the postponed election shall be accepted by the Town Clerk as a member of the board of registrars until 12:00 noon on the last business day prior to said election.

- Consistent with the provisions of section 107 of chapter 41 of the general laws, any incumbent elected official whose term would otherwise expire at the March 28, 2020 annual town election shall continue to serve in such position until a successor is elected and qualified.

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

Discussion pertaining to allowing electronic signatures

Due to the current COVID-19 situation, which may require a remote work environment, this motion will allow the Town Manager to electronically sign documents as required.

Mr. Flynn moved that the Board of Selectmen vote to authorize Town Manager René J. Read to electronically sign documents as required on behalf of the Town of Duxbury.

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

Discussion and review of Insurance Rates – presented by Jeannie Horne, HR Director

Ms. Horne asked the Board to approve proposed rates for BC/BS HMO and PPO, Life and Dental Rates, which are effective June 1, 2020. She stated that the rate increase to BC/BS is 1% and that the Town provides 75% of the costs to active employees and 50% to retirees. There is no rate increase for MedEx as those changes occur at the calendar year and will be revisited in October. She further mentioned that there is no rate increase for dental or life insurance plans. Ms. Horne continued to say that she is working on a virtual alternative to the scheduled May 13 Health Fair as the open enrollment period is from May 1 – May 31.

Ms. Horne also mentioned that communication was sent out to employees about the Employee Assistance Program (EAP) along with other resources such as TeleHealth services and waiving member cost shares. Should anyone have any questions, they can reach Ms. Horne at 781-934-1100 x5410 or at horne@town.duxbury.ma.us.

Mr. Flynn moved that the Board of Selectmen accept the proposed group life, health and dental insurance rates effective June 1, 2020 as presented (or amended).

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

Discussion pertaining to determination of uniqueness – Duxbury Beach

Mr. Read read into the record his memo as follows:

As you may recall from previous years, in accordance with Massachusetts Procurement Law, specifically, M.G.L. c. 30B, sec. 16(e)(2), a governmental body is required to solicit proposals prior to acquiring by purchase or rental real property or an interest therein from any person at a cost exceeding twenty-five thousand dollars.

Further, the governmental body is required to place an advertisement inviting the submission of proposals in a newspaper with a circulation in the locality sufficient to inform the people of the affected locality pursuant to a number of requisite publication and submittal deadlines as noted in the statute. However, a governmental body may shorten or waive the advertising requirement if "in the case of a proposed acquisition (in this case a lease), the governmental body determines in writing that advertising will not benefit the governmental body's interest because of the unique qualities or location of the property needed."

MGL requires that the determination of uniqueness "shall specify the manner in which the property proposed for acquisition satisfies the unique requirements. The governmental body shall publish the determination and the reasons for the determination, along with the names of the parties having a beneficial interest in the property pursuant to section forty J of chapter seven, the location and size of the property, and the proposed purchase price or rental terms, in the central register not less than thirty days before the governmental body executes a binding agreement to acquire the property."

As such, our office has prepared the following motion for this purpose, which will comply with the statute. Should the Board vote the motion as prepared, counsel will publish the notice in the Central Register in accordance with Mass. General Law. Following the conclusion of 30-day Central Register publication period, I will be discussing the actual lease itself with members of the Reservation and will bring said document to the Board for your consideration.

Mr. Read further stated that they might be able to file for a special act with the legislature so that we do not have to do this every year.

Mr. Madigan moved that with regard to the proposed lease by the Town of Duxbury of land owned by the Duxbury Beach Reservation, Inc., consisting of approximately 66 acres and including any improvements thereon, and located at and described as: all the land and interests in the land in the towns of Duxbury and Plymouth called Duxbury Beach owned by the Reservation south of a line running approximately east to west along the northerly edge of the northerly parking area at the east end of Powder Point Bridge and north of the entrance to Gurnet/Saquish, subject to continuation of the Massachusetts Audubon Society migratory shorebird refuge at High Pines, and excluding the land at High Pines now or formerly leased to Patrick J. Cudmore, I move that advertising concerning this lease will not benefit the Town's interests because of the unique qualities or location of the property needed by the Town, such land satisfying the Town's unique requirements in the following manner: the property is located immediately adjacent to, and comprises part of, Duxbury Beach and provides access to the Beach; similar access to the Beach is not possible from other locations as the result of the local geography and environmental limitations in the area; and the parcel provides much needed parking for and access to the beach for members of the public.

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

Discussion pertaining to Order of Taking – three parcels off Pine Point Road

Mr. Flynn moved that the Board of Selectmen, pursuant to the vote taken under Article 22 of the March 9, 2019 Annual Town Meeting, to acquire by gift and/or eminent domain three parcels of land located off Pine Point Road, identified as Assessor's Parcels 132-054-000, 141-043-000, and 141-044-000, and described in a deed recorded with the Plymouth Registry of Deeds in Book 2073, Page 138,

said property to be acquired for and dedicated to conservation and passive recreation purposes in perpetuity and under the care, custody and control of the Conservation Commission pursuant to the provisions of MGL c. 40 section 8C. Seconded by Mr. Madigan Vote: 2:0:0

Discussion pertaining to Deed Rider for units at Feinberg Bog Road

Mr. Flynn moved that the Board of Selectmen approve and execute the Affordable Housing Deed Rider and Resale Price Certificate for the properties located at 4 Feinberg Bog Road and 6 Feinberg Bog Road, as presented. Seconded by Mr. Madigan Vote: 2:0:0

Discussion and review of Seasonal Liquor Licenses:

• ***Duxbury Beach Park (and related parking and Common Victualler)***

Mr. Flynn 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 2020, 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 Vote: 2:0:0

Mr. Flynn 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 2020, 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 Vote: 2:0:0

• ***Duxbury Package Store***

Mr. Flynn 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, 2020 through January 15, 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 Vote: 2:0:0

10:15am Water & Sewer Commissioners

MOTION TO ADJOURN AS SELECTMEN & CONVENE AS WATER & SEWER COMMISSIONERS:

Mr. Flynn moved that the Board of Selectmen adjourn the meeting as Selectmen in order to meet as the Water & Sewer Commissioners, with the intent of re-convening as Selectmen afterward. Seconded by Mr. Madigan Vote: 2:0:0

This matter was discussed with both Scott Lambiase, Municipal Services Director, and Tracy Mayo, Health Agent; and they both agree to allow this additional bedroom (from 3 bedrooms to 4 bedrooms) as there is current capacity to do so. Please see memo from Mr. Lambiase, which is kept in Selectmen's file.

Discussion regarding request to add bedroom to shared septic – 17 Landing Road

Mr. Flynn moved that the Board of Water & Sewer Commissioners approve the request for an additional bedroom at the property located at 17 Landing Road.

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

Discussion regarding reserving capacity in Bay Road shared septic system

Mr. Lambiase's memo also recommends that the Board of Water & Sewer Commissioners reserve the remaining capacity for five bedrooms at this time for future consideration.

Mr. Flynn moved that the Board of Water & Sewer Commissioners activate a moratorium on additional requests in order to preserve the current capacity for five bedrooms remaining to allocate as part of the Bay Road Shared Septic System. Seconded by Mr. Madigan Vote: 2:0:0

MOTION TO ADJOURN AS WATER & SEWER COMMISSIONERS & RE-CONVENE AS SELECTMEN

Mr. Flynn moved that the Board adjourn their meeting as Water & Sewer Commissioners and reconvene as Selectmen. Seconded by Mr. Madigan Vote: 2:0:0

IV TOWN MANAGER'S REPORT

Mr. Read remarked that these last two weeks have been unprecedented. He commended all of the Department Heads for stepping up during this time. He stated that Town Hall has been closed to the public, there will be current updates on the Town's website, and that there are some employees working remotely and that we are always available to answer emails.

Mr. Read also stated that there is legislation being voted on regarding permitting, which would freeze in place the permitting process.

He mentioned that we were notified that we have one positive COVID-19 case in Duxbury, but due to HIPAA confidentiality laws, names are protected.

Mr. Read informed the Selectmen that we are working through the process for virtual meetings, especially for the Selectmen, Planning Board, Zoning, and Conservation Commission, to name a few. Mr. Read then thanked PACTV for arranging today's meeting and assisting in this process.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATION - None

VII ONE-DAY LIQUOR LICENSE REQUESTS - None

VIII EVENT PERMITS - None

IX MINUTES - None

X ANNOUNCEMENTS

- 1) Duxbury Annual Town Election is postponed until a date to be determined.
- 2) Annual Town Meeting / Special Town Meeting is postponed until Saturday, May 2, 2020 or another date to be determined
- 3) Special Town Meeting regarding Temple Street/Harrington property is postponed until Monday, April 13, 2020 at 7:00pm or another date to be determined.
- 4) Next Scheduled Selectmen's Meeting is To Be Determined

XI ADJOURNMENT

At approximately 10:35 a.m., Mr. Flynn moved that the Board adjourn.

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

Minutes submitted by Nancy O'Connor

LIST OF DOCUMENTS (Executive Session documents are kept separately in the Board of Selectmen files)

- 1) *Agendas – both BOS and W&S Commissioners*
- 2) *Documentation regarding postponing the Annual Town Election*
- 3) *Motion regarding allowing electronic signature by the TM*
- 4) *Documentation regarding Insurance Rates*
- 5) *Documentation regarding the uniqueness of Duxbury Beach*
- 6) *Documentation regarding order of taking*
- 7) *Documentation regarding deed rider*
- 8) *Documentation regarding seasonal liquor license renewals*
- 9) *Water & Sewer Commissioners documentation re: shared septic and moratorium*
- 10) *Announcements*