

Date: April 8, 2019

Date Minutes Approved: April 22, 2019

TOWN CLERK

2019 APR 25 PM 3:34

BOARD OF SELECTMEN MINUTES

OPEN SESSION MINUTES

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

Absent:

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 at 7:00 PM in the Mural Room at the Duxbury Town Hall.

II OPEN FORUM -nothing was brought forward.

III NEW BUSINESS

Human Resources – setting of the Health, Dental and Life Insurance Rates – presented by Jeannie Horne, Human Resources Director

Ms. Jeannie Horne, Duxbury HR Director, summarized a memorandum that was provided to the Board, regarding the proposed Group Health, Life and Dental Insurance Benefits effective June 1, 2019 for Town Employees, School Employees, and Retirees. The recommendations being made are as follows:

- A 5% rate increase for Blue Cross Blue Shield (BCBS) PPO and HMO plans for FY20. (The Town provides 75% for active employees and 50% for retirees.) No rate increase for BCBS Medex or Managed Blue for Seniors – retiree health insurance plans. *(Note: These plans run on a calendar year and the rates are typically set in October.)*
- No rate increase for Delta Dental Premier Voluntary Enhanced Table or Delta Dental PPO Plus Premier Voluntary Enhanced insurance plan. The rates are set by the carrier and are 100% paid by employees and retirees.
- No rate increase for Boston Mutual Basic Life Insurance. (The rates are set by the carrier and the Town pays 75% for active employees and 50% for retirees.)
- With approval of the Board, the FY20 insurance rate sheet will be provided to all benefit eligible employees, retirees and COBRA participants in April.
- The Annual Enrollment period is from May 1st -31st. A Benefits Fair will be held on Tuesday, May 15, 2019 at the Duxbury Senior Center from 4 pm– 5:30 pm for all benefit-eligible employees, retirees, and COBRA participants.

Mr. Madigan asked the dollar amount currently in the Health Trust Fund. Mr. Adams said that at the start of the year there was \$3.526 Million, currently there is \$3.540 Million, and the goal is \$4 Million. He also mentioned that Cook & Co.'s projection was for a 4.5% increase so the feeling was a 5.0% increase would provide a cushion of \$50,000 should there be increases to Medex or other costs.

Mr. Dahlen moved that the Board of Selectmen accept the proposed group life, health and dental insurance rates effective June 1, 2019, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

Ms. Horne clarified that the plan changes are effective July 1st, but the rate change takes effect June 1st as we pay one month in advance.

Vote and Signing of Bond Documents / Finance Director John Q. Adams

Finance Director John Adams explained that recently the Town offered municipal bonds converting the short-term debt or temporary borrowing to long-term debt on the following items: Senior Center Expansion, Temple Street water mains, Captain's Hill water tank, and the Fire Department. pumper. The bid was awarded to Raymond James & Associates at an interest rate of 2.025% and with a premium payment of \$517,000. Of the premium amount, \$420,000 will be applied to debt principal so the total amount bonded will be \$4.245 Million. All of the amount is within the levy limit.

Mr. Adams mentioned that the Town has maintained its AAA bond rating by Standard & Poor's (S&P). He noted that Standard & Poor's (S&P) revised their rating of the Town's financial policies from "good" to "strong." He believes the recent review of the financial policies helped to increase the S&P rating.

Mr. Dahlen moved that the Board of Selectmen execute all bond documents, as presented. Second by Mr. Flynn.

Before voting, Mr. Dahlen, as Clerk, read, in its entirety, the Vote of the Board of Selectmen regarding the general obligation bond documents. The Vote of the Board of Selectmen provided details on the bond sale including the dollar amounts of the payments due on April 1st for each year from 2020 through 2034 and the interest rate for each respective year. A copy of the Vote of the Board of Selectmen is on file in the Selectmen's office.

The Selectmen then voted on the motion. VOTE: 3:0:0.

Arbor Day Proclamation (*added*)

Mr. Madigan explained that every year the Town must make an Arbor Day Proclamation as part of its Tree City designation.

Mr. Dahlen read/moved the 2019 Arbor Day Proclamation proclaiming April 26, 2019 as Arbor Day in the Town of Duxbury with ceremonies to be held during that afternoon at the Chandler School. Second by Mr. Flynn. VOTE: 3:0:0.

Discussion pertaining to Article 24 of the March 2019 Annual Town Meeting - Citizens' petition – expand the size of the Board of Selectmen by increasing its membership from three to five (*added*)

Mr. Madigan mentioned that tonight the Board will not be making any decisions, but will be discussing the process for expanding the Board of Selectmen from 3 members to 5 members.

Mr. Read distributed copies of a handout that included an abstract of the Town Clerk's minutes relating to Article 24 and a four-page legal opinion from Jeffrey Blake, Esq., Town Counsel, regarding changing the number of the Board of Selectmen from three (3) to Five (5). For the benefit of viewers he read both documents. The gist of the documents were as follows:

- Abstract of Town Clerk's minutes: At the Duxbury Annual Town Meeting (ATM), which began on Saturday, March 9, 2019 at the Performing Arts Center, Alden ST, Duxbury, Article 24 –SUBJECT: CITIZEN'S PETITION – EXPAND THE SIZE OF THE BOARD OF SELECTMEN BY INCREASING ITS MEMBERSHIP FROM THREE TO FIVE – Moved and seconded to see if the Town will expand the size of the Board of Selectmen its membership from three to five. [by petitioning the

General Court of the Commonwealth of Massachusetts to enact special legislation for a change in the composition of the Town of Duxbury Selectmen. Said special law to be subject to the approval by a majority vote at the first town wide general election held following its enactment.] Motion carried.

Yes -108; No -52

- Legal Opinion from Town Counsel Jeffrey Blake:

It consisted of three (3) parts:

- (1) The first part was his opinion regarding whether the action on 2019 ATM Article 24 met the criteria of section 8 of the Home Rule Amendment and the process to proceed,
 - (2) The second part was an explanation of the timeframe of 64 days indicated in the draft legislation,
 - (3) The third part was proposed draft legislation for submission to the Town's State Representative.
- Part 1: There are three (3) options regarding section 8 of the Home Rule Amendment and in Atty. Blake's opinion Article 24 could be considered a general vote versus the other two options. As such, draft legislation did not need to be approved or attached to the vote. Instead the legislation may be drafted by a number of parties, which included the town manager, the Selectmen, or town counsel. It also provided an outline of next steps, which included: draft legislation; submit legislation to Town's State Representative along with certified copies of Article 24 (warrant language and vote); after Legislative approval, then voter acceptance question on the 2020 Annual Town Election ballot, and the election of two additional members on the 2021 Annual Town Election ballot. The terms of the new members to be one for a three-year term and one for a two-year term (or for one to be a two-year term and the other a one-year term), so no more than two selectman's terms to run concurrently.
 - Part 2: An explanation of the timeframe of 64 days included in section 2 of the draft act (part 3). This had to do with the timing of when the expansion of the Board of Selectmen from 3 to 5 members could be put on the town-wide election following its enactment. Citing M.G.L. c. 41, §10, which requires that the Selectmen must file notice of the election with the Town Clerk not less than 15 days before the last day to submit nomination papers to the registrars of voters for certification, and noted that nomination papers must be filed with the Board of Registrars on the 49th day before the election. The 64 days would therefore provide sufficient time for the candidates to gather signatures on nomination papers and to file nomination papers with the Town Clerk and Board of Registrars in accordance with the relevant statutes.
 - Part 3: A proposed draft of language for submission to the Town's State Representative was as follows:

An Act Relative to the Board of Selectmen of the Town of Duxbury.

Section 1. Notwithstanding the provisions of any general or special law to the contrary, there shall hereby be established in the town of Duxbury a 5-member board of selectmen. Each selectman shall serve for a 3-year term, with no more than 2 selectman's terms to run concurrently.

Section 2. At the first annual town election following at least 64 days after the effective date of this act, one additional selectman shall be elected for a 3-year term and one additional selectman shall be elected to a 2-year term. The terms of those members currently serving as selectmen at the time of the adoption of this act shall be unchanged by adoption of this act.

Section 3. Following passage of this act, the act shall be submitted to the voters of the town of Duxbury at the next annual town election in the form of the following question which shall be placed on the official ballot: "Shall an act passed by the General Court in the year 2019, entitled 'An Act Relative to the Board of Selectmen of the Town of Duxbury,' be accepted?" Below the question shall appear a summary of the act prepared by town counsel and approved by the board of selectmen. If a majority of the votes cast in answer to the question is in the affirmative, sections 1 and 2 of this act shall take effect in the town of Duxbury, but not otherwise.

Section 4. This act shall take effect upon its passage.

In discussing this, the Town Manager and Board explained that the preferred method would have been an amendment to the Town Bylaws and then a submission to the State Legislature as that would have been more expeditious and then the amended Town Bylaws would be consistent with the Special Legislation when passed. However, with the citizen's petition that was submitted, although approval of the Special Legislation would supersede the Town Bylaws, the language of the Town Bylaw language will not be consistent with the Special Legislation and would still need to be amended at a future Town Meeting, as a housekeeping issue, for consistent language.

Ms. Mary Jane Noel, 59 Trout Farm Lane, suggested that the steps be: Submission to State Legislature for approval of a Special Act; then for it to be on the ballot at a town-wide election, and then an amendment to the Town Bylaws only if it passed on the ballot. Her rationale was to have the outcome of the town-wide ballot because should it not pass by a majority, then there would be no point to wasting time in amending the Town Bylaws.

Ms. Noel also mentioned that she got a copy of the 2003 article that was passed by Town Meeting, but then not approved by the Attorney General saying it was not approved due to a technicality in the language. The last paragraph of the letter states "It should be noted, however, that the Town may petition the Legislature for a Home Rule Special Act to accomplish any such changes." She asked "if the Home Rule Special Act was the same as the Bylaws?" It was explained that the Home Rule Special Act is the State Legislative ruling and it is different from the Town Bylaws. It is believe that the Home Rule Special Act would supersede the Town Bylaws, but then in this case the language from the Special Act would not be consistent with the language in the Town Bylaws, so for consistency the Town Bylaws should be amended.

Mr. Dahlen opined that his concern was that at the ATM there were less than 200 people passing Art. 24, which is an extremely small percentage of the Town's population. He feels that having it on a town-wide ballot would give a better sense of a larger segment of the Town's registered voters.

M. Y. Oktay, Seabury Road, explained how Art. 24 met the criteria in the Bylaws. He seemed to be in agreement with the Board that there were different ways to approach the change. In response Mr. Madigan said that the Board is serious about pursuing the intent of the Article, but the Board is trying to figure out the best way /most efficient way to proceed.

The conclusion was that there will be another Selectmen's Meeting to discuss and vote on the actual language to be submitted to the Massachusetts State Legislature. The Board anticipated that this will on a posted Selectmen's Meeting Agenda on the Town website towards the end of May, 2019.

IV TOWN MANAGER'S REPORT

Mr. Read mentioned the following items:

1) Equipment in the West End Lot (before you cross the Powder Point Bridge):

The equipment is being staged in the West Lot and is owned by C. White Marine, who is the contractor working on removing the pile wraps. We anticipate that the project will be completed in a month or so.

2) Beach / Transfer Station Stickers:

New stickers are now due for the Transfer Station so if you haven't gotten yours you need to do so. Beach Stickers are also on sale now.

3) Road Race Policy:

Mr. Read is working with Town Counsel on drafting a road race policy. The first draft is almost complete and then he will be reviewing it with the staff (i.e. Public safety officials, DPW, and others that meet to review road races. After that he is thinking about having a meeting with representatives of the businesses, esp. those in the Hall's Corner area, because he has heard anecdotically some of their concerns, but would like to get their direct input.

V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

Duxbury Bay Management Commission –appointment

Mr. Dahlen moved that the Board of Selectmen appoint Ms. McKenzie Thompson to the Duxbury Bay Management Commission to fill an unexpired term due to expire on June 30, 2021. Second by Mr. Flynn. VOTE: 3:0:0.

Sidewalk & Bike Path Committee - appointment

Mr. Dahlen moved that the Board of Selectmen appoint Mr. Patrick O'Malley to the Sidewalk and Bike Path Committee for a term to expire as of June 30, 2021. Second by Mr. Flynn. VOTE: 3:0:0.

Board of Cemetery Trustees – resignation and appointment

Mr. Dahlen announced that:

- Ms. Beverly Johnson tendered her resignation for personal reasons. She was thanked for her service.
- Mr. Tuffy, Town Moderator, has appointed Ms. Carolyn Ravenscroft to fill the seat for the unexpired term due to expire as of June 30, 2020. He noted that as a historian for the Duxbury Rural and Historical Society, Ms. Ravenscroft helped in the creation of the informational signs in the Old Burial Ground. She also has researched the cemeteries and gives tours of the cemeteries, so her membership on the Board of Cemetery Trustees will be a welcomed addition.

VI ONE-DAY LIQUOR LICENSE REQUESTS - none.

VII EVENT PERMITS

04/27/19 Duxbury 2020 Kick-off Event

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Jayne Talmage, as representative of the Duxbury 2020, Inc. an Event Permit for their Kick-Off Benefit and Auction, to be held at the Duxbury Bay Maritime School, Washington Street, on Saturday, April 27, 2019 from 6:00 pm to 8:00 pm, contingent on the conditions on the Event Permit. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Dahlen mentioned that the Kick-Off Benefit will include live and silent auction; the featured speaker, L.L. Rose—Author of a new historic novel, *Before the Mayflower*; a cash bar, appetizers, and fun. Tickets are \$45/person or \$80/couple and can be ordered online at www.duxbury2020.org

VIII MINUTES

Executive Session Minutes: none

Open Session Minutes: 04/01/19 Selectmen's Minutes -Draft

Mr. Dahlen moved that the Board of Selectmen approve the 04-01-19 Selectmen's Open Session Minutes, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

IX ANNOUNCEMENTS

Mr. Dahlen made the following announcements:

1) Commercial Shellfish License Applications:

Commercial Shellfish License Applications are available in the Board of Selectmen Office in Old Town Hall. You can apply only during the month of April, and applicants must be Duxbury resident and have a Massachusetts Commercial Fisherman's Permit showing "endorsed shellfish."

2) Annual Duxbury Spring Litter Sweep:

The Annual Duxbury Spring Litter Sweep will be held on **Saturday, April 27, 2019 from 8 a.m. to 4 p.m.** Sign in and pick up supplies at the Tarkiln Community Center (across from Bongi's).

3) Patriot's Day:

Town Hall will be closed on Monday, April 15, 2019 in celebration of Patriot's Day. There will be no Selectmen's Meeting that evening.

4) Next Scheduled Selectmen's Meeting: will be on Monday, April 22, 2019.

X ADJOURNMENT

At approximately 7:55 pm, Mr. Dahlen moved the Board of Selectmen adjourn. Second by Mr. Flynn. VOTE: 3:0:0.

Minutes prepared by: C. Anne Murray

(List of documents on next page.)

LIST OF DOCUMENTS FOR 04-08-19 SELECTMEN'S MEETING (Documents located in the selectmen's office files.)

1. *Agenda for 04-08-19 Selectmen's Meeting*
2. *OPEN FORUM: no documents*
3. *NEW BUSINESS:*
 - a) *Health, Dental and Life Insurance Rates: 04-05-19 Memorandum from Jeannie Horne, Town HR Director and Gerry Panuczak, School HR Director and Insurance Rate Sheet.*
 - b) *Bond Documents –Vote of the Board of Selectmen and suggested final motion.*
 - c) *Arbor Day Proclamation: Explanation, Tree City Standards, and 2019 Arbor Day Proclamation.*
 - d) *2019 ATM ART. 24 –Citizen Petition –Expand the Size of the Board of Selectmen by Increasing Membership from Three to Five –Motion and Vote of Town Meeting.*
4. *TOWN MANAGER REPORT: no documents.*
5. *COMMITTEE APPOINTMENTS/REAPPOINTMENTS*
 - a. *04-08-19 Appointment / Resignation sheet*
 - b. *04-08-19 Announcement of Resignation and Appointment to Board of Cemetery Trustees, a Moderator-Appointed Committee.*

For each of the following ODLL AND EVENT REQUESTS the packet included the Event Permit application and other details provided about the event, route maps, if applicable, results of the department feedback received, and a drafted Event Permit incorporating the conditions indicated
6. *ONE-DAY LIQUOR LICENSES: none.*
7. *EVENT PERMIT(S):*
 - 04-27-19 Duxbury Kick-Off Event*
8. *MINUTES: EXECUTIVE SESSION: 04-01-19-OPEN SESSION MINUTES-Draft with suggested Motion.*
9. *SUGGESTED ANNOUNCEMENTS for 04-08-19.*

