

**Date:** April 27, 2020

**Date Minutes Approved:** May 11, 2020

TOWN CLERK  
OPEN SESSION MINUTES  
2020 MAY 18 PM 12:03  
DUXBURY, MASS.

**BOARD OF SELECTMEN**

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

**Absent:** Shawn Dahlen, Clerk

**Staff:** René Read, Town Manager; a John Q. Adams, Finance Director; and Nancy O'Connor, Executive Assistant

**Others:** Jeannie Horne, HR Director; Chief Kevin Nord; Chief Steve McDonald; Mike Mahoney, Dispatch Director; and Attorney Fred Dupere, Labor Counsel (Executive Session only)

**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 9:30 a.m.

Mr. Madigan, as Chair, read into the record the below referenced 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. Madigan also confirmed and announced the above-listed members and staff participating in this remote meeting.

*Welcome to the April 27, 2020 meeting of the Board of Selectmen. 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](mailto:oconnor@town.duxbury.ma.us) or call-in at 781-934-1100 x5400 for questions or comments.*

*This meeting is convening via Zoom video conference produced and recorded by PACTV, and can be viewed live on the Duxbury Government Access Channels – Verizon 39 or Comcast 15; or for those without cable, on PACTV's Prime streaming channel at [PACTV.org/LIVE](http://PACTV.org/LIVE). This meeting will then be available via video on-demand on PACTV's website.*

**PUBLIC COMMENTS:** No official "open forum" as these remote meetings are limited to the Board's members and invitees only.

No phone calls were received during this meeting.

There was an email received from Mr. Frank Holden asking the following questions:

*Q: Given the State's changes to the "open meeting" rules, can you work on having the town's committees do their work using scheduled "Zoom"-like meeting applications?*

*A: Ms. O'Connor replied that boards and committees can schedule Zoom meetings hosted by PACTV and need to make arrangements with her and Town Clerk Susan Kelley.*

*Q: What are the barriers to having the Annual and Special Town Meetings run in the same manner?*

*A: Ms. O'Connor stated that the Town Clerk would have to verify that someone was a registered voter in order to vote, and currently there is no way to verify that remotely.*

*Q: Does the Town have a plan to open up businesses and other currently closed venues? How are you currently planning to develop such a plan?*

*A: Mr. Read responded that businesses will re-open under State guidelines, and the Town will re-open Town facilities. He continued to say that the beach and playgrounds are closed and once numbers go down, restrictions will be lifted, but that this is all driven by the virus.*

**II. NEW BUSINESS** Nothing presented.

### **III TOWN MANAGER'S REPORT**

#### **COVID-19 Update**

Unfortunately, the number of positive COVID-19 cases continues to grow. On Friday we had 40 positive cases and as of yesterday, we have a total of 47 cases. Of these cases, 25 of these individuals have fully recovered (and 4 of the individuals were tested positive for having the antibodies).

#### **Town Employees Furloughs**

Last week we provided notice to a number of employees of the need to implement furloughs effective May 8, 2020:

13 COA

8 Library

2 Recreation

23 Total

We anticipate that there may be a need for additional furloughs, and we are in the process of reviewing that information this week.

#### **Duxbury Beach**

The Town assesses the status of the beach closure on an almost daily basis. We are awaiting further advisories from the state with regard to the re-opening of these public areas and will continue to monitor the situation until such time that we can begin the reopening process. We are working closely with DBR while they have been speaking with other beach managers to get an idea of how beach management is changing elsewhere in light of COVID-19.

Whenever Duxbury Beach can re-open, there will be a 14 day "ramping up" period (which includes ensuring that we have appropriate staffing levels and that they are trained for each of their respective roles) that must occur prior to us allowing patrons to return.

I will be meeting with the DBR Director and other staff members later this week to discuss both the current status of the beach and eventual re-opening plans. Mr. Flynn asked if then will there be a recommendation to open. Mr. Read replied that he wants the opening to be safe and appropriate and hopes to have a recommendation of that meeting.

Mr. Flynn also asked if the Selectmen need to meet to approve the re-opening of the beach. Mr. Read responded that they do not have to meet, and Mr. Madigan confirmed that it was Mr. Read who initially closed the beach and will re-open. Mr. Madigan asked if they should ramp up the selling of the beach stickers. Mr. Read remarked that they need to meet with DBR (Duxbury Beach Reservation) first as they need a two-week notice, and he would then confirm with John Adams, who would then notify the vendor. Mr. Madigan also mentioned that those few who applied for a beach sticker in early April will need to re-apply when they do go on sale again.

During my conversation with the DBR Director on Thursday, April 23, I was advised that we have approximately 12 Piping Plover pairs with no nests (expected any day now).

#### **Duxbury Seawall**

In case you missed it, the April 15 edition of the *Duxbury Clipper* stated the following:

***Learned that the Duxbury seawall repair project that was scheduled to begin in May will be delayed, because the carpenters' union that will make the forms for the seawall is not working, said Read. Fortunately, he said the seawall is holding up against the spring tides. Department of Public Works Director Peter Buttkus monitors it almost daily. "We're keeping an eye on it, but it's holding fast," Read said.***

This information was provided to the BOS at their meeting on Monday, April 13 and was correct at that time. Subsequent to that meeting, we heard back from the contractor the following Friday (April 17, 2020) at which time we were advised by Northern Construction Service that they "are currently looking to the second week of May for the start date/mobilization, which is what we had originally intended on the baseline just missed out on the advanced starting in April. I will follow back up once we get within a week out."

All of that said, it looks as though we will be starting in the middle of May. Northern Construction will be notifying us the week prior to their mobilization. If anything should change again, we will make sure the public is aware.

#### **PAYT Trash bags and prohibition on C&D Material**

We have heard from a number of residents asking that the Town consider suspending the use of the blue PAYT trash bags at the Transfer Station.

In my reply to those with this question, I have stated that the sale of the Pay as You Throw (PAYT) bags provides a portion of the revenue required to allow the Town to keep the transfer station open and operating which it could not do otherwise. Additionally, the PAYT bags are regularly available at a number of area grocery stores, many of whom offer delivery services to their customers.

One of the reasons we stopped allowing C&D material was to eliminate potential exposures to employees and patrons alike during the payment transaction itself – safe social distancing, touching credit cards, keypads and pens, etc. – in addition to maintaining safe social distancing for those accessing the area.

Another reason for temporarily stopping the one (1), thirty (30) gallon barrel limit – beyond the social distancing concern - was to prevent instances in which patrons might learn that the C&D area is open (even in a limited capacity) and then arrive at the Transfer Station with a truck full of material (beyond the one barrel limit) and then have to be turned away.

I know this is probably not the preferred situation at the moment – I certainly don't like it either and I have a number of things I would like to drop off there myself – but these preventative actions are being taken with everyone's best interest in mind.

We appreciate the public's patience and understanding with this temporary inconvenience as we continue to work through this situation. Mr. Read also added that he and Mr. Buttkus, DPW Director, review this on a weekly basis, and they both don't feel that we are in a position to re-open those areas of the transfer station.

### **Waterfront issues**

I've had calls from people concerned with the lack of social distancing at Shipyard Beach. I suspect similar issues may arise (or have happened already) at Landing Road and Howland's Landing as well.

We continue to try and gain a sense of the situation at these areas and whether or not social distancing practices are being adhered to and what measures we can implement to ensure continued public safety.

Additionally, my colleagues in other waterfront communities and I are discussing similar issues with regard to waterfront activities in harbors and marinas and how they can be accessed by the public while maintaining social distancing protocols.

### **Memorial Day**

Mr. Read stated that he has talked with both our Veterans' Agent, Mike Thorp, and the Veterans' Club regarding the parade, and read the following message from Mr. Thorp:

From Mike Thorpe:

*"Rene' - DVS conducted a conference call yesterday PM to discuss a number of items regarding Veteran Services. The Secretary did speak about Memorial Day. His issue was that the Governor has not given any direction about what the commonwealth should do that day. The Secretary feels that he is waiting until later in May. He went on to say that he understands that towns cannot wait that long to implement plans and programs. Given social distancing and other measures, he felt it would be prudent to keep everyone safe and to minimize any exposure. He left it to a town decision and would*

*support what we do. My recommendation is to cancel the parade and the church service this year. I like your idea of combining Memorial Day with Veteran's Day in November. "*

Mr. Read continued to say that Mike's wisdom here is certainly sound and will suggest to the Legion the following:

1. Cancel the parade and the church service this year
2. Have a combined Memorial Day remembrance with Veteran's Day in November
3. Suggest a town-wide Memorial Day door decorating contest

Mr. Madigan and Mr. Flynn both agreed that because of the circumstances, Mr. Thorp's recommendation to cancel the parade for this year makes sense.

**IV COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATION - None**

**V ONE-DAY LIQUOR LICENSE REQUESTS - None**

**VI EVENT PERMITS - None**

**VII MINUTES**

Mr. Flynn moved that the Board of Selectmen approve the 04/13/20 Selectmen's Open Session Minutes, as presented.

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

**VIII ANNOUNCEMENTS**

**1) Reminder of Annual Mandatory Outside Watering Restrictions**

In order to maintain our water supply for domestic use and fire protection, the following outside watering restrictions are effective annually from May 1st through September 30th.

- Odd-numbered houses will be restricted to Tuesdays, Thursdays, and Saturdays.
- Even-numbered houses will be restricted to Mondays, Wednesdays, and Fridays.
- All outdoor watering to be done between the hours of 4 AM – 8 AM and 5 PM – 9 PM.
- No watering on Sunday.
- Mandatory rain sensors are required to be installed for automatic irrigation systems.

**2) Annual Town Meeting**

Reminder that Annual Town Meeting has been rescheduled for Saturday, June 13, 2020 at 9:00am and the second Special Town Meeting regarding the Temple Street property will be the same day at 1:15pm.

### 3) Annual Town Election

Reminder that the Annual Town Election has been rescheduled for Saturday, June 27, 2020. Hours to be determined.

The Town Clerk is encouraging residents to vote by absentee ballot. Please either call or email the Town Clerk's office at 781-934-1100 x5450 or [kelley@town.duxbury.ma.us](mailto:kelley@town.duxbury.ma.us).

### 4) Next Scheduled Selectmen's Meeting will be on Monday, May 11, 2020.

## IX BONUS SHELLFISH (Month of May)

Mr. Flynn moved that the Board of Selectmen:

- 1) Declare a temporary Bonus Shellfish Season for the commercial harvesting of softshell clams for the month of MAY in accordance with Attachments B & C); and
- 2) Declare a temporary Bonus Shellfish Season for the commercial harvesting of quahog clams for the month of MAY in accordance with Attachments A & C).

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

## X 10:00 AM – EXECUTIVE SESSSION

For the purpose of discussing strategy with respect to collective bargaining since an open meeting may have a detrimental effect on the bargaining position of the Town, if the Chair so declares, regarding Public Safety Dispatch negotiations (*Patrol will not be presented at this time*) – presented by Jeannie Horne, HR Director.

Mr. Flynn moved that we go into Executive Session for the purpose of discussing strategy with respect to collective bargaining (*Public Safety Dispatch*) since an open meeting may have a detrimental effect on the bargaining position of the Town; and if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, section 21, and that the Board will adjourn immediately after completion of this Executive Session.

*Mr. Madigan stated: "As Chair, I declare that the necessity for an Executive Session to discuss strategy with respect to collective bargaining, 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. Madigan-Aye; Mr. Flynn-Aye*

## **XI     ADJOURNMENT**

After Executive Session discussions ended at approximately 10:15a.m., Mr. Flynn moved that the Board of Selectmen adjourn the Executive Session and simultaneously re-convene and adjourn the Open Session.

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

*Minutes submitted by Nancy O'Connor*

### *LIST OF DOCUMENTS*

- 1) Agenda*
- 2) Town Manager's report*
- 3) Executive Session Motion and documentation (kept in separate confidential files)*
- 4) Minutes*
- 5) Announcements*
- 6) Bonus Shellfish for May*

