

Date: May 11, 2020

Date Minutes Approved: May 18, 2020

TOWN CLERK

2020 MAY 18 PM 12:02
OPEN SESSION MINUTES

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 May 11, 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 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. 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 or emails were received during this meeting.

II. NEW BUSINESS

9:35am – Water & Sewer Commissioners – Commitment #3 FY20

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 Roll Call Vote: Mr. Madigan Aye; Mr. Flynn Aye

Mr. Flynn moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the following amount for water and sewer usage and service charges totaling \$578,887.10 for Water and Sewer Commitment #3 of FY20.

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

Mr. Flynn moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen.

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

Discussion pertaining to approval of Public Safety Dispatch Collective Bargaining Agreement – presented by Jeannie Horne

Ms. Horne presented the Public Safety Dispatch Collective Bargaining agreement, which settled with the same universal language/changes as other agreements. This agreement covers the term from July 1, 2019 through June 30, 2022 with wage increases of 2/2.5/2.5; conformance with Fair Labor Standards Act requirements regarding overtime calculations; removing agency service fee language; adding dating/romantic relationship between supervisors and employees language; updated job descriptions as needed; include MA Pregnant Worker's Fairness Act policy; include MA Domestic Violence Leave Act policy; and follow OSHA requirements for the municipal workplace. The Town also received Text to 911; and universal agreements such as streamlined grievance process.

Mr. Flynn moved that the Board of Selectmen accept the Settlement Agreement by and between the Duxbury Public Safety Dispatchers Union, MCOP Local 376A and the Town of Duxbury as presented (or amended) beginning July 1, 2019 through June 30, 2022.

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

Discussion pertaining to the sale of Beach Stickers

Mr. Read stated that he had been in contact with the Duxbury Beach Reservation, and that he continues to wait for guidance from Governor Baker on May 18 regarding social distancing requirements, signage, traffic and the like in order to safely open the beach. Mr. Read further stated that they are anticipating a phased-in approach and will continue to work on a plan with the police department and Ms. Cris Luttazi, Exec Director of DBR. Mr. Flynn asked if beach stickers would be discounted because of the time lost. Mr. Read replied that he is working on that with Mr. Adams, Finance Director, as that is still a viable concept.

Discussion pertaining to Municipal Relief Transfers

Mr. John Adams, Finance Director, stated that he met with the Finance Committee last week, and they voted on all Municipal Relief Transfer requests, with the exception of one for Harbor/Coastal Management Expenses (regarding ATV storage) to be discussed at a future Finance Committee meeting.

Mr. Flynn moved that the Board of Selectmen approve the following FY20 Municipal Relief Transfers:

From the General Fund -

- From Item #1a – Health Insurance Budget Line #82 in the amount of \$42,000 to Police Salaries Budget Line #30
- From Item #1b – Health Insurance Budget Line #82 in the amount of \$10,900 to Police Expenses Budget Line #31
- From Item #1c – Health Insurance Budget Line #82 in the amount of \$50,000 to Harbor/Coastal Management Salaries Budget Line #38
- From Item #2a – Workers Compensation Budget Line #85 in the amount of \$1,100 to DPW Land & Natural Salaries Budget Line #45
- From Item #2b – Workers Compensation Budget Line #85 in the amount of \$10,250 to DPW Highway Salaries Budget Line #52
- From Item #2c – Workers Compensation Budget Line #85 in the amount of \$1,050 to DPW Transfer Station Salaries Budget Line #57
- From Item #2d – Workers Compensation Budget Line #85 in the amount of \$540 to DPW Cemetery Salaries Budget Line #61
- From Item #3 – Interest on Bonded Debt Budget Line #89 in the amount of \$5,854.17 and Interest on Temporary Notes Budget Line #90 in the amount of \$4,145.83 (total \$10,000) to Debt Principal Payments Budget Line #88

From the Water Enterprise Fund –

- From Item #2e – Interest on Temporary Notes Budget Line #96 in the amount of \$10,000 and Bond Expense Budget Line #97 in the amount of \$9,300 (total \$19,300) to Water Salaries Budget Line #92
- From Item #3 Debt Principal Payments Budget Line #94 in the amount of \$8,150 to Interest on Bonded Debt Budget Line #95

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

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

At the March 9, 2019 Annual Town Meeting, the Town voted in the affirmative to authorize the Board of Selectmen to acquire, by gift and/or eminent domain, three donated parcels of land located off Pine Point Road, which property will be dedicated to conservation and passive recreations purposes in perpetuity and under the care, custody and control of the Conservation Commission.

Note: *This was already voted on at 3/23/20 meeting; however, the 30-day requirement to file has passed, so requires an updated vote and signing*

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 Roll Call Vote: Mr. Madigan Aye; Mr. Flynn Aye

Discussion pertaining to adding Keno monitor at Bennett's General Store

The MA State Lottery Commission notified the Selectmen of their intent to install KENO To Go monitor at Bennett's General Store located at 136 Tremont Street. Mr. Jim Wasielewski, Interim Building Commissioner, provided a memo stating that he spoke with the storeowner and that they are not installing a viewing monitor with the KENO To Go, so it will remain similar to purchasing tickets as other lottery games. Jim had no concerns or objections.

Similar KENO To Go requests in the past have been approved by prior Selectmen; however, without the installation of a viewing monitor.

Mr. Flynn moved that the Board of Selectmen have no objection to the installation of KENO To Go at Bennett's General Store located at 136 Tremont Street, provided that no viewing monitors are installed.

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

Discussion pertaining to July 4th Events – Parade and DEF Road Race

Mr. Read stated that the 4th of July Committee unanimously recently made the difficult decision to cancel this year's parade keeping in mind everyone's safety. Mr. Read also mentioned that in a prior year due to weather we had to move the date of the parade, but that this year is not the same circumstance. He would rather not have to cancel, but it is in the interest of public safety. Mr. Read recommended that the Board of Selectmen official cancel the 4th of July Parade as well as the DEF (Duxbury Education Foundation) Road Race, which is scheduled that same morning. Mr. Madigan asked if the bonfire had been discussed. Mr. Read replied that that has not been discussed yet.

Mr. Flynn moved that the Board of Selectmen, for public health and safety reasons, vote to cancel this year's 4th of July Parade and the Duxbury Education Foundation's (DEF) Road Race.

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

III TOWN MANAGER'S REPORT

COVID-19 Update - Total COVID count is up to 66 cases with at least 30 recovered and eight have antibodies. There were no increases over the weekend.

North Hill Country Club – The golf course has opened following the required guidelines.

Plymouth County Commission – met to discuss the Cares Act, which will provide \$333,000 to the Town of Duxbury as notified from Rep. Cutler. All information for disbursement needs to be submitted by May 29, and Mr. Read said we would be ready to do so. Mr. Flynn asked what the basis was to determine our eligibility. Mr. Read responded that it was his understanding the calculation was based on population, but that he needed to get more information.

Memorial Day - Mr. Read mentioned that even though the parade has been cancelled, as an alternative we are bringing the parade to everyone's front door by having a Memorial Day Door Decorating Contest. This message will also be pushed out by the schools. Notification is under Town News on the Town's website and is being handled through the Senior Center.

Duxbury Seawall - the contractors will be on site this week, and materials are being delivered.

Transfer Station - is now receiving C&D materials and stickers are due – no sticker – no admission. Stickers can be purchased online, and there are also applications and envelopes located at the drop box at the back door of Town Hall. Mr. Read also noted that the Book Trailer, Mall, and recycling shed are not open.

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 04/47/20 Selectmen's Open Session Minutes, as presented.

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

Mr. Flynn moved that the Board of Selectmen approve the 04/47/20 Selectmen's Executive Session Minutes, as presented, with the contents to remain confidential until the need has passed.

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

VIII **ANNOUNCEMENTS**

1) Memorial Day Parade and Ceremonies 2020

The Memorial Day Parade and Ceremonies have been cancelled for this year. There is a door decorating campaign underway. Please visit the Town's website under the News tab for more information.

2) Transfer Station

As of Friday, May 8, the Transfer Station is now accepting Construction & Demolition Debris (C&D). Please note that the "Duxbury Mall" and the Book Shed are not open at this time. The Transfer Station Employees will provide guidance to the residents as they arrive. For the health and safety of our employees and our residents, we all must comply with the Governor's Order regarding social distancing and face covering requirements.

3) Annual Town Election

Reminder that 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 kelly@town.duxbury.ma.us.

4) Next Scheduled Selectmen's Meeting will be on Monday, May 18, 2020.

IX 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 Police Patrol negotiations – *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 (*Police Patrol*) 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*

X ADJOURNMENT

After Executive Session discussions ended at approximately 10:30a.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) Water & Sewer Commissioners documentation*
- 3) Public Safety Dispatch Collective Bargaining Agreement*
- 4) Municipal Relief Transfers documentation*
- 5) Order of Taking documentation*
- 6) Keno Monitor – Bennett’s documentation*
- 7) Executive Session Motion and documentation (kept in separate confidential files)*
- 8) Minutes*
- 9) Announcements*