

Date: May 18, 2020

Date Minutes Approved: June 3, 2020

TOWN CLERK

2020 JUN -3 AM 11:24
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: Valerie Massard, Planning Director

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 18, 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 #4 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 \$608,275.70 for Water and Sewer Commitment #4 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

Coastal Zone Management and MVP Implementation Grant Update – presented by Valerie Massard and the Woods Hole Group

Valerie Massard, Planning Director, stated that there are two different grants (CZM and MVP) both studying the coastline. She introduced Leslie Fields and Joe Famely, both experts in their field from the Woods Hole Group.

Ms. Fields provided the Coastal Zone Management (CZM) project update on both Duxbury and Marshfield as they are working together. Ms. Fields shared some project goals, which included funding to explore ways to augment what we are currently doing; studying components for resiliency measures, engineering, public education, outreach and permitting; coastal impacts; history of storm damage and flood insurance claims; current management approach; need for increased resiliency and strategies to improve; beach and dune nourishment; reductions in overtopping; and next steps.

Mr. Famely provided an overview of the Municipal Vulnerability Preparedness (MVP) Grant regarding climate change vulnerability assessment and adaptation planning relative to heat, drought, sea level rise, storm surge, and precipitation. He stated that this program includes funding for planning of resiliency programs; assessment and action plans working with the Town and members of the Sung Harbor business district; development of primary objectives in phases according to storm surge projections, risk assessments/consequences, infrastructure, and adapt strategies.

Mr. Madigan asked if these studies opens us up to more grant money. Mr. Famely answered that yes, this process sets up communities for more funding through grant programs. Ms. Massard also replied that leveraging a regional approach with our neighboring towns increases the value of grant applications and match requirements.

Mr. Madigan thanked both Ms. Fields and Mr. Famely for their very informative presentations. A copy of these presentations are on file in the Selectmen's office.

Discussion pertaining to approval of Police Patrol Collective Bargaining Agreement

This agreement was settled as follows:

Universal Agreements (DPW; Fire; Library; Secretaries and Clerks; Police Commanders, Public Safety Dispatchers, Police):

1. Term: July 1, 2019 - June 30, 2022
2. Wages: 2 / 2.5 / 2.5
3. Conformance with Fair Labor Standards Act (FLSA) requirements regarding overtime calculations and corrections as necessary
4. Remove agency service fee language due to Janis decision (employees can choose not to pay union dues and are not required to pay agency fee instead)
5. "Dating, romantic or intimate relations between supervisors and employees whom they supervise is expressly prohibited."
6. Standardized pay grid detailing hourly wages, job grades, job titles and pay steps in ascending order
7. Update Job Descriptions as needed
8. Include Massachusetts Pregnant Worker's Fairness Act Policy/Requirements
9. Include Massachusetts Domestic Violence Leave Act Policy/Requirements
10. Follow OSHA requirements, which now apply to the municipal workplace

Duxbury Police Union

Town received:

1. All universal agreements
2. Agreement on stipends to reward Officers most critical special assignments as determined by the department
3. Clarification what to include in base rate for purposes of calculating overtime; shift differential, stipends, longevity (in addition to educational incentive which is already included)
4. Clarification on holiday split shift pay

Union Received:

1. Increase number and value of stipends assigned as follows:
 - \$1,500/year
 - CIB – (Detective, SRO, Prosecutor, and any other title assigned full-time to the division) (was \$500)
 - Canine Officer (was \$500)
 - Professional Standards Sergeant (was \$0)
 - \$500/year (was \$0)
 - Firearms Instructor
 - Fleet Sergeant
 - CIT Unit
 - Field Training Officer
 - Traffic Safety Unit
 - Identity Theft/Fraud Unit

Officers assigned to more than one unit/specialty shall only receive one stipend (whichever is greater). Stipends paid pursuant to this section shall be paid consistent with the contract language contained in 11.7 and existing payroll practices.

2. Time and one half for non-town details worked from Friday 6PM-Monday 5AM
3. Longevity stipends renamed Professional Experience
 - 15 years \$500
 - 20 years \$750
 - 25 years \$1,000
4. Time and one half for non-town holiday details
5. Increased detail rate to top step Police Officer rate with Bachelors Educational Incentive (was Associate's)

Mr. Flynn moved that the Board of Selectmen accept the Settlement Agreement by and between the Duxbury Police Union MCOP Local 376B 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 Municipal Relief Transfers – Beach Expenses

Mr. Adams stated that this was still pending, as the Finance Committee has not finalized a vote.

Discussion pertaining to Special Town Meeting Warrant Articles

Mr. Adams stated that after careful review with the Finance Committee, there are recommended changes or some that can be indefinitely postponed.

Mr. Flynn moved that the Board of Selectmen Indefinitely Postpone Article #1 – Supplemental Appropriations – in the amount of \$213,657.00.

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

Mr. Flynn moved that the Board of Selectmen Indefinitely Postpone Article #5 – 53rd Payroll Week – Salaried Personnel in the amount of \$180,000.00.

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

Mr. Flynn moved that the Board of Selectmen reduce the amount of Article #6 – Transfer of School Special Education Reserve Fund from the amount of \$354,746.00 to 104,746.00.

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

Mr. Flynn moved that the Board of Selectmen increase the amount of Article #10 – Transfer of Unemployment Trust Fund – from \$50,000.00 to \$200,000.00.

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

Mr. Flynn moved that the Board of Selectmen Indefinitely Postpone Article #11 – Transfer to Stabilization Trust Fund – in the amount of \$50,000.00.

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

III TOWN MANAGER'S REPORT

Plymouth County Commission – Cares Act – This will provide money to the Town and we are in the process of preparing the paperwork and the process to submit. More direction will be forthcoming.

Beach Sticker Pricing - Mr. Read stated that it might not be until mid-June before we can re-open the beach because we need a fee hearing which requires two weeks' notice in accordance with the Town's bylaws in order to reduce the price to a new rate. The ORV section may not be opening until later because the birds. Signage, restrooms, and parking attendants need to be in place before opening.

Town Facilities/Buildings - Working on getting Town Facilities/Buildings open in a phased approach. (Buildings are currently closed to the public).

IV COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATION

Duxbury Affordable Housing Trust –

Mr. Flynn moved that Mr. Daniel J. Coughlin be appointed to the Duxbury Affordable Housing Trust for an open seat with a term to expire on June 30, 2022.

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

V ONE-DAY LIQUOR LICENSE REQUESTS - None

VI EVENT PERMITS - None

VII MINUTES

Mr. Flynn moved that the Board of Selectmen approve the 05/05/20, 05/07/20, and 05/11/20 Selectmen's Open Session Minutes, as presented.

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

VIII ANNOUNCEMENTS

1) Commercial Shellfish License Applications:

Reminder that Commercial Shellfish License Applications are due by May 31, 2020 (*for renewals only*). Applicants must be a Duxbury resident and have a Massachusetts Commercial Fisherman's Permit showing "endorsed shellfish." For more information, please contact the Selectmen's office at 781-934-1100 x5401.

2) 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 kelley@town.duxbury.ma.us.

3) The Duxbury 2020 organization is offering a commemorative publication called *Duxbury, Our Pilgrim Story*. Please visit duxbury2020.org for purchasing information.

4) Next Scheduled Selectmen's Meeting will be on Monday, June 1, 2020.

IX BONUS SHELLFISH (month of June)

Mr. Flynn moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for:

- 1) the commercial harvesting of softshell clams for the month of JUNE. Regulations as attached. (Please see Attachment B & C)
- 2) the commercial harvesting of quahog clams for the month of JUNE. Regulations as attached. (Please see Attachment A & C)
- 3) the recreational harvesting of Soft Shelled Clams for the month of JUNE. Regulations as attached. (Please see Attachment D)

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

X ADJOURNMENT

Mr. Flynn moved that the Board of Selectmen adjourn at approximately 10:51am.

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) CZM and MVP Presentations*
- 4) Collective Bargaining Documentation*
- 5) Municipal Relief Transfers documentation*
- 6) STM Warrant*
- 7) Committee Appointment*
- 8) Bonus Shellfish*
- 9) Minutes*
- 10) Announcements*