

Date: June 3, 2019

Date Minutes Approved: June 17, 2019

TOWN CLERK

2019 JUN 19 AM 11:22

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; and C. Anne Murray, Administrative Assistant.

I CALL TO ORDER

The meeting was called to order at 6:45 PM in the Mural Room at the Duxbury Town Hall.

II 6:45 PM EXECUTIVE SESSION

Entered Executive Session

Upon convening, Mr. Dahlen moved that the Board of Selectmen go into Executive Session 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, in accordance with Mass. General Laws Chapter 30A, Section 21, and that the Board reconvene in Open Session on or about 7:00 PM. Second by Mr. Flynn.

Mr. Madigan, as Chair, stated he declared 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 position.

ROLL CALL VOTE: Mr. Madigan – Aye; Mr. Flynn – Aye; and Mr. Dahlen – Aye.

RE-CONVENED IN OPEN SESSION:

Having completed the business of Executive Session, at approximately 7:02 pm the Board re-convened in Open Session after the public had entered the meeting room.

III OPEN FORUM

Ms. Kathy Palmer, Ms. Mary Jane Noelle, and Ms. Shelia Lynch-Benttinen started to raise questions related to Boards and Committee discussion and the Home Rule-Art. 24 discussion. As those items are on the agenda, they were asked to hold their questions /comments for those items of business.

It was explained that Open Forum is only to bring up topics not on the agenda for discussion at a future meeting.

IV NEW BUSINESS

Swearing in of new Police Chief – Stephen McDonald

Town Manager René Read introduced Deputy Chief Stephen McDonald to be sworn in as Duxbury's new Police Chief following the retirement of current Police Chief Matthew Clancy. Mr. Read handed the proceeding off to the Town Clerk. Town Clerk Susan Kelley administered the oath of office noting it was in anticipation that

Deputy Chief McDonald will assume the role of Police Chief effective as of 12:00 AM on Saturday, June 15, 2019. After taking the oath, Mr. Read handed the Chief's badge to Chief McDonald's wife, who was given the honor of pinning it on his uniform. Following that Chief McDonald made a few remarks thanking the Board of Selectmen, Town Manager, and Chief Clancy for placing their confidence in him. He mentioned it was a privilege and an honor to become the Duxbury Police Chief and how much he looked forward to working as a team with members of the Duxbury Police Department and the community. The swearing in took place in front of a large contingent of Duxbury Police Officers and members of the community, and Chief McDonald was greeted with a rousing round of applause.

Collective Bargaining – Jeannie Horne

Mr. Madigan mentioned prior to the Open Session, the Board had been in Executive Session and approved a collective bargaining Agreement. He turned it over to Ms. Jeannie Horne, Human Resources Director, who mentioned the following as an overview of the Settlement Agreement with the DPW Employees, AFSCME, COUNCIL 93, Local 1700:

- Wages: 2.0% in 1st YR.; 2.5% in 2nd YR.; 2.5% in 3rd YR. ;
- Also include are some housekeeping items:
 - A prohibition on applying for new positions within the probationary period. She explained the new hires should have the time to become successful in their initial position before seeking other positions;
 - Treating time off (vacation, sick time, and personal time) in terms of hours instead of half days/full days; and
 - The prohibition on dating/ relationships.
- There are also some compliance items regarding: paying out accumulated and unused vacation time; the Pregnancy Workers Fairness Act , and the MA Domestic Violence Leave Act
- Longevity Payments: A \$50. increase in longevity payments: 10 yrs. continuous service to the Town \$350; 15 yrs. continuous service to the Town \$450. 20 yrs. continuous service to the Town \$550.
- On Call 24/7 Cellphone Coverage: an Additional \$25 to Water Department employees, who carry a cellphone 24/7 to deal with emergencies.
- Certifications: The Town will pay additional monies (\$1/ hr.) for each Emergency Vehicle Technician Certification, which runs hand-in-hand with ASE (Automotive Service Excellence) Certifications. It is a win –win because the employees receive incentive to get additional training and the Town benefits by having knowledgeable and skilled employees who can maintain the very expensive emergency vehicles

Mr. Dahlen moved the Board of Selectmen approve and adopt the Settlement Agreement by and between the Town of Duxbury and the Town of Duxbury DPW Employees, in accordance with the proposed Agreement. Second by Mr. Flynn. VOTE: 3:0:0.

Discussion pertaining to the status of Article 24 – proposal to file a Home Rule Petition with the House & Senate clerks changing Board of Selectmen from three to five members

The Town Manager read both a letter drafted by Town Counsel to Duxbury State Legislators requesting they file special legislation and the proposed draft legislation regarding the expansion of the Board of Selectmen from 3 members to 5 members.

Ms. MaryJane Noel, 59 Trout Farm Lane, questioned the mention of “2019” in the draft legislation. She was concerned that if the legislative act does not get passed by the State Legislature during 2019, then it could be further delayed or jeopardized. She said that State Rep. Josh Cutler had told her that the legislative act would have two years for passage. Given that she advocated for leaving out the “2019” and put in wording that would allow for the two-year legislative timeframe. While it was felt that the legislative act could be amended to change the year if it does not pass in 2019, the Board agreed to authorize Mr. Read to consult with Town Counsel and to amend the letter as appropriate.

Mr. Dahlen moved that the Board of Selectmen submit an application for a home rule petition to change the number of Selectmen in Duxbury from three (3) to five (5) in accordance with the proposed draft letter as amended by Mr. Read and Town Counsel as necessary. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Madigan mentioned that at best it would be the 2021 Town election that we would be voting on additional Selectmen because of the way the article was written. It is a two-year process.

Discussion pertaining to Boards and Committees continued from May 20 meeting

Mr. Madigan mentioned that he had asked the Town Manager to do a review of the Town boards and committees to determine if they are still meeting, and are they still getting things done. In doing so, the Town Manager felt that there several boards and committees in which the Town staff are handling or could be handling the work of the committees. In part the decision was made to do it this way, versus contacting each committee, because it was felt that would slow down the process.

Town Manager René Read thanked Mr. Madigan for his comments, but took responsibility for the action. He read a memorandum he prepared regarding the situation. In his comments he made it clear that in retrospect consulting the committees first would be a preferable route and made a sincere apology for the unintended impression his recommendations might have given. He stressed that the many volunteers, who work diligently on the Town boards and committees are valued and appreciated. Having now gotten input from several of the committees, he reversed his prior recommendation suggesting that the following boards and committees not be disbanded: Alternative Energy Committee, Sidewalk and Bike Path Committee, Open Space Committee, and the Recreation Activities Committee. He continues to recommend the following be disbanded as the work of these committees has been completed: Blairhaven Committee and the Zoning Bylaw Review Committee.

Mr. Dahlen said that while the Town Manager has taken the blame for the misunderstanding that he as a Selectmen and long-time volunteer should have known better than most that the Board was taking action too quickly. He apologized for not thinking it through.

Mr. Dahlen moved that Board of Selectmen NOT disband the Alternative Energy Committee, Sidewalk and Bike Path Committee, Open Space Committee, and the Recreation Activities Committee and moved that the Board of Selectmen disband the Blairhaven Committee and the Zoning Bylaw Review Committee. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Flynn commented that “thankfully that is why there are erasers on pencils,” and it just proves the Selectmen are human, but pointed out when mistakes are made, they can be rectified.

Ms. Sheila Lynch-Benttinen, member of the Historical Commission, mentioned that from listening to the tape of the last meeting there was also a discussion about a potential future Town Meeting article to combine the Historical Commission and the Local Historic District Commission (LHDC). She explained some of the differences between the two Commissions, and her concerns with the notion of combining the two.

Mr. Read read the memorandum from the last meeting to clarify the mention made at the previous meeting. Combining the Historical Commission and the Local Historic District Commission (LHDC) was mentioned as a suggestion, but no action was actually taken on it. He reinforced that by sharing an email discussion he had earlier today with the Town Planner, Ms. Renée Mierzejewski, Chair of the LHDC, and Ms. Pam Campbell Smith, member of the LHDC. The email re-affirmed was that no action was taken, but it suggested that members of both the Historic Commission and LHDC have a discussion about the concept of combining in order to bring their thoughts to the Selectmen for future consideration.

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

7:15 PM Water & Sewer Commissioners: Supplements to Commitment #3-FY2018

Mr. Dahlen moved that the Board adjourn their meeting as Selectmen and convene as Water & Sewer Commissioners. Second by Mr. Flynn. VOTE: 3:3:3.

Mr. Dahlen moved that the Board of Water & Sewer Commissioners instruct the Treasurer to issue and collect a supplement to the water usage charge for Commitment #3-FY'18 in the amount of \$1,463.00. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Dahlen moved that the Board of Water & Sewer Commissioners instruct the Treasurer to issue and collect an additional supplement to the service charge for Commitment #3-FY'18 in the amount of -\$600.00. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Madigan explained that above motions regarding water billings were necessary for bookkeeping adjustments.

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

Mr. Dahlen moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen. Second by Mr. Flynn. VOTE: 3:0:0.

V TOWN MANAGER'S REPORT

Mr. Read mentioned the following items:

1. Powder Point Bridge wrap work

Mr. Read informed the Board that the contractor has completed the removal of the pile wraps on the Powder Point Bridge and all the equipment has been removed from the West End parking lot.

The engineering firm will be out there shortly to take a look at the remaining piles to provide an assessment / recommendation.

He was uncertain whether the work to be done by Town DPW employees has been scheduled yet and will check with Mr. Buttkus regarding that.

COMMITTEE / Names	Appointed or Reappointed	Special Position Designation	TERM EXPIRES	MOTION	SECOND	VOTE
Board of Health						
Clinton Watson	Re-appt.		06-30-22	T. Flynn	S. Dahlen	3:0:0
Community Preservation Comm. (CPC)*						
Cynthia Ladd Fiorini	Re-appt.	Planning BD rep.	06-30-22	T. Flynn	S. Dahlen	3:0:0
Holly Morris	Re-appt.	Conservation Rep.	06-30-22	T. Flynn	S. Dahlen	3:0:0
Robert C. “Terry” Vose III	Re-appt.	Historical Commission Rep.	06-30-22	T. Flynn	S. Dahlen	3:0:0
Conservation Commission						
Holly Morris	Re-appt.		06-30-22	T. Flynn	S. Dahlen	3:0:0
Scott Zoltowski	Re-appt.		06-30-22	T. Flynn	S. Dahlen	3:0:0
*Duxbury Affordable Housing Trust						
Diane Bartlett	Re-appt.		06-30-21	T. Flynn	S. Dahlen	3:0:0
Shawn Dahlen	Re-appt.		06-30-21	T. Flynn	S. Dahlen	3:0:0
Martha Himes	Re-appt.		06-20-21	T. Flynn	S. Dahlen	3:0:0
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COMMITTEE / Names	Appointed or Reappointed	Special Position Designation	TERM EXPIRES	MOTION	SECOND	VOTE
*Duxbury Bay Management Comm.						
McKenzie Thompson	Appt.		To fill an unexpired seat due to expire 06-30-21	T. Flynn	S. Dahlen	3:0:0
Joe Messina	Re-appt.		06-30-2022	T. Flynn	S. Dahlen	3:0:0
Linda Brodie	Re-appt.		06-30-2022	T. Flynn	S. Dahlen	3:0:0
Jackson S. Kent, Jr.	Re-appt.		06-30-2022	T. Flynn	S. Dahlen	3:0:0
*King Caesar Advisory Committee						
Diane Barker, RN	Re-appt.		06-30-22	T. Flynn	S. Dahlen	3:0:0
*Old Colony Planning Council –Area Agency on Aging (OCPC-AAA)						
John Rutkowski	Re-appt.	Duxbury Delegate	06/30/2021	T. Flynn	S. Dahlen	3:0:0
*Plymouth County Advisory BD						
Theodore J. Flynn	Re-appt.	Dux. Delegate	06/30/2020	T. Flynn	S. Dahlen	3:0:0
Shawn Dahlen	Re-appt.	Dux. Alt.	06/30/2020	T. Flynn	S. Dahlen	3:0:0
*Shellfish Advisory Committee						
Alan Hoban			06/30/2022	T. Flynn	S. Dahlen	3:0:0
John McCluskey			06/30/2022	T. Flynn	S. Dahlen	3:0:0
Kenneth S. McKim			06/30/2022	T. Flynn	S. Dahlen	3:0:0

**Board or Committee is now fully staffed.*

Board of Health –Is considering Talent Bank forms for filling an Alternate position.

Conservation Commission: Still waiting to hear regarding the re-appointment of one member.

Duxbury Affordable Housing Trust: The Trustee terms are for two years.

RESIGNATIONS: Postponed to next Selectmen's Meeting.

II MINUTES

Executive Session Minutes: none

Open Session Minutes: 05-20-19 Selectmen's Minutes -Draft

Mr. Dahlen moved that the Board of Selectmen approve the 05-20-19 Selectmen's Open Session Minutes, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

IX ANNOUNCEMENTS

Mr. Dahlen made the following announcements:

1) Upcoming Paint Disposal Day:

REMINDER: The Duxbury Transfer Station will have a paint disposal day on Saturday, June 15th from 9 AM to Noon.

2) Next Regularly Scheduled Selectmen's Meeting will be on Monday, June 17, 2019.

X ADJOURNMENT

At approximately 7:45 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 FOR 06-03-19 SELECTMEN'S MEETING (Documents located in the selectmen's office files. Executive Session items in Executive Session file.)

- a. Agenda for 06-03-19 Selectmen's Meeting
 - b. OPEN FORUM: no documents
 - c. Executive Session: Noted in Executive Session minutes and kept in Executive Session file.
 - d. NEW BUSINESS:
 - 1. Swearing in of new Police Chief-Stephen McDonald: no documents
 - 2. Collective Bargaining – copy of signed Settlement Agreement with DPW Workers.
 - 3. 2019 ATM ART. 24 –Citizen Petition –Expand the Size of the Board of Selectmen by Increasing Membership from Three to Five: Draft Ltr. To Legislator's RE: Town of Duxbury Home Rule Petition and Language for the Act.
 - 4. Discussion on Boards and Committees: René J. Read Memorandum "Town Committee Review dated May 29, 2019.
 - e. TOWN MANAGER REPORT: no documents.
 - f. COMMITTEE APPOINTMENTS/REAPPOINTMENTS
 - a. 06-03-19 Appointments / Re-appointments sheet
 - b. ~~06-03-19 Resignation sheet postponed until 06-17-19.~~
- 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*
- g. ONE-DAY LIQUOR LICENSES:
 - 06/07/19 PanMass Challenge – Fundraiser
 - h. EVENT PERMIT(S):
 - a. 06/25/19 & 08/01/19 Author Talks/Book Signing – Friends of the Duxbury Free Library
 - b. 07/04/19 July 4th Parade and related events
 - i. MINUTES: EXECUTIVE SESSION: none;
OPEN SESSION MINUTES: 05-20-19- Selectmen's Minutes-Draft with suggested Motion.
 - j. SUGGESTED ANNOUNCEMENTS for 06-03-19.

