

**Date: September 14, 2020**

**Date Minutes Approved: September 28, 2020**

**BOARD OF SELECTMEN**

**OPEN SESSION MINUTES**

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

**Re-organized** - Theodore J. Flynn, Chair; David J. Madigan, Vice Chair; and Amy M. MacNab, Clerk

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

**Others:** Susan Kelley, Town Clerk; Joe Grady, Conservation Administrator; Jeannie Horne, HR Director; Gordon Cushing, Recreation Director; and Tracy Mayo, Health Agent

**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 am.

*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 [occonnor@town.duxbury.ma.us](mailto:occonnor@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.*

**II. OPEN FORUM/PUBLIC COMMENTS:** No official "open forum" as these are remote meetings. No public comments via phone calls were received during this meeting.

**III. NEW BUSINESS**

***Welcoming and Swearing-In of new Board member – Amy M. MacNab***

Town Clerk, Susan Kelley, performed the swearing-in of Ms. MacNab as the newly elected Selectperson. Everyone warmly welcomed Ms. MacNab to the Board.

***Re-organization of the Board of Selectmen***

Mr. Madigan moved to appoint Mr. Flynn as Chair of the Board of Selectmen. *Seconded by Ms. MacNab. Roll Call Vote: Mr. Madigan-Aye; Ms. MacNab-Aye; Mr. Flynn – abstained*

Mr. Madigan moved to appoint Ms. MacNab as Clerk of the Board of Selectmen. *Seconded by Mr. Flynn. Roll Call Vote: Mr. Madigan-Aye; Mr. Flynn-Aye; Ms. MacNab-abstained*

Mr. Flynn moved to appoint Mr. Madigan as Vice Chair of the Board of Selectmen. *Seconded by Ms. MacNab. Roll Call Vote: Mr. Flynn-Aye; Ms. MacNab-Aye; Mr. Madigan-abstained*

Following the vote, Mr. Flynn assumed the role as Chair for the remainder of the meeting.

***Discussion pertaining to changing the time of Board of Selectmen Meetings***

Mr. Madigan mentioned that they were discussing the time change to accommodate Ms. MacNab's work schedule as meetings were moved to a morning timeslot due to PACTV scheduling. Ms. MacNab responded that participants would like greater access.

Mr. Madigan moved that the Board of Selectmen change their meeting time to 5:30pm on Mondays. *Seconded by Ms. MacNab. Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; and Ms. MacNab-Aye*

***Discussion pertaining to the approval of the Gifford Bog Large Landscape Conservation Restriction***

Background: This 150 acre Conservation Restriction is required by the CPA because CPA funds were used when purchasing the land. The Gifford Bog is Duxbury's oldest working bog dating from 1855 and the Wright Reservoir are part of this CR and have been conservation priorities since the 1960's. The Conservation Restriction will be held by the Wildlands Trust, Inc. Following the Board of Selectmen's signatures, it will be sent to the MA Secretary of Energy and Environmental Affairs for final approval. Lastly, it will be recorded in the Plymouth County Registry of Deeds and the property will be protected in perpetuity.

Joe Grady, Conservation Administrator also added that the Wildlands Trust will inspect the land annually for encroachments, etc. He further stated that this conservation restriction includes parcels from Williams, Delano land and Gifford Bog, and was endorsed by the State and the Conservation Commission. Ms. MacNab asked how this works in the Green Belt and open space. Mr. Grady replied that in 1969 the Wright Reservoir was put on the green belt list and now securing it as open space. He also remarked that they are looking at other land to round out.

Ms. MacNab moved that the Board of Selectmen vote to grant and approve the Gifford Bog Large Landscape Conservation Restriction, pursuant to MGL Chapter 184, Sections 31-33, as presented.

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

***Discussion pertaining to proposed FY22 Budget Message to Department Heads***

Mr. Read stated that everyone should have a copy of the draft memo that he would like to get out to Department Heads tomorrow. Mr. Madigan asked if they were pushing out a 1% increase with school and public safety taking priority. Mr. Read responded yes, if the Board desires.

Ms. MacNab stated that she attended the last Finance Committee meeting and wanted to discuss with the Board considering a level funded or decrease in department budgets as a 1% across the board didn't seem prudent. She continued to say that a lot has to do with salaries, which should be discussed and that some are contractual which can be negotiated. Furthermore, she stated that conservation needs to be discussed and what we all want to do during these unprecedented times.

Mr. Adams responded that he started the budget message at level funding, but there's uncertainty with the schools and maybe the need to use the stabilization fund in order to stay at 1%. He pointed out paragraph number 4, identifies the flexibility.

Mr. Madigan added that they took a lot of money out of the school to balance the budget and that they are at 2 ½% for raises, plus adding Covid requirements, we should expect the schools to come back at 3 ½%. He continued to say that we may need to look at an override at some point to keep services running.

Mr. Flynn pointed out that he didn't see where we were asking departments to determine what they could cut. Mr. Adams responded that they will have to see what their actual costs are. Mr. Madigan included that they won't be able to do 1% unless they are cutting an expense.

Ms. MacNab commented that for any budget when facing a crisis you need to look at all areas and it seems that the message should be to do whatever it takes to reduce the budget in every area to start saving money as not one size fits all. Mr. Madigan included that the Selectmen will set priorities and other departments will see cuts and also added that he wasn't sure they will see more beach sticker sales due to frustration because of limited access. Discussions continued to suggest that a zero-based budget will be asked of departments along with exceptions that will be looked at. Ms. MacNab also asked if there has been any past practice of re-negotiating a contract in the middle of a cycle. Both Mr. Read and Ms. Horne said no – they have not seen that.

Further discussions continued regarding having conversations about an override, and although that would be challenging, Mr. Read stated that we have to keep all options on the table.

***Discussion pertaining to release of Town easement at 9 Beaverbrook Lane***

Ms. O'Connor explained that this was basically a leftover housekeeping issue from 1981, which was found through a current title exam showing that the drainage easement release was never recorded. This was a timely issue due to the house being sold later in the week. She communicated with Mr. Paul Brogna, who confirmed his memo of August 6, 1981, mentioning a drainage pipe had been cut off and abandoned. This easement release was reviewed and drafted by Town Counsel.

Ms. MacNab moved that the Board of Selectmen approves and executes the Release of Easement between the Town of Duxbury and Edward F. Vena and Charlotte Q. Vena for the property located at 9 Beaverbrook Lane, Duxbury, as presented.

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

***Discussion pertaining to retainer/client fee agreement between the Town of Duxbury and The Law Offices of Mead, Talerman & Costa, LLC with respect to Webster Point Village.***

Mr. Read explained that typically this would be handled through KP Law, our current town counsel; however, there is a conflict. Mr. explained that the Town was hiring Special Town Counsel to provide services to the Town's Zoning Board of Appeals relative to the Webster Point Village project and, more specifically, representation of the Board in that certain Housing Appeals Committee (HAC) case involving the same, expressly including but not limited to meeting with the Board from time-to-time to discuss the project, the litigation and strategy with respect thereto, defending the Board's interest(s) in the litigation and investigating, pursuing and negotiating any settlement or resolution that may be forthcoming, appropriate and acceptable; and any and all other matters related thereto.

Ms. MacNab moved that the Board of Selectmen votes to approve and execute the Client Fee Agreement between the Town of Duxbury and The Law Offices of Mead, Talerman & Costa, LLC as special town counsel regarding the Webster Point Village project, as presented.

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

#### **IV. TOWN MANAGER'S REPORT**

Mr. Read announced that the School and Police Department were awarded a COPS (Community Oriented Policing Services) grant for a school violence prevention program in the amount of \$344,000. This will be used towards a town-wide digital radio project, with the Town covering about \$6,000 in costs. Mr. Read stated that this is a tremendous opportunity.

He continued to say that the Percy Walker Pool was open and that patrons will need to make a reservation and sign-in upon arriving for contact tracing purposes as required by the State. Mr. Cushing remarked that patrons cannot just walk in – they need to make reservations with all of their contact information as there is a limited number of people allowed in the pool under State guidelines.

Mr. Read also mentioned the re-opening of Town Hall, and even though it has been closed to the public, the departments have been open and providing services the whole time via website or electronically. He continued to say that he was looking at early to mid-October to re-open to the public by appointment only and according to State guidelines.

#### **V. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS – None**

#### **VI ONE-DAY LIQUOR LICENSE REQUESTS - None**

#### **VII EVENT PERMITS - None**

#### **VIII MINUTES**

Mr. Madigan moved that the Board of Selectmen approve the 07/20/20 and 08/31/20 Selectmen's Executive Session Minutes, as presented, with the contents to remain confidential until the need has passed. *Seconded by Mr. Flynn Mr. Madigan-Aye; Mr. Flynn – Aye*  
(Ms. MacNab abstained as she was not a Board member during these meetings)

Mr. Madigan moved that the Board of Selectmen approve the 08/31/2020 Selectmen's Open Session Minutes, as presented. *Seconded by Mr. Flynn Mr. Madigan-Aye; Mr. Flynn – Aye*  
(Ms. MacNab abstained as she was not a Board member during these meetings)

#### **IX ANNOUNCEMENTS**

##### **1) Complete Streets Program**

The Complete Streets Program is a MassDOT funded initiative to help municipalities make infrastructure improvements on municipally owned roadways to better serve all users. The Town of Duxbury has started work on a Prioritization Plan, which will rank viable projects, and community input is a vital part of the development of this plan. To submit ideas & comments online, please go to the Planning Department's page on the Town's website – Click on the Complete Streets tab for more information.

##### **2) Board/Committee Openings**

The following boards/committees have open seats. If interested, please fill out a Talent Bank form, which can be found on the Town's website homepage under Forms & Documents.

Alternative Energy Committee	(2) Members
Design Review Board	(1) Alternate
Finance Committee	(1) Member
Zoning Board of Appeals	(1) Associate Member

**3) Next Scheduled Selectmen's Meeting** will be on Monday, September 21, 2020 at 5:30pm

**X     ADJOURNMENT**

Mr. MacNab moved that at approximately 10:30am, the Board of Selectmen adjourn.

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

*Minutes submitted by Nancy O'Connor*

*LIST OF DOCUMENTS*

- 1) Agenda*
- 2) Gifford Bog CR*
- 3) FY22 Budget Memo*
- 4) Easement documentation for 9 Beaverbrook Lane*
- 5) Retainer Agreement with Mead, Talerman & Costa*
- 6) Executive and Open Session Minutes (Executive Session minutes to be maintained confidential until the need has passed)*
- 7) Announcements*

