

Date: September 28, 2020

Date Minutes Approved: October 5, 2020

BOARD OF SELECTMEN

TOWN CLERK

OPEN SESSION MINUTES

2020 OCT -6 PM 1:40

DUXBURY, MASS.

Present: 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: Gordon Cushing, Recreation Director
Attorney Jeff Blake, members of the DAHT and CPC – 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 5:30 pm.

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.

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

Discussion and review of Ellison Fund Allocation

Mr. Gordon Cushing, Recreation Director, was in attendance and addressed the Selectmen.

Background: The Ellison Fund is a non-expendable trust, which was accepted by the 1990 Annual Town Meeting. The terms of the gift allow for half of the interest to be spent for worthy Town projects and the other half to be spent on the upkeep of the Ellison playground (i.e., the one adjacent to the Duxbury Free Library).

According to Mr. Cushing, Finance Director John Adams has indicated that a total of \$35,564 (plus a \$500 Stipend to the Trustees) is available from the Ellison Fund for this fiscal year. Normally, the Board of Selectmen recommends projects to the Ellison Trustees based on input from the Recreation

Director, DPW Director and Manager of Lands and Natural Resources. The staffs' recommendation for the Board's approval is for:

- \$17,782 for Worthy Town projects to be allocated towards the conversion of an Alden Street tennis court into a basketball court in order to complete this project; and
- \$17,782 for upkeep of the Ellison Playgrounds.

To facilitate this process the staff has also reviewed their recommendations with the Ellison Fund Trustees, Mr. Matthew Walsh and Mr. Stephen Carleton. The Trustees will give their final approval once the Selectmen have approved a specific project. Both trustees have indicated their agreement with the suggested expenditures.

Ms. MacNab moved that the Board of Selectmen recommend a total expenditure of \$36,064 from the Eben H. Ellison Trust fund for the following:

- \$17,782 for Worthy Town projects to be allocated towards conversion of an Alden Street tennis court into a basketball court;
- \$17,782 for upkeep of the Ellison Playgrounds; and
- \$500 for the Trustees' Stipend.

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

Discussion pertaining to the release of Town easement at 9 Beaverbrook Lane – revision to easement

This was presented to the Selectmen last week as the property owners of 9 Beaverbrook Lane were selling their house, and through a title exam, it was determined that there was an existing drainage easement with the Town that should have been released years ago. This drainage easement has been reviewed by Town Counsel who also drafted the release.

Update: Since this is registered land, the Land Court has asked that this release of easement be in the buyers' names. Again, this change has been reviewed and approved by Town Counsel.

Ms. MacNab moved that the Board of Selectmen approves and executes the Release of Easement between the Town of Duxbury and Sprague Hall Properties, LLC for the property located at 9 Beaverbrook Lane, Duxbury, as presented.

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

IV. TOWN MANAGER'S REPORT

Town Hall Update

On Monday, October 5, the offices in Town Hall and Old Town Hall will be returning to full staffing. Following the Covid-19 outbreak, we implemented remote work environments and modified employee schedules in accordance with the State DPH Guidelines. We anticipate opening to the public on a limited basis (appointment only) in the coming weeks which will also be consistent with State DPH Guidelines.

Library Update

On Thursday, September 24th, the Library moved live browsing and check-out into the Lower Level of the Library.

New days/hours:

Tuesdays

Wednesdays

Thursdays

Saturdays

11:00 a.m. - 4:00 p.m.

Up next for the Library in the coming weeks will be moving computer service into the Lower Level Lobby (and expanding), adding night hours.

CAFR Update

(Chicago, Illinois)—Government Finance Officers Association of the United States and Canada (GFOA) has awarded the Certificate of Achievement for Excellence in Financial Reporting to **Town of Duxbury** for its comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2019. The CAFR has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

It states as follows:

We are pleased to notify you that your comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2019 qualifies for GFOA's Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. This award has been sent to the submitter as designated on the application.

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and give appropriate publicity to this notable achievement. A sample news release is included to assist with this effort.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

V. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Ms. MacNab moved that the Board of Selectmen appoint or re-appoint as follows:

| | | |
|--|--------------------------------------|----------|
| <u>Duxbury Affordable Housing Trust</u> | <u>(Diane Bartlett-Chair)</u> | |
| Theodore J. Flynn (BOS Representative) | Appointment (for an unexpired term) | 06-30-21 |

| | | |
|---|-------------------------------------|----------|
| <u>Recreation Activities Committee</u> | <u>(Brooks Holmes-Chair)</u> | |
| Gordon Cushing | Re-appointment as <i>ex officio</i> | 06-30-23 |
| Gary Smith | Re-appointment | 06-30-23 |

| | | |
|--|--|----------|
| <u>South Shore Community Action Council</u> | | |
| Robert Hughes | Re-appointment as the Duxbury Delegate | 06-30-23 |

| | | |
|-----------------------------------|--|----------|
| <u>MBTA Advisory Board</u> | | |
| Richard Prone | Re-appointment as the Duxbury Delegate | 06-30-21 |

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

| | | |
|---------------------------------|--|-------------------------|
| <u>Finance Committee</u> | <u>(Elizabeth Sullivan-Chair)</u> | |
| Edward Vena | Resignation | unexpired term 06-30-21 |

Mr. Vena resigned at the end of FY20 as he was moving out of Duxbury. We thank him for his service and wish him well. The Finance Committee has one open seat.

If anyone is interested in volunteering on a board or committee, you are encouraged to fill out a Talent Bank form, which can be found on the Town's website under the Forms & Documents tab.

VI ONE-DAY LIQUOR LICENSE REQUESTS - None

VII EVENT PERMITS - None

VIII MINUTES

Mr. Madigan moved that the Board of Selectmen approves the 03/09/20 and 03/16/20 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 approves the 03/09/20 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)

Ms. MacNab moved that the Board of Selectmen approves the 9/14/20 Selectmen's Open Session Minutes, as presented. *Seconded by Mr. Madigan. Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye*

Ms. MacNab moved that the Board of Selectmen approves the 9/17/20 Selectmen's Open Session Minutes, as presented. *Seconded by Mr. Flynn. Mr. Flynn-Aye; Ms. MacNab-Aye (Mr. Madigan abstained as he was not present at this meeting)*

IX ANNOUNCEMENTS

1) November 3, 2020 - Presidential Election

The State has not yet produced the ballots, but the Town Clerk does expect early in October and will mail out upon receipt to those who have requested ballots by mail.

The last day to register to vote to participate in the Presidential Election is Saturday, October 24, 2020. Early voting is from October 17 through October 30.

Hours: Monday – Thursday from 9am to 3pm
Friday from 9am to 12pm
Saturday & Sunday from 9am to 1pm

Election Day – November 3 – Hours are from 7am to 8pm

All voting in Duxbury takes place at the Lt. Timothy J. Steele Athletic Building, located at 130 Saint George Street.

2) Next Scheduled Selectmen's Meeting will be on Monday, October 4, 2020 @ 7:00PM

X BONUS SHELLFISH (for the month of October)

Ms. MacNab Move that the Board of Selectmen declares a temporary Bonus Shellfish Season for:

- 1) the commercial harvesting of softshell clams for the month of **OCTOBER**. Regulations as attached. (Please see Attachment B & C)
- 2) the commercial harvesting of quahog clams for the month of **OCTOBER**. Regulations as attached. (Please see Attachment A & C)

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

XI 6:00PM – EXECUTIVE SESSION

For the purpose of discussing consideration of the purchase, exchange, lease or value of real estate since an open meeting may have a detrimental effect on the strategizing and negotiating position of the Town, if the chair so declares, regarding 761 Temple Street.

Ms. MacNab moved that the Board of Selectmen go into Executive Session for the purpose of discussing consideration of the purchase, exchange, lease or value of real estate, regarding 761 Temple Street, since an open meeting may have a detrimental effect on the strategizing and negotiating position of the Town, if the chair so declares, in accordance with Mass. General Laws Chapter 30A, section 21, and that the Board will adjourn immediately after the completion of this Executive Session.

Mr. Flynn, as Chair, declared that the necessity for an Executive Session to discuss consideration of the purchase, exchange, lease, or value of real estate, as to do so in an Open Session may have a detrimental effect on the Town's strategizing and negotiating position.

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

XII ADJOURNMENT

After the business of the Executive Session was concluded, Ms. MacNab moved that at approximately 7:30 PM, the Board of Selectmen adjourn the Executive Session and simultaneously reconvene and adjourn in Open Session.

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) Ellison Fund Documentation*
- 3) Easement documentation for 9 Beaverbrook Lane*
- 4) Committee appointments/re-appointments*
- 5) Executive and Open Session Minutes (Executive Session minutes to be maintained confidential until the need has passed)*
- 6) Bonus Shellfish documentation*
- 7) Announcements*