

**Date: October 15, 2018**

**Date Minutes Approved: November 5, 2018**

TOWN CLERK

2018 NOV -7 AM 1:42

DUXBURY, MASS.

**BOARD OF SELECTMEN**

**Present:** Theodore J. Flynn, Chair; and Shawn Dahlen, Vice Chair

**Absent:** David Madigan, Clerk

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

**CONVENED IN OPEN SESSION –**

**I. CALL TO ORDER** The meeting was called to order at approximately 7:00 p.m.

**II. OPEN FORUM** Nothing brought forward.

**III. NEW BUSINESS**

***Discussion and review of proposed health insurance rates /Jeannie Horne, HR Director***

Ms. Horne explained that this increase was recommended by our insurance company and is only for the plans offered to retirees – Medex II and Managed Blue for Seniors. She further noted that there is no rate change to our PPO, HMO and Dental plans.

Mr. Dahlen moved that the Board of Selectmen accept the proposed Medex II and Managed Blue for Seniors rates effective 12/1/18 (for January Premiums) through 11/30/19 as presented (or amended).  
Seconded by Mr. Flynn   Vote: 2:0:0

***Discussion regarding grant proposal by Island Creek Oysters***

Mr. Chris Sherman and Mr. Skip Bennett were in attendance representing Island Creek Oysters. Mr. Sherman stated that this grant would allow capital improvements and additions to the lab building and moving the hatchery from DBMS to the lab building. He continued to say that this grant would afford them the opportunity to enhance shellfish research, outreach and education. He noted that research is needed in this industry to protect the growth of the oysters and eco-systems. Mr. Sherman remarked that schools (UMass, URI and Woods Hole) are looking for educational platforms. He also reiterated their plan for outreach and education for the Town as they are currently working on school programs (Time & Tides), which was piloted to become part of the school curriculum. Mr. Sherman continued to say that this would benefit both ICO and the Town making this property an asset for the community.

Mr. Dahlen moved that the Board of Selectmen endorse the Seaport Economic Council Program 2018 Grant Application, naming the Town of Duxbury and Island Creek Oysters as co-applicants, as presented.   Seconded by Mr. Flynn   Vote: 2:0:0

***Discussion regarding Howland's Landing Park Rules & Regulations***

Mrs. Pat Loring was present and stated that these rules and regulations have had several revisions over the years, but are general for the property. Mr. Flynn questioned the two hour parking limit. It was explained that the two hour parking limit was imposed because they did not want people to leave their cars while off boating for long lengths of time.

Mr. Dahlen moved that the Board of Selectmen approve the Howland's Landing Park Rules and Regulations as presented. Seconded by Mr. Flynn Vote: 2:0:0

***Discussion regarding the Audit Committee's Charge***

Mr. Ed Vena and Mr. Jerry Pisani (both Finance Committee representatives on the Audit Committee) along with Candace Martin (Fiscal Advisory representative) were present. Mr. Vena addressed the Board and stated that this committee was established at the 2018 Annual Town Meeting, and they have developed a charge based on best practices. He further stated that the bylaw requires Selectmen to approve the charge. Mr. Flynn mentioned that the appointments are annually and thought they should be three years staggered to provide consistency. Mr. Vena said that he would look into that. Mr. Adams mentioned that it is in the bylaw (written by the Government Study Committee) that way, so we would have to change the bylaw. Mr. Flynn replied that maybe we should consider changing the bylaw.

Mr. Dahlen moved that the Board of Selectmen approve the Audit Committee's Charge, as presented. Seconded by Mr. Flynn Vote: 2:0:0

***Discussion and review pertaining to new utility pole on Feinberg Bog Road***

This petition proposes to place one (1) JO pole 580/1 on the westerly side of Feinberg Bog Road to a point at the corner of Feinberg Bog Road and Temple Street, which is necessary to provide a new service on Feinberg Bog Road. A pole hearing was held at 9:00 a.m. on Thursday, October 11, 2018 in the Town Manager's office for which notifications were sent to the abutters by certified mail. In addition, legal notice of the hearing was published in the Duxbury Clipper.

Mr. Dahlen moved that the Board of Selectmen authorize the installation of one (1) new pole on Feinberg Bog Road, with the condition that Verizon New England, Inc. and/or NStar Electric Company (d/b/a Eversource Energy) contact the Duxbury Department of Public Works at least 48-hours prior to the commencement of the project along with other conditions that may be requested by the Board of Selectmen. Seconded by Mr. Flynn Vote: 2:0:0

***Water and Sewer Commissioners***

Mr. Dahlen 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. Flynn Vote: 2:0:0

Mr. Dahlen moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect \$1,095,619.11 for Water and Sewer Commitment #1 of FY19. Seconded by Mr. Flynn Vote: 2:0:0

Mr. Dahlen moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen. Seconded by Mr. Flynn Vote: 2:0:0

***Open ATM/STM Warrants for March 9, 2019 Annual Town Meeting and Call for Articles***

Mr. Dahlen moved that the Board of Selectmen vote to open the 2019 Annual Town Meeting and Special Town Meeting warrants. Seconded by Mr. Flynn Vote: 2:0:0

***Call For Articles - 2019 Town Meeting***

The Board of Selectmen invites citizens to submit articles for the 2019 Annual Town Meeting. Articles must be submitted to the Town Manager's Office by 12:30 PM on Friday, November 30, 2018. The complete article language and a brief explanation of the article are required. Please contact Nancy O'Connor at 781-934-1100 x 5401 with any questions.

**IV TOWN MANAGER'S REPORT**

**Canal Street Bridge, Marshfield:**

Mr. Read stated that he has exchanged emails with Mike Maresco, Town Administrator of the Town of Marshfield, regarding Duxbury's contribution. The Canal Street bridge located in Marshfield is in disrepair, and the Town of Duxbury uses frequently for emergency access (can't go over Powder Point Bridge). He further stated that MassDOT is ok with sharing the cost to repair the bridge by using Chapter 90 funding in the amount of \$75,000, and he has also contacted Town Counsel to prepare a MOU (Memorandum of Understanding) between the Towns.

**Seawall update:**

We had our second team meeting with FEMA on Tuesday, October 2<sup>nd</sup>, where we were advised:

- 1.) The Town of Duxbury's response to FEMA's ongoing requests for project information has been "lightning quick."
- 2.) We are beyond FEMA's requisite 6 month timeframe on repairs to be made to the seawall - they must grant an extension in order for such emergency work to be reimbursable. As a result, Lorraine Eddy, the Public Assistance Program Coordinator with MEMA, has forwarded us the requisite paperwork to file for a time extension request for the emergency work at the seawall. We anticipate the extension will be granted, through a date certain. The extension was completed today, Wednesday, October 10, 2018 and is good through June 25, 2022.
- 3.) The process of establishing a dollar amount for reimbursements is complex, and is related to three key factors:
  - (A) The approved design of the future wall must be fully permitted prior to establishing reimbursement values with FEMA including what they will reimburse based on their program requirements (and this includes USACE permitting, which takes longer);
  - (B) We must negotiate the base value of restoring the wall to pre-existing conditions with FEMA, and our engineering firm is in the process of preparing our estimate of pre-disaster conditions to FEMA. FEMA will then use this figure and the comparative "better" approved design and scope of allowable work, to establish what they will be able to reimburse, what they may allow through future grant programs and what they may allow through other programs such as loans; and then what gap is left will weigh into decision-making regarding the funding of the repairs;

- (C) FEMA must sign off on any scope of work - based on these permits and costs - prior to any reimbursable improvements after the emergency response activities - for any of the work done to qualify under the FEMA program.

Unless future repair activities are part of the above-described FEMA approved scope, they are ineligible for the FEMA reimbursement. All of this must be managed by the Town's emergency response team through the FEMA mandated process.

This means that we will not be ready by mid-January - which is our deadline for figures to be included in the Annual Town Meeting warrant - because this process will take several months. Unfortunately, as a result of this timeframe, it does not appear likely that there will be any articles on either the Special or Annual Town Meeting warrants seeking funding for seawall repairs or revetment work. As a result, those articles would be brought before the voters' consideration at the March 2020 Town Meeting. While certainly disappointing, we cannot move forward with a request for funding for the voters' consideration without first knowing what FEMA's reimbursement allowance will be. This was explained to the Seawall Committee and the Finance Committee.

In short, at this point, the Town's work on the seawall is complete until we have further information from FEMA. Finally, I will be seeking the Board's policy direction (at a future meeting) with regard to how you would like us to proceed in terms of seawall repairs and construction.

We have also filed for a \$3m grant with the State, and we are still waiting to hear back. This should be rewarded sometime in October.

In conclusion, Mr. Read remarked that the Town's work on revetment is complete. He further mentioned that he also reached out to the State again and has not heard back yet.

**Round Pond Walking Trail:**

Mr. Read mentioned that he received a call regarding the Round Pond Walking Trail and asked that people please pick up after their dogs by using the Mutt Mitts provided or using their own bags.

Ms. Candace Martin (resident and member of the Fiscal Advisory Committee and Audit Committee) mentioned that there were issues regarding who owns the wall and who maintains it. Mr. Read responded that the State owns the wall. Ms. Martin asked if there would be any maintenance done on the wall from now to 2020. Mr. Read replied that it remains to be seen.

**V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS - None**

**VI ONE-DAY LIQUOR LICENSE REQUESTS**

***11/4/18 Organ Concert Gala reception at First Parish Unitarian Universalist Church***

Mr. Dahlen moved that Ms. Faith Fleming is granted a One-Day Wine & Malt License for the Organ Concert Gala reception on Sunday, November 4, 2018 at the First Parish Unitarian Universalist Church, 842 Tremont Street, Duxbury from 8:00pm to 10:00pm, contingent upon the conditions of the license. Seconded by Mr. Flynn Vote: 2:0:0

## **VII EVENT PERMITS**

### ***10/27/18 Bay Farm Montessori Academy 14<sup>th</sup> Annual 5K Run by the Bay Event***

Mr. Dahlen moved that Kyra Mercer, as representative of the Bay Farm Montessori Academy, is granted a permit to hold the 14<sup>th</sup> Annual 5K Run by the Bay on Saturday, October 27, 2018 from 8:00am to 12:00pm, beginning and ending at the Bay Farm Montessori School, contingent upon the conditions of the permit. Seconded by Mr. Flynn Vote: 2:0:0

### ***10/27/18 The Winsor House Inn Halloween Party***

Mr. Dahlen moved that Mr. Charles Weilbrenner, as representative of Modern Family Associates DBA The Winsor House Inn, is granted an Event Permit for their Halloween Party to be held outdoors at The Winsor House Inn on Saturday, October 27, 2018 from 6:00pm to 10:00pm, contingent upon the conditions of the permit. Seconded by Mr. Flynn Vote: 2:0:0

## **VIII MINUTES**

Mr. Dahlen moved that the Board of Selectmen approve the 09/24/18 Selectmen's Minutes, as presented. Seconded by Mr. Flynn Vote: 2:0:0

## **IX ANNOUNCEMENTS**

### **1. Envision Duxbury Community Forum**

Please join us at a Community Forum regarding the Comprehensive Master Plan being developed by the Town of Duxbury to guide the future growth and economic development of the town. Residents of all ages, business owners, elected and appointed representatives, and others in town are invited to weigh in on important issues facing Duxbury. This Community Forum will focus on economic development, transportation and circulation, public facilities and services, and sustainability. Your input is welcome, so please mark your calendars and come to the Community Forum on October 24, 2018 from 7:00 PM to 8:30 PM at the Duxbury Bay Maritime School, 457 Washington Street. The doors will open at 6:30 for refreshments and displays. For more information about Envision Duxbury, visit: [EnvisionDuxbury.mapc.org](http://EnvisionDuxbury.mapc.org).

### **2. Last Day to Register to Vote in the Nov. 6 State Election**

Reminder: The last day to register to vote in the 2018 State Election is Wednesday, October 17.

### **3. Early Voting**

Early Voting will take place at the Duxbury Town Hall, 878 Tremont Street, from Monday October 22, 2018 through Friday, November 2, 2018.

Voters registered in Duxbury may cast their ballot at the Town Clerk's office during normal business hours, as well as the following extended hours:

Thursday, October 25 – hours extended to 7:00pm

Friday, October 26 – hours extended to 1:00pm

Saturday, October 27 – hours from 9:00am to 2:00pm

Thursday, November 1 – hours extended to 7:00pm

Friday, November 2 – hours extended to 1:00pm

**4. Next Selectmen's Meeting is on: Monday, October 22, 2018.**

**X     ADJOURNMENT**

At approximately 8:05pm, Mr. Dahlen moved that the Board adjourn.  
Seconded by Mr. Flynn. Vote: 2:0:0

***Minutes submitted by Nancy O'Connor***

***LIST OF DOCUMENTS (documents are kept in the Board of Selectmen files)***

- 1) Agenda*
- 2) Documentation regarding proposed health insurance rates*
- 3) Documentation regarding grant proposal by ICO*
- 4) Draft Howland's Landing Park Rules & Regulations*
- 5) Draft Audit Committee Charge*
- 6) Documentation regarding pole hearing*
- 7) Water & Sewer Commissioners Agenda and Water Commitment*
- 8) Town Manager's Report*
- 9) ODLL request*
- 10) Event Permit request*
- 11) Draft Minutes*
- 12) Announcements*