

Date: October 26, 2020

Date Minutes Approved: November 9, 2020 TOWN CLERK

BOARD OF SELECTMEN

2020 NOV 10 PM 1:29 OPEN SESSION MINUTES

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: Jeff Blake, Esq. and Shirin Everett, Esq. of KPLaw; Members of the Duxbury Affordable Housing Trust; Members of the CPC; and Joe Grady, Conservation Administrator; Stephen Dunn, Assessor; Peter Buttkus, DPW Director; and Jeannie Horne, HR 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 6:00 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 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. This meeting will then be available via video on-demand on PACTV's website.

II 6:00PM – EXECUTIVE SESSION

Ms. MacNab moved Move we go into Executive Session for the following purposes:

- A) To discuss strategy with respect to pending litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body regarding an appellate tax board case;
- B) To discuss 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; and
- C) To discuss strategy with respect to collective bargaining since an open meeting may have a detrimental effect on the bargaining position of the Town regarding DPW contract negotiations,

If the Chair so declares, in accordance with Mass. General Laws Chapter 30A, section 21, and that the Board will adjourn and re-convene in Open Session on or about 7:00pm immediately after the completion of this Executive Session.

“Mr. Flynn, as Chair, declared the necessity for an Executive Session to discuss pending litigation; consideration of the purchase, exchange, lease, or value of real estate; and collective bargaining, 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

After the business of the Executive Session was concluded, Ms. MacNab moved that at approximately 7:00PM, the Board of Selectmen adjourn the Executive Session reconvene in Open Session (at or around 7:00pm).

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

III. OPEN FORUM/PUBLIC COMMENTS: No official “open forum” as these are remote meetings. No public comments via phone calls or emails were received during this meeting.

IV. NEW BUSINESS

Discussions pertaining to an Order of Taking for 761 Temple Street

Ms. MacNab moved, pursuant to the vote taken under Article 1 of the Special Town Meeting held on August 1, 2020, to execute an Order of Taking and take by eminent domain, for open space, historic preservation, community housing, agricultural, water supply protection, rare species protection and/or passive recreation purposes, the five parcels of land on Temple Street owned by Pauline and Nathan Harrington, Trustees of Pauline M. Harrington 2003 Trust, and shown on a plan recorded with the Plymouth Registry of Deeds in Plan Book 63, Plan 484 as parcels “Lot 1A”, “Lot 1B”, “Parcel # 037-022-002”, “Parcel # 037-022-003”, and “Parcel # 037-022-000”, and to award \$2,200,000.00 as damages for the taking.

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

Discussions pertaining to DPW Collective Bargaining Agreement – presented by Jeannie Horne

Ms. Horne stated that in order to remain compliant, current practices were examined, and that this agreement (more of a sidebar agreement) will bring everything into compliance.

Ms. MacNab moved that the Board of Selectmen accept the Settlement Agreement by and between the Town of Duxbury DPW Employees, AFSCME, Council 93, Local 1700 and the Town of Duxbury as presented (or amended) regarding pay practices.

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

Discussions pertaining to proposed health insurance rates – presented by Jeannie Horne

Ms. Horne said that the Insurance Committee recommended that the MedEx II be left unchanged based on a positive claim experience. She continued to say that the Manage Blue for Seniors currently has no retirees enrolled, but may attract enrollees in the future. She added that the rates for this plan are set

by BC/BS, which rate will be \$326.81. Ms. Horne also stated that both plans include a prescription drug program, which is also set by BC/BS. She concluded saying that there are no other rate increases at this time.

Ms. MacNab moved that the Board of Selectmen accept the proposed Blue Cross Blue Shield Retiree Medicare Supplemental Plans – MedEx II and Managed Blue for Seniors rates as presented (or amended).

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

Discussions pertaining to extending outdoor dining per Governor Baker's Orders

On September 10, 2020, Governor Baker issued an Order making certain Phase III adjustments, which included extending the period for outdoor table service by licensees for on-premises consumption. Pursuant to this Order, the Local Licensing Authorities may approve requests for expansion of outdoor table service or extensions of earlier granted approvals issued, from November 1, 2020 (initial expiration date) for any period up to and until sixty (60) days after the end of the state of emergency.

The following establishments, who were previously granted extensions of outdoor table service, are requesting this extension beyond November 1, 2020:

The Oysterman

The Anchor

The Chestnut Street Grille

Duxbury Pizza (no liquor license, but requested extended outdoor dining)

Ms. MacNab moved that the Board of Selectmen, as the Local Licensing Authorities, approve the extended outdoor dining for The Oysterman, The Anchor, The Chestnut Street Grille, and Duxbury Pizza, for a period up to and until sixty (60) days after the end of the state of emergency, in accordance with Governor Baker's Order of September 10, 2020 and the Alcoholic Beverages Control Commission (ABCC), and as a condition of this extension, all outdoor heaters are required to be permitted through the Duxbury Fire Department and tents are required to be permitted through the Building Inspector.

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

V. TOWN MANAGER'S REPORT

COVID-19 Update - Mr. Read wanted to inform those residents living near the Kingston line that they may receive a ROBO call that is being sent to all Kingston residents that they are now a high risk community due to Covid.

An update with the current Covid count for Duxbury will go this week showing an increase of 15 from the previous week.

FY22 Budget Update – Mr. Read stated that he and John Adams have been meeting with Department Heads, who received the level-funded message and have been working within that.

VI. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

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

<u>Shellfish Advisory Committee</u>	<u>(Al Hoban-Chair)</u>	
Gregory Morris	Re-Appointment	06-30-23
Clint Watson	Resignation	

We thank Mr. Watson for his service and wish him well.

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

The following boards/committees have available seats:

Alternative Energy Committee	-	two seats
Design Review Board	-	one Alternate seat
Duxbury Bay Mgmt Commission	-	two seats
Nuclear Advisory Committee	-	two seats
Shellfish Advisory Committee	-	one seat
Sidewalk & Bike Path Committee	-	one seat
Zoning Board of Appeals	-	one Associate member 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.

VII ONE-DAY LIQUOR LICENSE REQUESTS - None

VIII EVENT PERMITS - None

IX MINUTES

Ms. MacNab moved that the Board of Selectmen approves the 10/19/20 Selectmen's Executive Session Minutes, as presented, with the contents to remain confidential until the need has passed.

Seconded by Mr. Madigan. Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye

Ms. MacNab moved that the Board of Selectmen approves the 10/19/20 Selectmen's Open Session Minutes, as presented.

Seconded by Mr. Madigan. Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye

X ANNOUNCEMENTS

1) Presidential Election

Early voting continues this week through Friday, October 30.

Hours: Monday – Thursday from 9am to 3pm

Friday from 9am to 12pm

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

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

Completed Absentee/Mail-in ballots can be dropped off in the Town Clerk's secure Ballot Drop Box located at the back of Town Hall at 878 Tremont Street by **8pm on November 3 (Election Day)**.

2) Halloween – Saturday, October 31, 2020

We are advising those who wish to partake in Halloween festivities to follow the State Department of Public Health's guidance regarding Halloween events, including Trick-or-Treating.

Information can be found at: www.mass.gov/news/halloween-during-covid-19

3) Next Scheduled Selectmen's Meeting will be on Monday, November 9, 2020 @ 7:00PM

XI BONUS SHELLFISH (Month of November)

Ms. MacNab moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for:

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

Seconded by Mr. Madigan. Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye

XII ADJOURNMENT

Ms. MacNab moved that at approximately 7:30PM, 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) Executive Session motion (materials kept separately)
- 3) Order of Taking – 761 Temple Street
- 4) DPW Collective Bargaining side agreement
- 5) Health Insurance documentation
- 6) Extending Outdoor dining documentation
- 7) Committee Appointments/resignations
- 8) Minutes
- 9) Announcements
- 10) Bonus Shellfish for November

