

Date: November 16, 2020

Date Minutes Approved: December 7, 2020 TOWN CLERK

BOARD OF SELECTMEN

2020 DEC -8 AM 9:28 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: Attorney William Hewig, KPLaw; Stephen Dunn, Assessor; 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 7:00 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 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 or emails were received during this meeting.

III. NEW BUSINESS

7:05PM Public Hearing – Comcast Cable License Renewal

This hearing was advertised in *the Duxbury Clipper* on October 28 and November 4, 2020. This hearing is to discuss Comcast's Cable Contract Renewal and the scope of the Town's future PEG access operations, along with presentations by PACTV and Duxbury Public Schools.

Ms. MacNab moved that the Board of Selectmen open the public hearing regarding Comcast's Cable Television Contract Renewal.

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

- **Attorney Bill Hewig of KPLaw spoke to this contract renewal.**

He said that this is a requirement of state law and that the purpose is to determine community need, Comcast compliance, and address any complaints regarding the government and public access.

- **School Presentation – Cheryl Lewis and Joe Ferguson**

Ms. Lewis provided a presentation showing the mission of Dragon TV, which provides students with a fundamental understanding on how to produce videos; equipment in the current TV studio; what they need to continue to support Dragon TV and the Duxbury Public Schools broadcasting system. Mr. Joe Ferguson, who teaches TV Studio, also presented a video showcasing the program.

- **PACTV Presentation – Carol McGilvray and Dan Rodriguez**

Mr. Rodriguez provided a presentation of their capital equipment recommendations and technical needs, which would take place over the next ten years. He mentioned that there are challenges with the Ellison Room at the Senior Center and the Performing Arts Center. He continued to say that the Ellison Room has no dedicated video equipment for training or hosting events – they have to set up the day of. The Performing Arts Center should be tied into the school and also have the ability to stream live to PACTV. Mr. Rodriguez stated that he has talked with Ms. Lewis from the school side to coordinate efforts and confirmed that there is no dedicated remote production – just dedicated spaces – so no mobile ability.

Mr. Madigan asked Mr. Adams what our reimbursement is from Comcast. Mr. Adams responded that we receive 5% of the franchise fees from both Comcast and Verizon for a total of approximately \$380,000 annually and that PACTV gets 33% of that. In addition, \$130,000 goes to a school revolving fund, which can be used towards PACTV's needs. Attorney Hewig also confirmed that the money discussed at this meeting comes from the cable license and not from taxation.

Ms. MacNab inquired about a Senior Citizen Discount. Attorney Hewig responded that that is a side letter agreement, which provides a 10% discount to qualified seniors.

Mr. Flynn thanked everyone for the very detailed presentations and their time put into this.

Note: a motion is not required at this time.

Ms. MacNab moved that the Board of Selectmen close the public hearing.

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

7:10PM Tax Classification Hearing – presented by Stephen Dunn, Assessor

This hearing was advertised in *the Duxbury Clipper* on October 28 and November 4, 2020.

Ms. MacNab moved that the Board of Selectmen open the public hearing regarding Tax Classification.

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

Discussion Pertaining to Tax Classification – presented by Stephen Dunn, Assessor

Mr. Dunn presented an overview of the tax values, new growth, classifications and allocations, residential factors, open space discounts, residential and small commercial exemptions and a summary of the fiscal 2021 values.

Ms. MacNab moved that the Board of Selectmen vote to adopt a single tax rate for FY2021 by setting a residential factor of one and to also authorize and allow Stephen Dunn, Director of Assessing, to sign the LA-5 online in the DOR Gateway system on the Selectmen's behalf.

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

Ms. MacNab moved that the Board of Selectmen close the public hearing regarding Tax Classification.

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

Discussion pertaining to renewal employment contract for Chief Kevin Nord

Mr. Flynn announced that at last week's meeting, the Board of Selectmen met in Executive Session for the purpose of reviewing a contract proposal submitted by the Fire Chief for the Board's consideration. Following a discussion on the matter, the Board voted unanimously to approve the contract submittal as presented. We had this item on this week's agenda for informational purposes in Open Session to make the public aware of the Board's action.

Ms. MacNab moved that the Board of Selectmen accept the employment contract commencing July 1, 2020 and ending June 30, 2022 with Kevin Nord, Fire Chief, as presented (or amended).

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

Discussion pertaining to annual Liquor Licenses Renewals

Ms. MacNab moved that the Board of Selectmen renew the following liquor licenses as presented on the attached list for the year 2021, subject to satisfactory inspections by the Municipal Services Department, Board of Health, and Fire Department, receipt of all renewal requirements and payment of all funds/fees owed to the Town of Duxbury, as well as any additional conditions imposed by the Board of Selectmen as the Local Licensing Authorities.

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

All-Alcoholic Beverages: On-Premises

Chestnut Street Grille	License #02877-RS-0300
Mile Post Tavern	License #00005-RS-0300
Johnson Golf/North Hill	License #00047-RS-0300
APJ Dining/Sun Tavern	License #00035-RS-0300
Tsang's Café	License #00023-RS-0300
The Oysterman	License #00048-RS-0300
The Anchor	License #04037-RS-0300

The Pro Only/ICO	License #04212-RS-0300
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Wine & Malt Beverages: On-Premises

Peel Holdings/Peel Pizza	License #03261-RS-0300
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Inn-holder: All-Alcoholic Beverages

Modern Family/Winsor House Inn	License #00006-HT-0300
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Club: All-Alcoholic Beverages

Duxbury Veteran's Club	License #00007-CL-0300
Village at Duxbury	License #00024-CL-0300
Duxbury Yacht Club – 70 Fairway Lane	License #00041-CL-0300
Duxbury Yacht Club – 489 Washington Street	License #00042-CL-0300
Duxbury Bay Maritime School - 457 Washington Street	License #00037-CL-0300

Retail: All-Alcoholic Beverages

Bennett's General Store	License #00013-PK-0300
Brothers Marketplace	License #00028-PK-0300
Duxbury Wine & Spirits	License #00015-PK-0300
Jamie's Fine Wine & Spirits III	License #00021-PK-0300
Osborn's Country Store	License #00012-PK-0300

Retail: Wine & Malt Only

Red's Emporium	License #00038-PK-0300
Halls Corner Store	License #00044-PK-0300
Duxbury Package Store	License #00039-PK-0300
Snug Harbor Wine	License #00043-PK-0300

Seasonal Population Estimate

M.G.L. Chapter 138, Section 17, requires that an annual estimate of temporary increased resident population shall be made prior to March 1 in any year, for the purpose of establishing a quota of seasonal liquor licenses that a town may issue.

Ms. MacNab moved that the Board of Selectmen certify to the Alcohol Beverage Control Commission, based on information from the Assessor and the Town Clerk, that the estimated temporary resident

total population as of July 10, 2021 will be 17,912 (Current population of 16,414 plus an estimated increased summer population of 1,498 = 17,912).

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

7:30PM Water & Sewer Commissioners – Correction to Commitment No. 2

Motion to Adjourn As Selectmen & Convene As Water & Sewer Commissioners:

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

Ms. MacNab moved that the Board of Water & Sewer Commissioners rescind their vote of November 9, 2020 and instruct the Treasurer to collect the following amount for water and sewer usage charges totaling \$1,037,989.18 for Water and Sewer Commitment #2 of FY21.

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

Motion to Adjourn As Water & Sewer Commissioners & Re-Convene As Selectmen

Ms. MacNab moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen.

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

IV. TOWN MANAGER'S REPORT

FY22 Budget Update

John Adams and I continue to meet with Department Heads to review their submitted budgets for FY22 while the Finance Committee is doing the same. Thus far, they have all met the guidelines we offered at the commencement of the process (i.e., level funding) and are further clarifying with us their submittals. Also, with respect to the previously scheduled discussion pertaining to the Duxbury Beach Reservation lease, we hope to have that item on the December 7th agenda.

Annual and Special Town Meetings

The Annual and Special Town Meetings are scheduled for Saturday, March 13th. At present, we are still under gubernatorial order related to the Covid-19 pandemic and a host of emergency orders. I've asked counsel that, based on what we know today, if we would we be able to move the date of Town Meeting further along the calendar (April or May) if needed? Counsel has advised me that as it stands now it's unclear as to whether the current law will be in effect next spring. As it looks, there will likely be some ability to change dates but it is unclear. Counsel also added that if the public health emergency is still in effect then BoS will be able to set a date different than the bylaw. The unknown is when the emergency ends.

Mr. Read then read into the record the following letters from Duxbury Residents Regarding the FY22 Budget

Hello to the Board of Selectmen –

First of all, I want to thank you for the time and attention you gave to my comments last week. I greatly appreciate the respectful and thoughtful responses. I'm also grateful for the kind words about my commitment to Duxbury Schools – I have been and will continue to be an advocate for our Schools because it's good for our families and our community at large.

I wanted to weigh in one more time before you meet tonight, as I understand your next meeting isn't scheduled until December. While I appreciate your voiced support for Schools as an 'essential service' of the town, I was alarmed to hear David say (and Ted agree) that it will be "up to voters" with an "option to pass an override" for Schools at Annual Town Meeting. This is exactly what I've been encouraging you to avoid. If the town were to "prioritize essential services," those critical departments would be funded first, with the balance of the budget to be allocated among the remaining town services that are important and beloved, but non-essential. If we need to fully fund non-essential services and revenue estimates haven't improved, then we'd look for an override for those non-essential services. We should not be talking about an override to fund Schools at this time.

So again, I ask that the Board of Selectmen vote to make our town's budget priorities clear. In contrast to previous years', the FY'22 budget requires a clear and directed budgeting strategy, as we are preparing for significant cuts to revenue and we were already tight. We can't leave the funding of our Schools up to chance or to a last-minute override attempt. It's time to put our town funding where our values are and fully fund our public health, public safety, and public schools first.

Thanks again for your time. All my best to you and your families for a peaceful and healthy Thanksgiving holiday.

Martha Dennison

To the Board of Selectmen -

I'm writing to ask the Board of Selectmen to fully-fund the Duxbury Schools at a level-services level in next year's town budget.

While members of the Board have indicated that Duxbury Public Schools should be treated as an essential service, the Board has not made a commitment to ensure that our Schools are funded.

In fact, at your direction, Superintendent Dr. Antonucci has laid out a level-funded budget for next year that requires the layoff of more than 18 FTEs, including nearly 12 teachers, which will increase class sizes across all schools; two instructional assistants which will increase Special Ed group sizes; and a social worker at the middle school. With the impact of COVID-19, we are going to have increased needs at our schools next year, as students will emerge from this year with various social, emotional, and educational challenges. We can't afford to cut \$1,050,000 in school services; we NEED to find the funding to preserve school services for our children.

Unless current revenue estimates improve or the federal government passes funding assistance, I understand that preserving School funding may result in cuts to other town departments. I'm asking you to commit to protecting our children by funding our schools first, then making necessary cuts and/or taking money from our Rainy-Day Fund.

Please vote to fully fund our schools with at least a level-services budget.

*Thank you,
Christine Sovik*

From: Suzanne Caswell
Sent: Monday, November 16, 2020 12:57 PM
To: Nancy O'Connor
Subject: Prioritizing Funding in Duxbury

My name is Suzanne Caswell and I've lived in Duxbury for over four years and have 1 child in Duxbury Public Schools in grade 3 and another entering K in 2022. I am also a public-school teacher in a neighboring town. I choose to live in Duxbury because the town has excellent amenities for my family, including a beautiful beach, a wonderful Library, an accessible town pool, a fantastic Senior Center, and a first-rate school district. I am grateful to live in a town that identifies the education of our children as a shared value.

I'm writing to support Board Chair Ted Flynn's efforts to prioritize funding for our Public Schools as essential services in next year's town budget.

Recently you directed town officials to ask for department budgets at the same level of funding (or less) as this year's budget, a scenario that you acknowledged would require significant cuts at the Schools. With a budget that increases by 3% annually to simply deliver the same services, limiting funding at this year's level means more than \$1 million in cuts to our schools. The budget crisis this past spring gave us a preview into what the next round of cuts at the Schools might look like: school teachers and instructional assistants would be laid off, resulting in larger class sizes, fewer services, and the cutting or elimination of valuable programs, like Computer Science and Mandarin. Those cuts will have a direct impact on our children.

I'm asking you to commit to a minimum of level-services funding for Duxbury Public Schools.

Year after year, Dr. Antonucci, Assistant Superintendent Dr. Klingaman, and Business Manager Katie Blake have skillfully and carefully identified cost savings from the schools' increasingly tight budget. It is time that the rest of the town departments do the same.

Our Schools can't sustain more cuts during these uncertain times.

Duxbury Schools has developed a complex COVID-19 re-opening plan for the 2020-21 year, serving nearly 3,000 PK-12 students in person and remotely. DPS administration and staff have developed new protocols and taken on additional costs to open our buildings during this pandemic. If anything, we wish the Schools could do more. Of all town departments, the Schools are not the place to pursue cuts during this crisis.

The reality in this difficult economic time is that the town will likely have to make hard choices to cut town department budgets as well as utilize funds from our Stabilization Fund to balance the budget. In the end, in making those choices, I respectfully request that the BOS make a commitment to recognize the essential services that our Schools provide, prioritize level services in our School budget, and seek cuts elsewhere.

*Best,
Suzanne Caswell*

Ms. MacNab thanked the letter writers as this is a struggle and the Selectmen should be taking a position and setting policy with priorities for the budget process.

Mr. Madigan added that we have set priority on schools and public safety. He continued to say that we will go through the process and see where we go from there.

Mr. Flynn stated that the letters were well-received and that it was still too early in the process, and we need to see the total picture before we commit to cuts.

V. 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>	<u>Term Expires</u>
Nick Bates	Appointment	06/30/23
Peter Dalton	Appointment	06/30/23

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

The following boards/committees have available seats:

<i>Alternative Energy Committee</i>	-	<i>one seats</i>
<i>Design Review Board</i>	-	<i>one Alternate seat</i>
<i>Duxbury Bay Mgmt Commission</i>	-	<i>two seats</i>
<i>Nuclear Advisory Committee</i>	-	<i>two seats</i>
<i>Sidewalk & Bike Path Committee</i>	-	<i>one seat</i>

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.

VI ONE-DAY LIQUOR LICENSE REQUESTS - None

VII EVENT PERMITS - None

VIII MINUTES - None

IX ANNOUNCEMENTS

- 1) Town Hall will be closed on Thursday & Friday – November 26 & 27 for the Thanksgiving Holiday

Please review the State's Covid-19 Guidance for Thanksgiving at <https://www.mass.gov/news/thanksgiving-during-covid-19>

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

X BONUS SHELLFISH (Month of December)

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

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

XI ADJOURNMENT

Ms. MacNab moved that at approximately 8:23 PM, 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) Comcast Cable Renewal Documentation and presentations

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- 3) *Tax Classification Documentation and presentation*
- 4) *Employment Contract – Chief Nord*
- 5) *Liquor License Renewals*
- 6) *Water & Sewer Commissioners – Agenda and Commitment No. 2 (corrected)*
- 7) *Committee Appointments*
- 8) *Announcements*
- 9) *Bonus Shellfish*