

Date: July 29, 2019

Date Minutes Approved: August 26, 2019

TOWN CLERK

2019 AUG 28 AM 8:23

DUXBURY, MASS.

BOARD OF SELECTMEN MINUTES

OPEN SESSION MINUTES

Present: David J. Madigan, Chair; Theodore J. Flynn, Vice Chair; and Shawn Dahlen, Clerk.

Absent: -----

Staff: René J. Read, Town Manager; John Q. Adams, Finance Director; and C. Anne Murray, Administrative Assistant.

I CALL TO ORDER

The meeting was called to order at 7:00 PM in the Mural Room at the Duxbury Town Hall.

II OPEN FORUM

A Duxbury resident (Mr. Shawn Moniri, 791 Keene ST, Duxbury) brought 3 concerns to the attention of the Board:

- 1) A situation he had in which a tax payment he remitted was just over \$5. short and resulted in additional interest (\$6.90) and a 2nd warrant demand fee (\$10.). He questioned this when the Town has program where residents over 62 yrs. old can defer payment of taxes? *Ans. It was noted that most of this situation had been resolved with the payment of the amount due and the waiver of fees where allowed. It was explained that the over 62 yrs. old tax deferment program must be applied for in advance and does not automatically allow for short-falls in payments. Finance Director John Adams also explained that municipal finance laws are very strict. The laws only allow for Treasurer/Collectors' discretion on waiving fees on amounts up to \$5.*
- 2) Beach Issues:
 - a. Piping Plovers: He said "This town is not a bird town." He questioned the need to close the beach because of the Piping Plovers.
Ans.: It was explain to him that the Piping Plovers are a threatened species, and the Town must comply with the State and Federally mandated laws regarding their protection. The Town does not have the authority to deviate from those laws. If Mr. Moniri wants the laws changed then he would need to contact the State Legislators (State Senator Patrick O'Connor and State Representatives Josh Cutler and Kathy LaNatra) and/ or Federal Legislators (Congressman Bill Keating and/or Senators Elizabeth Warren and Edward Markey) to request their advocacy for getting the State and Federal laws changed.
 - b. Rocks on the ORV (Off road vehicle) section of the beach: He said that the ORV section of the beach is all rocks pointing out that you can't comfortably sit on it and it is a potential liability issue should someone fall.
Ans.: Mr. Dahlen addressed this concern by explaining that the rocks on the beach are a natural occurring phenomena. State environmental laws do not allow for the removal of rocks from the beach. Sometimes beach nourishment can be done by trucking in sand to cover the rocks but it is extremely expensive.

III NEW BUSINESS

Discussion pertaining to declaration of surplus property – Harbormaster

Mr. Madigan explained that the Selectmen were asked to declare the following items from the Harbormaster, Conservation, and the DPW Departments as surplus in order to dispose of, sell or donate the items. From the Harbormaster Department the item is a 2006 Steigercraft (boat). Rather than fix this boat it was recently replaced with a surplus Coast Guard craft. From the Conservation Dept. the item is the 2001 Aquamarine Plant Harvester, which is being replaced this fall. The DPW has a list of equipment including tractors, snow blowers, mowers, etc. to be declared as surplus.

Mr. Dahlen moved to declare as surplus the items as presented and requested by the Harbormaster, Conservation and DPW departments in order to allow these items to be disposed of, sold or donated, all in accordance with M.G.L. c.30b and the Town's policies and procedures. Second by Mr. Flynn. VOTE: 3:0:0.

Discussion pertaining to Funding of CPA Requests – presented by Joe Grady

Mr. Madigan explained that the Board is being asked to approve and execute the Grant Agreements for three CPA funding requests that were approved for funding at the 2019 Annual Town Meeting. Mr. Grady was present in case any questions were asked. Mr. Madigan gave a brief explanation of the three CPA funding requests:

1. First Parish Church:

This CPA funding was requested by the First Parish Church for conservation and digital imaging of two record books from the beginning of Duxbury (i.e., 2019 ATM Art. 33 -Historic Records Conservation Project).

2. Duxbury Rural & Historic Society (DRHS)

This CPC funding was requested by DRHS for window and gutter restoration (i.e., 2019 ATM Article 36 – Window and Gutter Restoration at the King Caesar House).

3. Alden Kindred of America

This CPC funding was requested by the Alden Kindred of America for window restoration (i.e., 2019 ATM Art. 37-Window Restoration at the Alden House Historic Site).

Mr. Dahlen moved that the Board of Selectmen approve and execute the Grant Agreement between the Town of Duxbury and the First Parish Church Unitarian Universalists to fund their request from the Community Preservation Fund in the amount of \$16,000.00, as approved by Town Meeting vote under Article 33 of the March 9, 2019 Annual Town Meeting. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Dahlen moved that the Board of Selectmen approve and execute the Grant Agreement between the Town of Duxbury and the Duxbury Rural and Historical Society, Inc. to fund their request from the Community Preservation Fund in the amount of \$52,250.00, as approved by Town Meeting vote under Article 36 of the March 9, 2019 Annual Town Meeting. Second by Mr. Flynn. VOTE: 3:0:0.

Mr. Dahlen moved that the Board of Selectmen approve and execute the Grant Agreement between the Town of Duxbury and The Alden Kindred of America, Inc. to fund their request from the Community Preservation Fund in the amount of \$5,200.00, as approved by Town Meeting vote under Article 37 of the March 9, 2019 Annual Town Meeting. Second by Mr. Flynn. VOTE: 3:0:0.

Adoption of Personnel Policy Changes

Mr. Madigan mentioned that this was a continuation of the Public Hearing from the July 15, 2019 Selectmen's meeting.

HR Director Jeannie Horne explained that there were two proposed changes to the Personnel Plan, both had been reviewed by the Finance Committee, but the Finance Committee voted to only recommend the following change, which will be item p. on page 10 and reads as follows:

“p. Any employee who is scheduled, but is unable to report to work, is required to inform his/her supervisor at least two hours before his/her scheduled shift on each day of absence unless other arrangements are made by the employee and supervisor stating the nature of the absence and expected to return to work date.”

The second proposed change had to do with merit pay and the Finance Committee voted to not to take any action for tonight’s meeting but to take additional time to review the matter. The second proposed change has to do with merit pay for individuals, who are at the maximum of the pay range. The second topic will be re-visited at a separate public hearing. Therefore, the Board is being asked to vote just on the first proposed changed.

Mr. Dahlen moved that the Board of Selectmen approve of and adopt the proposed change to the Personnel Policies noted as item p. on Page 10, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

Update regarding Duxbury Seawall Project

Mr. Read read from his 07-25-19 memorandum “Seawall Project Update”, a copy of which is attached. The memorandum provided an overview of the timeline of discussions with the various permitting agencies [including Army Corps of Engineers (ACOE), Coastal Zone Management (CZM), and Massachusetts Dept. of Environmental Protection (MassDEP)] and actions taken regarding the permitting and construction of the 950 linear feet of replacement seawall. The memorandum explained that initially the permitting agencies were requiring beach nourishment and additional permitting, which would have delayed the construction 18-24 months. The Town Manager’s memorandum added that after further consideration, the agencies now seem to have understood the importance of getting the replacement seawall constructed as soon as possible, and their willingness to help facilitate the permitting process for the replacement wall only; no revetment. Given that the Town is now “cautiously optimistic” for the potential for a fall construction timeframe.

Mr. Read had one additional comment. He mentioned that Mr. Jeff Deady had mentioned that in a recent notification from the ACOE the plans depict removable stairs. Mr. Read explained that this was a request of CZM during the MEPA review process as they don’t want seaward encroachment and impact on the beach.

Mr. Madigan ask how late can we start (construction)? The answer given that it was weather and tide dependent, but construction might be able to done into November.

A question was also raised regarding funding, and Finance Director Adams indicated the Town would have to borrow the funding, but in order to do so Bond Counsel would want to assurance as to where the funding would be coming from. Mr. Read indicated that he has been trying for three months to get the Contract for the State grant, and will continue to do so as this would be needed for work to begin after the permitting process is done.

Mr. Paul Brogna, 21 Village Way and member of the Duxbury Seawall Committee, mentioned that in addition to the recent meeting they have already drafted the possible Request for Proposal (RFP) dates. The tentative schedule would have the RFP advertised Sept. 4th with bids being due by the third week of Septmenber, if the permitting process goes smoothly.

Discussion of Town Manager’s Performance Evaluation

Mr. Madigan mentioned that all three Selectmen had completed a Town Manager Performance Evaluation and the ratings were averaged. If he had one comment it would be that sometimes we need to slow down in the decision-making process and have more residential / committee input before making a decision.

Mr. Dahlen commented that he feels the Town is being well run. It has a great administration with great team members. The volunteers and all their experience also contribute.

Mr. Flynn said to Mr. Read “the fact that you did not get all 4s means you are human.”

IV TOWN MANAGER’S REPORT-

Mr. Read’s report was the “Update on Resident Beach Closure 07-29-19” posted on the Town website under “News”. His report gave an update on the recent beach closure. The closure was ordered by the Board of Health based on recent water quality sampling, which is under their jurisdiction. It provided information about the sample collection & analysis, water quality standards, public notification, and the reason for posting a beach closure. Mr. Read added that the recent beach closure was preemptive. He said we don’t know the exact source, but it could be: the recent rainfall in which one three-hour rain event dropped 5 inches of precipitation, the recent heat wave, or other causes. He mentioned that testing since June 4th had resulted in a geonome of <10 (well within safety limits), but the recent testing had a result of 169 geonome. He noted that testing was done today, and the Town is waiting those lab results, but as soon as the geonome is <35 the closure will be lifted. In the interim, it was mentioned that the bayside is open.

V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION

Historical Commission

Local Historic District Commission

Nuclear Advisory Committee

Mr. Flynn moved to appoint the individuals to the committees indicated and for the terms shown on the table below.
Second by Mr. Dahlen. VOTE:

COMMITTEE / Names	Appointed or Reappointed	Special Position Designation	TERM EXPIRES	MOTION	SECOND	VOTE
¹Historical Commission						
“Terry” (Robert C.) Vose, III	Re-appt.		06-30-22	Mr. Flynn	Mr. Dahlen	3:0:0
Tag Carpenter	Re-appt.		06-30-22	Mr. Flynn	Mr. Dahlen	3:0:0
Mark P. Barry	Re-appt.		06-30-22	Mr. Flynn	Mr. Dahlen	3:0:0
<i>*Local Historic District Commission</i>						
Renée Mierzejewski	Re-appt.	as Architect Inst. Amer. Rep.	06-30-22	Mr. Flynn	Mr. Dahlen	3:0:0
“Terry” (Robert C.) Vose, III	Re-appt.	As Historic District Rep.	06-30-22	Mr. Flynn	Mr. Dahlen	3:0:0
Pamela Campbell Smith	Re-appt.	Alternate	06-30-22	Mr. Flynn	Mr. Dahlen	3:0:0
Peter T. Smith	Re-appt.	Alternate	06-30-22	Mr. Flynn	Mr. Dahlen	3:0:0
Michael McGee	Re-appt.	Alternate	06-30-22	Mr. Flynn	Mr. Dahlen	3:0:0
²Nuclear Advisory Committee						
Matthew Compton	Appt.		to fill an unexpired term due to	Mr. Flynn	Mr. Dahlen	3:0:0

			expire 06-30-20			
--	--	--	--------------------	--	--	--

**Board or Committee is now fully staffed.*

¹ *The Historical Commission and the Local Historic District Commission did meet jointly on July 17th to discuss the proposal of combining their memberships. After discussion, then decided to continue as separate committees, but plan to hold joint meetings quarterly. The Historical Commission has one open seat. Talent Bank forms are being reviewed and the Commission expects to recommend a candidate for appointment after its next meeting.*

² *Nuclear Advisory Committee has one open seat for a 3-year term. Interested parties are encouraged to fill out a talent bank form.*

Recognition of Dimitri Theodossiou

The Selectmen paused to recognize the passing of Dimitri Theodossiou, a long-time Duxbury volunteer. Mr. Madigan mentioned that Dimitri was a civil/structural engineer, who had a career as a Construction Manager. His skills and talents were highly sought after, and he gave generously to the Town of Duxbury with his many years of volunteer service.

Dimitri served for 11 years as a Zoning Board of Appeals Associate, and from its formation until recently on the Duxbury Seawall Committee. He was also on the building committees for the Fire and Police Stations. He will be missed.

Mr. Flynn mentioned that a memorial service for Dimitri will be held in September.

VI ONE-DAY LIQUOR LICENSE REQUESTS

08/31/19 & 09/01/19 Outstanding in the Field Dinner Events

Mr. Dahlen moved that Ms. Anna Gelb, as a representative of Outstanding in the Field, is granted One-Day Wine and Malt Licenses for two (2) dinner events to be held at the property of Charles J. Husk, 160 Marshall Street, on the following dates:

Saturday, August 31, 2019 from 3:00 PM to 8:00 PM *and*

Sunday, September 1, 2019 from 3:00 PM to 8:00 PM,

which are contingent upon the conditions of the licenses. Second by Mr. Flynn. VOTE: 3:0:0.

10/18/19 Duxbury Rural & Historical Society Speakeasy Night

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Erin McGough, as a representative of the Duxbury Rural & Historical Society, a One-Day Wine & Malt License for their "Speakeasy Night" on Friday, October 18, 2019 at the Nathaniel Winsor Jr. House, 479 Washington Street, from 6:00 PM to 8:00 PM, subject to the conditions on the license. Second by Mr. Flynn. VOTE: 3:0:0.

VII EVENT PERMITS

09/21/19 Duxbury Student Union "Splash & Dash"

Mr. Dahlen moved that the Board of Selectmen grant to Ms. Tammy Friend, as a representative of the Duxbury Student Union, an Event Permit for their "Splash & Dash" event on Saturday, September 21, 2019 at the Duxbury

Student Union and Percy Walker Pool, 147 Saint George Street, from 8:00 am to 11:00am, contingent upon the conditions on the permit. Second by Mr. Flynn. VOTE: 3:0:0.

VIII MINUTES

Executive Session Minutes: *none*

Open Session Minutes: *07-08-19 Selectmen Minutes- Draft*

Mr. Madigan moved to approve the 07-08-19 Selectmen Minutes, as presented. Second by Mr. Flynn. VOTE: 2:0:0. (*Mr. Dahlen abstained as he was not present at that meeting.*)

IX ANNOUNCEMENTS

1) Special Town Meeting:

A Special Town Meeting is scheduled for Monday, August 12 at 7:00 pm at the Duxbury Schools' Performing Arts Center, 73 Alden St.

The STM Warrant has been posted at precinct locations and is available online. (See "News" on the Town website.) Copies will also be available at the Special Town Meeting.

2) Open Board and Committee Seats

A list of open Town board and committee seats has been posted in the "News" section on the Town website. If you are willing to volunteer for a Town board or committee, please review the list and fill out a Talent Bank form.

3) Next Regularly-Scheduled Selectmen's Meeting will be on Monday, August 26, 2019.

4) Alden House Archeological Exhibit Opening:

There is a new archeological exhibit opening at the Alden House. The opening reception will be held on Friday, August 2nd from 4-6 PM. The exhibit is entitled "A new Look at Mayflower Pilgrims John and Priscilla Alden." The exhibit is based on artifacts unearthed in 1960 and being re-analyzed by the University of Massachusetts-Boston. It is supported by the Rockland Trust Charitable Foundation, the Rockwell Foundation, and the Daughters of American Revolution and is free.

XI BONUS SHELLFISH SEASON (August 2019)

Mr. Dahlen moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for:

the commercial harvesting of quahog clams for the month of August, 2019 in accordance with posted Attachments A & B.

Second by Mr. Flynn. VOTE: 3:0:0.

X ADJOURNMENT

At approximately 7:53 PM Mr. Dahlen moved to adjourn the Board of Selectmen Meeting. Second by Mr. Flynn. VOTE: 3:0:0.

Minutes prepared by C. Anne Murray

LIST OF DOCUMENTS FOR 07-29-19 SELECTMEN'S MEETING (Documents located in the selectmen's office files.)

- a. *Agenda for 07-29-19 Selectmen's Meeting*
 - b. *OPEN FORUM: no documents*
 - c. *NEW BUSINESS:*
 - 1. *Declaration of Surplus Property: Coversheet with explanation of items to be declared surplus and suggested motion.*
 - 2. *Discussion Pertaining to Funding of CPA Requests: Coversheet with brief explanation of the 3 CPA Funding requests and suggested motions; complete packets of the requests and the ATM articles and votes.*
 - 3. *Adoption of Personnel Policies Change: proposed language for p. on page 10 and proposed changes to language on Appendix A regarding merit pay.*
 - 4. *Seawall Project Update: René J. Read Memorandum "Seawall Project Update" dated July 25 2019.*
 - 5. *Town Manager Performance Evaluation: Averaged results of Performance Evaluations prepared by three Selectmen on Town Manager*
 - d. *TOWN MANAGER REPORT: Update on Resident Beach Closure –July 29, 2019*
 - e. *COMMITTEE APPOINTMENTS/REAPPOINTMENTS*
 - a. *07-2919 Appointments / Re-appointments sheet*
 - b. *Recognition of Dimitri Theodossiou*
- For each of the following ODLL AND EVENT REQUESTS the packet included the Event Permit application and other details provided about the event, route maps, if applicable, results of the department feedback received, and a drafted Event Permit incorporating the conditions indicated*
- f. *ONE-DAY LIQUOR LICENSES:*
 - 08-31-19 and 09-01-19 Outstanding in the Field dinners*
 - 10-18-19 DRHS Speakeasy Night*
 - g. *EVENT PERMIT(S):*
 - 09-21-19 DSU Splash and Dash*
 - h. *MINUTES:*
 - EXECUTIVE SESSION: none;*
 - OPEN SESSION MINUTES: 07-08-19- Selectmen's Minutes-Draft.*
 - i. *SUGGESTED ANNOUNCEMENTS for 07-29-19.*
 - j. *Bonus Shellfish Season for August, 2019.*

