

Date: December 13, 2021

Date Minutes Approved: 01/03/2022

TOWN CLERK

2022 JAN -5 AM 8:46

BOARD OF SELECTMEN

OPEN SESSION MINUTES

Present: Fernando Guitart, Vice Chair; Cynthia Ladd Fiorini, Clerk; Theodore J. Flynn; and Michael McGee

Absent: Amy M. MacNab, Chair

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

Others: Joanne Moore, Director of COA (attended remotely); Valeria Massard, Planning; Scott Casagrande, Planning Board Chair; and Brian Glennon, Planning Board Vice Chair

CONVENED IN OPEN SESSION (*In-person in the Mural Room and via remote participation*)

I. CALL TO ORDER This meeting was called to order at approximately 7:00 pm.
Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public and board members, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. Members of the public who wish to watch the meeting may do so by viewing the Duxbury Government Access Channels – Verizon 39 or Comcast 15. Viewers can visit www.pactv.org/duxbury for information about Duxbury programming including streaming on Duxbury You Tube, to watch replays and Video on Demand.

II PLEDGE OF ALLIGIANCE

III OPEN FORUM PUBLIC COMMENTS

No comments from the public.

IV NEW BUSINESS

7:01pm – Hearing – Transfer of Liquor License for Duxbury Wine & Spirits

Open Public Hearing:

Ms. Ladd Fiorini moved that the Board of Selectmen open the public hearing regarding the Transfer of Liquor License from Mr. Joseph Carroll, d/b/a Duxbury Wine & Spirits Company Inc. to Mr. Michael Carroll, Manager, d/b/a Duxbury Wine & Spirits Company Inc.

Seconded by Mr. Flynn Roll Call Vote: Mr. McGee-Aye; Ms. Ladd Fiorini-Aye; Mr. Guitart-Aye; and Mr. Flynn-Aye

Ms. O'Connor stated that Mr. Joseph Carroll is deceased so the license is being transferred to his son, Michael Carroll and that this was the only change to the license. There was no other discussion.

Ms. Ladd Fiorini moved that the Board of Selectmen, acting as the Local Licensing Authority, approves the Transfer of License from Mr. Joseph Carroll, d/b/a Duxbury Wine & Spirits Company Inc. to Mr. Michael Carroll, Manager, d/b/a Duxbury Wine & Spirits Company Inc., for the Retail Package Goods Store All Kinds of Alcoholic Beverages License #00015-PK-0300 for the property located at 1 Washington Street and subject to the requirements of the Town of Duxbury and the ABCC (Alcoholic Beverages Control Commission)

Seconded by Mr. Flynn Roll Call Vote: Mr. McGee-Aye; Ms. Ladd Fiorini-Aye; Mr. Guitart-Aye; and Mr. Flynn-Aye

Ms. Ladd Fiorini moved that the Board of Selectmen close the public hearing.

Seconded by Mr. Flynn Roll Call Vote: Mr. McGee-Aye; Ms. Ladd Fiorini-Aye; Mr. Guitart-Aye; and Mr. Flynn-Aye

7:05pm – Fee Hearing – proposed fee increases for the Senior Center

Today's fee hearing was advertised in *the Duxbury Clipper* on Dec 1 and Dec 8, 2021. The proposed fee increase was reviewed by the Fiscal Advisory Committee at their meeting on December 1, 2021, and they unanimously voted in favor of the proposed fee increase.

Ms. Ladd Fiorini moved that the Board of Selectmen open the public hearing regarding proposed fee changes for: *Senior Center*

Seconded by Mr. Flynn Roll Call Vote: Mr. McGee-Aye; Ms. Ladd Fiorini-Aye; Mr. Guitart-Aye; and Mr. Flynn-Aye

Ms. Joanne Moore, Director of the COA, stated that she is requesting a \$1.00 increase for the home delivered meals program. Mr. Guitart asked about those who could not afford this increase. Ms. Moore replied that the fee paid is on a sliding scale based on income guidelines established by OCES, so the fee can be adjusted.

Ms. Ladd Fiorini moved that the Board of Selectmen approve the Senior Center fees as listed in a memorandum dated November 17, 2021 from Joanne Moore, Director, and as recommended by the Fiscal Advisory Committee, with new fees starting effective January 1, 2022.

Seconded by Mr. Flynn Roll Call Vote: Mr. McGee-Aye; Ms. Ladd Fiorini-Aye; Mr. Guitart-Aye; and Mr. Flynn-Aye

Ms. Ladd Fiorini moved that the Board of Selectmen close the public hearing regarding proposed fee changes.

Seconded by Mr. Flynn Roll Call Vote: Mr. McGee-Aye; Ms. Ladd Fiorini-Aye; Mr. Guitart-Aye; and Mr. Flynn-Aye

Discussion regarding Hart Conservation Restriction – correction and re-signing

Mr. Guitart stated that there needed to be additional information provided to the legal description so the document could be recorded and that was the only change. *(The Selectmen previously approved this CR on 10/4/21; however, the Land Court requested additional information to Exhibit A – Legal Description of the Premises – to include the subdivision plans.)*

Ms. Ladd Fiorini moved that the Board of Selectmen vote to grant and approve the Conservation Restriction from Douglas E. Hart and Lyndia D. Hart to the Wildlands Trust, Inc., pursuant to MGL Chapter 184, Sections 31-33, as presented.

Seconded by Mr. Flynn Vote: 4:0:0

Mr. Guitart thanked Mr. Hart, who was in attendance, for granting a portion of their land to the Wildlands Trust for conservation purposes.

Update from Board member Fernando Guitart regarding D.E.I. (Diversity, Equity, and Inclusion) Summit

Mr. Guitart provided a brief update on the DEI Steering Committee's plan for a community-wide summit, which purpose is to bring all voices into the room to determine what kind of action to take as a Town. Because of the complexity of planning this summit and to not exclude anyone, prior to this very important event, the committee wants to develop a Town-wide survey, send out during the second quarter of 2022, and obtain the feedback well before the Summit, which is currently planned for the Fall of 2022. He stated that they want enough time to plan for an all in-person event. He also mentioned that they are working with Emily Torres, Co-Director of Strategic Initiatives (community outreach and engagement) for the MAPC (Metropolitan Area Planning Council), in order to apply for a grant to fund a consultant. Mr. Guitart will continue to provide updates in anticipation of the Summit.

Review pertaining to renewal of annual licenses – Class II Auto for Millbrook Auto Sales

Ms. Ladd Fiorini moved that the Board of Selectmen renew the following Class II Auto – Used Car Dealer's License – for Shawn Boyd, Principal of 1620 Auto Inc., d/b/a Millbrook Auto Sales located at 1474 Tremont Street, for the year 2022, subject to satisfactory inspection by the Municipal Services Department, receipt of all renewal requirements and payment of all funds/fees owed to the Town of Duxbury. *Seconded by Mr. Flynn Vote: 4:0:0*

Town Manager's FY23 Budget Presentation

Mr. Read read the following into the record:

Good evening. The FY23 operating budget I present to you this evening is balanced. Further, it has been balanced without having to resort to layoffs or through the use of Stabilization Funds and without a recommendation for using an override measure to do so.

We started the year with a 5-year projection that showed we could afford an increase to operating budgets of approximately 4.77%. This increase was mainly due to the Town reducing its estimated revenues in FY 2021 by over \$2M as a result of the tremendous uncertainties ahead related to the pandemic. Luckily our revenues did not decline but almost came back to 2019 levels.

We realized that increasing operating budgets by 4.77% would be short-lived and not sustainable due to the one-year re-adjustment of our estimated revenues. Instead, the Finance Director wisely proposed utilizing this increase by spreading it out to 3.6% over two years to be more sustainable. With that information, the budget message went out to department heads in early August asking them to provide a level services budget and also to let us know what additional requests they thought

would be necessary to provide needed increases to service levels. In that message, we explained to the Department Heads that our FY 2021 local receipts revenues had nearly returned to 2019 levels. We explained that total FY 2021 revenues exceeded FY 2020 by over \$760K with Beach Sticker Sales accounting for \$680K of that and Penalties and Interest on taxes and Trash Fees had also trended upward. Finally, we concluded to them that while the effect that COVID had on our FY 20 revenues appeared to have dissipated, our future estimates would need to be looked at carefully in light of lingering public health issues and inflation.

Using our original target percentage of 3.6% over two years resulted in the General Government portion of the budget receiving \$20,143,863 and the School Department receiving \$32,465,399 with level services for the schools coming in at roughly \$275,000 less than the target amount. Once we had received all of the level service budget requests for General Government functions, we found that we were faced with a 3.75% increase without having factored in amounts for projected Non-Union wages and Collective Bargaining Contracts for FY 2023 and beyond. Thus, level services for the Town translated into reductions of roughly \$175K leaving the current proposed budget with enough room for collective bargaining cost estimates and the implementation of the Compensation and Classification Plan.

In our budget message to the Department Heads, we asked them to provide us with a list of additional items, in the order of their priority, that they would like us to consider in addition to their proposed level services budget. Unfortunately, most of the requests for funds above level services could not be addressed. There are numerous important initiatives still left unresolved and these will have to be considered in future years.

For example, of the four requests suggested by the Police Department – three (3) new officers to create a traffic enforcement division; restoration of the overtime line to FY 2021 levels; a part-time records clerk and the reinstatement of beach patrol funding - only the latter item could be funded and for that we are proposing to use ARPA funds.

In order to fund some of the other projects or initiatives in which you will see an increase to the departmental lines in the omnibus budget, we are recommending using ARPA funding for revenue replacement in the following areas:

- Last year we reduced our seasonal help in the Cemetery by two positions and in the Lands & Natural Resources division by two positions as well. My proposed budget includes the restoration of these four (4), part-time positions using ARPA funding for revenue replacement.
- Since we typically do not commit to capital items in our Operating Budget, we also recommend using ARPA funds for the next two years for the federal Storm Water Permit work which we recommend now be part of our Capital Plan going forward.

One of the key drivers in this year's budget was addressing an issue not unique to Duxbury but a national trend - employee turnover. Looking at our Compensation and Classification plan showed

much inequity within our Non-Union wage scales. As I noted at a previous Board meeting, we carefully reviewed the results of the GovHR classification and compensation study and we concur with their recommendations relative to non-union employees.

To advance their non-union recommendations, we had to make sure we had put enough funds aside in Article 4 (entitled Funding of Salaries) and still stay within the 3.6% target. To do so, we developed a strategy to move forward with an incremental, multi-year funding and implementation approach to include merit pay as well as adjustments for 32 non-union employees whose present compensation falls below the minimum of the new pay range for their classification.

We also looked closely at the strain that has been placed on our Human Resources staff for several years. That said, I am proposing the addition of a full-time Assistant Human Resources Director position.

By adding this one (1) full-time Assistant Director position, it will help handle the work items the HR Director and the existing staff simply do not have the capacity to initiate and/or continue doing unassisted. A partial list of those functions includes new hire orientation; workplace investigations; collective bargaining; reporting; EEO, ACA, FOIA, HIPAA, benchmarking, compensation, etc.; compliance with Federal and state mandates; leave administration (military, FMLA, SNLA, parental, personal, medical, unpaid, etc.); performance evaluations; professional development and training; employee files/recordkeeping; employee recognition; wellness; DOT drug testing program; risk management; DEI efforts; succession planning; special projects and a variety of other functions.

Additionally, through this proposed hiring, it will not only provide the long-overdue assistance that has been needed but it will also bring the Town closer to the industry standard HR-to-Employee ratio of 1.4 full-time HR staff per 100 employees from 0.85 to 1.19.

Finally, because of staffing reductions having been made elsewhere in the budget previously, the inclusion of this position will not increase the Town's non-public safety employee headcount. Specifically, in FY21, the Assessing Office reduced a full-time position to part-time and a full-time Aquatic Supervisor position was laid off. In FY22, as a result of the library reorganization, a Division Head and Associate position were reduced and part-time associates were added which effectively resulted in the FTE calculation being reduced by 1 because of that re-organization.

Our recent search to fill the vacant Planning Director position did not yield the results for which we had hoped for a number of reasons. While preparing to re-post the position after the first of the year, our former Planning Director suggested an idea worthy of consideration to the extent that I am making it part of my budget recommendation. Val has agreed to continue working with the Town on a part-time basis for which we have budgeted for 10 hours/week (she is currently working 5 hours/week). The result is a reduction in the salary line in that department of just over \$74,000. I need to emphasize here that this proposal is only a temporary situation and it would conclude by June 30, 2023 (the close of the fiscal year).

This presents an opportunity for the Town to allow the job market to settle in such a way that could offer us a candidate pool that more closely suits Duxbury's needs. Further, the reduction in the hours of the Planning Director position is not something new to Duxbury. Prior to the arrival of our previous, full-time planner, we hired a part-time Interim Planning Director who was here for several months. What is different is the duration of time we would have this arrangement. But along with that, the circumstances are very different as well.

For some time more recently, the activity volume and focus within the planning department have shifted from primarily a Planning Board supporting role relative to site plans and subdivisions to a wider, more diverse audience. The volume of specific work related solely to the Planning Board has tapered off as the town itself has approached buildout conditions, while the request for staff assistance to a variety of other groups has re-oriented the department's focus to look at broader planning needs in the community, including climate resilience and responsibilities as the floodplain administrator for the town relative to sea level rise and planning around flood mitigation.

By continuing on with our arrangement with our former Planning Director into FY23, we will have the advantage of an employee who understands our community and its various rules and regulations, is a known entity to the departments with whom she has been and is working, the many boards and committees she served and the various state, regional and local entities with whom she interacts.

Through this arrangement, the Town will be in a strong position to see the Exit 20 (formerly Exit 10) improvement plan project move ahead (since Val serves as the full-time Planning Director in Kingston), she will be able to continue assisting the DPW with the Complete Streets program which has a correlation to the Sidewalk and Bike Path Committee, continuing her work on the seawall project including coordinating the CZM Grant between Marshfield & Duxbury on beach nourishment and her work with Woods Hole Group, finalizing updated zoning maps, in addition to any other project that may come up in the future, such as facilitating the update to the Hazard Mitigation Plan, and maintaining grant program eligibility through annual reporting mandates while coordinating with these other departments. Again, this is only a temporary situation - at this time next year, I fully anticipate that I will be recommending that the position be filled at a full-time funding level.

There are, of course, many other facets to the proposed FY23 Operating Budget, some of the highlights of which are noted in the following chart:

300 - Schools	\$275,000	Amount above level service
210 - Police	\$135,007	CBA Steps: \$74,319, O.T.: \$52,711; Expense Transfer from IT: \$6,150; True up Electric Costs: \$6,500
161 - Town Clerk	\$90,704	Additional Election w/ COVID hours: \$36,411; w/expanded hours: \$21,772; \$17,559
220 - Fire	\$79,103	CBA Steps: \$48,992; O.T. \$16,050; EMS Supplies \$7,000

155 - Information Systems	\$66,559	New Software \$133,052; Salary Decrease \$47,564; Removed software \$11,337; Transferred exp to pd \$7,593
152 - Human Resources	\$63,730	Assistant Director starting Sept 1, 2022 - \$62,500
610 - Library	\$58,822	Plan to increase budget to MAR by reducing benefit eligible salaries for more General Expense items and services
440 - Sewer	\$29,598	Inflationary Costs
634 - Beach Operations	\$27,061	Increases to minimum wage
631 - Percy Walker Pool	\$22,719	Increases to minimum wage
419 - DPW Administration	\$15,112	Inflationary Costs

In the end, all of these proposals and recommended changes have put us at 2.76% increase over FY 2022. With that, this will give us room enough for the collective bargaining process and implementation of the Compensation and Classification Plan.

In prior years I have explained that our ability to provide services to the levels citizens expect is an ever-growing challenge – that challenge remains. In the days and weeks ahead leading up to the March 2022 Annual Town Meeting, I look forward to the conversations we will be having with the Finance Committee about this proposed budget even in more detail as we review our respective recommendations. I want to thank all of the Department Heads and their staff members for the work they have done to help with this process and I truly appreciate their efforts. And to my friend and colleague John Adams, I want to offer my sincerest gratitude for all of his efforts in helping put this information together. I am truly grateful – thank you!

Mr. McGee questioned the use of ARPA funds for salary purposes. Mr. Adams confirmed that he already had conversations with our auditors and would always get auditor approvals first. He also mentioned that the purposes for the use of these funds is fairly broad.

Ms. Ladd Fiorini expressed her concern regarding taking out a position (namely the Planning Director) from the budget because once you take it out, it's hard to find the money to put back in again. She also raised the question as to whether or not there is a conflict with Ms. Massard serving two towns (Duxbury and Kingston).

Mr. Scott Casagrande, Planning Board Chair, stated that the Planning Board has thought about this idea broadly (Ms. Massard working on a part-time consulting basis until a new Planning Director is hired), and it has been a while already. He remarked that they didn't find the right fit with the applicant pool so from a Planning Board standpoint, it made sense to continue with Ms. Massard. He said that she will continue with the next phase of Envision Duxbury – re-codification of the Zoning By-Laws. He also added that this was a good option right now given Ms. Massard's familiarity with

the Town of Duxbury and also noted that Kingston is aware of this arrangement. He continued to say that they need more time to search for a new Planning Director.

Mr. Glennon, Planning Board Co-Chair, agreed with Mr. Casagrande's message. He added that they have a terrific resource with a very capable administrative assistant (Emily Hadley) in the Planning office. He stated that Ms. Massard has done a great job training Ms. Hadley, and although there is no replacing Ms. Massard, it is nice to have someone available at the counter and when people call. He remarked that this a good short-term fix until they find the right replacement.

V TOWN MANAGER'S REPORT

Mr. Read mentioned that he will be meeting with Eversource later this week for their after-action storm review. They were supposed to meet last week, but some of the people at Eversource were not available. Mr. Read also stated that the Water Departments Master Plan report was not complete as they still need to flush the entire system and collect all of the data, so they are looking for a report in the March/April timeframe.

Ms. Ladd Fiorini provided an update on the Afghan family who just moved into Duxbury. They are all doing well, the two older of the five children will be starting school at Chandler next week. She also commended the schools for their hard work. The father already has a job lined up – just waiting for his working papers.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS None

VII ONE-DAY LIQUOR LICENSE REQUESTS None

VIII EVENT PERMITS None

IX MINUTES

Ms. Ladd Fiorini moved to approve the 12/06/21 Selectmen's Open Session Minutes, as presented.

Seconded by Mr. Flynn Vote: 4:0:0

X ANNOUNCEMENTS

1. Dog Licenses and Walking Permits:

2022 Dog licenses and walking permits are now available. Licenses may be purchased online using the Town Clerk's online payment center, by US Mail or at the Town Clerk's counter. Dog Walking permits are required to take your dog to Duxbury Beach and on Town of Duxbury/Conservation land. If you have any questions, please contact the Town Clerk's office at 781-934-1100 x5450 or x5451

2. Nomination Papers for Town Election – The following offices will be on the ballot for the 2022 Town Election: **one** Selectman for a term of 3 years, **one** Assessor for a term of 3 years, **one** Moderator for a term of 3 years, **one** Town Clerk for a term of 3 years, **two** School Committee members for a term of 3 years, **two** Planning Board members for a term of 5 years, **two** Library Trustees for a term of 3 years, **one** Duxbury Housing Authority member for a term of 5 years, **one** Duxbury Housing Authority member for an unexpired term of 3 years. Nomination

papers are available at the Town Clerk's office and are due back to the town clerk by 5:00 pm on Monday, February 7, 2022. A candidate must obtain 50 signatures, certified by the town clerk's office, to appear on the ballot.

3. Absentee Ballots for 2022 Annual Town Election - If you will not be able to vote at the polls on March 26, please stop by the Town Clerk's office and fill out an absentee ballot application or contact the Clerk's office to receive an application in the mail. Once the signed application is received, an absentee ballot will be sent as soon as it is available.

4. 2022 Census – The Annual Census will be mailed shortly. Please take a moment to sign the form, making changes if necessary, and return it to the Town Clerk's office. This information will be used to compile next year's Annual Street List. **Reminder: No voter can be added to the voting rolls using the census.** To register to vote, please visit the office to complete a voter registration card or register online through the Secretary of State's website at www.sec.state.ma.us

5. Holiday Town Hall Closures:

The Town Hall will be closed on Friday, December 24th (Christmas Eve) and on Friday, December 31, 2021 (New Year's Eve).

The Duxbury Council on the Aging will be closed on Friday, December 24th (Christmas Eve) and on Friday, December 31, 2021 (New Year's Eve).

The Duxbury Free Library will be closed from Friday, December 24, 2021 (Christmas Eve) through Sunday, December 26, 2021 and will resume regular hours on Monday, December 27, 2021.

The Duxbury Free Library will be closed on Friday, December 31, 2021 (New Year's Eve) and also Saturday, January 1, 2022 (New Year's Day) and will resume regular hours on Sunday, January 2, 2022.

The Percy Walker Pool will be closed on Friday, December 24, 2021 (Christmas Eve) and will remain closed all day on Saturday, December 25, 2021 (Christmas Day).

The Percy Walker Pool will be closed on Friday, December 31, 2021 (New Year's Eve) and remain closed all day on Saturday, January 1, 2022 (New Year's Day).

The Transfer Station will be closed by 12 Noon on Friday, December 24, 2021 (Christmas Eve) and will remain closed all day on Saturday, December 25, 2021 (Christmas Day) and will be open its regular business hours on Sunday: 8:00 am to 4:00 pm.

The Transfer Station will be closed on Saturday, January 1, 2022 (New Year's Day) and will be open for its regular business hours on Sunday: 8:00 am to 4:00 pm.

6. Next Scheduled Selectmen's Meeting will be on Monday, January 3, 2022 at 7pm.

Wishing everyone a healthy and safe Holiday Season.

XI. BONUS SHELLFISH (Month of January, 2022)

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

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

Seconded by Mr. Flynn Vote: 4:0:0

XII ADJOURNMENT

Mr. Guitart wished everyone Happy Holidays on behalf of the Board of Selectmen.

Ms. Ladd Fiorini moved that the Board of Selectmen adjourn at approximately 8:07 p.m.

Seconded by Mr. Flynn Vote: 4:0:0

Minutes submitted by Nancy O'Connor

LIST OF DOCUMENTS

- 1) *BOS Agenda*
- 2) *Hearing – Transfer of Liquor License – Duxbury Wine & Spirits*
- 3) *Hearing – Fee increase – Senior Center*
- 4) *Annual License Renewal – Class II Auto – Millbrook Auto Sales*
- 5) *Town Manager's FY23 Budget Presentation*
- 6) *Minutes*
- 7) *Announcements*
- 8) *Bonus Shellfish for January 2022*