

Date: October 21, 2019

Date Minutes Approved: November 4, 2019

TOWN CLERK

2019 NOV -5 PM 2:10

BOARD OF SELECTMEN MINUTES

OPEN SESSION, MASS.

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

Absent:

Staff: René J. Read, Town Manager; and C. Anne Murray, Administrative Assistant

I CALL TO ORDER

The meeting was called to order in Open Session at 7:00 PM in the Duxbury Town Hall (Mural RM).

II OPEN FORUM - Nothing was brought forward.

III NEW BUSINESS

Discussion Pertaining to Lincoln Street property / Duxbury Affordable Housing Trust (DAHT)

Ms. Diane Bartlett, Chair of the DAHT, said the Dodson and Flinker report identified potential properties for development as affordable housing. The Selectmen are being asked to permit a perc test to be done on the one-acre parcel on Lincoln ST identified in the report. Per conversations with Mr. Scott Lambiase it is felt that the parcel might be able to be developed for 1 -2 condos / duplexes. To determine that the next step would be a perc test (i.e., a Percolation Test).

Mr. Dahlen added that if the property percs, then there would be a Town Meeting article to transfer the property from the care and custody of the Selectmen to the DAHT. Then the DAHT would put out a request for proposals to seek bids for development as has been done with other properties.

Ms. Bartlett also let the Selectmen know that that the SHI (Subsidized Housing Inventory) in Duxbury is currently at 7.81% with 2 additional units to be added in the future. The goal is 10%, but Ms. Bartlett noted that the percentage needed will be re-calculated next year based on the 2020 census and the development which has occurred since the last census.

In order to "safe harbor," which dictates how many units have to be build, Duxbury has 5532 total housing units according to 2010 Census, so we would need to do 28 per year or 55 units for two years of safe harbor.

Mr. Dahlen moved that the Board of Selectmen grant permission for the perc testing of the Lincoln Street property, parcel # 056-500-0058, which is under the care and custody of the Board of Selectmen. Second by Mr. Flynn. VOTE: 3:0:0.

Discussion Pertaining to Dog Walking Permit – draft

Present for this item of business were Town Clerk Susan Kelley, Conservation Administrator Joe Grady, and Animal Control Officer Eddy Ramos.

Ms. Kelley began the discussion with some history of the dog walking permit program and point of sale information. She mentioned the following:

- That she, Mr. Grady and Mr. Ramos had been meeting for several months to work on the proposal being presented tonight and that input from the Conservation Commission was also sought as part of the process.
- Duxbury has had a Dog Walking Permit for Duxbury Beach in place for many years. In 2014 it was moved to the Town Clerk's administration for several reasons. (a) To help get the Duxbury Beach Rules and Regulations into the hands of those walking dogs on the beach; (b) As a public safety matter as it allows only licensed dogs to be walked on the beach and to be licensed a dog must have a rabies vaccination.
- She referred them to the copy of the Dog Walking Permit Rules and Regulations (draft 10-11-19) provided. This was developed by them and incorporates the beach rules from the Duxbury Beach Reservation, Inc. and the Duxbury Police Department. It has been reviewed by Town Counsel.
- What they are proposing is an expansion of the dog walking permit to cover not just the beach, but also to be required for the Duxbury Conservation areas and other town-owned land. The dog walking permits would only be issued to owners with a current dog license. It would require the owner / responsible walker to clearly display the permit when walking on the Duxbury Beach or conservation areas.
- In 2017 the fee of \$5.00 per dog walking permit was charged to offset the cost of the tags and the mutt mitt disposal bags and the disposal costs with those over age 70 years not being charged the fee.
- There are currently 13 Town areas where the mutt mitts are available. The DPW makes trips 3 times per week in the summer and 2 times per week the rest of the year to empty the waste disposal containers.

Conservation Administrator Joe Grady spoke about the current conditions and the need to expand the program for the protection of town-owned land. He mentioned;

- The Town's conservation lands are being heavily used by both residents and non-residents as dog walking areas.
- Currently the Town contracts for the waste removal and the cost is about \$11,000 per year. As previously mentioned, during the summer the disposal bins are emptied three times per week by the DPW.
- The amount of waste is significant. Each container holds a 10 gallon bag and in one weekend the East Street bog has 20 gallons of dog waste. While the removal of a waste is a good thing and having the land used is positive, it has increased costs.
- There have also been conflicts between users and it is hoped that this will help let the parties know the rules and identify the parties who are not following them so problems can be resolved.
- Their proposal is for \$5.00 to continue for residents, but to charge a \$20 to \$25 fee for non-residents, but it would be up to the discretion of the Selectmen to set the fees. He mentioned that there are a large number of non-residents who bring their dogs to Duxbury as they are not allowed on other town's beaches or lands. With the large non-resident users there is a concern that many of the dogs are not licensed and have not had their rabies vaccinations. This is becoming a public safety concern. Plus it is felt that the non-residents should be contributing to the costs.
- He mentioned that thousands of dogs are being walked on the Town lands. This past year 1800 dog walking permits were issued for the beach alone.

Animal Control Officer (ACO) Eddy Ramos spoke about some of the issues he has and the enforcement piece. He mentioned:

- A big part for the ACO is trying to identify reported offenders. He thinks with the permit number it will make it easier for the ACO to do so.
- They did not want to penalize the residents, but felt this would be a means to help with educating the non-residents regarding the rules for dog walking in these areas.
- Duxbury has been promoted in the press as a place to take your dogs, and the numbers coming here have increased, esp. as walking dogs are banned or restricted in other S. Shore towns. A fee might reduce the numbers coming slightly.
- He suggested that the fines could be similar to the current fines: \$25.00 for 1st offense; \$50.00 for second offense; \$100.00 for 3rd offense, and \$200.00 for 4th and subsequent offenses.
- Issuing a permit would also allow the Town the right to revoke the permit to eliminate dogs that attack people or other dogs or those owners/walkers who continue to break the rules.

Mr. Read asked some questions:

Q.: When did the Beach Dog Walking Permit program start? Ans. At least 10 years ago.

Q.: Costs? Ans.: \$4000. / Yr. for Mutt Mitts + \$500-600. For tags + about \$700. For 3000 permits

Q: What is the number of dog walking sites? Ans. The proposed permit would be for the beach plus currently about 13 additional conservation sites plus potentially 7 more which being requested.

Q.: Is signage in place? Ans.: There is signage at major dog walking spots, including: East ST bogs; Crowley Bogs, Round Pond, North Hill, Myles Standish Cellar hole, and both ends of the Powder Point Bridge.

Q. He asked about enforcement? Ans. In the rules and regulations the Enforcement Officers are: The ACO and any appointed Asst. ACO; the Health Agent, the Conservation Administrator, Harbormaster, Asst. Harbormaster, Coastal and Natural Resources Dept. Personnel and Police Officers. It was also mentioned that on the beach dogs are required to be on a leash at all times. In the conservation areas if off-leash, then the dog must be under voice control as determined by the Enforcement staff; not the owner / walker.

Q: What will the effective date be? Ans.: January 1, 2020. Given the information provided Mr. Read suggested that signage be put up now letting people know that as of January, 2020 they will need a dog walking permit and the details. Then the signage should be updated as of January, 2020. He also suggested that on the form category C be struck and instead note that it is the violation fines of the provisions.

There was a brief discussion by the Board about the amount of the fee to set with the consensus being that \$5. was not enough, it should be at least \$10. for residents. The amount of \$25. was considered an appropriate charge for non-residents.

Mr. Dahlen moved to expand the Dog Walking Permit Program to include Town-owned and Conservation Land with rules and regulations as set forth in the pamphlet entitled "Dog Walking Permit Rules and Regulations (draft 10-11-19), such program to begin January 1, 2020 with a \$10.00 charge for resident (dog-walking) permits and a \$25.00 charge for non-resident (dog-walking) permits. Second by Mr. Flynn. VOTE: 3:0:0.

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

Ms. Jeannie Horne, Town of Duxbury Human Resources Director, asked the Board to set the rates for the proposed Blue Cross Blue Shield retiree Medex II and Managed Blue for Seniors plans. The plans include the prescription drug plan. The good news was her request that the rates be set with no rate increase (i.e. same rates as last year). So the rates will be for Medex II \$167.20 /mo. per individual and for Managed Blue for Seniors will be \$154.67/ mo. per individual.

Ms. Horne mentioned that last year there was a significant rate increase: Medex increased 8.4 % and Managed Blue was increased 4.9%. The rates are tied to our claims experience, cost of drugs, and medical trends. This year prescription and medical experience costs were lower so we are beating the medical trend of 3% to 3.5%.

Mr. Dahlen asked if there was danger in not rounding out the increases and decreases. Ms. Horne said incremental increases were considered, but the experience has been so good this year and the funds have recovered so an increase was not warranted.

IV TOWN MANAGER'S REPORT

Town Manager René Read mentioned the following items:

1. Storm Update / EVERSOURCE:

Mr. Read mentioned that several areas of the Town were without power for up to 3 days. The Town Manager's office received a number of complaint calls, which included the following comments:

- No satisfaction from talking with Eversource customer service.
- One of the work crews hired by Eversource told a resident that only 5 trucks were hired for the entire South Shore to take care of branches and that the trucks were not bringing along no chippers and tree debris was thrown to the edge of the roads for the Town to remove.
- Eversource has no plan for the cleanup and is providing no information to customers.
- Given escalating electric bills Eversource should be providing better service.
- Eversource pulled all of their assets (aerial lift trucks, tree crews, on the ground personnel) from Duxbury by 6:00 p.m. last night. Please explain if this is correct and why.

He said he sent the comments directly to Eversource for response. Within two hours he received a call from Eversource Operations Manager. Mr. Read shared the information he received, which was as follows:

- Customer service is scripting a Duxbury specific response in which they will be asking for the customer's resident address and from that be able to give more specific restoration timeframes. He mentioned that there were about 1600 Duxbury residents without power. It is Eversource's practice to try to restore neighborhoods with the largest number of outages first to get as many customers powered restored as soon as possible and then to work on small outages.

- Operations team deployed:
 - 5 line crews
 - 6 damage assessors
 - 5 tree crews
 - 3 line down guides (Personnel that stay on scene and monitor when a line is down.)
- Acorn Street needed a crane, which was en route at the time of the call. Repair of that line would restore power to 120 customers. Eversource works on the larger outage areas first, then addresses the smaller outage areas after that. At the time of the call there were 1,600 people in Duxbury without power.
- Eversource does cut and clear only to make an area safe per Department of Public Utilities (DPU) guidelines. Then it is up to the owner of the property, either the Town or the residents as appropriate, to take care of the disposal of the downed limbs.
- Eversource runs crews with 18 hours on, 6 hours off. They did pull contractor crews at 6:00 p.m. Thursday night (to eat and sleep), but they had Eversource crews out in town all night.

Mr. Read added that the early storm predictions regarding the winds were initially for much lower winds (30-40 mph), but as the storm came on the winds were much higher than forecasted (i.e. 60-80 mph). Based on the earlier predictions Eversource waiting to bring in crews, instead of staging in advance.

2. Seawall Update:

On October 16th the bids for the seawall restoration construction were opened. There were ten (10) bids received, with the costs ranging from \$4.4 million to \$7.1 million. The Town's engineering consultant, Mr. Pat Brennen, is reviewing the bids and checking references. A recommendation will be brought forward once that vetting process has been completed.

3. Harrington Property (761 Temple ST) Update:

Mr. Read mentioned that at the Selectmen's meeting on September 16, 2019 the Board had rescinded their previous vote of July 15th regarding the right of first refusal on the Chapter 61A parcel of the Harrington property, and notice was sent to the seller's attorney. His notice to the seller's attorney spelled out exactly what was required for proper notification under Chap. 61A. Mr. Read said that he has now heard from the seller's attorney and has been in communication with Town Counsel. He expects to be bringing something before the Board at an upcoming meeting. The parties are working together to assure that any future submissions will meet the notification criteria under Chapter 61A.

In a brief discussion, the Board mentioned that if there are any parties interested in purchasing the property, then they are encouraged to let the Town Manager know now so the Town can put them in touch with the appropriate parties now instead of waiting until notification is given and the 120-day period begins. The general consensus was that it was unlikely the Town will be

able to purchase the property. A suggestion was made that it might take a combined effort of several groups to come up with the anticipated price of the property, and by knowing who the interested parties might be it would give them more time to work out the details.

V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION -none

VI ONE-DAY LIQUOR LICENSE REQUESTS -none

VII EVENT PERMITS -none

VIII MINUTES

Executive Session Minutes: 10/07/19 - Draft

Mr. Dahlen moved that the Board of Selectmen approve the 10-07-19 Executive Session Selectmen's Minutes, as written, with the contents to remain unavailable until the need for confidentiality has passed. Second by Mr. Flynn. VOTE: 2:0:1. (*Mr. Madigan abstained as he was not present at that meeting.*)

Open Session Minutes: 10/07/19 - Draft

Mr. Dahlen moved that the Board of Selectmen approve the 10-07-19 Selectmen's Minutes, as presented. Second by Mr. Flynn. VOTE: 2:0:1. (*Mr. Madigan abstained as he was not present at that meeting.*)

IX ANNOUNCEMENTS

Mr. Dahlen made the following announcements:

1) Housing Options on the South Shore

The public is invited to join a conversation on Housing Options on the South Shore hosted by the Duxbury Senior Center, Duxbury Planning Department and the Metropolitan Area Planning Council. The discussion will take place on Thursday, October 24, 2019 at 6:00 PM at the Duxbury Senior Center, 10 Mayflower ST, Duxbury. Light refreshments will be served.

2) Flu Clinic

If you missed the earlier ones, there is still an opportunity to get a flu shot at the **Flu Clinic on Tuesday, October 29, 2019 from 9:00am to 11:00am at the Duxbury Senior Center.** The flu clinic is open to the community and Town employees.

Attendees should bring their health insurance card or Medicare card. The flu clinic is being provided by CVS Pharmacy.

3) Next Scheduled Selectmen's Meeting will be on Monday, November 4, 2019.

X BONUS SHELLFISH SEASON *(for November, 2019)*

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

- 1) for the commercial harvesting of **soft-shelled clams** for the month of **November, 2019** in accordance with posted Attachments B & C; and
- 2) for the commercial harvesting of **quahog clams** for the month of **November, 2019** in accordance with posted Attachments A & C; and
- 3) for the recreational harvesting of **soft-shelled clams** for the month of **November, 2019** in accordance with posted Attachment D.

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

XI ADJOURNMENT

At approximately 7:45 pm, Mr. Dahlen moved the Board of Selectmen adjourn. Second by Mr. Flynn.
VOTE: 3:0:0.

Minutes prepared by: C. Anne Murray

LIST OF DOCUMENTS FOR 10-21-19 SELECTMEN'S DOCUMENTS in the selectmen's office files:

1. *Agenda for 10-21-19 Selectmen's Meeting*
2. *OPEN FORUM: none*
3. *NEW BUSINESS:*
 - a) *Lincoln Street property/DAHT; suggested motion and photo of parcel*
 - b) *Dog Walking Permit –Draft: Dog Walking Permit Rules & Regs. Brochure 10-11-19 draft; and sample dog walking permit.*
 - c) *Proposed Health Insurance Rates -10-19-19 J. Horne Memorandum and proposed rate charts (06-01-19 -05-31-20 / Medex and Managed Blue Ins. 12-01-19 -11-30-20)*
4. *TOWN MANAGER REPORT: 10-21-19 Town Manager's Report –Eversource email.*
5. *COMMITTEE APPOINTMENTS/REAPPOINTMENTS – none*
6. *ONE-DAY LIQUOR LICENSES: none*
7. *EVENT PERMITS: none*
8. *MINUTES: EXECUTIVE SESSION: 10-07-19-Draft;*
OPEN SESSION MINUTES: 10-07-19 -Draft
9. *SUGGESTED ANNOUNCEMENTS for 10-07-19*
10. *BONUS SHELLFISH SEASON for November, 2019 -paperwork*

