

Date: September 11, 2023

Date Minutes Approved: November 6, 2023

TOWN CLERK

2023 DEC -5 AM 10:14

DUXBURY, MASS.
OPEN SESSION MINUTES

SELECTBOARD

Present: Michael McGee, Vice Chair; Amy M. MacNab, Clerk; and Brian E. Glennon, II

Absent: Cynthia Ladd Fiorini, Chair; and Fernando Guitart

Staff: René Read, Town Manager; Nancy O'Connor, Executive Assistant; Mary MacKinnon, Finance Director; Jeannie Horne, HR Director; Peter Buttkus, DPW Director; and Mark Cloud, Water & Sewer Superintendent

Others: Russell Dupere, Esq., Labor Counsel; and Trustees of the Duxbury Affordable Housing Trust (some attended remotely)

CONVENED IN OPEN SESSION (*in-person and Via remote participation by Zoom*)

1. **CALL TO ORDER** This meeting was called to order at approximately 7:00pm. Pursuant to Chapter 2 of the Acts of 2023, 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. A transcript or other comprehensive record of proceedings will be available as soon as possible after the meeting. 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 YouTube, to watch replays and Video on Demand.

2. **PLEDGE OF ALLIGIANCE**

There was an observance and a Moment of Silence in honor of the victims of the September 11, 2001 terror attacks in New York, Pennsylvania, and Washington D.C.

3. **OPEN FORUM**

Mr. Dan Kostreva, 239 Elm Street, stated that Eversource labelled with blue tape approximately 20 trees in the Tinkertown/Elm Street area. He said that he would like the Town to intercede as some of the trees are on Town property. He added that they are amenable to removing branches as an alternative, but that the removal of an entire tree would be devastating to the historic character of the neighborhood. Mr Buttkus, DPW Director and Tree Warden, said that Eversource will supply the Town with a remove list and if the tree is hazardous, it will be removed, and if not, they would not remove.

Ms. MacNab thanked everyone involved (the committee, the Town, Fire, Police, Beach Ops and residents) for putting together a wonderful beach party over Labor Day weekend.

Mr. Glennon recognized the Fire Department for organizing the 9/11 memorial event and commended the remarks made by the Fire Department, the Police Department and Senator Patrick O'Connor. He added a thank you to Nicole DeGennaro, HR Manager, for her beautiful rendition of "The Star-Spangled Banner" and "Amazing Grace".

Mr. Glennon also added that he and Mr. Guitart will be meeting Wednesday with Jeannie Horne, HR Director, regarding Town Manager goals.

4. NEW BUSINESS

Discussion regarding Memorandum of Understanding for collective bargaining – DPW Employees, AFSME 93 Local 1700 - presented by Jeannie Horne, HR Director

Ms. MacKinnon handed out a spreadsheet with the cost impact of this MOU. She stated that there are nine positions covered under the MOU with an impact of \$44,822 on five positions (four positions still remain vacant). She emphasized that the Town/Water Enterprise was saving approximately \$87,000 on those vacant positions, which will more than cover the cost impact of the MOU. Mr. McGee asked what source of revenue covers this cost. Ms. MacKinnon answered that it is from Water Enterprise. Mr. Glennon remarked that Weston & Sampson are not here every day, but these positions are full-time and will be here every day and provide a better outcome. Ms. MacKinnon confirmed that and also commented that it will be less of an impact on current staff due to the amount of overtime to keep the systems running.

Mr. McGee asked if Mr. Cloud could explain Item Nos. 1 and 5 on the MOU. Mr. Cloud stated that No. 1 provides that a current DPW employee can be transferred to the Water Department. He explained that No. 5 was to boost the pay rate to attract licensed employees/operators as it is difficult to get licensed people. Mr. Read confirmed that it was harder to find licensed people, and we were lucky to hire Weston & Sampson. This MOU will hopefully retain and attract people so that we can stop using Weston & Sampson at a cost of approximately \$32k month, which would save a considerable amount of money.

Attorney Russell Dupere added that this is a state-wide and country-wide issue (not just a Duxbury problem) and that the probation and stipend language were road blocks and hindered the Town's ability to pay.

Ms. MacNab moved that the Selectboard vote to approve the collective bargaining proposals regarding Duxbury DPW Employees, AFSME 93 Local 1700, as presented, for use during successor contract negotiations with all Town collective bargaining units.

Seconded by Mr. Glennon Vote: 3:0:0

Mr. Read wished Mr. Buttkus well on his retirement. The Selectboard also recognized Mr. Buttkus noting that he will be greatly missed and wished him the very best..

Continued discussion from August 28 meeting pertaining to the Amendment to Land Development Agreement (LDA) for Checkerberry Hill on Lincoln Street

Mr. McGee explained that this was continued from the last meeting as they had questions. He then read the following responses from the Duxbury Affordable Housing Trust:

From: Duxbury Affordable Housing Trust

Re: Questions concerning Checkerberry Pricing

Recently the Selectboard had a number of questions regarding the amendments to the Land Development Agreement. This memorandum is an attempt to respond to those questions. The exclusive reason for the modification of the agreement is to reflect the changes in pricing and income levels resulting from the 2023 HUD updates.

1. Why did was the qualifying AMI increased from 100% to 120%?

The increase in the eligibility requirement for the maximum total household income for Moderate applicants allows a greater number of working-class families to qualify for the Moderate Homes. This is important to the Trust and is in alignment with the Trust goal of qualifying the greatest number of Duxbury residents. This did not affect the pricing of the house, and only had the effect of properly qualifying more middle-income applicants.

2. What is the Area Moderate Income level definition? And specifically for Duxbury?

First, by definition, AMI is the Area Median Income, which are figures issued by the U.S. Department of Housing and Urban Development ("HUD") on a yearly basis to show income limits within set market areas based on number of people in a household. Duxbury falls within the Boston-Cambridge-Quincy, MA-NH HUD Metro Fair Market Rents Area. On May 15, 2023, HUD released new income levels. The AMI for a household of four in Duxbury is \$149,300, and consequently 120% of AMI for a household of four in Duxbury is \$179,160.

3. What level of income is required to support the acquisition of a home priced at \$560,000?

As a demonstration of income needed to purchase a Moderate home at this price, presuming a 10% down payment, 30-year term and 6.79% interest rate, the attached worksheet shows that an income of \$149,268 (which is just below 100% AMI), would be required to support the acquisition of this home. This calculation is detailed on the next page below.

4. Why did we increase the purchase price of the moderate-income units?

Purchase price is tied to AMI, as defined above, which is dictated by HUD, not the developer. HUD released new income figures for 2023 just prior to the Moderate Lottery, which were 6.5% higher than those from 2022. As a result, the price of the Moderate units was raised by a corresponding percentage.

5. How do we ensure that the housing remains 'moderate income' in perpetuity, aka low-income housing?

Each property has a perpetual deed restriction (as prepared by Shirin Everett) ensuring that it will remain a moderately priced unit. This restriction is registered with Plymouth County Registry of Deeds. Upon subsequent sale, the pricing will reflect the HUD guidelines in place at that time. In addition, each property is subject to a non-monetary mortgage which assures the deed restriction is picked up by the lending banks in the title search. Last, the Housing Trust or its nominee will monitor compliance with the affordable restrictions. The trust expects to retain an independent Monitoring Agent to perform monitoring and enforcement services regarding compliance of the Development with the affordable requirements.

6. Bottom line, the amendments tend to favor developer, why did we agree?

The reason for the changes were first, to ensure alignment with the DAHT goal to allow a greater number of working-class families to qualify for the Moderate Homes. The second reason is to accurately price the homes based on the current numbers and HUD income levels and formulae. They were not dictated by the developer. Based on the existing land development agreement, the developer has proceeded forward and

have fully executed Purchase and Sale Agreements for all 5 of the Moderate homes at \$559,125 with qualified applicants, all of which are set to close between September 18 and September 28.

While the amendment provides marginally higher returns to the developer, it is significantly less than the pricing they could have attained for market priced units. The developer profit cannot exceed 20% and is subject to a cost certification process with the States Executive Office of Housing and Livable Communities. The units are an asset to the Town and provide much needed moderate priced housing consistent with federal (HUD) guidelines.

Ms. MacNab commented that she would like to stay with the original agreement instead of modifying at this point as she is not comfortable with amending. Mr. Glennon asked if the moderate units count towards affordable housing, and they do not. He then asked if we don't approve how would this impact the closings on the five moderate units. Mr. Matt Dacey explained that there are 20 units, 10 market, 5 moderate (hybrid) and 5 affordable. He said that they have been working the Affordable Housing Trust on the numbers, which also included a Selectboard member. As for the closings, he said that they would refund the deposits and start the process over again (with the possibility that those current anticipated buyers would not again be qualified or the rates wouldn't be as favorable). He added that it would be tricky to unwind as there was a lot of time and effort with the intention of keeping people in the community.

There were a lot more lengthy discussions regarding the increase in the AMI by HUD, the increase of eligibility to 120%, which ultimately increased the number of applicants that would be eligible for the moderate units – all related to the increase in the cost of the moderate housing units. It was also asked if the P&S Agreements could be extended, but that that may render some of the buyers unable to qualify if their locked in rates expired. The rise in price of the moderate units remained concerning; however, there were five signed P&S agreements for the five moderate units and it was agreed that they want people to stay here in Town. It was further agreed that the amendment would stay as is, Mr. Dacey would donate \$50,000 to the Affordable Housing Trust in order to cover costs (including monitoring costs), and remove provision number 3.

Ms. MacNab moved that the Selectboard approve and execute this First Amendment to Land Development Agreement between the Town of Duxbury and Duxbury Lincoln, LLC, regarding the Checkerberry Hill development on Lincoln Street, as amended by removing provision number 3 and adding the provision that Duxbury Lincoln, LLC donate \$50,000 to the Duxbury Affordable Housing Trust for the monitor expense of the moderate units and any other related expenses.

Seconded by Mr. Glennon Vote: 2:1:0 (Ms. MacNab was the nay vote)

Declaration of Surplus Vehicles – Recreation/Beach Operations (2) ATVs

Mr. Steve Studley, Recreation Director, has asked that two (2) ATVs be declared as surplus as they have surpassed their useful life.

Ms. MacNab moved to declare as surplus the following:

2016 Kawasaki UTV	Vin #JKAFED1XGB517348
2016 Polaris ATV	Vin #4XASEA570GA600423

in order to allow these items to be disposed of, sold, auctioned or donated, all in accordance with M.G.L. c.30b and the Town's rules and regulations, with proceeds to go to the General Fund.

Seconded by Mr. Glennon Vote: 3:0:0

Discussion regarding proclaiming September as Suicide Prevention Month

Per the request of Ms. Jennie M Babcock, Co-Chair, of the Plymouth County Suicide Prevention Coalition, the Town of Duxbury is helping to bring awareness by proclaiming September as Suicide Prevention Month and by proclaiming September 10th as World Suicide Prevention Day.

Mr. McGee read the following proclamation into the record:

WHEREAS, suicide is the 12th leading cause of all deaths in the U.S. and the 2nd leading cause of death among individuals between the ages of 20 to 34, and the 3rd leading cause of death in our Youth ages 10-19;

WHEREAS, in the U.S., one person completes suicide every 14 minutes;

WHEREAS, it is estimated that 5 million people in the U.S. are survivors of suicide loss;

WHEREAS, an increase in the overall suicide rate in our country was seen in 2019, representing a change in the recent pattern of stability or slight declines;

WHEREAS, suicide is a community problem and thus there must be a community response through various initiatives to reduce suicidal behaviors;

WHEREAS, The Plymouth Suicide Prevention Coalition, which is dedicated to reducing the frequency of suicide attempts and deaths through education, awareness and action, urge that we as a community:

- 1. Recognize suicide as a national, state and Town of Duxbury public health problem and declare suicide prevention to be a Plymouth County priority;*
- 2. Acknowledge that no single suicide prevention program or effort will be appropriate for all populations or communities;*
- 3. Encourage local initiatives based on the goals contained in the National Strategy for Suicide Prevention; and*

WHEREAS, a great many suicides are preventable,

NOW THEREFORE, BE IT RESOLVED that, we, the Duxbury Selectboard, do hereby designate September 10 as "World Suicide Prevention Day" and the month of September as "National Suicide Prevention Month" in the Town of Duxbury, Massachusetts.

*Michael McGee, Vice Chair
Duxbury Selectboard*

Motion:

Ms. MacNab moved that the Selectboard proclaim September as Suicide Prevention Month and proclaim September 10th as World Suicide Prevention Day. *Seconded by Mr. Glennon Vote: 3:0:0*

Mr. Glennon also noted that the Suicide Prevention Hotline Phone number is 988.

7:30PM Water & Sewer Commissioners

Motion to Adjourn as The Selectboard & Convene as Water & Sewer Commissioners:

Ms. MacNab moved that the Selectboard adjourn the meeting in order to meet as the Water & Sewer Commissioners, with the intent of re-convening as the Selectboard afterward.

Seconded by Mr. Glennon Mr. McGee-Aye; Ms. MacNab-Aye; Mr. Glennon-Aye

This supplemental water commitment is needed due to final water reads from home sales.

Ms. MacNab moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the total amount of \$3,475.16 (\$2,581.41 and \$893.75) for water charges for the Supplemental Water Commitment for Utility Billing FY2023, Commitment #4.

Seconded by Mr. Glennon Mr. McGee-Aye; Ms. MacNab-Aye; Mr. Glennon-Aye

Motion To Adjourn as Water & Sewer Commissioners & Re-Convene as The Selectboard

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

Seconded by Mr. Glennon Mr. McGee-Aye; Ms. MacNab-Aye; Mr. Glennon-Aye

5. TOWN MANAGER'S REPORT

Mr. Read expressed his sincerest thanks to the Beach Party committee for all of their efforts to help make the Labor Day Celebration such a memorable event this year. He also extended his gratitude to the Police, Fire, DPW, Recreation, and Beach Ops Departments and staff for all of their efforts as well.

6. ONE-DAY LIQUOR LICENSE REQUESTS

09/24/23 South Shore Conservatory – Special Appreciation Performance

Ms. MacNab moved that Ms. Sharon Bohan, as a representative of the South Shore Conservatory, is granted a One-Day Wine & Malt License for the *Special Appreciation Performance* to be held at the South Shore Conservatory, Ellison Center for the Arts, 64 Saint George Street, on Sunday, September 24, 2023 from 4:00pm to 5:30pm, contingent upon the conditions of the license.

Seconded by Mr. Glennon

Vote: 3:0:0

8. MINUTES

Ms. MacNab moved to approve the 08/28/23 Selectboard Executive Session Minutes, as amended, with contents to remain confidential until the need has passed.

Seconded by Mr. Glennon

Vote: 3:0:0

9. ANNOUNCEMENTS

- 1) Next Scheduled Selectboard Meeting will be on Monday, September 18, 2023 at 7:00pm in the Mural Room.
- 2) The Open Space Committee, Conservation Commission, and the Historic O'Neil Farm would like to extend an invitation to everyone to celebrate and recognize the commitment of Lorrie Hall and

Pat Loring to Duxbury's conservation efforts. Please join us on Thursday, September 28 from 4pm – 6pm at the Duxbury Senior Center to celebrate.

10. ADJOURNMENT

Ms. MacNab moved to adjourn at approximately 10:00pm.

Seconded by Mr. Glennon Vote: 3:0:0

Minutes submitted by Nancy O'Connor

List of documents in Selectboard file:

Selectboard Agenda

DAHT Agenda

Water & Sewer Commissioners Agenda

Collective Bargaining DPW – MOU

Amendment to Land Development Agreement – Checkerberry Hill

Declaration of Surplus vehicles documentation

Suicide Prevention Month Proclamation

Water & Sewer Commissioners - Supplemental FY23 Com#4

ODLLs

Minutes

Announcements

