

**Date:** June 3, 2020

**Date Minutes Approved:** June 8, 2020

**BOARD OF SELECTMEN**

**TOWN CLERK**

**OPEN SESSION MINUTES**

2020 JUN 10 AM 10:38

**Present:** David J. Madigan, Chair; and Theodore J. Flynn, Vice Chair

**Absent:** Shawn Dahlen, Clerk

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

**Others:** Alex Chin, Chair of Fiscal Advisory Committee

**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 9:00 a.m.

Mr. Madigan, as Chair, read into the record the below referenced Governor Baker's order regarding updated provisions of the Open Meeting Law during this COVID-19 crisis, which information was also posted on the Selectmen's agenda. Mr. Madigan also confirmed and announced the above-listed members and staff participating in this remote meeting.

*Welcome to the June 3, 2020 meeting of the Board of Selectmen. 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](mailto: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](http://PACTV.org/LIVE). This meeting will then be available via video on-demand on PACTV's website.*

Also noted: Since there is a public hearing, public participation access information was posted on the agenda.

**PUBLIC COMMENTS:** No official "open forum" as these remote meetings are limited to the Board's members and invitees only. No phone calls or emails were received during this meeting.

**II. NEW BUSINESS**

***9:00am – Fee Hearing Regarding Beach Stickers***

Today's fee hearing was advertised in *the Duxbury Clipper* on May 20 and May 27, 2020.

The proposed fees were reviewed by the Fiscal Advisory Committee at their meeting on May 22, 2020 and they unanimously voted in favor of all proposed fees.

**Open Public Hearing:**

Mr. Flynn moved that the Board of Selectmen open the public hearing regarding proposed fee changes for: ***Beach Stickers***                      *Seconded by Mr. Madigan    Mr. Madigan-Aye; Mr. Flynn – Aye*

Mr. Alex Chin, Chair of the Fiscal Advisory Committee, stated that they voted unanimously in favor of a reduced price through the end of June for beach stickers, with the normal rate starting July 1, 2020.

Mr. Madigan asked if these are the same early-bird discounts that we normally give. Mr. Adams replied that the parking lot is the same, but that the over sand stickers have a bigger discount due to the fact that that portion of the beach has been closed longer.

Mr. Flynn moved that the Board of Selectmen approve the Beach Sticker fees as recommended by the Fiscal Advisory Committee listed in an email from Chair Alex Chin dated May 26, 2020, with new discounted fees effective from June 4, 2020 through June 30, 2020.

*Seconded by Mr. Madigan    Mr. Madigan-Aye; Mr. Flynn – Aye*

**Close the Public Hearing:**

Mr. Flynn moved that the Board of Selectmen close the public hearing regarding proposed fee changes.                      *Seconded by Mr. Madigan    Mr. Madigan-Aye; Mr. Flynn – Aye*

Mr. Read added that sticker sales will begin online tomorrow, June 4, 2020, and that those with stickers from last year will remain effective until June 15, 2020. He also noted that if you purchase a sticker online, you can use your receipt of purchase to gain access to the beach until you receive the actual sticker.

***Discussions regarding Extension of Purchase & Sale Agreement with Champion Builders re: Lincoln Street***

The Town issued an RFP back in April, 2018 to dispose of 21.52 acres of Town-owned property for the development of mixed-income housing. Champion Builders was selected as the successful proposer. The Purchase & Sale was signed in April, 2019 with a closing date by December 31, 2019. Due to COVID-19 and the closure of court offices, this is a Third Amendment to the Purchase & Sale Agreement extending the closing date to July 29, 2020.

Mr. Flynn moved that the Board of Selectmen approves and executes a Third Amendment of Purchase & Sale Agreement to Extend the Time for Performance between the Town of Duxbury and Champion Builders, Inc., as presented and as may be further amended, for property located on Lincoln Street consisting of approximately 21.52 acres and known as Parcel ID Nos. 053-512-36 and 053-512-037 and further described in deeds recorded with the Plymouth County Registry of Deeds in Book 4088, Pages 110 and 112.                      *Seconded by Mr. Madigan    Mr. Madigan-Aye; Mr. Flynn – Aye*

***Discussion pertaining to 1/12 Budget if no Town Meeting before end of fiscal year – Presented by John Q. Adams***

Mr. Adams stated that new processes under a COVID-19 Act will give authority to the Selectmen to approve a 1/12 budget expenditure plan for the month of July. He continued to say that this plan development and approval process will continue each month during this emergency. Some items, such as salary increases, capital expenses, and the like will not be included until they get approved at Town Meeting. Mr. Adams further remarked that once the Selectmen approve of the monthly plan, he will then submitted to the DLS.

Mr. Flynn moved that the Board of Selectmen approve a 1/12 budget in the amounts as follows:

\$8,452,224 (General)  
\$ 616,243 (School)  
\$ 342,537 (Water Enterprise Fund)

*Seconded by Mr. Madigan Mr. Madigan-Aye; Mr. Flynn – Aye*

***Discussion pertaining to Municipal Relief Transfers (if needed) (No discussion)***

***Discussion pertaining to ATM/STM Warrant Articles (if needed) (No discussion)***

### **III TOWN MANAGER'S REPORT**

**Beach:** Mr. Read began by stating that the beach has been re-opened and sticker sales will begin tomorrow, June 4, 2020.

**Recreation:** Mr. Read remarked that there have been discussions about re-opening ball fields, and that he is working with the Recreation Director and the Board of Health and will have more clarity next week.

**Restaurant Re-Opening Phase II Order for Outdoor Dining:** Mr. Read said that Ms. O'Connor has drafted a letter to be sent out to establishments providing guidance and an application for them to complete in order to expand their dining outdoors. Those with liquor licenses will require Selectmen approval as they are the Local Licensing Authorities. The ABCC does not need to approve these temporary measures at this time. However, local protocol and guidelines – such as public health and public safety will be in play. Attached with the letter would be the following documents: ABCC advisory; ABCC patio guidelines; Town Letter to local Restaurants; and Town of Duxbury re-opening guidelines and application. Mr. Read stated that Town staff is currently reviewing before sending out.

**Budget:** Mr. Read has been in talks with school administration regarding immediate needs for FY21 and longterm for FY22. He continued to say that the budget will have an estimated \$2m shortfall and looks to reduce the budget as follows: \$300,000 (general); \$500,000 (school); \$500,000 (free cash); and \$750,000 (stabilization). Mr. Read will be sending out a memo to Department Heads for solutions in reducing the FY21 budget, such as reducing expenditures and staff. He acknowledged that this very challenging, but that we want to minimize the impact to both staff and services.

Mr. Madigan then asked about the status of the pool and if the Finance Committee has plans to close the pool. Mr. Read replied that they have not formally voted on this. Mr. Flynn was at the last

Finance Committee meeting and confirmed that. Mr. Adams also responded that they are looking at services to determine when and if people will come back.

#### **IV COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATION**

Mr. Flynn moved that the following members be re-appointed as follows:

##### **Agricultural Committee**

***(Jeff Chandler-Chair / David J. Madigan -Liaison)***

Priscilla Lawn	Re-Appointment	Term expires	06-30-23
Roger Ritch	Re-Appointment	Term expires	06-30-23

##### **Board of Health**

***(Dr. David Brumley, Chair / David J. Madigan-Liaison)***

Bruce Bygate	Re-Appointment	Term expires	06-30-23
Michael Count	Re-Appointment	Term expires	06-30-23

##### **Old Colony Elder Services**

Joanne Moore, Director of COA	Re-Appointment as the Duxbury Delegate	Term Exp.	06-30-21
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##### **Sidewalk & Bike Path Committee**

***(Thomas Nee-Chair / David J. Madigan-Liaison)***

Elaine Philbrick	Re-Appointment	Term expires	06-30-23
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*Seconded by Mr. Madigan Mr. Madigan-Aye; Mr. Flynn – Aye*

#### **V ONE-DAY LIQUOR LICENSE REQUESTS** - None

#### **VI EVENT PERMITS** - None

#### **VII MINUTES**

Mr. Flynn moved that the Board of Selectmen approve the 05/18/20 Selectmen's Open Session Minutes, as presented. Seconded by Mr. Madigan *Roll Call Vote: Mr. Madigan-Aye; Mr. Flynn-Aye*

#### **VIII ANNOUNCEMENTS**

1) **Annual Town Election** - Reminder that the Town Clerk is encouraging residents to vote by absentee ballot. Please either call or email the Town Clerk's office at 781-934-1100 x5450 or [kelley@town.duxbury.ma.us](mailto:kelley@town.duxbury.ma.us).

2) **Next Scheduled Selectmen's Meeting** will be on Monday, June 8, 2020 at 7pm.

#### **X ADJOURNMENT**

Mr. Flynn moved that the Board of Selectmen adjourn at approximately 9:45am.

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

***Minutes submitted by Nancy O'Connor***

***LIST OF DOCUMENTS***

- 1) Agenda*
- 2) Fee Hearing documentation*
- 3) Lincoln Street documentation*
- 4) Budget information*
- 5) Committee Appointment*
- 6) Minutes*
- 7) Announcements*