

**Date: June 8, 2020**

**Date Minutes Approved: June 22, 2020**

TOWN CLERK

**BOARD OF SELECTMEN**

OPEN SESSION MINUTES

DUXBURY, MASS.

**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:** Attorney William Hewig, KP Law – attendance at cable hearing

**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 7:00 p.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 8, 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.

**II. OPEN FORUM/PUBLIC COMMENTS:** No official "open forum" as these are remote meetings. No public comments, phone calls or emails were received during this meeting.

Mr. Madigan did comment that he has been receiving inquiries regarding Selectman Shawn Dahlen as he has not been attending meetings. Mr. Madigan stated that they hope to hear from him by Town Meeting.

### **III. NEW BUSINESS**

#### ***7:01pm – Hearing regarding Verizon Cable Contract Renewal***

Today's hearing was advertised in *the Duxbury Clipper* on May 20 and May 27, 2020. This hearing is to discuss Verizon's Cable Contract Renewal and the scope of the Town's future PEG access operations.

#### **Open Public Hearing:**

Mr. Flynn moved that the Board of Selectmen open the public hearing regarding Verizon's Cable Television Contract Renewal. *Seconded by Mr. Madigan Mr. Madigan-Aye; Mr. Flynn – Aye*

Mr. Madigan turned over the hearing to Attorney William Hewig of KP Law who has been working on the cable contract negotiations with Verizon. Attorney Hewig stated that public hearings for cable renewals are required under the law when there are negotiations for a new contract or for a renewal. He clarified that the only items not negotiated are the rates and the television programs. He continued to say that the purpose of this hearing is to determine a town's cable needs and to determine if Verizon is in compliance. Attorney Hewig then turned over the hearing to Ms. Julie Thompson, Executive Director at PACTV.

Ms. Thompson introduced herself and Dan Rodriguez, Director of Technology for PACTV. They provided a well-detailed video presentation to the Selectmen on the services PACTV has provided the Town of Duxbury over the years. Mr. Rodriguez also discussed in detail the equipment needs for the Town Hall in order to sustain infrastructure into the future.

Ms. Thompson then introduced the follow additional presenters:

Matt Roveto and his mother, Hannah. Matt is a 2013 DHS graduate, who is currently working in NYC. Matt stated that PACTV provided a platform for him to learn about set equipment nad lighting. He commened PACTV for the learning experience and indepth knowledge they provided him because that led him to where he is today. Mrs. Roveto also remarked how responsive PACTV has been to promoting high school fundraisers, musical concerts and drama programs as it provided access for the community to see other programs.

Ms. Joanne Moore, Director of the Senior Center - Ms. Moore said that she has had a longstanding relationship with PACTV and during this COVID situation. She stated that she wouldn't be able to provide the outreach to our senior community if it wasn't for PACTV. They have been working to provide expanded services and also collaborating with neighboring communities to create a regional TV guide. Ms. Moore said that she was very grateful and thanked PACTV for their services.

Ms. Cheryl Lewis from Duxbury Public Schools, along with Dave Hagan and Joe Ferguson, provided a detailed presntation of the school's programs, the mission of Dragon TV, and the school's equipment. They described in detail what the school needs in support of their TV studio and video production programs.

The Selectmen thanked everyone for their very detailed presentations.



**Close the Public Hearing:**

Mr. Flynn moved that the Board of Selectmen close the public hearing.

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

**Declaration of Surplus Property – Police Vehicle**

Mr. Flynn moved to declare as surplus the Police Department's 2010 Ford Explorer, Title Number BQ257866, as presented and described in an email dated June 1, 2020 from Deputy Chief Mike Carbone, in order to allow this item to be disposed of, sold or donated, all in accordance with M.G.L. c.30b and the Town's rules and regulations.

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

**Conservation Restriction – Brewster Lilac Property**

The Conservation Restriction will be held by the Duxbury Conservation Commission. It has been approved and signed by officers of the Duxbury Rural and Historical Society and by the Duxbury Conservation Commission. Following the Board of Selectmen's signatures, it will be sent to the MA Secretary of Energy and Environmental Affairs for final approval. Lastly, it will be recorded in the Plymouth County Registry of Deeds and the property will be protected in perpetuity.

Mr. Flynn moved that the Board of Selectmen vote to grant and approve the Conservation Restriction for the premises known as the Brewster Lilac property located off Marshall Street on Standish Shore, pursuant to MGL Chapter 184, Sections 31-33, as presented.

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

**Contract – Discussion and review of dispatch contract with the Town of Plympton**

This contract is an Intermunicipal Agreement between the Town of Duxbury and the Town of Plympton regarding an Emergency Dispatch System.

Mr. Flynn moved that the Board of Selectmen approve and execute an Intermunicipal Agreement Between the Towns of Duxbury and Plympton, Massachusetts, regarding an Emergency Dispatch System effective July 1, 2020.

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

**Discussion regarding Annual and Special Town Meetings**

Mr. Read stated that he is working with Susan Kelley, Town Clerk, regarding the upcoming election. Ms. Kelley responded that she would like to continue to have the election on Saturday, June 27, but with reduced hours for public safety purposes. She further stated that she can use the same ballot and would have to post a new warrant.

ATM/STM – Mr. Read said that he spoke with Moderator John Tuffy about postponing the Town Meeting until July 11, 2020, and then possibly postpone again until August 1 or August 15 with a venue still to be determined. He noted that the Moderator can postpone Town Meeting in 30 day increments.

***Discussion pertaining to Phase II Expanded Outdoor Dining for Restaurants***

Staff has been working with Town Counsel to develop a policy and procedures along with an application for restaurants to create/expand outdoor dining in accordance with the Governor's requirements. For those establishments with a liquor license, the Board of Selectmen are required to approve of these temporary alterations as the Local License Authority.

In consideration of the current situation and to process these requests in a timely manner, we are asking that the Board grant permission to Rene Read, Town Manager, to authorize these applications in advance of the Board's approval. The Board can then provide a blanket approval on all applications.

***Approval of Policy***

Mr. Flynn moved that the Board of Selectmen approve and adopt the outdoor dining policy titled "Town of Duxbury Board of Selectmen Policy, Procedures and Rules for Use of Outdoor Space for Food and Alcohol Service", as presented.

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

***Town Manager authority to approve applications***

Mr. Flynn moved that the Board of Selectmen give Rene Read, as Town Manager, the authority to review and approve of all applications from restaurants seeking the ability to expand or create a temporary outdoor dining area in accordance with the requirements of the Governor's Order.

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

**IV TOWN MANAGER'S REPORT**

Mr. Read said that the Town could be facing a \$2m loss in revenue, and that they are looking at cutting the budget, staff, the utilization of free cash and stabilization. He continued to say that he has asked all Department Heads to look at their budgets to determine what can be cut down, and recommendations will be presented to the Finance Committee at their meeting on June 25, 2020 (which will be a joint meeting with the Selectmen).

**Beach Stickers** – Mr. Read stated that beach stickers went on sale June 4. He reminded people that they could still use their sticker from last year until June 15, and if you purchase online, you can use your email receipt until you receive your actual sticker. Mr. Read also mentioned that beach stickers are non-refundable and that beach limitations due to plovers already occurred last weekend. These restrictions will likely occur over July 4<sup>th</sup> weekend, so when buying a sticker, he wants people to be informed of the restrictions being doing so.

**Fields** - will be re-opening with guidelines. Signage with a list of conditions will be placed by the end of the week at various locations.

Mr. Read also expressed his sincere gratitude to the Town's employees during this uncertain time.

Mr. Flynn also mentioned the seawall and that construction has started.

**V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATION**

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

**Municipal Commission on Disabilities** (Marcia Solberg-Chair / David J. Madigan -Liaison)

Patricia McCarthy	Re-Appointment	Term expires	06-30-23
Marcia Solberg	Re-Appointment	Term expires	06-30-23
Emily Zoltowski	Re-Appointment	Term expires	06-30-23

**Open Space Committee** (Kathy Cross, Chair / Shawn Dahlen-Liaison)

Lorrie Hall	Re-Appointment	Term expires	06-30-23
Kathy Palmer	Re-Appointment	Term expires	06-30-23
Phil Tuck	Re-Appointment	Term expires	06-30-23

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

**VI ONE-DAY LIQUOR LICENSE REQUESTS** - None

**VII EVENT PERMITS** - None

**VIII MINUTES**

Mr. Flynn moved that the Board of Selectmen approve the 06/03/20 Selectmen's Open Session Minutes, as presented. Seconded by Mr. Madigan Roll Call Vote: Mr. Madigan-Aye; Mr. Flynn-Aye

**IX 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 15, 2020 at 9:30am.

**X ADJOURNMENT**

Mr. Flynn moved that the Board of Selectmen adjourn at approximately 8:20pm.

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) Verizon Hearing documentation
- 3) CR Brewster Lilac Property
- 4) PD Surplus documentation
- 5) Dispatch contract documentation
- 6) Phase II Re-opening documentation
- 7) Committee Appointment
- 8) Minutes
- 9) Announcements

