

Date: August 31, 2020

Date Minutes Approved: September 14, 2020

TOWN CLERK

BOARD OF SELECTMEN

2020 SEP 17 ~~PHONE~~ SESSION MINUTES

DUXBURY, MASS.

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

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

Others: Valerie Massard, Planning Director

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 9:30 am.

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 occonnor@town.duxbury.ma.us or call-in at 781-934-1100 x5400 for questions or comments. This was a public hearing, which was also accessed through Meeting ID, password and phone number as posted on the agenda.

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. This meeting will then be available via video on-demand on PACTV's website.

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

III. NEW BUSINESS

9:35am Public Hearing – Transfer of License & Alteration of Premises – Brothers Marketplace

Mr. Flynn moved that the Board of Selectmen open the public hearing regarding the Alteration of Licenses Premises and Transfer of License from Cellar d'Or Wine & Spirits to RBSBW, Inc., d/b/a/Brothers Marketplace. *Seconded by Mr. Madigan Mr. Madigan-Aye; Mr. Flynn – Aye*

Attorney Alex Fury and Attorney Bill Kelley were in attendance representing the Brothers Marketplace along with Danielle Bunting, Manager, and Jason Corriveau. They are seeking permission to alter the premises to include up to 20 display areas, which will be rotated on a seasonal basis. Mr. Madigan asked if the checkout clerks will be TIPs trained. Mr. Kelley replied yes and there will be signs to direct people to those checkout clerks.

Mr. Flynn moved that the Board of Selectmen, as the Local Licensing Authority, approves the Alteration of Licensed Premises and Transfer of License from Cellar d'Or Wine & Spirits, owner Sverge Gupta, to RBSBW, Inc., d/b/a Brothers Marketplace, Manager Danielle Bunting, for the All Alcoholic Beverages License #00028-PK-0300, subject to the requirements of the Town of Duxbury and the ABCC (Alcoholic Beverages Control Commission).

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

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

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

Discussion pertaining to Fire Department grant award from the Department of Homeland Security for the purpose of funding 100% of the salaries and benefits for three firefighters for three years.

Chief Kevin Nord was in attendance along with Kerri Iasi and described that in the fall of 2019 they proposed adding firefighters due to the increase in call volume, which made it difficult to keep pace. Mr. Read stated that they had been seeking this staffing grant, which was declined the first year and then accepted the second year due to Covid and will cover the Town's share for three years. Mr. Madigan asked what happens after three years? Mr. Adams responded that we will have to think about the best way to get into our budget. Mr. Nord also noted that he has sixty days to recruit and then six months to hire and was looking for the Selectmen's approval. Mr. Read also added that this was a remarkable opportunity as it will cover 100% of expenses for three years. Mr. Nord also included that because of Covid they waived the partial payment by the Town. Mr. Adams also concurred that this was a big opportunity. Mr. Flynn asked if this will save on overtime costs and Mr. Nord responded yes.

Mr. Nord thanked Ms. Iasi and Captain Rob Reardon for all of their hard work applying for this grant.

Mr. Flynn moved that the Board of Selectmen approve of moving forward with this grant, as presented. *Seconded by Mr. Madigan Mr. Madigan-Aye; Mr. Flynn – Aye*

Discussion pertaining to approval of drainage easement modification located at 0 Cushing Drive – presented by Valerie Massard, Planning Director

Ms. Valerie Massard, Planning Director; property owner Igor Marchenko; and Mr. Paul Brogna of Seacoast Engineers were in attendance regarding this matter. Ms. Massard explained that this easement was to resolve issues regarding a Town-owned drainage easement on this particular lot, which made it difficult to place a house there. Mr. Brogna prepared plans to modify and relocate the easement, which was peer reviewed by Pat Brennan of Amory Engineers along with Peter Buttkus, DPW Director. Ms. Massard confirmed that there is no impact to the Town's ability to access the drainage easement, and all has been thoroughly reviewed by the Town and Town Counsel.

Mr. Flynn moved that the Board of Selectmen approves and executes the Easement Relocation Agreement between the Town of Duxbury and Igor A. Marchenko and Caitlin J. Marchenko, located at 0 Cushing Drive, as presented. *Seconded by Mr. Madigan Mr. Madigan-Aye; Mr. Flynn – Aye*

Discussion pertaining to Duxbury Beach Lease and Separate Operating Agreement

This was voted in the affirmative at the August 1, 2020 Annual Town Meeting. Mr. Read stated that there are no material changes.

Mr. Flynn moved that the Board of Selectmen executes the Lease and Separate Operating Agreement between the Duxbury Beach Reservation, Inc. and the Town of Duxbury with a term beginning July 1, 2020 and ending on June 30, 2021 in the amount of \$850,000.

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

Discussion pertaining to Speed Reduction Requests for multiple locations

(Surplus Street, Franklin Street-Rt53 to Valley, Valley Street-Rt53 to Pembroke line, Gurnet Road, Forest Street, Hunt Farm, Old North Street, Marshall Street, Standish Street, Crescent Street, Powder Point Avenue, King Caesar Road and Landing Road

Mr. Paul Brogna and Mr. Jeffrey Lewis, Co-Chairs of the Highway Safety Advisory Committee, were in attendance. Mr. Brogna stated that the Committee provided a letter with recommendations to reduce the speed limit on various street from 30mph to 25mph, which the Committee reviewed each street and all met the requirements.

Ms. Susanna Sheehan of Powder Point Avenue, explained that she had an issue with reducing the speed limit on Powder Point Ave as she felt there was no input from neighbors, the agenda was vague (not listing the street names), and the vote was not unanimous. She continued to add that there are other things to do such as adding more speed limit signs, enforce no parking, have a dedicated speed trailer, share the road educational campaign and recommend that the Selectmen appoint an ad hoc committee. Ms. Kathy Palmer also of Powder Point Avenue was in agreement with Ms. Sheehan regarding the notice, but that people barrel down the road from the beach in the afternoon and slowing them down would curtail that activity.

Mr. Madigan added that we had a Town Meeting to approve the reduction of speed limits, and we do have an independent committee in the Highway Safety Advisory Committee and stated that it was prudent to take their advice. Mr. Flynn also remarked that we consider changing the entire Town instead of patchwork changes.

Further discussion ensued resulting in Mr. Madigan proposing that the Selectmen wait until October to resume discussion. Mr. Flynn also stated that he would like input of the impact of lowering the speed limit on Washington Street and Wadsworth. They agreed to just recommend Landing Road at this time.

Mr. Flynn moved that the Board of Selectmen votes to accept the recommendation of the Highway Safety Advisory Committee to designate Landing Road as a “safety zone” and reduce the speed limit to 20mph, as they find this road meets the criteria as allowed by Section 194 of Chapter 218 of the Acts of 2016 under Chapter 90, Section 18B and further to authorize the Chair to sign and send notice of action to the Massachusetts Department of Transportation (MassDOT).

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

Discussion and review pertaining to new utility pole on Laurel Street

A petition received from Verizon for the placement of one (1) JO pole, P.183/13 ½, on the westerly side of Laurel Street at a point approximately 361’ southerly from the center of Amado Way, in order to correct an excessive long span condition.

An administrative hearing was held at 10:00am on Wednesday, August 26, 2020, via remote Zoom meeting, for which notifications were sent to the abutters by certified mail. In addition, a legal notice was published in the Duxbury Clipper on August 12, 2020.

Mr. Flynn moved that the Board of Selectmen authorize the installation of one (1) JO pole, P.183/13 ½, on the westerly side of Laurel Street at a point approximately 361' southerly from the center of Amado Way, in order to correct an excessive long span condition, with the condition that Verizon New England, Inc. and/or NSTAR Electric Company contact the Duxbury Department of Public Works at least 48-hours prior to the commencement of the project along with other conditions that may be requested by the Board. *Seconded by Mr. Madigan Mr. Madigan-Aye; Mr. Flynn – Aye*

IV. TOWN MANAGER'S REPORT

Budget Update - Mr. Read stated that he has been meeting with Mr. Adams regarding getting the process started for the FY22 budget along with submitting the budget message to the Department Heads.

Library Update - All of the furloughed library employees have now returned to work and the facility is operating under their normal business hours and employee schedule but the building is not yet open to the public. The library employees were furloughed on May 8th and were brought back on August 24th.

Any cost reductions we saw in the Library budget were achieved by way of the furloughed employees being out for this 15 week period. These reductions provided temporary "savings" and now, by bringing them back, we will be able to provide the modified ("under the tent") library services which are the result of achieving compliance with the various gubernatorial orders on phased re-openings.

With regard to the CARES Act funding, the library has expended \$50,000 under their Phase III funding program for plexiglass shields, PPE, technology (laptops for staff, iPads for public use, etc.), tent, downloadable books, downloadable movies, reimbursement for their Zoom account, etc.

The Library is open to patrons using their "under the tent" model on Tuesdays and Saturdays from 10:00 a.m. to 2:00 p.m. The goal is to replicate the pre-Covid library hours as soon as they can as they are in the midst of training their staff on these new "under the tent" procedures. Further, they are working on adding other services as soon as they are able to do so.

The short-term goal here is to be able to mirror the hours of the library while still operating outside "under the tent." Of course, weather will also be an eventual factor in this plan and they are working through that as well.

The longer-term goal is to be able to return the library to its normal operating hours and eventually allow patrons back in (most likely on a limited basis, at first) to use the facility when it is safe to do so. At some point, this will allow for the return of after school kids to meet with tutors, study, wait to be picked up by their parents, etc. but the precise timing of that is still not clear.

The library staff is preparing to meet these goals however, state and town guidelines will dictate the timing. We hope it will occur sooner rather than later but for the reasons I mentioned previously, it won't be an immediate return to business as usual.

The OCLN has differing models across the network and the majority of those libraries are not yet open to the public either. Those libraries that have opened to the public on a limited basis have gone to great lengths to prevent lingering and gathering as part of the first stage of being open to the public by removing chairs and sitting areas which is something we are also considering here.

Initially, we were aiming to re-open the library to patrons to align with the schools re-opening but we've decided that waiting two or three weeks is a better idea. Watching the school re-opening situation nationally has not left us with a strong sense that things will go as smoothly as we might hope. Thus, by waiting, we lessen the possibility of exposing patrons and staff should a new outbreak occur. In short, the re-opening plan for the library, and all other Town buildings, is to do so slowly and in stages.

The library became an after school resource primarily because of geography – being situated on the same campus as the school had made it an easy option for kids to go there and wait for their parents to pick them after school which most likely would not have happened if the library were located in another part of town, further away from the schools. I know this first-hand since both of my kids and many of their friends do exactly what I've described above.

After Covid arrived, the library (like other town departments) made the necessary adjustments to our business model to address the needs of the community as best we can, given the circumstances. The library is providing different outlets for the same services but unfortunately, we cannot accommodate all of those service needs. Most notably, the idea of having the library as an after school childcare resource is not an option at this time. While certainly not preferred, it appears to be the safest course at the moment.

The specific timing of when various aspects of library operations will “normalize” remains uncertain but updates will be provided via the Library's website as more information becomes available and as the state provides communities with additional re-opening guidance.

V. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Mr. Flynn moved that the Board of Selectmen appoint the following member as follows:

Historical Commission

Dante Iannazzo

(Tag Carpenter-Chair)

Appointment

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 07/20/20, 07/27/20, 08/01/20, and 08/03/20 Selectmen's Open Session Minutes, as presented.

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

IX ANNOUNCEMENTS

1) State Primary and Special Town Election

Tuesday, September 1, 2020 from 7am to 8pm at the Lt. Timothy J. Steele Athletic Building, located at 130 Saint George Street, Duxbury, MA 02332. Early ballots for the State Primary must be received by the Town Clerk's office by 8:00PM on Election Day.

2) Next Scheduled Selectmen's Meeting will be on Monday, September 14, 2020 at 9:30am

X BONUS SHELLFISH (for the month of September)

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

- 1) the commercial harvesting of softshell clams for the month of **SEPTEMBER**. Regulations as attached. (Please see Attachment B & C)
- 2) the commercial harvesting of quahog clams for the month of **SEPTEMBER**. Regulations as attached. (Please see Attachment A & C)

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

XI 10:00am EXECUTIVE SESSION

For the purpose of discussing consideration of the purchase, exchange, lease or value of real estate since an open meeting may have a detrimental effect on the strategizing and negotiating position of the Town, if the chair so declares, **regarding 761 Temple Street**.

MOTION FOR ENTERING EXECUTIVE SESSION:

Mr. Flynn moved that we go into Executive Session for the purpose of discussing consideration of the purchase, exchange, lease or value of real estate, regarding **761 Temple Street**, since an open meeting may have a detrimental effect on the strategizing and negotiating position of the Town, if the chair so declares, in accordance with Mass. General Laws Chapter 30A, section 21, and that the Board will adjourn immediately after the completion of this Executive Session.

Mr. Madigan, as Chair, declared the necessity for an Executive Session to discuss consideration of the purchase, exchange, lease, or value of real estate, as to do so in an Open Session may have a detrimental effect on the Town's strategizing and negotiating position.

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

After Executive Session discussions concluded, the Board adjourned.

XII ADJOURNMENT

Mr. Flynn moved that at approximately 11:15am, the Board of Selectmen adjourn the Executive Session and simultaneously re-convene and adjourn the Open Session.

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) Brothers Marketplace documentation*
- 3) Fire Department Grant documentation*
- 4) Drainage easement re 0 Cushing Drive*
- 5) Duxbury Beach Lease and Separate Operating Agreement*
- 6) Speed Reduction Requests*
- 7) Pole Hearing documentation*
- 8) Committee Appointment*
- 9) Minutes*
- 10) Announcements*
- 11) Bonus Shellfish documentation*
- 12) Executive Session motion (these records are kept in a confidential file)*

