

Date: November 9, 2020

Date Minutes Approved: December 7, 2020

TOWN CLERK

BOARD OF SELECTMEN

2020 DEC -8 AM 9: 28 OPEN SESSION MINUTES

DUXBURY, MASS.

Present: Theodore J. Flynn, Chair; David J. Madigan, Vice Chair; and Amy M. MacNab, Clerk

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

Others: Jeannie Horne, HR 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 6:30 pm. *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 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 6:30PM – EXECUTIVE SESSION

Ms. MacNab moved Move we go into Executive Session for the purpose of:

Conducting strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel; and

If the Chair so declares, in accordance with Mass. General Laws Chapter 30A, section 21, and that the Board will adjourn and re-convene in Open Session on or about 7:00pm immediately after the completion of this Executive Session.

“Mr. Flynn, as Chair, declared the necessity for an Executive Session to conduct strategy sessions in preparation for contract negotiations with non-union personnel, as to do so in an Open Session may have a detrimental effect on the Town's bargaining, strategizing and negotiating position.”

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

After the business of the Executive Session was concluded, Ms. MacNab moved that at approximately 7:00PM, the Board of Selectmen adjourn the Executive Session and reconvene in Open Session (at or around 7:00pm).

Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; and Ms. MacNab-Aye

III. OPEN FORUM/PUBLIC COMMENTS: No official “open forum” as these are remote meetings. No public comments via phone calls or emails were received during this meeting.

Ms. MacNab did add that she had a tour of the PACTV studio. She was very impressed with both the facility and the people who worked there. She thanked PACTV for the work that they do and stated that we were lucky to have them.

Mr. Read mentioned that he was waiting for an email from Mrs. Dennison, which he will read upon receipt (see Town Manager’s report).

IV. NEW BUSINESS

7:01PM – Water & Sewer Commissioners – Water Commitment No. 2

Motion To Adjourn As Selectmen & Convene As Water & Sewer Commissioners:

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

Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; and Ms. MacNab-Aye

Ms. MacNab moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the following amount for water and sewer usage charges totaling \$1,269,282.25 for Water and Sewer Commitment #2 of FY21.

Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; and Ms. MacNab-Aye

Motion to Adjourn As Water & Sewer Commissioners & Re-Convene as Selectmen

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

Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; and Ms. MacNab-Aye

Discussions pertaining to Speed Reduction Requests for multiple locations, namely:

Surplus Street, Franklin Street (Rte 53 to Valley), Valley Street (Rte 53 to Pembroke Line), Gurnet Road, Forest Street, Hunt Farm, Old North Street, Marshall Street, Standish Street, Crescent Street, Powder Point Avenue, and King Caesar Road

(Note: this is a follow-up discussion from the August 31, 2020 Selectmen’s meeting)

Mr. Jeff Lewis and Mr. Paul Brogna, Co-Chairs of the Highway Safety Advisory Committee, were also in attendance.

Mr. Lewis began by stating that they focused on the Powder Point Avenue and King Caesar Road areas and that after listening to residents, the committee recommends and upholds their decision to reduce the speed from 30mph to 25mph. There were discussions regarding using the speed radar trailer and the possibility of purchasing the solar speed trailer – Mr. Brogna stated that Marshfield has some. Mr. Adams added that all towns in the Commonwealth receive Uber money, which has to be kept in a reserve fund and this might be a good use of these funds.

Mr. Flynn remarked that he still hasn't seen any hard data that dropping the speed limit on Washington Street has made a difference. He also mentioned that maybe it would be better to reduce all streets in town to 25mph. Mr. Lewis responded that not all streets would be applicable, such as Franklin Street and Tobey Garden, and therefore wouldn't be prudent to do a town-wide speed reduction.

Ms. MacNab stated that she appreciates the hard work the committee has done, but then asked why they feel so strongly. Mr. Lewis replied that the committee was all in favor of reducing the speed – even though the data does not show a drastic difference. He continued to say that a lower speed would reduce risk and accidents as most people will obey the speed limit and those who drive fast would bring their speed down. Mr. Brogna confirmed that the committee voted 5-0 – all in favor.

Resident Susanna Sheehan of Powder Point Avenue felt that there was no need to reduce the speed on Powder Point Avenue as the police trailer in October showed an average speed of 27mpf and also felt that lowering the speed would give people a false sense of security. She encourages a greater police presence in the summer.

Further discussions ensued regarding the placement of more speed trailers and their accuracy. Ms. MacNab asked if the data collected was accurate. Mr. Brogna answered that when people see the speed trailer, they slow down so the degree of accuracy of the speed trailer may not be accurate. Ms. MacNab added that since many people slow down automatically and that is how the data is collected – then that changes things and would not oppose a reduction. Mr. Read felt that putting out lighted speed signs may be worth the experiment. Mr. Flynn and Mr. Madigan also agreed in investing in the solar speed limit poles to continue collecting data.

Ms. MacNab moved that the Board of Selectmen votes to accept the recommendation of the Highway Safety Advisory Committee for the reduction of the speed limit from 30 mph to 25 mph on

Surplus Street	Marshall Street
Franklin Street (Rte 53 to Valley Street)	Standish Street
Valley Street (Rte 53 to Pembroke Line)	Crescent Street
Gurnet Road	Powder Point Ave
Forest Street	King Caesar Road
Hunt Farm	Old North Street

as we find these roads meet the thickly settled and/or business district criteria, as allowed by Sections 193 & 194 of Chapter 218 of the Acts of 2016 regarding changes to the Speed Limit Regulations under Chapter 90, Section 17, and further to authorize the Chair to sign and send notice of action to the Massachusetts Department of Transportation (MassDOT).

Seconded by Mr. Madigan Roll Call Vote: Mr. Flynn-Nay; Mr. Madigan-Aye; and Ms. MacNab-Aye

Discussions pertaining to Duxbury Beach Lease

Mr. Read mentioned that this matter was not ready for discussion and will be presented at a later date.

Discussions pertaining to NStar Easement located at 668 Tremont Street

This was presented and approved at the August 1, 2020 Annual Town Meeting – Article 42 - to grant a permanent utility, electric, and communications easement on a portion or portions of the Town-owned property located at 668 Tremont Street and to allow the Selectmen to sign documentation related thereto.

Due to the construction of the ROCCC, a new utility pole, transformer, underground cable and conduit were required. Attorney Shirin Everett, Town Counsel, has reviewed this Easement and worked with NStar to arrive at this final draft.

Ms. MacNab moved that the Board of Selectmen grants and executes the Easement between the Town of Duxbury and NStar Electric Company d/b/a Eversource Energy, a Massachusetts corporation, for property located at 668 Tremont Street, (Fire Station) and more particularly described in a deed recorded with the Plymouth Registry of Deeds in Book 3341, Page 332, on such terms and conditions as set forth in this Easement.

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

Discussions pertaining to Boards and Committees – Selectmen Liaisons

The Selectmen chose which committees they would be liaisons to, and all were in agreement with their choices.

V. TOWN MANAGER'S REPORT

Mr. Read wanted to include into the record the following email from resident Martha Dennison just received tonight:

Hi, this is Martha Dennison. I live at 320 Standish Street. Thank you for allowing me this opportunity to speak to the Board.

On September 30, I sent a letter to the Board asking you to make a commitment to prioritize Schools in the FY22 budget by funding them at a level services amount. My letter came early in the process but was based on hearing Ted Flynn indicate that he feels that Schools should be treated as an essential service and protected along with our public safety departments. Well, you may know that last week School Superintendent Dr Antonucci laid out a level-funded budget based on the direction provided to him by Rene' and John Q. His stark budget proposal includes the layoff of 18.6 FTEs, including nearly 12 teachers which will increase class sizes across all schools, two instructional assistants which will increase Special Ed group sizes, and a social worker at the middle school which will take that service from our kids. I'm sure you're aware that the impact of COVID-19 has been significant to our schools, our teachers, and our students. At the same time that we are experiencing this budget crisis, we will undoubtedly have more needs at our schools next year, as students will emerge from this year with many social, emotional, and educational deficits. The challenges to assess our kids as well as intervene to get them back to grade level performance will be staggering. So with significantly greater needs next year, I don't believe we're in a position to slash the budget by \$1,051,000. We literally

can't afford a level funded budget; we need to do what we can to preserve school services to protect our children.

Of course, I can say much more about the way that consistent cuts to our school budget year over year have eroded basic education, demoralized staff, and stymied innovation. But I'll leave it here because I think you know those realities.

I know that unless John Q's revenue estimates are proven very conservative or the federal government steps up with much-needed funding assistance, my request to preserve School funding will likely result in cuts to other town departments. But as Ted has stated, Schools are one of the few essential services that our town provides and the money should be identified and set aside first and foremost. I'm afraid that if the Board doesn't agree to a set of priorities soon, a lack of intentionality will allow the budget to move along as in the past and we'll be forced to make cuts to Schools again. My experience demonstrates that this is not a process that can wait until the floor of Town Meeting.

With all that having been said, I haven't yet heard the Board clearly direct the Town Manager and Finance Director to craft a budget that protects our Schools. So, I guess I have two questions for the Selectmen:

- 1. Is it your intention to protect Schools at level service funding - are you willing to provide that direction to the Town Manager?*
- 2. If not, what will it take to convince you to make that commitment and what's the timing for that?*

Mr. Flynn remarked that the school provides crucial services as well as the fire and police departments. Mr. Madigan also added that it's also up to the voters to decide how to fund the school and public safety. Ms. MacNab mentioned that we have asked the schools and all departments to look at their budgets and to tighten their belts, and they are all doing that. She continued to say that the Selectmen need to set a policy to reiterate priorities and would like to avoid a 2 ½ override if at all possible.

Mr. Flynn stated that we have a lot of services, and that we are all committed to the schools and public safety, but we are facing a terrible year and need to work with what we have. He ended saying that they will continue to meet with the school and publicly thanked Mrs. Dennison for her commitment to the school as they are committed too.

Town Clerk – Election Thank You

After what has been a remarkable week (and month) in election cycles, I wanted to take a moment to thank our Town Clerk, Susan Kelley, the Assistant Town Clerk, Linda Salvati, and their entire team of poll workers and volunteers who helped run an incredibly smooth election process. A note was recently sent to my office which I believe articulates quite well what many of us thought about the process this year and is worth sharing here:

I just wanted to take a minute to commend you on the excellent job you've done during this election cycle. I cannot imagine the difficulties you've navigated due to Covid and public health concerns, but no one who has voted would ever realize it. My colleagues and I were saying how seamless the early voting process was, and I've heard several people say how safe they felt while voting. These are really tough times and you've done a great job. Kudos to you.

Post-Election Audit

After every State Election in which the office of President appears on the ballot, state law requires that a post-election audit be held of a random selection of 3% of all precincts in Massachusetts.

Under the provisions of Chapter 54 §109A(c) of the Massachusetts General Laws, a public, random drawing of precincts must be held within 48 hours of the close of polls on Election Day.

The 2020 Post-Election Audit drawing took place at the Massachusetts Archives at 220 Morrissey Blvd. in Boston at 11 a.m. on Thursday, November 5, 2020. The selected precincts will be audited by local election officials and all audits must be completed by November 17, 2020 and final certification of election results must be submitted to the Secretary of the Commonwealth's Elections Division no later than November 18, 2020. Out of the 2,173 precincts statewide, 66 precincts were randomly drawn and in Duxbury, our 6th precinct was selected.

Tomorrow, Tuesday, November 10, the Town Clerk will be conducting the Post-Election Audit at the Police Department at 9:00 a.m. with 3-4 teams of 2 people and continue until they are finished. There are approximately 1,700 ballots to count and they will be counting specific races (President, U.S. Senator, U.S. Rep., State Senator and State Rep as well as question 1 which was selected by the toss of a coin). The process is anticipated to 3 or 4 hours. Observers may attend but due to Covid-19 guidelines, capacity for observers may become limited.

<https://www.sec.state.ma.us/ele/elepostelection/postelectionidx.htm>

Duxbury Senior Center

This afternoon I received notification from Joanne Moore, Director of the Duxbury Senior Center, that on October 29, 2020, the Accreditation Board for the National Institute of Senior Centers unanimously approved the recommendation for accreditation of the Duxbury Senior Center. As stated in the notification, "successfully achieving accreditation status takes the work of many people both in the senior center and in the community. When these two groups work together the rewards will be felt for many years to come. Your organization demonstrates outstanding leadership and commitment to quality programs and services." The notification letter further stated that the Peer Reviewer observed many strengths of the Duxbury Senior Center including "amazing leadership and a very strong staff; exemplary Board engagement and involvement in the Center and a strong and diverse funding base with a major ongoing commitment from the town."

Finally, as was noted the NISC letter, Duxbury's Senior Center is one that is held up as a model for others to follow and that the staff will continue to improve and adapt to meet the changing needs of the older population. I'm sure the Board joins both me and the NISC in congratulating Joanne and her staff in this accreditation process as they continue to strive to meet the needs of the older population in our community.

COVID-19 Update

Please visit the Town's website for the most recent guidance provided by the state last Friday which includes information on:

- [Face Mask Requirements](#)
- [Private Gatherings](#)
- [Public Gatherings](#)
- [Stay At Home Advisory](#)

VI. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Ms. MacNab moved that the Board of Selectmen appoint as follows:

<u>Alternative Energy Committee</u>	<i>(Lew Segall-Chair)</i>	<i>Term Expires</i>
Steve Campbell	Appointment	06/30/23

<u>King Caesar Fund</u>		
Rev. Catherine Cullen	Re-Appointment	06/30/23

(COA Board was on agenda, but will be presented at a future meeting)

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

The following boards/committees have available seats:

Alternative Energy Committee	-	one seats
Design Review Board	-	one Alternate seat
Duxbury Bay Mgmt Commission	-	two seats
Nuclear Advisory Committee	-	two seats
Shellfish Advisory Committee	-	one seat
Sidewalk & Bike Path Committee	-	one seat
Zoning Board of Appeals	-	one Associate member seat

If anyone is interested in volunteering on a board or committee, you are encouraged to fill out a Talent Bank form, which can be found on the Town's website under the Forms & Documents tab.

VII ONE-DAY LIQUOR LICENSE REQUESTS - None

VIII EVENT PERMITS - None

IX MINUTES

Ms. MacNab moved that the Board of Selectmen approves the 10/26/20 Selectmen's Executive Session Minutes, as presented, with the contents to remain confidential until the need has passed.

Seconded by Mr. Madigan. Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye

Ms. MacNab moved that the Board of Selectmen approves the 10/26/20 Selectmen's Open Session Minutes, as presented.

Seconded by Mr. Madigan. Mr. Flynn-Aye; Mr. Madigan-Aye; Ms. MacNab-Aye

X ANNOUNCEMENTS

1) Town Hall will be closed on Wednesday, November 11, 2020 for Veterans' Day

2) Next Scheduled Selectmen's Meeting will be on Monday, November 16, 2020 @ 7:00PM

XI ADJOURNMENT

Mr. Madigan moved that at approximately 7:51 PM, the Board of Selectmen adjourn.

Seconded by Ms. MacNab Roll Call Vote: Mr. Flynn-Aye; Mr. Madigan-Aye; and Ms. MacNab-Aye

Minutes submitted by Nancy O'Connor

LIST OF DOCUMENTS

- 1) Agenda*
- 2) Executive Session motion (materials kept separately)*
- 3) Water & Sewer Commissioners Agenda and Commitment No. 2*
- 4) Letter from Highway Safety Advisory Committee re speed reductions*
- 5) Duxbury Beach Lease letter and lease*
- 6) NStar Easement*
- 7) List of Boards & Committees*
- 8) Committee Appointments/resignations*
- 9) Minutes*
- 10) Announcements*