

Date: April 13, 2020
Date Minutes Approved: April 27, 2020

TOWN CLERK

2020 APR 28 PM 3:35

OPEN SESSION MINUTES

DUXBURY, MASS.

BOARD OF SELECTMEN

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

Absent: Shawn Dahlen, Clerk

Staff: René Read, Town Manager; and Nancy O'Connor, Executive Assistant

Others: John Q. Adams, Finance Director; and Susan Kelley, Town Clerk

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 10:30 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 April 13, 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 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. OPEN FORUM No phone calls were received.

There was an email received from Mr. Frank Holden asking the Board to describe how they get and rely on Covid-19 information?

Mr. Read provided the following answer in response to Mr. Holden's email:

When a patient is diagnosed, the doctor/hospital notifies the State. The State then notifies the Town's nurse, who then notifies our Board of Health Agent Tracy Mayo and Emergency Management officials - which includes Mr. Read. Mr. Read then notifies the Board of Selectmen, and then sends out a public notice. That public notice is pushed out through the Town's website and social media. The Town Nurse maintains contact with those confirmed to monitor their progress.

III. NEW BUSINESS

Discussion pertaining to Annual Town Election – presented by Susan Kelley, Town Clerk

Ms. Kelley stated that the Selectmen previously voted to postpone the Annual Town Election with a date to be determined. She informed the Selectmen that she would like to reschedule for Saturday, June 27, 2020, which is the last Saturday in the fiscal year. COVID-19 health risks will be re-evaluated at the end of May and polling hours will be determined at that time.

Ms. Kelley further mentioned that the last date to register to vote will be Friday, June 5, 2020. She is encouraging residents to vote by absentee ballot and to please either call her office (781-934-1100 x5450 or email at kelley@town.duxbury.ma.us).

Mr. Madigan asked how far in advance can people vote. Ms. Kelley replied that they can vote now.

Mr. Flynn moved that the Board of Selectmen reschedule the Annual Town Election originally scheduled for Saturday, March 28, 2020 to Saturday, June 27, 2020.

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

Discussion pertaining to FY20 and FY21 Budgets

Mr. John Adams, Finance Director, presented the Selectmen with a budget comparison from March FY19 and March FY20. Mr. Adams pointed out that the March FY20 revenues were nearly 2% stronger than FY19. He also mentioned that motor vehicle excise tax collections are coming in as well as ambulance revenues. Mr. Adams does expect to see a decrease in meals tax revenues. He continued to say that we have only collected about 25% from selling transfer station permits and beach stickers. That is because most of the revenue comes from beach sticker sales, which have now been suspended, but with hopes to start selling stickers prior to June 30.

Mr. Madigan asked how that will effect Free Cash at Town Meeting. Mr. Adams replied that it will effect FY21 because we won't have the amount of Free Cash we have had in previous years. He also mentioned that he hopes to have a good idea of what April revenues will be by May 15.

Mr. Adams further added that we will have unemployment costs (school extended day programs layoffs), and we don't know when we will be having the Special Town Meeting, how to fund that and how to supplement articles. He also noted that there may be a potential to get reimbursements through FEMA.

Mr. Madigan asked if he has looked at the FY21 budget in order to make adjustments. Mr. Adams responded that he hadn't looked that far ahead just yet, but will need to evaluate.

Discussion pertaining to closure of Duxbury Beach and sticker sales

Mr. Read stated that he closed the beach a couple of weeks ago to encourage social distancing. He mentioned that the police department has addressed issues and if people do not adhere to the rules, they can receive a \$300 fine. Mr. Read expressly encouraged people to stay away until the beach is re-opened, which timeline is driven by the virus. When it is time to re-open, the Duxbury Beach Reservation needs two weeks to prepare in order to hire bird monitors. He continued to say that they would then start selling beach stickers. Mr. Read remarked that a lot of people are using alternate means of recreating, such as walking paths and conservation areas. Mr. Read asked for cooperation of

everyone in adhering to social distancing. Everyone should be prepared to seek less crowded areas for recreation purposes. He commented that we are all doing the best we can. Since beach sticker sales have been suspended, Mr. Read also mentioned that beach stickers already applied for and that those payments did not go through. He also confirmed that when the beach stickers do go on sale, those people will have to re-apply. Mr. Adams added that those people have been notified by the treasurer/collector's office.

Discussion pertaining to 4/13/20 Special Town Meeting (Temple Street) and the May 2, 2020 Annual and Special Town Meetings (previously rescheduled) and the Moderator's Declaration

Mr. Read read into the record the following Moderator's Declaration (signed by Moderator John Tuffy on 4/10/20):

DECLARATION OF RECESS AND CONTINUANCE OF MAY 2, 2020, ANNUAL and SPECIAL TOWN MEETING (Originally scheduled for March 14, 2020) and APRIL 13, 2020, SPECIAL TOWN MEETING (Originally scheduled for March 16, 2020)

This Declaration is being issued pursuant to the authority vested in the Town Moderator by the provisions of G.L. c. 39, §10A.

I hereby provide notice to the Town of Duxbury that I have determined that it is in the public's interest, due to the public health and safety risks posed by the novel coronavirus COVID-19, to recess and continue the May 2, 2020, Annual and Special Town Meeting until Saturday June 13, 2020, at 9:00 a.m. at the Performing Arts Centers located at 73 Alden Street, Duxbury, MA.

Further, I hereby provide notice to the Town of Duxbury that I have determined that it is in the public's interest, due to the public health and safety risks posed by the novel coronavirus COVID-19, to recess and continue the April 13, 2020, Special Town Meeting until Saturday June 13, 2020, at 1:15 p.m. at the Performing Arts Centers located at 73 Alden Street, Duxbury, MA.

I have issued this Declaration after careful and considerable deliberation about the implications of the rapid spread of the disease, present lack of containment, and risk to most vulnerable populations inherent in public gatherings at this time. Various professional sports leagues, universities, school districts, cultural institutions and events, and more, have been cancelled, closed, or temporarily suspended normal operations. Similarly, various public and private entities have significantly restricted operations in response to the continued spread of the virus. Based upon the recommendations from the Governor, among others, that large gatherings be avoided, and the declaration of a State of Emergency in the Commonwealth, I consulted with public safety officials, the Board of Health, and members of the Select Board and reviewed guidance from the Massachusetts Department of Public Health and the U.S. Centers for Disease Control and Prevention. A significant consideration in this decision includes the important role of Town Meeting as the legislative body of the Town, and my obligation to ensure that all who wish to participate are able, particularly, vulnerable members of our community.

Being respectful of the health, safety and wellbeing of all of the voters of the Town, therefore, I have determined in accord with G.L. c.39, §10A that the rapidly evolving situation involving COVID-19 will mean that some voters will be unable to attend the May 2, 2020, Annual and Special Town Meeting as well as the April 13, 2020, Special Town Meeting and that they will therefore be deprived of the

opportunity to participate in such meeting. A delay at this time will avoid forcing voters to choose between participating in the Town Meeting and managing their health in a manner most appropriate for them.

To provide as much advance notice as possible, and in order to allow the Town the greatest period of time to evaluate the situation, this formal Declaration, will be deemed to be issued and take effect on April 13, 2020, the re-scheduled date for the Special Town Meeting and on May 2, 2020, the re-scheduled date of the Annual and Special Town Meeting.

Please contact the Town Manager's office with any further questions at read@town.duxbury.ma.us

Mr. Read pointed out that the ATM/STM and second STM have been re-scheduled to the same day – Saturday, June 13, 2020 starting at 9:00am, noting that the second STM (Temple Street) starts at 1:15pm. He wanted to be mindful of those attending the second STM so he picked a finite time to make it as accessible as possible. Mr. Madigan asked if we can move to a later date. Mr. Read responded that he would have to check that with Town Counsel.

Mr. Madigan also mentioned the local option to extend exemption and abatement deadlines, which was provided by Mr. Adams.

This was provided by the MA DOR Division of Local Services and described as follows:

B. Local Option to Extend the Due Date for Exemption and Deferral Applications

Section 10(a)(iv) includes a local option to extend the due date under G.L. c. 59, § 59 for applications for exemptions from April 1, 2020 to a date not later than June 1, 2020. This due date extension, if exercised, will automatically apply to deferrals under G.L. c. 59, § 5[18A] and [41A], residential exemptions under G.L. c. 59, § 5C and small commercial exemptions under G.L. c. 59, § 5I. This second local option is exercised in the same manner described in Section VII-A of this Bulletin.

Mr. Flynn moved that the Town adopt the local option under Section VII B under Chapter 53 of the Acts of 2020 - Local Option to Extend the Due Date for Exemption and Deferral Applications to June 1st, 2020.

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

IV TOWN MANAGER'S REPORT

Mr. Read began by stating that last Friday he provided information that there were 20 confirmed COVID-19 cases, ten of which have recovered. He remarked that this shows that social isolation is working.

Harrison Street – Mr. Read said that the water pipe replacement project stopped until April 21 because of the social distancing guidelines.

Seawall Repair Project – Mr. Read remarked that this project is behind because of the carpenters union delays, and they are needed to because they are building the needed forms. Mr. Madigan asked how

the seawalls were doing. Mr. Read replied that they are doing well, and Mr. Buttkus, DPW Director, has been monitoring the tides.

Beach/Powder Point Bridge closure – Mr. Read mentioned that electronic signage has been deployed at the intersection of Saint George Street and Route 3A to notify travelers that the beach and bridge are closed, which should alleviate the traffic on Powder Point and King Caesar.

Mr. Read commented that some residents are experiencing brown water in some areas. He mentioned that the fire department has been training using hydrants, which can turn materials in the pipes. He recommended letting the water run for 3-5 minutes until the water is clear.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATION - None

VII ONE-DAY LIQUOR LICENSE REQUESTS - None

VIII EVENT PERMITS - None

IX MINUTES

Mr. Flynn moved that the Board of Selectmen approve the 03/16/20 and 03/23/20 Selectmen's Open Session Minutes, as presented.

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

X ANNOUNCEMENTS

- 1) Next Scheduled Selectmen's Meeting is To Be Determined (possibly in two weeks)

XI ADJOURNMENT

At approximately 11:15 a.m., Mr. Flynn moved that the Board adjourn.

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) *Motion regarding Town election*
- 3) *Budget documentation*
- 4) *Moderator Declaration*
- 5) *Minutes*
- 6) *Announcements*

