

Date: January 9, 2017

Date Minutes Approved: January 23, 2017

TOWN CLERK
2017 JAN 25 PM 2:45
DUXBURY, MASS.

BOARD OF SELECTMEN MINUTES

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

Absent: -----

Staff: René J. Read, Town Manager; John Madden, Finance Director (Open Session only) and C. Anne Murray, Administrative Assistant

I. CONVENED IN OPEN SESSION

The meeting was called to order at 6:30 pm in Open Session in the Town Hall (Mural RM). Chair mentioned that the Board would be going into an Executive Session regarding pending litigation but will re-convene in Open Session following that (at approximately 7 PM).

II. VOTE TO ENTER EXECUTIVE SESSION

Mr. Dahlen moved the Board of Selectmen go into Executive Session to discuss strategy with respect to litigation since an open meeting may have a detrimental effect on the Town's litigating position, if the chair so declares, regarding the following: Johnson, O'Neil, Johnson v. Town of Duxbury and to reconvene in open session in accordance with Mass. General Laws Chapter 39, Section 23b.

As Chair, Mr. Madigan declared the necessity for Executive Session to discuss strategy with respect to litigation, as to do so in an open session may have a detrimental effect on the Town's litigating position.

Second by Mr. Flynn. ROLL CALL VOTE: Mr. Dahlen-Aye; Mr. Madigan-Aye; Mr. Flynn - Aye.

At approximately 7:05 pm, having completed the business of the Executive Session, the Board reconvened in Open Session and began after the public had entered the room.

III. OPEN FORUM - Nothing was brought forward.

IV. NEW BUSINESS

Collective Bargaining Settlement with Public Safety Dispatchers Union, MCOP Local 376A / Jeannie Horne, HR Director

Ms. Horne explained that tonight she was asking the Selectmen to sign the final Collective Bargaining Settlement Agreement with the above-named bargaining unit. The Agreement is for the period of July 1, 2016 through June 30, 2019. She had provided a memo to the board summarizing the details and from that mentioned the following:

- Item 1 - The two percent annual wage increases every year for 3 years are similar to Town's agreements other collective bargaining units.
- Items 2, 3, 4, 5, 6, 7, 9, 12 and 13 – These are universal agreements we have reached with other collective bargaining units. They have to do with the following topics: Re-Cori required every 2 years; immediately reporting any criminal charges or changes in the status of licenses

/certifications; payroll items regarding direct deposit and transition of pay day; sick leave language clarifications; FLMA/SLMA/ PLA; an updated reasonable suspicion policy related to drugs and alcohol; and a new Civility and Conflict Resolution Standards clause.

- Item 8 - The shift differential change to \$1.25 per hour 4 p.m. to midnight and \$1.50 per hour 12 a.m. to 8 a.m., (from \$0.37 and \$0.48 respectively) provides similar compensation in relation to our other public safety collective bargaining units.
- Item 10 - The Lead Public Safety Dispatch pay (new position) is representative of the additional duties and responsibilities outlined in the job description (maintaining the duty schedule and dispatch operations manual, coordinating and scheduling training, reviewing logs for quality control purposes, serving as liaison to State E-911, monitoring and maintaining communications center equipment (Computers, Radios, PSAP hub and related gear), supporting the regional emergency communications center commanding officer.) Cost is shared among the regional communities.
- Item 11 - Educational incentive is new to this collective bargaining unit, but it is provided to our other public safety collective bargaining units. Provides for \$1000. for an Associate's Degree and \$2,000. for a Bachelor's Degree but the degree has to be in specific disciplines related to the job.

There was a discussion of how the funding is handled and shown in the Town budget. Mr. Madden explained that there are offsets provided by reimbursement through State 911 and /or the other communities in the regional dispatch center.

Mr. Dahlen moved that the Board of Selectmen accept the Settlement Agreement by and between the Duxbury Public Safety Dispatchers Union, MCOP Local 376A and the Town of Duxbury, as presented, beginning July 1, 2016 through June 30, 2019. Second by Mr. Flynn. VOTE: 3:0:0.

Discussion and review of March 2017 Annual Town Meeting Warrant and related materials

Mr. Read mentioned that he had provided to the Selectmen the following: a copy of the Warrant (01-06-17 Draft); a copy of the "one-liners" spreadsheet of articles for recording votes of the Finance Committee and Selectmen; a copy of Art. 6 – Capital Projects Request; and a copy of Art. 7 Small Equipment and Minor Services (a/k/a "Capital light" projects). He said that Mr. Dahlen reviewed the material, and made some suggestions with regard to the order of the articles and he is in agreement. There are currently 45 ATM articles.

Mr. Dahlen then explained his thought process for the ordering of the articles. He suggested putting the standard annual articles first (Art. 1 -12). Then he said he looked at those articles which might have the greatest interest to Duxbury residents putting those next so that they might be discussed on Saturday with the largest attendance. So after the standard articles he has put the Battelle overlay district amendment article followed by 4 or more Zoning By-law articles. Beyond that a number of the articles are grouped, for example the CPC articles appear in sequence.

For the benefit of the Board, Mr. Read mentioned that there is also a "placeholder" for an additional article proposed by Mr. Tedeschi. Mr. Read read the article, which was submitted as a citizen's petition by Mr. Tedeschi as the owner of a property that might be affected by a change. He noted that under this form of citizen petition (i.e., by a land owner that might be affected by a zoning change), no signatures were required. Mr. Read said this article is currently under review by Town Counsel with

Mr. Tedeschi's Counsel and at this time there is uncertainty whether it will be going forward or not. So for the moment there is a placeholder inserted in the warrant.

Mr. Read then gave an overview of the warrant article topics mentioning the following:

- There are approximately 9 zoning articles.
- Stormwater management consulting services article
- The standard CPC articles and then CPC articles requesting funding for: an irrigation system for the Jaycox Tree Farm; the Conservation Fund; a moisture assessment and repair of the Alden Historic Site; and window restoration at the Bradford House; and restoration of the Standish Cemetery.
- Fire Department Headquarters expansion article
- Electronic Balloting article
- An article to amend the date of the closing of the ATM warrant
- An article regarding the imposition of interest on overdue municipal charges
- An article regarding the imposition of liens on overdue municipal charges
- An article regarding a proposed cell tower location at the Police Department
- An article for contracting with Duxbury2020 to install markers or flags for the Town
- An article for ground-mounted solar photovoltaic installation (related to Green Communities)
- An article to amend the General Bylaws – Stretch Energy Code (related to Green Communities)
- Articles for amending Local Historic District and the proposal of new local historic districts
- An article to support MassDEP proposed regulations regarding the sale of clean energy (submitted by Nuclear Adv. Committee)
- A citizen petition related to banning plastic bags
- An article to allow an amendment to the Margery Parcher Fund so that the 4th of July funds can be used for a beach party on Labor Day. In the past a beach party was held as part of the 4th of July celebration, but because of the endangered species (piping plovers) being on the beach in early July we haven't been able to hold it for several years. Instead the Committee would like to have a beach party during Labor Day weekend, but an amendment to the Margery Parcher Fund is needed in order for monies from it to be used.
- 3 Planning Board articles:
 - Funding the update of the Comprehensive (Master) Plan; estimated at \$150, 000. (of which \$25, 000 is already available)
 - Funding for the updating of the zoning map, estimated at \$30,000.
 - Funding for the update of the Zoning Bylaw, weren't carrying an estimate as it didn't appear that would be moving forward, but are estimating a cost of \$75,000.

Mr. Dahlen explained that there have been some subsequent discussions about the 3 Planning Board articles. The Zoning Board of Appeals (ZBA) and the Zoning Bylaw Review Committee (ZBRC) would put the zoning recodification at the top of the priorities to move forward immediately. The Planning Board felt the Comprehensive (Master) Plan should be undertaken first. The Planning Board is okay with them going forward simultaneously, but was concerned all three would be too much for one staff member. So it was suggested that could be modified by involving 3 department heads (Planning, Conservation and Inspectional Services) to oversee the zoning recodification. He added that Mr. Lambiase suggested putting the 3 items out to bid as a package with the understanding of a 3-year term, but the funding to be authorized in subsequent Town Meetings. The key will be in the language in the Request for Proposals (RFP) and setting the appropriate expectations.

Mr. Read suggested with respect to the 3 Planning Board articles that he needs to have another meeting with the appropriate staff and representatives from the Planning Board /Zoning Board to come to a consensus. Once that is decided then if the Board is in agreement he will re-order the articles as suggested and prepare and updated draft of the warrant.

Mr. Flynn raised a question about the article regarding the Marijuana Moratorium. It was explained that this would be a temporary moratorium, which would mirror what the State is doing with respect a moratorium on the sale of recreational marijuana and was included at the recommendation of Town Counsel.

For the next several meetings the proponents of the articles will be invited in to briefly discuss their articles and for the Selectmen to vote on the articles.

V. TOWN MANAGER'S REPORT

Mr. Read announced that he was forming a new Town Manager committee, the **ROCCC Study Committee (Regional Old Colony Communications Center Study Committee)** regarding the Public Safety Dispatch area, which was formerly called the DRECC or Duxbury Regional Emergency Call Center. The ROCCC Study Committee will have 9 members. Mr. Read said he has appointed the following individuals:

Dennis Nolan; Architect
Johnathon Marks; Builder/Realtor

Paul Brogna; Civil Engineer
Don Beers; retired Public Safety Dept. Head

Chief Nord, Duxbury Fire Dept.
Capt. Reardon, Duxbury Fire Dept.
Chief Clancy (or designee), Duxbury Police Dept
Deputy Chief McDonald, Duxbury Police Dept.
Brian Cherry, Duxbury Facilities Manager

He added that Mr. Scott Lambiase is the Owner's Project Manager for the Town of Duxbury regarding the project.

Before moving to the next item of business Mr. Flynn mentioned that he had attended a Winter Town Preparedness meeting organized by State Reps. Jim Cantwell and Josh Cutler for a number of South Shore coastal communities. Senator Patrick O'Connor was also in attendance, as well as local officials from a number of area towns. He mentioned that one topic of discussion was the suggestion of creating and distributing a "sheltering-in-place" kit, which would include basic items that a household should have.

VI. COMMITTEE APPOINTMENTS / RE-APPOINTMENTS / RESIGNATIONS

Old Colony Planning Council –Area Agency on Aging

Mr. Dahlen moved to appoint Mr. Harry Katz to the Old Colony Planning Council –Area Agency on Aging to fill a term due to expire on June 30, 2017. Second by Mr. Flynn. VOTE: 3:0:0

VII. ONE-DAY LIQUOR LICENSE REQUESTS -There were no one-day liquor license requests.

VIII. EVENT PERMITS -There were no event permit requests.

IX. MINUTES

Executive Session Minutes: *12-19-16 Executive Session Minutes-DRAFT*

Mr. Dahlen moved that the Board of Selectmen approve the 12-19-16 Executive Session Selectmen's Minutes, as written, with the contents to remain sealed due to medical confidentiality. Second by Mr. Flynn. VOTE: 3:0:0.

Open Session Minutes: *12-19-16 Selectmen's Minutes-DRAFT*

Mr. Dahlen moved that the Board of Selectmen approve the 12-19-16 Selectmen's Minutes, as presented. Second by Mr. Flynn. VOTE: 3:0:0.

IX. ANNOUNCEMENTS

Mr. Dahlen read the following announcements:

1. Waiting Lists for Commercial Mussel & Razor Clam Licenses:

Just a reminder that individuals on the Waiting Lists for Commercial Mussel and Razor Clam Licenses must renew their application annually within the month of January. The sign-up sheets will be posted in the Selectmen's office on January 3rd.

2. Nomination Papers for the March 2017 Annual Town Election:

Nomination papers are now available from the Town Clerk's office and are due back to the Town Clerk by Monday, February 6, 2017. **CORRECTION:** At the last Selectmen's meeting it was announced that there was 1 Library Trustee seat for a term of 3 years, but in reviewing the records there are actually 2 Library Trustee seats available.

3. Brush Burning Permits are now available:

Information about Brush Burning Permits is posted on the Town website in the Town News column.

4. Martin Luther King, Jr. Day:

Monday, January 16th is Martin Luther King, Jr. Day. In observance of the holiday the Town Hall will be closed and there will be no Selectmen's Meeting that evening.

5. Next Scheduled Selectmen's Meeting is on: Monday, January 23, 2017.

XII. ADJOURNMENT:

At approximately 7:40 pm., Mr. Dahlen moved that the Board adjourn the meeting. Second by Mr. Flynn. ROLL CALL VOTE: Mr. Dahlen- aye; Mr. Madigan – aye; and Mr. Flynn –aye.

Minutes respectfully submitted by: C. Anne Murray

LIST OF DOCUMENTS FOR 01-09-17 SELECTMEN'S MEETING (Open Meeting documents are located in the Selectmen's office files. The 01-09-17 Executive Session documents are filed in the Executive Session files.)

1. *Agenda for 01-09-17 Selectmen's Meeting -Revised*
2. *OPEN FORUM: no documents*
3. *NEW BUSINESS:*
 - a. *Collective Bargaining Settlement with PS Dispatchers Union, MCOP Local 376A: Coversheet with Suggested Motion, 01-05-17 Jeannie Horne Memo, Copy of Agreement to be signed*
 - b. *March 2017 ATM Warrant and related materials: Handout of proposed re-ordering of ATM articles, One-Liners Spreadsheet of March 2017 ATM articles, March 2017 ATM Warrant -01-06-17 DRAFT, Spreadsheets regarding Art. 6 Capital Projects Requests and Art. 7 ("Capital Light" requests) Small Equipment and Minor Services*
4. *Town Manager's Report: ROCCC Study Committee Appointment LTR-DRAFT*
5. *APPTS./Re-APPTS/RESIGNATIONS: 01-09-17 Appointment/Re-appointments Sheet*
6. *ODLLs - no documents*
7. *EVENT PERMITS: no documents*
8. *MINUTES: 12-19-16 Executive Session -Draft (in Executive Session file) and 12-19-17 Selectmen's Minutes -Draft*
9. *ANNOUNCEMENT: Suggested Announcements for 01-09-17*
10. *BONUS SHELLFISH SEASON for January, 2017*
11. *Suggested Motion for Entering Executive Session and Adjourning.*