

Date: August 28, 2017

Date Minutes Approved: September 11, 2017

TOWN CLERK

2017 SEP 15 AM 10:24

DUXBURY, MASS.

BOARD OF SELECTMEN MINUTES

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

Absent:

Staff: René J. Read, Town Manager, John Madden, Finance Director and C. Anne Murray, Administrative Assistant

I CALL TO ORDER

The meeting was called to order at 6:45 pm in Open Session in the Duxbury Town Hall (Mural RM), 878 Tremont ST, Duxbury.

II 6:45 PM EXECUTIVE SESSION: For the purpose of:

Conducting contract negotiations with non-union personnel (Town Accountant)

Mr. Flynn moved that the Board of Selectmen go into Executive Session for the purpose of conducting a strategy session and discussing contract negotiations with non-union personnel (Town Accountant) and to reconvene in open session immediately afterward, in accordance with Mass. General Laws Chapter 30a, Section 21.

As Chair, Mr. Dahlen declared the necessity for it to be in Executive Session due to the confidential nature of discussions pertaining to contract negotiations.”

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

III OPEN FORUM - nothing was brought forward.

IV NEW BUSINESS

Introduction to the Board of Selectmen of new Town Counsel, KP Law

Town Manager René Read introduced the Attorneys Lauren Goldberg, Jeff Blake, Amy Kweswell, and Barbara Saint Andre from KP Law, PC, who were recently hired as the Town’s new Town Counsel firm. Mr. Blake spoke on behalf of the group. He explained that KP Law has a system in which they assign a primary counsel, a secondary counsel, and then attorneys for various practice areas. Attorney Blake said he will be the primary counsel and Attorney Amy Kweswell will be the secondary counsel for Duxbury’s team. Attorney Barbara Saint André has been assigned as Duxbury land use attorney. Attorney Lauren Goldberg is KP Law’s Managing Partner, who oversees all aspects of their office. He expressed how pleased they were to be awarded the contract and that they look forward to working with the Town of Duxbury.

In terms of transition, Mr. Read said that he and Atty. Blake are working on it to determine, which matters should be turned over from Anderson & Kreiger and which matters should continue to be

handled by them. New matters will be transitioned to KP Law, but matters that are close to completion will remain with Anderson & Kreiger to be completed.

Discussion regarding the Eben H. Ellison Trust Fund / Gordon Cushing

Mr. Read said the Eben H. Ellison Trust Fund (hereafter Ellison Fund) is a non-expendable trust, which was accepted by the 1990 Annual Town Meeting. The terms of the gift allow for half of the interest to be spent for worthy Town projects and the other half to be spent on the upkeep of the Ellison playground (i.e., the one adjacent to the Duxbury Free Library).

As in the past, the Town Treasurer has determined the balance in the Ellison Trust. For FY'18 the Ellison Trust balance is \$18,657.44. Then recommendations were made to the Ellison Trustees regarding (a) needed maintenance at the Ellison Playgrounds and the estimated costs; and (b) suggested worthy Town projects and the estimated cost. The Ellison Trustees considered the information provided a member dated August 9, 2017 indicating their agreement for the following expenditures:

- \$9,078.72 for the maintenance of the Ellison Playgrounds; and
- \$7,800.00 for the pool lane equipment and the advertising kiosk
for a total expenditure of \$16,878.72.

Per the requirements of the Ellison Trust, the Selectmen are asked to confirm the recommendations.

Mr. Flynn moved that the Board of Selectmen recommend the following expenditures from the Eben H. Ellison Trust Fund:

- \$9,078.72 for the maintenance of the Ellison Playgrounds; and
- \$7,800.00 for the pool lane equipment and the advertising kiosk*

for a total expenditure of \$16,878.72. Second by Mr. Madigan.

Mr. Dahlen questioned where the advertising kiosk is to be located—inside or outside the building?

Mr. Read was not 100 % sure. And therefore, at Mr. Dahlen's urging and with the agreement of the other members, the motion was amended to so that the advertising kiosk be “*subject to it not being for external advertising (i.e., un-related to the pool or pool-events).” VOTE: 3:0:0.

Discussion regarding Metropolitan Planning Organizations (MPOs)

Planning Director Valerie Massard summarized a memorandum she provided to the Board. The gist of it is that due to recent changes at the federal level, for planning purposes related to the expenditure of federal funds through the Transportation Improvement Planning process (TIP), Duxbury must select a single Metropolitan Planning Organization (MPO). Currently Duxbury is in both of the following MPO's: Old Colony Planning Council (OCPC) and the Boston Region Metropolitan Planning Organization (Boston Region MPO).

However, the Town may be in more than one organization that serves as a Regional Planning Agency, and currently Duxbury is in both the Old Colony Planning Council (OCPC) and in the Metropolitan Planning Council (MAPC) as its Regional Planning Agencies. She recommends staying in both.

After discussions with representatives of MAPC, OPC, MassHighways District 5, traffic engineering consultants and planners she is recommending that the Selectmen vote to have the Town of Duxbury

remain in the Old Colony Planning Council (OCPC) MPO as its TIP-funding group and maintain membership in both Regional Planning Agencies. She mentioned the following as rationale for this decision:

- The Boston Region MPO involves more communities and a number of larger communities. While it is a larger funding source, there is significantly more competition for the funding, and therefore there is greater competition.
- In OCPC the community with the most influence is Brockton. The communities surrounding Duxbury, including Kingston, Plymouth, Marshfield (shortly), and Pembroke are in the OCPC MPO.
- OCPC is a strong supporter of transportation planning in our region of Massachusetts. They know the networks and people in the area, and continue to provide services, including traffic studies, e.g., the Hall's Corner traffic and economic indicators study.
- MAPC offers a wide-range of expertise, services and public outreach.

After Ms. Massard responded to questions of the Board, Mr. Jamie MacNab, a Duxbury resident, asked if there was funding system for things like signalization of Tremont ST near Exit 10. Ms. Massard said that Tremont ST is part of a state roadway system. There is a cost-sharing system in which the state and federal government provide construction funding, but the local community must fund and have the design work done before being eligible for the construction funding. Regarding Tremont ST at Exit 10, Ms. Massard said that Duxbury has not done the design work (estimated to cost in the neighborhood of \$250,000), but there have been some preliminary discussions and estimates. This location is also shared with Kingston so there will have to be joint discussions and local design funding.

As an example of the timeframes involved in these types of highway projects Mr. Flynn said that the discussions about the Winter ST –RTE 53 roundabout project began in 2004 and, as you know, it was only recently completed.

Mr. Flynn moved that the Board of Selectmen choose the Old Colony Planning Council as Duxbury's Metropolitan Planning Organization and that Duxbury maintain membership in both Regional Planning Agencies (RPAs). Second by Mr. Madigan. VOTE: 3:0:0.

Discussion pertaining to Health Insurance Plan Design Health Agreement

Mr. Peter Savage, of Cook & Co.-- the Town's health consultant, explained that at the April 20, 2017 open meeting the Selectmen had instructed the Town and the bargaining units, non-union personnel and retirees to get together in an informal manner (i.e., the meetings were not invoked under a statutory requirement) to talk about the need for plan design changes to the Duxbury self-funded, health insurance and then to bring any agreed upon changes back to the Board for discussion and a vote.

Mr. Savage explained that this was necessary because for the past year or two the claims experience has been higher than anticipated. As a result the Health Insurance Trust balance was significantly reduced by about \$1,800,000,000.

So the intention of the April 20th meeting was to ask the Selectmen to vote to use M.G.L. Chapter 32B Sect 21-22 to formally impose plan design review. After the discussion a less formal approach was taken. Since then there have been 3 meetings with the union representatives and their health insurance consultants, retiree representatives, non-union personnel representatives, finance representatives, a Board of Selectmen representative, and Human Resources representatives. He said that it was a very positive experience that he described as "spirited but congenial discussions." Mr. Savage mentioned

that the Selectmen have a Memorandum of Agreement, which is the end result of all the discussions, which each of the union representatives have signed off on.

He indicated it is hard to put a specific number on the dollar savings, but what we are hoping the change will do is have a 4% slowing impact on any future changes. So for example if next year's increase were to be 8% then you would be looking at a 4% increase or if next year's increase were to be 10%, then it would be a 6% increase.

Mr. Flynn, who was the Selectmen representative, thanked all those representatives who participated for the great cooperation and understanding and work to find reasonable solutions to a vexing problem. He also complimented Human Resources Director Jeannie Horne for her work in organizing and running the meetings.

Mr. Flynn moved that the Board of Selectmen vote approval for the Health Insurance Plan Design Memorandum of Agreement as presented. Second by Mr. Madigan. VOTE: 3:0:0.

Mr. Savage said the second part of this was the union representatives strongly requested that the Town try to accommodate those retirees who don't qualify for Medicare; so they were not eligible for the supplement plans. These were individuals who neither spouses paid into the Medicare system so they were not eligible. We looked into this with BCBS and the Town would have to buy part A for these individuals and pay any penalties for as many years they would have been eligible but didn't take it. And then they would have to take Part B, and there would be some penalties there. And, as the Town did when Section 18 and Section 18A were adopted, the Town did pay the penalties and likewise would do so for these new individuals. So there is some increased cost on purchasing these.

In rationalizing this, it is realized that the Town would be paying some additional costs and these individuals would pay a little less, but currently any of the expenses of these individuals are paid out of the Trust. Typically, the highest costs paid are towards the end of life. Parts A and B will pick up 80% of the health care costs. So down the road, Mr. Savage said, we believe that by doing this there ultimately would be a net savings to the Town and the Health Trust. He thinks this was just an oversight when the law was established because everybody hired after 1986 or '87 does pay in to Medicare.

Ms. Horne said this situation currently only effects about 14 people. It is possible that there might be some others but it would be a limited number in a shrinking pool.

Mr. Flynn moved that the Board of Selectmen vote approval to provide Medicare ineligible retirees, age 65 or older, the same level of benefit available to retirees who are Medicare eligible. Requiring, effective July 1, 2018, that all current and future non-Medicare eligible retirees (and dependent spouses if applicable) enroll in Medicare Part A, Medicare Part B and the Town's individual Medex 2 plan and Blue MedicareRx (which includes Medicare Part D for prescription drugs).

The cost of Medicare Part A and any related penalties will be paid by the Town, so long as the retiree (and spouse, if applicable) enrollment is timely. As is the case with Medicare eligible retirees, the cost of Medicare Part B and 50% of the cost of Town's supplemental plans (Medex 2 and Blue MedicareRx) will be paid by the retiree (and spouse, if applicable). If at age 65, the retiree has more than one dependent, he/she may remain covered under the family HMO or PPO (as permitted under Section 18A of 32B), but he/she must also enroll in Medicare Part A and Medicare Part B.

Second by Mr. Madigan. VOTE: 3:0:0.

Discussion pertaining to declaring a Fire Department Vehicle as Surplus

Mr. Read said the Fire Department would like to dispose of 1986 Chevrolet C30 Pickup, which has an approximate value of \$500. So the Board is asked to declare it as surplus so it can be disposed of. In response to a question, Mr. Read said that the Fire Department will use it for extraction training and then it will be sold as scrap.

Mr. Flynn moved to declare as surplus the Fire Department's 1986 Chevrolet C30 Pickup, in order to allow this item to be sold or disposed of, as further detailed in Chief Nord's email of August 21, 2017. Second by Mr. Madigan. VOTE: 3:0:0.

Acceptance of Donation from Mary Bartlett Reynolds Revocable Trust to Duxbury Animal Shelter

Mr. Flynn moved that the Board of Selectmen accept with gratitude the very generous \$10,000. donation to the Duxbury Animal Shelter from the Mary Bartlett Reynolds Revocable Trust. Second by Mr. Madigan. VOTE: 3:0:0.

V TOWN MANAGER'S REPORT

Town Manager René Read mentioned the following:

- Fire Department Open House will be on October 1st.
- Community Compact Signing: This has had to be re-scheduled several times due to unexpected conflicts. He just wanted the Board to know that he will be reaching out to them to coordinate another date.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION *-none*

VII ONE-DAY LIQUOR LICENSE REQUESTS

09-29-17 Duxbury Food & Wine Festival "Oktoberfest"

Mr. Flynn moved that the Board of Selectmen grant to Mr. Richard Marble, as a representative of the Duxbury Food & Wine Festival, a One-Day Wine & Malt License for the "Oktoberfest Under the Tent" on Friday, September 29, 2017 located at the Parking Lot behind Sweetser's, 459 Washington Street, from 6:30 PM to 10:30 PM, contingent upon the conditions on the license. Second by Mr. Madigan. VOTE: 3:0:0.

09-30-17 Duxbury Food & Wine Festival "Grand Tasting"

Mr. Flynn moved that the Board of Selectmen grant to Mr. Richard Marble, as a representative of the Duxbury Food & Wine Festival, a One-Day Wine & Malt License for the "Festival Grand Tasting" on Saturday, September 30, 2017 located at the Parking Lot behind Sweetser's, 459 Washington Street, from 2:00 PM to 7:00 PM, contingent upon the conditions on the license. Second by Mr. Madigan. VOTE: 3:0:0.

VIII EVENT PERMITS

09-02-17 End-of-Summer Beach Party

Mr. Flynn moved that the Board of Selectmen grant to the Town of Duxbury Fourth of July Committee permission to hold an End-of-Summer Beach Party on Saturday, September 2, 2017 on Duxbury Beach, subject to the conditions on the permit. Second by Mr. Madigan. After Mr. MacNab's comments the Selectmen voted. VOTE: 3:0:0.

Mr. MacNab, Co-Chair of the 4th of July Committee, said they have not been able to have the Beach Party the past few years during the 4th of July weekend so they decided to try having an end-of-summer Beach Party instead. The Beach Party will be on Duxbury Beach from 4 PM to 10 PM. There will be a food concession by Blakeman's. There will be kid zone activities and performances by the DSU coffee house singers and the featured band, The Waves. The bonfire, near the first crossover will be lit between 7:30 PM and 8 PM. He invited everyone to come and enjoy it.

09-02-17 Winsor House –Private, Birthday Party

Mr. Flynn moved that the Board of Selectmen grant to Ms. Anna Weiss, as representative of Modern Family Associates DBA The Winsor House Inn, an Event Permit for a private birthday party, to be held outdoors at The Winsor House Inn on Saturday, September 2, 2017 from 5:00 pm to 10:00 pm, subject to the conditions on the permit. Second by Mr. Madigan. VOTE: 3:0:0.

*09-09-17 Wicked Good Cause – Hall's Corner luminary display (*ADDED)*

Ms. Kim Leckie, one of the organizers, gave a brief overview of Wicked Good Cause, a local non-profit that provides support for South Shore families that are dealing with unforeseen illness, accident or tragedy. September is pediatric cancer month and the color it associates it with is gold. So they are selling gold luminary bags and asking that people put them out on September 30th to show support for this cause. Those that would like to can donate them and volunteers will be setting them out to light up Hall's Corner. For more information see: www.wickedgoodcause.org.

Mr. Flynn moved that the Board of Selectmen grant to Ms. Kim Leckie, as a representative of Wicked Good Cause, permission to hold the Wicked Good Cause Light Up The Night event (in support of pediatric cancer) from 6:00pm – 10:00pm on Saturday, September 30, 2017, placing luminary bags at participating businesses located in Halls Corner, contingent on the conditions on the permit. Second by Mr. Madigan. VOTE: 3:0:0.

09-16-17 Duxbury Food & Wine Festival: Farm Day-Food for Thought.

Mr. Flynn moved that the Board of Selectmen grant to Mr. Richard Marble, as a representative of the Duxbury Food & Wine Festival, an event permit for the "Farm Day" on Saturday, September 16, 2017 located at O'Neil Farm, 146 Winter Street, from 11:00 AM to 3:00 PM, contingent upon the conditions on the permit. Second by Mr. Madigan. VOTE: 3:0:0.

IX MINUTES

Executive Session Minutes: 07-24-17 Executive Session Selectmen's Minutes –DRAFT

Mr. Flynn moved that the Board of Selectmen approve the 07-24-17 Executive Session Selectmen's Minutes, as presented, and release the minutes as the need for confidentiality has passed. Second by Mr. Madigan. VOTE: 3:0:0.

Open Session Minutes: 08-07-17 Selectmen's Minutes -Draft

Mr. Flynn moved that the Board of Selectmen approve the 08-07-17 Selectmen's Minutes, as presented. Second by Mr. Madigan. VOTE: 3:0:0.

X ANNOUNCEMENTS

Mr. Flynn read the following announcements:

1. Labor Day Town Hall Closure

The Town Hall will be closed on Monday, September 4, 2017 in observance of Labor Day. There will be no Selectmen's Meeting that night.

2. Envision Duxbury

On the Town website you will find the **Envision Duxbury** logo in the middle of the home page. **Envision Duxbury** is a comprehensive master plan being developed by the Town of Duxbury with the support of the Metropolitan Area Planning Council (MAPC) and under the direction of the Duxbury Planning Director, Planning Board, and a group of dedicated local volunteers called Master Plan Ambassadors. To fill out the survey and/or to volunteer to help residents are encouraged to visit the Envision Duxbury site which has links to:

- [Comprehensive Plan Update Information](#)
- [Survey for Duxbury's Comprehensive Plan](#)

3. Next Board of Selectmen's meeting: September 11, 2017

XI BONUS SHELLFISH SEASON (for September, 2017)

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

- 1) for the **commercial** harvesting of **softshell clams** for the month of SEPTEMBER 2017, in accordance with posted Attachments B & C; and
- 2) for the **commercial** harvesting of **quahog clams** for the month of SEPTEMBER 2017, in accordance with posted Attachments A & C.

Second by Mr. Madigan. VOTE: 3:0:0.

XII ADJOURNMENT

At approximately 8:45 PM., Mr. Flynn moved that the Board adjourn the meeting. Second by Mr. Madigan. VOTE: 3:0:0.

Minutes respectfully submitted by: C. Anne Murray

LIST OF DOCUMENTS FOR 08-28-17 SELECTMEN'S MEETING

1. *Agenda for: 08-28-17 Selectmen's Meeting-REVISED*
2. *EXECUTIVE SESSION: (Executive Session Documents will filed in the 08-28-17 Executive Session file.)*
3. *OPEN FORUM: no documents*
4. *NEW BUSINESS:*
 - a. *Introduction to the Board of Selectmen of new Town Counsel, 06-21-17 cover letter from KP Law's response to the Duxbury RFQ for Town Counsel and background information regarding the "Duxbury Team", i.e., Attorneys Jeff Blake, Amy Kwesell, and Barbara Saint André*
 - b. *Discussion regarding the Eben H. Ellison Trust Fund / Gordon Cushing: Coversheet with background info about the Eben H. Ellison Trust Fund and the FY18 Ellison Trust Balance and Suggested Motion; 08-09-17 Memorandum from Ellison Trustees; 07-28-17 Memo from Gordon Cushing, Jim Savonen, and Brian Cherry RE: Eben H. Ellison Trust Fund suggested maintenance and Worthy Town Projects; 07-25-17 Financials from Jill Stewart, Town Treasurer RE: Ellison Fund.*
 - c. *Discussion regarding Metropolitan Planning Organizations (MPOs)*
 - d. *Discussion pertaining to Health Insurance Plan Design Health Agreement*
 - e. *Discussion pertaining to declaring a Fire Department Vehicle as Surplus*
 - f. *Acceptance of Donation from Mary Bartlett Reynolds Revocable Trust to Duxbury Animal Shelter*
5. *Town Manager's Report: none*
6. *APPTS./Re-APPTS/RESIGNATIONS: none*
[Note: For all ODLLs and Event Permits there was a packet of information typically including a draft ODLL license or Event Permit, the application and the accompanying letter describing the event; copy of the Dept. Head feedback.]
7. *ODLLs: 09-29-17 Duxbury Food & Wine Festival "Oktoberfest" and 09-30-17 Duxbury Food & Wine Festival "Grand Tasting"*
8. *EVENT PERMITS:*
 - 09-02-17 End-of-Summer Beach Party*
 - 09-02-17 Winsor House –Private, Birthday Party*
 - 09-09-17 Wicked Good Cause – Hall's Corner luminary display (*ADDED)*
 - 09-16-17 Duxbury Food & Wine Festival: Farm Day-Food for Thought.*
9. *MINUTES:*
 - Executive Session Minutes: 07-24-17 Executive Session Minutes*
 - Open Session Minutes: 08-07-17 Selectmen's Minutes-DRAFT*
10. *ANNOUNCEMENTS: Suggested Announcements for 08-28-17*
11. *Bonus Shellfish Season (for September 2018): Suggested Motion; Bonus Shellfish Season for September, 2017*