

Date: April 7, 2014

Date Minutes Approved: May 5, 2014

BOARD OF SELECTMEN MINUTES

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

Absent: (none)

Staff: René J. Read, Town Manager; John Madden, Finance Director (at 7 PM), and C. Anne Murray, Administrative Assistant

I CALL TO ORDER

The meeting was called to order at 6:30 PM in the Mural Room at the Duxbury Town Hall.

ENTERED EXECUTIVE SESSION: KING CAESAR FUND

Upon convening Mr. Flynn moved that the Board of Selectmen enter Executive Session to discuss matters regarding the King Caesar Fund, [specifically case(s): KCF-2014-01(KG)] which is of a confidential nature, as the fund's purpose is to provide medical and/or dental relief for the financially-needy residents of Duxbury, in accordance with Mass. General Laws Chapter 30A, Section 21, and then to reconvene and resume open session at 7:00 P.M.. Second by Mr. Madigan.

As Chair Mr. Dahlen declared the necessity for the King Caesar Fund case to be discussed in an Executive Session due to medical confidentiality laws.

ROLL CALL VOTE: Mr. Flynn “aye”; Mr. Madigan “aye”; and Mr. Dahlen “aye”.

RECONVENED IN OPEN SESSION

Having completed the business of the Executive Session, the Selectmen reconvened in open session and after the public entered the room resumed the meeting in open session at 7:00 P.M.

III OPEN FORUM

Nothing was brought forward by the audience.

Mr. Flynn mentioned that last Friday night he attended a concert at the Performing Arts Center. He gave kudos to the American Legion (Duxbury Post 223), which managed to arrange for the U.S. Army Band and Chorus to give a free performance in Duxbury. It was an unbelievable concert played to a full house.

VI NEW BUSINESS

Swearing in of Fire Captain PJ Hussey

A large contingent from Duxbury’s Fire Department including former Fire Chief Bill Harriman and Captain Hussey’s family and friends were present to witness the promotional swearing in of Captain PJ Hussey.

Captain Hussey was introduced by Fire Chief Nord spoke briefly about Captain Hussey's background. He mentioned that PJ started with the Duxbury Fire Department in May, 1995. So this promotion is coming very close to his 19th year with the Department.

Chief Nord noted that PJ is pro-board certified, is a Fire Officer, and a Fire Inspector. He has a Bachelor's Degree in Fire Science and is a Master Electrician. He is also a member of the Plymouth County Technical Rescue Team and the International Association of Arson Investigators. PJ has received numerous commendations through his 19 years.

Chief Nord mentioned PJ was also the past president of the Local 2167. As a personal note Chief Nord said that PJ was the President of the Local when he began as Chief. He felt that they had an excellent labor-management working relationship. He credited PJ with helping to bring Advance Lifesaving Support to Duxbury.

Chief Nord mentioned that PJ took the Captain's exam a couple of times. It is a difficult exam and the Chief commended Captain Hussey on his persistence.

Chief Nord called upon Ms. Susan Kelley, Duxbury Town Clerk, and Ms. Kelley administered the oath of office to Captain Hussey. Chief Nord then handed the badge to Mr. Read, in his role as appointing authority, and in turn Mr. Read passed the badge to Mrs. Sue Hussey, who had the honor of pinning the Captain's badge on her husband.

Discussion Pertaining to Setting the Health/Dental/Life Insurance rates beginning July 1, 2014

In presenting the Health, Dental, and Group Life Insurance Rates for FY'15, Ms. Horne mentioned the following:

- The Insurance Committee and related providers recommended that the Health, Dental and group Life rates remain the same. This was due to the positive claims experience much of which can be attributed to the commitment of participants to the wellness programs, long-term health, preventative care and Emergency Room alternatives (e.g., Blue Care Line, urgent care centers, and minute clinics).
- In December, 2011 the Duxbury Selectmen adopted M.G.L. c. 32B §§ 21-23 to begin the process of changing health insurance benefits. The Insurance Advisory and Public Employee Committees reached agreement with the Town to eliminate the Master Health Plus and Master Medical health insurance plans. The Blue Cross Blue Shield HMO and PPO "Duxbury Saver Plans" were created. The new plans provided for a couple of transition years requiring higher co-payments, but no annual deductibles. The MEDEX III health insurance plan would not have plan design changes until June 30, 2014.
- Effective July 1, 2014 all HMO, PPO, and MEDEX III subscribers will transition from the existing ("Duxbury Savers Plans") to "Benchmark Plans" (BCBS's GIC-like plans) with annual deductibles.
- HMO: Annual deductibles of \$250 Individ., \$500 Individ. + 1 (couple or single parent + child), or \$750 family on an annual basis (¹does not apply to preventative services, primary/specialist office visit or prescription drug copays). Hospital Admission copay (*new*) of \$300 or \$700 depending on the hospital chosen. For example: Admission to Beth Israel at Plymouth (formerly Jordan Hosp.) will be a \$300 copay. Admission to South Shore Hospital will be a \$700. Copay. 3-tier Prescription drug co-pay of \$50 for a 30-day retail supply and \$110. for 90 day supply via mail order.

- PPO: Annual deductibles of \$250 Indiv., \$500 Indiv + 1, or \$750 family (1) in network and \$800 out-of-network (¹) / Specialist office visit co-pay of \$35., hospital admission co-pay of \$300 or \$700 / High tech imaging copay of \$100, 3-tier prescription drug copay of \$50 for 30-day retail supply and \$100 for 90-day supply via mail order.
- MEDEX (for retirees): Transitioning from MEDEX III to MEDEX II, saving retiree subscribers \$882.00 per year. This will not affect the medical benefits. It will reduce the Town's related OPEB liability and save the Town about \$278,095 per year (before factoring in the loss of the Fed. Retiree Drug Subsidy). The savings is due to the following changes: \$35 office visit annual deductible; \$25 emergency room copay; \$50 quarterly hospital admission copay; transition to a fully-insured Blue Medicare RX Group Part D, providing coverage for the shingles vaccine at participating pharmacies and no "donut hole". Mail order prescriptions will move to CVS/Caremark and the copayments for up to 90 day supply will be \$20/\$40/\$70.
- Managed Blue for Seniors: Basically an HMO. Currently there are no retirees in this plan. The premium will drop by \$88.95 per month with the same guidelines regarding prescriptions.
- Retiree Dental Plan (*new*): This will be offered in conjunction with our current Delta Dental pool. It is 100% retiree paid, but the retiree would get the benefit of group rates. The premium would be deducted from the retiree's pension.
- A draft FY2015 rate sheet was provided for the Selectmen's review. The main changes are to the retiree plans MEDEX and Managed Blue for Seniors –rates are dropping. Other rates remain the same as the past year.
- May 1-31st is the annual enrollment period.
- **Annual Health and Benefit Fair:** Will be on **Wednesday, May 8th from 3-5 PM at the Senior Center. Information sessions** will be on the same date: **Medex at 9 AM and 10:30 AM and HMO and PPO subscribers at 3 PM and 4:40 PM.**

Mr. Madigan questioned leaving the rates as is when the past several years a premium holiday has been granted. He asked "Wouldn't make more sense to drop the rates?" The explanation given was that the Town's insurance consultant recommended leaving the rates steady because should the claims experience increase significantly, then a substantial increase in rates would be necessary. So this way avoids peaks and valleys in the rates. Mr. Madden added that they have been advised that health experiences tend to be cyclical.

Mr. Dahlen asked if the changes have taken into consideration the Affordable Healthcare Act? Ms. Horne said the Affordable Healthcare Act is vast and it is being implemented over time. So the Town's approach has been to take each aspect as it comes. She noted, however, that was one of the motivations for eliminating the Master Health Plus and Master Medical plans as they would have been considered "Cadillac plans" and have been taxed. She added that she intends to have a handout available at the Benefits Fair, which outlines the changes that have been made with respect to the Affordable Healthcare Act.

Mr. Flynn moved that the Board of Selectmen accept the proposed Health, Life and Dental Insurance rates effective 6/1/14 (for July Premiums) through 5/31/15 as presented. Second by Mr. Madigan. VOTE: 3:0:0.

Discussion pertaining to Proposed Visitor's Code of Conduct

Mr. Read read a memo about the proposed Visitor's Code of Conduct. The gist of the proposed policy is it sets behavior expectations for how the public treats the municipal staff. Conduct is a two-way street, and the employees have a Professional Conduct Policy, so this proposed policy addresses the

other half of the equation. Mr. Read indicated that he was asking for the Board's support before he proceeds with discussing this policy with the staff.

Mr. Madigan asked "How do we enforce it?" Ms. Horne said that would be covered under a training session, but the first step is to communicate that the new policy has been proposed and to make the public and the staff aware of it. This is the beginning of that process. Once the policy is fully established, then the policy would be displayed outside the various offices. She added that Town also has a Workplace Violence Policy, which is in the process of being reviewed. She and the Town Manager will be attending a joint training session offered by the Mass. Municipal Association (MMA) and the Mass. Municipal Personnel Administrators (MMPA) this Thursday.

Mr. Read read the proposed policy Visitor's Code of Conduct (Copy of the proposed policy will be posted along with the minutes). He added that if necessary there can be enforcement by the Duxbury Police Department, whether there is a policy or not.

The Board members commented that this is "legislating behavior" and "It is unfortunate we have to publish what should be commonsense." However Mr. Dahlen mentioned that while it might not change interactions "with the two documents together it does set the stage..." and "if the employee is doing the right thing that theoretically they shouldn't have to put up with (bad behavior)."

Mr. Flynn moved that the Board of Selectmen support the proposed "Visitor's Code of Conduct" policy as presented. Second by Mr. Madigan. VOTE: 3:0:0.

Refunding Authorization Vote / Thomas Connolly, Treasurer

Mr. Connolly, Treasurer, said the purpose of the refunding authorization vote is that should the opportunity arise it will enable the refunding of debt at more favorable terms. Votes do not obligate the Town to proceed.

There are only 3 bond issues for which this many apply:

1. 08-15-01 issue (Senior Center); callable any time after 08-15-13; doesn't have enough callable bonds on its own but can be done through a State House note issue. Fairly easy process and can save the Town money.
2. 12-15-02 issue (Sewer- inside the debt limit); callable any time after 12-15-13;
3. 12-15-05 issue; callable any time after 07-15-15; can do an advance refunding if there are sufficient savings.

Mr. Madigan questioned the arbitrage status. In response Mr. Connolly said that the 2005 issue shows a negative arbitrage of \$98,225.67, which means the Town could save more if we waited until the call date of 7/15/15.

Mr. Flynn moved that the Board of Selectmen authorize the Treasurer to issue bonds or notes for the purpose of refunding all or any portion of its bonds or notes that are outstanding as of the date of this vote, including, if any, the payment of any premium and accrued interest associated therewith, and all other costs incidental and related thereto, under and pursuant to Chapter 44 Section 21A of the Massachusetts General Laws, or any other enabling authority. Second by Mr. Madigan. VOTE: 3:0:0.

Discussion Pertaining to Letter of Support to National Register Naming Myles Standish Burial Ground to the Massachusetts Historic Register and National Historic Register

Mr. Read explained that at the Selectmen's Meeting of December 2, 2013 the Selectmen voted to support the Duxbury Historical Commission's application of the Myles Standish Burial Ground to the National Register of Historic Places. A letter was subsequently received from the Massachusetts Historical Commission asking for additional information and requesting "a letter in support of listing from the town's Board of Selectmen for our file." Mr. Read mentioned that he was surprised to learn that the Myles Standish Burying Ground is the "oldest maintained cemetery in the United States." It dates from 1656 and is the resting place of Myles Standish, John and Priscilla Alden, and veterans of the Revolutionary War and the War of 1812. Given its history, Mr. Read said he was also surprised that it had not already been added to the National Register of Historical Places.

Mr. Flynn moved that the Board of Selectmen execute a letter in support of the Duxbury Historical Commission's application of the Myles Standish Burial Ground for placement on the Massachusetts Historic Register and the National Historic Register. Second by Mr. Madigan. VOTE: 3:0:0.

Arbor Day Proclamation

In introducing the Arbor Day Proclamation Mr. Flynn mentioned that Duxbury has been designated a Tree City, and as such there are standards which must be maintained. The last standard is that an Arbor Day observance is held and a proclamation made. Mr. Flynn then read the Arbor Day Proclamation in which it was proclaimed that April 17, 2014 will be Arbor Day in the Town of Duxbury to be observed with ceremonies at the Chandler School at 2:30 P.M.

7:30 PM WATER & SEWER COMMISSIONERS: WATER, SEWER & SERVICE COMMITMENT

Slightly after 7:30 pm the Board adjourned as Selectmen in order to vote on the water, sewer, and service commitment as the Water & Sewer Commissioners, which in effect allows the water billings to be issued.

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

Mr. Flynn moved that the Board of Water & Sewer Commissions instruct the Treasurer to collect the amount of \$622,501.84 for water, sewer, and service. Second by Mr. Madigan. VOTE: 3:0:0.

Mr. Flynn moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen. Second by Mr. Madigan. VOTE: 3:0:0.

V **OLD BUSINESS** - none

VI **TOWN MANAGER'S REPORT**

1. **Chapter 90 Funds Awarded:** The Town Manager mentioned Duxbury will receive \$539,732 in Chapter 90 funds for FY'15. This is essentially level-funding from last year. The DPW

plans to commence paving projects in mid-May. Many of the paving projects were held over from last fall due to inclement weather and high demand on the paving contractors.

2. Beach Stickers: He mentioned the following:

- Overall the online sale of beach stickers is going well. We are recording the issues and complaints for future improvements.
- He gave thanks to the Treasurer's and Municipal Service's staffs, who are handling the processing. He also thanked the patrons for their patience during this transition.
- The numbers of stickers sold is slightly behind, but he was optimistic that sales will pick up.
- He mentioned that the discounted prices end as of April 30th so he encourage people to buy there stickers now. **As of May 1st, the rates will increase** from \$160 to \$180 for resident oversand stickers and from \$295 to \$325 for non-resident oversand stickers. Beach stickers can be purchased online (see the Town's website: www.town.duxbury.ma.us) or at the Treasurer's office.
- Piping Plover Report: He mentioned that as of today there are 3 pairs of plovers on Duxbury Beach, but the good news is the beach is open.

3. Event Permits: Mr. Read said that on this evening's agenda there are a number of permit requests for walks, runs and cycling events that will be occurring this spring and early summer. As a result of the increase in the number of these types of events, he said he would be meeting with the public safety departments to begin drafting a policy to help better coordinate the application process, ensure that residential impacts are minimized and possibly introduce a fee scale. These types of policies have been established in a number of other communities for these purposes. The purpose here is not to discourage race organizers from coming to town but to better prepare the town for these types of events and ensure that our resources aren't stretched beyond our means.

4. U.S. Census Bureau - American Community Survey: He read an announcement (which will be posted on the Town website) provided by the Town Clerk that the US Census Bureau has randomly selected 3.5 million addresses across the country to receive the American Community Survey. This is an official mailing; not an attempt to steal an identity.

5. Board of Health Public Hearing on Synthetic Drugs: Mr. Read announced that the Board of Health will be holding a public hearing at its meeting on April 17th meeting, which starts at 7:15 pm regarding adoption of synthetic drug regulations. This was something that State Rep. Calter had recommended when he spoke with the Board about the substance abuse issue.

VII EVENT PERMITS

For Event Permits and One-Day Liquor Licenses, departmental reviews of the requests were done. There were no objections and departmental feedback was incorporated into the conditions listed on the permit or license.

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Duxbury Lions Club Run / Walk – Sat., May 24, 2014

Mr. Flynn moved that the Board of Selectmen grant to Ms. Linda Collins, as a representative of the Duxbury Lions Club, permission to conduct the Lions Club Run/Walk to benefit the Lions Share Food Pantry beginning at the Duxbury Middle School, on Saturday, May 24, 2014 at 8:00 AM, contingent upon the conditions on the permit. Second by Mr. Madigan. VOTE: 3:0:0.

Best Buddies Challenge Bicycle Ride – Saturday, May 31, 2014

Mr. Flynn moved that the Board of Selectmen grant to the participants in the 15th Annual Best Buddies Challenge bicycle ride to be held on Saturday, May 31, 2014 permission to travel through Duxbury and to use the Duxbury Senior Center as a rest stop, contingent upon the conditions in the permit. Second by Mr. Madigan. VOTE: 3:0:0.

South Shore Race Management LLC / Sheehan Orthodontics 5K – Sunday, June 15, 2014

Mr. Flynn moved that the Board of Selectmen grant to Ms. Anne Marie Winchester, as a representative of the South Shore Race Management, LLC, permission to hold the 3rd Annual Sheehan Orthodontics 5K in Duxbury on Sunday, June 15, 2014, from 7:00 AM to 10:00 AM and, contingent on the conditions on the permit. Second by Mr. Madigan. VOTE: 3:0:0.

National MS Society, Cape Cod Getaway Bike Tour – Saturday, June 28, 2014

Mr. Flynn moved that the Board of Selectmen grant to the National Multiple Sclerosis Society (Central New England Chapter) permission to conduct a portion of their 30th annual Cape Cod Getaway Bike Tour in the Town of Duxbury on Saturday, June 28, 2014, contingent on the conditions on the permit. Second by Mr. Madigan. VOTE: 3:0:0.

Marshfield Duxbury Triathlon (formerly Annual Marsh Madness triathlon) – July 27, 2014

Mr. Flynn moved that the Board of Selectmen grant to Mr. Bill Burnett, as a representative of Streamline Events, permission to hold a portion of “The Marsh Madness—Marshfield Sprint Triathlon” in Duxbury on Sunday, July 27, 2014, contingent on the conditions on the permit. Second by Mr. Madigan. VOTE: 3:0:0.

VII MINUTES

03-24-14 Selectmen’s Minutes

Mr. Flynn moved that the Board of Selectmen approve the March 24, 2014 Selectmen’s Minutes, as written. Second by Mr. Madigan. VOTE: 3:0:0.

IX ANNOUNCEMENTS

Mr. Flynn read the following announcements:

- 1. Commercial Shellfish Applications:** Reminder that application can only be submitted in April.

2. **Beach Stickers:** The discounted price for beach stickers ends as of April 30th, so we encourage you to buy your beach sticker online now.
3. **Next Scheduled Selectmen's Meeting: Will tentatively be TUESDAY, April 22, 2014.**
[As the Patriots' Day holiday is on Monday, April 21, 2014.]

X ADJOURNMENT

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

Minutes prepared by: C. Anne Murray

LIST OF DOCUMENTS FOR 04-07-14 SELECTMEN'S MEETING

1. *Agenda for 04-7-14 Selectmen's Meeting*
2. *Executive Session – Items in 04-07-14 Exec. Session file*
3. *OPEN FORUM: no documents*
4. *Swearing in of Fire Captain PJ Hussey: Background Info. on Capt. Hussey*
5. *Health/Dental/Life Insurance rates (eff. 07-01-14); / Jeannie Horne –Suggested Motion, Memo to Selectmen from J. Horne dated 04-02-14 regarding insurance rates and rate chart Health, Life, and Dental Insurance Plans (06-01-14 deductions for July, 2014 through 05/31/15)*
6. *DISCUSSION PERTAINING TO PROPOSED VISITOR'S CODE OF CONDUCT: 04-03-14 Memorandum to Selectmen from René J. Read; Professional Conduct Policy, and DRAFT -Visitors Code of Conduct Policy.*
7. *REFUNDING AUTHORIZATION VOTE: Suggested motion, Debt Service sheets for issues dated 08-15-01; 12-15-02; and 12-15-05*
8. *LETTER OF SUPPORT TO NATIONAL REGISTER NAMING MYLES STANDISH BURIAL GROUND: Coversheet with some background information and suggested motion; draft letter to MA. Historical Commission; Letter from MA. Historical Commission; extract from 12-02-13 when nomination was previously discussed; and info. on Town website about Standish Burial Grounds.*
9. *ARBOR DAY PROCLAMATION: Coversheet with information about Tree City USA standards and Draft of Arbor Day Proclamation.*
10. *MEETING OF WATER & SEWER COMMISSIONERS FOR WATER COMMITMENT: Coversheet with motions; 04-02-14 FY'14 Commitment-3; copy of meeting posting.*
11. *TOWN MANAGER REPORT (Potential Items): 04-01-14 Duxbury's Chap. 90 award; Clipper public hearing notice-BOH –proposed regulations for Synthetic Drugs.; Announcement about US Census Bureau American Community Survey*
12. *EVENT PERMITS: Spreadsheet of 2014 Permitted Events / ODLLs; For each of the following events the packet included the Event Permit application and other details provided about the event, route maps, if applicable, results of the department feedback received, and a drafted Event Permit incorporating the conditions indicated.
Duxbury Lions Club Run / Walk – Sat., May 24, 2014
Best Buddies Challenge Bicycle Ride – Saturday, May 31, 2014
South Shore Race Management LLC / Sheehan Orthodontics 5K – Sunday, June 15, 2014*

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National MS Society, Cape Cod Getaway Bike Tour – Saturday, June 28, 2014

Marshfield Duxbury Triathlon (formerly Annual Marsh Madness triathlon) – July 27, 2014

13. *SUGGESTED ANNOUNCEMENTS for 04-07-14.*

14. *MINUTES: OPEN SESSION MINUTES: Suggested Motion and Draft of 03-24-14
Selectmen's Minutes.*