

Date: July 12, 2021

Date Minutes Approved: 07/19/2021

TOWN CLERK

BOARD OF SELECTMEN

2021 JUL 27 AM 10:58
OPEN SESSION MINUTES

DUXBURY, MASS.

Present: Amy M. MacNab, Chair; Fernando Guitart, Vice Chair; Cynthia Ladd Fiorini, Clerk; Theodore J. Flynn; and Michael McGee

Absent: None

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

Others: Mike Thorp, Veterans' Agent

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 7:00 pm. *This Open Meeting is being conducted remotely consistent with Governor Baker's Executive Order of Chapter 20 of the Acts of 2021 dated June 16, 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency regarding suspending certain provisions of the Open Meeting Law, G.L. c. 30A, §18, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members. For this meeting, members of the public who wish to watch the meeting may do so by joining the Zoom Webinar as noted on the agenda or by viewing the Duxbury Government Access Channels – Verizon 39 or Comcast 15. Viewers can visit www.pactv.org/duxbury for information about Duxbury programming including streaming on Duxbury YouTube, to watch replays and Video on Demand.*

II PLEDGE OF ALLIGIANCE

III OPEN FORUM PUBLIC COMMENTS

Ms. MacNab thanked everyone involved who worked on putting together the 4th of July Parade, with a special thank you to police, fire, all the participants, Mr. Read, and especially the organizers – the 4th of July Committee who worked tirelessly and in a short period of time to see this through.

IV NEW BUSINESS

Discussion pertaining to Purple Heart Proclamation – presented by Mike Thorp, Veterans' Agent

In recognition for all those who have been awarded the Purple Heart for their bravery; sacrifice and selflessly serving in the Armed Forces. The Purple Heart Trail is to create a symbolic and honorary system of roads, highways, bridges and other monuments (state-by-state and road-by-road) that give tribute to the men and women who have been awarded the Purple Heart medal.

Mr. Thorp stated that there are currently 632 veterans in the Town of Duxbury, with the oldest at 100 years old and the youngest at 24 years old. He explained that you are awarded a Purple Heart if you are killed or wounded in action. He also mentioned that he is working with Peter Buttkus on the

placement of the signage. Ms. MacNab mentioned to Mr. Thorp that he may need a special permit for the signs. Mr. Thorp agreed to look into. Mr. Guitart read the proclamation into the record.

Ms. Ladd Fiorini moved that the Board of Selectmen declare August 7th annually as Purple Heart Day in recognition and appreciation for our Purple Heart recipients and to approve the additional signage for the Purple Heart Trail.

Seconded by Mr. Flynn Roll Call Vote: Mr. Flynn-Aye; Ms. Ladd Fiorini-Aye; Mr. McGee-Aye; Mr. Guitart-Aye; and Ms. MacNab-Aye

Discussion re: Twinning Sister City partnership with Dorking England

- presented by Desiree Mobed, Executive Director, Alden House Historic Site

Ms. Mobed stated that this was previously introduced to the Board by former member David Madigan back in March. Ms. Mobed asked that the Selectmen approve a proposal to work with Dorking England in order to explore a twinning partnership as two Mayflower passengers, Priscilla Mullins Alden and Peter Brown, lived in Duxbury. She mentioned that this is a good opportunity to promote cultural and educational activity and urged the Selectmen to support this. Ms. Mobed also commented that the High School has reached out to her about this. She remarked that she is happy to work on the informal process to pursue the Town's interest and then it would be a town-to-town relationship. Mr. Guitart agreed to be the Board of Selectmen liaison.

Ms. Ladd Fiorini moved that the Town of Duxbury begin the process to informally explore a twinning relationship with Dorking, England.

Seconded by Mr. Flynn Roll Call Vote: Mr. Flynn-Aye; Ms. Ladd Fiorini-Aye; Mr. McGee-Aye; Mr. Guitart-Aye; and Ms. MacNab-Aye

Municipal Relief and/or Reserve fund Transfers – presented by John Q. Adams, Finance Director

Funds From			Funds For		
<u>Description</u>	<u>\$ Amount</u>	<u>Omnibus Budget Line #</u>	<u>Description</u>	<u>\$ Amount</u>	<u>Omnibus Budget Line #</u>
Fire Dept. Salaries	24,000.00	32	Fire Dept. General Expenses	24,000.00	33
Snow & Ice Expenses	2,618.82	55	Snow & Ice Salaries	2,618.82	54
DPW Admin Expenses	1,800.00	49	Sewer Salaries	1,800.00	59
Central Fuel Depot	3,700.00	47	Street Lights	3,700.00	56
	\$ 32,118.82			\$ 32,118.82	

Ms. Ladd Fiorini moved that the Board of Selectmen approve the FY21 Municipal Relief Transfers, as presented.

Seconded by Mr. Flynn Roll Call Vote: Mr. Flynn-Aye; Ms. Ladd Fiorini-Aye; Mr. McGee-Aye; Mr. Guitart-Aye; and Ms. MacNab-Aye

Discussion pertaining to response letter to MassHousing regarding Keene's Mill Village

There was a great deal of discussion regarding the proposed draft of this letter to MassHousing, and the general consensus was that it should be revised by removing reference to prior legal battles and also removing the reference to unpaid taxes. *Note:* the applicant's attorney, Christopher Alphen, Esq., was in attendance and confirmed that the applicant paid their outstanding taxes the afternoon of July 12, 2021. That reference in the letter was now moot. Also, it was agreed to keep in the letter the reference to what the Town is doing with affordable housing. A revised letter will be presented at the next Selectmen's meeting on Monday, July 19, 2021.

Acceptance of Donation from Copeland Family Foundation, Inc. for Animal Shelter

The Copeland Family Foundation has made a \$6,000.00 donation to the Duxbury Animal Shelter. They have made several similarly large gifts in the past. The money can be used for medical and other needs of the animals at the Duxbury Animal Shelter.

Ms. Ladd Fiorini moved that the Board accept, with gratitude, the Copeland Family Foundation, Inc., donation of \$6,000.00 for the Duxbury Animal Shelter.

Seconded by Mr. Flynn Roll Call Vote: Mr. Flynn-Aye; Ms. Ladd Fiorini-Aye; Mr. McGee-Aye; Mr. Guitart-Aye; and Ms. MacNab-Aye

V. TOWN MANAGER'S REPORT

Mr. Read provided the following updates:

Planning Department Update

I want to let the Board know that our Planning Director, Valerie Massard, has accepted an offer to become the Town Planner in Kingston effective on Monday, July 12 and wish her all the best.

Ms. Massard became Duxbury's Planning Director in the fall of 2015, and during her tenure, successfully managed a number of major initiatives and projects, most notably the multi-year "Envision Duxbury" Comprehensive Plan that was completed in late 2019, has tirelessly worked on projects ranging from the Powder Point Bridge, sidewalk and bike paths, zoning recodification and, of course, the seawall. Duxbury sincerely appreciates Ms. Massard's leadership, professional contributions, and many accomplishments as our Planning Director, and we are pleased that her next role will not take her too far away.

The Town has begun the search for its next Planning Director, and there will be no business interruptions during the transition period. The Planning Board and Planning Department can be

reached at 781-934-1100 x5476, and, thanks to Val, a great deal of land use-related information is available at www.town.duxbury.ma.us/planning-department.

Best of luck, Val – you will be missed!

Fourth of July Parade

I want to extend my sincerest thanks to the 4th of July Parade Committee, particularly Jamie MacNab and Stu Ruggles who helped make for a terrific parade, the timing of which could not have been better. We certainly got lucky in terms of the weather and I have heard from many people with regard to how much they enjoyed it. The Committee has my sincerest thanks.

Former McNeil Dump Site Evaluation Project

The DPW is currently soliciting quotes for the site evaluation project. In terms of funding, our office will prepare an article to propose funding the project using Free Cash via a fall Town Meeting to be held in either late October or November at the Performing Arts Center (the specific timing of which will predicated upon the state's certification of our Free Cash position). I have notified Tanya Trevisan of the Duxbury Safe Water Committee of this as well.

Animal Control Vehicle

The animal control vehicle, which is a 2011 Chevy ½ ton pickup with 100,000 miles, is not in need of immediate replacement and can last until the next cycle of capital budget expenses. If any issues should arise between now and that time, it will be taken out of service, repaired and returned to service. All mission critical repairs have been completed (for less than \$3,000). (Note: Mr. Read did have a conversation with Mr. Buttkus, DPW Director, resulting in this determination)

Seawall Consultant update

From the inception of our claim with FEMA after the March 3, 2018, storm, Nancy O'Connor has been involved with filing all of the Town's claims and working directly with FEMA. She was responsible for and has submitted all documentation for reimbursement, including the Seawall Repair project.

As such, Nancy has been working with the seawall neighborhood association's consultant, Mr. Chris Spillman and he is in the process of submitting our final "close out" submission to FEMA/MEMA for reimbursement. He is putting together a detailed letter to FEMA/MEMA to be submitted with Nancy's close-out package. Based on FEMA's administrative guidelines, Mr. Spillman will be presenting a rationale to FEMA to reimburse the Town at 75% for the whole project, with the \$1m grant representing our 25% share. We will be meeting with Mr. Spillman at the end of the month to review the proposed submittal.

Duxbury Beach

Information provided to our office by Bradford Bower, Program Coordinator for Duxbury Beach Reservation, Coastal Ecology Program:

Piping Plover Activity

- Pairs: ~30
- Nests: 1
- Broods: 14
- Fledged Broods: 8

Status

- Crossovers will remain closed for several more weeks
- Nighttime driving (after 8pm) will remain closed for the foreseeable future

Several broods were confirmed fledged, while several new nests began to hatch. Additionally, we lost a couple nests to overwash due to the storms. At this point in the season, it is unlikely these pairs will renest.

Depending on the success of the newly hatched broods, access to the Off-Road Vehicle corridor could change on a daily basis. We will be updated if any sudden changes occur. Up to date information can be found on the following social media outlets on a daily basis:

Twitter: @BeachDuxbury

Instagram: Duxbury_beach_ops

Please note that neither the Twitter or the Instagram is monitored 24/7 and is for outbound informational purposes only.

Follow-up from previous Board meeting

As a follow-up to an incident at the beach I mentioned to the Board at your last meeting:

We continue to have issues with speeding, passing, and harassment of monitors along the back road. On Friday, June 18th, a person in a vehicle sped up and swerved at one of our Shorebird Monitors while she was trying to get them to stop for a potential crossing event. The license plate information was passed on to Beach Ops and passed on to DPD as well. The monitor involved was understandably quite shaken up about the incident. Beach patrons should be advised that this type of behavior is not permissible and the Police will be contacted when these circumstances arise and could result in fines and/or revocation of beach stickers.

The Police Department began investigating the incident on Wednesday June 23rd and they spoke with all of the involved parties. They determined that no one (Town or DBR) notified them of the incident until four days after it occurred. Communication errors (primarily timeliness) appear to have occurred on both sides in terms of getting a report to the Police Department and the Town has addressed those issues to avoid any future confusion or delay.

The driver stated that he was never aware that a monitor was present or attempting to stop him and that he did not "swerve" at anyone.

The bird monitor's report indicates that there were two males in the vehicle however the vehicle actually had one male and one female in it on the day in question. The male (driver) was credible in his assertion that he was never aware of a monitor trying to stop him and he has no significant criminal or traffic history.

Based on the conversations with the bird monitor and driver, there is a possibility that the operator was unable to see the bird monitor in the roadway because of a parked vehicle. (Essentially, the bird monitor came into the driver's view after coming out from behind a parked car.) The driver is the son of a Gurnet/Saquish resident and is a frequent user of the back road. The Police Department had no prior contacts with him or the parents. The driver was given a strong warning to be more aware of the presence of the bird monitors and was advised that any subsequent infractions could result in criminal charges.

The Police Department has advised the bird monitors that calling 911 is the preferred method to address situations like this. The Police Department actually had Special Police Officers in the parking lot and on patrol in the area at the time of the incident and they were never contacted by anyone. If the bird monitor had called 911, they would have been able to take care of this immediately. Both the Beach Operations Manager and Recreation Director have advised their staff of this as well.

Note: Ms. Cris Luttazi, Exec Director of DBR, was in attendance and agreed to meet with the Selectmen at some point to discuss the beach and plovers. Date and time TBD.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Ms. Ladd Fiorini moved that the Board of Selectmen appoint or re-appoint for the following:

<u>Board / Committee</u>	<u>Appointment/Re-appointment/Resignation</u>	<u>Term</u>
<u>Audit Committee</u>		
Candace Martin	FY22 Re-Appointment	06-30-2022
Nathaniel Taylor	FY22 Re-Appointment	06-30-2022
<u>Council on the Aging</u>		
Becky Brown	FY22 Re-Appointment	06-30-2024
Mi Kim	FY22 Appointment	06-30-2024
Barbara Peary	FY22 Appointment	06-30-2024
<u>Duxbury Seawall Committee</u>		
Alicia Palmieri Babcock	FY22 Re-Appointment	06-30-2024
Paul Brogna	FY22 Re-Appointment	06-30-2024
Stephen R. Callahan	FY22 Re-Appointment	06-30-2024
Candace Martin	FY22 Re-Appointment	06-30-2024
Donald Norris	FY22 Re-Appointment	06-30-2024
Mary Shiebler	FY22 Re-Appointment	06-30-2024
Arthur A. Haley	FY22 Re-Appointment	06-30-2024

Highway Safety Committee

Fred Von Bargaen	FY22 Re-Appointment	06-30-2024
Peter Buttkus	FY22 Re-Appointment	06-30-2024

Historical Commission

Michael Carlson	FY22 Appointment	06-30-2023
Sheila Lynch-Benttinen	FY22 Re-Appointment	06-30-2024

King Caesar Advisory Committee

Dr. Carol Langford	FY22 Re-Appointment	06-30-2024
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Open Space Committee

Kathy Cross	FY22 Re-Appointment	06-30-2024
Emily Martecchini	FY22 Re-Appointment	06-30-2024
Melissa Brown-Rosenblatt	FY22 Re-Appointment	06-30-2024

Sidewalk & Bike Path Committee

Thomas Nee	FY22 Re-Appointment	06-30-2024
Patrick O'Malley	FY22 Re-Appointment	06-30-2024

Seconded by Mr. Guitart Roll Call Vote: Mr. Flynn-Aye; Mr. McGee-Aye; Ms. Ladd Fiorini-Aye; Mr. Guitart-Aye; and Ms. MacNab-Aye

The following boards/committees have available seats:

<i>Alternative Energy Committee</i>	-	<i>one seat</i>
<i>Design Review Board</i>	-	<i>one Alternate seat</i>
<i>Duxbury Bay Mgmt Commission</i>	-	<i>two seats</i>
<i>Finance Committee</i>	-	<i>two seats</i>
<i>Historical Commission</i>	-	<i>one seats</i>
<i>Municipal Commission on Disability</i>	-	<i>one seat</i>
<i>Sidewalk & Bike Path Committee</i>	-	<i>one seat</i>

Comments: 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

8/05/21 Alden Kindred – Speak for Thyself Awards Dinner

Ms. Ladd Fiorini moved that Ms. Desiree Mobed, as a representative of the Alden Kindred of America, Inc., is granted a One-Day All Alcoholic License for their Annual Speak for Thyself Awards dinner, on Thursday August 5, 2021 from 4:30pm – 7:30pm, at the Alden House Historic site, 105 Alden Street, Duxbury, subject to the conditions of the license.

Seconded by Mr. Flynn Roll Call Vote: Mr. Flynn-Aye; Mr. McGee-Aye; Ms. Ladd Fiorini-Aye; Mr. Guitart-Aye; and Ms. MacNab-Aye

8/14/21 Memorial Service – First Parish Church

Ms. Ladd Fiorini moved that Ms. Linda Collins and Kim Balboni, as a representative of the A Plus Party Rentals, is granted a One-Day Wine & Malt License for their Memorial service on Saturday, August 14, 2021 at the First Parish Church, 842 Tremont Street, from 10:30AM – 3:00PM, subject to the conditions of the license.

Seconded by Mr. Flynn Roll Call Vote: Mr. Flynn-Aye; Mr. McGee-Aye; Ms. Ladd Fiorini-Aye; Mr. Guitart-Aye; and Ms. MacNab-Aye

July 2021 – Duxbury Music Festival (various dates)

Ms. Ladd Fiorini moved that Ms. Laura Hay, as a representative of the South Shore Conservatory's Duxbury Music Festival, is granted a One-Day Wine & Malt License for their **Stage to Screen** Concert to be held at the South Shore Conservatory – Ellison Center for the Arts, 64 Saint George Street, on Friday, July 16, 2021 from 7:00pm to 8:00pm, contingent upon the conditions of the license.

Ms. Ladd Fiorini moved that Ms. Laura Hay, as a representative of the South Shore Conservatory's Duxbury Music Festival, is granted a One-Day Wine & Malt License for their **Opening Night: Together Again** Concert to be held at the Miramar Retreat Center, 121 Parks Street, on Sunday, July 18, 2021 from 7:00pm to 8:00pm, contingent upon the conditions of the license.

Ms. Ladd Fiorini moved that Ms. Laura Hay, as a representative of the South Shore Conservatory's Duxbury Music Festival, is granted a One-Day Wine & Malt License for their **Artist Showcase** Concert to be held at the Miramar Retreat Center, 121 Parks Street, on Monday, July 19, 2021 from 7:00pm to 8:00pm, contingent upon the conditions of the license.

Ms. Ladd Fiorini moved that Ms. Laura Hay, as a representative of the South Shore Conservatory's Duxbury Music Festival, is granted a One-Day Wine & Malt License for their **Ev'ry Time I Hear the Spirit** Concert to be held at the Miramar Retreat Center, 121 Parks Street, on Wednesday, July 21, 2021 from 7:00pm to 8:00pm, contingent upon the conditions of the license.

Ms. Ladd Fiorini moved Ms. Laura Hay, as a representative of the South Shore Conservatory's Duxbury Music Festival, is granted a One-Day Wine & Malt License for their **Sounds Like...Jazz?** Concert to be held at the South Shore Conservatory - Ellison Center for the Arts, 64 Saint George Street, on Thursday, July 22, 2021 from 7:00pm to 8:00pm, contingent upon the conditions of the license.

Seconded by Mr. Flynn Roll Call Vote: Mr. Flynn-Aye; Mr. McGee-Aye; Ms. Ladd Fiorini-Aye; Mr. Guitart-Aye; and Ms. MacNab-Aye

Additional note: Ms. Hay mentioned that they have scheduled a free performance at the Senior Center on Tuesday, July 20 at 2pm.

VIII EVENT PERMITS

8/28/21 Rotary Club Duck Race

Ms. Ladd Fiorini moved that Mr. Paul Brogna, as representative of the Duxbury Rotary Club, is granted permission to hold their annual Duck Race on Saturday, August 28, 2021 from 1:00pm to 6:00pm (approx.) in Blue Fish River at Blue Fish Bridge located on Washington Street, subject to the conditions of the permit.

Seconded by Mr. Flynn Roll Call Vote: Mr. Flynn-Aye; Mr. McGee-Aye; Ms. Ladd Fiorini-Aye; Mr. Guitart-Aye; and Ms. MacNab-Aye

IX MINUTES None

X ANNOUNCEMENTS

1) Next Scheduled Selectmen's Meeting will be on Monday, July 19, 2021 at 7:00pm.

XI ADJOURNMENT

Ms. Ladd Fiorini moved that at approximately 9:00p.m., the Board of Selectmen adjourn.

Seconded by Mr. Flynn Roll Call Vote: Mr. Flynn-Aye; Mr. McGee-Aye; Ms. Ladd Fiorini-Aye; Mr. Guitart-Aye; and Ms. MacNab-Aye

Minutes submitted by Nancy O'Connor

LIST OF DOCUMENTS

- 1) Agenda*
- 2) Purple Heart Proclamation and trail documentation*
- 3) Twinning Sister City – Dorking England documentation*
- 4) Municipal Relief Transfer spreadsheet*
- 5) MassHousing response letter and related documentation re proposed 40B – Keene's Mill Village*
- 6) Copeland Family Donation documentation*
- 7) Committee Appointments*
- 8) ODLL Requests*
- 9) Event Permit*
- 10) Announcements*

