

Date: September 13, 2021

Date Minutes Approved: 09-20-2021

TOWN CLERK

2021 SEP 21 PM 12:16

OPEN SESSION MINUTES
DUXBURY, MASS.

BOARD OF SELECTMEN

Present: Amy M. MacNab, Chair; Theodore J. Flynn; and Michael McGee

Absent: Fernando Guitart, Vice Chair; and Cynthia Ladd Fiorini, Clerk

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

Others: Russell Dupere, Esq.; Jeannie Horne, HR Director; and Allison Randall, Police Administrative Assistant (Executive Session re: Collective Bargaining); Shirin Everett, Esq. of KPLaw; Joe Grady, Conservation Administrator; Holly Morris, CPC Chair; and Nancy Rufo, Conservation Administrative Assistant (Executive Session re: Conservation); Adam Costa, Esq. (Executive Session re: Webster Point Village); Mr. Richard Brennen, Chair of the Shellfish Advisory Committee; and Jake Emerson, Harbormaster

CONVENED IN OPEN SESSION (*In-person in the Mural Room and via remote participation*)

I. CALL TO ORDER This meeting was called to order at approximately 6:00 pm.
Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public and board members, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. Members of the public who wish to watch the meeting may do so 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 You Tube, to watch replays and Video on Demand.

II PLEDGE OF ALLIGIANCE

III EXECUTIVE SESSIONS

Mr. Flynn moved we go into Executive Session for the purpose of:

- A. Discussing strategy with respect to collective bargaining since an open meeting may have a detrimental effect on the bargaining position of the Town (*Police Department CBA*); and
- B. Discussing consideration of the purchase, exchange, lease or value of real estate (*Conservation Department*), since an open meeting may have a detrimental effect on the strategizing and negotiating position of the Town; and

if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, section 21,

Ms. MacNab, as Chair, declared that the necessity for an Executive Session to discuss strategy with respect to (A) Collective Bargaining and (B) consideration of the purchase, exchange, lease, or value

of real estate, as to do so in an Open Session may have a detrimental effect on the Town's bargaining, strategizing and negotiating position.

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

Discussions:

6:00 P.M. Executive Session – Police Department Collective Bargaining

6:30 P.M. Executive Session – Conservation Department Land Acquisition

When the business matters of the Executive Sessions were completed, Mr. Flynn moved to adjourn the Executive Sessions and reconvene in Open Session on or about 7pm.

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

IV OPEN FORUM PUBLIC COMMENTS

No comments from the public.

Mr. Flynn commented on the outstanding job the Fire Department did in recognizing the anniversary of 9/11/01 at their Memorial Event held at the Fire Station on Saturday, 9/11/21. He commended all involved as the entire ceremony was done with class, dignity and reverence.

V NEW BUSINESS

Discussion regarding Conservation Department property acquisition - 87 Old Cordwood Path (On and off Old Cordwood Path and Enterprise Road)

Mr. Grady stated that both the Conservation Commission and the Community Preservation Committee were thrilled to announce that the Selectmen agreed to sign a Purchase & Sale Agreement for approximately 65 acres of land off of Old Cordwood Path and Enterprise Road. This also includes 27.5 acres of active cranberry bogs, which will continue to be farmed (Ocean Spray farming rights) with management agreements with the Town. The purchase price for this property is \$2m, which is based on an appraisal done by the Town. The Seller (Mr. Pink) asked that the closing take place by the end of year, which is the impetus to our November Special Town Meeting. Mr. Grady showed a pamphlet from 1969 with a picture of the Wright Reservoir and stated that this is when the Town embarked on open space planning, which continues to guide us today. He also noted that Holly Morris' father was involved in starting this open space planning.

Mr. Flynn moved that the Board of Selectmen execute the Purchase and Sale Agreement for that certain parcels of land on and off Old Cordwood Path and Enterprise Road, as described and identified as Parcels 086-015-006, 087-018-101, 087-020-003, and 087-020-001 between the Town of Duxbury and Lawrence W. Pink and Nancy J. Pink, Trustees of Pink Family Living Trust u/d/t December 5, 2005. Seconded by Mr. McGee Vote: 3:0:0

7:05PM Public Hearing – Aquaculture License Renewals - Blake Doyle and Victoria Lloyd

Open Public Hearing:

Mr. Flynn moved that the Board of Selectmen open the advertised public hearing for review and approval of Aquaculture Applications regarding: Blake Doyle and Victoria Lloyd aquaculture lease renewals.

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

Mr. Richard Brennen, Chair of the Shellfish Advisory Committee, stated that the Shellfish Advisory Committee held a posted, public meeting on August 10, 2021 to discuss the renewal applications. He added that the applicants were required to provide a detailed presentation and that there was public participation. The Committee voted to recommend that the Board of Selectmen approve the Aquaculture renewal applications up to ten (10) years pending all Federal, State, and local reviews and approvals. There were no further comments.

Mr. Flynn moved that the Board of Selectmen approve the renewal of Blake Doyle 1 Abrams Hill for Aquaculture lease #163852 for 10 years. Seconded by Mr. McGee Vote: 3:0:0

Mr. Flynn moved that the Board of Selectmen approve the renewal of Victoria Lloyd of 1 Harden Hill Road for Aquaculture lease #7901-1, 7901-2, 7901-3 for 10 years.

Seconded by Mr. McGee Vote: 3:0:0

Close Public Hearing:

Mr. Flynn moved that the Board of Selectmen close the advertised public hearing for review and approval of Aquaculture Applications regarding: Blake Doyle and Victoria Lloyd aquaculture lease renewals.

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

Open Warrant for November 8, 2021 Special Town Meeting and Call for Articles

Mr. Flynn moved that the Board of Selectmen vote to open the November 8, 2021 Special Town Meeting Warrant. Seconded by Mr. McGee Vote: 3:0:0

Call For Articles – November 8, 2021 Special Town Meeting

The Board of Selectmen invites citizens to submit articles for the November 8, 2021 Special Town Meeting. Articles must be submitted to the Town Manager's Office by 12:30PM on **Friday, September 17, 2021**. The complete article language and a brief explanation of the article are required. Please contact Nancy O'Connor at 781-934-1100 x 5401 with any questions.

VI TOWN MANAGER'S REPORT

9/11 - Thank You

On behalf of the Town, I want to extend my sincerest thanks and deepest appreciation to the members of the Fire Department, Police Department, Duxbury American Legion Post 223, the Interfaith Council, Duxbury High School Choir and the DPW for all of the work, preparation and participation in the Memorial Service and Dedication Ceremony held on Saturday, September 11, 2021. All of these groups did a tremendous job in providing a solemn and fitting tribute to memorialize and honor those lost on that tragic day 20 years ago and Duxbury will always be grateful for their efforts.

I want to specifically thank Deputy Chief Rob Reardon for all of his efforts in planning and coordinating such a moving event.

Ms. MacNab added that she would like to address current water issues and asked if Mr. Peter Mackin can attend an upcoming Selectmen's meeting to provide an update and possibly include a guest speaker in order to educate the public about PFAS. Mr. McGee also noted that the Board of Health will be having a meeting on October 21, 2021, and suggested that this be a joint meeting with the Board of Selectmen.

VII COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Mr. Flynn moved that the Board of Selectmen appoint or re-appoint for the following:

Historical Commission

Andrew Burns

FY22 Appointment

Term to expire 06-30-2024

Seconded by Mr. McGee Vote: 3:0:0

The following boards/committees have available seats:

<i>Alternative Energy Committee</i>	-	<i>two seats</i>
<i>Design Review Board</i>	-	<i>one Alternate seat</i>
<i>Duxbury Bay Mgmt Commission</i>	-	<i>two seats</i>
<i>Duxbury Seawall Committee</i>	-	<i>one seat</i>
<i>Nuclear Advisory Committee</i>	-	<i>two seats</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 Employment & Volunteering tab.

VIII ONE-DAY LIQUOR LICENSE REQUESTS None

IX EVENT PERMITS

11/27/21 DEF Polar Plunge Event

Mr. Flynn moved that Jennifer Thorn, as a representative of the Duxbury Education Foundation, is granted permission to hold a Polar Plunge on Saturday, November 27, 2021, beginning at 10:00am (registration) to approximately 12:30pm as described in the application materials, contingent upon the conditions of the license. Seconded by Mr. McGee Vote: 3:0:0

11/20/21 Recreation Department - Turkey Trot

Mr. Flynn moved that Steve Studley, as a representative of the Duxbury Recreation Department, is granted a permit to hold their annual Turkey Trot fun run on Saturday, November 20, 2021 from 10:00 am to 12:00 noon, beginning and ending at the Percy Walker Pool, contingent upon the conditions of the license. Seconded by Mr. McGee Vote: 3:0:0

X MINUTES

Mr. Flynn moved to approve the 08/30/21 Selectmen's Open Session Minutes, as presented.
Seconded by Mr. McGee Vote: 3:0:0

XI ANNOUNCEMENTS

1) Next Scheduled Selectmen's Meeting will be on Monday, September 20, 2021 at 7:00pm.

At approximately 7:30 pm, Mr. McGee moved that the Board of Selectmen recess and reconvene at 8:00pm for the Executive Session. Seconded by Mr. Flynn Vote: 3:0:0

XII 8:00p.m. EXECUTIVE SESSION

For the purpose of discussing pending litigation since an open meeting may have a detrimental effect on the litigating position of the Town – in re: Webster Point Village

Mr. Flynn moved we go into Executive Session for the purpose of:

Discussing strategy with respect to potential litigation since an open meeting may have a detrimental effect on the litigating position of the Town; and if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, section 21,

Ms. MacNab, as Chair, declared that the necessity for an Executive Session to discuss strategy with respect to potential litigation, as to do so in an Open Session may have a detrimental effect on the Town's bargaining, strategizing and negotiating position.

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

XIII ADJOURNMENT

Mr. Flynn moved that the Board of Selectmen adjourn the Executive Session and simultaneously reconvene and adjourn the Open Session at approximately 8:55 p.m.
Seconded by Mr. McGee Vote: 3:0:0

Minutes submitted by Nancy O'Connor

LIST OF DOCUMENTS

- 1) *Agenda*
- 2) *Executive Session motions*
- 3) *Documentation regarding Conservation property acquisition*
- 4) *Hearing Motion & Documentation re Aquaculture license renewals*
- 5) *Motion to Open STM Warrant and Call for Articles*
- 6) *Town Manager Report*
- 7) *Committee Appointments*
- 8) *Event Permits*
- 9) *Announcements*