

Date: June 7, 2021

Date Minutes Approved: 09/27/21

TOWN CLERK

2021 SEP 28 PM 12:47

DUXBURY, MASS. OPEN SESSION

BOARD OF SELECTMEN MINUTES

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

Staff: René Read, Town Manager; Nancy O'Connor, Executive Assistant; and Michelle Seda-Stotts, Administrative Assistant and KCF Staff Liaison

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 6:30 pm. *This Open Meeting is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus. In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely. The Order, which you can find posted on our agenda, allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. For public access – please email at oconnor@town.duxbury.ma.us or call-in at 781-934-1100 x5400 for questions or comments. This meeting convened via Zoom video conference produced and recorded by PACTV, and viewed live on the Duxbury Government Access Channels – Verizon 39 or Comcast 15; or visit www.pactv.org/duxbury for Duxbury programming, replays and on-demand.*

II PLEDGE OF ALLIGIANCE

6:30 PM EXECUTIVE SESSION: King Caesar Fund matters

Ms. Ladd Fiorini moved the Board of Selectmen go into Executive Session to Discuss matters regarding the King Caesar Fund, [*specifically case: KCF 2021-03 (GS), KCF 2021-04 (LT), and KCF 2021-05 (JC)*], which are of a confidential nature, as the Fund's purpose is to provide medical relief for the financially-needy residents of Duxbury, in accordance with Mass. General Laws Chapter 30a, Section 21, and that the Board of Selectmen adjourn upon completion of the Executive Session matter to reconvene in Open Session at 7:00 PM.

Ms. MacNab, as Chair, declared the necessity for Executive Session regarding the King Caesar Fund cases due to medical confidentiality.

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

VOTE TO ADJOURN EXECUTIVE SESSION & RE-CONVENE IN OPEN SESSION

After the business of the Executive Session was concluded, Ms. Ladd Fiorini moved that at approximately 7:00PM, the Board of Selectmen adjourn the Executive Session and reconvene in Open Session. *Seconded by Mr. Flynn. Roll Call Vote: Ms. MacNab-Aye; Mr. Guitart-aye; Mr. Flynn-Aye; Ms. Ladd Fiorini-Aye; Mr. McGee-Aye.*

III OPEN FORUM PUBLIC COMMENTS

Ms. Ladd Fiorini brought to everyone's attention that we should recognize that it is Pride month in support of our LBGTQ citizens.

IV NEW BUSINESS

7:01pm Water & Sewer Commissioners – Marshfield Commitment No. 2

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

Ms. Ladd Fiorini moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the total amount of **\$11,928.51** for water charges for Commitment M-2021-2. *Seconded by Mr. Flynn. Roll Call Vote: Ms. MacNab-Aye; Mr. Guitart-aye; Mr. Flynn-Aye; Ms. Ladd Fiorini-Aye; Mr. McGee-Aye.*

Ms. Ladd Fiorini moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen. *Seconded by Mr. Flynn. Roll Call Vote: Ms. MacNab-Aye; Mr. Guitart-aye; Mr. Flynn-Aye; Ms. Ladd Fiorini-Aye; Mr. McGee-Aye.*

Signing of Duxbury Beach Lease – FY22

Ms. Ladd Fiorini moved that the Board of Selectmen execute the lease between the Duxbury Beach Reservation, Inc. and the Town of Duxbury with a term beginning July 1, 2021 and ending on June 30, 2022 in the amount of \$900,000. *Seconded by Mr. Flynn. Roll Call Vote: Ms. MacNab-Aye; Mr. Guitart-aye; Mr. Flynn-Aye; Ms. Ladd Fiorini-Aye; Mr. McGee-Aye.*

Discussion pertaining to Keene's Mill Village regarding requesting extension to reply to MassHousing

MassHousing's letter dated May 17, 2021 regarding Keene's Mill Village Proposed 40B requires a response by the Selectmen in thirty days (by June 17, 2021). The Selectmen wish to ask for additional time to provide their comments, and this is simply to formalize that request. Ms. O'Connor will relay the extension request to Mr. Michael Busby via email once voted on.

Ms. Ladd Fiorini moved that the Board of Selectmen request an extension to submit comments to MassHousing by July 15, 2021 regarding Keene's Mill Village Proposed 40B. *Seconded by Mr. Flynn. Roll Call Vote: Ms. MacNab-Aye; Mr. Guitart-aye; Mr. Flynn-Aye; Ms. Ladd Fiorini-Aye; Mr. McGee-Aye.*

Discussion pertaining to American Rescue Plan Act (ARPA) Funds – presented by John Q. Adams, Finance Dir.

Mr. Adams stated that the ARPA funds will provide aid of support to bring people back to the workplace with \$350B going to State and Local governments. He said that we are considered a non-entitled unit and that we applied to receive \$1,666,428 in two payments of \$833,214 – one payment this summer and one in the summer of 2022. He stated that these funds are predetermined by population. He also added that Plymouth County will be receiving \$103m, but it has not been decided how to use so we might receive more. Mr. Adams commented that there are guidelines/funding objectives, which can also change. Some of the funding objectives are Covid-19 negative impact support, help for local businesses, premium pay for frontline workers, and government services loss revenue, and investments in water, sewer and broadband infrastructure. Mr. Adams also stated that the Town lost \$3m due to the pandemic and that we should assess our needs to make plans for our recovery such as public safety, cyber security and water as we cannot overlap where we are using those funds. He suggested developing an internal task force to address that and to come up with a plan. This would provide adequate time as the funds don't have to be spent until December 31, 2024. Discussions continued regarding suggested plans and where best to use these funds.

V TOWN MANAGER'S REPORT

Duxbury Beach

Since May 26th, night time over sand driving has been restricted due to endangered species activity, and crossovers have closed at 8:00 p.m. daily. Nighttime driving (after 8pm) will remain closed for the foreseeable future.

Over Memorial Day weekend, weather, high tides and wave action caused some plover nests to be washed away, and some of this will impact the timing of crossover closures. There are currently 32 pairs of piping plovers at the beach and 12 nests (we lost about 15 nests this past weekend but the birds are apt to re-nest up to 3 times if a nest is wiped out).

We expect crossover #1 to be closed on Friday, June 18th

We anticipate crossover #2 to close on Friday, June 11th

Restricted areas can change on a daily basis. 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.

Mr. Read also mentioned the following upcoming expected agenda items:

- Town Manager's Act
- Water concerns – McNeil Dump/PFAS (Thursday, 6/17 BOH meeting)
- Introduction of Ryan Brown, Beach Operations Manager

- Harrington Property – working group
- Seawall
- FY23 Budget – joint meetings with Finance Committee and also capital discussions with FAC
- Green initiatives
- Selectmen Site Visits – PD & FD
- 6 Kingstown Way (Ch 61A)

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

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

| <u>Board / Committee</u> | <u>Appointment/Re-appointment/Resignation</u> | <u>Term</u> |
|--|--|--------------------|
| <u>Affordable Housing Trust</u> | | |
| Diane Bartlett | FY22 Re-Appointment | 06-30-2023 |
| Martha Himes | FY22 Re-Appointment | 06-30-2023 |
| Fernando Guitart | FY22 Appointment | 06-30-2023 |
| <u>Agricultural Commission</u> | | |
| Carl O'Neil | FY22 Re-Appointment | 06-30-2024 |
| Erick Ricker | FY22 Re-Appointment | 06-30-2024 |
| Jeffrey Chandler | FY22 Re-Appointment | 06-30-2024 |
| <u>Conservation Commission</u> | | |
| Robb D'Ambruoso | FY22 Re-Appointment | 06-30-2024 |
| Mickey McGonagle | FY22 Re-Appointment | 06-30-2024 |
| <u>Historical Commission</u> | | |
| Nicole Walter | Resigned 4/10/2021 | |
| Dante Iannazzo | Resigned 5/4/2021 | |
| <u>Plymouth County Advisory Board</u> | | |
| Theodore J. Flynn | FY22 Delegate | 06-30-2022 |
| Michael McGee, Esq. | FY22 Alternate | 06-30-2022 |
| <u>Shellfish Advisory Committee</u> | | |
| Craig Bloodgood | FY22 Re-Appointment | 06-30-2024 |
| Richard Brennen | FY22 Re-Appointment | 06-30-2024 |
| Robert Loring | FY22 Re-Appointment | 06-30-2024 |

Ms. MacNab recognized those resignations and thanked them for their service.

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

The following boards/committees have available seats:

| | | |
|--------------------------------|---|---------------------------|
| Alternative Energy Committee | - | one seat |
| Design Review Board | - | one Alternate seat |
| Duxbury Bay Mgmt Commission | - | two seats |
| Finance Committee | - | two seats |
| Historical Commission | - | two seats |
| Nuclear Advisory Committee | - | one seat |
| Sidewalk & Bike Path Committee | - | one seat |
| Zoning Board of Appeals | - | one Associate member seat |

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

Ms. Ladd Fiorini moved that Mr. Christopher Barry, as a representative of the Friends of the Duxbury Council on Aging, is granted a One-Day Wine & Malt License for their Golf Tournament Reception on Monday, September 20, 2021 at the Duxbury Senior Center, 10 Mayflower Street, from 5:00PM – 9:00PM, subject to the conditions of the license.

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

VIII EVENT PERMITS

7/3/21 DEF Annual Road Race

Ms. Ladd Fiorini moved that Ms. Kristy Ladieu, as a representative of the Duxbury Education Foundation, is granted permission to hold a road race on Saturday, July 3, 2021, beginning at 6:00 AM (registration) to approximately 11:00AM as described in the application materials, and contingent upon the conditions of the permit.

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

7/3/21 4th of July Committee – Annual Parade

Ms. Ladd Fiorini moved that the Town of Duxbury Fourth of July Committee is granted permission to hold the annual Fourth of July Parade and related events on Saturday, July 3, 2021 beginning at 12 Noon, in the Town of Duxbury, subject to the conditions of the permit.

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

7/10/21 MS Cape Cod Getaway Bike Relay

Ms. Ladd Fiorini moved that the National Multiple Sclerosis Society (Greater New England Chapter) is granted permission to conduct a portion of their annual Cape Cod Getaway MS Bike Ride in the Town of Duxbury on Saturday, July 10, 2021, contingent upon the conditions of the permit.

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

9/25/21 COA Half Marathon

Ms. Ladd Fiorini moved that Ms. Sharon Cronin, as a representative of the Friends of the Council on Aging, is granted permission to hold the 10th Annual Duxbury Half Marathon to raise money for the Senior Center's Programs, on Saturday, September 25th at 7:00 AM (with a 7:30 AM race start), beginning and ending at the Duxbury Senior Center, 10 Mayflower Street, contingent upon the conditions of the permit.

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

10/02/21 Annual Best Buddies Challenge

Ms. Ladd Fiorini moved that Paul Curley, as representative of the Best Buddies Challenge Hyannisport, and participants in the 22nd Annual Best Buddies Challenge bicycle ride to be held on Saturday, October 2, 2021 are granted permission to travel through Duxbury and to use the Duxbury Senior Center as a rest stop, contingent upon the conditions of the permit.

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

IX MINUTES None

X ANNOUNCEMENTS

1) Race Amity Day – Sunday, June 13, 2021

On the June 10, 2018, Governor Baker declared the second Sunday in June, annually, as Race Amity Day, and urged all the citizens of the Commonwealth of Massachusetts to take cognizance of this event and participate fittingly in its observance. On March 22, 2021, the Town of Duxbury, through the Board of Selectmen, recognized the second Sunday in June annually as Race Amity Day as a day of introspection and reflection on the beauty and richness of the diverse people of this great Town while reaching out with a spirit of amity toward one another.

The Race Amity Committee and the Duxbury Interfaith Council invites you to participate by signing Duxbury's Race Amity Banner, which will be located at the Bradford House, 931 Tremont Street, for the month of June.

2) Juneteenth Independence Day Holiday

Town Hall offices will be closed on Friday, June 18, 2021 in observance of the Juneteenth (June 19) State holiday. On July 24, 2020, Governor Baker signed legislation to include this date as a State holiday. "Juneteenth Independence Day" is commonly referred to as "Juneteenth", commemorating June 19, 1865, the official end of slavery in the United States.

3) Next Scheduled Selectmen's Meeting will be on Monday, June 21, 2021 at 7:00pm.

XI 8:00pm - EXECUTIVE SESSION – Collective Bargaining

Ms. Fiorini moved we go into Executive Session for the purpose of discussing strategy with respect to collective bargaining (*Town of Duxbury Secretaries & Clerks, SEIU Local 888*) since an open meeting may have a detrimental effect on the bargaining 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 the necessity for an Executive Session to discuss strategy with respect to collective bargaining, as to do so in an Open Session may have a detrimental effect on the Town's bargaining and strategizing position.

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

XII ADJOURNMENT

After the business of the Executive Session was completed, Ms. Ladd Fiorini moved that at approximately 9:15p.m., the Board of Selectmen adjourn the Executive Session and simultaneously reconvene and adjourn in Open Session.

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) Executive Session Motions
- 3) Water & Sewer Commitment – Marshfield #2
- 4) Duxbury Beach Lease
- 5) Documentation regarding Keene's Mill Village
- 6) Documentation regarding the American Rescue Plan Act Funds
- 7) Committee Appointments
- 8) ODLL Request
- 9) Event Permits
- 10) Announcements