

**Date: February 14, 2022**

**Date Minutes Approved: 02/28/22**

TOWN CLERK

2022 MAR -1 AM 9:39

DUXBURY, MASS.

## **BOARD OF SELECTMEN**

## **OPEN SESSION MINUTES**

**Present:** Amy M. MacNab, Chair; Fernando Guitart, Vice Chair; Cynthia Ladd Fiorini, Clerk; Theodore J. Flynn; and Michael McGee (Mike arrived late at approx. 7:10pm)

**Absent:** None

**Staff:** René Read, Town Manager; John Q. Adams, Finance Director; Nancy O'Connor, Executive Assistant; Peter Buttkus, DPW Director and Peter Mackin, Water Superintendent (both for Water & Sewer Commissioners' meeting)

**Others:** Paul Brogna (Water & Sewer Commissioners' Meeting)

### **CONVENED IN OPEN SESSION (*Via remote participation by Zoom*)**

**I. CALL TO ORDER** This meeting was called to order at approximately 7:00 pm.  
*Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted via remote means in accordance with applicable law. Please note that this meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. A transcript or other comprehensive record of proceedings will be available as soon as possible after the meeting. 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](http://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 OPEN FORUM PUBLIC COMMENTS None**

### **IV NEW BUSINESS**

*(items taken out of order waiting for attendees for Water & Sewer Commissioners' discussion)*

***Vote to re-open and then close the Annual Town Meeting Warrant to accommodate any requisite changes regarding: Article 4 and Article 17***

Ms. Ladd Fiorini moved that the Board of Selectmen **re-open** the March 12, 2022 Annual Town Meeting Warrant.

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

### **Article 4 – Funding of Salaries – edits/amendments**

Mr. Read stated that there were minor changes to a few of the position titles and the correction of position grades.

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article 4 – Funding of Salaries - edits/amendments as presented.

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

**Article 17 – Survey to Establish Existing Conditions and layout of Washington Street for future Sidewalks - edits/amendments**

Mr. Read mentioned that they have added the word “Design and” and include the funding for the design. Mr. Guitart added that they need a survey of Washington Street (in its entirety) before they can apply for a Complete Streets Grant. Ms. Ladd Fiorini asked if the existing sidewalk sections need to be brought up to code/ADA compliance. Mr. Guitart replied that he spoke with Cassandra Gascon (Community Grants Administrator at MassDOT), and she said that would not be held against us when applying for the grant. It was confirmed that the survey cost will be \$210,000, with the design cost coming in at \$55,000. Mr. Read confirmed that the procurement process would apply when awarding the survey work.

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article 17 – Design and Survey to Establish Existing Conditions and layout of Washington Street for future Sidewalks - edits/amendments as presented.

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

**Meeting as Water & Sewer Commissioners**

***Discussions regarding Washington Street/Snug Harbor Additional Sewer Allocation Request***

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: Mr. Guitart-Aye; Ms. MacNab-Aye; Ms. Ladd Fiorini; Mr. McGee-Aye and Mr. Flynn-Aye*

***Explanation:*** *The Owner, Mr. Krugger, of 449 Washington Street is requesting additional sewer flow allocation for the purpose of converting the first floor from a retail space to a beauty salon. Mr. Krugger and his daughter Colleen Fisher were in attendance to answer any questions.*

Mr. Paul Brogna began the conversation stating that he is the engineer for this project representing the Krugger family. He added that they have been through all required meetings and going through the special permitting process as they will also be raising the building by approximately four feet due to sea level rise and to get out of the flood zone. A new parking lot will also be added in the back of building as a requirement.

Mr. Peter Mackin, Water Superintendent, confirmed that Mr. Krugger is requesting an additional 300 gallons per day (GPD) as required due to the addition of a beauty salon.

Ms. MacNab was concerned that different hair products would be added to the shared septic system and not just regular household waste water. Mr. Brogna explained that beauty shops are required to have a tight tank system (2000 gallon tank to be located under the rear deck) for all beauty product



water runoff. The only effluents going into the shared septic system will be from the beauty shop restrooms and the apartment. This meets Board of Health requirements.

Ms. Ladd Fiorini moved that the Board of Water & Sewer Commissioners 1) approve an additional sewer flow allocation for 449 Washington Street of 300 GPD for a total allocation of 774 GPD and 2) to determine and set the cost of the purchase of additional sewer flow allocation.

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

***Review and vote on the following Town Meeting Warrant Articles, as needed and as time permits***

**Annual Town Meeting Articles**

**Article 4 – Funding of Salaries**

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #4 regarding Funding of Salaries, as presented.

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

**Article 5 – Operating Budget**

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #5 regarding Operating Budget, as presented.

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

**Article 8 – Electronic Balloting**

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend to Indefinitely Postpone the March 12, 2022 Annual Town Meeting Article #8 regarding Electronic Balloting, as presented.

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

**Article 11 – Funding of Engineering, Design Work and Construction related to the Proposed Department of Public Works Facility**

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #11 regarding the Funding of Engineering, Design Work and Construction related to the Proposed Department of Public Works Facility, as presented.

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

**Article 16 – Citizens' Petition – Proposed Acceptance of McLean's Way - On Hold (no vote taken as this is scheduled to be discussed at the Selectmen's February 28, 2022 meeting.)**

**Article 17 – Design and Survey to Establish Existing Conditions and Layout of Washington Street for Future Sidewalks**

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #17 regarding Design and Survey to Establish Existing Conditions and Layout of Washington Street for Future Sidewalks , as presented.

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

**Article 22 – Proposed Amendment to the General Bylaws Related to Fence Viewer Fees**

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #22 regarding Proposed Amendment to the General Bylaws Related to Fence View Fees, as presented.

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

**Article 23 – Establishment of a Revolving Fund to be Used for Public Safety Communications**  
On Hold (no vote taken)

**Article 25 – Proposed Transfer of Land from Tax Title to the Duxbury Affordable Housing Trust** On Hold (no vote taken)

**Article 26 – Transfer of Town-Owned Land to the Duxbury Affordable Housing Trust – Lincoln Street**

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend to Indefinitely Postpone the March 12, 2022 Annual Town Meeting Article #26 regarding the Transfer of Town-Owned Land to the Duxbury Affordable Housing Trust – Lincoln Street, as presented.

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

**Special Town Meeting Articles**

**Article 1 – Supplemental Appropriations** On Hold (no vote taken)

**Article 5 – Capital Stabilization Fund**

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the March 12, 2022 Special Town Meeting Article #5 regarding the Capital Stabilization Fund, as presented.

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

**Article 6 – Appropriate Funds for Prior Years Overlay**

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the March 12, 2022 Special Town Meeting Article #6 regarding Appropriate Funds for Prior Years Overlay, as presented.

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

**Article 8 – Matching Grant Funds -** On Hold (no vote taken)



**Article 9 – Establishment of Other Post-Employment Benefits Trust Fund (OPEB Fund) - no vote taken as there will be no article**

**Vote to Close the Annual and Special Town Meeting Warrants.**

Ms. Ladd Fiorini moved that the Board of Selectmen **close** the March 12, 2022 Annual Town Meeting Warrant.

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

Ms. Ladd Fiorini moved that the Board of Selectmen **close** the March 12, 2022 Special Town Meeting Warrant.

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

***Follow-up discussion on next steps as a result of the February 7<sup>th</sup> meeting regarding the Pilgrim Nuclear Power Station decommissioning by Holtec in re:***

***Dry cask storage safety concerns***

***Potential discharge of radioactive water***

***Updates on Federal and State and legislation and other regulatory efforts***

Discussions regarding updating the draft letter from Mary Lampert to Gov. Baker with copies to many other legislators, including the Attorney General's office. It was agreed that both Mr. Guitart and Mr. Flynn would review/revise the letter to be sent out so that momentum is not lost on this subject. All were in agreement to send the letter with updates/revisions. Mr. Flynn and others also expressed their continued concern regarding the dry cask storage and the need for additional enhanced security measures (berm or a wall).

Ms. MacNab stated that she spoke with the Attorney General's office to ask them to send a representative to discuss legal remedies. Ms. MacNab received an email from the AG's office and read into the record as follows:

*"The AG's office could not be in attendance this evening, but wanted to provide the following statement with regards to this:*

*'The Facility's permits prohibit the discharge of spent fuel pool water and waste water generated by the decommissioning process into Cape Cod Bay, and we expect Holtec to abide by those permit conditions. Our office will take any violation of Holtec's permits seriously especially one that could pose a threat to public health and safety. We are continuing to coordinate with our State agencies to monitor this and to ensure that public health, safety and the environment are protected during ongoing activities at Pilgrim. We will be prepared to take action if needed.'*"

Ms. MacNab stated that this falls short of taking action until after there is a violation. She said that she was hopeful that the Attorney General's office would agree to file a preliminary injunction just to get the court to say that they can't do this.

There was further discussion regarding securing legal representation (as the Town of Plymouth has). Ms. MacNab stated that she has researched an attorney at KPLaw (current Town Counsel).

Mr. McGee moved that the Board of Selectmen pursue counsel to advocate on our behalf with the Attorney General's office as well as on our own to enforce the laws of the Commonwealth and to protect Duxbury's interest with respect to Holtec's potential discharge of one million gallons into Duxbury Harbor and the handling of their dry cask storage.

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

## **V TOWN MANAGER'S REPORT**

### **Town Meeting Location - Saturday, March 12**

High School Gym with additional seating in the adjacent Middle School gym.

**DPW** - As I did just a week or so ago, I wanted to offer my sincerest thanks to Peter Buttkus and his entire staff for a job well done this past weekend. They managed a constant snowfall that was seemingly endless and just wouldn't let up until early this morning. I truly appreciate their tireless work and managing through it – particularly on Superbowl Sunday.

### **Mask Mandate in Town Buildings**

As you may recall, on December 22, 2021, a mask mandate was issued for Town-owned property in light of the state DPH mask advisory issued the day before. With the state's guidance on the lifting of the mask mandate for schools becoming effective on February 28<sup>th</sup>, the Town of Duxbury's mask mandate in Town buildings will also be lifted as of the same date. As a result, as of February 28, the wearing of masks in Town buildings will be optional and the same will be true for Town Meeting (and masks will be available at Town Meeting for those who would like them).

**Discussion regarding in-person meetings:** The Board of Selectmen will go back to hybrid (remote and in-person) meetings starting Monday, March 7, 2022.

## **VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS**

Ms. Ladd Fiorini moved that the Selectmen appoint the following new/re-appointed members and also recognize the following resignations:

<b><u>Board / Committee</u></b>	<b><u>Appointment/Re-appointment/Resignation</u></b>	<b><u>Term</u></b>
<b><u>Design Review Board</u></b>		
Gil Martin	FY22 Appointment	06-30-2023
Lauren Sirois	FY22 Appointment	06-30-2023
Judith Hall	Resignation**	06-30-2022
<b><u>Duxbury Bay Management</u></b>		
Sam Davenport	FY22 Re-Appointment	06-30-2024
Dax Guenther	FY22 Re-Appointment	06-30-2024



Mackenzie Thompson	FY22 Re-Appointment	06-30-2024
Jon McGrath	FY22 Re-Appointment	06-30-2023

**Economic Advisory Committee**

Clark Hinkley	Resignation**	06-30-2023
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**Highway Safety Advisory Committee**

Matthew Kent (fill unexpired term)	FY22 Appointment	06-30-2023
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**Historical Commission**

Brendan Wall (fill unexpired term)	FY22 Appointment	06-30-2024
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*\*\*We thank all committee members for their service and wish them well\*\**

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

**The following boards/committees have available seats:**

Affordable Housing Trust	-	one seat
Alternative Energy Committee	-	two seats
Duxbury Bay Mgmt Commission	-	two seats
Duxbury Seawall Committee	-	one seat
Economic Advisory Committee	-	one seat
Local Historic District Commission	-	one seat
Nuclear Advisory Committee	-	one seat

***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.***

**VII ONE-DAY LIQUOR LICENSE REQUESTS**

**2/17/22 Snug Harbor Wine Tasting**

Ms. Ladd Fiorini moved Mr. Richard Marble II, as a representative of **Snug Harbor Wine**, is granted a One-Day Wine & Malt License for their **Wine Tasting Class**, on Thursday February 17, 2022 from 6:00pm – 9:00pm, at the Mix It Up Kitchen Cooking School located at 19 Depot Street, Duxbury, contingent upon the conditions of the license.

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

**VIII EVENT PERMITS**

**6/5/22 3<sup>rd</sup> Annual Duxbury Fitness 5k**

Ms. Ladd Fiorini moved that Ms. Anne Marie Winchester, as a representative of the South Shore Race Management, LLC, is granted permission to hold the 3<sup>rd</sup> Annual Duxbury Fitness 5K Road Race in

Duxbury on Sunday, June 5, 2022, from 9:00 AM to 11:00 AM, contingent upon the conditions of the license.

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

### **6/25/22 Cape Cod Getaway MS Bike Ride**

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, June 25, 2022, contingent upon the conditions of the license.

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

## **IX MINUTES**

Ms. Ladd Fiorini moved to approve the 01/31/2022 Selectmen's Open Session Minutes, as presented.

*Seconded by Mr. Flynn Roll Call Vote: Mr. McGee-Aye; Ms. MacNab-Aye; Mr. Guitart-Aye; and Mr. Flynn-Aye (Ms. Ladd Fiorini abstained as he was not present at this meeting).*

## **X ANNOUNCEMENTS**

- 1) President's Day Town Hall Closure: The Town Hall will be closed on Monday, February 21, 2022 in observance of President's Day. There will be no Selectmen's Meeting that evening.
- 2) Next Scheduled Selectmen's Meeting will be on Monday, February 28, 2022 at 7:00pm.

## **XII ADJOURNMENT**

Ms. Ladd Fiorini moved that the Board of Selectmen adjourn at approximately 9:35pm.

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

*Minutes submitted by Nancy O'Connor*

### **LIST OF DOCUMENTS**

- 1) BOS Agenda
- 2) Water & Sewer Commissioners Agenda and documentation
- 3) ATM and STM draft warrants
- 4) Appointments/Resignations
- 5) ODLLs
- 6) Event Permits
- 7) Minutes
- 8) Announcements