

**Date:** May 24, 2021

**Date Minutes Approved:** 03/21/22

TOWN CLERK

2022 MAR 22 AM 9:19

DUXBURY, MASS  
OPEN SESSION MINUTES

## BOARD OF SELECTMEN

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

**Absent:** Cynthia Ladd Fiorini, Clerk – Exec Session only

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

**Others:** Attorney Jeff Blake, KP Law (Town Counsel); Peter Buttkus; Peter Mackin; Joe Grady; Holly Morris; Betsy Sullivan; Valerie Massard; Scott Casagrande; Chief Steve McDonald; and Trustees from the Affordable Housing Trust

## 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 6:00 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. 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](http://www.pactv.org/duxbury) for Duxbury programming, replays and on-demand.*

## **II PLEDGE OF ALLIGIANCE**

### **6:00PM EXECUTIVE SESSION**

Potential Purchase, Exchange, Lease or Value of Real Property –6 Kingstown Way

Mr. Guitart moved we go into Executive Session for the purpose of: Discussing consideration of the purchase, exchange, lease or value of real estate (*6 Kingstown Way*), since an open meeting may have a detrimental effect on the strategizing and negotiating position of the Town; 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 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. Flynn Roll Call Vote: Mr. Flynn-Aye; Mr. Guitart-Aye; Mr. McGee-Aye; and Ms. MacNab-Aye*

After the business of Executive Session was completed, Mr. Guitart moved to adjourn Executive Session and to reconvene in Open Session at or about 7:00pm.

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

**III OPEN FORUM PUBLIC COMMENTS:** No official “open forum” as these are remote meetings. No public comments via phone calls or emails were received during this meeting.

**IV NEW BUSINESS**

**7:01pm PUBLIC HEARING - Chapter 61A - 6 Kingstown Way**

Ms. Ladd Fiorini moved that the Board of Selectmen open the public hearing.

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

Mr. Dan Coughlin, on behalf of the Affordable Housing Trust, gave a presentation to the public hearing regarding the Trust and their intentions for this lot for affordable housing especially given its proximity to stores and transportation along with need for rentals. He said that he recognized that there is a lot of work to be done, but that this would help close the gap on 40B development and also provide minimum impact on neighborhoods. Mr. Jonathan Mark, who has the signed P&S contract with the seller for this property, stated that he saw this land as a place to preserve agricultural land to bring back the bogs and other agricultural uses. He added that he did put down a change of use to develop two lots because he was told to do that. Ms. MacNab thanked Mr. Mark and confirmed that we received his letter. She continued to say that it was Town Counsel’s opinion that the first Purchase & Sale agreement legally triggered the Selectmen’s Right of First Refusal. She stated that there are discussions with the Trust and that we are doing our due diligence to explore what is in the best interest of the Town. Ms. Sullivan asked what the timeline for a decision was. Ms. MacNab responded that they asked Town Counsel and it is 210 days from June 15<sup>th</sup> (the date the emergency pandemic restrictions are lifted). Ms. Lynch-Benttinen spoke in support of the project as all rentals count in reaching our 10%, stating that many of Duxbury’s surrounding communities are already at 10% and that will cause increased development pressure on Duxbury. There were concerns expressed regarding traffic, the intersection at CVS, school congestion and sewer. Ms. MacNab remarked that it is their role to do what is in the best interest of the Town as a whole and to explore opportunities as they arise. Mr. Walsh added that under 61A the Town reduced its tax revenue so the Town has earned the right to have this conversation. Mr. Casagrande and Ms. Massard stated that this is not a project Planning can take on at this time and the Trust should look into a consultant. Ms. MacNab said that next steps would be to have the Affordable Housing Trust come back with an analysis (such as traffic studies, feasibility studies).

Ms. Ladd Fiorini moved that the Board of Selectmen close the public hearing.

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



***Discussion regarding signing of the certification from Locke Lord LLP re: Temple Street Property***

Mr. Adams explained that bond counsel reviews for compliance and for legal purposes and wanted certificate of assurance that we are borrowing for affordable/community housing purposes.

Ms. Ladd Fiorini moved that the Board of Selectmen execute the certification letter regarding the property located at 761 Temple Street required by Locke Lord LLP, as presented.

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

***Discussion with Peter Mackin, Water Superintendent, regarding water issues in Town***

Mr. Mackin was in attendance to discuss water issues in Town. There were discussions regarding completing items in the Master Plan; however, part of the problem in completing work was because of Covid, which has been challenging. Another part of the Master Plan is ways to reduce seasonal water use and starting to enforce and fining those who do not conform to the water ban. Mr. Mackin confirmed that we have two wells shutdown. One of Depot Street since 2015 because of high manganese and Partridge Street also down due to elevated levels of PFAS (found in food packaging, food products, septic symptoms). He stated that they are in the process of collecting confirmatory samples, which results he should have in two weeks. He added they shut down the well out of an abundance of caution. Ms. MacNab asked if he was testing all wells. Mr. Mackin replied yes and that they will be collecting additional confirmatory samples as well.

***Discussion pertaining to Declaration of Surplus items – DPW Department***

Peter Buttkus, DPW Director, is requesting that the following vehicles be declared as surplus in order to go to public auction. These vehicles have exhausted their useful life and are being disposed in conjunction with the DPW's Capital Replacement Program. All proceeds go back to the General Fund. Please see attached memo.

Ms. Ladd Fiorini moved to declare as surplus the following DPW vehicles:

1. 2008 Chevrolet Silverado VIN#1GBJK34618E207384 Plate M1292A (Cemetery)
2. 2012 Chevrolet Colorado VIN #1GCGTBFE7C8157485 Plate M87313 (Cemetery)
3. 2009 Peterbilt VIN# 2NPNHM6X99M783726 Plate M76925 (LN&R)
4. 2005 Chevrolet Silverado VIN#1GBJK342X5E299104 Plate M95567 (Highway)
5. 2010 Ford Explorer VIN#1FMEU7DE8AUA48599 Plate 7NF320 (old PD)

in order to allow these items to be disposed of, sold, auctioned or donated, all in accordance with M.G.L. c.30b and the Town's rules and regulations, with proceeds to go to the General Fund.

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

**Discussion pertaining to Hiring Recommendations – presented by Jeannie Horne and Rene Read**

Mr. Read read the following memo into the record:

*Dear Members,*

*As you will recall, following a discussion with the Board on January 11<sup>th</sup>, I advised the Board that I would be instituting a hiring “frost.” This coincides with our current standard hiring practice when presented with a vacancy of having a Department Head review the given staffing needs of a department, the related costs associated with a position and determine whether the job can be accomplished on a full-time or a part-time basis (under 20 hours). If the position cannot be filled with a part-time employee, the department head provides a business case for a full-time position. In all cases, each position is carefully examined before the job is posted and the department head meets with the Town Manager, Finance Director and Human Resources Director to present the case and review if there might be other ways to adjust the position.*

*As a result of that hiring “frost,” I am bringing forward several positions (please see attached) which have all been through the aforementioned process to make you aware that these positions are necessary, have been reviewed as described above, and are in need of filling.*

*Finally, now that Town Meeting has occurred, and the FY22 budget has been approved, the uncertainty that existed in January is now gone, thankfully, and I am lifting the hiring “frost.” Our current standard hiring practice mentioned above will of course remain in place as it has been for the past several years. As always, if you have any questions, please let me know.*

Ms. Horne explained the open positions as follows:

Dept.	Hiring Requests as of May 20, 2021	Reason	External or Internal Hire	Part Time*/Full Time**	Start Date
DPW-Highway	Equipment Operator	Resignation	External and Internal	Full-time	Immediately
DPW-Highway	Skilled Laborer	Resignation	External and Internal	Full-time	Immediately
DPW-Vehicle Maintenance	Forman	Termination	External and Internal	Full-time	Immediately
Municipal Services	Local Building and Code Enforcement Inspector	Resignation	External and Internal	Full-time	Immediately
Police	Special Police Officer	To meet anticipated staffing needs related to milder weather and fewer COVID restrictions.	Internal	As needed*	Immediately
ROCCC	Public Safety Dispatcher	To backfill vacancy due to promotion	Internal	Full-time	Immediately
*19 hours or less per week, not benefit eligible					
**20 hours or more per week, benefit eligible					



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

### **Duxbury Beach**

Due to the arrival of the piping plovers, of which there are approximately 30 pairs and 27 nests, nighttime driving will end starting this Wednesday, May 26<sup>th</sup>. The last day for driving on the beach after 8:00 p.m. will be tomorrow, May 25<sup>th</sup>. Further, because of the presence of piping plovers on the over sand portion of the beach, Crossover 1 is expected to close on or about Friday, June 4<sup>th</sup> and Crossover 2 is expected to close on or about June 11<sup>th</sup>. Since it takes approximately 30-35 days for the birds to fledge, there is a strong possibility that part of, if not all, of the ORV portion of the beach will be inaccessible over the 4<sup>th</sup> of July.

### **Memorial Day**

While we won't be having a Memorial Day parade this year, we will be having a very small scale observance run by the American Legion which will be the same as last year. The timing of re-opening wouldn't allow us the opportunity to get everyone together in time.

### **Fourth of July**

I'm pleased to announce that the Town will be having a 4<sup>th</sup> of July parade this year and it will take place Saturday, July 3<sup>rd</sup> with a kick off time of 12:00 noon. This event will probably be a somewhat "lower key" event this year as people become more comfortable in the re-opening era and it's obviously one day earlier than the 4<sup>th</sup> (and the start time is also earlier) but this is done to be able to provide adequate police detail coverage which is more attainable and more financially sound since detail rates are higher on a Sunday holiday as opposed to a Saturday. I've spoken with the Chair of the Fourth of July Parade Committee and they will be formally voting on this later this week and if anyone should have any questions about participating in or volunteering to help out with this terrific Town tradition, please contact our office and we can put people in touch with the appropriate folks on the Parade Committee. I'd like to thank the Committee and the Police Department for helping figure out a way to make this happen.

### **The Duxbury Mall**

As you know, the Duxbury Mall re-opened on Wednesday, May 12<sup>th</sup>.

With the rolling back of the state's guidelines on May 28<sup>th</sup>, the Book Shack at the Duxbury Mall will re-open on Saturday, May 29<sup>th</sup>.

### **In-Person and Virtual Meetings**

I've been speaking with town counsel and our legislative delegation about the upcoming lifting of restrictions (which commence on Friday) and the removal of the state of emergency 3 weeks from tomorrow).

In talking about this with Josh...

there's no issue going back to in-person meetings. That's allowed now, subject to any remaining social distancing/mask rules. The question is the ability to continue with remote meetings & hearings after

the end of the state of emergency next month. there may be some boards that would like to keep that option — or perhaps a hybrid approach.

The Legislature is currently reviewing all of the emergency legislation that was passed during COVID era and I know that is one of the measures under active review. Some aspects of the open meeting law change were made by Executive Order so the Governor could also take limited action on his own accord. There's very good chance that this will be either extended further or made permanent in some fashion. this is one where there is broad consensus.

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

### **Diversity, Equity & Inclusion Steering Committee**

Ms. Ladd Fiorini moved that the Board of Selectmen appoint the following to the Diversity, Equity and Steering Committee for a term to expire on June 30, 2022:

Name	Title	Representing
Fernando Guitart	Board of Selectmen Vice Chair	One (1) Board of Selectmen Member
Shannon Moesaa	School Committee Chair	One (1) School Committee Member
Martha Dennison	Library Board of Trustees Vice Chair	One (1) Library Department Member
Dr. John Antonucci	Superintendent of Schools	One (1) School Administration Member
Jeannie Horne	Human Resources Director	One (1) Town Administration Member
Joanne Moore	Council on Aging Director	One (1) Council on Aging Department Member
Valarie Massard	Planning Director	One (1) Planning Department Member
Friend Weiler	Police Sergeant	One (1) Police Department Member
Rev. Dr. Catherine Cullen	Interfaith Council President	One (1) Duxbury Interfaith Council Member
Karen Wong	Duxbury for All Steering Committee Member	One (1) Duxbury For All Member
Mark Prince	Assistant Principal and Leadership Development Coach for the Center	One (1) of Three (3) At-Large Members



	for Leadership and Education Equity (both in Rhode Island)	
Alexander See	Retired lawyer, educator, non-profit developer and congressional staff	One (1) of Three (3) At-Large Members
Caitlan Sheehan	Teacher and Co-Chair of School Anti-Racism Committee (both in Duxbury)	One (1) of Three (3) At-Large Members

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

#### **Fourth of July Committee**

Ms. Ladd Fiorini moved that the Board of Selectmen re-appoint the following to serve on the Fourth of July Committee (FY22) for terms to expire as of April 30, 2022:

Chris Barry, Freeman ("Bo") Boynton III, Barbara Cleary, Tracey Fitzpatrick, Katy Gaenicke, Jeff Goldman, Amy Hill, Brian Hill, Jamie MacNab (Co-Chair), Nancy Reed, Janet Ritch, Dave Robinson, Stuart A. Ruggles (Co-Chair), Janet Skaggs, and Mickey White

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

#### **VII ONE-DAY LIQUOR LICENSE REQUESTS - None**

#### **VIII EVENT PERMITS None**

#### **IX MINUTES**

Ms. Ladd Fiorini moved that the Board of Selectmen approve the 3/29/21, 5/10/21, and 5/15/21 Selectmen's Open Session minutes, as presented and amended.

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

#### **X ANNOUNCEMENTS**

1. Town Hall will be closed on Monday, May 31 in observance of Memorial Day. There will be no Selectmen's meeting that evening.
2. Next scheduled Selectmen's meeting will be on Monday, June 7, 2021 at 7pm.

## **XI BONUS SHELLFISH (month of June)**

Ms. Ladd Fiorini moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for:

- 1) the commercial harvesting of softshell clams for the month of JUNE. Regulations as attached. (Please see Attachment B & C)
- 2) the commercial harvesting of quahog clams for the month of JUNE. Regulations as attached. (Please see Attachment A & C)
- 3) the recreational harvesting of Soft Shelled Clams for the month of JUNE. Regulations as attached. (Please see Attachment D)

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

## **XII ADJOURNMENT**

Ms. Ladd Fiorini moved that at approximately 9:10pm, the Board of Selectmen adjourn.

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

*Minutes submitted by Nancy O'Connor*

### **LIST OF DOCUMENTS**

- 1) *Agenda*
- 2) *Executive Session motion*
- 3) *Public hearing motion and notice re 6 Kingstown Way*
- 4) *Certification of borrowing documentation/motion*
- 5) *DPW surplus items and motion*
- 6) *Memo re hiring recommendations*
- 7) *Committee appointments*
- 8) *Minutes*
- 9) *Announcements*
- 10) *Bonus Shellfish*