

Date: April 4, 2022

Date Minutes Approved: 04/25/22

TOWN CLERK

2022 APR 26 PM 8:34

DUXBURY, MASS. OPEN SESSION MINUTES

BOARD OF SELECTMEN

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

Absent: None

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

Others: Cris Luttazi, Exec Director, DBR; Bob Hayes, DBR; and Wendell Cerne, Chair, AEC

CONVENED IN OPEN SESSION

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 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 OPEN FORUM PUBLIC COMMENTS

Mr. Brian Glennon wanted to make note of the several members of Duxbury Troops 62 and 1792 who were either attending via Zoom or in-person as they were working on their Citizenship in the Community Merit Badge. The Selectmen welcomed them all.

IV NEW BUSINESS

Chief Nord and Deputy Chief Reardon acknowledged and congratulated the following Duxbury Fire Department personnel:

Swearing in FF/EMT Matthew Demers - Town Clerk Susan Kelley performed the swearing-in.

Presentation of the Mass Fire Service awards to:

Call FF Chris West 35 years (Retired as Deputy Chief)
FF Loring Nudd 30 years
Capt. Doug Cunningham 20 years (not in attendance)
Capt. Alex Merry 20 years

They were all congratulated and the Selectmen thanked them for their years of service.

Discussion and vote pertaining to the sale of bonds – John Adams, Finance Director

Mr. Adams provided a brief explanation to the Board and reaffirming the Town's AAA Standard & Poor Bond Rating (which is the best rating) because we very strongly meet all the criteria to be awarded a AAA rating.

Mr. McGee, as clerk, read into the record the **Vote of the Board of Selectmen** in its entirety as follows:

I, the Clerk of the Board of Selectmen of the Town of Duxbury, Massachusetts (the "Town"), certify that at a meeting of the board held April 4, 2022, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$3,015,000 General Obligation Municipal Purpose Loan of 2022 Bonds, Series A of the Town dated April 11, 2022 (the "Series A Bonds"), to Stifel, Nicolaus & Co., Inc., at the price of \$3,059,596.00 and accrued interest, if any, is hereby approved and confirmed. The Series A Bonds shall be payable on April 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2023	\$185,000	4.00%	2031	\$170,000	3.00%
2024	185,000	4.00	2032	170,000	3.00
2025	185,000	4.00	2033	170,000	3.00
2026	180,000	3.00	2034	170,000	3.00
2027	180,000	3.00	2036	340,000	3.00
2028	175,000	3.00	2038	250,000	3.00
2029	175,000	3.00	2042	305,000	3.00
2030	175,000	3.00			

Further Voted: that the Series A Bonds maturing on April 1, 2036, April 1, 2038 and April 1, 2042 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due April 1, 2036

<u>Year</u>	<u>Amount</u>
2035	\$170,000
2036*	170,000

*Final Maturity

Term Bond due April 1, 2038

<u>Year</u>	<u>Amount</u>
2037	\$170,000
2038*	80,000

*Final Maturity

Term Bond due April 1, 2042

<u>Year</u>	<u>Amount</u>
2039	\$80,000
2040	75,000
2041	75,000
2042*	75,000

*Final Maturity

Further Voted: that the sale of the \$1,500,000 General Obligation Land Acquisition Bonds, Series B (Subject to Federal and Massachusetts Income Taxation) of the Town dated April 11, 2022 (the "Series B Bonds," and together with the Series A Bonds, the "Bonds"), to Stifel, Nicolaus & Co., Inc., at the price of \$1,521,398.00 and accrued interest, if any, is hereby approved and confirmed. The Series B Bonds shall be payable on April 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2023	\$100,000	5.000%	2029	\$100,000	4.500%
2024	100,000	5.000	2030	100,000	4.500
2025	100,000	5.000	2032	200,000	3.250
2026	100,000	5.000	2034	200,000	3.375
2027	100,000	5.000	2037	300,000	3.625
2028	100,000	5.000			

Further Voted: that the Series B Bonds maturing on April 1, 2032, April 1, 2034 and April 1, 2037 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due April 1, 2032

<u>Year</u>	<u>Amount</u>
2031	\$100,000
2032*	100,000

*Final Maturity

Term Bond due April 1, 2034

<u>Year</u>	<u>Amount</u>
2033	\$100,000
2034*	100,000

*Final Maturity

Term Bond due April 1, 2037

<u>Year</u>	<u>Amount</u>
2035	\$100,000
2036	100,000

2037*

100,000

*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated March 21, 2022, and a final Official Statement dated March 28, 2022 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Series A Bonds and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the

Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: April 4, 2022

Seconded by Ms. MacNab Vote: 5:0:0

Mr. McGee moved that the Board of Selectmen execute all Bond documents, as presented.

Seconded by Ms. MacNab Vote: 5:0:0

Discussion regarding Uniqueness of Duxbury Beach

Mr. Read read the following memo into the record regarding the reason for the finding of uniqueness:

Dear Members,

As you may recall from previous years, in accordance with Massachusetts Procurement Law, specifically, M.G.L. c. 30B, sec. 16(e)(2), a governmental body is required to solicit proposals prior to acquiring by purchase or rental real property or an interest therein from any person at a cost exceeding twenty-five thousand dollars.

Further, the governmental body is required to place an advertisement inviting the submission of proposals in a newspaper with a circulation in the locality sufficient to inform the people of the affected locality pursuant to a number of requisite publication and submittal deadlines as noted in the statute. However, a governmental body may shorten or waive the advertising requirement if "in the case of a proposed acquisition (in this case a lease), the governmental body determines in writing that advertising will not benefit the governmental body's interest because of the unique qualities or location of the property needed."

MGL requires that the determination of uniqueness "shall specify the manner in which the property proposed for acquisition satisfies the unique requirements. The governmental body shall publish the determination and the reasons for the determination, along with the names of the parties having a beneficial interest in the property pursuant to section forty J of chapter seven, the location and size of the property, and the proposed purchase price or rental terms, in the central register not less than thirty days before the governmental body executes a binding agreement to acquire the property."

As such, our office has prepared the following motion for this purpose which will comply with the statute. Should the Board vote the motion as prepared, counsel will publish the notice in the Central Register in accordance with Mass. General Law.

Following the conclusion of 30 day Central Register publication period, I will be discussing the actual lease itself with members of the Reservation and will bring said document to the Board for your consideration.

Motion:

Mr. McGee moved that with regard to the proposed lease by the Town of Duxbury of land owned by the Duxbury Beach Reservation, Inc., consisting of approximately 66 acres and including any improvements thereon, and located at and described as: all the land and interests in the land in the towns of Duxbury and Plymouth called Duxbury Beach owned by the Reservation south of a line running approximately east to west along the northerly edge of the northerly parking area at the east end of Powder Point Bridge and north of the entrance to Gurnet/Saquish, subject to continuation of the Massachusetts Audubon Society migratory shorebird refuge at High Pines, and excluding the land at High Pines now or formerly leased to Patrick J. Cudmore, I move that advertising concerning this lease will not benefit the Town's interests because of the unique qualities or location of the property needed by the Town, such land satisfying the Town's unique requirements in the following manner: the property is located immediately adjacent to, and comprises part of, Duxbury Beach and provides access to the Beach; similar access to the Beach is not possible from other locations as the result of the local geography and environmental limitations in the area; and the parcel provides much needed parking for and access to the beach for members of the public.

Seconded by Ms. MacNab Vote: 5:0:0

Discussion regarding upcoming Beach Season

Ms. Cris Luttazi, Executive Director of the Duxbury Beach Reservation provided a slide-show update regarding the Beach Management guidelines for the Endangered Species program. She described the legal protection details of the piping plovers and least terns as they are considered threatened and fall under Federal and State Endangered Species Acts. Ms. Luttazi explained in detail the required setbacks for each species from nesting, eggs, and when the chicks hatch. Her presentation also included permitted activities and the permitting process for this recreational beach – especially the ORV access areas. She also provided a comparison of Duxbury Beach and other beaches, such as Sandy Neck and Nauset Beach showing that Duxbury Beach is a significantly narrower length of beach, which limits the driving areas and the nesting areas. She explained in detail our exposures (referred to as “tokens”) given it is a recreational beach and also a pathway for resident homes in the Saquish area of Plymouth and the intricate management of our given tokens so that the beach does not get shut down.

Mr. Guitart recognized all of the work Ms. Luttazi and the DBR is doing to maintain access to the beach and encouraged support for DBR and to follow the rules and work together.

Note: A copy of the slideshow presentation can be found on the Board of Selectmen's webpage on the Town's Website at: <https://www.town.duxbury.ma.us/board-selectmen>

Discussion with Alternative Energy Committee Chair, Wendell Cerne, regarding a summary of current projects and to field any questions

Mr. Wendell Cerne, Chair of the Alternative Energy Committee, appeared before the Selectmen to provide an update on what the Committee has been doing and what to do next. He noted that one of the points in Envision Duxbury is to pursue Net Zero carbon – reduction of emissions of fossil fuels. He mentioned that there is a free Webinar on April 12 (link can be found below or on the Duxbury Free Library's calendar) regarding Zero Carbon Home.

Mr. Frank Holden of the Fiscal Advisory Committee stated that the committee was concerned about the role of electric vehicles and solar panels in Town and asked if AEC was working with the DPW, Fire, and Police departments. Mr. Cerne responded that currently they are not, but would be pleased to do that.

Mr. Cerne added that they are looking at next steps to take to come up with a plan. He mentioned that MAPC is helpful and can provide resources.

Mr. Guitart summarized the steps to explore the ability to present a plan for purchasing electricity in bulk and a net zero plan to align with the Commonwealth's goals. He remarked that the Board is in support of the AEC's plans.

There was discussion regarding the availability of grants, and Mr. Cerne mentioned that Barbara Bartlett has been instrumental in locating grants.

Mr. Cerne discussed the following:

I. GREENHOUSE GAS INVENTORY: A SUMMARY (DOCUMENT PROVIDED) (document in Selectmen's files as too numerous)

II. EXPLORATION OF MUNICIPAL/COMMUNITY AGGREGATION

The Commonwealth defines municipal aggregation as “ the process by which a municipality (meaning a town or city) purchases electricity in bulk from a competitive supplier on behalf of the residents and businesses within the community.” The AEC is researching the option of “Green Community Aggregation” by which, according to the Metropolitan Area Planning Council (MAPC), a municipality chooses to source its electricity in a way that will create demand for new renewable energy to be built, known as additionality, and thereby lower greenhouse gas (GHG) emissions.

(Refer to MAPC Green Municipal Aggregation: <https://www.mapc.org/our-work/expertise/clean-energy/green-municipal-aggregation/> and Commonwealth of Massachusetts Municipal Aggregation: <https://www.mass.gov/info-details/municipal-aggregation#overview->).

The Alternative Energy Committee (AEC) proposes crafting a Green Municipal Aggregation plan to be reviewed by the Selectboard before being put before the 2023 Annual Town Meeting.

III. NET ZERO PLAN PROPOSAL

The Commonwealth's Global Warming Solutions Act (GWSA) and subsequent Decarbonization Roadmap calls for net zero carbon emissions by 2050, with interim limits being established for 2025 and 2030. (Refer to: <https://www.mass.gov/info-details/ma-decarbonization-roadmap>). Helpfully, the MAPC has created a tool kit to help municipalities create their own Net Zero Plans (<https://www.mapc.org/net-zero/>). The AEC proposes creating a plan to guide the town's reduction of carbon emissions to align with the Commonwealth's goals.

IV. APRIL 12TH WEBINAR :

David Green of Green Zero Carbon Home (<https://greenzerocarbonhome.com/>) will, in association with the Duxbury Free Library and others, be presenting a free webinar the Zero Carbon Home April 12th, 2022, from 7:00 - 8:30 PM. (<https://www.eventbrite.com/e/zero-carbon-zero-bills-for-duxbury-tickets-304058175187>)

V TOWN MANAGER'S REPORT

Mr. Read provided the Board with their current list of Board/Committee Liaison assignments and asked them to review for any changes. This will be added to the May 2 agenda.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Mr. McGee moved that the Selectmen recognize the following resignations of James White (Alternative Energy Committee) and Emily Martecchini (Open Space Committee).

Seconded by Ms. MacNab Vote: 5:0:0

VII ONE-DAY LIQUOR LICENSE REQUESTS

05/14/22 Duxbury Art Complex Museum 50+1 Gala

Mr. McGee moved that Ms. Mary Curran, as a representative of the Duxbury Art Complex Museum, is granted a One-Day All Alcoholic License to hold their 50+1 Gala Celebration on Saturday, May 14, 2022 from 6:00 PM to 9:00 PM at the Art Complex Museum, 189 Alden Street, contingent upon the conditions of the license. *Seconded by Ms. MacNab Vote: 5:0:0*

06/18/22 Friends of the COA Black Tie Bingo

Mr. McGee 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 to hold a Black-Tie Bingo night on Saturday, June 18, 2022 at the Duxbury Senior Center on 10 Mayflower Street, from 6:00 PM to 10:30 PM, Duxbury, contingent upon the conditions of the license. *Seconded by Ms. MacNab Vote: 5:0:0*

VIII EVENT PERMITS None

IX MINUTES

Mr. McGee moved to approve the 02/11/22 Selectmen's Executive Session Minutes as presented and amended, with the contents to remain confidential until the need has passed.

Seconded by Ms. MacNab Vote: 4:0:1 (Mr. Flynn abstained as he was not in attendance)

Mr. McGee moved to approve the 03/07/22 Selectmen's Open Session Minutes, as presented and amended. *Seconded by Ms. MacNab Vote: 5:0:0*

(the 3/21/22 minutes were not approved at this meeting)

X ANNOUNCEMENTS

1) Commercial Shellfish License Applications:

Commercial Shellfish License Applications are available in the Board of Selectmen Office in Old Town Hall. You can apply only during the month of April, and applicants must be a Duxbury resident and have a Massachusetts Commercial Fisherman's Permit showing "endorsed shellfish." For more information, please contact the Selectmen's office at 781-934-1100 x5402.

2) Next Scheduled Selectmen's Meeting will be on Monday, April 11, 2022 at 7:00pm at the Senior Center – Ellison Room, 10 Mayflower Street.

XII ADJOURNMENT

Mr. Guitart moved that the Board of Selectmen adjourn at approximately 9:00pm.

Seconded by Ms. MacNab Vote: 5:0:0

Minutes submitted by Nancy O'Connor

LIST OF DOCUMENTS

- 1) *BOS Agenda*
- 2) *Bond vote and motion*
- 3) *Documentation re Uniqueness of Duxbury Beach*
- 4) *AEC Documentation*
- 5) *Resignations*
- 6) *One Day Liquor Licenses*
- 7) *Minutes*
- 8) *Announcements*