

Date: June 21, 2021

Date Minutes Approved: 08-30-21

TOWN CLERK

2021 AUG 31 PM 12: 21

OPEN SESSION MINUTES
DUXBURY, MASS.

BOARD OF SELECTMEN

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

Absent: None

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

Others: Kayla Macleod, Sullivan & Comerford, P.C and Tom Dacey, Champion Builders.

CONVENED IN OPEN SESSION (*via remote participation of the Board members and staff*)

I. CALL TO ORDER The meeting was called to order by Ms. MacNab at approximately 7:00 p.m.

II. PLEDGE OF ALLIGIANCE

III. OPEN FORUM PUBLIC COMMENTS

Ms. MacNab inquired about Open Forum comments. There were no open forum comments.

IV. NEW BUSINESS

Discussion and review pertaining to a Local Initiative Program Regulatory Agreement for the Plover Hill project, located on Lincoln Street, between the Town of Duxbury, Duxbury Lincoln LLC, and the Department of Housing and Community Development – presented by Ms. Kayla MacLeod and Tom Dacey of Champion Builders.

Ms. MacNab did not get a chance to review documents and knows that this project was endorsed by previous selectmen. She requested a brief summary of project from Kayla.

Ms. Kayla MacLeod of Sullivan & Comerford briefly explained the project is for approximately 21.5 acres. RFP was granted to Champion Builders who now need to move to the next step forward which is the RA required to close on property and in order to begin building. Ms. MacNab looked to the other Selectmen for input on project. Mr. McGee, Mr. Flynn, Mr. Guitart and Ms. Ladd Fiorini were all in agreement that they needed more time to review project documents. They discussed when the next available meeting would be open for a continuation of conversation with regards to the RA, they established that July 19, 2021 would be next available meeting. They all agreed to postpone signing documents until all have had the opportunity to review.

Mr. Guitart requested more information on the project be submitted to the Board of Selectmen. Ms MacLeod said she would forward additional information.

Ms. MacNab moved on to the next item for discussion:

Discussion and meeting with Planning Board regarding the appointment of Planning Board Member.

Ms. MacNab welcomed the Planning Board and opened the discussion to fill the vacant seat after Cindy Ladd Fiorini was elected to the Board of Selectmen.

The Planning board was called to order by Scott Casagrande for a joint meeting with the Board of Selectman and a roll call followed: Scott Casagrande-aye, Jen Turcotte-aye, Dave Uitti-aye, Keith McDonald-aye and Brian Glennon-aye.

There were four candidates present to interview for the remaining term of Ms. Ladd Fiorini, to complete her last year. The applicants are as follows: Michelle Hatfield, Kristin Rappe, Marika Reuling, and Tanya Trevisan. Mr. Casagrande began the interview session asking them to give some information about themselves and why they would like to join the Planning Board. He began with **Marika Reuling**, who is a 5year resident of Duxbury, her current professional work is in communications, urban planning, policy development, real estate development, and placemaking; and is currently Managing Director of Allston initiatives for the University of Harvard. Particularly interested in being a part of the Civic government of Duxbury, in particular the Planning Board. She is mother of a 5yr old and a 1 month old, currently on Maternity leave. Believes land use policy is some of the most important work of our generation to help our town to remain both the quintessential place we all love and appreciate but can also grow appropriately for the future. Thank you.

Michelle Hatfield, has lived in Duxbury, on and off since she was 2 years old, went off to college, got married and has been a permanent resident of Duxbury for the past 10 years. Would like to be part of Planning Board because Duxbury has her heart and wants to be involved in the planning and innovation. Previously served on the Sidewalk & Bike Path Committee. She helped to secure the donation that resulted in new sidewalk on Alden Street. She is very familiar with the funding process. Currently a part time law student at UMass, mother of a dog and two children, ages 12 and 9. Familiar with reading statutes and Duxbury has a good slate of candidates to choose from.

Tanya Trevisan, has been a resident of Duxbury for 12 years. She felt honored to be in the company of such great candidates and for herself she is interested in being considered for an appointment to the Planning Board as a means to continue in a volunteer role for the betterment of Duxbury. She has volunteered in schools since her son was in kindergarten and is now graduating. Co-founded Duxbury Safe Water Committee. Knows that PFAS in on the agenda for later this evening and plans to take part in discussion. As an attorney she has related experience and expertise in the processes related to building/construction permitting, zoning appeals and the legal standards applicable to the special permitting processes. Currently council for a firm in Boston, representing clients throughout the building permitting process, including administrative law appeals before zoning and tax appellate boards. In preparation for this meeting reviewed the Master Plan and is very appreciative of its focus on restoring the Duxbury historical district. Thank you for your consideration.

Kristin Rappe, minored in Urban and Environmental Planning at the University of Virginia, and worked at a boutique community planning firm in Alexandria, VA., where she worked on the Delaware & Lehigh Corridor a comprehensive plan for Stafford County, VA. Since then she has been at home with her children, volunteering her time since moving back to Duxbury 10yrs ago. Her work has revolved around volunteering with community groups, highlights include, chairing committees to promote community gardening, designing and fundraising for a new elementary school playground. She has been Co-Chair of the DHS School Council, DHS Sailing Team Boosters, DBHS Junior

Regattas, and Alden School PTA Battle of the Books. She was President of the Duxbury Education Foundation and raised \$80k in grants for our schools. Now that her youngest has graduated from HS, it is now time for her to support more of the activities that are special to herself which brought her back to the Planning Board. Looking forward to working with the board on the Master Plan. Thank you.

Questions were asked by the Planning Board, Mr. Glennon asked two questions: 1) Are you familiar with the Town's Comprehensive Plan? 2) Since applying have you taken any steps to familiarize yourself with issues that are before the Planning Board? Each candidate was asked and they began with **Kristin**. She has stated previously that she had looked at the plan and has become familiar with the issues that the Planning Board has. **Tanya**, also said she has looked at the plan and has looked at several issues pertaining to the Planning Board. **Michelle**, was in on the early stages of the plan when she was in her role as the Sidewalk & Bike Path Committee Co-Chair and as a member, she unfortunately had to resign due to family issues and needing to care for her mom. However, she believes that Tanya was on the mark, by saying that climate change is one of the profound planning issues they must address. Keeping our water safe, keeping our open spaces for trees and marshes that will help protect us from the effects of climate change and dealing with the rising sea levels have all been things she has been keeping her eyes on. **Marika**, yes to question one, she has read the plan. At Harvard they are working on a framework plan with the MAPC similar to the Town's plan. She participated in several surveys and provided commentary. Also, agrees with Tanya, anyone they choose will be a benefit to the board. To the second question, she just had a baby and has not had the opportunity to converse with anyone. But has been reading the minutes for the last 2 years to catch up. Mr. Casagrande asked if anyone had any additional questions, Mr. Uitti had more of a comment about the candidates: stating that each one was amazing and talented and looks forward to working with any one of them. Ms. Turcotte had no questions, but thank them for their time. Mr. MacDonald also did not have any questions but stated that all candidates are clearly qualified and all had impressive resumes. It's going to be a tough decision.

Mr. Casagrande then opened the floor for questions from the Board of Selectmen. Ms. MacNab asked the Selectmen if they had any questions: Fernando did not have any questions but commented that they were all outstanding and thanked them for volunteering to be on the Planning Board. Ms. Ladd Fiorini did have a question: Why should you be selected? They began with **Marika** who stated that she brings the perspective of a land owner and a developer. She also said that she is honored to be among the four women that submitted their candidacy. **Tanya** agreed with Marika about 4 strong women candidates. **Kristin** agreed as well as, but also stated that she is the only candidate that studied City Planning in College and has worked for a City Planning firm. **Michelle** stated that she grew up in Duxbury and knows every part of it and that makes her want to do more for it. Mr. McGee had a question for the candidates: "As we are on the heels of Covid, what are your thoughts on how we can support our small business community and re-start our economic business district in general?" Ms. MacNab began with Tanya and all four candidates successfully answered the question. Ms. MacNab and Mr. Flynn both commented on the candidates being extremely qualified and this was a tough decision. Mr. Casagrande and the Planning Board voted on a candidate along with the Board of Selectmen.

There was a motion to appoint Kristin Rappe by Mr. Casagrande and a second by Brian Glennon.

Roll Call Vote: Mr. Casagrande-aye; Mr. Uitti-aye; Mr. MacDonald-aye, Ms. Turcotte-aye and Mr. Glennon-aye.

Ms. Ladd Fiorini moved to appoint Ms. Rappe to the Planning Board by the Board of Selectmen. Seconded by Mr. Flynn.

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

Mr. MacDonald moved to adjourn the Planning Board; Seconded by Ms. Turcotte

Roll Call Vote: Mr. Casagrande-aye; Mr. Uitti-aye; Mr. MacDonald-aye, Ms. Turcotte-aye and Mr. Glennon-aye.

Discussion with Nuclear Advisory Committee re: Holtec

There was a discussion regarding the proposed draft letter to the Joint Committee on Public Health from the Board of Selectmen, which Ms. Chin was available to express the Town's concerns and the requested visit for Holtec to monitor the sites. The two bills in favor of the monitoring of the Dry Casks were testimony to the importance of this letter. After Ms. Chin made her presentation, a discussion was had about the importance of this request and time was of the essence. Mr. Read suggested a site visit and it was agreed to have it scheduled with the Board of Selectmen.

Ms. MacNab asked for a motion to sign endorse the letter. Mr. Flynn made the motion, Seconded by Ms. Ladd Fiorini.

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

Discussion Re: PFAS Water issues

A discussion was begun by Mr. McGee encouraging the public to watch the Health Department meetings as they are on PACTV, to help educate the public on working on preventing PFAS in our water. Discussion regarding the Partridge Well with Ryan Trahan and Dr. Brumley to get the well up and running. They believe that septic systems and the landfill have been having a negative impact on the well. More testing and studies need to be done to stop continued contamination of the well. Mr. Guitart asked if the Partridge Well, given the high levels of PFAS and the \$1.8m mitigation costs, is needed. Mr. Mackin replied that we need the Partridge Well back and to get all sources back online. Mr. Guitart then asked if Mr. Mackin was putting together a proposal for the \$1.8m in mitigation costs, and Mr. Mackin responded yes. It was noted that this will need to be brought to Town Meeting for approval.

Mr. Guitart also asked how much it would cost to drill a new well. Mr. Mackin answered that it would cost millions and it would take years. There may also be government agencies that can assist with funding. Mr. Read will find out if the Town will have enough funds to pay the initial \$37k for testing of the McNeil landfill site.

Mr. Flynn moved that they approve the funds necessary for the testing, approximately \$40,000, if they are available. Seconded by Mr. Guitart.

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

Discussion Re: Town Manager's Act

A discussion was held, led by Mr. Guitart, regarding the Town Manager's Act. A summary of the key points of the Town Manager and the Board of Selectmen. After the discussion, they all agreed to continue with the same process as last year, in that all committees (Finance, Fiscal Advisory, and Board of Selectmen) will get their packets/binders at the same time. The Town Manager has to submit the budget 90 days prior to the Board of Selectmen, Finance Committee and Fiscal Advisory Committee and 75 days prior to Town Meeting. All agreed by doing things concurrently made everything easier and things went smoother when discussing the annual budget. Need to put Master Plan into action.

Discussion and vote to rescind the Town of Duxbury Emergency Declaration

Since the State's Emergency Declaration has been lifted as of June 15, 2021, the Town is also now rescinding their emergency declaration.

Ms. Ladd Fiorini moved that the Board of Selectmen rescind the Town of Duxbury's Declaration of Emergency, due to the Covid-19 pandemic, dated and effective as of March 16, 2020, as the conditions leading to this declaration no longer exist.

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

Re: Approval of Common Victualler's License for Bennett's General Store

Background: On 03/22/2021, a public hearing for the transfer of liquor license from Jay Veeram Corp. to Jay Somnath, Inc. This has been officially approved by the Alcoholic Beverages Control Commission on May 7, 2021.

Ms. Ladd Fiorini moved that the Board of Selectmen approve the Common Victualler's License for Jay Somnath, Inc. d/b/a Bennett's General Store, new Manager Saumil G. Patel, subject to satisfactory inspection by the Municipal Services Department, and payment of all fees owed to the Town of Duxbury.

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

V. TOWN MANAGER'S REPORT

Mr. Read provided the following updates:

Duxbury Beach

Information provided to our office by Bradford Bower, Program Coordinator for Duxbury Beach Reservation, Coastal Ecology Program:

Piping plover pairs:

+/- 32

Nests:

19 (17 of which are re-nests)

Piping plover broods (hatched nests):

10

- Crossovers will remain closed for the foreseeable future
- Nighttime driving (after 8pm) will remain closed for the foreseeable future
- Piping plover pair is actively crossing on the northern end of the Resident Lot

Enforcement

We continue to have issues with speeding, passing, and harassment of monitors along the back road. On Friday, June 18th, a person in a vehicle sped up and swerved at one of our Shorebird Monitors while she was trying to get them to stop for a potential crossing event. The license plate information was passed on to Beach Ops and passed on to DPD as well. The monitor involved was understandably quite shaken up about the incident. Beach patrons should be advised that this type of behavior is not permissible and the Police will be contacted when these circumstances arise and could result in fines and/or revocation of beach stickers.

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

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

Community Preservation Committee

Paul McCormack	FY22 Re-Appointment	06-30-2024
James A. "Tony" Kelso	FY22 Re-Appointment	06-30-2024

Design Review Board

Megan McClure Kloss	FY22 Re-Appointment	06-30-2024
Justin Heil	FY22 Re-Appointment	06-30-2024

Diversity, Equity and Inclusion Steering Committee

Dr. Danielle E. Klingaman	FY22 Appointed	06-30-2022
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Nuclear Advisory Committee

James B. Lampert	FY22 Re-Appointment	06-30-2024
Nancy Landgren	FY22 Re-Appointment	06-30-2024

Municipal Commission on Disability

Jeanne Horne	FY22 Re-Appointment	06-30-2024
Lynn Smith	FY22 Re-Appointment	06-30-2024

Zoning Board of Appeals

Borys Goynycz	FY22 Re-Appointment	06-30-2024
Freeman Boynton, Jr.	FY22 Re-Appointment	06-30-2024
Philip Thorn	FY22 Re-Appointment	06-30-2024

Second by Mr. Flynn Roll Call Vote: Ms. MacNab-aye; Mr. Guitart-aye; Mr. Flynn-aye; Ms. Ladd Fiorini-aye; and 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
Municipal Commission on Disability	-	one seat
Sidewalk & Bike Path Committee	-	one seat
Zoning Board of Appeals	-	one Associate member 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 Forms & Documents tab

VII ONE-DAY LIQUOR LICENSE REQUESTS

7/15-17/21 Marshfield Country Club – Annual Atwater Member Guest Tournament

Ms. Ladd Fiorini moved that Mr. Paul Tougas, as a representative of the Marshfield Country Club, is granted three (3) One-Day Wine & Malt Licenses for their Annual Atwater Member Guest Tournament to be held at the Marshfield Country Club off Acorn Street, Duxbury, starting Thursday July 15, 2021 from 8:00am – 8:00pm, through Saturday, July 17, 2021 from 8am to 8pm, subject to the conditions of the license.

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

VIII EVENT PERMITS

8/28/21 Rotary Club Duck Race

Ms. Ladd Fiorini moved that Mr. Paul Brogna, as representative of the Duxbury Rotary Club, is granted permission to hold their annual Duck Race on Saturday, August 28, 2021 from 1:00pm to 6:00pm (approx.) in Blue Fish River at Blue Fish Bridge located on Washington Street, subject to the conditions of the permit.

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

IX MINUTES

Approved: 06/07/21 Selectmen's Executive Session

Ms. Ladd Fiorini moved to approved the 06/07/21 Selectmen's Executive Session Minutes, with contents to remain sealed for medical confidentiality reasons.

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

X ANNOUNCEMENTS

1) 4th Of July Parade and DEF Road Race

Please make note the event is on Saturday, July 3rd, 2021

DEF Road Race: Starting at 8:00am in the morning of July 3rd at the Lt. Steele Field House, participants will run the course around the Powder Point/King Caesar loop and then back to the Field House. Race should end by 11am.

2) Town Hall Offices Closed Monday, July 5, 2021 – Observance of Independence Day

3) Next Scheduled Selectman's Meeting will be on Monday, July 12, 2021 at 7:00pm.

XI BONUS SHELLFISH (month of July, 2021)

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 JULY. Regulations as attached. (Please see Attachment B & C)
- 2) The commercial harvesting of quahog clams for the month of JULY. Regulations as attached. (Please see Attachment A & C)

Seconded by Mr. Flynn

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

XI ADJOURNMENT

Ms. Ladd Fiorini moved that at approximately 10:00p.m., the Board of Selectmen adjourn.

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 Michelle Seda-Stotts

LIST OF DOCUMENTS

- 1) Agenda*
- 2) Local Initiative Program Regulatory Agreement for the Plover Hill Project located on Lincoln Street*
- 3) Planning Board Vacancy Solicitation- Resume's for Tanya Trevisan, Kristen Rappe, Michelle Hatfield and Marika Reuling.*
- 4) Testimonies and Draft joint statement outlining the Town's concerns*
- 5) Partridge Well PFAS Solution from Ryan Trahan, Template for PFAS above 20ng/L*
- 6) Copy of 1986 Town Manager's Act*
- 7) Committee Appointments*
- 8) ODLL Requests*
- 9) Announcements*
- 10) Bonus Shellfish report for July, 2021*

