

Date: October 4, 2021

Date Minutes Approved: 10/18/21

TOWN CLERK

2021 OCT 20 PM12:25

DUXBURY, MASS.

OPEN SESSION MINUTES

BOARD OF SELECTMEN

Present: Amy M. MacNab, Chair; Theodore J. Flynn; Cynthia Ladd Fiorini, Clerk; and Michael McGee (remotely)

Absent: Fernando Guitart, Vice Chair

Staff: René Read, Town Manager; and Michelle Seda-Stotts, Administrative Assistance to Town Manager and Board of Selectmen

Others: Joan Sullivan, Duxbury resident; Keri Pyke of Howard, Stein and Hudson; Gordon H. Cushing, Duxbury Recreation Director; Mr. Doug Hart, resident; Pat Loring; Scott Casagrande, Planning Board; and Valerie Massard

CONVENED IN OPEN SESSION (*In-person in the Mural Room and via remote participation*)

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

No comments from the public.

IV. NEW BUSINESS

Donation of Holiday lights by Ms. Joan Sullivan

Ms. Sullivan spoke briefly about purchasing a flag pole Christmas tree for the Hall's Corner flag pole. She would pay for the item and shipping. Ms. Sullivan had the cooperation of Mr. Jim Savonen of the Duxbury Lands & Natural Resources, and he has agreed to install the Lights on the flag pole. Ms. Sullivan believes it will be a beautiful welcoming to the Town of Duxbury. Ms. MacNab thanked Ms. Sullivan and Mr. Flynn agreed it was a good idea.

Ms. Ladd Fiorini moved that the Board of Selectmen accept, with gratitude, the donation of the flag pole Christmas Tree Lights for the Hall's Corner flag pole from Ms. Sullivan.

Seconded by Mr. Flynn Roll Call Vote: Ms. MacNab-aye, Mr. Flynn-aye; Ms. Ladd Fiorini-aye; and Mr. McGee-aye (remotely)

Discussion related to Conservation Restriction at Eagle's Nest Creek Headway.

Ms. MacNab began by reading the background on the Hart Conservation Restriction to the Wildlands Trust Property located at 251 Standish Street and the letter written by Ms. Loring.

Background

This restriction will permanently protect a 15.5-acre portion of a 17.5-acre parcel of land located off the east side of Standish Street in the Town of Duxbury. This restriction will assure that the premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition.

Doug and Lydia Hart (Grantors) have decided to remove a portion of their land from development and are granting the CR to the Wildlands Trust (Grantee).

Hart Conservation Restriction – 251 Standish Street

Conservation Restrictions (CRs) permanently protect land from future uses, particularly development. All of Duxbury's land purchased with Community Preservation Act funds are required by the Commonwealth to be permanently protected with CRs. Private land owners may also opt to permanently protect their land from future development by placing a CR on their land. Doug and Lydia Hart of 251 Standish Street have chosen to do this and to receive a tax credit for removing their land from development. They are the Grantors of this CR and the Wildlands Trust is the Grantee. The Harts live at the headwaters of Eagles Nest Creek which flows to Eagles Nest Bay, an area rich in natural resources and with significant importance in climate resilience. They are also directly adjacent to 29+ acres of permanently protected land in the center of Standish Shore owned by the Kelso Family and the Wildlands Trust. The Harts home and out buildings are outside the restricted area, allowing them unrestricted use of the active part of their property. You will see from the attached Standish Shore Permanently Protected Land Map the importance of the Hart's CR to the total land protected on Standish Shore. The Wildlands Trust as Grantee will develop a Baseline Documentation Report outlining the current conditions of the property. They will then make annual inspections of the restricted land comparing current conditions against the baseline and file an annual inspection report.

The Conservation Commission approved this CR at their September 21, 2021 meeting. Approval by the Select Board is required by the Commonwealth to ensure the CR is in the best interest of the town. Following your signatures, the CR will be sent to Boston for its final signature by Kathleen Theoharides, MA Secretary of Energy and Environmental Affairs and will then be recorded at the Plymouth County Registry of Deeds.

Ms. Loring thanked Ms. MacNab for reading her letter and reiterated the importance of this land conservation restriction. Ms. Ladd Fiorini inquired if there would be an impediment to the Hart's to access their land, in which, Ms. Loring said there would not. All Agreed the restriction was a benefit to all.

Ms. Ladd Fiorini moved that the Board of Selectmen vote to grant and approve the Conservation Restriction from Douglas E. Hart and Lyndia D. Hart to the Wildlands Trust, Inc., pursuant to MGL Chapter 184, Sections 31-33, as presented.

Seconded by Mr. Flynn Roll Call Vote: Ms. MacNab-aye, Mr. Flynn-aye; Ms. Ladd Fiorini-aye; and Mr. McGee-aye (remotely)

Presentation by Ms. Keri Pyke, P.E., of Howard, Stein, Hudson, for the purpose of the Board of Selectmen adopting the Complete Streets Plan.

Complete Streets Prioritization Plan

Presented by Keri Pyke, P.E., PTOE Principal

Presented to Duxbury Board of Selectmen

October 4, 2021

What is a Complete Street?

- ♣ **A Complete Street** is one that provides safe and accessible options for all travel modes - walking, biking, transit, and vehicles – for people of all ages and abilities.
- ♣ Improvements may be large scale, such as corridor-wide, or focused on the needs of a single mode at a single location

Benefits of Complete Streets

- ♣ Safety
- ♣ Accessibility
- ♣ Equity
- ♣ Health
- ♣ Economic
- ♣ For users of all ages and abilities:
 - ♣ Children
 - ♣ Seniors
 - ♣ Those with disabilities
 - ♣ Those without access to a car

CS Funding Program Snapshot

- ♣ Three tiers for entry into the program
- ♣ Planning assistance to support CS Prioritization Plan – up to \$38,000 available to any community (reimbursable)
- ♣ CS construction – up to \$400,000 annually (reimbursable)
- ♣ Design is not an eligible expense
- ♣ \$23M spent on 71 projects since the Program started

CS Funding Program Framework

- ♣ Tier 1 – Training and Complete Streets Policy Development
- ♣ Tier 2 – **Complete Streets Prioritization Plan Development**
- ♣ Tier 3 – Project Approval and Notice to Proceed for construction

HSH PRIORITIZATION PLAN PROCESS

Sources Used for Draft Project List

- ♣ Public Meeting comments
- ♣ WikiMap comments
- ♣ Town priorities
- ♣ Existing conditions analysis
- ♣ Published reports

HSH PRIORITIZATION PROCESS

Public Meeting – What We Heard

- ♣ Safety concerns with conditions on Route 3A
- ♣ Desire to widen sidewalks on Washington Street
- ♣ Lots of walking places around Town, but few places to bike
- ♣ Narrow roads, desire for added bike paths
- ♣ ADA-accessible nature trail
- ♣ Desire for added nighttime street lighting
- ♣ Concerns about trees being removed on public roads

Total number of respondents: 266

HSH PRIORITIZATION PROCESS

WikiMap Results – Top 3 Concerns

- ♣ **Sidewalk improvements**
 - Pedestrians commented that sidewalks along Washington Street and Tremont Street/Route 3A need maintenance.
- ♣ **Intersections dangerous to bicyclists**
 - Intersections within the Halls Corner corridor, at Washington Street, and at Tremont Street/Route 3A need to be improved.
- ♣ **High speeds**
 - Transit and pedestrian comments identified speeding issues along major streets and lack of bicycle and pedestrian facilities where multi-user traffic exists.

HSH PRIORITIZATION PLAN

Project List

- ♣ 34 total projects
- ♣ Variety of projects
 - Pedestrian/ADA improvements
 - Bicycle improvements
 - Traffic calming

HSH PRIORITIZATION PLAN

Project List – Pedestrian Mobility/ADA Accessibility

- ♣ Standish Street sidewalk reconstruction
- ♣ Bay Road sidewalk construction

- ♣ Depot Street sidewalk connection to transit
- ♣ Chestnut Street to Halls Corner sidewalk construction
- ♣ Sidewalk construction on Washington Street
- ♣ Sidewalk construction on Depot Street
- ♣ Sidewalk construction Powder Point Avenue
- ♣ Sidewalk construction on Railroad Avenue
- ♣ Sidewalk construction and reconstruction on Alden Street
- ♣ Safety Improvements on Alden Street
- ♣ Sidewalk construction on Saint George Street

HSR PRIORITIZATION PLAN

Project List – Bicycle Mobility

- ♣ Washington Street/Standish Street bicycle racks
- ♣ Share the Road signage and markings on Washington Street

HSR PRIORITIZATION PLAN

Project List – Traffic Calming

- ♣ Halls Corner traffic circle safety improvements
- ♣ Regulatory signage installation, safety improvements in Halls Corner
- ♣ Traffic circle redesign to improve traffic flow and reduce congestion
- ♣ Speed advisory signage on Alden Street
- ♣ Installation of signage on Saint George Street
- ♣ Installation of signage and speed feedback radar signs along Chestnut Street
- ♣ Installation of signage and speed feedback radar signs along Bay Road
- ♣ Speed advisory signage on Alden Street

Prioritization Plan Process

- ♣ Compile existing studies, plans, projects, etc.
- ♣ Identify Areas where conditions are deficient, there is high utility, and equity and can be addressed
- ♣ Gather input from the community and Town officials
- ♣ Work with Town to identify a list of potential projects
- ♣ **Prioritize projects based on conditions, demand, equity and stakeholder input**

HSR PRIORITIZATION PLAN PROCESS

Prioritization Criteria

- ♣ Network connection
- ♣ Points of interest (latent demand)
- ♣ Number of pedestrian and bicycle crashes adjacent to project
- ♣ Level of infrastructure improvement
- ♣ Environmental justice
- ♣ Percent of persons with disability
- ♣ Priority areas
- ♣ Stakeholder input

HSH PRIORITIZATION PLAN

Key Points

- ♣ **Projects do not need to be constructed in order of priority.**
 - However, projects may only receive Tier 3 funding if they're included on the list.
- ♣ **Projects must be fully designed or require little/no design to be funded.**
 - Funds cannot be used for design.
- ♣ **Funds must be used within one (1) year of when funding is granted to the Town.**
- ♣ **Funds cannot be used on state-owned roads.**
 - There may be a permitting process to allow this in the future.

Next Steps

- ♣ **Complete Streets Prioritization Plan (Tier 2) submitted following approval by Board of Selectmen**
- ♣ **Construction Funding (Tier 3)**
 - Next application cycle in Spring 2022
 - Municipality identifies projects from its Complete Streets Prioritization Plan for funding
 - MassDOT determines which projects are to be funded
 - Municipality and MassDOT enter into a contract

Ms. Massard began by saying that the Town has received the funding and they just need to decide on what project they would like to apply it to. Mr. Flynn asked if the funds could be used towards blinking signs the Police department is proposing to purchase. Mr. Read inquired also if they should keep in capital budget or include in Complete Streets plan. Ms. Massard said they should look to include in this proposal. Mr. Flynn inquired if this plan would require the taking of land by eminent domain. Ms. Massard said it would not. Mr. Casagrande commented that this funding is a good idea to use towards improving the sidewalks at various locations throughout town. Mr. McGee thinks this project is a great way to make improvements and thanked Mr. Read and Mr. Casagrande for their involvement. Ms. MacNab asked what is the next step, do they need the Board of Selectmen to endorse proposal? Ms. Massard said that would be a start, as well as, working out the process with the Town Manager and DPW. Mr. Flynn inquired if the Highway Safety had any part in it, and Ms. Massard said yes they have been included in the project.

Ms. Ladd Fiorini moved that the Board of Selectmen endorse the Town of Duxbury's Complete Streets, with the inclusion of the Police Departments request for lighted signs.

Seconded by Mr. Flynn Roll Call Vote: Ms. MacNab-aye, Mr. Flynn-aye; Ms. Ladd Fiorini-aye; and Mr. McGee-aye (remotely)

Discussion regarding Ellison Fund annual distribution

Mr. Cushing presented his memo to the Board of Selectmen.

To: Board of Selectmen

From: Gordon H. Cushing, Recreation Director

Re: Ellison Fund

Date: September 30, 2021

THE GIFT

The Town of Duxbury accepted a gift from the Eben H. Ellison Trust of approximately \$300,000 at the April 28, 1990 Annual Town Meeting. The gift is a non-expendable Trust, meaning the Town cannot spend the principal but only the proceeds each year. Terms of the gift include 50% of the proceeds to be spent on Worthy Town Projects and 50% is to be spent on the maintenance of Ellison Playgrounds. For your information there are two Ellison Playgrounds; one is located adjacent to the Library and is operated by the Town, the other is located adjacent to Chandler School and is operated by the School Department.

INTERNAL PROCEDURES

The Town set up internal procedures on how to manage the proceeds by asking the Recreation Department and the Lands and Natural Resources Department to administer the various projects. Each year these Departments obtain a balance of available funds from the Town Treasurer, and then solicit written quotes for the work that is proposed to be accomplished. For the past 30+ years we have provided the two Trustees with 2-6 projects, each year, for them to choose from and approve. Disbursements of the Fund are to be allocated at the discretion of the two Trustees. At the same time, we discuss various playground needs and ask for the approval of these funds as well. Finally, we appear before the BOS for their approval.

The above process was created by the then BOS back in 1990, and we have been following this each year since. Since there are two Ellison Playgrounds in Duxbury, the Town and School split the available proceeds to help maintain each playground every year.

As of today's date, we are in a slight holding pattern while the disbursement number is finalized. Once that figure is set in stone the Trustees will be asked to approve a project from the list we gave them a few weeks ago.

Ms. Ladd Fiorini inquired about where the recommendations came from for the projects? Mr. Cushing answered "all over." Last year the funds were used for the Alden Tennis courts. Mr. Adams inquired if they were looking for additional funds for specific projects. Mr. Cushing replied the Trustees wanted to know if more funds were available for various projects. Mr. Cushing agreed that right now he was just looking for the approval of the funds available so that they can begin working on them. He was enthusiastic about improving the Chandler Street backstops. Stating that they are an overdue project that has potentially become a safety hazard. The Board of Selectmen agreed to approve the expenditure requested by Mr. Cushing.

Ms. Ladd Fiorini moved that the Board of Selectmen approve the expenditures of \$9,214 for the Ellison playground and the expenditure of \$9,214 for the Chandler Street Backstops.

Seconded by Mr. Flynn Roll Call Vote: Ms. MacNab-aye, Mr. Flynn-aye; and Ms. Ladd Fiorini-aye
*Mr. McGee was no longer in attendance remotely, due to technical issues.

Update on Coronavirus Aid, Relief and Economic Security Act (CARES) and American Rescue Plan Act (ARPA)

Mr. Read read the following memo:

Dear Members,

Last week, John Adams and I met with Plymouth County Treasurer Tom O'Brien and our colleagues throughout the county for the Plymouth County CARES and ARPA update.

Coronavirus Aid, Relief, and Economic Security Act (CARES)

Under Phase 7 of CARES program, the Town of Duxbury will be receiving an additional \$223,244. The specific purpose for these funds is yet to be determined but the submittal deadline for funding is December 31, 2021. Our first step will be to determine what eligible expenses have already been spent from Operating Budgets that could be submitted for reimbursement under this phase.

American Rescue Plan Act (ARPA)

Plymouth County's ARPA allocation totals approximately \$101 million and will be distributed in multiple phases to the member communities. In the first phase of this program, Duxbury's allocation will be \$749,923.39. I've attached the Plymouth County, Massachusetts American Rescue Plan Act Funding Allocations hereto.

These funds will be made available through the County's online application process that is designed to facilitate ARPA compliance and the related reporting requirements. To be eligible for funding, member communities must successfully complete an application (with appropriate approvals), agree to Plymouth County's Terms and Conditions, including the execution of a Grant Agreement. Member communities may submit more than one application, but in no case will amounts be awarded that exceed the total amount allocated to the applicable member community.

There is a possibility that the expenditure of ARPA funds may require a Town Meeting vote (an issue about which the County is still seeking clarity) and if that should be the case, we may create blanket articles for future Town Meeting warrants for grants and perhaps have those articles targeted towards ARPA uses.

All costs related to the ARPA program must be incurred by December 31, 2024, and expended by December 31, 2026.

More information on the program can be found here: www.plymouthcountyarpa.com

As part of the application approval process noted above, the Board of Selectmen need to take action on the following two items:

Vote to authorize an authorized recipient for ARPA funds

Vote to authorize an authorized preparer and submitter for ARPA funds

As such, I have provided two motions below for the Board's consideration to accomplish this objective.

As always, if you have any questions, please let me know.

Proposed Motion(s):

Ms. Ladd Fiorini moved to designate the Town Manager as the authorized recipient for ARPA funds for the Town of Duxbury.

Seconded by Mr. Flynn Roll Call Vote: Ms. MacNab-aye, Mr. Flynn-aye; and Ms. Ladd Fiorini-aye

Ms. Ladd Fiorini moved to designate the Finance Director as the authorized preparer and submitter for ARPA funds for the Town of Duxbury.

Seconded by Mr. Flynn Roll Call Vote: Ms. MacNab-aye, Mr. Flynn-aye; and Ms. Ladd Fiorini-aye

7:30PM Water & Sewer Commissioner – FY22 Commitment No 1.

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. Flynn-aye; and Ms. Ladd Fiorini-aye

Ms. Ladd Fiorini moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the following amount for water and sewer usage charges totaling **\$1,114,494.93** for Water and Sewer Commitment #1 of FY22.

Seconded by Mr. Flynn Roll Call Vote: Ms. MacNab-aye, Mr. Flynn-aye; and Ms. Ladd Fiorini-aye

MOTION TO ADJOURN AS WATER & SEWER COMMISSIONERS & RE-CONVENE AS SELECTMEN

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. Flynn-aye; and Ms. Ladd Fiorini-aye

VI TOWN MANAGER'S REPORT

Mr. Read provided the following updates:

United States Coast Guard (USCG) Station Scituate

Senators Markey and Warren, Reps. Lynch and Keating Announce U.S. Coast Guard Decision to Maintain Operations at Station Scituate

Boston (October 1, 2021) – Today, Senators Edward J. Markey (D-Mass.) and Elizabeth Warren (D-Mass.), and Representatives Stephen F. Lynch (MA-08) and Bill Keating (MA-09), announced the United States Coast Guard (USCG) has decided to maintain operations of Station Scituate and officially rescinded their proposal to close the station. In August, the lawmakers [wrote](#) to the USCG urging Coast Guard First District Commander Rear Admiral Thomas G. Allan to reconsider plans to consolidate Station Scituate, a small seasonal station in Massachusetts, as part of an effort to consolidate redundant Coast Guard Boat Stations.

“After united opposition from South Shore communities and elected leaders, we are pleased that the United States Coast Guard has agreed to maintain its presence in Scituate,” said the lawmakers in a joint statement. **“Station Scituate is a geographically necessary station for critical search and rescue operations as the South Shore waters continue to see an increase in commercial and recreational boater activity. We are grateful that the USCG heeded our calls, and we look forward to continuing to work with them to ensure the safety of our boaters and coastal communities.”**

Planning Director position update

Just a quick update for you on the Planning Director position.

The Planning Director job was posted on 9/21/21, but so far, we only have one applicant.

The ad ran in the Clipper last week and will run again on Wednesday. The ad was also submitted for online posting in the MMA as well as the online job boards of APA-MA, Tufts, Suffolk and Northeastern University as those are boards used/recommended by MAPC the last time we posted this job. Once we have some resumes to review and candidates to interview, we will assemble the hiring team to sit in for the interviews.

VII COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS - None

VIII ONE-DAY LIQUOR LICENSE REQUESTS - None

IX EVENT PERMITS

10/06/21 Filming Request

Ms. Ladd Fiorini moved that **Mr. David Leoncini**, Location Manager of **Little Lion Productions**, and as representative of Lightkeepers/Army of Two Documentary, is granted permission to hold a filming session on Duxbury Beach on Wednesday, October 6, 2021 from approximately 8:30am to 9:30am as described in the application materials, contingent upon the conditions of the license.

Seconded by Mr. Flynn Roll Call Vote: Ms. MacNab-aye, Mr. Flynn-aye; and Ms. Ladd Fiorini-aye

X MINUTES - None

XI ANNOUNCEMENTS

Ms. Ladd Fiorini made the following announcements:

1) **Next Scheduled Selectmen's Meeting** will be on Monday, September 27, 2021 at 7:00pm.

2) **Columbus Day**

The Town Hall will be closed on Monday, October 11th in observance of Columbus Day.
There will not be a Selectmen's Meeting that evening.

XIII ADJOURNMENT

Ms. Ladd Fiorini moved that the Board of Selectmen adjourn the Open Session at approximately 8:45p.m.

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

Minutes submitted by Michelle Seda-Stotts

LIST OF DOCUMENTS

- 1) *Agenda*
- 2) *Letter to Board of Selectmen regarding Donation of Flag pole Christmas Tree*
- 3) *Hart Conservation Restriction*
- 4) *Presentation of Ker Pyke, for Town of Duxbury Complete Streets Plan.*
- 5) *Memo from Gordon Cushing regarding Ellison Fund*
- 6) *Memo from Renè Read regarding CARES and ARPA update*
- 7) *Water& Sewer Commitment #1 – FY22*
- 8) *Town Manager's Report*
- 9) *Event Permit*
- 10) *Announcements*