

**Date:** October 18, 2021

**Date Minutes Approved:** 10/25/21

TOWN CLERK

2021 OCT 26 AM 9:49

OPEN SESSION MINUTES  
DUXBURY, MASS.

## BOARD OF SELECTMEN

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

**Absent:** Fernando Guitart, Vice Chair

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

**Others:** Susan Kelley, Town Clerk; Joe Grady, Conservation Administrator; Holly Morris, CPC Chair; Kathy Cross, Open Space Chair; Jeff Chandler, Agricultural Commission Chair; Jeff Blake, Esq., KP Law (attended remotely); Karen Grey, President and Executive Director of the Wildlands Trust; Diane Bartlett, Chair of the Affordable Housing Trust (attended remotely); Betsy Sullivan, Finance Committee Chair (attended remotely); and Michelle Seda-Stotts, Admin. Assistant; and Rev. Dr. Catherine Cullen (both for Executive Session only)

## 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 6:30 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](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 EXECUTIVE SESSION**

Ms. Ladd Fiorini moved we go into Executive Session for the purpose of:

Discussing the King Caesar Fund cases, which are of a confidential nature, as the fund's purpose is to provide medical relief for the financially-needy residents of Duxbury, if the Chair so declares that an open meeting may have a detrimental effect due to medical confidentiality in accordance with Mass. General Laws Chapter 30a, Section 21; and upon completion of this Executive Session to reconvene in Open Session at or about 7:00 PM

*Ms. MacNab, as Chair, declared that the necessity for an Executive Session regarding the King Caesar Fund cases due to medical confidentiality.*

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

***Discussion regarding King Caesar Fund Matters***

When the business of the Executive Session was completed, Ms. Ladd Fiorini moved to adjourn the Executive Session and reconvene in Open Session on or about 7pm.

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

**IV      OPEN FORUM PUBLIC COMMENTS**

No comments from the public.

**V      NEW BUSINESS**

***Discussions regarding acceptance of precinct maps – presented by Susan Kelley, Town Clerk***

Ms. Kelley presented a map of the current election precincts. She pointed out that the State determines the precinct lines every ten years after the results of the census, which showed a population increase of 1,200 over the last ten years. She noted that there were no changes to our precinct lines and that precinct one, which was under a different district, will now be in the same as the other precincts (Sixth Plymouth). This will reduce confusion and save the Town money by now having one ballot instead of two.

Ms. Ladd Fiorini moved that the Board of Selectmen accept, as presented by the Town Clerk, the 2020 Re-Precincting Plan for the Town of Duxbury. *Seconded by Mr. Flynn*

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

***Discuss, review and vote positions on warrant articles for the November 8, 2021 Special Town Meeting***

**Article 1 – Conservation Land Purchase – Old Cordwood Path**

Mr. Grady was thrilled to present the Selectmen with the proposed article to purchase what is known as the Pink property. He stated that this was a unique opportunity to purchase the 64.7 acre property, which includes approximately 27 acres of active cranberry bogs (the Pinks actively farm and would like to continue to farm under a ten year agreement keeping the property in agriculture).

He summarized the purchase as follows:

- The Wright Reservoir was identified in 1969 as a priority open space parcel
- Price \$2,000,000 from the Town of Duxbury appraisal (4/8/2021)
- 64.7 acres of land containing 27.57 acres of cranberry bogs
- The 65 acres will join with the 206 acres of existing Conservation Land to encompass the entire the Wright Reservoir
- Parcel numbers 086-015-006, 087-018-101, 087-020-003, 087-020-001 and an agricultural easement over abutting lot 087-981-021
- Includes the right of first refusal on the existing house and lot at 87 Old Cordwood Path

- The cranberry bog will continue to be farmed at it has since 1895 when it was farmed by William J. Wright
- Includes the transfer of Ocean Spray “A” Pool Delivery Contract to the Town of Duxbury
- Management agreement (with terms similar to other cranberry bog management agreements) to allow Red Eye Cranberry to continue to farm the cranberry bogs
- Meets all five goals of the 2017 Open Space and Recreation Plan
  - Protection of Duxbury’s Aquifer and Water Resources
  - Protection of Duxbury’s Natural Areas and Environment
  - Preservation of the Unique Character of Duxbury
  - Management of Town’s Recreational Opportunities with Minimal Impact to the Environment
  - Planning for Climate Change
- Closing in December 2021

Ms. Holly Morris, CPC Chair and also member of the Conservation Commission, thanked Mr. Adams for assisting with the financials. She stated that the article is asking for \$2m with an additional \$100,000 for associated expenses. She said that \$600,000 will be taken from undesignated funds and the remainder of \$1.5m will be borrowed for either a 15 or 20 year terms – depending on the terms. She also added that once they sell the house on the Temple Street property, they will be able to re-coop some money. Mr. Adams remarked that he will try to pool/bundle Town debt in order to get the best rate.

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the November 8, 2021 Special Town Meeting Article #1 regarding Conservation Land Purchase – Old Cordwood Path, as presented. *Seconded by Mr. Flynn Roll Call Vote: Mr. Flynn-Aye; Mr. McGee-Aye; Ms. Ladd Fiorini-Aye; and Ms. MacNab-Aye*

**Article 2 – Environmental Assessment of the former Duxbury Landfill Inc./McNeil Dump Property**

Mr. Read began by stating that they obtained three quotes for this environmental assessment and recommended the quote from Weston & Sampson in the amount of \$38,165.

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the November 8, 2021 Special Town Meeting Article #2 regarding Environmental Assessment of the former Duxbury Landfill Inc./McNeil Dump Property, in the amount of \$38,165.00, as presented.

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

**Article 3 – Unpaid Bills**

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the November 8, 2021 Special Town Meeting Article #3 regarding Unpaid Bills, as presented.

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

**Article 4 – Supplemental Appropriations**

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the November 8, 2021 Special Town Meeting Article #4 regarding Supplemental Appropriations, as presented.



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

**Article 5 – Citizens’ Petition – 0 Summer Street**

Residents Ms. Kate Reynolds (67 Bravender Road), proponent, and Ms. Elizabeth Lewis (62 Bravender Road), each provided a presentation to the Selectmen describing in detail their reasons for this Citizens’ Petition in order to defeat or approve plans set forth by the Conservation Commission pertaining to Conservation Land located at 0 Summer Street, also known as the Delorenzo Farm. Ms. Reynolds began by stating that this is an opportunity to partner with voters to build a stronger Duxbury. She provided historic details including that it was once a turkey farm and has not been a farm in over 30 years and that this land is currently dense forest uplands, wetlands and vernal pools. She presented a layout of the land showing the meadow and the many vernal pools and how the clearing of ten acres would potentially impact this property. Ms. Reynolds encouraged a yes vote for this Citizens’ Petition in order to take careful consideration of the pros and cons of developing this property, the cost of preparing land for new farming, the protection of wildlife, and impact to drinking water. Ms. Reynolds stated that while she was not against farming, she felt that protecting the forest and the wildlife on this property was also important.

Ms. Lewis’s presentation included the goals and objectives of the Open Space plan with noted protections for agricultural land and also wetlands, wildlife, and water resources. She discussed how the proposed farming use and pesticide applications would affect our aquifer protection overlay district and wildlife. She also questioned the impact of clear cutting, stumping, tilling and the installation of wells as she did not consider that to be the preservation of agricultural land.

Mr. Joe Grady, Conservation Administrator, said that the Conversation Commission sought to preserve the Delorenzo farm from development. He confirmed that it was a turkey farm for over 40 years. He noted that at the 2018 Town Meeting, residents voted to buy the property and at the 2020 Town Meeting, voted to secure funds to farm the land, clean up the trash and install wells. He also said that there is a lot of planning involved when proposing an article for Town Meeting. He explained that this project was discussed in 13 public meetings, it was reported in the Clipper, and there were two site walks. The Conservation Commission also recently held a public hearing in September to vote on an order of conditions, which was also approved by the DEP. He also made clear that same scrutiny was applied to this project as all other permits/properties in Duxbury. He confirmed that 65% of the property will remain untouched. Mr. Grady remarked that Duxbury is well-served by the Conservation Commission as the members do not take their responsibilities lightly.

Ms. Holly Morris, CPC Chair, member of the Conservation Commission, and one of the authors of the Open Space plan, further mentioned that her presentation at Town Meeting made clear the return to farming and that all this information has been public from the beginning.

Ms. Kathy Cross, Open Space Committee Chair, provided historic information regarding Duxbury as a Right to Farm community and the benefits of supporting local farming. She mentioned that in planning discussions for this land, they visited other municipal farms (Lincoln, Norwell, Middleboro) to see how best to manage the Delorenzo property. Their next steps would be to issue a Request for Proposals, which will be reviewed, and then enter into agreements with the selected farmers. The

restoration plan is to promote agriculture, farm the property to its maximum potential, maintain and improve the soil, keep a portion of land for open space, and to preserve wildlife habitat.

Mr. Dave Purpura, who has farmed at the Soule Homestead in Middleboro, and who is also involved in the Plymouth Farmers' Market, said that there is a lot of interest in accessing affordable farming and CSA (community supported agriculture) programs.

Ms. Karen Grey, President and Executive Director of the Wildlands Trust, who administers the conservation restrictions for many properties in Duxbury and 45 different towns, stated that Duxbury has the very best people with leaders like Joe Grady, Holly Morris and Patricia Loring and trusts that they make good decisions for the Town.

Attorney Jeff Blake, Town Counsel of KP Law, stated that agricultural uses are exempt from zoning. He further stated that he saw this article as attempting to step on the prerogative of the executive branch (the Board of Selectmen) and this oversteps the boundaries of the executive branch by requiring future plans to be brought before Town Meeting. He also noted that money has already been allocated so there are vested third party rights.

Ms. Betsy Sullivan, Chair of the Finance Committee, mentioned that Ms. Reynolds and Ms. Lewis attended a meeting with a similar presentation. Ms. Sullivan stated that the Finance Committee voted not to support this article. She noted the level of professionalism maintaining Town properties – namely Joe Grady, Holly Morris, Jeff Chandler, the Conservation Commission, the CPC, and the Finance Committee didn't feel the findings by Ms. Reynolds and Ms. Lewis adequately disputed the plans for this property.

Ms. MacNab called upon Ms. Linda Delorenzo, former owner of the property. Ms. Delorenzo stated that her grandparents came to this country in 1913 and started farming (vegetables, chicken, geese) to support their family. He father took over the farm, which he turned into a turkey farm and retired in 1970. She said that while she had many people knocking at her door, she offered it to the town with hopes to continue as a farm.

Ms. MacNab added that transparency has been there about this land through Town Meetings and open meetings and has great trust in the CPC, Conservation Commission and Open Space groups. Ms. Ladd Fiorini also stated that she has trust in the town meeting process and that this has been voted on twice.

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the November 8, 2021 Special Town Meeting Article #5 regarding Citizens' Petition – 0 Summer Street, as presented.

*Seconded by Mr. Flynn Roll Call Vote: Mr. Flynn-Nay; Mr. McGee-Nay; Ms. Ladd Fiorini-Nay; and Ms. MacNab-Nay (Vote 0:4)*

***Selectmen sign three (3) original Special Town Meeting Warrants***

Ms. Ladd Fiorini moved that the Board of Selectmen sign the November 8, 2021 Special Town Meeting Warrant. *Seconded by Mr. Flynn Roll Call Vote: Mr. Flynn-Aye; Mr. McGee-Aye; Ms. Ladd Fiorini-Aye; and Ms. MacNab-Aye*

***Discussion re: 6 Kingstown Way – Signing of P&S and Notice to Exercise***

The Board already voted to exercise their right of first refusal at an advertised public hearing on September 27, 2021 authorizing the BOS Chair to sign any related documents. The next step is to sign the Purchase & Sale Agreement and the Notice to Exercise by both the Selectmen Chair and the Affordable Housing Trust Chair. No vote required.

**VI TOWN MANAGER'S REPORT**

Mr. Read mentioned that the Finance Committee has been conducting budget meetings with departments. He also stated that all attendees must wear a mask during the Special Town Meeting on November 8, 2021 because we will be in a school building.

Ms. Ladd Fiorini reported back from Duxbury For All regarding re-settlement options for families from Afghanistan. She said that there have been talks with Catholic Charities regarding placements and that there are other local towns participating (Plymouth and Falmouth).

Mr. McGee remarked that he would like to have further discussions on the CARES Act/AARPA monies and asked that this matter be put on a future agenda.

Ms. MacNab stated that there needs to be bigger conversations regarding sea rise issues and would like to get someone in for a presentation at a future meeting.

**VII COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS**

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

<b><u>Board / Committee</u></b>	<b><u>Appointment/Re-appointment/Resignation</u></b>	<b><u>Term</u></b>
<b><u>Sidewalk &amp; Bike Path Committee</u></b>		
Christopher Deane	FY22 Appointment	06-30-2024
Bruce Bradshaw	FY22 Appointment	06-30-2024
<i>Seconded by Mr. Flynn Vote: 4:0:0</i>		

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

<i>Alternative Energy Committee</i>	-	<i>two seats</i>
<i>Design Review Board</i>	-	<i>one Alternate seat</i>
<i>Duxbury Bay Mgmt Commission</i>	-	<i>two seats</i>
<i>Duxbury Seawall Committee</i>	-	<i>one seat</i>
<i>Nuclear Advisory Committee</i>	-	<i>one seat</i>

***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.***

**VIII ONE-DAY LIQUOR LICENSE REQUESTS**

***11/5 to 11/13/21 Duxbury Bay Players Theater Performances***

Ms. Ladd Fiorini moved that Mr. Matthew Sherman, as a representative of The Bay Players of Duxbury, is granted One-Day Wine & Malt Licenses for the Bay Players live theater performances at the First Parish Unitarian Church located at 842 Tremont Street from 3pm – 5:30pm and 8:00pm to 10:30pm, on the following dates, which are all subject to the conditions of the licenses:

Friday, November 5, 2021

Saturday, November 6, 2021

Sunday, November 7, 2021

Friday, November 12, 2021

Saturday, November 13, 2021

*Seconded by Mr. Flynn Vote: 4:0:0*

## **IX EVENT PERMITS None**

## **X MINUTES**

Ms. Ladd Fiorini moved to approve the 09/27/21 Selectmen's Executive Session Minutes with the contents to remain confidential until the need has passed, as presented.

*Seconded by Mr. Flynn Vote: 4:0:0*

Ms. Ladd Fiorini moved to approve the 04/12/21, 09/27/21 and 10/04/21 Selectmen's Open Session Minutes, as presented. *Seconded by Mr. Flynn Vote: 4:0:0*

## **XI ANNOUNCEMENTS**

- 1) **Next Scheduled Selectmen's Meeting** will be on Monday, October 25, 2021 at 7:00pm at the Senior Center in the Ellison Room. This will be a joint meeting with the Board of Health.
- 2) **Special Town Meeting** will be on Monday, November 8, 2021 at 7:00pm at the Performing Arts Center. **Note:** As a reminder, Masks are required and to be worn in all school buildings.

## **XII ADJOURNMENT**

Ms. Ladd Fiorini moved that the Board of Selectmen adjourn at approximately 9:25 p.m.

*Seconded by Mr. Flynn Vote: 4:0:0*

*Minutes submitted by Nancy O'Connor*

### **LIST OF DOCUMENTS**

- 1) Agenda
- 2) Executive Session motion
- 3) Documentation regarding precinct maps
- 4) STM Warrant
- 5) Citizens' Petition and other STM presentations
- 6) Documentation regarding Kingstown Way
- 7) Committee appointments
- 8) ODLLs
- 9) Minutes
- 10) Announcements