

Date: January 31, 2022

Date Minutes Approved: 02/14/22

TOWN CLERK

2022 FEB 15 AM 9:31

DUXBURY, MASS.

BOARD OF SELECTMEN

OPEN SESSION MINUTES

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

Absent: Cynthia Ladd Fiorini, Clerk

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

Others: Alicia Babcock, Seawall Committee

CONVENED IN OPEN SESSION (*Via remote participation by Zoom*)

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 via remote means in accordance with applicable law. Please note that this meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. A transcript or other comprehensive record of proceedings will be available as soon as possible after the meeting. 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

Ms. Alicia Babcock, Seawall Committee member and resident, asked for assistance with obtaining the list of easements received from the Planning Department as she is trying to track down those who have yet to submit their signed easement. Mr. Read will contact the Planning Department.

IV NEW BUSINESS

Discussion regarding Call for March Election and to add Ballot Question

Call for March Annual Town Election

Mr. Flynn moved that the Board of Selectmen directs the Constable of the Town of Duxbury to notify and warn the inhabitants of Duxbury who are qualified to vote in the Annual Town Election to vote at Precincts One through Six at the Lt. Timothy J. Steele Athletic Building, 130 Saint George Street, Duxbury, Massachusetts on Saturday, March 26, 2022 from 8:00 A.M. to 8:00 P.M.

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

Add March Town Election Ballot Question re: New Department of Public Works Facility

Mr. Flynn moved that the Board of Selectmen vote to add the following ballot question to the Annual Town Elections on Saturday, March 26, 2022:

“Shall the Town of Duxbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued for the engineering, design services and construction of a new Department of Public Works facility, to be located at 878 Tremont Street, also shown as Assessors Map Parcel No. 092-500-016?”

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

Review and vote on the following Town Meeting Warrant Articles, as needed and as time permits

Annual Town Meeting Articles

Article 1 – Election of Officers, etc. and the ballot question (no vote required)

Article 2 - Reports

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #2 regarding Reports, as presented.

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

Article 3 – Compensation of Elected Officials

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #3 regarding Compensation of Elected Officials (Assessors and Town Clerk only as the Selectmen take no position on their compensation), as presented.

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

Article 4 – Funding of Salaries - On Hold (no vote taken)

Article 5 – Operating Budget - On Hold (no vote taken)

Article 6 – Capital Budget

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #6 regarding Capital Budget, as presented.

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

Article 7 – Small Equipment and Minor Services

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #7 regarding Small Equipment and Minor Services, as presented.

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

Article 8 – Electronic Balloting – On Hold (no vote taken)

Article 9 – Duxbury Beach Lease

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #9 regarding Duxbury Beach lease, as presented.

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

Article 10 – Fourth of July Appropriation

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #10 regarding Fourth of July Appropriation, as presented.

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

Article 11 – Funding of Engineering, Design Work and Construction Related to the Proposed Department of Public Works Facility - On Hold (no vote taken)

Article 12 – Petition to the Massachusetts General Court for Special Legislation to Offset Betterment Assessments from Funds from FEMA Associated with the Seawall Restoration Project

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #12 regarding the Petition to the Massachusetts General Court for Special Legislation to Offset Betterment Assessments from Funds from FEMA Associated with the Seawall Restoration Project, as presented.

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

Article 13 – Town of Duxbury Support of Offsite Storage Spent Nuclear Fuel

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #13 regarding Town of Duxbury Support of Offsite Storage Spent Nuclear Fuel, as presented.

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

Article 14 – Proposed Amendment to the General By-Laws by Adding a New Section 7.9.2

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #14 regarding the Proposed Amendment to the General By-laws by Adding a new Section 7.9.2, as presented.

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

Article 15 – Acceptance of MGL Chapter 59, Section 5(54) to Permit the Assessors of the Town of Duxbury to Establish a Minimum Fair Cash Value of Over \$1,000 for Personal Property Accounts

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #15 regarding the Acceptance of MGL Chapter 59, Section 5(54) to Permit the Assessors of the Town of Duxbury to Establish a Minimum Fair Cash Value of Over \$1,000 for Personal Property Accounts, as presented.

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

Article 16 – Citizens' Petition – Proposed Acceptance of McLean's Way – On Hold (no vote taken)

Article 17 – Survey to Establish Existing Conditions and Layout of Washington Street for Future Sidewalks – On Hold (no vote taken)

Article 18 – CPC: Operating Fund

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #18 regarding CPC: Operating Fund, as presented.

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

Article 19 – CPC: Allocations

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #19 regarding CPC: Allocations, as presented.

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

Article 20 – CPC: Pickleball Courts Alden

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #20 regarding CPC: Pickleball Courts Alden, as presented.

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

Article 21 – CPC: Isaac Simmons Farm Dedication

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #21 regarding CPC: Isaac Simmons Farm Dedication, as presented.

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

Article 22 – Proposed Amendment to the General Bylaws Related to Fence Viewer Fees – On Hold (no vote taken)

Article 23 – Establishment of a Revolving Fund to be Used for Public Safety Communications – On Hold (no vote taken)

Article 24 – Proposed Amendment to the General By-Laws by adding a New Section 2.5

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #24 regarding the Proposed Amendment to the General By-Laws by adding a New Section 2.5, as presented.

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

Article 25 – Proposed Transfer of Land from Tax Title to the Duxbury Affordable Housing Trust – On Hold (no vote taken)

Article 26 – Transfer of Town Owned Land to the Duxbury Affordable Housing Trust – Lincoln Street – On Hold (no vote taken)

Article 27 – Citizens' Petition – Temple Street

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #27 regarding Citizens' Petition – Temple Street, as presented.

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

Article 28 – Proposed New Local Historic District – Keene's Brooke

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #28 regarding the Proposed New Local Historic District – Keene's Brooke, as presented.

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

Article 29 – Proposed new Local Historic District – Temple Street

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #29 regarding the Proposed new Local Historic District – Temple Street, as presented.

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

Special Town Meeting Articles

Article 1 – Supplemental Appropriations – On Hold (no vote taken)

Article 2 – Special Education Reserve Fund

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Special Town Meeting Article #2 regarding the Special Education Reserve Fund, as presented.

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

Article 3 – Other Post-Employment Benefits

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Special Town Meeting Article #3 regarding Other Post-Employment Benefits, as presented.

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

Article 4 – Stabilization Fund

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Special Town Meeting Article #4 regarding the Stabilization Fund, as presented.

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

Article 5 – Capital Stabilization Fund – On Hold (no vote taken)

Article 6 – Appropriate Funds for Prior Years Overlay – On Hold (no vote taken)

Article 7 – Payoff Short Term Debt

Mr. Guitart moved that the Board of Selectmen support and recommend the March 12, 2022 Special Town Meeting Article #7 regarding Payoff Short Term Debt, as presented.

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

Article 8 – Matching Grand Funds – On Hold (no vote taken)

V TOWN MANAGER'S REPORT

DPW

I wanted to offer my sincerest thanks to Peter Buttkus and his entire staff for a job well done this past weekend. They managed a tremendous amount of snow in a very short period of time and helped ensure that our roads were safe and passable and that school was able to open this morning while several of our surrounding communities were not. The Selectmen also commended the DPW staff for their hard work, and they commented on the great response from Eversource – who had a command trailer parked at the Fire Department.

Rapid COVID-19 Tests

This coming Thursday, February 3, 2022 from 1:00 p.m. to 4:00 p.m. and Saturday, February 5, 2022, from 9:00 a.m. to 12:00noon, the Duxbury Fire Department will start a mass distribution of the COVID test kits received last week from Plymouth County to the general public but limited to Duxbury residents only. This event will take place at the Duxbury Senior Center located at 10 Mayflower Street and will be a drive-thru distribution with each family receiving 2 kits, with 2 tests in each kit. Residents can enter the parking lot and follow the signage around the lot to the distribution area then exit the lot. We will sample the traffic and amount of interest and offer additional dates, while supplies last.

Duxbury Beach

The road south of the Powder Point Bridge remains closed to all except authorized 4x4 Vehicles. There are several areas of deep sand and cobble, making 4-wheel drive necessary - any non-4WD vehicle will get stuck. Also, all Crossovers remain closed due to snow and storm alterations. Please do not access the road unless absolutely necessary.

Joe Grady Retirement

I hate to say it - and I hope this is the last time I need to mention this kind of thing for a long time - but I was informed this morning that our Conservation Administrator, Joe Grady will be retiring this coming August. Joe has worked for the Town since June 1977 at which time he started off as a seasonal employee at the Beach. In 1983, he was promoted to Foreman at the newly formed Lands and Natural Resources Department and in July of 1988, he was appointed as the Town's first Conservation Administrator by the Town's first Town Manager, Tom Groux. In fact, he was Tom's first hire as Duxbury's new Town Manager. I know that this was a tough decision for Joe since he's been a part of Duxbury's Town government for 45 years. Joe has my sincerest congratulations and deepest gratitude for a job well done and we all wish him a long, healthy and happy retirement.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS None

VII ONE-DAY LIQUOR LICENSE REQUESTS

The Bay Players of Duxbury – Theatrical Performances – various dates

Mr. Guitart 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, February 18, 2022
Saturday, February 19, 2022
Sunday, February 20, 2022
Friday, February 25, 2022
Saturday, February 26, 2022

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

VIII EVENT PERMITS

04/02/2022 Friends of the COA Half Marathon

Mr. Guitart moved that Ms. Sharon Cronin, as a representative of the Friends of the Council on Aging, is granted permission to hold the 10th Annual Duxbury Half Marathon to raise money for the Senior Center's Programs, on Saturday, April 2nd at 7:00 AM (with a 7:30 AM race start), beginning and ending at the Duxbury Senior Center, contingent upon the conditions of the license.

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

04/09/2022 Duxbury Youth Baseball Opening Day

Mr. Guitart moved that Mr. Gary Williamson, as the President of Duxbury Youth Baseball, is granted permission to hold Duxbury Youth Baseball's Opening Day event on Saturday, April 9, 2022 from 9:30am to 12:00pm (approx.) at Train Field located on Alden Street, contingent upon the conditions of the license.

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

IX MINUTES

Mr. Guitart moved to approve the 01/24/2022 Selectmen's Open Session Minutes, as presented.

Seconded by Mr. Flynn Roll Call Vote: Mr. McGee-Aye; Ms. MacNab-Aye; and Mr. Flynn-Aye (Mr. Guitart abstained as he was not present at this meeting).

X BONUS SHELLFISH (month of February)

Mr. Flynn moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for:

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

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

XI ANNOUNCEMENTS

- 1) 2022 Dog Licenses and Beach/Conservation land walking permits are now available. Payment can be made online, via the town clerk's drop box behind Town Hall or US mail.
- 2) 2022 Annual Street List/Census forms have been sent. Please review the information, sign the form and return it to the Town Clerk. This census is not the same as the federal census that was completed last fall. The information is used to compile the annual list of residents and to update the voter registration files.
- 3) Next Scheduled Selectmen's Meeting will be on Monday, February 7, 2022 at 7:00pm.

XII ADJOURNMENT

Mr. Guitart moved that the Board of Selectmen adjourn at approximately 9:10pm.

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

Minutes submitted by Nancy O'Connor

LIST OF DOCUMENTS

- 1) BOS Agenda*
- 2) Call of Election and Ballot Question*
- 3) ATM and STM draft warrants*
- 4) ODLLs*
- 5) Event Permits*
- 6) Minutes*
- 7) Bonus Shellfish (February)*
- 8) Announcements*