

Date: January 3, 2022

Date Minutes Approved: 01/10/2022

TOWN CLERK

2022 JAN 11 PM 1:42

BOARD OF SELECTMEN

OPEN SESSION MINUTES

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

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

Others: Paul Brogna, Co-Chair, Highway Safety Advisory Committee; Jeff Lewis, Co-Chair, HSAC; Jeff Chandler, Chair, Agricultural Commission; Mary Lampert, Co-Chair, Nuclear Advisory Committee; Jim Lampert, Member, NAC; and Mark DeCristoforo, Director of MA Seafood Collaborative (via Zoom)

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 7:05 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

Discussion with Mary Lampert, Duxbury Nuclear Advisory Committee, re: possible release of radioactive contaminated water into Cape Cod Bay by Holtec.

The meeting began with technical difficulties which were addressed and corrected by PACTV. Ms. Lampert began with her reference to her email from Dec. 7, 2021 in which she noted Holtec's plans to dispose of radioactive water into Cape Cod Bay. Ms. Lampert discussed Holtec's plans and what we can do to prevent them from disposing any radioactively contaminated water into Cape Cod Bay. Holtec's dumping of radioactive water in our bays is not and cannot be kept secret from the public. Press coverage is extensively ready. Dumping will contaminate the water, and millions of oysters, lobsters, mussels, clams, scallops and fish. Holtec says it has two alternatives- dump the radioactive water in Cape Cod Bay or send it offsite to an existing licensed, radioactive waste site. At Vermont Yankee, the licensee chose the latter, but there should be no doubt in anyone's mind that Holtec will take the cheapest route. It has been repeatedly said that it will not do anything that they are not forced

to do. Ms. Lampert suggests the Selectboard contact the Governor, Attorney General, our State Senator and representative, Senator Markey and Congressman Keating, NRC, Holtec, and the Plymouth Selectboard and ask each to take specific steps. Ms. Lampert has composed several letters to each. Mr. Flynn inquired about previous letters sent regarding the Dry Casts at the Pilgrim Power Plant. He asked if there had been any response. Ms. Lampert said she would look into their status. Ms. McNab agreed with sending letters and agreed to review letters for content. Mr. McGee would like to see this back on a future agenda. Mr. DeCristoforo, Executive Director of MA Seafood Collaborative, commented that Holtec needs to be stopped, and that the impact on aquaculture would be tragic. He has sent letters to Holtec writing to strenuously oppose the dumping of approximately 1 million gallons of radioactive water from the Pilgrim Nuclear Power Station into Cape Cod Bay. He also sent them to a large list of Senators and Congressmen, the Governor and State Representatives. Ms. MacNab agreed to work on getting letters sent and thanked them for all their hard work.

Discussion regarding renewals of Common Victualler, Innholder, General, Class II Auto and Entertainment Licenses

Ms. Ladd Fiorini moved that the Board of Selectmen renew the following Class II Auto, Common Victualler, Innholder, Entertainment, and General Licenses as presented on the attached lists for the Year 2022, subject to satisfactory inspection by the Municipal Services Department and the Board of Health, receipt of all renewal requirements and payment of all funds/fees owed to the Town of Duxbury.

Seconded by Mr. Flynn Roll Call vote: Ms. MacNab-aye; Mr. Flynn-aye; Ms. Ladd Fiorini-aye; Mr. McGee-aye; Mr. Guitart-aye (via remote)

Discussion with members of Agricultural Commission on the appointment of Fence Viewer(s)

Mr. Jeff Chandler spoke on behalf of the Agricultural Commission and stated that both he and Mrs. Priscilla Chandler have an extensive background in agriculture. Mr. Chandler also mentioned the General Law – Part IV, Title 1, Chapter 266, Section 118 which specifically deals with fencing and right to farm animals in such fencing. Ms. McNab agrees that there is a need for Fence Viewers. Ms. Ladd Fiorini inquired as to who would the Fence Viewers report to. It was agreed they would report to the Town Manager and Jim Wasielewski of Municipal services. Mr. Read stated that he would get them in contact with town counsel for any legal questions that may need to be addressed.

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

Fence Viewer

Jeffrey Chandler	FY22 Appointment	06-30-2022
Priscilla Lawn Chandler	FY22 Appointment	06-30-2022

Seconded by Mr. Flynn Roll Call vote: Ms. MacNab-aye; Mr. Flynn-aye; Ms. Ladd Fiorini-aye; Mr. McGee-aye; Mr. Guitart-aye (via remote)

Discussion regarding declaration of surplus property for Cemetery Department

Ms. Ladd Fiorini moved to declare as surplus the following Cemetery equipment:

1. Hurricane Blower serial#0911647.

in order to allow these items to be disposed of, sold, auctioned or donated, all in accordance with M.G.L. c.30b and the Town's rules and regulations, with proceeds to go to the General Fund.

Seconded by Mr. Flynn Roll Call vote: Ms. MacNab-aye; Mr. Flynn-aye; Ms. Ladd Fiorini-aye; Mr. McGee-aye; Mr. Guitart-aye (via remote)

Discussion pertaining to Speed Limit reductions – Acorn Street and Winter Street

Mr. Brogna, Co-Chair of the HSAC, presented the requests for Acorn and Winter Street(s). The HSAC voted in favor of the reduction of the speed limit from 30 mph to 25 mph on Acorn Street and a portion of Winter Street as allowed by Section 193 of Chapter 218 of the Acts of 2016 regarding changes to the Speed Limit Regulations under Chapter 90, Section 17C. Mr. Guitart asked if it wouldn't be easier if they did a Town wide reduction. Mr. Brogna said that he hopes to have that discussion at a public meeting to review and discuss with PD and FD. Many Towns are heading in that direction. He would like to move forward with it but they need to open the topic up to residents. Mr. McGee inquired about the speed limit on the Marshfield side. Mr. Brogna replied -30 mph. Ms Ladd Fiorini inquired about the reason behind the reduction. Mr. Brogna said it was a resident's request and it is known to be a cut thru from Exit 11. After their careful evaluation of the roadway it was concluded that the reduction would improve the traffic safety on that road.

Ms. Ladd Fiorini moved that the Board of Selectmen vote to accept the recommendation of the Highway Safety Advisory Committee to reduce the speed limit from 30 mph to 25 mph on Acorn Street from the Marshfield Town line to the intersection at Temple and Lincoln Street, as they find this road meets the criteria as allowed by Section 193 of Chapter 218 of the Acts of 2016 under Chapter 90, Section 17C, and further to authorize the Chair to sign and send notice of action to the Massachusetts Department of Transportation (MassDOT).

Seconded by Mr. Flynn Roll Call vote: Ms. MacNab-aye; Mr. Flynn-aye; Ms. Ladd Fiorini-Nay; Mr. McGee-aye; Mr. Guitart-aye (via remote)

Mr. Brogna, Co-Chair of the HSAC, found that Winter Street meets the thickly settled criteria set forth in the section noted and recommends the speed limit should be implemented from Route 53 to Summer Street.

Ms. Ladd Fiorini moved that the Board of Selectmen vote to accept the recommendation of the Highway Safety Advisory Committee to reduce the speed limit from 30mph to 25mph on Winter Street from Route53 to Summer Street, as they find this road meets the criteria as allowed by Section 193 Chapter 218 of the acts of 2016, under Chapter 90 Section17C, and further to authorize the Chair to sign and send notice of action to the Massachusetts Department of Transportation (MassDOT).

Seconded by Mr. Flynn Roll Call vote: Ms. MacNab-aye; Mr. Flynn-aye; Ms. Ladd Fiorini-aye; Mr. McGee-aye; Mr. Guitart-aye (via remote)

VI TOWN MANAGER'S REPORT

Mr. Read reported the following:

Face Masks Required in all Town of Duxbury Municipal Buildings

We have all been hearing reports on the news regarding an increase in the number of positive COVID-19 cases not just locally but nationally and globally. In fact, effective December 21, 2021, in response to the spread of the Delta variant and the emerging Omicron variant, the Department of Public Health now advises that all residents, regardless of vaccination status, wear a mask or face covering when indoors (and not in your own home). We need to continue to be as cautious as possible for our own personal safety and that of others.

As a result, effective **Thursday, December 23, 2021**, face masks/face coverings will be required for all individuals aged 2 years or older*, by employees and patrons alike regardless of vaccination status, when inside all Town of Duxbury municipal buildings. (*Except where an individual is unable to wear a face mask / face covering due to a medical condition or disability.)

At this time, appointments are not required to conduct business at municipal offices, and events and meetings will continue as planned. Signs will be posted at the entrances and exits of all town buildings as a reminder of this requirement. Residents and others visiting Town buildings are encouraged to maintain a social distance of 6 feet from others when feasible.

The following measures remain in place in Town buildings to ensure the health and safety of both employees and the public:

- Increased cleaning schedules in Town buildings
- Installed hand sanitization stations
- Protective barriers

This requirement will remain in effect until further notice, and we will provide updates through our website and social media accounts when available.

Covid-19 Vaccination Locations

Individuals in Massachusetts between the ages of 5 through 17 are eligible to receive the Pfizer Covid-19 vaccine, and individuals over the age of 18 can get any of the approved Covid-19 vaccines. If you have not yet received your Covid-19 vaccine, visit the state website at <https://vaxfinder.mass.gov/> to find an appointment near you. (Note: Insurance and ID are not required to receive the vaccine.)

Covid-19 Testing Locations

To review your symptoms and to find a Covid-19 testing site near you, search the database on the State website at <https://www.mass.gov/covid-19-testing>

Any Board or Committee can go back to remote on its own provided it follows the remote participation policy.

ARPA Relief Budget Update

A recent article in the Boston Globe (12/27/21) discussed a number of projects being funded by the state's \$4 billion-dollar COVID-19 relief bill. Though not specifically mentioned, Duxbury is in the mix as well.

This fall, Rep. Josh Cutler contacted me and asked if there were any additional projects that could help Duxbury in the near term in regard to the ARPA and FY21 surplus budget.

On Thursday, December 30, 2021, I received notification from Cole Angley, Staff Director for Representative Josh S. Cutler that the ARPA relief bill recently approved by the Legislature and signed by Gov. Baker includes a number of local amendments that Josh, Rep. LaNatra and Sen. O'Connor worked on together to find ways to secure extra funds for the towns they represent and they were successful in adding several legislative earmarks to the House bill which were approved for Duxbury as follows:

- **Duxbury wastewater treatment facility:** \$100,000 to fund improvements in the Duxbury wastewater treatment.
- **Bay Farm conservation area:** \$40,000 to fund disability access improvements at the town's Bay Farm conservation area.
- **Wildlife Monitoring Partnership:** \$15,000 to fund wildlife monitoring partnership between the Duxbury Conservation Commission, Duxbury Free Library and Duxbury Public Schools.
- **Youth Recreation:** \$35,000 to fund improvements to Duxbury tennis, racquet and basketball courts.
- **Standish Humane Society, Inc:** \$25,000 to support operations at the Standish Humane Society, Inc.

Now that it's been signed off by the Governor, Josh will be able to help us access these funds for these projects from the administration.

Now that the legislation has been signed into law, the town will plan to submit a disbursement request to the Executive Office of Administration and Finance and Josh's office have a template letter and can walk us through this process. These funds are designated for Fiscal Year 2022, which runs July 1, 2021 through June 30, 2022, and will need to be expended during that time, though not until the state has formally dispersed them to the town.

By way of this update, I wanted to thank Josh, Rep. LaNatra and Sen. O'Conner for their efforts.

Water Department Master Plan Update - Timing - March/April 2022

From: Peter Mackin

Rene, the primary reason the Master Plan is not complete is that all of the data has not been collected yet. We need to physically flow fire hydrants throughout the town. The data points collected during these flow tests will allow the engineering firm to calibrate the hydraulic model of our public water

system. Hydraulic models allow us to simulate existing and future proposed supply and demand conditions in addition to average and peak day as well as fire flow requirements to determine deficient areas of the distribution system. The model would allow us to determine the need to and prioritize the replacement, looping and extension of water mains. Additionally, the model would illustrate the potential need to develop new sources to meet build out. The plan was to conduct these flow tests while we were flushing the distribution system this fall. As you know flowing hydrants causes discolored water so the thought was to conduct the two activities simultaneously to minimize the inevitable inconveniences to the residents. Flushing the distribution system always results in complaints/concerns via phone calls, e-mails and walk in visits to the office often at a rate that is too numerous to count. The flushing operations were set to commence the day before I was to begin my FMLA absence. I could not in good faith leave my staff to deal with the general public without my presence in the office.

Please let me know if you need anything else.

Thank you,

Pink property Update

December 16, 2021

From Shirin Everett, Esq.: Congratulations, the deed to the Pink property is on record, and the Town is the owner of the property. The deed is recorded in Book 56183, Page 99. I will send the Town Clerk the original recorded documents once I receive them from the Registry.

McNeil Dump Update

Staff met with DEP and Weston and Sampson on December 15, 2021.

They are in the process of assessing PFAS sources at the McNeil Dump.

Lee Koska, PE, a Senior Project Engineer with Weston & Sampson working on the McNeil Dump assessment provided an update on where we stand currently with the project. In searching the state solid waste database, we identified a listing for the dump property (separate from the current landfill / transfer station parcel), which flags it as a formal solid waste site with MassDEP. Because of this listing, any subsurface investigations (and disturbance of the waste materials in general) will require appropriate permitting through MassDEP SERO (Southeast Regional Office). For the test pits and monitoring well installation, this would involve submitting a SW-45 Presumptive Approval form outlining the scope of the investigation activities, which then has a 45-day review period with DEP.

Eversource Meeting

Peter Buttkus, Rob Reardon and I met with Eversource on Friday, December 17th. The meeting was productive – they admitted they currently lack the preferred level of experience with their field assessors - their team took ownership of the issues and they too seemed frustrated and are working on their own internal issues and expect to have them resolved. If needed Ronit will come back for a BOS meeting.

Per Ted – when did the first truck arrive in town?

At the start of the event, (after which things escalated from this point on) the first crew were assigned to Duxbury October 26, 2021, and reported arrival on scene at 9:32 p.m. and an ETR Estimated time of Restoration was given as 12:30 a.m. At 10:43 p.m. the crew requested a tree crew to assist. Tree removal and repairs exceeded the original estimate and the estimated time was changed to 2:30 a.m. That first crew reported all repairs complete and area energized at 1:48 a.m.

VII COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS - None

VIII ONE-DAY LIQUOR LICENSE REQUESTS - None

IX EVENT PERMITS - None

X MINUTES

Ms. Ladd Fiorini moved to approve the 12/13/21 Selectmen's Open Session Minutes, as presented.

Seconded by Mr. Flynn Roll Call vote: Mr. Flynn-aye; Ms. Ladd Fiorini-aye; Mr. McGee-aye; Mr. Guitart-aye (via remote); Ms. MacNab-abstained (Not present for that meeting)

XI ANNOUNCEMENTS

1. Dog Licenses and Walking Permits:

2022 Dog licenses and walking permits are now available. Licenses may be purchased online using the Town Clerk's online payment center, by USMail or at the Town Clerk's counter. Dog Walking permits are required to take your dog to Duxbury Beach and on Town of Duxbury/Conservation land. If you have any questions, please contact the Town Clerk's office at 781-934-1100 x5450 or x5451

2. Nomination Papers for Town Election:

The following offices will be on the ballot for the 2022 Town Election: one Selectman for a term of 3 years, one Assessor for a term of 3 years, one Moderator for a term of 3 years, one Town Clerk for a term of 3 years, two School Committee members for a term of 3 years, one Planning Board member for a term of 5 years, one Planning Board member for an unexpired term of 1 year, two Library Trustees for a term of 3 years, one Duxbury Housing Authority member for a term of 5 years and one Duxbury Housing Authority member for an unexpired term of 3 years. Nomination papers are available at the Town Clerk's office and are due back to the town clerk by 5:00 pm on Monday, February 7, 2022. A candidate must obtain 50 signatures, certified by the town clerk's office, to appear on the ballot.

3. Absentee Ballots for 2022 Annual Town Election - If you will not be able to vote at the polls on March 26, please stop by the Town Clerk's office and fill out an absentee ballot application or contact the Clerk's office to receive an application in the mail. Once the signed application is received, an absentee ballot will be sent as soon as it is available.

4. **2022 Census** – The Annual Census will be mailed shortly. Please take a moment to sign the form, making changes if necessary, and return it to the Town Clerk's office. This information will be used to compile next year's Annual Street List.

Reminder: No voter can be added to the voting rolls using the census. To register to vote, please visit the office to complete a voter registration card or register online through the Secretary of State's website at www.sec.state.ma.us

5. **Next Scheduled Selectmen's Meeting** will be on Monday, January 10, 2022 at 7pm

XII ADJOURNMENT

Ms. Ladd Fiorini moved that the Board of Selectmen adjourn at approximately 9:30 p.m.

Seconded by Mr. Flynn Roll Call vote: Ms. MacNab-aye; Mr. Flynn-aye; Ms. Ladd Fiorini-aye; Mr. McGee-aye; Mr. Guitart-aye (via remote)

Minutes submitted by Michelle Seda-Stotts

LIST OF DOCUMENTS

- 1) *Agenda*
- 2) *Documentation regarding NAC discussion*
- 3) *Common Victualler, Innholder, General, Class II and Entertainment Licenses*
- 4) *Appointments of Fence Viewer(s)*
- 5) *Memo regarding Surplus property*
- 6) *Letter from DHSAC regarding Acorn and Winter Streets*
- 7) *Open Session Minutes*
- 8) *Announcements*