

Date: February 28, 2022

Date Minutes Approved: 03/07/22

TOWN CLERK

2022 MAR -9 AM 11:07

DUXBURY, MASS.
OPEN SESSION MINUTES

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; Michelle Seda-Stotts, Administrative Assistant; Peter Buttkus, DPW Director and Valerie Massard – Planning Board.

Others: Diane Bartlett, Duxbury Affordable Housing; Residents of McLean's way attending: Marianne & Emil Reinhalter; Debra Greenglass; Dean & Evelyn Cirielli; Albert & Debra O'Neil

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 None

IV NEW BUSINESS

Discussion and vote related to a request for acceptance of ATM Article 16 – Citizen's Petition – Proposed Acceptance of McLean's Way as a public road.

Ms. Massard began the discussion by reiterating Article 16 – Citizen's Petition and the process that needs to be followed by the Board of Selectmen to make it a public way. The Planning Board recommended in the negative, stating that Chapter 90 monies were what they were using to maintain town roads, and the DPW does not have adequate funding to add another road. Ms. Ladd Fiorini does not recall whether the subdivision was made knowing that the roads would be private. Ms. Massard stated that they had reviewed the minutes and it does not state that it has to remain private. It was not really discussed. Ms. Massard also commented that after reviewing the minutes to the prior meetings for the Planning Board, the language used was boilerplate and used in all subdivision approval documents. Mr. Buttkus reiterated what Ms. Massard had said about Chapter 90 already being stretched beyond what was needed. Just in paving the roads the monies fall short. Mr. Guitart clarified that the main issue is that the Town does not have the funding to add more public ways. Mr. McGee inquired about the funding we get from the Government, could that be allocated to this cause. Mr.

Buttkus stated that any monies received have already been allocated and stretched for what they could cover including small bridge repairs. Chapter 90 has not seen an increase in a long time. Ms. MacNab inquired about the roads being built in compliance with the Town's subdivision rules and regulations. Ms. Massard replied yes, and they (the builder) decided to waive the sidewalk and alternately to make the road wider. Mr. Flynn commented that a bigger issue might be that other roads, that meet the standards for acceptance, might be looking to become public ways as well. Mr. McGee mentioned that there are many roads, that are cul de sacs, that are public ways in the surrounding area. Mr. Reinhalter, resident of 9 McLean's Way, stated that the waiver came about because the road was made wider, and everyone agreed, it was a better alternative to sidewalks and the road was built to the town's subdivision standards. Ms. Reinhalter commented about the initial plans to ultimately become a public way and stated that it was always their plan to have the town make it a public way. She also stated that they did not waive their right to make it so. Ms. Ladd Fiorini stated that she does not recall if there was an endorsement from the Planning Board to make the road a public road. Mr. Read commented that in fact legally the Planning Board couldn't because it would be up to the Board of Selectmen to make that decision. Mr. Guitart clarified that part of the approval process by the Planning Board for the subdivision is that there must be an HOA formed and the requirements of the HOA to maintain the road as part of the approval. Ms. MacNab inquired about the waiver and if that was what triggered the HOA. Ms. Massard replied that it is a standard requirement to have an HOA in a private way to take care of the road maintenance and that is built into all approvals. Mr. Reinhalter stated their main concern, at the time of the planning, was for the maintenance of the rain garden (A&B). They knew there would be a lapse in the approval of the subdivision and the acceptance of the road. Mr. & Mrs. Albert & Debra O'Neil, residents of 4 McLean's Way, stated that they were under the impression that the road would become a public way. They would like to see this Article accepted and go to Town meeting and have the residents decide. Mr. & Mrs. Dean and Evelyn Cirielli, of 15 McLean's Way, stated that when he and his wife moved to their residence, they were under the impression that once the subdivision was completed, the Town would approve to make it a public way provided the road meets the standards. They would like the recommendation to approve McLean's Way as a public way. Mr. Read shared information regarding a meeting from 3/23/15 stating that it was a possibility, but there was no definitive answer as to it being taken over by the Town. There was never a promise to do so because they were not in the position to do so then, as we are not in now. Mr. Guitart was trying to recognize that the residents were told that becoming a public way was a done deal. Mr. William Olafson & Julie Hantson of 5 McLean's Way, are requesting that McLean's Way be made a public way. Mr. McGee is in support of the residents and believes it should be made a public way and allowed to be voted on at Town meeting. Mr. Flynn would be fully supportive of making it a public way but he would like to see a study of other streets that may want to become public as well. Mr. Read suggested in postponing the decision until we can see the span and scope of what is being asked of the Town, and an alternative, maybe enacting impact fees to help solve the problem but more research should be done. He recommended that they do not vote at this time. Mr. Reinhalter asked Mr. Buttkus about the conditions of the Town's roads, in which Mr. Buttkus stated he could not answer without looking into it. Ms. Massard commented that it is the Selectmen's role to look into these issues on a town wide basis and decide what is best for the Town as a whole, including the roads. Many towns are struggling with these same issues, lack of funding is a big part of the issue. Several towns have adopted policies that will/will not accept new roads and by requiring an endowment to cover expenses. The Selectmen have every right to look into this. Ms. McNab stated that the Board tries to be objective and fair when making these decisions. Ms. MacNab suggested that the Board make a motion.

Ms. Ladd Fiorini moved that the Board of Selectmen, pursuant to GL c.82, §§21-24, approve to lay out as a public way the roadway known as McLean's Way, shown more particularly as Lot 8 on a plan entitled "Definitive Subdivision Plan McLean's Way", prepared by Grady Consulting, L.L.C., dated February 6, 2015, and recorded in the Plymouth County Registry of Deeds in Plan Book 59 Page 1039, to execute the Order of Layout, laying out said roadway, and to forward the layout and said plan to the Town Clerk for filing.

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

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

Annual Town Meeting Articles

Article 16 – Citizen's Petition – Proposed Acceptance of McLean's Way

On Hold (no vote taken)

Article 23 – Establishment of a Revolving Fund to be Used for Public Safety Communications

Ms. Ladd Fiorini moved that the Board of Selectmen support and recommend the March 12, 2022 Annual Town Meeting Article #23 regarding Funding of Public Safety Communications, as presented.

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

Article 25 – Proposed transfer of Land from Tax Title to the Duxbury Affordable Housing Trust

On Hold (no vote taken)

Special Town Meeting Articles

Article 1 – Supplemental Appropriations

On Hold (no vote taken)

Article 8– Matching Grant Funds

On Hold (no vote taken)

Acceptance of Donation – Pastel Painting from Leslie McNeil

Ms. Leslie McNeil has made the donation of a Pastel Painting "One Winter Evening" to the Town of Duxbury representing Tarkiln Community Center.

Ms. Ladd Fiorini moved that the Board of Selectmen accept, with appreciation, the donation of the Pastel Painting from Ms. McNeil.

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

V TOWN MANAGER'S REPORT

DPW

Once again, I want to offer my sincerest thanks to Peter Buttkus and his entire staff for a job well done this past weekend. They have again managed yet another weekend storm and done a terrific job doing so.

Mask Mandate in Town Buildings

The Town of Duxbury's mask mandate in Town buildings was lifted effective today. The wearing of masks in Town buildings will be optional and the same will be true for Town Meeting (masks will be available at Town Meeting for those who would like them).

Town Meeting Location - Saturday, March 12

High School Gym with additional seating in the adjacent Middle School gym.

VI COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS - None

VII ONE-DAY LIQUOR LICENSE REQUESTS

3/10 & 3/24/22 Snug Harbor Wine Tasting

Ms. Ladd Fiorini moved Mr. Richard Marble II, as a representative of **Snug Harbor Wine**, is granted a One-Day Wine & Malt License for their **Wine Tasting Class**, on Thursday March 10 and on Thursday, March 24, 2022 from 6:30pm – 8:30pm, at the Mix It Up Kitchen Cooking School located at 19 Depot Street, Duxbury, contingent upon the conditions of the license.

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

VIII EVENT PERMITS

05/21/22 Ragnar Relay New England 2022

Ms. Ladd Fiorini moved that Ms. **Amber Sadlier**, as representative of the **Ragnar Events LLC** is granted permission to conduct a portion of their **Ragnar Relay New England 2022** in the Town of Duxbury on Saturday, May 21, 2022, from 4:30am to 1:30pm, contingent upon the conditions of the license.

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

07/04/22 DEF July 4th Road Race

Ms. Ladd Fiorini moved that **Ms. Kristy Ladieu**, as a representative of the **Duxbury Education Foundation**, is granted permission to hold a **road race on Monday, July 4, 2022**, beginning at 6:00 AM (registration) to approximately 11:00AM as described in the application materials, contingent upon the conditions of the license.

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

08/26-28/22 Duxbury Girls Softball Tournament

Ms. Ladd Fiorini moved that **Ms. Jennifer Litchfield**, as the representative of **Duxbury Girls Softball**, is granted permission to hold the Back-to-School Bash-Softball Tournament event on Friday, August 26 thru Sunday, August 28, 2022 from 4:00pm to 6:00pm (approx.) at Train Field, Onion Field and the DHS field, contingent upon the conditions of the permit.

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

IX MINUTES

Ms. Ladd Fiorini moved to approve the 02/14/2022 Selectmen's Open Session Minutes, as presented.

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

X. BONUS SHELLFISH (month of March)

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

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

X ANNOUNCEMENTS

1) 2022 Beach & Transfer Station Stickers

New 2022 Beach and Transfer Station stickers (effective April 1, 2022-March 31, 2023) will be available to purchase after March 15th. Please call to confirm availability. Stickers can be purchased online on the Town of Duxbury's website by visiting: www.town.duxbury.ma.us under the Treasurer/Collector's webpage, by clicking on Online Payments on the home page, by calling City Hall Systems at 508-381-5455, or by mailing in or dropping off an application and supporting documents to Stickers Department, Duxbury Town Hall, 878 Tremont Street, Duxbury, MA 02332. Applications are available on the Town website and inside lobby of Town Hall for your convenience. If you are dropping off an application, please drop off in the black secure lockbox behind Town Hall with a self-addressed stamped envelope. Additional information regarding sales and current services can be located on the homepage of the Town's website www.town.duxbury.ma.us.

2) Annual/Special Town Meeting

Reminder that the Annual / Special Town Meeting will be held on Saturday, March 12, 2022 beginning at 9:00am in the Duxbury High and Middle School gymnasiums (enter at High School entrance only).

3) Annual Town Election will be held Saturday, March 26th at the Lt. Timothy Steele Building, 130 Saint George St. Polls will be open from 8am – 8pm.

Early and Absentee ballots can be requested using the “Vote by Mail Application 2022” on the Town Clerk’s page of the town’s website. Applications and voted ballots may be turned in at the Town Clerk drop box behind Town Hall or the Town Clerk’s office.

4) 2022 Dog licenses are available. Reminder: All dogs over the age of 6 months must be licensed annually. There will be a late fee in the amount of \$25 assessed for each unlicensed dog as of April 1st.

5) Next Scheduled Selectmen’s Meeting will be on Monday, March 7, 2022 at 7:00pm.

XII ADJOURNMENT

Ms. Ladd Fiorini moved that the Board of Selectmen adjourn at approximately 8:50pm.

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

Minutes submitted by Michelle Seda-Stotts

LIST OF DOCUMENTS

- 1) BOS Agenda*
- 2) List of Items used for Discussion and vote related to request for acceptance of ATM Article 16*
- 3) Donation Letter - Draft*
- 4) ODLLs*
- 5) Event Permits*
- 6) Minutes*
- 7) Bonus Shellfish Season - March*
- 8) Announcements*