



# Town of Duxbury Community Preservation Committee

Approved 12/15/2021

TOWN CLERK

2021 DEC 28 PM 1:52  
DUXBURY, MASS.

## Minutes of December 2, 2021

The Duxbury Community Preservation Committee (CPC) met on Thursday, December 2, 2021 at 8:30 a.m. via remote Zoom video conferencing.

**Members Present:** Holly Morris, Chair; Tag Carpenter, Kathy Cross, Tony Kelso, Paul McCormack and David Uitti. Also present, Gordon Cushing, Recreation Director.

**Members Absent:** Kathy Palmer

**Staff Present:** Joe Grady, Conservation Administrator; Nancy Rufo, Administrative Assistant; Pat Loring, Volunteer

Chair, Holly Morris called the Community Preservation Committee meeting to order at 8:35 a.m.

Ms. Morris read the following Preamble: Pursuant to Governor Baker's Chapter 20 of the Acts of 2021 dated June 16, 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency regarding suspending certain provision of the Open Meeting Law, G.L. c.30A, s18, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members. For this meeting, members of the public who wish to watch the meeting may do so via the Zoom meeting links.

Roll call vote of members present: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; David Uitti, yes and Holly Morris, yes.

### **CPA Project Application Update – Alden Street Pickleball Court (Kathy Cross/Tony Kelso):**

Kathy Cross recommended the CPC approve the Pickleball Court CPA application for funding at the 2022 Annual Town Meeting. Gordon Cushing, Recreation Director, answered questions from the CPC regarding parking, court sign up procedures, noise, screening and cost of the project. There are no plans for court lights. Tony Kelso reported he spoke with the Library Director who had no objections to the new courts. He also stated the project met all the CPA recreation requirements. It was suggested signs be placed at the courts indicating partial CPA funding. It was also noted that a similar sign should be placed at the Tarkiln pickleball courts.

Kathy Cross made a motion, seconded by Tony Kelso, to recommend the Alden Street Pickleball Court project be moved forward for funding at the 2022 Annual Town Meeting, with the \$88,000 funded from the CPA undesignated account. Motion passed unanimously on a roll call vote: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; David Uitti, yes; and Holly Morris, yes. Motion carried 6-0

**ADMINISTRATIVE MATTERS:**

**Approval of Minutes:**

**Regular Session: November 4, 2021.** Tony Kelso made a motion, seconded by Paul McCormack to approved the Minutes of November 4, 2021. Motion passed unanimously on a roll call vote: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; David Uitti, yes; and Holly Morris, yes. Motion carried 6-0

**Regular Session: November 10, 2021.** Tony Kelso made a motion, seconded by Paul McCormack to approved the Minutes of November 10, 2021. Motion passed unanimously on a roll call vote: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; David Uitti, yes; and Holly Morris, yes. Motion carried 6-0

**Release of Executive Session Minutes:** Nancy Rufo reported Holly Morris received a Public Records Request from Elizabeth Lewis (62 Bravender Road) for specific Community Preservation Committee Executive Session and Open Session minutes from the last five years. A response must be received by the requesting party within ten business days. Ms. Rufo compiled the requested minutes. Prior to the meeting, Ms. Rufo developed and distributed to Committee members a spreadsheet of the approved Executive Session minutes and a copy of Ms. Lewis' Public Records Request letter. Town Clerk, Susan Kelley has stated a blanket motion may be made to approve release of all the approved Executive Session minutes. A section of the June 24, 2020 minutes has been redacted pending the outcome of an ongoing issue. Discussion followed on the legalities of releasing Executive Session minutes to the public. Joe Grady stated this release of minutes is also a "housekeeping" matter as the Executive Session minutes had not previously been approved for release.

Kathy Cross made a motion, seconded by Paul McCormack, to release the Executive Session minutes from 1/14/2016 to 1/25/2021, also 6/21/2021 minutes and redacted minutes for 6/24/2020 to satisfy the Public Records Request. Motion passed unanimously on a roll call vote: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; David Uitti, yes; and Holly Morris, yes. Motion carried 6-0

Kathy Cross made a motion, seconded by Tony Kelso, to approve and release the Executive Session minutes of 1/19/2017. Motion passed unanimously on a roll call vote: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; David Uitti, yes; and Holly Morris, yes. Motion carried 6-0

**Project Updates:**

**Pink Land Purchase** - Joe Grady reported the closing date for the town's purchase of the Pink property will likely be moved to the end of this month. Eight cars are being removed from the property and a Phase 1 Hazardous Waste Assessment is being conducted. Because borrowing is involved in funding the acquisition, Bond Counsel does not approve of

the Farming Agreement. A meeting of all parties is scheduled for tomorrow, December 3, 2021 to resolve the issue.

**Jaycox Tree Sales** – Tree sales at the Jaycox Christmas Tree Farm will be held on December 4<sup>th</sup> and 5<sup>th</sup>. A large crowd is expected.

**2022 Annual Town Meeting CPC Warrant Articles** – Joe Grady reported the 2022 CPC Town Meeting Articles will include the Pickleball Court funding request; the 10,10,10 allocation of CPA funds to the three CPA purposes; 5% to administration; approval of the Harrington Historic District; and dividing the Harrington property for affordable housing, conservation and sale of the house. The Affordable Housing Trust will be reimbursed with funds from the sale of one restricted Harrington lot. Tag Carpenter also reported an Historic Restriction will be placed on the house before it is sold. Mr. Grady reported documents for the American Legion project and the Affordable Housing Trust will be acted on at the next Selectboards' meeting on December 6, 2021.

**Motion for Entering Executive Session:** Kathy Cross made a motion, seconded by Tony Kelso, for the need to enter Executive Session. "I move we go into Executive Session for the purpose of discussing consideration of the purchase, exchange, lease or value of real estate, since an open meeting may have a detrimental effect on the strategizing and negotiating position of the Town, if the chair so declares, in accordance with Mass. General Laws Chapter 30A, section 21, and that the Committee will adjourn immediately after the completion of this Executive Session." Ms. Morris stated, "As Chair, I declare that the necessity for an Executive Session to discuss consideration of the purchase, exchange, lease, or value of real estate, as to do so in an Open Session may have a detrimental effect on the Town's strategizing and negotiating position."

Motion passed unanimously on a roll call vote: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; David Uitti, yes; and Holly Morris, yes. Motion carried 6-0

**Adjournment:** Following the Executive Session, Tag Carpenter made a motion, seconded by Paul McCormack, to adjourn the Executive Session and Open Session at 9:29 a.m. Motion passed unanimously on a roll call vote: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; David Uitti, yes; and Holly Morris, yes. Motion carried 6-0

**Next meeting is scheduled for December 15, 2021 at 9:00 a.m.**