

Date: July 25, 2022

Date Minutes Approved: 09/26/22

TOWN CLERK

2022 SEP 27 AM 10:24

DUXBURY MASS
OPEN SESSION MINUTES

DUXBURY SELECTBOARD

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

Absent: None

Staff: John Q. Adams, Actin Town Manager; and Michelle Seda-Stotts, Administrative Assistant

Others: Joe Grady, Con Com; Nancy Rufo, Con Com; Susan Kelley, Town Clerk; Cris Lustazi, DBR Exec Director (Via Remote); Peter Mackin, Superintendent Water Dept.; Scott Casagrande, Planning Board - Chair; Brian Glennon, PB – Vice Chair; Keith McDonald, PB – Clerk; Emily Hadley, Planning, Admin. Asst.; Christopher Ryan, Planning Director.

CONVENED IN OPEN SESSION

I. CALL TO ORDER This meeting was called to order at approximately 7:10pm.
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

II. EXECUTIVE SESSION

6:45 p.m. Executive Session – Discussion regarding the purchase of real estate

Mr. McGee moved they go into executive session for the purpose of discussing consideration of the purchase, exchange, lease or value of real estate (Conservation Department), 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 Selectboard will adjourn and re-convene in Open Session on or about 7:00pm immediately after completion of this Executive Session.

“Mr. Guitart, as Chair, declared the necessity for an Executive Session to discuss strategy with respect to the 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 bargaining, strategizing and negotiating position.”

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

IV. OPEN FORUM - None

V. NEW BUSINESS

Discussion regarding the purchase of real estate – Conservation

Mr. Grady was pleased to announce the Selectboard has executed the P&S of 36 acres of land located on Mayflower Street. An active Cranberry bog owned by Mr. Ricker, who is willing to sell to the Town of Duxbury for \$1.5 million. The funds will come partly from the Water Dept, the Community Preservation Fund, and they are looking to have a fall town meeting to bring to the residents. The land consists of 15 acres of active Cranberry Bogs.

7:05pm Water & Sewer Commissioners – Discussion regarding Water drought – Peter Mackin

Mr. McGee moved that the Selectboard adjourn the meeting as the Selectboard in order to meet as the Water & Sewer Commissioner, with the intent or reconvening as Selectboard afterward.

Seconded by Ms. MacNab Vote: 5:0:0

Mr. Mackin began the discussion by stating that Indianhead dictates that we must enact the following restrictions:

All households are restricted to conduct outdoor watering to **ONE** day per week.

All outdoor watering is to be done before **9AM** and after **9PM**

The use of a hand-held hose is allowed any day of the week when mandatory restrictions are in place. The hose must be equipped with an automatic shut off style device which would stop the water from flowing if the person were to walk away or drop the hose. Rain sensors must be used in all irrigation systems, and residents must choose one day for watering. If these restrictions are not adhered to and the water level continues to go down, it is possible that it will be restricted to zero days.

Ms. MacNab raised several concerns about the water ban and perhaps implementing an alternative schedule for watering. Ms. MacNab also mentioned the Water report presentation and the need to discuss the private wells and the impact it has on the Town. She also mentioned the need to revive the Water Advisory Committee and get them involved with the current situation. Mr. Guitart postulated the restriction is currently at **One Day** per week.

Mr. McGee moved that due to the drought conditions and in order to maintain our water supply for domestic use and fire protection, the Water & Sewer Commissioners approve mandatory outside watering restrictions effective until such time that our withdrawal permit allows or the State deems otherwise.

All households are restricted to conduct outdoor watering to **ONE** day per week.

All outdoor watering is to be done before **9AM** and after **9PM**

The use of a hand-held hose is allowed any day of the week when mandatory restrictions are in place. The hose must be equipped with an automatic shut off style device which would stop the water from flowing if the person were to walk away or drop the hose.

RAIN SENSORS MUST BE INSTALLED AND USED ON ALL IRRIGATION SYSTEMS.
*****VIOLATORS WILL BE FINED \$50 FOR THE FIRST OFFENSE AND \$100 PER DAY**
FOR EACH ADDITIONAL OFFENSE***

YOUR FULL COOPERATION IS REQUIRED TO HELP AVOID A TOTAL BAN ON
OUTDOOR WATER USE.

Seconded by Ms. MacNab Vote: 5:0:0

At approximately 7:20 pm Mr. McGee moved that the Water & Sewer Commissioners adjourn and reconvene as the Selectboard.

Discussion with Town Clerk – Susan Kelley

Ms. Kelley reviewed the Voting Hours for the 2022 State Primary and State Election, stating the hours mirrored Town Hall hours with the exception of Monday till 4pm and having hours on Saturday, 9am-3pm. Ms. MacNab questioned the hours being considerate of those that work, so that they be able to vote in the evening. Ms. Kelley responded that many are doing early or mail in voting, the traffic doesn't warrant staying later.

Call for State Primary Election

Mr. McGee moved that the Selectboard directs either of the Constables of the Town of Duxbury to notify and warn inhabitants of Duxbury who are qualified to vote in the State Primary Election to vote All Precincts at the Lt. Timothy J. Steele Athletic Building, 130 St. George Street, Duxbury, Massachusetts on Tuesday, the 6th Day of September, 2022 from 7:00 AM to 8:00 PM.

Seconded by Ms. Macnab Vote: 5:0:0

The Fall Primary In-person Early Voting and Signing of Warrant

Mr. McGee moved that the Selectboard vote to set the hours for in-person Early Voting for the September 6th State Primary and November 8th State Election as presented by the Town Clerk.

Seconded by Mr. Flynn Vote: 5:0:0

Assigning Police Detail for election security

Mr. McGee moved that the Selectboard vote, per the recently passed VOTES Act, Section 72 of Chapter 92 of the Acts of 2022, to assign a sufficient number of police officers at the polling location on September 6, 2022 to preserve order and to aid in enforcing the laws relating to elections, and further, to vote to designate the Police Chief and his/her designee as the appointing authority of police details for **all** elections, assigning specific police officers according to scheduling and availability.

Seconded by Mr. Flynn Vote: 5:0:0

Duxbury Beach Reservation Roles & Responsibilities

Mr. Guitart commented that being able to enjoy over sand access to Duxbury beach is very much appreciated by many and when that opportunity to access the beach is taken away, without an end in sight, it can and does cause frustration and anger. Tonight's agenda item – DBR's Roles & Responsibilities is the first step in providing insight, to all those impacted, on who exactly does what in managing and controlling over sand access to the beach. How we communicate internally between DBR and the Town, and most importantly, how do we communicate to the public.

Ms. Luttazi began by discussing the most recent events, stating that there had been misleading and incorrect information posted on social media and distributed regarding Duxbury Beach Reservation's management. These accusations are damaging in the interest of DBR and negatively affect the relationship between DBR and the Town of Duxbury. The Reservation's action to protect the barrier beach are essential to Duxbury Beach and critical to Duxbury's own shoreline and to discuss the following Beach Reservation points:

1. As per the state and federal regulations, the decision to open crossovers is based on the following: location, location, location: Where the base of the dune is located, where the driving corridor is located, where the crossovers are located, how close are the listed species nests to these areas, and where are the unfledged/chicks range to these areas. When the birds have cleared the necessary areas, then Beach Operations determines when crossovers open, how many vehicles are allowed, what crossovers are open, and beach access dates and times.
2. The Reservation has on staff some of the most talented and educated experts on listed species protection and control, and they are well regarded and trusted by state and federal regulators. One facet of that expertise is knowledge of when a bird has "fledged", which involves observation of each individual bird as to the date of laying, time for hatching, the rate for development, and observance of specific flight capacity (both in distance and height). The time of fledging of any individual bird is not 100% predictable, as we are speaking about wildlife. The requirements to be met are for each individual bird.
3. The Reservation believes in and abides by the need for transparency, and as such the Reservation provides weekly comprehensive status reports of listed species activity to the Duxbury Beach Operations Division and Town Manager's office. This has been the Reservation's protocol since taking over the shorebird management three years ago. This year, the reports started on April 29th of this season and have continued since. Any statements regarding the Reservation's lack of providing this information, either this year or last year for that matter, are completely and utterly false.
4. The Reservation works closely with the Town's Duxbury Beach Operations Division. There are weekly senior management calls, weekly on-site meetings, and electronic communication throughout the day discussing topics ranging from plover crossings and speeding vehicles to vandalism and fencing. Beach Duxbury Beach Operations Division is responsible for vehicles (and their occupants), as well as pedestrians. The Reservation's focus is the ecology, including the listed species.
5. The Reservation requires regulatory approval under state and federal rules to allow the passage of non-essential vehicles on Reservation property. Without the required State permit,

no recreational motor vehicles would be allowed to drive onto and park on the beach, park in our parking lots, drive on the private backroad, or drive over the Powder Point Bridge. The Reservation has obtained this State permit as the result of the expertise of the Reservation's talented staff. The permit is conditional on compliance with the applicable rules and regulations.

6. Duxbury Beach is not closed to recreational use. More than 4.5 miles of DBR shoreline and related designated parking lots and public facilities, remain today open and enjoyed by thousands of people.
7. The Reservation will not knowingly disregard or violate any rule or regulation related to listed species for activities on the beach.
8. The Reservation requests in the future that if the SelectBoard has a concern or question regarding the management of listed species on Duxbury Beach, a meeting is set where both parties are present. The Reservation welcomes the opportunity to speak to the public.

Ms. Luttazi reiterated that all information is shared with the Town, and the Town shares it with the residents. Ms. Luttazi wanted to correct any misconceptions about the DBR and what it does. Mr. McGee stated it is his understanding that DBR intentionally does not share plover activity to stave off malicious behavior which has been increasingly exponential in Ms. Luttazi's view. Ms. Luttazi responded that we do not share plover activity with the public, specifically on mapping, locations and crossings, because that would be letting the public know where they could damage, vandalize or kill listed species. It is not allowed for any beach to specifically share that information. Mr. McGee questioned the information that goes to the public. Ms. Luttazi responded that she shares information with the Town's departments and Beach Ops, which manage the beaches, on a daily basis, and they are responsible for the information that is dispelled to the public. DBR does not speak directly to the public regarding access to the beach, that is the Town's responsibility. All information is shared with Beach Ops and the Town Manager's office. Ms. Luttazi stated that with the endangered species she gives both departments listed information, how many birds, where they are located and what their intended fledge dates are. Mapping information is shared with them but not with the public, doing so would put the birds at risk. Ms. Luttazi stated that it is impossible to predict when the cross overs will close or open because it depends on the number of pairs and where they nest. There are two listed species and one nests in pairs and the other in colonies. McGee inquired about the permits for the different birds. Ms. Luttazi stated that it depends on the birds and where they nest. Mr. McGee wanted to have a meeting with the division of Wildlife Preserve because he feels that they make it extremely difficult for residents to have beach access. Ms. Luttazi stated that they have never had issues working with the Federal and State guidelines and without this permit no one would drive on the beach and over-sand vehicles would not be permitted. The only people able to use the beach would be those that walk on. Mr. McGee would like to have more communication from DBR regarding working to give information to public. Ms. MacNab commented that she believes it is unfortunate that there is a tone, knowing the importance of the beach to its residents and the Town, and to DBR. This relationship between the Town and DBR needs to be nurtured and respected. The collaboration and cooperation of the two entities has served all, and are personally committed to improving this very important relationship. Ms. Ladd Fiorini thanked Ms. Luttazi for coming and clarifying what role the DBR plays in taking care of the beach and its inhabitants. Mr. Flynn agreed that the communication has been the

best it's ever been and thanked her for doing a great job. Mr. Guitart expressed his appreciation for the DBR and agreed that we will continue to improve on our communication. Mr. Guitart asked if there were any questions or comments from the audience. Mr. Brian O'Sullivan, 600 Summer Street, commented that the beach is open but the access is not viable. He commented on the beach not being available from June to the end of July does not warrant the sale of beach stickers. Mr. Tyler Kelly, 167 Cross Street, also commented on the restrictions in place - are they the least restrictive allowed by federal and state law and are there any alternatives. He and his family would like to enjoy the beach more. Mr. Guitart thanked them for their comments and moved to the next topic.

Discussion regarding Comprehensive Plan Implementation Update with the Planning Board

Mr. Casagrande began by introducing the new Planning Director, Mr. Christopher Ryan; and opening the Planning Boards meeting. Mr. Ryan introduced himself and was happy to be in attendance at tonight's meeting and working with everyone. Mr. Guitart welcomed him to Duxbury and is looking forward to working with him as well. Mr. Casagrande began the conversation with an overview of the Comprehensive Plan (CP). This meeting is to review where we are going with the CP. Mr. Casagrande stated that we need to find out where all departments are with the CP. Mr. Guitart inquired about who is primary responsible. Mr. Casagrande stated that is part of the organization and how we push forward. Over-all we have a really good plan. Mr. McGee suggested utilizing technology to keep track of these tasks. Mr. Casagrande agreed that quarterly updates from each group and having it updated in the CP. Ms. MacNab suggested that the Selectboard create a policy that each group/committee follows to present their proposals to the board. Ms. Ladd Fiorini stated that, that is where the liaisons come in. Mr. Guitart commented that it would just be tracking completion and notify the PB of where they are at. Mr. McGee suggested some ground rules on how they are to present. Mr. Casagrande suggested we see how the self-management works. Mr. Dave Uitti, planning board member, commented to get the process going, that a joint letter from the Selectboard and the Planning Board, to all committees, that suggests a target date and what needs to be completed. Mr. Adams stated that he had sent such a letter to all committees and departments. Ms. Ladd Fiorini suggested Mr. Uitti write such letter. Mr. Carpenter commented that he can create the action item list for each of the boards and Mr. Uitti agreed to helping Mr. Carpenter in sending it out to each committee. The Selectboard was happy to hear this. Mr. Casagrande adjourned the Planning Board and moved to another meeting space.

VI. TOWN MANAGER'S REPORT

Mr. Adams shared the following:

1. Budget Message (Draft attached)
A discussion regarding the draft was had. The Selectboard was all in favor of the draft and agreed to it being distributed.
2. Hiring Updates:
 - a. Town Planner-Chris Ryan started last Monday
 - b. Conservation Administrator – Nancy Rufo who has been the Administrative Assistant to the Conservation Director since April 2021 has been hired as the new Conservation Administrator.
 - c. Recreation Director – Job posted, hiring team in place, interviews to begin tomorrow.
 - d. Chief Technology Officer – Hiring Team in being put together.

3. Turf Field Update – The Field is currently being regraded. They will start laying down the new turf the first week of August.
4. Chapter 107 of the Acts of 2022 has been signed into law allowing meetings to continue remotely until March 2023.
5. Special Town Meeting will be Monday, October 17, 2022
 - a. McClean's Way Acceptance
 - b. Proposed Increase in CPC surcharge (Requires Ballot vote at next regular election)
 - c. Place Holder for Funding Collective Bargaining Agreements
 - d. Rescind Borrowing (in anticipation of Plymouth County ARPA funding for PFAS Filtration)
 - e. Place Holder for Supplemental Appropriations
 - f. Add positions to Article 4 matrix
6. Opioid Abatement Program working group is scheduled to have its kickoff meeting on August 5th.

Ms. MacNab inquired about the Hiring committee for the CTO and the Recreation Director. Mr. Adams responded that if there is a Selectboard on the hiring team it is more the exception than the rule. There is usually a hiring team for Department Heads. Ms. MacNab was looking for a standard policy for hiring of department heads, but there is no designation of who is on that team. Mr. McGee stated that Ms. Horne was doing a remarkable job at filling all the vacancies that have come up. Ms. MacNab also thanked Mr. Adams and Ms. Seda-Stotts for all their hard work during these difficult times.

VII COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Mr. McGee moved that the Selectboard recognize the following appointments/re-appointments/resignations:

Council On the Aging

| | | |
|---------------------------|---------------------|------------|
| Dwight Shepherd (T-2) | FY23 Re-Appointment | 06-30-2025 |
| Kathy Capraro (T-2) | FY23 Re-Appointment | 06-30-2025 |
| Leslie McCarthy (T-2) | FY23 Re-Appointment | 06-30-2025 |
| Frederick VonBargen (T-2) | FY23 Re-Appointment | 06-30-2025 |

Seconded by Mr. Flynn Vote: 5:0:0

The following boards/committees have available seats:

| | | |
|---|---|------------------|
| <i>Duxbury Seawall Committee</i> | - | <i>one seat</i> |
| <i>Economic Advisory Committee</i> | - | <i>two seats</i> |
| <i>Sidewalk & Bike Path Committee</i> | - | <i>one seat</i> |

Comments:

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 Forms & Documents tab.

VIII ONE-DAY LIQUOR LICENSE REQUESTS

Alden Reunion Dinner

Mr. McGee moved That **Ms. Desiree Mobed**, as a representative of the Alden Kindred of America, Inc., is granted a One-Day All Alcoholic License for their **Alden Reunion Dinner**, on Friday August 5, 2022 from 5:00pm – 8:00pm, at the Alden House Historic site, 105 Alden Street, Duxbury, contingent upon the conditions of the licenses.

Seconded by Mr. Flynn Vote: 5:0:0

Outstanding in the Field

Mr. McGee moved That **Ms. Lydia Witter**, as a representative of **Outstanding in the Field**, is granted a One-Day Wine and Malt License for a dinner event to be held at the property of Charles J. Husk, 160 Marshall Street, Duxbury, MA on Saturday, August 13 and Sunday, August 14, 2022 from 4:00 PM to 9:00 PM, contingent upon the conditions of the license.

Seconded by Mr. Flynn Vote: 5:0:0

Ms. Ladd Fiorini commented that this particular property was cited with illegally running a B&B, as well as, the traffic being caused by their guests and the complaints of the other residents on this road. Ms. MacNab also commented on the legal issues that are coming forth and shared her concern for the use of this property. Ms. Seda-Stotts agreed to send an email to the event coordinator, and the police department that there should be no parking of patrons on the road leading to the event site.

IX. EVENT PERMITS - *None*

X. MINUTES

Mr. McGee moved to approve the 06/17/22 Selectboard's Open Session Minutes, as presented.

Seconded by Mr. Flynn Vote: 5:0:0

XI. ANNOUNCEMENTS

- 1) **Next Scheduled Selectboard's Meeting** will be on Monday, August 8, 2022 at 7:00pm.

XII BONUS SHELLFISH (Month of July)

Mr. McGee moved that the Selectboard declare a temporary Bonus Shellfish Season for:

- 1) The commercial harvesting of softshell clams for the month of **AUGUST**. Regulations as attached. (Please see Attachment B & C)
- 2) The commercial harvesting of quahog clams for the month of **AUGUST**. Regulations as attached. (Please see Attachment A & C)

Seconded by Ms. MacNab Vote: 5:0:0

XIII ADJOURNMENT

Mr. Guitart moved that the Board of Selectmen adjourn at approximately 9:05pm.

Seconded by Mr. Flynn Vote: 5:0:0

Minutes submitted by Michelle Seda-Stotts

LIST OF DOCUMENTS

- 1) BOS Agenda*
- 2) Executive Session Motion*
- 3) Water & Sewer Commissioners Agenda*
- 4) Motions regarding State Primary Election*
- 5) Discussion points for DBR*
- 6) Comprehensive Plan Update*
- 7) Appointments/Re-Appointments/Resignations*
- 8) ODLL – Alden House Reunion*
- 9) ODLL – Outstanding in the Field*
- 10) Minutes for Approval*
- 11) Announcements*
- 12) Bonus Shellfish Season – August, 2022*

Town of Duxbury, Massachusetts

Finance Director
John Q. Adams

Town Accountant
Carrie Mazerolle



Treasurer/Collector
Jill Stewart

Assessing Director
Stephen Dunn

To: Department Heads, Boards, & Committees

From: John Q. Adams, Finance Director (Acting Town Manager)
Rene' J. Read, Town Manager

Subject: Fiscal 2024 Budget Materials and Instructions

Date: August 1, 2022

CC: Select board; Finance Committee; Fiscal Advisory Committee

Attached you will find your budget preparation packet for fiscal year 2024 operating budget requests. *Please be advised that the deadline for submission of budgets is **Friday, September 2, 2022.***

This memo includes the following items:

1. FY 2024 Budget Calendar
2. FY 2024 Departmental Meeting Schedule

Each department's budget data will now be entered into ClearGov, the Town's Budget and Transparency software. You have all been provided the opportunity for training and the software is fairly easy to use. If you feel you need additional training or help, please contact the editor (John Adams).

There are no Collective Bargaining Agreements in place for Fiscal Year 2023 or 2024 at this time, although this may change for some departments during this process. You can use current Bargaining Agreements for addressing STEP increases to personnel wages but **DO NOT** estimate COLA'S at any level for this budget process until asked to do so. Karen will be completing FY 2024 Salary Workbooks to help you if you need it.

Once you have submitted your budget to the editor (John Adams) you will be contacted via software or other means. You will be locked from making any edits until such time as the editor has unlocked or "pushed back" items to you.

We had finished our FY 2021 year on a very positive note in terms of an operating surplus. Because of that we do have a little flexibility in FY 2024 to address some issues that have been neglected in the past. While I will not be imposing any budgetary limits, we are still subject to proposition 2 ½ that severely hampers what we can ask for. When putting your FY 2024 budget together I request that you adhere to the following:

- 1.) Please keep your budgets within reason. Be assured that any large increases will be sent back to you. Since the budgets do not contain any COLA's at this time they won't be the budget drivers early in this process. If you have significant increases before collective bargaining agreements are settled your budget may be pushed back unless there are clear and concise reasons why this is needed and is supported by some evidence.
- 2.) We are looking for each department to draft a written strategic plan. In the weeks leading up to this MEMO John and Carrie have met with you to inform you about the Town's desire to come up with a comprehensive strategic plan. We went through a "SWOT" analysis with each of you to utilize as a tool to help you come up with a 3-to-5-year strategic plan for your department. This can be a formal or informal document but it should provide evidence that you have at least thought about this in your budget process and "brain-stormed" with others in your department. Here are some examples of more formal documents:
<https://www.town.duxbury.ma.us/duxbury-free-library/pages/strategic-plan>
<https://www.duxbury.k12.ma.us/Page/12102>
- 3.) As I mentioned to you in our meetings, please place an emphasis on explaining why you have the FTE's that you have. What basic service does that configuration provide? How would that configuration change if you no longer provided a particular service or if you added another level "premium" service.
- 4.) Please upload any supporting documents into the appropriate line item(s) in Clear Gov. This is one feature I would like you all to utilize to provide a better historical record that will be held in perpetuity. It also helps for better continuity when there is a change in department heads and other key roles.

We have included a budget calendar in this packet. Please review the attached budget materials closely, and feel free to contact René Read or John Adams if you should have any questions or concerns throughout the process. As always, we welcome your suggestions and input with regard to the overall budget.

If you have any additional questions or concerns, please let us know.