

Date: February 13, 2023

Date Minutes Approved: 03/20/2023

TOWN CLERK
2023 MAR 21 AM 10:11

SELECTBOARD

OPEN SESSION MINUTES

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

Absent: None

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

Others: Joanne Moore, COA Director; Mike Thorp, Veterans' Agent; and Jeannie Horne, HR Director

CONVENED IN OPEN SESSION (*in-person and Via remote participation by Zoom*)

1. **CALL TO ORDER** This meeting was called to order at approximately 7:00pm. 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. 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.

2. **PLEDGE OF ALLIGIANCE**

3. **OPEN FORUM**

Ms. MacNab reminded everyone that there is a Special Town Meeting on Tuesday, February 28, 2023 at the Performing Arts Center at 7pm – she encouraged all to attend in order to vote.

4. **NEW BUSINESS**

Discussion regarding Senior Tax Work-off Program – presentation by Joanne Moore, COA Director

Ms. Joanne Moore, Director of the COA, explained that under MGL c.59 §5K, since 1995, this has been a vibrant program for many years, which did not include income or asset guidelines. In 2022, after the pandemic had halted this program, income and asset guidelines were implemented, which resulted in only one applicant meeting the criteria. They did meet in January with the Board of Assessors to discuss these guidelines and agreed to remove the asset requirements in order to increase participation. That did not work. There were several applicants who just missed out supporting the Town due to the income guidelines and there are 35 requested volunteer slots to be filled spread out

across many departments. Ms. Moore and the COA Board are requesting that the Selectboard vote to remove the income guidelines to revitalize this program to pre-pandemic levels, which would remain consistent with Section 5K – as it is within the Selectboard’s purview to approve this. Ms. Chris Coakley, Senior Center, said that this was always a robust program for highly qualified older adults who want to work. She added that this is a huge benefit to the Town because they are doing this work at minimum wage. Mr. Ken Beebe of the COA Board remarked that when Town Meeting initially set up this program there was no income or asset criteria. He told the Selectboard that it is under their authority to determine the standards and suggested the lifting of these barriers.

Mr. Guitart asked if it is within the budget to support the 35 requested positions at \$1,000 each. Mr. Adams confirmed that this is in the control of the Board of Assessors and believe they have planned for the \$35,000.

There was also discussion regarding the Brave Act, which will be coming forward at Town Meeting with similar guidelines up to \$1,500. Mr. Guitart asked that if this was approved, would the Senior Center and the Veterans’ Agent work together to stay within the \$35,000 cap. Both Ms. Moore and Mr. Thorp agreed that they would work together to stay within this cap.

Mr. McGee moved that the Selectboard remove the imposition of asset and income limits under MGL c. 59 §5K. *Seconded by Mr. Flynn Vote: 4:0:1 (Ms. MacNab abstained)*

Declaration of Surplus Property – Harbormaster Floats – presented by Jake Emerson, Harbormaster

Jake Emerson, Harbormaster, is requesting that the Selectboard declare as surplus floats that have come to the end of their useful life and will be replaced.

Mr. McGee moved to declare as surplus the following:

1991 16’x20’ and 16’x25’ Floats

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 Ms. MacNab Vote: 5:0:0

Discussion regarding General License for SurfDogz – J. Bertoni

The applicant has applied for a General License for the operation of a food truck for the preparation and serving of hot dogs during Spring 2023 sports season (baseball and other sporting events) at designated fields, which we will be provided a list of the date/time/location of events attending.

Mr. McGee moved that the Selectboard approve a General License for James Bertoni d/b/a Surf Dogz, contingent upon the completion of all Board of Health, Fire Department, and Municipal Services Department inspections and receipt of all appropriate permits / licenses, and the payment of all fees.

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

Discussion regarding approval of 2023 Common Victualler license for the Duxbury House @ The Village Memory Care Residence

Mr. McGee moved that the Selectboard approve the Common Victualler License for 2023 for the Duxbury House @ The Village Memory Care Residence, subject to satisfactory inspection by the Municipal Services Department and the Board of Health, receipt of all requirements and payment of all funds/fees owed to the Town of Duxbury.

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

Discussion pertaining to Temporary Memorial Light Display to be located at Holy Family Church – presented by Doug Handfield

Mr. Handfield stated that he has confirmed placement of this lighted memorial on the property of Holy Family Church during the month of March. Both Mr. Clancy and the Ladd family have given permission and approved of this memorial, which will be called the Four Angels Memorial. There will be an opening vigil in support of the families and the public safety departments.

Mr. McGee moved that the Selectboard permit the temporary placing of four spotlights in a row, on the property of Holy Family Church, as requested by Mr. Handfield in his email dated January 30, 2023, on behalf of the Clancy children and Laney Ladd, and in accordance with the Zoning Bylaws Section 601.8. Exempted Signs which states “*Temporary signs erected for any charitable or religious cause or allowed by the Board of Selectmen,*” contingent upon the following conditions:

- 1) Placement of spotlights as described in the request dated January 30, 2023.
- 2) Displayed at the following locations:
-Holy Family Church property (exact location TBD)
- 3) Signs/Spotlights can be displayed for the period of up to 30 days.

Seconded by Mr. Flynn Vote: 4:0:1 (Ms. Ladd Fiorini recused herself)

Discussion regarding proposed change of Charge for Coastal Resiliency Task Force

Ms. Ladd Fiorini stated that the group discussed the existing Charge and decided that it was not broad enough so they came up with a more comprehensive charge with greater depth.

**The updated Charge can be found on the Coastal Resiliency Task Force webpage on the Town’s website.*

Mr. McGee moved that the Selectboard approve of the changes and updates to the Charge of the Coastal Resiliency Task Force, as presented. *Seconded by Mr. Flynn Vote: 5:0:0*

Discussion, review, and possible vote on the following March 11, 2023 Annual Town Meeting Articles:

Article 3 – Compensation of Elected Officials

Mr. McGee moved that the Selectboard support and recommend approval of the March 11, 2023 Annual Town Meeting Article No. 3 regarding Compensation of Elected Officials, as presented.

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

*(*Note: this will be re-voted at a future Selectboard meeting as Ms. MacNab inadvertently did not recuse herself from this vote as her husband is on the Board of Assessors)*

Article 4 – Funding of Salaries

Mr. McGee moved that the Selectboard support and recommend approval of the March 11, 2023 Annual Town Meeting Article No. 4 regarding Funding of Salaries, as presented.

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

Article 20 – Citizens’ Petition – Acceptance of MGL re: Effect of Military Service on Salary, Seniority, and Leave Allowances – presented by Officer Joseph Pollini

Mr. Pollini submitted this Citizens’ Petition for this personnel by-law change for those in the reserves and active military that take leave during their employment and is requesting local adoption. Ms. Horne confirmed that there have only been five benefit eligible full-time employees with active military status over the last 12 years. Mr. Pollini confirmed that currently he is required to use up his accrued time (vacation/personal) when he participates in his reserve/military/drill duty.

The Selectboard chose not to vote on this article until after the Finance Committee has had the chance to review and vote on.

Article 19 – Acceptance of further provisions of the “Brave Act” – presented by Mike Thorp, Veterans’ Agent

Mr. McGee moved that the Selectboard support and recommend approval of the March 11, 2023 Annual Town Meeting Article No. 19 regarding Acceptance of further provisions of the “Brave Act,” as presented. *Seconded by Mr. Flynn Vote: 5:0:0*

Article 12 - Funding of Design, Permitting and Construction of the Seawall-Related Duxbury Beach Nourishment Project

Mr. McGee moved that the Selectboard support and recommend approval of the March 11, 2023 Annual Town meeting Article No. 12 regarding Funding of Design, Permitting and Construction of the Seawall-Related Duxbury Beach Nourishment Project, as presented.

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

Article 13 - Funding of Engineering, Design, Permitting and Construction of the Duxbury Beach Seawall

Mr. Guitart began the discussion by saying that most likely today we wouldn’t be building a seawall, but back in 1956 it was a good idea. So now we have 272 homes behind that seawall, which is there to protect homes from a direct hit of a catastrophic storm, and we need to replace it – but how do we pay for it. I chose to live where I do and would pay betterments to protect my home. Betterments need to be charged. He mentioned there are also reasons to share in the cost 1) Sense of community as we don’t want people to lose their homes; 2) Economic value and tax contributions of those homes; and 3) the debt service/load has gone done even though it will increase the construction of the new DPW Facility (with the added assumption that grants would help payoff the debt). Mr. Guitart opined that he would like to see a 2.5% betterment (as there are 85 homes paying that now based on the 2018 storm and the new sections of the seawall damaged at that time). Mr. Flynn added that we should keep putting money away to build up to \$750,000, which could be applied to a \$3m grant and do a section of the wall. Ms. Ladd Fiorini agreed with Mr. Guitart as far as the 2.5% betterment, but that we should move forward with repairing the wall as a whole, not just in sections. Mr. McGee also agreed

with the betterment and to take advantage of any grant opportunities. Ms. MacNab remarked that she didn't feel that the article would pass at a 2.5% betterment. She also didn't believe it to be fair and equitable for all residents of the Town and would like to see a higher betterment at around at least 20% or higher.

Ms. Betsy Sullivan, Finance Committee Chair, said that the rest of the Town that does not have access to or the benefit of the beach (can only access to fish, fowl & navigate) will be paying 97.5%, which doesn't seem fair to ask others to pay more, and also does not see this passing at Town Meeting. The people currently paying betterments because they received a break given that it was a declared emergency and FEMA stepped in.

There were more lengthy and detailed discussions regarding whether or not we need to repair the wall, how long the wall will last, what happens when sea level rise floods the area, and the need to check with Town Counsel regarding betterment charges (*during the meeting, Town Counsel opined that betterments cannot exceed the enhanced value of the property*).

Mr. Guitart stated that they need to determine a betterment before they can vote on the article.

No vote on the article was taken.

Motion on the repair/construction of the seawall. (not the article)

Mr. McGee moved that the Selectboard support and recommend the engineering, design, permitting and construction of a Duxbury Beach Seawall. *Seconded by Mr. Flynn Vote: 5:0:0*

5. TOWN MANAGER'S REPORT

Mr. Read mentioned a question from a resident about residency issues and how the votes will be taken at the Special Town Meeting on Tuesday, February 28.

Answer from Town Clerk Susan Kelley:

"As always, at check-in, poll workers will be using a current voter list to verify voter status for participation at town meeting. Registered voters will be provided with a piece of paper with a sticker dot to use as "identification" when voting (only raised hands with slips of paper will be counted as a vote). Non-residents need to sign in and will be directed to sit in section 4 (upper section, left from the stage viewpoint). As I will have staff present to hand count, if necessary, I will also post someone at the door to direct non-residents to the upper level."

6. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS None

7. ONE-DAY LIQUOR LICENSE REQUESTS

04/01/23 Law Mom First Time Homebuyers Seminar

Mr. McGee moved that Samantha Allen, as a representative of Law Mom LLC, is granted a One-Day Wine and Malt License for their First Time Homebuyers Seminar, on Saturday, April 1, 2023 from

10:00am – 12:00pm, at Law Mom, 5 Chestnut Street, Duxbury and, contingent upon the conditions of the license. *Seconded by Mr. Flynn Vote: 5:0:0*

09/28/23 Law Mom Asset Protection Seminar

Mr. McGee moved that Samantha Allen, as a representative of Law Mom LLC, is granted a One-Day Wine and Malt License for their Asset Protection Seminar, on Thursday, September 28, 2023 from 7:00pm – 9:00pm, at Law Mom, 5 Chestnut Street, Duxbury and, contingent upon the conditions of the license. *Seconded by Mr. Flynn Vote: 5:0:0*

8. **EVENT PERMITS** None

9. **MINUTES**

Mr. McGee moved to approve the 02/06/23 Selectboard Open Session Minutes, as presented.
Seconded by Mr. Flynn Vote: 5:0:0

10. **ANNOUNCEMENTS**

1) Presidents' Day Town Hall Closure:

The Town Hall will be closed on Monday, February 20, 2023 in observance of Presidents' Day. There will be no Selectboard Meeting that evening.

2) Special Town Meeting Reminder:

There will be an added Special Town Meeting by Citizens' Petition held on Tuesday, February 28, 2023 at 7:00pm in the Performing Arts Center ("PAC"), Alden School. The discussion will be regarding adding a Bed & Breakfast provision to the Zoning by-law.

We will not be using electronic voting at the Special Town Meeting on February 28th

****NOTE: CHECK-IN BEGINS AT 6PM – PLEASE ARRIVE EARLY****

3) Next Scheduled Selectboard Meeting will be on Tuesday, February 21, 2023 (joint meeting with Finance Committee at the Sr Center at 6:30pm) and then Monday, February 27, 2023 at 7:00pm.

11. **ADJOURNMENT**

Mr. McGee moved to adjourn at approximately 9:45pm.
Seconded by Ms. MacNab Vote: 5:0:0

Minutes submitted by Nancy O'Connor

List of documents in Selectboard file:

Selectboard Agenda

Senior Tax Work off documentation

Motion - Harbormaster Floats – declaration of surplus

Documentation re General License and CV

Motion re temporary light display at Holy Family

Change of Charge for the Coastal Resiliency Task Force

ATM Warrant

ODLL

Minutes

Announcements