

Date: March 20, 2023

Date Minutes Approved: 04/10/2023

TOWN CLERK

2023 APR 11 PM 12:06

DUXBURY, MASS.

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; and Nancy O'Connor, Executive Assistant

Others: Jake Emerson, Harbormaster; Jim Wasielewski, Municipal Services Director; and Tracy Mayo, Health Agent

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

1. **CALL TO ORDER** This meeting was called to order at approximately 6:00pm. *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. Tanya Trevisan, member of the Duxbury Safe Water Committee and resident of 21 Tinkers Ledge, stated that their committee have been conducting their own investigation into the sources of contamination at the McNeil Dump site and have a sworn affidavit from a longtime resident who, back in the 80's, took samples of 3M tape products in their original packaging that were dumped at this site. She further stated that they now have a chain of custody to 3M, and they can now test those items for PFAS. She also mentioned that there are many suits across the country against 3M. She also stated that in 2022, then Attorney General Maura Healey, along with other attorneys general, filed suit against 3M. Ms. Trevisan received a cost estimate from Alpha Labs (through Mr. Jim Begley) in the amount of approx. \$3,600 for testing. She is asking whether the Town would fund the cost to test for PFAS or maybe Weston & Sampson can test. She also mentioned that if the Town can prove that 3M contaminated this site with these products then 3M could be held liable for the clean-up and possibly the cost of the filtration systems on the wells. She continued to re-address a previous issue – back in the 80's, when BFI owned the McNeil dump site prior to the Town taking by tax title, she had asked if Town Counsel could determine whether or not we could go back to BFUI and hold them responsible. She would like that looked into as well. Mr. Flynn asked when the Town took this property by Tax Title. Mr. Buttкус responded that he thought it was around 1998-1999.

4. NEW BUSINESS

6:01PM Public Hearing – Aquaculture Shellfish License Transfer – Ursula Balmer

Mr. McGee moved that the Selectboard open the advertised public hearing for review and approval of Aquaculture License transfer regarding Ursula Balmer.

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

Jake Emerson, Harbormaster, confirmed that the Shellfish Advisory Committee held a posted, public meeting on February 8, 2023 to discuss the applicant license transfer application and that the applicant was required to provide a detailed presentation to the Shellfish Advisory Committee. The SAC then voted to recommend that the Selectboard approve the aquaculture transfer application up to three years pending all Federal, State and local reviews and approvals.

The Selectboard advertised the public hearing in the Duxbury Clipper on March 8, 2023 and held a posted, public hearing on Monday, March 20, 2023.

Motion:

Mr. McGee moved that the Selectboard approve the transfer of license to Ursula Balmer, 517 Franklin Street for Aquaculture lease #NAE-2006-1890, for 3 years, pending all federal, state and local reviews and approvals. *Seconded by Mr. Flynn Vote: 5:0:0*

Mr. McGee moved that the Selectboard close the advertised public hearing for the Aquaculture license transfer regarding Ursula Balmer. *Seconded by Mr. Flynn Vote: 5:0:0*

6:15pm – Water & Sewer Commissioners – Request to add home at 470 Bay Road onto the Bay Road Shared Septic System (Ladd Family)

Motion to convene as Water & Sewer Commissioners:

Mr. McGee moved that the Selectboard adjourn the meeting in order to meet as the Water & Sewer Commissioners, with the intent of re-convening as the Selectboard afterward.

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

Note: Ms. Ladd Fiorini then recused herself and left the room as she is related to the property owner.

Mr. Jim Wasielewski, Municipal Services Director, explained that the property owners have requested to connect their home to the Bay Road Shared Septic System because their system has been failing, required emergency pumping, and there isn't enough room on the property to put in a new system. After meeting with the Health Agent, Town Manager, DPW Director and Water Superintendent, it is their recommendation that the Selectboard/Water & Sewer Commissioners, approve this request to add this four-bedroom home to the shared septic system (currently three bedrooms, but will be adding another bedroom for a total of four). He also mentioned that the current shared system is currently running at half the capacity.

Ms. MacNab did ask why the lot was not suitable for a new septic system. Ms. Tracy Mayo, Health Agent, replied that the issue was the size of the lot – there isn't enough room. Ms. MacNab also asked

why it was not recommended to leave one unit available and approve the three bedrooms only. Mr. Wasielewski stated that with one unit (one bedroom) remaining, the only other requests would be to add a bedroom, and that is what the Ladd Family is currently doing, so that is why their collective recommendation was to approve the connection for the remaining four units (bedrooms), and he noted that no one would be building a new home with only one bedroom.

There was also a question about the condition of the shared septic system. Ms. Mayo responded that it is inspected annually and is maintained by our Water Department.

It was also noted that only four bedrooms are available to be added to the shared septic system, so if this property is approved to be connected, the system will be up to capacity and there will be no more availability to add to it.

Motion:

Mr. McGee moved to lift the moratorium to approve a request by the owner of the single-family dwelling located at 470 Bay Road, to add their four-bedroom home to the Bay Road shared septic system and further that the Bay Road Shared Septic System is at capacity and no additional homes can be added. *Seconded by Mr. Flynn Vote: 4:0:1 (Ms. Ladd Fiorini recused)*

Motion to adjourn:

Mr. McGee moved to adjourn as Water & Sewer Commissioners and re-convene as the Selectboard. *Seconded by Mr. Flynn Vote: 4:0:1 (Ms. Ladd Fiorini recused)*

Discussion with Harrington Working Group regarding the results of the RFP for the Sale and Agricultural Use of the Historic Isaac Simmons Farmhouse and Property located at 761 Temple Street

Mr. Read read the following memo into the record:

Dear Members,

On Monday, March 13th, eleven (11) proposal(s) for the purpose of purchasing the 1696 Isaac Simmons historical farmhouse and agricultural land on an approximately 2.9-acre parcel of land located at 761 Temple Street, Duxbury, MA {the "Property"}, according to the specifications provided by the Town. The proposal(s) submitted was/were as follows:

	Last Name	Amount
1	Manning	\$425,000
2	Ezell & O'Keefe	\$650,000
3	Lahey	\$475,000
4	Keith & Johnson	\$425,000
5	Smith	\$477,000
6	Scotto	\$450,000
7	Magner	\$500,000

8	Paluzzi	\$600,000
9	Tiegen	Non-responsive
10	Burke	\$450,000
11	Willett	\$435,000

In addition to ensuring that the requisite information was provided in each of the submissions, the Harrington Working Group Evaluation Panel reviewed the proposals using the evaluation criteria established in the RFP and provided a rating system consisting of highly advantageous, advantageous or not advantageous for each of the following categories:

- Use of the Building and Property*
- Price*
- Strength of Rehabilitation Plan*
- Financial Strength and Credit Worthiness*

The Harrington Working Group Evaluation Panel has recommended the proposal submitted by Ezell-O'Keefe in the amount \$650,000 to the full membership of Harrington Working Group who will review that recommendation at tonight's Selectboard meeting to share their decision.

Mr. Read turned it over to Tag Carpenter, Chair of the Historical Commission, who was also the main organizer of the RFP process.

Mr. Carpenter stated that he and members of the Harrington Working Group evaluated all submissions and was presenting the Selectboard with their recommendation. Mr. Carpenter provided the Selectboard with a brief overview of the process. He started with the financing of the Harrington property purchase, how the property was being subdivided, the RFP process/timeline and the Evaluation Team members, and ending with the evaluation results/observations and the bidder recommendation – which was the Ezell/O'Keefe proposal for agricultural and educational uses for the sales price of \$650,000. Mr. Carpenter added that this submission brought the greatest value to the Town and recommended that the Selectboard approve and enter into a purchase & sale agreement, as well as the historic preservation restriction. He is expecting the closing to occur in April or May.

Mr. McGee moved that the Selectboard accept the bid from Rachel Ezell and Michael O'Keefe in the amount of \$650,000 for the Harrington/Temple Street home.

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

5. TOWN MANAGER'S REPORT

Duxbury Girls Hockey Team

I want to offer my sincerest congratulations to the Duxbury Girls Hockey Team on winning the Division II state championship yesterday at The Garden.

Powder Point Bridge Update

As you know the Powder Point Bridge has been temporarily closed. According to the contractor performing the work, Great Eastern Marine, we expect them to move forward with crane mobilization this week. They will still need the bridge closed while construction is underway as they begin to open the deck, spotting piles and installing the steel repairs. According to both the contractor and our engineer from Simpson, Gumpertz and Heger, they should be able to have the project completed by the end of April, if not sooner.

Water Department Staffing Update

Recently, the Duxbury Water Department has seen the departure of four employees who run our system.

An Equipment Operator in the Water Department (Distribution) sought employment elsewhere, two Water/Wastewater Operators (Pump Stations) sought employment in other municipalities and the Chief Water Treatment Operator (Pump Stations) - a long-standing employee with over 30 years of experience working on our system – left due to retirement.

All of these positions were advertised almost immediately after they were vacated. We have found, along with numerous other municipalities, that due to the technical nature of these positions, the varied skill set and requisite licensures needed to hold these positions, finding acceptable candidates to fill these positions is extremely challenging.

As a result, DPW Director Peter Butkus and I contacted Weston and Samson and they have been providing us with the necessary services to ensure that our system is running properly and that we are compliant with state and federal law.

Since that time, our current water and sewer superintendent, Peter Mackin, has expressed his desire to step down from his position and we are currently in the process of filling that upcoming vacancy.

I want to assure the residents that even in this time of personnel transitions, our system is and will continue to run exactly as required and that we continue to be compliant with all state and federal regulations.

Healey-Driscoll Administration Announces End of COVID-19 Public Health Emergency in Massachusetts

Good afternoon,

I received the information below earlier today regarding the Healey-Driscoll administration's announcement of the end of COVID-19 public health emergency in Massachusetts. In advance of this notice, the Massachusetts Department of Public Health stated the following statement:

Later today, Governor Healey will announce that the Public Health Emergency will be ending on May 11, 2023, coinciding with the ending of the Federal Public Health Emergency. This means that any mandates or waivers/flexibilities that were allowed under the public health emergency will be lifted at that time, unless legislative action is taken. The Administration will be filing legislation to extend three public health orders

addressing staffing in out-of-hospital dialysis, the Medication Administration Program to provide additional time to come into compliance with regulatory requirements, and ambulance staffing to continue to provide flexibility going forward. More information will be shared with respective stakeholders over the coming weeks.

Every person in the Commonwealth has been impacted by the pandemic. It is because of your work, your partnership, and your collaboration that Massachusetts is now at a point where we can lift the public health emergency and continue to move towards treating COVID-19 in an endemic state. Your collective efforts encouraging people to stay home, test if sick, access therapeutic treatments, wear masks, and get vaccinated and boosted have gotten us here, and for that we thank you.

DPH remains committed to keeping the lines of communication open, partnering with you however we can, and ensuring the health and safety of the residents as we make these changes.

I asked Town Counsel what impact this might have on us in terms of in-person/zoom/hybrid meetings to which they replied that there is a bill that is being reconciled between the house and senate that will extend hybrid meetings until March 2025. In the meantime, they are keeping track of the development and will provide further advice as soon as it makes it the Governor's desk.

Ms. MacNab also added that she would like to see an update on the PFAS testing and the filtration system that is to be installed in the Partridge well to be presented at a future Selectboard meeting.

Mr. Read and the Selectboard thanked member Theodore J. Flynn for his years of service to the Town and wished him the best as this was his last Selectboard meeting.

6. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Resignation – Mr. Patrick O'Malley – from the Sidewalk & Bike Path Committee. The Selectboard thanked Mr. O'Malley for his service and wished him well.

7. MINUTES

Mr. McGee moved to approve the 02/13/23 Selectboard Open Session Minutes, as amended.
Seconded by Mr. Flynn Vote: 5:0:0

8. ANNOUNCEMENTS

1) 2023 Beach & Transfer Station Stickers

New 2023 Beach and Transfer Station stickers (effective April 1, 2023-March 31, 2024) are available to purchase. 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) **Recreational Shellfish** License applications are available on the Town's website under online payments. The current season expires 3/31/2023.

3) **Annual Town Election** will be held Saturday, March 25th 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 2023" 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) **Duxbury Beach Spring Sweep 2023**: Duxbury Beach Reservation is conducting their annual beach clean-up on Saturday, March 25, 2023 from 10am – 1pm. Register online at www.duxburybeachreservation.org/volunteer

5) **Next Scheduled Selectmen's Meeting** will be on Monday, March 27, 2023 at 7:00pm.

9. **ADJOURNMENT**

Mr. Guitart moved to adjourn at approximately 7:10pm.

Seconded by Ms. Ladd Fiorini

Vote: 5:0:0

Minutes submitted by Nancy O'Connor

List of documents in Selectboard file:

Selectboard Agenda

Aquaculture Hearing documentation

Water & Sewer Commissioners Agenda – Bay Road Septic request documentation

Memo regarding RFP submissions for Temple Street Property

Committee Resignation

Open Session Minutes

Announcements