

Date: July 10, 2023

Date Minutes Approved: 07/24/23

TOWN CLERK  
2023 JUL 25 AM 11:12  
DUXBURY, MASS.

## SELECTBOARD

## OPEN SESSION MINUTES

**Present:** Cynthia Ladd Fiorini, Chair; Michael McGee, Vice Chair; Amy M. MacNab, Clerk; Fernando Guitart; and Brian E. Glennon, II

**Staff:** René Read, Town Manager; and Nancy O'Connor, Executive Assistant

**Others:**

### 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 2 of the Acts of 2023, 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](http://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**

Mr. Glennon thanked everyone who put so much time and effort into planning the parade. He understands this it was a big disappointment for those who couldn't participate, but wanted to thank all who put so much work into this knowing that a lot of this work was done well in advance.

4. **NEW BUSINESS**

*Acceptance of donation of customized in-person training, education and wellness program for Duxbury's public safety departments from the firm O2X Human Performance: Tactical Athlete Training & Education - Presented by Fire Chief Rob Reardon*

Chief Reardon asked the Selectboard to accept a donation of training from O2X and AT&T FirstNet for our public safety officials (fire, police, and dispatch), which training will be specifically tailored to our employees. After the January 24<sup>th</sup> incident, the Town has worked hard to help our members who struggle and will continue to throughout their careers. This program will be offered to all our first responders at no cost. (Fire, Police, and Dispatch). There is a maximum capacity for fifty attendees. Additionally, any leftover spots will be offered to our mutual aid partners who responded that evening. The program is going to center around wellness for our first responders. The topics that will be taught are things we have never been introduced to. Chief Reardon has received numerous extremely positive endorsements about this program. If we were to contract this program, the cost would be \$40,000 over the two days. The cost

of the program is being paid for by AT&T FirstNet. They have done the same for many other public agencies throughout New England and the country. They are not looking for anything in return. They appreciate the Selectboard's consideration.

Mr. Glennon asked if this organization was looking for anything in return, that this is a true donation and that they are not looking for any endorsements. Chief Reardon replied that this is 100% donated with no strings attached.

Ms. MacNab moved that the Selectboard accept the generous donation of a customized in-person training, education and wellness program for Duxbury's public safety departments from the firm O2X Human Performance: Tactical Athlete Training & Education, as presented by Fire Chief Rob Reardon.

*Seconded by Mr. Glennon      Vote: 5:0:0*

*Mr. Guitart also expressed his thanks to AT&T FirstNet who is covering the cost of this training.*

***Speed Reduction Requests by Highway Safety Advisory Committee – Alden Street, Railroad Ave, and Saint George Street - Presented by Mr. Paul Brogna and Mr. Jeff Lewis***

Mr. Jeff Lewis, Co-Chair of the Highway Safety Advisory Committee, presented the Selectboard with the Committee's recommendation to designate Railroad Avenue and portions of Alden Street and Saint George Street as a safety zone as allowed by Section 194 of Chapter 218 of the Acts of 2016 under Chapter 90, Section 18B. The Highway Safety Advisory Committee voted in favor of this change as this would improve pedestrian and vehicular safety in this area near the schools and business district. Mr. Lewis stated that they routinely look at and address safety issues along the roadways in Town and identified this area as a safety zone with a speed reduction to 20mph because it is adjacent to schools, new businesses, and increased foot traffic. They feel this is a warranted area for this designation.

Mr. Paul Brogna, Co-Chair, provided a history of why they selected this area and why they chose the 20mph speed limit. It is in keeping with previous safety zones, such as the first designated safety zone in the Snug Harbor area on Washington Street where there are multiple businesses and the maritime school as public safety is paramount with the kids in school and out of school. The second location was Shipyard Lane due to the people walking to the beach and beach traffic (although seasonal). He stated that with the redevelopment of Millbrook over the last 2-3 years, the new Cooper Hill Road development, and the building of a sidewalk by Kevin Sealund, all of which provided the catalyst to increased student foot traffic, kids on bikes and walking. He mentioned that he also met with Superintendent Dr. Klingaman and Assistant Superintendent Dr. Wilcox to discuss these issues and were onboard regarding the safety of the students. He said the intersection of Railroad Ave and Saint George Street is challenging and it's vitally important to slow the vehicles down.

Mr. McGee asked how this would be enforced and if they would use lighted signs to alert people of the speed limit. Mr. Brogna responded that they will put up standard signs (normal state approved signs) in both directions and will consider light up signs.

Mr. Guitart commented that there is consistency with other business districts at 20mph (three business districts, Snug Harbor, Hall's Corner and now the proposed Millbrook area). He also asked about the

status of the town-wide change to 25mph. Mr. Brogna responded that the committee has deferred any further action until there is a new permanent police chief on board.

Mr. Glennon asked if we had any data showing that 30 mph is unsafe and that the existing situation is unsafe. Mr. Brogna responded that he was not aware of anything in these areas. Mr. Glennon was concerned that they are lowering the speed instead of enforcing the speed limit and that the varied speed limits (from 40, to 30, then to 20) going down Saint George Street would be potentially confusing for motorists.

Ms. Ladd Fiorini said that she didn't see the benefit of going down Alden Street. Mr. Lewis answered that the committee did focus on the area through the business district and decided to include Alden Street otherwise it would have been more back and forth of the different speed limits.

Mr. Guitart remarked that speed reductions do work. When you have a reduction to 30mph, people go 35-38mph. When it's 25mph, people tend to go 28-30mph. He said there is an impact and an effectiveness regarding changing the posted speed limit. Mr. Brogna said that people may exceed the speed limit, but at a lower speed.

Mr. Ladd Fiorini inquired about placing speed bumps. Mr. Brogna said that he talked with DPW and it is not feasible or practical on public roads as it impacts snow plows and emergency vehicle access.

Mr. Brogna also addressed the differing speeds going into the safety zone. He said Saint George Street (at 30 mph) going into the safety zone starting at Strawberry Lane (at 20 mph) is consistent with Chestnut Street (at 30mph) going into Hall's Corner (at 20mph).

Mr. James Lampert, Washington Street, said that there is a lot of kid activity there whether school is in or out and maintaining a solid 20mph throughout makes sense.

Ms. Susanna Sheehan, Powder Point Avenue, stated that the speed limit was reduced to 25mph on her street and that it doesn't work because there are not enough signs, and that it's not enough to change the signs that are already there. She said that when we change the speed limits, there needs to be more signage.

Ms. MacNab moved that the Selectboard vote to accept the recommendation of the Highway Safety Advisory Committee to designate Railroad Avenue along Alden Street and Saint George Street to Strawberry Lane, as a safety zone as allowed by Section 194 of Chapter 218 of the Acts of 2016 under Chapter 90, section 18B and, in accordance with the section noted above, the speed limit along these sections of roads to be set at 20 mph. *Seconded by Mr. Glennon*      *Vote: 4:1:0 (Mr. Glennon-Nay)*

*Mr. Glennon also encouraged more enforcement of speed limits.*

***Holtec status update discussion – presented by Mrs. Mary Lampert***

Mrs. Mary Lampert, Co-Chair of the Nuclear Advisory Committee, was asking the Selectboard to send a letter to Secretary Tepper regarding the water classification of Cape Cod Bay with respect to Holtec and

their proposed dumping of waste into the Bay. She said that she learned more after reading and speaking with the EPA (Environmental Protection Agency-Federal) and DEP (Department of Environmental Protection – State) and the new thinking in the shorter letter starts by pointing out that 1) it is illegal for Holtec to dump discharge waste into a protected ocean sanctuary under the Ocean Sanctuary Act and under the Endangered Species Act; 2) there is a federal regulation for the CFR 124.53 that gives the DEP the ability to inform EPA if they decide to approve the modified discharge request, which discharge violates state laws; and because it violates state laws, the EPA cannot issue the permit that was being considered. It's important that the DEP takes advantage of that ability to notify EPA, which should then stop the process; and 3) DEP should be using a higher review level in looking at the modification request – called a Tier 2 ½ classification of the body of water. She feels that someone from the DEP just considered Cape Cod Bay a Tier 2 High Quality Water instead of recognizing it as an Outstanding Water Resource (OWR), which would require a higher level of review. She added that there are segments within Cape Cod Bay that have already been designated an OWR, which would be impacted by whatever is discharged into the Bay. Cape Cod Bay meets the definition of an OWR because it has outstanding ecological, economical, and recreational value, which has been pointed out in the letter.

Ms. Ladd Fiorini would like to include the visual from the packet handouts along with this letter to Secretary Tepper as it shows the sanctuaries and would like to also include where Duxbury is located. Ms. MacNab would like to reword the paragraph on the second page regarding Mr. Langley to be more positive and to also include at the beginning of the letter information about the Town of Duxbury. Ms. MacNab would also like to provide a copy of the letter to other communities who are similarly impacted.

Mr. Glennon asked if the comments are still timely and would like the additional information provided in the packets to also be included in the letter to Secretary Tepper. Mrs. Lampert said that the comments are still timely, but obviously the sooner the better. Mr. Glennon also asked if there are any communities not interested. Mrs. Lampert responded that Kingston hasn't been interested even though they have a shoreline and aquaculture.

Mr. Ben Cronin, member of the Nuclear Advisory Committee, stated that he too sent a letter to Mr. Langley and thought it was notable that Mr. Langley replied very quickly to his email. Commissioner Heiple's office also responded quickly to other correspondence. The responses were not substantive, but rather remarkable in cordiality.

It was agreed that the letter would incorporate the suggested changes. Ms. O'Connor will work with Mr. & Mrs. Lampert on a final letter for the Selectboard's consideration.

Ms. MacNab moved that the Selectboard execute a letter to Secretary Rebecca Tepper of the Executive Office of Energy and Environmental Affairs regarding the classification of Cape Cod Bay.

*Seconded by Mr. Glennon   Vote: 5:0:0*

#### ***Acceptance of Copeland Family Donation for the Duxbury Animal Shelter***

The Copeland Family Foundation has made a \$7,500.00 donation to the Duxbury Animal Shelter. They have made several similarly large gifts in the past. The money can be used for medical and other needs of the animals at the Duxbury Animal Shelter. Mr. Glennon asked if the Animal Shelter had to go through a grant application for this. Ms. Susan Curtis responded that years ago there was a need for a better shelter,

which money was raised through fundraising efforts. Since then, the Copeland Family has been donating \$6,000 a year for at least 18 years – the whole time she has worked at the shelter. She said the Copeland Family was instrumental then and has continued with their generous donations.

Ms. MacNab moved that the Selectboard accept, with gratitude, the Copeland Family Foundation, Inc., donation of \$7,500.00 for the Duxbury Animal Shelter.

*Seconded by Mr. Glennon      Vote: 5:0:0*

## **5. TOWN MANAGER'S REPORT**

Mr. Read echoed the sentiments expressed earlier regarding the 4<sup>th</sup> of July Parade Committee and thanked them for everything they did up to and arriving at the very challenging decision of not having the parade as it was not an easy decision to make. He stated that Jamie MacNab, Stu Ruggles and everyone else do an amazing job as this is one of the proudest traditions we have in this Town.

### **Duxbury Beach Update**

Today I was advised by the DBR of the following:

Currently, we have 46 pairs of Piping Plovers on the beach, with 6 active nests, 15 broods of chicks, and 11 broods that have fledged as of this morning. To date, we have lost 17 nests, and 9 broods.

Over the 4th of July week more vandalism was observed on the beach. A lot of the noted vandalism was in the resident beach parking lot and area. The porta potties at the Northern Lot were tipped over twice throughout the week. In addition, the barrier in the pedestrian pathway at the Northern Lot was removed twice. The barriers in the pathways are a requirement of our permit to allow recreation on the beach in the areas they are deployed. In the Northern Lot specifically it allows the Town to use this area for parking vehicles. At the resident lot, sawhorses were pushed over, signage was removed, and Beach operations cleaned up many discarded beer cans from the pathways and parking lot.

### **Least Terns**

The Least Terns are still in all stages of nesting. The oldest chicks are between 11-15 days old but many nests are still being incubated and will hatch in the coming days or weeks.

### **Crossovers, Dog Areas, and Sensitive Wildlife Areas**

Due to avian activity, state and federal regulations prohibit vehicles within the mandated setbacks without an escorting permit. Crossovers 1, 2, and 3 are closed as well as pullouts on the back road.

Dogs are allowed at Duxbury Beach Reservation. However, the update this week is that they are only allowed while on leash in the parking lots and along the roadways. Currently, there are no areas on bayside or oceanside beaches where they are allowed. This might change in the coming days based on what broods fledge and Beach Operations will be updated in the morning with any changes.

Mr. Read stated that he met with Cris Luttazi earlier regarding strengthening our position out at the beach and are currently arranging for both day and night coverage along with radar patrols for those who are speeding.

Ms. MacNab mentioned adding the PFAS policy directive to an upcoming agenda and also inviting the new Water Superintendent, Mr. Mark Cloud.

Mr. McGee would like to meet with both the Finance Committee and the Fiscal Advisory Committee to discuss the budget for next year. Mr. Read stated that the books are not closed yet, but Ms. MacNab responded that she would like to not wait for the books to be closed.

#### 6. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Ms. MacNab moved that the Selectboard appointment the following:

<u>Board / Committee</u>	<u>Appointment/Re-appointment/Resignation</u>	<u>Term</u>
<u>Community Preservation Committee</u>		
Kathy Cross (Open Space Rep)	Re-Appointment	06-30-2026
Kathy Palmer (At-Large Member)	Re-Appointment	06-30-2026

*Seconded by Mr. Glennon*                      *Vote: 5:0:0*

#### Resignations:

##### Nuclear Advisory Committee

Megan Driscoll Greenstein                      Resigned

*The Selectboard thanked Ms. Greenstein for her service and wished her the best.*

#### The following boards/committees have available seats:

<i>Alternative Energy Committee</i>	-	<i>one seat</i>
<i>Local Historic District Commission</i>	-	<i>one seat</i>
<i>Nuclear Advisory Commission</i>	-	<i>two seat</i>
<i>Open Space Committee</i>	-	<i>three seats</i>
<i>Seawall Committee</i>	-	<i>two seats</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.*

#### 7. ONE-DAY LIQUOR LICENSE REQUESTS

##### *09/01/23 Bay Farm Montessori – Festival on the Farm*

Ms. MacNab moved that Mr. Erik Christensen, as a representative of the Bay Farm Montessori Academy, is granted a One-Day Wine & Malt License for their 2023 Festival on the Farm on Friday, September 1, 2023 from 12 PM to 3 PM, at the Bay Farm Montessori Academy, 145 Loring Street, Duxbury, contingent upon the conditions of the license.

*Seconded by Mr. Glennon*                      *Vote: 5:0:0*

**8. MINUTES**

Ms. MacNab moved to approve the 06/26/23 Selectboard Open Session Minutes, as presented and as amended. *Seconded by Mr. Glennon* *Vote: 5:0:0*

**9. ANNOUNCEMENTS**

- 1) **Next Scheduled Selectboard's Meeting** will be on Monday, July 24, 2023 at 7:00pm.  
(There will be no Selectboard meeting on Monday, July 17, 2023)

2) **Message regarding Parade cancellation:**

As a result of the weather forecast for severe thunderstorms on July 4, 2023, the Fourth of July Parade Committee along with public safety officials made the difficult decision to cancel this year's parade. This was a very difficult decision as there are many volunteers and local groups that work tirelessly to plan and facilitate a successful event; however, public safety must come first. Due to the extensive planning and coordination that is involved, the parade will not be rescheduled this year.

The Fourth of July Parade Committee members share in your disappointment and they are looking forward to next year's parade. Please know that next year's parade theme will be the same "Hometown Spirit" so keep those decorations for next year. And remember, this year's Labor Day Beach Party is on Saturday, September 2, 2023 at Duxbury Beach.

**10. ADJOURNMENT**

Ms. MacNab moved to adjourn at approximately 8:35pm.

*Seconded by Mr. Glennon* *Vote: 5:0:0*

*Minutes submitted by Nancy O'Connor*

*List of documents in Selectboard file:*

*Selectboard Agenda*

*Exec Session Motion*

*O2X training donation documentation*

*Speed Reduction request documentation*

*Holtec documentation*

*Copeland Family Donation documentation*

*Town Manager's Report*

*Committee appointments/resignations*

*ODLL*

*Minutes*

*Announcements*