

Date: March 6, 2023

Date Minutes Approved: 08/21/2023

TOWN CLERK

2023 AUG 23 PM 12:08

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; John Q. Adams, Finance Director; 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 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**

Mr. Flynn stated that the February 28, 2023 Special Town Meeting had 966 residents checked in regarding a proposed amendment to the Zoning by-laws by Citizens' Petition. Mr. Flynn noted that only 50 people voted in favor and 840 against.

Mr. R. Tag Carpenter provided a brief update regarding the sale of the Temple Street property. He said that there has been a steady stream of interest and viewings since they engaged the services of Waterfront Realty, and Jonathan Mark has been coordinating showings with other realtors, as requested. He is very encouraged and also reminded everyone that the bid deadline was Friday, March 10, 2023 by 10:00am and submitted to the Town Manager's office.

4. **NEW BUSINESS**

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

4	Funding of Salaries Re-vote with updated figure – SB previously voted 5-0 to recommend approval on 2/13/23
6	Capital Budget Vote on Line 5 (Alden/PAC/Chandler Roof) Vote on Line 26 (Steele Complex Tennis Courts)
8	Union Contracts
13	Funding for Seawall SB previously voted 3-2 to recommend approval with 75% Town – 25% Seawall residents funding split on 2/27/23
21	Propose New Local Historic Districts Review updated maps – BOS previously voted 4-0 to recommend approval on 2/27/23
28	CPC Housing Trust Transfer

Article 4 – Funding of Salaries

This is a re-vote with updated figures as the Selectboard previously voted 5-0 to recommend approval on 2/12/23. Mr. Read confirmed that the reason for this re-vote is to include the ROCCC Dispatch Center appropriation in the amount of \$16,000 – for a total of \$481,000.

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #4 regarding the Funding of Salaries, as presented.

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

Article 6 – Capital Budget

Line 5 – Facilities Department - Alden/PAC/Chandler Roof Replacements– totaling \$500,000

Ms. Kristina Knowles, Finance Director, stated that back in August, 2022, Garland Roofing performed an independent study of the roofs. She further stated that there would be an aerial scan this evening of the Alden roof as there are needed immediate repairs. The plan with Alden is to take all recommendations identified and perform a restoration and not full repairs. Ms. Knowles said that they had to wait for a clear dry day to yield the most accurate results along with the fact that they were put on a schedule amongst other municipalities. Mr. Alex Chin commented that it was important to note that the report done by Garland back in August said Section A could not be restored so an aerial scan was very important. Ms. Knowles confirmed that the report said that the roof surpassed its lifespan. Ms. Knowles also confirmed that she met with a solar provider two weeks ago and need to provide them with the square footage of the roof so she is actively working on that initiative. Ms. Ladd Fiorini asked if this was just for Roof A. Mr. Chin replied yes, for a total of \$12,800sf, and that the remaining sections B-E are approximately 33,550sf. Mr. Guitart asked about the timing of getting a new building at Alden. Ms. MacNab responded that the superintendent wants to do an additional study, and Mr. Read said it would probably be 4-5 years out.

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #6 – Capital Line No. 5 – Facilities-Alden/PAC/Chandler Roof Replacements, as presented. *Seconded by Mr. Flynn Vote: 5:0:0*

Line 26 – Steele Athletic Complex Tennis Court Pavement

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #6 – Capital Line No. 26 – Steele Athletic Complex Tennis Court Pavement, as presented. *Seconded by Mr. Flynn Vote: 5:0:0*

Article 8 – Union Contracts

Fire Department –

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #8 regarding Union Contracts for Duxbury Permanent Firefighter's Association, International Association of Firefighters Local 2167, as presented.
Seconded by Mr. Flynn Vote: 5:0:0

Dispatch –

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #8 regarding Union Contracts for Duxbury Police Dispatchers Union, MCOP Local 376A, as presented.
Seconded by Mr. Flynn Vote: 5:0:0

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

There was discussion regarding how grant money should be applied - whether apply to the overall project or apply to the Town's 75% cost of the project only. Mr. McGee stated that he would like the grant money to be applied to the overall project cost. Mr. Guitart stated that the previous motion was to apply to the 75%. Mr. McGee remarked that both the Selectboard and the Finance Committee agreed to a 75/25 project cost split (75% Town/25% in betterments to those bettered) and if money comes in (grant funding), he would like it to be applied to the overall project.

Mr. Alex Chin, Chair of Fiscal Advisory Committee, commented that it was his understanding that when the betterments were assessed, any money received (for example – from grants) would be applied to the remainder of the wall project because it was uncertain as to when you would get the grant funding.

Mr. Flynn added that betterments are not assessed until the wall is completed and believes that grants/funds should be applied to the entire project to reduce overall cost before assessing betterments. Ms. Ladd Fiorini was also in agreement that grant funding should be applied off the top for the entire project.

Mr. Adams responded that there will be timing differences with grants – if the project ends and we still don't know what grants we are going to get or a grant award hasn't come in yet, you still have to

finalize a betterment order amount under the statute. If grant money came in later, you would have to go through special legislation again to apply to the betterments, which he does not recommend as it also creates a logistical issue in the Tax Collector and Assessor offices as well.

Mr. Adams also added that according to legal counsel, this language doesn't have to be in the motion as it will be a Selectboard decision at the time of the betterment assessment order, which is when the Selectboard makes the final decision. This decision does not have to be set in stone now.

He stated that there are three options:

- A. Apply grants to the 75% only;
- B. Apply grants to the entire project cost up to the date of the betterment order; or
- C. Don't make a stand either way.

Mr. Flynn moved to support Option B – apply grants to the entire project cost up to the date of the betterment order.

Seconded by Mr. Guitart Vote: 3:2:0 (TF, CLF, & MM – Aye; FG and AM – Nay)

Article 21 – Proposed New Local Historic Districts

Mr. Read provided copies of a new plan, and stated that at the last Finance Committee meeting, they questioned as to whether or not the Library Trustees were aware that the Library was being included in this proposed historic district. He noted that the Selectboard can include only those properties the Selectboard has authority to do so – the Wright Building and 645 Washington Street, and include the private property on Powder Point Ave, but leave out the Library. Ms. MacNab stated that at the Finance Committee meeting, the Finance Committee was not in favor of putting any Town buildings in an historic district. Mr. Read added that town counsel stated that we could adopt a portion of a lot (example – the Wright Building is on the school campus, but the proposed historic district would only be around the Wright Building – not the entire school campus). Mr. Read recommends that they vote on all proposed properties, leaving out the Library for now.

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #21 – Proposed New Alden Local Historic District & Additions to Winsor & Powder Point Local Historic Districts, Lines 1 (147 St. George), 3 (645 Washington Street), and 4 (30 Powder Point Avenue), as presented. *Seconded by Mr. Flynn Vote: 5:0:0*

Article 28 – CPC Housing Trust Transfer

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #28 – CPC Housing Trust Transfer, as presented. *Seconded by Mr. Flynn Vote: 5:0:0*

Discussion regarding Seasonal Liquor Licenses, Common Victualler and parking license for Duxbury Beach Park and Duxbury Package Store

Duxbury Beach Park II

Mr. McGee moved that the Selectboard, as the Local Licensing Authority, approve and renew the following Seasonal On-Premises Wine & Malt Beverages License issued to Duxbury Beach Park II

(License #: 00034-RS-0300) effective from April 1, 2023 through November 30, 2023, subject to satisfactory inspection by the Town, submission of all required documents, and payment of all funds/fees owed to the Town of Duxbury, and the conditions on the license.

Seconded by Mr. Flynn

Vote: 5:0:0

Mr. McGee moved that the Selectboard renew the Common Victualler License and General License (for Parking) issued to Duxbury Beach Park II for the year 2023, subject to Town inspections, the receipt of all renewal paperwork and payment of all funds/fees owed to the Town of Duxbury.

Seconded by Mr. Flynn

Vote: 5:0:0

Duxbury Package Store

Mr. McGee moved that the Selectboard, as the Local Licensing Authority, approve and renew the Seasonal Off-Premises All Kinds of Alcohol Beverages license issued to Duxbury Package Store, Inc. (License #: 00046-PK-0300) effective from April 1, 2023 through January 15, 2024, subject to satisfactory inspection by the Town, submission of all required documents, and payment of all funds/fees owed to the Town of Duxbury, and the conditions on the license.

Seconded by Mr. Flynn

Vote: 5:0:0

5. TOWN MANAGER'S REPORT

On Thursday, March 9 @ 6:30pm at the Marshfield Public Library, there will be a forum regarding the Beach Nourishment Project.

Launch service - Mr. Paul Malo, owner and operator of Bay Rider Launch Services (a privately held entity – not Town owned), retired after many years of working here in Duxbury and was advised early this afternoon by the Harbormaster that Mr. Don Christenson, who owns Mattakeesett Moorings and Launch Service, will be taking over the operation of that launch service.

6. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS None

7. ONE-DAY LIQUOR LICENSE REQUESTS None

8. EVENT PERMITS None

9. MINUTES

Mr. McGee moved to approve the 02/21/23 Selectboard Open Session Minutes, as presented.

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

Mr. McGee moved to approve the 02/28/23 (STM) Selectboard Open Session Minutes, as presented.

Seconded by Mr. Flynn Vote: 4:0:1 (Ms. Ladd Fiorini abstained as she was not present)

10. 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) **Annual/Special Town Meeting** The Annual/Special Town Meeting will be held on Saturday, March 11, 2023 beginning at 9:00am in the Performing Arts Center ("PAC"), 73 Alden Street. Check-in begins at 8:00am. **lunch will be served – cash only**

****Please remember there is NO PARKING in the Fire Lane****

3) **Annual Town Election** will be held Saturday, March 25 at the Lt. Timothy Steele Building, 130 Saint George Street. 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. The last day to request mail-in ballots is March 20, 2023.

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 Selectboard's Meeting** will be on Monday, March 20, 2023 at 7:00pm.

(No meeting on March 13, which is reserved should the Annual Town Meeting continue)

11. **ADJOURNMENT**

Mr. McGee moved to adjourn at approximately 8:15pm.

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

Minutes submitted by Nancy O'Connor

List of documents in Selectboard file:

Selectboard Agenda

ATM Warrant

Seasonal Liquor License, CV and parking license renewals

Minutes

Announcements