

Date: May 8, 2023

Date Minutes Approved: August 7, 2023

TOWN CLERK

2023 AUG 14 PM 6:18

DUXBURY, MASS.

SELECTBOARD

OPEN SESSION MINUTES

Present: Cynthia Ladd Fiorini, Chair; Michael McGee, Vice Chair; Fernando Guitart; and Brian E. Glennon, II.

Absent: Amy M. MacNab, Clerk

Staff: René Read, Town Manager; and Michelle Seda-Stotts, Principal Assistant.

Others: Tanya Trevisan, Chair, Water & Sewer Advisory Board

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

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

Mr. Glennon congratulated the DBR on its recent ribbon cutting for the Dune Beach Restoration project. We are all looking forward to a great summer on the beach, especially since the bridge is now open. Duxbury is fortunate to have 10 new eagle scouts. Thanks to Wendell Cerne for the Duxbury Litter Sweep. Mr. Guitart requested an update on Beach Nourishment and to be added to a future agenda.

4. **NEW BUSINESS**

7:05 p.m. Water & Sewer Commissioners – Water Commitment #4 – FY23

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. Glennon Vote: 4:0:0

Mr. McGee moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the following amount for water and sewer usage charges totaling **\$626,047.30** and for water service charges totaling **\$750.00** for Water and Sewer Commitment #4 of FY23.

Seconded by Mr. Glennon Vote: 4:0:0

Mr. McGee moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as the Selectboard. *Seconded by Mr. Glennon Vote: 4:0:0*

Discussion with Water & Sewer Advisory Board re: a proposed “Town of Duxbury Drinking Water PFAS Response Action Plan”

Ms. Trevisan began by discussing the PFAS Response Action Plan. Mr. Guitart gave a brief background on the W&S Advisory Board. He then read the following from the directive:

Duxbury Selectboard PFAS Policy Directive

In accordance with the Duxbury Selectboard's authority to adopt policy directives and guidelines to be implemented by officers, boards, committees, commissions, and employees of the Town, the Selectboard adopts the following policy directive related to per-and polyfluoroalkyl substances (PFAS):

Town of Duxbury Drinking Water PFAS Response Action Plan

The Town of Duxbury (the “Town”) shall develop a PFAS Response Action Plan. The objective of the PFAS Response Action Plan (the “Objective”) is to eliminate public exposure to PFAS chemicals by reducing PFAS concentrations to the extent possible in drinking water, thereby reducing potential serious PFAS-attributable illnesses in Duxbury residents. The Town of Duxbury shall implement a whole-of-government approach to achieve this Objective.

The Selectboard hereby appoints the Duxbury Water Superintendent as the “PFAS Project Manager” and to delegate Town staff to develop and implement a town-wide Drinking Water PFAS Response Action Plan and to seek funding for necessary infrastructure. The Duxbury Water Superintendent shall work with the advice of the Board of Health, the Water and Sewer Advisory Board, the Department of Public Works Superintendent, the Finance Committee, and any other Town administrators and/or entities as appropriate and shall report back monthly to each of these identified boards, committees, administrators, and entities, as well as to the Selectboard, on progress to achieve the Objective.

Associated actions to achieve the Objective include:

- *Ensuring that all twelve (12) town wells are tested for PFAS on a quarterly basis in accord with established testing protocol, and that test results are provided to the Selectboard and to each of the above-identified boards, committees, administrators, and entities; and*
- *The Water and Sewer Advisory Board will engage a qualified consultant who shall, within six (6) months of the date of this policy directive:*
- *evaluate the Duxbury public water system in terms of water quality, hydraulics, and overall condition of existing facilities;*
- *prepare planning treatment system designs and planning level cost estimates of anticipated capital improvements, including treatment infrastructure and treatment operation and maintenance*

costs over the next five (5) years; and

- update Duxbury's existing hydraulic model, if required, and evaluate system performance in terms of meeting existing and future demands and water quality requirements through treatment or source management; and*
- A Request for Quote ("RFQ") will be developed for construction of the designed system(s) and distributed to qualified contractors; and*
- The Town, in consultation with the Water and Sewer Advisory Board, will proactively identify potential sources of funding and fully staff Town departments to achieve the Objective. The Massachusetts Department of Environmental Protection State Revolving Fund ("SRF") and Asset Management Grant programs should be considered as potential funding sources. (Applications for these programs are due August 2023.) The Water and Sewer Advisory Board will engage a consultant to prepare a dynamic Water Rate Model. This model will be used for water rate forecasting as a means for future capital plan implementation.*

Time is of the essence to complete and implement this Drinking Water PFAS Response Action Plan to protect the public health; newly proposed federal PFAS drinking water standards will likely result in significant cost increases due to high demand for PFAS treatment systems.

Mr. Guitart stated that we need to begin by hiring a consultant to move this forward. Mr. Read stated that the draft done by Environmental Partners was finalized and presented to the Board in June of 2022. Mr. Guitart inquired about what is being done. Mr. Read responded that we are moving along and the report states what needs to be done. Mr. Read stated that Wright Pearce will be our design engineers and they will be organizing the plan. Mr. Glennon inquired about the grant writing and who would be handling it. Mr. Guitart stated that there was an Executive Session and the Selectboard is taking the appropriate action with the help of Town Counsel. Mr. Begley commented on this being a policy directive to fix the problem. Mr. McGee stated we need to work thru the implementation of these plans and to educate the public more. Ms. Ladd Fiorini stated that she recently heard that we have PFAS in our Bay. We will look at this plan and revisit this topic. Thank you, Ms. Trevisan.

Start of Street Acceptance process for Dogwood Drive and Cooper Hill Road

Ms. Ladd Fiorini began by reading the following for Dogwood Drive:

In December, 2022, we received a written petition from Mr. Nicholas Jones, Trustee of the Dogwood Drive Homeowners Trust, requesting that Dogwood Drive become a public way. The Selectboard needs to vote to lay out Dogwood Drive as a public way (vote below) and then refer the layout to the Planning Board for its nonbinding recommendation (referral memo attached).

At a later meeting, the next step is for the Selectboard is to vote on whether or not to adopt an Order of Layout, laying out Dogwood Drive as a public way, at a public meeting, after the Planning Board has submitted its report and the Town has given Notice of the public meeting. There will also be a placeholder for an article at the March 2024 Annual Town Meeting for acceptance of the foregoing, if needed.

Mr. Guitart stated that this is not a commitment but the start of the process and wants the petitioner to understand the process. Mr. Glennon commented that there is no Town water in the development and at some point they will be tying into municipal water. This will require excavation, which will be costly to the Town if this becomes a public way. Ms. Ladd Fiorini suggested sending a reminder to the Planning Board regarding this issue.

Mr. McGee moved that the Selectboard vote to acknowledge the petition requesting to lay out Dogwood Drive as a public way, all as shown on a plan entitled "Definitive Subdivision Plan, Dogwood Drive, Duxbury, Massachusetts," dated May 30, 2017, prepared by Grady Consulting, L.L.C., which plan is on file with the Town Clerk, and to forward this vote and the plan to the Planning Board for its comments and recommendations pursuant to G.L. c. 41, §§81G and 81I. Also included are the comments from this evening.

Seconded, as amended, by Mr. Glennon Vote: 4:0:0

Ms. Ladd Fiorini read the following for Cooper Hill Road:

On April 3, 2023, we received a written request from Mr. Kevin Sealund to accept Cooper Hill Road as a Town public way. The Selectboard needs to vote its intention to lay out Cooper Hill Road as a public way (vote below) and then refer the layout to the Planning Board for its nonbinding recommendation (referral memo attached).

At a later meeting, the next step is for the Selectboard is to vote on whether or not to adopt an Order of Layout, laying out Cooper Hill Road as a public way, at a public meeting, after the Planning Board has submitted its report and the Town has given Notice of the public meeting. There will also be a placeholder for an article at the March 2024 Annual Town Meeting for acceptance of the foregoing, if needed.

Mr. McGee moved that the Selectboard vote to acknowledge the petition requesting to lay out Cooper Hill Road as a public way, all as shown on a plan entitled "As-Built Plan for Cooper Hill Rd. in Duxbury, Mass.," dated December 28, 2022, prepared by South Shore Survey Consultants, Inc., which plan is on file with the Town Clerk, and to forward this vote and the plan to the Planning Board for its comments and recommendations pursuant to G.L. c. 41, §§81G and 81I.

Seconded by Mr. Glennon Vote: 4:0:0

Update on Seawall Project

Mr. Read reviewed the matrix of responsibility and the estimated timeframes. If we had all permits issued again the earliest we could receive approval would be August 2024, following that, the project still has to go out to bid and then there is a construction season, making it the earliest to begin construction of the wall, fall of 2024 or spring of 2025. Mr. Guitart wanted clarification on the 90 days for the Water Quality Certification. Mr. Read stated that, that is the first permit issued and then the second Permit is filed concurrently making it approximately August 2024. Ms. Ladd clarified that the Chapter 91 permit could potentially come before the Army Core of Engineer permit. Mr. Read said yes potentially. Mr. Read stated that whole point is that we figure out who is going to do what and when, and when we think construction would start, making it fall of 2024 or spring of 2025. Ms. Ladd Fiorini

inquired if there are any possible pit falls in timing of events. Mr. Read stated yes, one thing forgotten, can push it back, however, we have done this before and this time it will be a little more thoughtful and methodical. Mr. McGee inquired when is it going to bid and how long are we locked in. Mr. Read stated that it will be a 30-day lock in and depend upon all the permits being in place. Mr. McGee wanted to be assured that we had the funds for any of the grants needed. Mr. Read reassured him that we have that in place and it is included in the Seawall funds. Ms. Martin, Gurnet Road, inquired about the liaison for the Seawall Committee. Mr. McGee stated that he is the liaison. Ms. Martin also commented that the Dam and Seawall grant will announce if we have funds available this year. Ms. Babcock, Seawall Committee, stated they have a meeting this week to discuss their charges and would like to develop a draft to present to the Selectboard to update their charge. They would like to continue being of assistance.

5. TOWN MANAGER'S REPORT

Mr. Read commented on the Seawall project and stated that only thing pending is the general permit application, which he will verify and let them know.

Mr. Read continued with his report:

Municipal Aggregation

On April 26, John, Carrie, Cindy and I met with our energy broker, Scott Werman and Alternative Energy Committee Chair Wendell Cerne, to discuss municipal aggregation. Following our meeting, Mr. Cerne said he would bring the information he learned about the program to his committee for further discussions with them and Mr. Werman with a recommendation to be brought to the BOS at a later date.

Duxbury Litter Sweep

I want to extend my sincerest thanks, and that of the Town to Wendell Cerne for helping coordinate Duxbury Litter Sweep this past Saturday. His work is truly appreciated and we are grateful for his efforts.

Duxbury Beach Update

Today I was advised by the DBR that the avian listed species status is as follows:

Currently there are 29 pairs and 22 nests. Beach management anticipates a cross over will be closed before Memorial Day weekend.

Also, additional beach news:

1. After a recent spate of vandalism, we are already at almost triple the number of vandalism incidents as occurred in ALL of 2022. That not only costs us and DBR time and money but it also potentially disturbs the birds from nesting, potentially extending the duration of closures.
2. There has been a significant increase in off-leash dog activity as well as dog activity in closed areas. These activities will not effectively deter nesting and may instead prolong the nesting season.

3. Duxbury Beach is home to federally protected species, so each act of vandalism has to be reported to federal enforcement and regulatory agencies. As a result of this uptick of incidences, we have been informed they will be visiting Duxbury Beach later this month. This kind of attention is never a good thing and may result in more input and oversight from federal and state enforcement and regulatory agencies.
4. A nest with four eggs was discovered last Friday (5/5/23) near Crossover #1. Based on timing of incubation, we anticipate the first Crossover #1 will likely close before Memorial Day, not a good piece of news. But if we minimize disturbances (i.e. vandalism), we can keep the closure as brief as possible.
5. Finally, a piece of good news: Crossover #3 has moved to a more stable section of the dune that has traditionally not been a popular bird nesting area. With this new cross over option, the Town will have a third cross over to select from and we are hopeful that there will still be beach access at Crossover #3 while others may close.

Ms. Ladd Fiorini stated to please stop vandalizing the beach. Mr. Glennon stated that the “fence” being discussed is a symbolic string fence and removing/touching the string is considered vandalism.

6. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Ms. Ladd Fiorini stated that there are two Selectboard Committee Liaisons, needing to be filled. The Duxbury Cultural Council was placed on hold temporarily. Mr. Guitart suggested that the Committee approach the Selectboard should they need assistance. Mr. McGee became the liaison for the Municipal Commission on Disability.

Mr. McGee moved that the Selectboard appoint or re-appoint the following:

Audit Committee

Frank M. Holden	Re-Appointment	06-30-2024
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Burial Agent to the Board of Health

Susan Kelley	Re-Appointment	06-30-2028
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Council of Aging

Mi Kim	Re-Appointment	06-30-2026 (T-2)
Ken Beebe	Re-Appointment	06-30-2026 (T-2)
Cheryl Tufankjian	Re-Appointment	06-30-2026 (T-2)
Kathy Dowling	Appointment	06-30-2026 (T-1)
Peter Holden	Appointment	06-30-2026 (T-1)
Patty Ryan	Appointment	06-30-2026 (T-1)
Pam Smith	Appointment	06-30-2026 (T-1)
Sheila Tenaglia	Appointment	06-30-2026 (T-1)
Candy Brush, Alternate	Appointment	06-30-2026 (T-1)
Susan Hoover	Appointment	06-30-2026 (T-1)

Design Review Board

Nancy Armington Johnson	Re-Appointment	06-30-2026
Gil Martin	Re-Appointment	06-30-2026
Lauren Sirois, Alternate	Re-Appointment	06-30-2026
Matthew Blumenthal, Alternate	Appointment	06-30-2026

Nuclear Advisory Committee

Becky Chin	Re-Appointment	06-30-2026
Ben Cronin	Appointment	06-30-2026
Megan Driscoll Greenstein	Re-Appointment	06-30-2026

Sidewalk & Bike Path Committee

Elaine Philbrick	Re-Appointment	06-30-2026
David J. Kelley	Re-Appointment	06-30-2026
Steve Marshall	Re-Appointment	06-30-2026
Nancy Johnson	Appointment	06-30-2026

Seconded by Mr. Glennon Vote: 4:0:0

The following boards/committees have available seats:

<i>Duxbury Seawall Committee</i>	-	<i>two seats</i>
<i>Open Space Committee</i>	-	<i>three 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

06/04/23 Bay Farm Montessori – Festival at the Farm

Mr. McGee 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 Sunday, June 4, 2023 from 12 PM to 5 PM, at the Bay Farm Montessori Academy, 145 Loring Street, Duxbury, contingent upon the conditions of the license and verification of the adequacy of the certificate holder. Mr. Glennon stated that on the COI the Town of Duxbury needed to be named as additionally insured and added to the motion.

Seconded by Mr. Glennon Vote: 4:0:0

Mr. Guitart commented that the Black-Tie Bingo did not have the COI. Mr. Glennon stated that it is listed as a condition of the permit.

06/17/23 Friends of the COA – Black Tie Bingo

Mr. McGee moved Mr. Paul Brogna, as a representative of the **Friends of the Duxbury Council on Aging**, is granted a One-Day Wine & Malt License to hold a **Black-Tie Bingo** night on Saturday, June 17, 2023 at the Duxbury Senior Center on 10 Mayflower Street, from 6:00 PM to 10:30 PM, contingent upon the conditions of the license.

Seconded by Mr. Glennon Vote: 3:0:1 (Mr. Guitart abstained)

8. EVENT PERMITS

06/24/23 Annual MS Cape Cod Getaway Bike Ride

Mr. McGee moved that the **National Multiple Sclerosis Society (Greater New England Chapter)** is granted permission to conduct a portion of their annual MS Cape Cod Getaway Bike Ride in the Town of Duxbury on Saturday, June 24, 2023, and contingent upon the conditions of the permit.

Seconded by Mr. Glennon Vote: 4:0:0

9. MINUTES

The Selectboard agreed to postponed the approval of the 04/24/23 Selectboard Executive Session Minutes, until after it has been reviewed and amended.

Mr. McGee moved to approve the 04/24/2023 Selectboard Open Session Minutes, as presented and as amended. *Seconded by Mr. Glennon Vote: 4:0:0*

10. ANNOUNCEMENTS

- 1) **Next Scheduled Selectboard's Meeting** will be on Monday, May 22, 2023 at 7pm.
(no meeting on May 15th)

11. ADJOURNMENT

Mr. McGee moved that the Selectboard adjourn at approximately 8:30pm.

Seconded by Mr. Glennon Vote: 4:0:0

Minutes submitted by Michelle Seda-Stotts

LIST OF DOCUMENTS

- 1) SB Agenda
- 2) Water & Sewer Commitment #4 – FY23
- 3) Street Acceptance request for Dogwood Drive and Cooper Hill Road
- 4) Selectboard Liaison Assignment sheet
- 5) Committee Appointments/Re-Appointments/Resignations
- 6) ODLL – Bay Farm Montessori-Festival at the Farm
- 7) ODLL – COA Black Tie Bingo
- 8) Event Permit – Annual MS Cape Cod Getaway Bike Ride
- 9) Executive and Open Session Minutes
- 10) Announcements