

Date: September 19, 2022

Date Minutes Approved: 10/24/2022

TOWN CLERK

2022 NOV 15 PM 3:54

DUXBURY MASS.

SELECTBOARD

OPEN SESSION MINUTES

Present: Fernando Guitart, Chair; Cynthia Ladd Fiorini, Vice Chair (arrived late approx 6:10pm); Michael McGee, Clerk (present during Open Session only); Theodore J. Flynn; and Amy M. MacNab

Absent: none

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

Others: Chief Steve McDonald, Lt, Chip Chubb and Attorney Jeff Blake (Executive Session Only), and Nancy Rufo, Conservation Administrator and Attorney Shirin Everett (Open Session Only)

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

I. 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.*

II PLEDGE OF ALLIGIANCE

III. EXECUTIVE SESSION

6:00pm Executive Session

Pursuant to G.L. c. 30A, s21(a)(3) to discuss correspondence from Mr. Brian Cook threatening litigation against the Town where the discussion in an open session would be detrimental to the Town's litigation position if the Chair so declares.

Ms. MacNab moved we go into Executive Session pursuant to G.L. c. 30A, s21(a)(3) to discuss correspondence from Mr. Brian Cook threatening litigation against the Town where the discussion in an open session would be detrimental to the Town's litigation position; and if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, section 21, and that the Board will adjourn and reconvene in Open Session on or about 7:00pm immediately after completion of this Executive Session.

"Mr. Guitart, As Chair, declared that the necessity for an Executive Session to discuss strategy with respect to potential litigation, as to do so in an Open Session may have a detrimental effect on the Town's bargaining, strategizing and negotiating position."

Seconded by Mr. Flynn Roll Call Vote: Mr. Guitart-Aye; Ms. Ladd Fiorini-Aye; Mr. Flynn-Aye; and Ms. MacNab-Aye

Motion To Adjourn Executive Session

After the business of Executive Session was completed, Ms. MacNab moved that the Selectboard adjourn the Executive Session and re-convene in Open Session on or about 7:00pm.

Seconded by Mr. Flynn Roll Call Vote: Mr. Guitart-Aye; Ms. Ladd Fiorini-Aye; Mr. Flynn-Aye; and Ms. MacNab-Aye

IV. OPEN FORUM Nothing brought forward

V. NEW BUSINESS

Discussion regarding proposed LIP project on Railroad Ave – presentation by Matt Walsh

Mr. Matt Walsh began by stating that back in 2020 he initially proposed 20 units, but has since hired a local engineer and architect and reduced the development to 12 residential units (no commercial units). He mentioned that they have been doing their best to adhere to all zoning LIP/40B requirements. The 12 units would consist of 9 market units (all 3 bedroom) and 3 affordable units (one 3 bedroom and two – 2 bedrooms units). Mr. Walsh said that as a LIP (Local Initiative Project) he wants to work with the Town and will ask for more formal support as he finalizes the project. The Selectboard asked if these units would be built where the DuxPlex is. Mr. Walsh said no that the units would be located between Alden Street and Duxplex on approximately two acres of the property. He also confirmed that each unit would have its own driveway so there wouldn't be another big parking lot. Mr. McGee asked about sidewalks. Mr. Walsh said that this is a subject of discussion, but nothing definitive yet. Mr. Walsh agreed to provide the Selectboard with more updated detailed plans showing the driveways to each unit. He also asked if he could be added to another future Selectboard agenda.

Discussion pertaining to streetlight purchase and conversion to LED

Mr. Read began by stating that Eversource had approached the Town to purchase the streetlights. He said that the current lighting is high pressure sodium, which are not efficient. The idea is to convert to more efficient and safer lights.

Mr. McGee moved that the Town provide Eversource with formal notice of the Town's intent to purchase the streetlights in Duxbury. *Seconded by Ms. MacNab Vote: 5:0:0*

Discussion with Harrington Working Group regarding recent RFP and response

Mr. Tag Carpenter, member of the Harrington Working Group and also Chair of the Historical Commission, stated that they put out an RFP in the advertised amount of \$550,000 – all in accordance with applicable law, and no responses met the requirements of the RFP. He discussed making changes to the RFP if we decide to change the price or change any other criteria. He mentioned that the whole process was to the letter of the law with the help of Atty Everett, which process was very time consuming. There was discussion about not having a real estate broker so this property never made it on MLS because of that. The Selectboard did not feel that the advertising was sufficient. Attorney Everett confirmed that we could get a real estate broker to manage the process; however, that would also be subject to the procurement process. Mr. Carpenter also mentioned that some of the feedback in

the proposals received questioned the conditions of the plumbing, electrical, septic, etc. He said that this would be a further discussion with the working group. In the meantime, the Selectboard need to officially reject the current proposal.

Mr. McGee moved that the Selectboard reject the proposal submitted by Bradford Norman and Cara Scotto as non-responsive. *Seconded by Ms. MacNab Vote: 5:0:0*

Discussion pertaining to management of Town Cranberry Bogs

Mr. Read read the following memo into the record:

Dear Members,

On Monday, August 29th a resident attended the Selectboard's meeting during which she mentioned her concerns about the application of glyphosate on the Gifford/Merry Bogs.

As a result of that conversation, on Thursday, September 14, 2022, Conservation Administrator Nancy Rufo and I met with two of the cranberry growers currently operating our Town-owned cranberry bogs. During our site visit and discussion, we asked several questions in terms of their respective operations.

We specifically asked about the use of glyphosate and the manner in which it is applied. They explained that when using glyphosate-containing products, they apply them by wiping only. They stated that the products they use are cut with water at a ratio of either 12:1 or 16:1 dependent upon what is being applied and that caution is used for this process since they are being used near a food product and if not applied correctly, the herbicide would kill the plant as well. They also noted that they are required to follow all FDA and Massachusetts Department of Agricultural Resources (MDAR) requirements.

Based upon our conversations with the growers, we found that they were very open and responsive to our questions and believe that are responsible farmers mindful of concerns.

Ms. Nancy Rufo, Conservation Administrator, stated that the application is regulated by law and Ocean Spray and are required to stop 30 days before harvest time. She further confirmed that the growers have to be licensed to apply and that it is only used as a last resort for invasive plants only. Ms. Ladd Fiorini said that the resident was concerned if applying during rain. Ms. Rufo answered that the growers only apply when needed and in accordance with the weather. Ms. MacNab asked if on Town bogs we could limit the use of. Ms. Rufo confirmed that she spoke with the Agricultural Committee, and they stated that the growers are using this product correctly. This may be re-visited with the growers and members of the Agricultural Committee before the Selectboard.

VI. TOWN MANAGER'S REPORT

Mr. Read said that the warrant for the upcoming Special Town Meeting is almost done. Ms. MacNab asked what could be done about the intersection of Park Street and Route 3A (state road). Mr. Read responded that he would reach out to Mr. Chris Ryan, Planning Director, and Mr. Paul Brogna, Highway Safety Committee.

VII. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS None

VIII. ONE-DAY LIQUOR LICENSE REQUESTS

10/14/22 Duxbury Rural & Historical Society – “Gold Rush” Fundraiser

Mr. McGee moved that Ms. Sabrina Kaplan, as a representative of the Duxbury Rural & Historical Society, is granted a One-Day All Alcoholic License for the “Gold Rush” fundraiser on Friday, October 14, 2022 from 6:00 PM - 8:00 PM, at the Nathaniel Winsor Jr. House, 479 Washington Street, Duxbury, contingent upon the conditions of the license.

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

10/9/22 Art Complex Museum – Artist Reception

Mr. McGee moved that Ms. Doris Collins, as a representative of the Duxbury Art Complex Museum, is granted a One-Day Wine & Malt License to hold an Artist Reception on Sunday, October 9, 2022 from 1:00 PM to 4:00 PM at the Art Complex Museum, 189 Alden Street, contingent upon the conditions of the license.

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

IX. EVENT PERMITS None

X. MINUTES

Mr. McGee moved to approve the 09/12/22 Selectboard’s Executive Session Minutes, with the contents to remain confidential until the need has passed.

Seconded by Ms. MacNab Vote: 3:0:2 (Ms. Ladd Fiorini and Mr. McGee abstained as they were absent)

XI. ANNOUNCEMENTS

Next Scheduled Selectboard Meeting will be on Monday, September 26, 2022 at 7:00pm in the Mural Room.

XII. ADJOURNMENT

Mr. McGee moved to adjourn at approximately 8:35pm.

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

Minutes submitted by Nancy O’Connor

*List of documents in Selectboard file:
Agenda
LIP Project – Railroad Ave*