

Date: April 10, 2023

Date Minutes Approved: 06-26-2023

TOWN CLERK
2023 JUN 27 PM 12:56
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 Michelle Seda-Stotts, Principal Assistant.

Others: Wendell Cerne, Chair of AEC; Steve Studley, REC Director (via remote), Dick Brennan, Chair of Shellfish Advisory Comm;

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

1. **CALL TO ORDER** This meeting was called to order at approximately 6:30 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. **EXECUTIVE SESSION**

6:00pm Executive Session – *Collective Bargaining*

For the purpose of discussing strategy with respect to collective bargaining since an open meeting may have a detrimental effect on the litigating and bargaining position of the Town.

Ms. Ladd Fiorini moved they go into Executive Session for the purpose of:

Discussing strategy with respect to collective bargaining (Police Commanders, Police Union) since an open meeting may have a detrimental effect on the litigating and bargaining position of the Town; if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, section 21, and that the Board will adjourn and re-convene in Open Session on or about 6:30pm immediately after completion of this Executive Session.

“Ms. Ladd Fiorini, As Chair, declared that the necessity for an Executive Session to conduct strategy sessions in preparation for contract negotiations as to do so in an Open Session may have a detrimental effect on the Town’s bargaining, strategizing and negotiating position.”

Seconded by Ms. MacNab Roll Call Vote: Ms. Ladd Fiorini-aye; Mr. McGee-aye; Ms. MacNab-Aye; Mr. Guitart-Aye; and Mr. Glennon-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 6:20pm.

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

4. OPEN FORUM

Mr. Glennon acknowledge the Handfield Family for the beautiful spotlight tribute displayed during the month of March, the DBR and its volunteers for the recent beach grass planting project, and American Legion Post 223 for hosting the U.S. Air Force Concert Band at the Performing Arts Center, all of which are examples of what makes Duxbury such a special community and great place to live. Ms. MacNab commented on the EV status and what was being done by the Duxbury Bay Management Commission and suggested a meeting with the committee to discuss. Mr. Guitart stated they have a meeting this Wednesday and he will get an update on Moratorium and the DBMC. Ms. MacNab inquired about the status of the EV charging stations. Mr. Read commented that the employee who handled these things has retired and has not been replaced but he will look into the status of the EV chargers. Ms. Ladd Fiorini suggested it be place on the "Smorgash" board for the near future.

5. NEW BUSINESS

Discussion pertaining to Ellison Fund distribution - presented by Steve Studley, REC Director

Mr. Studley began by discussing the request and the projects the funds will be used for. All were in agreement of the expenditure.

Ms. MacNab moved that the Selectboard recommend a total expenditure of \$46,320 from the Eben H. Ellison Trust fund for the following:

- \$23,160 for the maintenance and upkeep of the Ellison Playgrounds (Chandler School and next to Duxbury Library); and
- \$23,160 for Worthy Town projects to be allocated towards the restoration of the tennis courts located adjacent to the Lt. Timothy Steele Field House.

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

Discussion pertaining to the Determination of Uniqueness re: Duxbury Beach

Mr. Read read the following memo:

As you may recall from previous years, in accordance with Massachusetts Procurement Law, specifically, M.G.L. c. 30B, sec. 16(e)(2), a governmental body is required to solicit proposals prior to acquiring by purchase or rental real property or an interest therein from any person at a cost exceeding twenty-five thousand dollars.

Further, the governmental body is required to place an advertisement inviting the submission of proposals in a newspaper with a circulation in the locality sufficient to inform the people of the affected locality pursuant to a number of requisite publication and submittal deadlines as noted in the statute. However, a governmental body may shorten or waive the advertising requirement if "in the case of a proposed acquisition (in this case a lease), the governmental body determines in writing that advertising will not benefit the governmental body's interest because of the unique qualities or location of the property needed."

MGL requires that the determination of uniqueness "shall specify the manner in which the property proposed for acquisition satisfies the unique requirements. The governmental body shall publish the determination and the reasons for the determination, along with the names of the parties having a beneficial interest in the property pursuant to section forty J of chapter seven, the location and size of the property, and the proposed purchase price or rental terms, in the central register not less than thirty days before the governmental body executes a binding agreement to acquire the property."

As such, our office has prepared the following motion for this purpose which will comply with the statute. Should the Board vote the motion as prepared, counsel will publish the notice in the Central Register in accordance with Mass. General Law.

Following the conclusion of 30-day Central Register publication period, I will be discussing the actual lease itself with members of the Reservation and will bring said document to the Selectboard for your consideration.

There was a brief discussion about the Duxbury Beach.

Ms. MacNab read the following:

With regard to the proposed lease by the Town of Duxbury of land owned by the Duxbury Beach Reservation, Inc., consisting of approximately 66 acres and including any improvements thereon, and located at and described as: all the land and interests in the land in the towns of Duxbury and Plymouth called Duxbury Beach owned by the Reservation south of a line running approximately east to west along the northerly edge of the northerly parking area at the east end of Powder Point Bridge and north of the entrance to Gurnet/Saquish, subject to continuation of the Massachusetts Audubon Society migratory shorebird refuge at High Pines, and excluding the land at High Pines now or formerly leased to Patrick J. Cudmore, I move that advertising concerning this lease will not benefit the Town's interests because of the unique qualities or location of the property needed by the Town, such land satisfying the Town's unique requirements in the following manner: the property is located immediately adjacent to, and comprises part of, Duxbury Beach and provides access to the Beach; similar access to the Beach is not possible from other locations as the result of the local geography and environmental limitations in the area; and the parcel provides much needed parking for and access to the beach for members of the public

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

Approval of Liquor License Outdoor Seating Extension through 4/1/24 – Chestnut Street Grille

Ms. Ladd Fiorini read the following:

On March 29, 2023, under Chapter 2 of the Acts of 2023, Governor Maura Healey extended the pandemic-related authorizations for temporary outdoor dining service for licensees for on-premises consumption of alcohol, provided food is prepared on-site under a retail food permit issued by a municipal authority, and this provision is due to expire on April 1, 2024.

Pursuant to this Act, the Local Licensing Authorities may approve requests for expansion of outdoor table service or extensions of earlier granted approvals issued.

The following establishment, who was previously granted extensions of outdoor table service, is requesting this extension to April 1, 2024:

The Chestnut Street Grille

Note: The outdoor plan for tables that was initially submitted has not changed. This is simply a request to continue the temporary outdoor dining pursuant to Chapter 2 of the Acts of 2023

Ms. MacNab moved that the Selectboard, as the Local Licensing Authorities, approve the extended outdoor dining through April 1, 2024 for The Chestnut Street Grille in accordance with Governor Healey's provisions under Chapter 2 of the Acts of 2023, and as a condition of this extension, all outdoor heaters are required to be permitted through the Duxbury Fire Department, if required.

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

Discussion pertaining to Selectboard committee liaisons

Ms. Ladd Fiorini opened the discussion by reviewing the Boards & Committees. There was a brief discussion about some of the committees and their liaisons. Mr. Guitart stated he would like to be the liaison for the Water Advisory Board. They all agreed on each of their individual committees.

7:01pm Public Hearing was Cancelled.

Mr. Read stated that the Public Hearing for the transfer of license of the Milepost to Bluefish River Tavern has been cancelled because any special permits from the ZBA and the site Plan review by the Planning Board, need to be determined first, due to the restaurant proposed expansion and outdoor dining. Once that information has been confirmed, this hearing will be rescheduled with the Selectboard, and proper notice will be advertised in the Clipper and sent to the abutters.

6. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Ms. MacNab moved that the Selectboard appoint or re-appoint the following members:

Registrar of Voters

Jeffrey Schofield (Republican Rep.)	Re-Appointment	04-01-2026
Walter Hempel (Republican Rep.)	Appointment	04-01-2025

Sidewalk and Bikepath Committee

Michael Faute – fill unexpired term	Appointment	04-01-2024
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Seconded by Mr. Glennon Vote: 5:0:0

The following boards/committees have available seats:

Duxbury Seawall Committee - two seats

Sidewalk & Bike Path Committee - one seat

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

Ms. MacNab moved that **Ms. Teri Christiano**, as a representative of the **Bay Farm Montessori Academy**, is granted a One-Day All Alcoholic License for their **50th Anniversary Dinner** on Saturday, May 13, 2023 from 5:30 PM to 8:30 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 01/23/23 Selectboard Open Session Minutes, as presented.
(Fernando and Brian to abstain – not present)

Seconded by Mr. Glennon Vote: 3:0:2

Ms. MacNab moved to approve the 03/11/23 Selectboard Annual and Special Town Meeting Minutes, as presented. ***(Brian to abstain – not present)***

Seconded by Mr. Glennon Vote: 4:0:1

Ms. MacNab moved to approve the 03/20/23 Selectboard Open Session Minutes, as presented.
(Brian to abstain – not present)

Seconded by Mr. Glennon Vote: 4:0:1

Ms. MacNab moved to approve the 03/27/23 Selectboard Open Session Minutes, as presented.
(All can vote)

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

9. ANNOUNCEMENTS

1) Commercial Shellfish License Applications:

Commercial Shellfish License Applications are available in the Selectboard's Office in Old Town Hall. You can apply only during the month of April, and applicants must be a Duxbury resident

and have a Massachusetts Commercial Fisherman's Permit showing "endorsed shellfish." For more information, please contact the Selectboard's office at 781-934-1100 x5402.

- 2) Planning Board vacancy – Ms. MacNab read the attached.**
- 3) Town Hall Offices Closed – Monday, April 17 – Patriot's Day Holiday**
- 4) Next Scheduled Selectmen's Meeting** will be on Monday, April 24, 2023 at 7:00pm.

Discussion pertaining to Municipal Aggregation – presented by Wendell Cerne, Chair of the AEC
Mr. Cerne stated that the main purpose for this meeting was to give the committee's recommendation regarding a broker for Municipal Aggregation. Mr. Wendell began by addressing the EV charging stations at the Library. They have put in an application thru Eversource to have them installed. There was a brief discussion about putting it into action after the Municipal Aggregation plan has been put into place. Mr. Cerne stated that there are more than 215 Massachusetts communities, not including communities having their own municipal companies, which have created community energy aggregation programs: some programs have been in place since 1997. Communities report that energy rates are stabilized and lower, depending upon how the energy is sourced; also, green municipal aggregation programs stimulate demand for renewable energy production. A 2022 analysis conducted by The Green Energy Consumer Alliance revealed that "ratepayers enrolled in those products saved an average of 1.3 cents per kilowatt-hour compared to the Basic Service energy supply offered by Eversource or National Grid." Typically, communities' contract with a municipal aggregation broker who has the technical and administrative knowledge to construct a green municipal aggregation plan. The broker also facilitates community education, solicits community input, and negotiates with energy providers. (The broker's reimbursement becomes part of the final rate.). Ms. Ladd Fiorini wanted to be assured that residents of Duxbury will have the choice to opt-in or out. Mr. Cerne stated they would. Mr. Glennon inquired about the generation component of the energy source. Mr. Cerne said yes, the generation portion of the bill is the charge they are looking at. Mr. Glennon also inquired about what is the minimum participation for town residents. Mr. Cerne stated that everyone participates until they chose to opt out which is a very easy process. Mr. McGee inquired about the due diligence done for the three brokers. Mr. Cerne stated the process they took and the research that was done to make their decision. Ms. Scofield, resident, commented that they should opt-in and consider combining with other towns. Ms. Ladd Fiorini stated they will take that into consideration. Ms. Ladd Fiorini asked Mr. Cerne to present his recommendation. Mr. Cerne and the Alternative Energy Committee recommended Colonial Power as the consultant. Mr. Read commented and recommended that they hold off in making a decision tonight and have a meeting with their current energy broker from Sprague Energy. Mr. Glennon also stated that they review more before they make a decision. Ms. Ladd Fiorini stated that the broker we use is not a municipal aggregation broker, however, we can consult with Colonial Power and with Sprague Energy to provide us with their data. Mr. Guitart would like to look at both and decide what is the right thing to do for the Town and its residents. Mr. Cerne, as Chair of the Alternative Energy Committee, recommended Colonial Energy as the broker for the Municipal Aggregation plan. Ms. Ladd Fiorini moved to accept the AEC's recommendation to use Colonial Energy.

7:15pm Public Hearing – 2023 Aquaculture Renewal Application

Ms. MacNab moved that the Selectboard open the aquaculture license renewal public hearing advertised in the *Duxbury Clipper* on March 22, 2023 regarding aquaculture license renewal application from the aquaculture grant holder named in the notice.

Seconded by Mr. Glennon Roll Call vote: Mr. Glennon-aye; Mr. McGee-aye; Ms. Ladd Fiorini-aye; Ms. MacNab-aye; and Mr. Guitart-aye

Mr. Richard Brennen, Chair of the Shellfish Advisory Committee, stated that in his memo dated 03/21/2023 the Shellfish Advisory Committee met on 03/08/2023 to discuss the application and voted to recommend that the Selectboard approve the renewal application. Ms. MacNab inquired about the two leases being renewed, although one is not due for renewal at this time. Mr. Morris commented on the renewal application, stating that the original plan was to purchase 2 acres to test the growing productivity. He then decided to purchase additional acreage, after which he decided to renew all the acreage together for a total of 3 acres, for 10 years.

Ms. MacNab moved that the Selectboard approve the renewal license application submitted by Gregory Morris, 272 Summer Street, for Aquaculture lease #4438-1, and 4438-2 for 10 years.

and, as required by MGL 130 sec 57-68, grant permission to conduct activities as outlined by the Management Plan- (Designated Aquaculture Area, Federal Anchorage, DBMS Upweller–Aquaculture Float) pending all Federal, State, and local reviews and approvals.

Seconded by Mr. Glennon Roll Call vote: Mr. Glennon-aye; Mr. McGee-aye; Ms. Ladd Fiorini-aye; Ms. MacNab-aye; and Mr. Guitart-aye

Ms. MacNab moved that the Selectboard close the aquaculture float license public hearing

Seconded by Mr. Glennon Roll Call vote: Mr. Glennon-aye; Mr. McGee-aye; Ms. Ladd Fiorini-aye; Ms. MacNab-aye; and Mr. Guitart-aye

Discussion with Planning Board regarding Comprehensive Plan Implementations

Mr. Casagrande reconvened the Planning Board. Mr. Glennon congratulated Kristen and Wayne on their election to the board and thanked them for their service. Mr. Ryan began the presentation discussing their accomplishments to date and their best practices. Mr. Ryan listed the departments they have received responses from and continued to identify the different tabs and the steps needed for implementation of the Plan. Mr. Ryan recommended having regularly quarterly meetings to discuss the action items with its designated owner. Mr. McGee suggested that the liaisons be informed of the owners that have not responded so as to help motivate them. Ms. MacNab was in favor of the workshops to help with the implementation. Ms. Ladd Fiorini was in favor of scheduling owner meetings. Mr. Glennon would like to see a monthly update to help everyone move forward. Mr. Guitart stated that the Planning Board has given us the gift of a tracking tool. Mr. Ryan stated that its up to the Selectboard to support the implementation. Mr. Casagrande stated the best way to the

implementation is with the Selectboard and Planning Board working together. Ms. Ladd Fiorini thanked the planning board for attending the meeting. The Planning Board then adjourned their meeting.

10. TOWN MANAGER'S REPORT

Mr. Read stated that he had just received an email regarding the 2nd act of vandalism on Duxbury beach over the past week, this morning Duxbury Reservation beach staff found more than a quarter mile of fencing vandalized, fencing was cut, signs were ripped off their posts and the posts were pulled out. This destruction has a direct impact on nesting activity and prolong the nesting season. Please help the DBR and the Town manage this and whoever did this shame on you.

Thank you - Seawall Committee and the CPC

As a follow up to the recent election held on March 25th, I want to thank both the Seawall Committee and the CPC for their efforts leading up to that event. The volunteers on these two committees have contributed countless hours on the behalf of the Town and their efforts are appreciated.

Police Chief Search Update

I, along with Human Resources Director Jeannie Horne and Assistant Human Resources Director Kim DeGrace contacted and interviewed three (3) firms specializing in performing Police Chief searches. Those interviews were with Sean F. Kelly, from Municipal Resources, Inc., Dan Fehlman from GOV-HR and Dylan Cogswell from BadgeQuest.

While all three firms had similar offerings and positive aspects, we found the proposal from MRI was the one best suited to Duxbury's needs. Their familiarity with the Duxbury Police Department (garnered as a result of a staffing study MRI performed in the fall of 2022) was an additional strength in addition to their knowledge of current searches ongoing throughout New England. Finally, not only do we believe that MRI is best suited to serve our needs at this time, but their proposal was also the most economical.

The pricing for each of the three firms was as follows:

GovHR:	\$24,500
BadgeQuest:	\$20,490
MRI:	\$19,500

As a result, we agreed that that proposal from MRI was the firm whose services were in the best interests in the Town of Duxbury.

We are still ironing out the specific details of the hiring process and once we have concluded that process, I will provide additional information at a future date.

The entire process should take approximately 12-14 weeks.

Earmark Funding Update

As you may recall, in November of last year, Rep. Josh S. Cutler and Sen. Patrick O'Connor notified the Town that the FY'23 Economic Development Bill included a number of local amendments that we filed to directly benefit Duxbury.

One of those local amendments (or earmarks) included \$75,000 for infrastructure improvements in Duxbury.

To that end, the Town has requested funding for the following:

1. Installation of flashing intersection signs (2) and flashing speed limit signs (4) to be installed on various roads;
2. Permanent monumentation related to Washington Street survey – sidewalk related;
3. Funding for design engineering related to intersection design and retrofit (Franklin Street and/or Tremont/Oak Streets).

The FY'23 Economic Development Bill also included an amendment in the amount of \$100,000 for coastal infrastructure improvements in the town of Duxbury.

For that aspect, I have had several conversations with engineer Pat Brennan and also with Leslie Fields from the Woods Hole Group about possible uses for this funding.

I have not yet had a chance to discuss all of these ideas with the DPW Director but I will be doing so this week. Leslie indicated that the "grant writing services would only be for two applications, since they will either be filing for money to nourish the beach or advance the offshore borrow site, depending on whether the USACE permit for nourishment is issued in time." In the meantime, I have asked Leslie to send me a proposal for the items highlighted on the matrix.

Prepare CZM grant application for beach nourishment funds (assumes USACE permit is issued by mid-June; assumes Town has 25% match)	~ \$8,000	WHG can work with the Town to prepare this application
Prepare CZM grant application to advance designation of offshore borrow site (assumes USACE permit for nourishment is not issued by mid-June)	~ \$8,000	WHG can work with the Town and DBR to prepare this application.
Prepare CZM or MVP grant application to design and start permitting for elevation of Harrison St. east of Fairway Ln where the road crosses the tributary to the Blue Fish River. The Vulnerability Assessment prepared by WHG in 2021 shows a 10% probability of roadway flooding at this location in 2030.	~ \$8,000	WHG can work with the Town to prepare this application.

Purchase and install permanent tide gauge in Snug Harbor. The real time data could be linked to the Harbormaster's operational plan and communications system.	~ \$15,000	WHG for planning & installation Hohonu for 3 yr rental of instrument.
Survey existing outfalls in Duxbury Bay (14) and the Bluefish River (7) to determine if current and future storm surge will result in inland surcharges. Purchase one-way tide gates for vulnerable outfalls.	~ \$25,000 for survey, vulnerability assessment and sizing; Still doing research on cost for tide gates but looks like they range from \$500 to \$2,500/gate (note that not all outfalls will need a gate)	WHG for survey work, vulnerability assessment and sizing; 3 rd party vendor for tide gates (e.g., Waterman USA).
Create a sand bank for future beach nourishment. Assumes Town has site to store the material, and/or identifies a site where you can purchase the sand and mine it when you are ready to place it on the beach. Town should check with J. Cutler to see if the sand bank would be considered a coastal infrastructure improvement.	Assuming material at \$10/yd you could purchase 10,000 cy; if trucking is involved then the rate would be more like \$30/yd a you could purchase ~ 3,300 cy	3 rd party vendor (Duxbury Construction, other sand and gravel operations).
Hire consultant(s) to refine design and start permitting for the seawall project. I realistically don't know how much time Pat or WHG has between now and June 30 to devote to this effort, especially since we can't get going until after the pre-app meeting at the end of April.	~ 20,000 depending on availability of consultants and level of work indicated to be necessary during the pre-app meeting.	Pat Brennan with possible support from coastal engineering firm.
Seal/elevate/floodproof controls and manholes for vulnerable sewer and fuel tank infrastructure.	??	Town and 3 rd party vendor.

11. ADJOURNMENT

Ms. MacNab moved that the Board of Selectmen adjourn at approximately 8:50pm.

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

Minutes submitted by Michelle Seda-Stotts

LIST OF DOCUMENTS

- 1) SB Agenda
- 2) Executive Session Motion
- 3) Aquaculture License Renewal-Gregg Morris
- 4) Municipal Aggregation information
- 5) Ellison Fund distribution request
- 6) Determination of Uniqueness regarding Duxbury Beach
- 7) Request for Outdoor Seating Extension – Chestnut Street Grille

Duxbury Selectboard Open Session Minutes

Date: April 10, 2023

Page 11 of 11

- 8) *Selectboard Committee Liaisons list*
- 9) *Comprehensive Plan presentation by Christopher Ryan*
- 10) *Committee Appointments/Re-Appointments/Resignations*
- 11) *ODLL – Bay Farm Montessori – 50th Anniversary*
- 12) *Minutes to be approved: 01/23/23, 03/11/23, 03/20/23, and 03/27/23*
- 13) *Announcements*