

**Date: June 5, 2023**

**Date Minutes Approved: August 7, 2023**

TOWN CLERK

2023 AUG 14 PM 6:18

**SELECTBOARD**

**OPEN SESSION MINUTES**

DUXBURY, MASS.

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

**Absent:**

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

**Others:** John Q. Adams, Finance Director; Scott Casagrande, Planning Board (PB)-Chair; Dave Uitti, PB-member; Kristin Rappe, PB-member; Wayne Dennison, PB-member; Keith McDonald PB-member; Tom Dacey, Candidate for PB; Allison Shane, Candidate for PB; Martha Himes, Duxbury for All;

**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](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** – *There were no comments.*

4. **NEW BUSINESS**

Ms. Ladd Fiorini began by recognizing the following Eagle Scouts: Alexandra Hauber, Adrian Kelley, Brady Savage, Cole Slocum, Colton Morris, Harrison Magee, Henry Wien, Jack Wood, Nadia Sovick and William Lafevre. In lieu of reading each proclamation Ms. Ladd Fiorini stated the following: Now therefore be it resolved on this 5<sup>th</sup> day of June, 2023 the Town of Duxbury through the Selectboard and Town Manager do hereby commend, Alexandra Hauber, Adrian Kelley, Brady Savage, Cole Slocum, Colton Morris, Harrison Magee, Henry Wien, Jack Wood, Nadia Slovic and William Lafevre. The Selectboard offered their congratulations to the Eagle Scouts and all were given a Proclamation for their achievements.

**Discussion and adoption of Pride Month Proclamation** – *presented by Denise Garvin on behalf of Duxbury for All and the students from the Gay/Straight Alliance*

Ms. Ladd Fiorini began with asking Ms. Dennison to speak on Ms. Garvin's behalf. Ms. Dennison and Ms. Garvin had introduced the Proclamation at a previous meeting and requested the Selectboard to adopt. Ms. Ladd Fiorini began by reading the proclamation, and each Selectboard member took a turn at reading a paragraph of the Proclamation.

*Mr. Guitart began reading:*

***Proclamation Recognizing June as Lesbian, Gay, Bisexual, Trans, Queer + (LGBTQ+) Pride Month***

**WHEREAS: The Town of Duxbury is a safe and welcoming community that embraces diversity, equity, and inclusion; and**

*Ms. MacNab read:*

**WHEREAS: During the month of June, Pride celebrations are held across the United States in recognition of the Stonewall Uprising, the birth of the modern LGBTQ+ rights movement - a call to action that continues to inspire us to live up to our Nation's promise of equality, liberty, and justice for all; and**

*Ms. Ladd Fiorini read:*

**WHEREAS: Duxbury recognizes the important contributions of its LGBTQ+ residents to the Town's history, culture, economy, and civic life; and**

*Mr. McGee read:*

**WHEREAS: LGBTQ+ teens are at especially high risk of experiencing discrimination, mistreatment and even violence, and have increased suicide rates, and the Town is committed to ensure that they are safe, valued and supported and can live free of fear; and**

*Mr. Glennon read:*

**WHEREAS: We recognize the resilience and determination of the many individuals who are fighting to live freely and authentically; and**

*Mr. Guitart read:*

**WHEREAS: The Town of Duxbury is dedicated to fostering acceptance of all its residents and preventing discrimination and mistreatment based on sexual orientation or gender identity and we affirm our commitment to support LGBTQ+ rights in our Town.**

*Ms. MacNab read:*

**Now, Therefore,** be it resolved on this 5<sup>th</sup> day of June, 2023, that the month of June (and the month of June in years hence) be declared Pride Month in the Town of Duxbury and that all residents be encouraged to recognize and acknowledge the contributions of the LGBTQ+ members of our community as we continue to advance the principles of liberty, equality, and inclusivity for all.

*Signed by the Duxbury Selectboard, Cynthia Ladd Fiorini, Chair.*

Ms. MacNab moved to adopt.

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

**Discussion pertaining to Municipal Relief and/or Reserve Fund Transfers – presented by John Q. Adams**

Mr. Adams began discussion and explained the Municipal Relief and Reserve Fund transfers and gave a brief description for each line item. All items had been approved by the Finance Committee at their 5/25/23 meeting. Ms. MacNab inquired about the refund on our Fire Liability insurance. Mr. Adams explained that we estimate a percentage which was over. Mr. McGee inquired about the Water & Sewer salaries compare to deficit expenses. Mr. Adams responded that getting a third-party cost more.

Ms. Macnab moved that the Selectboard approve of the Municipal Relief and/or Reserve Fund Transfers, as presented.

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

**Appointment of the Planning Board member to fill vacant seat**

Ms. Ladd Fiorini stated the basic outline of the process. At this point the candidates are being interviewed in an Open Meeting with the Planning Board and the Selectboard. Mr. Casagrande, chair of the Planning Board, joined the Selectboard and opened their meeting at approximately 7:30pm. All members of the Planning Board were in attendance, except Ms. Turcotte. Two of the three applicants were in attendance. Ms. Ladd Fiorini began with Mr. Dacey. He introduced himself and gave a brief background of himself and why he would like to join the Planning Board. He thanked them all for the opportunity to interview. The Planning Board then asked if he had any questions for them. Mr. Dacey inquired about the commitment required of a Planning Board member. Mr. Casagrande responded that it varies depending on his complete involvement with different projects within the Board. Mr. Glennon inquired about whether Mr. Dacey has attended any Planning Board meetings previously and what did he think about them. Mr. Dacey stated that he has not been to any Planning Board meetings as of late. Ms. Ladd Fiorini thanked him for his time. Ms. Ladd Fiorini then asked Ms. Shane to present herself. Ms. Shane then introduce herself and shared her career goals and her involvement and interest in Town issues. Ms. Ladd Fiorini inquired about the time necessary to commit to the Planning Board. Ms. Shane said she is currently available for anything and everything. After all questions had been answered there was a brief discussion with the Planning Board. Mr. Casagrande stated that both candidates were very qualified. Mr. Uitti stated that both are good candidates but he feels that Ms. Shane has shown her commitment to the Planning Board. Ms. Rappe, thanked them for coming today, she feels that Mr. Dacey's building background was something that was really valuable. She was also impressed with Ms. Shane's perspective and evidence of her dedication by coming to the meetings and would recommend the Board vote for Ms. Shane. Mr. Dennison commented that Mr. Dacey would be a good addition to the Planning Board. Mr. McDonald commented that both candidates are qualified and would like to cast his vote for Ms. Shane. Mr. Casagrande stated that he would stand with the majority of the Board.

Mr. Casagrande moved that the Planning Board appoint Ms. Shane to fill the open Planning Board seat for the unexpired duration and the next election.

*Seconded by Mr. Uitti      Roll Call Vote: Mr. Uitti-aye; Ms. Rappe-aye; Mr. Dennison-aye; Mr. McDonald-aye; and Mr. Casagrande-aye.*

Mr. Guitart wanted to express his support for Mr. Dacey and would like to see him on the Planning Board but will support the Board vote for Ms. Shane, who also is a very viable candidate. All Selectboard members agreed unanimously.

Ms. MacNab moved that the Selectboard appoint Ms. Shane to fill the open Planning Board seat until the next election.

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

Mr. Casagrande moved to adjourn the Planning Board meeting at approximately 8:15pm.

*Seconded by Mr. Uitti      Roll Call Vote: Mr. Uitti-aye; Ms. Rappe-aye; Mr. Dennison-aye; Mr. McDonald-aye; and Mr. Casagrande-aye.*

**Selection of one (1) Selectboard member to serve on the Police Chief Assessment Center (all day event on Wednesday, July 12)**

Mr. Read read the following Memo to the Selectboard:

Human Resources Director Jeannie Horne, Assistant Human Resource Director Kim DeGrace and I have been working on the Police Chief recruitment with Sean F. Kelly, our consultant from Municipal Resources, Inc.

As part of the process, we will host a one-day assessment center on Wednesday, July 12<sup>th</sup>. It will consist of several exercises, each designed to measure the skills, knowledge, and abilities of each of the top candidates within the most critical dimensions required of the position. In addition, the assessment center will include key staff members and stakeholders from our community.

The assessors are all MRI police management consultants that are experienced in administering the process and evaluating candidates.

At the conclusion of the assessment center, the MRI team will meet with the Town Manager and/or designated stakeholders to answer questions, fully discuss the performance of each candidate, and provide a scoring matrix.

**By way of this memo, I am requesting that the Selectboard designate one member to participate in this all-day process on Wednesday, July 12<sup>th</sup>.**

After a brief discussion Mr. Guitart was chosen to serve on the Police Chief Assessment Center.

**5. TOWN MANAGER'S REPORT**

Mr. Read read the following report:

**Duxbury Free Library News**

Denise M. Garvin, Library Director at the Duxbury Free Library:

The American Library Association spotlighted our very own young adult librarian Meghan Yost. You can read the article [here](#) or <https://games.ala.org/gaming-librarian-spotlight-meghan-yost/> “Gaming Librarian Spotlight: Meghan Yost”

We knew when Meghan came on board, she would be a game-changer and we were right. This national recognition is well-deserved.

Congratulations to Meghan on this recognition!

<https://games.ala.org/gaming-librarian-spotlight-meghan-yost/>

**Gaming Librarian Spotlight: Meghan Yost**

May 31, 2023 admin GameRT, Gaming Librarian Spotlight, Highlight  
*Young Adult Librarian, Duxbury Free Library, Duxbury, MA*  
*Interviewed by Julie Hornick*

**Tell us about yourself. In a nutshell, who are you and what is your role at your library?**

I am Meghan Yost the Young Adult Librarian at the Duxbury Free Library. My role here is unique in that I am the YA librarian but I also work in the children’s room and with the adults. I also order all of our unusual items and board games. I moved from MD in 2019 to work in Duxbury and I took a risk moving somewhere where I knew no one and had nothing to fall back on. It was one of the best decisions I have made. I love the library I work at and have made some amazing friends here.

**Share a program that you have developed or participated in that you were really proud of or excited by.**

I developed a program called Board Game Blind Date. It allowed people to test out 4 different games of 4 different styles. Cooperative, Competitive, Card, and Deceptive games. They did one round with each game and I also gave a list of other good games for each category. That way people could try multiple types of games and see which kind they preferred. This program can be broken down even more if you want and is very versatile. I loved getting different types of games out there that people may not have known about and teaching a gaming vocabulary that they may not have known.

**Does your library have a gaming collection? If so, tell us a little bit about it.**

When I started here the game collection already existed but was much smaller and older. I am an avid gamer in real life and was excited to add to the collection. It started with just giving suggestions and then the next year they gave me the collection. I have expanded the collection from about 40 games to about 140 games between adults and children in the last two years.

**What value do games or gaming bring to you, personally?**

Games bring a lot of value to my life. Gaming brought me friends when I moved to a new state six months before the COVID lockdown. We have been running a bi-weekly D&D game for two years now. We also have board game nights when we need a change of pace. Gaming has always brought people together in my life and I am sure it does the same for others.

**What would you tell someone who wants to bring game programs or collections to their library?**

I love helping other libraries add games to their collection. I have had a few local libraries reach out to me about our unusual items collection. I think games are a great addition to the library. They help bring people and families together, but games can be expensive. The library is the perfect resource to help people have access to games that they may not be able to access any other way. The library is all about bringing people together and teaching. Games accomplish both of those things and so much more. If you can manage it in your budget, I 100% think games should be at as many libraries as possible.

**Duxbury Beach Update**

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

Currently, we have around 44 pairs of Piping Plovers on the beach, with 16 active nests, 15 Broods of chicks, and 4 un-nested pairs as of this morning. The beach is being hit pretty hard by the combination of the strong NE winds and the full moon tides pushing waves high up on the beach. To date, we have lost 10 nests, with 6 of those nests lost due to the current conditions.

Vandalism continues to be an issue over the past week. A low barrier at one of the pedestrian pathways at Duxbury Beach Park was removed entirely. People speeding through 5 mph zones are regularly observed by our crew on the back road. We are working with Beach Ops to find ways to mitigate this issue, and more speed bumps have been added by Beach Ops. There have been several incidents of confrontations and verbally threatening of shorebird monitors, which is extremely disturbing.

**Piping Plovers**

Pairs: 44

Nests: 16

Broods: 15

**Least Terns**

It is hard to say at this point what effect the current conditions will have on the stability of the colonies. It appears a lot of nests have been washed out. Adult numbers have been reduced, likely because of the high winds, with them sheltering and foraging elsewhere. However, terns are flexible and can renest very quickly.

**Crossovers, Restricted Areas, Fencing**

Due to avian activity, state and federal regulations prohibit vehicles within the mandated setbacks. All crossovers are closed and will remain as such until further notice.

**Hours of Operation**

In the update issued by the Town last week, we were hoping to dispel the incorrect notion that Duxbury Beach Reservation has somehow limited beach access. The Town and Duxbury Beach

Reservation (DBR) have a strong partnership in the management of Duxbury Beach and each has their own distinct set of responsibilities. As has been the case for many years, the Town of Duxbury manages beachgoer and vehicle access on Duxbury Beach and as such, makes the decisions surrounding crossover and parking lot closures and opening/closing times. The Town and DBR work together to investigate and assess all options to maximize beachgoer access, and the Town makes the decision on how to implement the available options based on the nesting data DBR provides to ensure Duxbury Beach is compliant with state and federal law.

As of June 1, 2023, the Town of Duxbury has set the daily operating hours of Duxbury Beach to be open from 8:00 a.m. until 9:00 p.m. and these hours are the same for the parking lot area near the resident beach area.

Recent occurrences of vandalism at Duxbury Beach have been a source of great concern for both the Town and DBR and any further instances of those illegal activities will have an extremely adverse impact on the Town's ability to continue to use Duxbury Beach. The Town is obligated to ensure that all beach patrons are following the applicable rules of conduct as noted in the Duxbury Beach Guide and the Town's Beach Use by-law. The Town is maintaining its commitment to providing enforcement of the applicable laws and will issue citations as determined by Duxbury Police.

As an additional means of helping prevent any further acts of vandalism, Police Department personnel will be present at/near the 9:00 p.m. closing time and making routine patrols throughout each night during the season to confirm that those areas remain vacated.

### **Where to Find Updated Information**

Please continue to check for the latest updates as conditions and circumstances can change with little or no advance notice based on activities of wild animals. This information will be updated if conditions change or as new information becomes available. For further information about Duxbury Beach conditions, please visit the Town of Duxbury Beach Operations website at:

<https://www.town.duxbury.ma.us/beach-operations>

The most up-to-date information pertaining to beach conditions including restrictions and access limitations may be found by following Duxbury's Official Beach Operations Twitter feed at:

<https://twitter.com/BeachDuxbury>

### **Massachusetts Municipalities Suing Over PFAS Contamination**

Last week I was asked about municipalities suing over PFAS contamination in their water and what our counsel had found out. I reached out to Jeff Blake and he put me in touch with the firm they are working with - Napoli Shkolnik Law - that is handling a multi-district litigation on behalf of some towns in the commonwealth regarding the PFAS contamination.

Some background info - the National Rural Water Association Board of Directors, which is governed by the Mass Rural Water Association, and 49 other state rural water affiliates, voted to engage with the law firm of Napoli Shkolnik to file a PFAS cost recovery action against the global manufacturers of



the PFAS forever compounds. The sole purpose was to provide an opportunity for water and wastewater systems to recover any expenses they may have or expenses they may incur in the future for testing, treatment and remediation of PFAS contamination. For clarification, this is not a class action as there are multiple classes of plaintiffs. The litigation is defined as multidistrict litigation. There are three key points we stress to systems:

1. The action is cost recovery, not punitive
2. It is filed against the global manufacturers of the compounds and does not impact local companies who may have used them.
3. There is zero upfront cost to register the utility onto the cost rolls, however, a system must be registered prior to a settlement being reached in order to benefit. We expect a settlement very soon as the court has appointed a settlement mediator in November of 2022 and a trial date has been set for June 5, 2023.

Thankfully, since this is somewhat time sensitive, last week I was able to register the Town of Duxbury into the PFAS Cost Recovery Program. There are no fees or cost to register and if there is no recovery specifically for Duxbury, there is zero cost to the utility.

#### **6. ONE-DAY LIQUOR LICENSE REQUESTS**

##### ***6/11/23 First Parish Church – Farewell to Reverend Catherine Cullen***

Ms. MacNab moved that **Ms. Cynthia Ladd Fiorini** is granted a One-Day Wine & Malt License for the **Farewell to Rev. Dr. Catherine Cullen** reception on Sunday, June 11, 2023 at the First Parish Unitarian Church located at 842 Tremont Street, Duxbury from 4:00 PM to 6:30 PM, contingent upon the conditions of the license.

*Seconded by Mr. Glennon     Vote: 4:0:1 Ms. Ladd Fiorini-recused herself*

#### **7. EVENT PERMITS**

##### ***07/01/23 Kid's Celebration Parade***

Ms. MacNab moved that **Mr. Cole O'Shaughnessy** is granted permission to hold a **Kids' Celebration Parade** starting and ending at 77 Meetinghouse Road on Saturday, July 1, 2023 from 10:30am to 1:30pm, and contingent upon the conditions of the permit.

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

##### ***07/04/23 Fourth of July Parade***

Mr. McGee moved that **Town of Duxbury Fourth of July Committee** is granted permission to hold the annual Fourth of July Parade and related events on Tuesday, July 4, 2023 in the Town of Duxbury.

*Seconded by Mr. Glennon     Vote: 4:0:1 (Ms. MacNab-abstained)*

#### **8. MINUTES**



Ms. MacNab moved to approve the 05/22/2023 Selectboard Open Session Minutes, as presented and as amended.

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

**9.     ANNOUNCEMENTS**

**1) Race Amity Day – Sunday, June 11, 2023**

The Race Amity Committee in partnership with the Duxbury Free Library will host a celebration from 1pm – 3pm Sunday, June 11 at the Duxbury Free Library. This event is open to the public and will include outdoor activities for all ages, a Race Amity information display, screening of the Race Amity short film series, and more.

**2) Next Scheduled Selectboard’s Meeting will be on Monday, June 12, 2023 at 7:00pm.**

**10.    ADJOURNMENT**

Ms. MacNab moved that the Selectboard adjourn at approximately 8:45pm.

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

*Minutes submitted by Michelle Seda-Stotts*

**LIST OF DOCUMENTS**

- 1) *SB Agenda*
- 2) *Proclamation for Eagle Scouts*
- 3) *Proclamation – Pride Month*
- 4) *Municipal Relief and/or Reserve Fund Transfers*
- 5) *Planning Board Candidate Information and Interview Questions*
- 6) *ODLL – First Parish Church-Farewell to Rev. Catherine Cullen*
- 7) *Event Permit – Kid’s Celebration Parade*
- 8) *Event Permit – Fourth of July Parade*
- 9) *Open Session Minutes*
- 10) *Announcements*

