

Date: September 18, 2023

Date Minutes Approved: 12/04/2023

TOWN CLERK  
2023 DEC -5 AM 10:18  
DUXBURY, MASS.

## SELECTBOARD

## OPEN SESSION MINUTES

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

**Absent:** Fernando Guitart

**Staff:** René Read, Town Manager; Michelle Seda-Stotts, Principal Assistant; Jeannie Horne, HR Director; Mary Mackinnon, Finance Director

**Others:** Joanne Moore, COA Director; Chris Coakley, COA Volunteer; Wendel Cerne, AEC – Chair; Sara Lansing, VSO; Nancy Rufo, Conservation Admin; Susanna Sheehan, Clipper Reporter; Pat Brennan, PBG Engineer; Holly Morris, Conservation Commission; Mark Cloud, Water Superintendent; Attorney Shirin Everett, KP Law-(via remote)

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

1. **CALL TO ORDER** This meeting was called to order at approximately 6:00pm. 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. **6:00 PM EXECUTIVE SESSION - Collective Bargaining – DPW AFSME 93 Local 1700**

Ms. MacNab moved that we go into Executive Session for the following purposes:

Discussing strategy with respect to collective bargaining (*Duxbury DPW Employees AFSME 93 Local 1700*) since an open meeting may have a detrimental effect on the litigating and bargaining position of the Town; and if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, section 21, and that the Selectboard will adjourn and re-convene in Open Session on or about 7:00pm immediately after completion of this Executive Session.

*“As Chair, Ms. Ladd Fiorini 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 Mr. Glennon Roll Call Vote: Ms. Ladd Fiorini-Aye; Mr. McGee-Aye; Mr. Glennon-Aye; and Ms. MacNab-Aye*

After the discussions were 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. Glennon Roll Call Vote: Ms. Ladd Fiorini-Aye; Mr. McGee-Aye; Mr. Glennon-Aye; and Ms. MacNab-Aye*

#### **4. OPEN FORUM**

Mr. Glennon attended an MMA Grant Seminar today, lots of information. Mr. Glennon and Mr. Guitart met with Ms. Horne to discuss Town Manager Goals.

#### **5. NEW BUSINESS**

##### ***Discussion regarding Senior Tax Work Off Program guidelines – presented by Joanne Moore***

Ms. Moore discussed the updated guidelines, which included veterans and seniors, in FY24. There was an increase in hours of service to 100 hours at \$15/hour. Ms. Coakley stated that there will be 23 available spots, down from the 32 we had this year but they felt it would be more beneficial to the participants. Ms. Ladd Fiorini inquired about having participants from both groups, since it is on a first come, first serve basis. Ms. Coakley stated that a request for services to all departments was sent out and a survey. All participants would like to return and some of the current participants are veterans. Mr. Glennon stated that to be clear the veterans do not have an age restriction, and how are they being notified of this opportunity. Ms. Lansing responded that she had announced to the American Legion last week.

Ms. MacNab moved that the Selectboard approve the amended and updated FY24 Senior Tax Work Off Program, as presented.

*Seconded by Mr. Glennon 3:0:1 (Ms. MacNab abstained)*

##### ***Endorsement of Authorization to Expend ARPA Funds related to Snug Harbor Sewer repair work.***

Ms. MacKinnon presented by requesting the Selectboard approved the use of ARPA funding for the following 2 Sewer projects:

The Bluefish River Sewer Pump Station and  
Wastewater Treatment Facility Actuator Replacement

Mr. Cloud briefly described each project and how they were being repaired. Ms. MacNab inquired about the funding to make these repairs. Mr. Cloud responded through the General Fund. Ms. MacKinnon responded that the sewer operation is not an enterprise fund, so an enterprise fund is a business entity that is self-supporting. Unlike the Water enterprise, where the rates do cover the cost of operation for the water department, sewer does not. Sewer has always been part of the General Fund operation, which means it is not self-sustaining. Typically, betterments are assessed to those who will benefit from that program, but it is a one-time cost. We can look at the rates but there is a small number of people using the sewer systems and the costs of operating and maintaining the systems are

expensive. This group is not large to justify creating an enterprise fund for that particular function. Mr. Cloud confirmed we probably have less than fifty people. Ms. MacKinnon also added that the waste water treatment facility is primarily for municipal purposes, serving our schools, so we bear the cost. Mr. Glennon inquired about the repairs, if they were normal wear and tear as opposed to premature failures that should be covered under warranty. Mr. Cloud said they are. Ms. Sheehan asked about the pump out trucks and if there have ever been any leaks. Mr. Cloud responded no, there has been no discharge.

Ms. MacNab moved that the Selectboard approve the use of ARPA funding for the Bluefish River Sewer Pump Station and the Wastewater Treatment Facility Actuator Replacement.

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

***Discussion pertaining to Complete Streets Tier 3 Grant application regarding Washington Street Right-of-Way for sidewalks and street layout relocation plan.***

Attorney Everett was present to make the presentation. As a condition of the Grant, the Town is required to provide a Plan layout, showing the meets and bound of the entire street. The Town engaged a surveyor to prepare this Plan. The Selectboard's approval is required to proceed with the Grant. Ms. Ladd Fiorini inquired about easements or property lines, and if they were needed. Atty Everett said that it is not necessary, they only currently need the Selectboards approval to proceed. Mr. McGee inquired about the notice given to residents. Atty Everett stated that notice was not required. Mr. Brennan stated that there is no formal layout and no property lines are changing, therefore, there are no takings. Mr. Glennon confirmed that there have been no problems or challenges from the residents concerning the locations of the marking stakes.

Ms. MacNab moved that the Selectboard approve the relocated layout plan of Washington Street, which relocated plan is entitled "Relocation Right of Way Plan Washington Street Duxbury, Massachusetts," dated August 18, 2023, prepared by Merrill Engineers and Land Surveyors (18 sheets), to relocate the layout of Washington Street as a town way, as shown on said plan, and, if applicable, to forward said plan to the Planning Board."

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

***Discussion with Conservation Commission regarding the proposed transfer of Town-owned parcels to the care and custody of the Conservation Commission.***

Ms. Rufo began by first opening the meeting for the Conservation Commission since they had a quorum. She gave a brief description of who they are as the Conservation Commission and what they do for the community. She then introduced Ms. Holly Morris to continue with the presentation of the proposed transfer of Town owned North Hill parcels. Ms. Morris gave a brief description of the lands they were interested in protecting. The Conservation Commission is proposing that the area below the North Hill Country Club, including three parcels of land that are surrounded by North Hill, be dedicated to conservation purposes and under the control of the Conservation Commission. The land will remain as municipal property but will be dedicated for conservation purposes and the ConCom will have administrative control, and the land will be protected in perpetuity. Protection of the land will protect the quality and quantity of the water, of this very important water shed. Protection of this area is consistent with the Town's Open Space Plan. The Conservation Commission is proposing that

we protect this land forever by transferring the control and care of this land, to the Conservation Commission. CPA monies can be used for survey, bonds and recording of this transfer. Mr. McGee recused himself from deliberation due to his proximity to the parcels. Mr. Glennon inquired about the concern of the Conservation Commission (ConCom) to remove this land from the Town's care and place it with the them. Ms. Morris replied currently it is serving as a wildlife habitat, with the intention to protect it in perpetuity. Mr. Glennon asked what plans, if any, does the ConCom have for this land. Ms. Morris stated that they currently do not have any plans other than allowing it to remain and open space. Ms. Ladd Fiorini inquired about what is needed from the Selectboard at this time. Ms. Morris stated that they would like some consideration to putting this in the control of the Conservation Commission. Mr. Read suggested including other groups, such as Recreation Commission, and see what they think. They have expressed and interest in the past when there was talk of making it an 18-Hole Golf Course. He suggested sharing it with the Recreation Dept who is meeting on 10/12 and to extend an invite. Mr. Glennon stated that he does not have enough information and would like to hear from more residents and other departments about how they feel about it. Mr. Hayes, Cemetery Trustee, commented that the land should be returned to the Cemetery for use, since it had originally been part of the Cemetery. He suggested conversing with the Con Com to see if some of the land be given to the Cemetery. Ms. Ladd Fiorini agrees and suggested that they all get together to discuss future plans, and if there are other groups interested as well. Ms. Ladd Fiorini stated that they should meet again when they have a more definitive plan.

#### ***Discussion regarding Climate Action Task Force***

Mr. Wendell Cerne, Chair-AEC, wanted to follow-up with creating the Climate Action Task Force. He would like some assistance in creating this Task Force by having a Selectboard liaison and two Co-Chairs to help this committee get started. The goals would be to create a Climate Action Plan that would align with the Commonwealth's goal to decarbonize by 2050, and by 2025 -we are getting close, in 2030 to meet a percentage of that goal. There are state agencies and other communities that have created the Climate Action Task Force. Ms. Ladd Fiorini stated that there needs to be a charge and is struggling with who's responsibility is it to create the charge. Ms. MacNab agreed that a charge needs to be created and then create a group based on the charge. Mr. Cerne stated that there was a similar charge in Envision Duxbury but was not sure who is responsible for creating the charge. Ms. Ladd Fiorini suggested looking at other communities and how they set up their charge. Mr. Cerne stated that the Climate Action Task Force main goal would be to create the plan. Ms. Ladd Fiorini stated that they needed to get moving with regards to the Selectboard and creating a charge, originally, they had the Planning director, but we currently are short-handed. Mr. Glennon inquired about how are we going to implement this with all that is currently going on. Mr. Cerne agreed that there are things already being done similar to what they are suggesting but they need to make a more definitive plan and include public education, and if we want it to be binding, bring it to Town meeting. Mr. Glennon agreed but an answer will not be reached tonight. We need to be sure we are inserting them properly. Ms. MacNab commented that as a Green Community we are obligated to do certain things. Mr. Read stated that this is separate and distinct from the Green Community. Ms. Ladd Fiorini stated that in order to move forward, Mr. Cerne needs assistance from the Selectboard and if no one is available, she would assist. They will get it back on the agenda. Mr. Read commented that he and Mr. Cerne attended a virtual seminar on Municipal Aggregation (email copies presented). Colonial Power, the company that is assisting us, has asked for the Selectboards support by way of letter, against the proposed legislation that will eliminate them. Mr. Mark Cappadona a representative from Colonial

Power was available via remote. The seminar was about informing everyone about the State trying to regulate a de-regulated product. Municipal Aggregation leaves the decision in the Town's hand and gives them a choice. These guidelines do not remove Aggregation, just give us fewer choices in the marketplace. Two things they are asking is to sign off on the Town's rights, and second to support Municipal Aggregation in its current format. Ms. Ladd Fiorini asked for clarification of what was being requested. Ms. Denise Allard of Colonial Power explained the request was that they wanted to know if the Town could be included in the letter. Colonial wants to advocate on behalf of the Town. There was a brief discussion regarding the email and the letter. Mr. Glennon stated that he was in support of the letter, was not is support of the request to send formal comments to the DPU under Docket #23-67 because he is not fully informed on it, and he would need more information to support the emails. They all agreed with Mr. Glennon. Mr. Glennon asked Mr. Cerne what can they do to help the committee move the question of Municipal Aggregation. Mr. Cerne asked Mr. Cappadona what the next steps should be. Ms. Allard responded that a draft plan on education was sent to Mr. Read, and that should be posted for public review for 30 days, collect public responses, and then present to Selectboard for their approval. So, the next step would be to get that on the website and hard copies at Town Clerks office. Ms. Ladd Fiorini stated that at this point they are comfortable sending the letter to the Chairs.

Mr. McGee moved that the letter be sent via Mr. Read.

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

***Mr. Read requested that the Selectboard go forward with Event Permit requests:***

## **6. EVENT PERMITS**

### ***09/30/23 The Wave Crushes Cancer – Blakeman's Restaurant***

Ms. MacNab moved that **Mr. Dana Battista**, as representative of Blakeman's Restaurant, is granted permission to hold **The Wave Crushes Cancer** event at Blakeman's Restaurant, located at Duxbury Beach Park on Saturday, September 30, 2023 from 6:00pm to 10:30pm, contingent upon the conditions of the permit.

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

### ***09/29/23 Filming Permit – Trisideon Pictures LLC***

Ms. MacNab moved that **Ms. Sarah Brockmann**, Production Manager, and as the representative of Trisideon Pictures LLC, who are filming a short scene off the Powder Point Bridge, is granted permission to hold a filming session at the shoreline on the west side of the Powder Point Bridge on Friday, September 29, 2023 from 2pm to 4pm, contingent upon the conditions of the permit.

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

### ***7:30pm Water & Sewer Commissioners –FY23 Supplemental Water Commitment #4***

***Motion to Adjourn as The Selectboard & Convene as Water & Sewer Commissioners:***

Ms. MacNab 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 Ms. Ladd Fiorini; Mr. McGee-Aye; Ms. MacNab-Aye; Mr. Glennon-Aye*

This supplemental water commitment is needed due to final water reads from home sales.

Ms. MacNab moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the total amount of \$3,859.36 for water charges for the Supplemental Water Commitment for Utility Billing FY23, Commitment #4.

*Seconded by Mr. Glennon Ms. Ladd Fiorini; Mr. McGee-Aye; Ms. MacNab-Aye; Mr. Glennon-Aye*

***Motion To Adjourn as Water & Sewer Commissioners & Re-Convene as The Selectboard***

Ms. MacNab moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as the Selectboard.

*Seconded by Mr. Glennon Ms. Ladd Fiorini; Mr. McGee-Aye; Ms. MacNab-Aye; Mr. Glennon-Aye*

**7. TOWN MANAGER'S REPORT**

Mr. Read commented on the Grant training he attended earlier and would forward any information to Selectboard.

This week he received notice from the executive office of Energy and Environmental Affairs that we received the Grant, that was submitted by Chris Ryan, Planning Director. Deadline for spending funds is 6/30/2025. He will speak with Chris about the details.

New DPW Director, Sheila Sgarzi, starting September 27<sup>th</sup>. She was previously with the DPW of Plymouth and holds an Engineering degree.

He thanked everyone on the Hiring Committee for their help.

Friend Weiler Jr. was appointed our new Deputy Police Chief

Nick Jamali was promoted to our Operations Lieutenant.

There should be a swearing in within the next couple of weeks, which he will keep them informed.

**8. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS**

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

<u>Board / Committee</u>	<u>Appointment/Re-appointment/Resignation</u>	<u>Term</u>
<b><u>Recreation Activities Committee</u></b>		
Gary Smith	Re-Appointment	06-30-2026
<b><u>Old Colony Planning Council</u></b>		
Allison Shane – Delegate, fill unexpired	Appointment	06-30-2024

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

**The following boards/committees have available seats:**

<i>Alternative Energy Committee</i>	-	<i>one seat</i>
<i>Economic Advisory Committee</i>	-	<i>one seat</i>
<i>Finance Committee</i>	-	<i>one seat</i>
<i>King Caesar Advisory Committee</i>	-	<i>one seat</i>
<i>Nuclear Advisory Committee</i>	-	<i>one seat</i>
<i>Open Space Committee</i>	-	<i>one seat</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.*

**8. ONE-DAY LIQUOR LICENSE REQUESTS**

*09/30/23 St. John's Church – Original request was for a One-Day Wine & Malt License, requesting to change to a One Day All Alcoholic License*

Ms. MacNab moved that **Ms. Mary Steinke**, as a representative of St. John's Church, is granted a **One-Day All Alcoholic License** for their 200<sup>th</sup> Birthday Gala on Saturday, September 30, 2023 at St. John's Church, 410 Washington Street, from 5:30PM – 9:00PM, contingent upon the conditions of the license.

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

***09/16/23 ODLL – Duxbury Food & Wine Festival – Wine Stroll***

Ms. MacNab moved that **Ms. Caroline Fiske**, as a representative of the **Duxbury Food & Wine Festival**, is granted a One-Day Wine & Malt License for the "**Festival Wine Stroll**" on Saturday, September 30, 2023 from 3:00 PM - 6:00 PM, at the Nathaniel Winsor Jr House, 479 Washington Street, Duxbury, contingent upon the conditions of the license.

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

***09/30/23 ODLL – Sportworks, Ltd. – Autumn Fest***

Ms. MacNab moved that **Mr. Matthew Elder**, as a representative of **Sportworks Limited**, is granted a One-Day Wine and Malt License for their Autumn Fest, on Saturday, September 30, 2023 from 11:00am – 3:00pm, at the Sportworks Ltd parking lot, 116 Tremont Street, Duxbury, contingent upon the conditions of the license.

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

**10. MINUTES**

Ms. MacNab moved to approve the 01/23/23 Selectboard's **Executive Session Minutes**, with the contents to remain confidential until the need has passed.



*Seconded by Mr. Glennon     Vote: 3:0:1 (Brian Cannot Vote)*

**11.     ANNOUNCEMENTS**

- 1) Next Scheduled Selectboard's Meeting will be on Monday, October 2, 2023 at 7:00pm in the Mural Room.                      *(no meeting September 25th)*

**12.     BONUS SHELLFISH SEASON (October 2023)**

Ms. MacNab moved that the Selectboard declare a temporary Bonus Shellfish Season for:

- 1) The commercial harvesting of softshell clams for the month of OCTOBER. Regulations as attached. (Please see Attachment B & C)
- 2) The commercial harvesting of quahog clams for the month of OCTOBER. Regulations as attached. (Please see Attachment A & C)

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

**13.     ADJOURNMENT**

Ms. MacNab moved to adjourn at approximately 9:15pm.

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

*Minutes submitted by Michelle Seda-Stotts*

*List of documents in Selectboard file:*

*Selectboard Agenda  
Exec Session Motion  
Senior Tax Work Off guidelines  
Endorsement of Authorization to Expend ARPA Funds  
Complete Streets Grant Application information  
ConCom presentation  
FY23 Supplemental Water Comm#4  
Appointment/Re-Appointments/Resignations  
ODLL  
Event Permit  
Minutes  
Announcements  
Bonus Shellfish Season*