

Date: October 2, 2023

Date Minutes Approved: 01/08/2024

TOWN CLERK  
2024 JAN 10 AM 9:57  
DUXBURY, MASS.

## SELECTBOARD

## OPEN SESSION MINUTES

**Present:** Cynthia Ladd Fiorini, Chair; Michael McGee (*arrived at 7pm*), 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

**Others:** Jeff Lewis, Co-Chair HSC; Mr. Jake Carmody, Vanasse & Assoc, Inc.

### 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. **6:30 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. 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. Glennon-Aye; and Ms. MacNab-Aye*

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

Mr. Matt Cahill, 180 Church Street, complained about multiple issues and made accusations against the Town Manager. He was rude and short with the Chair. Ms. Ladd Fiorini said that they would take his complaints under advisement. Mr. Cahill threatened to come to every meeting and express his discontent. At this point Mr. Cahill was behaving aggressively. Duxbury police were present to maintain the peace and protect public safety. Ms. Ladd Fiorini stated that his time was up and they needed to continue with other agenda items.

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

##### ***Discussion pertaining to ratifying Collective Bargaining MOU regarding: Duxbury Permanent Fire Association, IAFF Local 2167***

Chief Reardon presented the Memorandum of Understanding by stating that there was a need for backup for the Fire Chief and the Deputy Chief, for both anticipated and unanticipated absences of either of them. Ms. Ladd Fiorini stated that they had reviewed the MOU and did not have any further questions. Mr. Cahill wanted to comment on the MOU, however, his comments were derogative and Ms. Ladd Fiorini did not appreciate his negative remarks. Chief Reardon responded to his comment regarding one of the Fire Stations not staying active thru the night. He stated that they were in fact open 24/7 a week. Mr. Cahill was argumentative and disruptive. Ms. MacNab responded to his comments and explained that this was a coverage issue and they have come up with a solution to maintain adequate coverage. Ms. Ladd Fiorini requested to continue with a motion.

Ms. MacNab moved that the Selectboard accept the Memorandum of Understanding by and between the Town of Duxbury and the Duxbury Permanent Fire Association, IAFF Local 2167, as presented, or amended.

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

##### ***Review and approve utility pole and conduit petitions as follows:***

***Keene Street – installation of new pole due to new home***

***Jeremiah Drive – installation of conduit to improve service***

Mr. Read began by reading the background for both requests. Ms. Ladd Fiorini inquired about Keene Street and if it was for the two new houses. Mr. Read stated that it was for a pole between the 2 new houses. Ms. MacNab inquired about the existing pole and if this was in addition to it. Mr. Read stated that it was. Ms. Ladd Fiorini asked if there were any questions from the audience, in which, Mr. Cahill inquired about the contractor who pulled the license. He stated that there were two steel plates on the road and felt that they could be a danger to cars and pedestrians. Ms. Ladd Fiorini stated that they would have the DPW check it out.

Ms. MacNab moved that the Selectboard authorize the petition to install one (1) jointly owned mid-span pole 167/29.5 on the easterly side of Keene Street, as presented, and with the condition that Verizon New England, Inc. and/or NSTAR Electric contact the Duxbury Department of Public Works at least 48-hours prior to the commencement of the project along with other conditions that may be requested by the Selectboard.

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

Ms. MacNab moved that the Selectboard authorize the petition for underground cable and conduit to install 200'+/- of 1"-4" Schedule 40 PVC conduit on Jeremiah Drive, as presented, and with the condition that NSTAR Electric/Eversource contact the Duxbury Department of Public Works at least 48-hours prior to the commencement of the project along with other conditions that may be requested by the Selectboard.

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

***Discussion regarding Route 3/3A interchange project***

Mr. Jeff Lewis, Co-Chair, of the Highway Safety Committee (HSC), was present to introduce Mr. Jake Carmody of Vanesse Associates Inc. He is an Engineer with them and doing the evaluation on this project.

Mr. Carmody presented an update on the project and where they were at with the plans. Mr. Carmody was requesting that the Town (Selectboard) give their approval to submit the report to MassDOT. MassDOT will then review and suggest which plan is best (a roundabout or a traffic signal). The roundabout is less costly and what the MassDOT will recommend for this project. Construction costs will go up with the roundabout, however, MassDOT is responsible for securing the additional construction funding. The Town would be responsible for paying for the design and engineering for the intersection, and if they decide to change into two roundabouts, there will be hire engineering costs. Ms. MacNab inquired about how it came about that the Town pays for the engineering costs. Mr. Carmody stated that many times the Town will be the proponent for the project. Mr. McGee inquired if we were splitting the bill with the Town of Kingston for this firms work. Mr. Read stated yes. Mr. Carmody also stated that the Town of Kingston is on board with the two roundabouts. Mr. Glennon commented how this is going to look from the driver's perspective. Mr. Carmody stated that this will slow down the speed for the cars coming off the ramp and the cars on Tremont Street. Ms. Ladd Fiorini inquired if the Highway Safety Committee has had the opportunity to review this project, in which, Mr. Lewis, responded yes, it has been discussed and the HSC is in support of this project. Mr. McGee asked what exactly is the request Mr. Carmody is asking for and what is the cost associated with it. Mr. Carmody stated they are just asking for the Selectboard's authority to submit the intersection control valuation to MassDOT for them to review and provide direction. Mr. McGee asked if there was a cost for Duxbury. Mr. Carmody replied there is no cost to submit, however, if MassDOT comes back and says this needs to be a roundabout, there would be additional costs for the engineering of the roundabout vs. a traffic signal that has not been evaluated. And it would be an additional \$75,000 to \$100,000 for the engineering costs for the project. They would need to discuss with Kingston the splitting of these costs. Mr. Carmody suggested that after they submit the plans to MassDOT, and MassDOT has had the chance to review and send their feedback, the Selectboard and VAI can meet again to discuss. Mr. Cahill, 180 Church Street, inquired if the traffic counts have been

done and if they are taking into consideration the communities surrounding this road. Mr. Cahill feels that the traffic signal would help to relieve some of the traffic build ups at streets further up the road. He feels that the roundabout is a waste of funds since we already have approval for a traffic light. Ms. Ladd Fiorini stated that the plans for the roundabout will be submitted and we will wait for the comment from the MassDOT. Mr. McGee inquired if the Highway Safety Committee have taken into consideration the concerns of several citizens, in regards to doing a roundabout or Signal light. Mr. Lewis replied that they had, and additionally had a meeting with MassDOT, in which they came up with some long and short-term solutions. Mr. McGee inquired if the signal or roundabout have an impact on the Park Street safety issue. Mr. Lewis stated that this intersection is being treated as a separate entity and all the traffic issues will be addressed. Mr. Carmody stated that the analysis that they performed will be included with the documentation to MassDOT. Ms. Ladd Fiorini thanked Mr. Carmody for coming and giving them an update.

***Discussion regarding King Caesar Fund investment process and management thereof***

*Mr. Read stated that Ms. MacKinnon could not be here to present and they will table this discussion for another date.*

***Discussion regarding ratifying approval of Resolutions for Patricia Loring and Lorrie Hall***

Ms. Ladd Fiorini was disordered with the purpose of this agenda item since they had already been approved, Mr. Glennon explained that they needed to ratify the approval of the resolutions for Patricia Loring and Lorrie Hall by voting for them.

Mr. Glennon also commented on the great job that Nancy O'Connor had done to create the resolutions. Both Ms. Hall and Ms. Loring were deeply touched.

Ms. MacNab moved that the Selectboard approve and accept the Resolutions for Patricia Long and Lorrie Hall, as presented.

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

***7:30pm Water & Sewer Commissioners – FY24 Water Commitment#1 and FY23 Supplemental Water Commitment#4***

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      Vote: 4:0:0*

Ms. MacNab moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the following amount for water and sewer usage charges totaling **\$1,101,033.97** and for water service charges totaling **\$700.00** for **FY24 Water and Sewer Commitment #1.**

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

Ms. MacNab moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the total amount of **\$7,759.77** for water charges for the Supplemental Water Commitment for Utility Billing **FY23, Commitment #4.**

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

**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      Vote: 4:0:0

**6. TOWN MANAGER'S REPORT**

Mr. Read began by stating that we had received a Grant Funding for a Sustainable Materials recovery Program from MassDEP for \$16,500 and an additional \$5,000 for our Drop Off Equipment for the Universal Waste Shed. Mr. Buttkus had applied to these prior to retiring. We were also awarded \$90,000 from the Community Planning Grant Program, to help develop the zoning by-laws for the MBTA. Mr. Ryan was helpful in attaining that one. Today we were awarded a \$2 million dollar grant for the application that Leslie Fields (Woods Hole Group), Peter Buttkus, Chris Ryan and Pat Brennan, had put in for us, for the Bay Ave and Gurnet Road beach and dune restoration. We were the single largest recipient of this grant. Mr. Read was very grateful for all who helped.

Ms. MacNab stated that she had been to the St. John's Church - 200<sup>th</sup> Birthday Celebration and it was a wonderful event. Mr. Glennon also commented on the Fall Winter Sweep, organized by Wendell Cerne. Please come this Saturday, 8a-4pm at the Tarkiln Building.

**7. 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>South Shore Community Action Council</u></b>		
Robert Hughes	Re-Appointment	06-30-2026

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>
<i>Seawall Committee</i>	<i>- two 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.*

8. ONE-DAY LIQUOR LICENSE REQUESTS

*10/13/23 DRHS – Duxbury's Fall Fundraiser*

Ms. MacNab moved that **Ms. Susan Uitti**, as a representative of the **Duxbury Rural & Historical Society**, is granted a One-Day Wine and Malt License for their **Fall Fundraiser** on Friday, October 13, 2023 from 6:30 PM - 9:00 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*

*10/14/23 The CC Team – Cancer Can't Corn Hole Fundraiser*

Ms. MacNab moved that **Mr. Michael Snowdale**, as a representative of **Stellwagen Beer Co.**, is granted a One-Day Wine & Malt License for the **Cancer Can't Cornhole Tournament Fundraiser** Event on Saturday, October 14, 2023 at the private residence located at 30 Bay Avenue, from 1:00 PM to 6:00 PM, contingent upon the conditions of the license.

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

*10/16/23 COA Golf Tournament (Revised-change of date due to inclement weather)*

Ms. MacNab moved that **Mr. Paul Brogna**, as a representative of the **Friends of the Duxbury Council on Aging**, is granted a One-Day Wine & Malt License for their Golf Tournament Reception on Monday, October 16, 2023 at the Duxbury Senior Center, 10 Mayflower Street, from 5:00PM – 8:00PM, contingent upon the conditions of the license.

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

*10/21/23 ALS One – Cornhole Tournament Fundraiser*

Ms. MacNab moved that **Mr. Erik Christensen**, as a representative of **ALS One**, is granted a One-Day Wine & Malt License for the **ALS One / Cornhole Tournament Fundraiser** Event on Saturday, October 21, 2023 at the DuxPlex located at 50 Railroad Avenue from 11:00 AM to 5:00 PM, contingent upon the conditions of the license.

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

9. EVENT PERMITS

*10/28/23 Newcomer's Halloween Spooktacular*

Ms. MacNab moved that **Ms. Meredith Habgood**, as a representative of the **Duxbury Newcomers' Club**, is granted permission to hold their annual **Halloween Spooktacular Trick-or-Treat Event** from 3:00pm – 5:00 pm on **Saturday, October 28, 2023 (Rain Date: Sunday October 29, 2023)**, at participating businesses located in Halls Corner, Brothers Marketplace Plaza, and Depot Street Marketplace, contingent upon the conditions of the permit.

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

10. MINUTES

Ms. MacNab moved to approve the 09/18/23 Selectboard's **Executive Session** Minutes, with the contents to remain confidential until the need has passed.

*Seconded by----*     *Vote: 4:0:0*

Ms. MacNab moved to approve the 08/07/23 Selectboard Open Session Minutes, as presented and/or amended.

*Seconded by----*     *Vote: 4:0:0*

**11.     ANNOUNCEMENTS**

**1.   Town Hall Offices Closed - Monday, October 9, 2023** – in observance of Columbus Day/Indigenous Peoples' Day. There will not be a Selectboard Meeting that evening.

**2.   Next Regularly Scheduled Selectboard Meeting** will be on Monday, October 16, 2023 at 7:00pm in the Mural Room.

**12.     ADJOURNMENT**

Ms. MacNab moved to adjourn at approximately 8:20pm.

*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*

*Motion to ratify Collective Bargaining MOU*

*Utility Pole and Conduit petitions*

*Presentation regarding Route 3/3A interchange project*

*King Caesar Fund Investment portfolio*

*Resolutions for Patricia Loring and Lorrie Hall*

*FY24 Water Commitment #1 and FY23 Supplemental Water Comm#4*

*Appointment/Re-Appointments/Resignations*

*ODLL*

*Event Permit*

*Minutes*

*Announcements*