

Date: November 20, 2023

Date Minutes Approved: 01/29/2024

TOWN CLERK
2024 JAN 30 AM 9:57
DUXBURY, MASS.
OPEN SESSION MINUTES

SELECTBOARD

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; and Michelle Seda-Stotts, Principal Assistant

Others:

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

1. **CALL TO ORDER** This meeting was called to order at approximately 7:00pm. 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 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**

Ms. MacNab wished Debbie Ballum, principal assistant for the Conservation Commission, best of luck on her new journey. She will be missed. Ms. MacNab expressed her concerns that the budget review meetings appeared inconsistent with the Selectboard's goal of level funding and many departments are requesting significant increases. She requested more frequent updates and discussion regarding the budget. Ms. Luttazi, DBR Executive Director, wanted to inform everyone that the DBR is hosting a community forum on Wednesday, 12/6 @ 6:30pm, at the Duxbury Bay Maritime School. All are invited to attend to discuss the beach and any concerns or opportunities. Mr. McGee mentioned the Duxbury Recreation Department did a great job with the Turkey Trot and was a well-run event. Ms. MacNab asked if he had won. Mr. McGee stated yes, for his age bracket.

4. **NEW BUSINESS**

Discussion regarding update on seawall project – presented by Patrick Brennan

Mr. Brennan gave an update on the status of the Seawall project. Back in July they had a meeting with the Massachusetts Environmental Policy Assoc. (MEPA) and they advised that we should submit a notice of project change to MEPA, rather than an Environmental Notification form, which

we did. On September 8, 2023 they sent a response with their comments. Based on these comments we revised the plans and moving forward permitting should go a little easier. All have been addressed but one, and we are working on a solution that is acceptable to them. Once this has been resolved we will be submitting to the Army Corps of Engineers. We should be on track for a Spring 2024 start to construction. Ms. MacNab suggested putting the timeline up on the screen but we did not have it. Mr. Brennan also commented that under 3c, Chapter 91 - we do not need to file this one. Mr. Glennon inquired about the budget. Mr. Brennan responded that they were still comfortable with the budget. Mr. McGee inquired about the Grants that are being applied for. Mr. Brennan stated that he is looking into the BRIC grant and others. Mr. McGee inquired about any loans we will be applying for. Mr. Brennan stated that the Loan is another part of applying for the Grant but last time we received a \$1M grant, which helped since the interest rates at that time were not great. Ms. MacNab inquired if applying for the loan would jeopardize the grant. Mr. Brennan stated that it would not affect the application. Mr. McGee inquired about meeting with Natural Heritage regarding the erosion. Mr. Brennan replied that we need their approval to continue. Mr. McGee inquired about the Nourishment project interfering with the Seawall project. Mr. Brennan said it is not. Mr. Glennon inquired about the birds affecting the timeline. Mr. Brennan said they should be good to go during that time with minimal effect from the birds. Ms. Candice Martin, 59 Gurnet Road, was concerned with getting the design concept and getting local approval, as well as, for the Nourishment project. Mr. Brennan replied that the way the Contracts read are that the beach needs to be restored to its original condition prior to wall construction. That is why they requested a hold on the Natural Heritage and Endangered Species Program (NHESP) filed back in October. He has requested that they pause their review, it was a 30-day time frame, and because of the issues at end of wall, needed to be addressed. Mr. McGee inquired if the plans would be ready by the anticipated 12/12/23 meeting date. Mr. Brennan said yes, and that Ms. Luttazi would be able to respond to that in more detail. Mr. McGee inquired if they would be able to concurrently go out to bid. Mr. Brennan said yes but not too far in advance since most bids are not valid for more than 30 days. Ms. Martin inquired if the meeting on 12/12 was just for the revised plans or is beach nourishment and bird monitoring also included. Mr. Brennan stated that it would be just for the plans. Ms. Luttazi stated that DBR has been working on writing a whole plan with HNESP and the DEP in order for the Town to use and store product for the Nourishment project. Mr. Read will look into who the point person is to answer any additional questions.

Discussion and approval of Annual Liquor License Renewals along with corresponding CV and Entertainment Licenses

Mr. Glennon stated that he did have some disclosures based on his affiliation with some of the license holders, however, he stated that he can still remain impartial in his review.

Ms. Ladd Fiorini read the list of license renewals and CVs for 2024.

Ms. MacNab moved that the Selectboard renew the following liquor licenses and associated common victualler and entertainment licenses, as presented on the attached list for the year 2024, subject to satisfactory inspections by the Municipal Services Department, Board of Health, and Fire Department, receipt of all renewal requirements and payments of all funds/fees owed to the Town of Duxbury, as well as, any additional conditions imposed by the Selectboard as the Local Licensing Authorities.

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

7:30pm Water & Sewer Commissioners – FY'24 Abatements

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. Ladd Fiorini read the following:

Discussion regarding the following abatements:

- (2) \$20 Senior rate discounts
- Burchill – meter reading was entered incorrectly (see backup attached including historic usage)
- Pritchard – meter reading was entered incorrectly (see backup attached including historic usage)

Mr. McGee requested an explanation for the requested abatements. Mr. Cloud, Water Superintendent, replied that the meter readings were incorrectly entered into the system, therefore, generating the incorrect bills. These mistakes were caught prior to the bills going out to the residents. This is just an administrative correction for the files.

Ms. MacNab moved that the Board of Water & Sewer Commissioners approve of the water abatements presented in the amount of **\$115,708.10**

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

Mr. Read read his Memorandum:

Dear Members,

The Checkerberry Estates Subdivision development is located off of Lincoln Street and consists of 20 single-family dwellings.

As is customary, during the course of construction water was used by the developer for various reasons, however, we have recently learned that a final water meter reading was performed for any of the properties prior to the homebuyer's closing that have been purchased. This occurred due to an administrative error made by a former employee in the absence of the department head at the time. Those procedural errors have since been addressed to ensure these kinds of oversights do not occur in the future.

Currently, there are several water bills that have been assessed to the homeowners that are much higher than normal usage would indicate and there will be others to follow. In order to achieve an equitable remedy to this situation, staff is recommending that fees for these properties be calculated from the day of the closing to meter reading date at a rate of 65gpd/person (using a 2 person/home assumption) and then charge the remaining balance back to the builder.

Mr. Glennon inquired if the builder is going to oppose to paying the bill. Mr. Cloud stated that possibly, it has not been given to the builders. Mr. Glennon stated that it is common knowledge that when you close on a residential house the builder is responsible for the usage. Mr. Read stated that

these were administrative errors that were recently discovered. There was a brief discussion on how they came to the calculations of these bills.

Ms. MacNab moved that the fees for these properties be calculated from the day of the closing to meter reading date at a rate of 65gpd/person (using a 2 person/home assumption) and then charge the remaining balance back to the builder.

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

4. TOWN MANAGER'S REPORT

Update on Cross St. speeding concerns

As you may recall, a few weeks ago, a gentleman named Mr. Woodward came before the Board under the Open Forum portion of the meeting to express his concerns regarding traffic enforcement on Cross Street.

Chief Carbone and Deputy Chief Weiler have advised our office that the Deputy Chief spoke with Mr. and Mrs. Woodward and they wanted to make sure that the incident was documented, which it was. Also, all of the shift supervisors were asked to have patrol officers increase traffic enforcement on Cross Street during morning and evening commute times for the two weeks following that conversation with the Woodwards and the Police Department also placed the radar trailer in the area.

The Police Department's log indicates that Traffic Enforcement has been performed and there have been no issues or citations. The Department will continue to perform unscheduled enforcement on Cross Street and as such, we advise all motorists, town-wide, to please be aware of their vehicle speed.

Tide Gauge Installation

Last week I was advised by Leslie Fields of the Woods Hole Group that the project for the installation of the updated tide gauge for Duxbury Bay near the Harbormaster's office has been completed. The real time data can be accessed via a link which we will make sure is on the Town's website:

<https://dashboard.hohonu.io/map-page/b58dcdd7-176f-4217-a42a-a3c29cd04f67/DuxburyHarbormaster,MA>

Pursuant to our contract with Woods Hole, they will continue to monitor the site and service the gauge for a period of three years. This project, which totaled \$13,175.00 was funded using a portion of the FY'23 Economic Development Bill amendment (or earmark) in the amount of \$100,000 for coastal infrastructure improvements in the Town of Duxbury.

Removal of Kayaks, Dinghies and Paddleboards

It's that time of year again to remind anyone who may have a kayak, dinghy, or paddle board stored at Cove Street, Landing Road, or Shipyard Lane that the storage of these vessels is not permitted. Please note that any vessels in this area must be removed by Sunday, November 26, 2023.

Mr. Read also Congratulated the Duxbury HS Football team on their win last Saturday over Tewkesbury, giving them the golden ticket to the Superbowl on Friday, December 1 at Gillette Stadium. Go Dragons!!

5. 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>
<u>Alternative Energy Committee</u>		
Deborah Donovan	Appointment	06-30-2026
<i>Seconded by Mr. Glennon Vote: 4:0:0</i>		
<u>Fiscal Advisory Committee</u>		
Sharon Andrew	Resignation	06-30-2025
<u>Recreation Activities Committee</u>		
Brendan Donnelly	Resignation	06-30-2024

The following boards/committees have available seats:

<i>Economic Advisory Committee</i>	-	<i>one seat</i>
<i>Finance Committee</i>	-	<i>one seat</i>
<i>Fiscal Advisory 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>Recreation Activities Committee</i>	-	<i>one seat</i>
<i>Seavall 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.

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

12/08/23 Bay Farm Montessori – Holiday Winter Festival

Ms. MacNab moved that **Ms. Jennifer Nemec**, as a representative of the **Bay Farm Montessori Academy**, is granted a One-Day Wine & Malt License for their **Holiday Winter Festival** on Friday, December 8, 2023 from 5:30PM to 7:30PM, at the Bay Farm Montessori Academy, 145 Loring Street, Duxbury, contingent upon the conditions of the license.

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

12/09/23 Snug Harbor Chorus – Scholarship Fundraiser

Ms. MacNab moved that **Ms. Pam Campbell Smith**, as a representative of the **Snug Harbor Chorus**, is granted a One-Day Wine & Malt License for their **Scholarship Fundraiser** on Saturday, December 9, 2023 from 4:00PM to 6:00PM, at the Senior Center, Ellison Room, 10 Mayflower Street, Duxbury, contingent upon the conditions of the license.

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

7. **ANNOUNCEMENTS**

- 1) Town Hall will be closed on Thursday & Friday – November 23 & 24 for the Thanksgiving Holiday.
- 2) There will not be a Selectboard meeting on Monday, November 27, 2023.
- 3) Reminder - Articles for Town Meeting must be submitted to the Town Manager's Office by 12:30 PM on Friday, December 1, 2023. The complete article language and a brief explanation of the article are required.
- 4) Please join us at the annual Jaycox Christmas Tree Sale, located at 214 West Street, on Saturday, December 2nd and Sunday, December 3rd from 9am to 4pm (weather and tree inventory permitting).

Cash or check are the only forms of payment accepted.

- 5) Next Scheduled Selectboard Meeting will be on Monday, December 4, 2023 at 7:00pm in the Mural Room.

8. **BONUS SHELLFISH (Month of September)**

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

- 1) The commercial harvesting of softshell clams for the month of **DECEMBER**. Regulations as attached. (Please see Attachment B & C)

- 2) The commercial harvesting of quahog clams for the month of **DECEMBER**.
Regulations as attached. (Please see Attachment A & C)
- 3) The recreational harvesting of softshell clams for the month of **DECEMBER**.
Regulations as attached. (Please see Attachment D)

9. **ADJOURNMENT**

Ms. MacNab moved to adjourn at approximately 8:25pm.

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

Minutes submitted by Michelle Seda-Stotts

List of documents in Selectboard file:

Selectboard Agenda

Motion for Annual Liquor License, CV and Entertainment Renewals

Water & Sewer Commissioners – FY'24 Abatements

Committee Appointments

ODLL's

Announcements

Bonus Shellfish