

**Date: November 14, 2022**

**Date Minutes Approved: 12-12-22**

2022 DEC 13 AM 9:33

DUXBURY, MASS.  
OPEN SESSION MINUTES

## **SELECTBOARD**

**Present:** Fernando Guitart, Chair; Cynthia Ladd Fiorini, Vice Chair (via Zoom); Michael McGee, Clerk; Theodore J. Flynn; and Amy M. MacNab

**Absent:** none

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

**Others:**

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

**I. CALL TO ORDER** This meeting was called to order at approximately 7:00pm. Pursuant to Chapter 20 of the Acts of 2021, 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.

### **II PLEDGE OF ALLIGIANCE**

**III. OPEN FORUM** Nothing brought forward

### **IV. NEW BUSINESS**

#### ***Swearing in of two new Firefighters – presented by Chief Rob Reardon***

Chief Rob Reardon began with introducing Firefighter Christopher Bradley – Chris was hired as a career firefighter/paramedic on July 18<sup>th</sup>, 2022. Prior to coming to Duxbury, he worked as an EMS since 2012 and came to us academy trained from another fire department. Chris has also served our Country as a Sargent in the United States Army.

Chief Reardon then introduced Firefighter Jared Waters – Jared was hired as a career firefighter/paramedic on July 18<sup>th</sup>, 2022. Prior to coming to Duxbury, he worked as a paramedic on the South Shore for Brewster Ambulance Service. Jared has also served our Country in Afghanistan as a Platoon Sergeant in the United States Marine Corps.

Ms. Kelley, Town Clerk, was there to swear them in. Chief Reardon invited Mr. Read, Town Manager, for the giving of the badges and Firefighter Brandt for the pinning of Firefighter Chris Bradley and Firefighter Harris, Canton Fire Dept, for the pinning of Firefighter Jared Waters. Both Firefighters were congratulated by the Selectboard. Chief Reardon then introduced Firefighter Keith Nette – Keith

*graduated from DHS in 2007, including completing the Duxbury Fire Department explorer program. Keith attained the rank of Eagle Scout for BSA Troop 62, Duxbury. Mr. Nette was hired as a call firefighter in 2014. He is the departments IT/Radio coordinator and is also a member of the Plymouth County Technical Rescue Team. Keith holds and associates degree in fire science and a bachelors degree in fire administration.*

Ms. Kelley was there to swear him in. Mr. Nette, Keith's father, was there to place his pin. Firefighter Nette was promoted to the rank of Captain/Paramedic. Chief Reardon thanked everyone for coming to be a part of this event. The Selectboard thanked them for their service.

***7:05pm Tax Classification Hearing – presented by Steve Dunn***

Mr. McGee moved that the Selectboard open the public hearing regarding Tax Classification.

*Seconded by Ms. MacNab*

*Roll Call Vote: Mr. Guitart-Aye; Ms. Ladd Fiorini-Aye Mr. Flynn-Aye; Ms. MacNab; and Mr. McGee-Aye.*

Mr. Dunn presented an overview of the tax values by class (residential, commercial, industrial and personal property), new growth, tax levy & debt, classifications and allocations, residential factors, open space discounts, residential and small commercial exemptions and a summary of the Fiscal 2023 values. *Note: his complete presentation can be found on the Assessors page on the Town's website.*

Mr. McGee moved that the Selectboard vote to adopt a single tax rate for FY2023 by setting a residential factor of one and to also authorize and allow Stephen Dunn, Director of Assessing, to sign the LA-5 online in the DOR Gateway system on the Selectboard's behalf.

*Seconded by Mr. Flynn Roll Call Vote: Mr. Guitart-Aye; Mr. Flynn-Aye; Mr. McGee-Aye; and Ms. Ladd Fiorini-Aye. Ms. MacNab abstained from voting.*

Mr. McGee moved that the Selectboard close the public hearing regarding Tax Classification.

*Seconded by Mr. Flynn*

*Roll Call Vote: Mr. Guitart-Aye; Ms. Ladd Fiorini-Aye Mr. Flynn-Aye; Ms. MacNab; and Mr. McGee-Aye.*

***Discussion with Seawall Committee regarding Seawall Replacement Project***

Mr. Ryan, Planning Director, presented the Seawall Replacement project. Mr. Brennan, P.E., Armory Engineers was present to answer questions. Mr. Ryan began with an update of where the current project is at, the timeline of development and the timeline tasks next steps. Mr. Ryan stated that the next steps would be to continue with the Beach Nourishment Permitting process, finalize the project Design, Budget, Scope and Timeline. Determine the approach to funding and seek approvals. Award contract for construction. Apply for permits. Begin construction. Mr. Ryan discussed briefly several grants that will be available and how to access them. It was stated that they need the permits to do nourishments. Ms. Ladd Fiorini inquired about the nourishments and how long it will last; and could it be washed away by a large storm. Mr. Ryan replied "yes" to both, the nourishments will last approximately 5-6 years in place, and it is recommended to replace. Mr. McGee commented that we



could reach out to other communities to see what they have done. Ms. Martin, 59 Gurnet Rd, commented that we should evaluate and leverage off what the DBR has done with the nourishment. It is the same beach. Every year they dredge the beach and with this permit it will allow us to return the sand to the beach. Grants can be applied for and broken down into different areas. Ms. Martin also recommended we apply for the BRIC grant. Ms. Babcock, Seawall Committee, commented on the Coastal Resiliency Task Force and where they are at. Ms. Ladd Fiorini stated that they are still in the process of adding members to the committee and will definitely engage with the Seawall Committee once it has been established. Ms. Babcock stated the concern for the construction window and any other impact to this. Mr. Brennan stated that the Army Core of Engineers permit did not allow them to proceed on a part of the wall. Ms. Babcock inquired about the timeline for the construction and the cost of this project. Mr. Guitart stated that we have been discussing this and how to achieve the funds. Several ways are the betterments, borrowing and the grants. Mr. Adams stated that it is not an easy answer and the bulk would have to come from a debt exclusion, as well as, funding from grants and betterments. Mr. Ryan stated that there are grants available this fall but we need to finalize the design to submit with proposal. We need to look at how we can fund the gap to finalize the design. Mr. Brennan stated that the wall design has been done, the issue is the permits and having them in place. Ms. Babcock inquired about the permits and how to get them back. Mr. Brennan stated that it would take about a month to get to the work. Mr. Ryan commented that they would not be eligible for the CZM until July of next year (FY24). Mr. McGee inquired about the timing and how this will be presented to the Selectboard. Mr. Ryan responded that it will depend on the grants and the particulars of each. Ms. Babcock inquired about the order of taking. Mr. Read replied that Attorney Everett would be replying to the particulars within the next couple of weeks. Mr. Flynn stated that we will need to vote on this, and get a proposal from leadership on how this will get done. Ms. MacNab agreed that she would like to see the costs associated with the project. Mr. Read stated that it is a debt exclusion override question and there are several others already on the list. The key to this would be the grants, the question is how to get them. Ms. MacNab inquired about the process. Mr. Guitart asked about when they could get this information. Mr. Read stated not until after the Thanksgiving holiday. Ms. Babcock stated that there was a betterment component previously and a lot of FEMA money that reduced the betterment. Mr. Guitart stated that we need to get a proposal that will get the support of the residents but he does not see it happening without some sort of share from the homeowners who directly benefit from the seawall. Mr. Read also suggested they find out what is affordable. Ms. Babcock suggested a liaison from the Finance Committee would be helpful. Mr. Guitart said that it comes down to the voters to decide. Ms. Babcock inquired about when plans would be ready. Mr. Brennan replied by Jan 1<sup>st</sup>. The estimated cost would be about \$5,000. Mr. Ryan can create a chart with the different available grants. Mr. McGee inquired about the Seaport Economic Grant. Mr. Ryan said he would look into that and how we could attain. Mr. Brogna, Seawall Committee, commented on the Power Point Bridge for FY27 and just wanted to bring it up as an upcoming construction. Mr. Guitart commented that we should have a report before the Holidays. Thank you all for coming.

***Discussion regarding usage of the Millennium Green for Holiday Lighting on 12/3/22 and approval of Event permit***

Mr. McGee moved that **Mr. David Connors**, as a representative of the **Duxbury Rotary Club**, is granted an event permit for the Annual Tree Lighting and Celebration, to be held on the Millennium Town Green on Saturday, December 3, 2022 from 2:00 PM to 8:00 PM, contingent upon the conditions of the permit.



Seconded by Mr. Flynn   Vote: 5:0:0

***Discussion pertaining to Earth Removal Rules and Regulation***

Mr. Read stated the following regarding the Earth Removal regulations:

*An individual is interested in removing material (sand) from a property owner which would be purchased by and relocated to Duxbury Beach Reservation.*

*Our General Bylaws, see below, state that “the removal of soil, loam, sand or gravel from any premises in the Town of Duxbury shall be regulated by the Board of Selectmen of the Town of Duxbury” and that “all applications for permits shall be submitted in accordance with rules and regulations established by the Board of Selectmen and filed with the Building Department.”*

*We have neither an application for such permit nor do we have any rules and regulations established by the Board of Selectmen and filed with the Building Department.*

*That said, I’m wondering if you can provide me with an application to use as a template here and associated regulations to accompany said applications.*

*I’ve found several examples online but they are literally all over the map in terms of (literal) location and the degree of information required by an applicant. I seem to recall a fairly simple/straightforward application and process in Harwich but that was at least 15 years ago. What may be a saving grace here is that once a process is developed by the Board that they prefer, it only needs to be filed with the Building Department which would obviously be more expeditious than a policy adoption process and certainly more so than a bylaw amendment.*

Mr. Read stated that the process and permit application has been reviewed by counsel, the Building Commissioner, John Wasielewski, DPW, and the Planning Dept. The process is straight forward and a simple process:

***PROCESS***

*All applications for permits shall be submitted in accordance with these rules and regulations. Applications and permits shall be reviewed and approved by the Director of Municipal Services, who shall be charged with ensuring permits’ compliance with these rules and regulations.*

*The Director may revoke or suspend permits at any time for violation of these rules and regulations pursuant to Section 8.1.3 of the Town By-laws. Penalties may also be imposed in accordance with Section 1.1.4 of the Town By-laws. Additionally, violations of these rules and regulations may be enforced through the Town’s non-criminal disposition process pursuant to Section 8.1.5 of the Town By-laws and fines may be levied as the Town By-laws authorize.*

*These rules and regulations may be amended or rescinded by the Selectboard by majority vote at any time.*

There is also a Bond requirement. Ms. MacNab inquired about the permit granting authority. Mr. Read stated that the permit granting authority will be with the Building Dept. There was a brief discussion regarding the regulations. Mr. Guitart inquired about the earth moving being done on St. George Street. Mr. Glennon, Planning Board, stated they do have land clearing regulations and permits, which would apply to the St. George Street project. Mr. Glennon stated the Earth Removal permit is well drafted. Ms. Sheehan, Duxbury Clipper, inquired where could residents find these regulations once they have been approved. Mr. Read stated they will be on Town's website, filed with the Town Clerk, and certainly in the Building Department.

Mr. McGee moved that the Selectboard adopt the Earth Removal Rules and Regulations, as described.

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

## **VI. TOWN MANAGER'S REPORT**

Mr. Read stated briefly he wanted to thank Susan Kelley and entire staff for conducting the election polls. Ms. Kelley was under a lot of duress; it was a very different year for elections. Mr. Read also wanted to thank the Duxbury Public Schools for their assistance during the School Safety forum. Mr. McGee stated that the Duxbury Public Schools has a Safety tab which you can access for information.

## **VII. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS**

Mr. McGee moved that the Duxbury Selectboard appoint or re-appoint the following:

### **Community Preservation Committee**

Nicole "Bri" Leing (to fill unexpired term) FY23 Appointment

06-30-2024

*Seconded by Ms. MacNab Vote: 5:0:0*

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

<i>Board of Appeals (Zoning)</i>	-	<i>one seat</i>
<i>Duxbury Seawall Committee</i>	-	<i>one seat</i>
<i>Local Historical District Commission-</i>		<i>one seat (alternate)</i>
<i>Sidewalk &amp; Bike Path 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.***

Ms. Ladd Fiorini added that there are 2 – At Large seats open on the Coastal Resiliency Task Force, if anyone is interested in joining, a Talent Bank form should be filled out as well.

## **VIII. ONE-DAY LIQUOR LICENSE REQUESTS** - None

## **IX. EVENT PERMITS** - None

X. **MINUTES** - None

XI. **ANNOUNCEMENTS**

- 1) **Next Scheduled Selectboard's Meeting** will be on Monday, November 21, 2022 at 7:00pm in the Mural Room.
- 2) **Town Hall will be closed on Thursday & Friday – November 24 & 25 for the Thanksgiving Holiday.**

XII. **ADJOURNMENT**

Mr. McGee moved to adjourn the meeting at approximately 9:20pm.

Seconded by Ms. MacNab    Vote: 5:0:0

*Minutes submitted by Michelle Seda-Stotts*

*List of documents in Selectboard file:*

1. *Agenda*
2. *Tax Classification Hearing FY23*
3. *Seawall Replacement Project, presentation by Christopher Ryan, Planning Director*
4. *Discussion regarding Millennium Green for Holiday Lighting*
5. *Committee Appointment/Re-Appointment/Resignation*
6. *Announcements*