

**Date: December 5, 2022**

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

TOWN CLERK

2022 DEC 13 AM 9:33

DUXBURY MASS.

## **SELECTBOARD**

## **OPEN SESSION MINUTES**

**Present:** Fernando Guitart, Chair; Cynthia Ladd Fiorini, Vice Chair; Michael McGee, Clerk; and Theodore J. Flynn

**Absent:** Amy M. MacNab

**Staff:** René Read, Town Manager; John Q. Adams, Finance Director; and Nancy O'Connor, Executive Assistant

**Others:** Jim Wasielewski, Municipal Services Director; Tracy Mayo, Health Agent; and Christopher Ryan, Planning Director

### **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 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.*

### **2. PLEDGE OF ALLIGIANCE**

### **3. OPEN FORUM**

Mr. Flynn announced that he will not be seeking re-election in 2023 on the Selectboard. He has served on the Selectboard for 12 years.

### **4. NEW BUSINESS**

**7:00pm – Water & Sewer Commissioners**

**Discussion pertaining to a request to add one (1) bedroom to an existing shared septic system 5 Surfside West - Presented by James Wasielewski, Director of Municipal Services**

### **Motion to adjourn as Selectboard & convene as Water & Sewer Commissioners:**

Mr. McGee 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. Flynn*

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

Mr. Wasielewski began the discussion by stating that this home was originally a three bedroom house, and when they were added to the shared septic system, the usage was changed to a two bedroom to avoid any extra costs. Now the new owner wants to return it to a three bedroom home. Mr. Wasielewski said that he met with Tracy Mayo, Health Agent for the BOH, Peter Mackin, Water Superintendent, and Peter Buttkus, DPW Director to discuss. It was determined that approving this as a three bedroom would not have a great impact on the system.

There was discussion about the remaining capacity (four bedrooms) and the reason for keeping the moratorium in place. Both Mr. Wasielewski and Ms. Mayo stated that they needed the reserve capacity in the event of any unforeseen circumstances or failures. Ms. Ladd Fiorini commented that the moratorium should then only be lifted under extenuating circumstances.

Mr. Flynn asked if the system was healthy. Ms. Mayo responded that there is a Title V inspection every year and any repair recommendations are handled by our Water Department.

**Motion:**

Mr. McGee moved to lift the moratorium temporarily to approve a request by the owner of the single-family dwelling located at 5 Surfside West to add one (1) bedroom to the residence, increasing the total number from two (2) to three (3) bedrooms, utilizing the Bay Road shared septic system and further, to keep the moratorium in place on further similar requests. It is noted that although the system is below design capacity and will have capacity for four (4) bedrooms remaining to allocate, it is the assertion of the Board that it is prudent at this time to reserve capacity for any unforeseen circumstances i.e., a dwelling not currently utilizing the shared septic system that may need to be included in the future.

*Seconded by Mr. Flynn*

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

**Motion to adjourn as Water & Sewer Commissioners & re-convene as the Selectboard**

Mr. McGee moved to adjourn as Water & Sewer Commissioners and re-convene as the Selectboard.

*Seconded by Mr. Flynn*

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

***Discussion and review of 2023 Class II Auto annual license renewal – Millbrook Auto Sales***

Mr. McGee moved that the Selectboard renew the following Class II Auto – Used Car Dealer's License – for Shawn Boyd, Principal of 1620 Auto Inc., d/b/a Millbrook Auto Sales located at 1474 Tremont Street, for the year 2023, subject to satisfactory inspection by the Municipal Services Department, receipt of all renewal requirements and payment of all funds/fees owed to the Town of Duxbury. *Seconded by Mr. Flynn*      *Vote: 4:0:0*

***Discussion re: Seawall Replacement Project – Schedule / Cost / Financing***

Mr. Ryan began by stating that the objectives of the presentation and discussion were to reiterate the anticipated project costs; exhibit the key parcels in the greater project area; provide a range of betterment/special assessment scenarios for discussion; and to provide further information on potential grant opportunities. He said that Amory Engineers provided an estimated cost of \$24m for the seawall



construction project, which is based on a single-phased project. He added that some of the funding sources could be borrowing through a debt exclusion (requiring an article at Town Meeting followed by an associated ballot question); betterment assessments for those benefiting from the new seawall; and potential grants. In addition, beach nourishment is anticipated to cost \$4m and is a separate project.

Mr. Adams continued the discussion on betterment methodology and the determination of four tiers based on proximity to the seawall (first tier-70% betterment; second-17%; third-8%; fourth-5%). This methodology was based on the precedent established at the conclusion of the previously constructed portion of the seawall. He remarked that this is not meant to be the final product, but rather a good starting point. Mr. Adams then reviewed hybrid funding scenarios between the various percentages paid by the Town and paid through betterments and the allocations through the tiers (example: handouts detailed Town payments starting at 20%/80% betterments all the way up to Town at 80%/20% betterments).

Mr. Ryan then provided a list of possible available grants and loans with amounts and timelines in order to offset the cost. He confirmed that most of these grants are a one-time application (cannot have overlapping grants) as the project is single-phased, which is the better most cost-effective choice. If this project was multiple phases, the overall cost would increase significantly. Mr. Adams also added that it would be harder to figure out betterments and costs of borrowing if it were a multi-phased project. Mr. Ryan said the next steps include continuation of the beach nourishment permitting process; grant seeking tasks; finalize project design, budget, scope, and timeline; select an approach to funding and seeking requisite approvals; apply for permits; procurement/bidding for seawall construction; award construction contracts; and begin construction.

Mr. Read recommended that the Seawall Committee meet, along with the Selectboard liaison to that committee, to discuss the options and make a recommendation to the Selectboard. There was discussion about trying to get this presented at the 2023 Annual Town Meeting in March, but this would also need to be presented to the Finance Committee and Fiscal Advisory Committee – in addition to the Selectboard, who also would have to vote on a ballot question, if needed.

Ms. Alicia Babcock, Seawall Committee, said that she appreciates all the work being done and would like to see this on the 2023 Annual Town Meeting warrant. Mr. John Palmieri, 15 Ocean Road South, stated that the seawall protects Gurnet Road and town access so he felt that the Town should pay 80% of the cost.

The Selectboard thanked Mr. Ryan and Mr. Adams for their great presentation.

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

### **Duxbury Receives First Funds from Opioid Settlement, Invites Public Comment**

Duxbury's Opioid Working Group is seeking input from community members with expertise in or experience with the opioid misuse epidemic as the group prepares recommendations to the Town Manager for spending state funds allocated to the town.

Duxbury, along with most other Massachusetts communities, has begun to receive funds from the Attorney General's opioid abatement settlement with Johnson & Johnson and three pharmaceutical distributors. Duxbury's payments are estimated to total just under \$800,000 through 2038. Town Manager Rene' Read convened the working group in late summer to develop recommendations on how best to use the funds in designated, evidence-based interventions including treatment, recovery, prevention, harm reduction and connections to care. The group is charged with reporting to Town management for the purpose of appropriating settlement funds to achieve their purpose, including how to expend these monies within state guidelines; leverage existing programs or pool funds with other towns; develop a long-term spending plan; draft articles for Town Meeting; oversee the spending of these funds; and prepare required reports and documentation. Members of that group include representatives of Duxbury Public Schools, fire and police, Duxbury Student Union, the town nurse, Duxbury FACTS and a recovery specialist.

Residents who have interest or expertise in the opioid crisis or who have first-hand experience that can help the working group identify barriers to prevention, treatment and recovery and determine priorities for using the funds can send an email to [info.opioidworkinggroup@Duxbury-ma.gov](mailto:info.opioidworkinggroup@Duxbury-ma.gov). A member of the working group will also be available monthly via Zoom to receive input. Zoom drop-in opportunities for resident input will take place every third Monday of the month beginning December 19 at 12:00 noon. To access the Zoom link and for more information about the working group and how to contact them, please go to the Board of Health page at [www.town.duxbury.ma.us](http://www.town.duxbury.ma.us)

### **Police Department Chief retirement**

Mr. Read read the following resignation notice from Chief McDonald:

*Renè Read, Town Manager Town of Duxbury, MA 878 Tremont Street  
Duxbury, MA 02332*

*Mr. Read,*

*Pursuant to prior discussions with you, this letter serves as official notice of my planned retirement effective January 23, 2023. As I conclude more than thirty years of service in law enforcement, I would like to say that serving as Chief of Police in Duxbury has been one of the greatest honors of my career; and, as I tender this resignation, I also tender my gratitude.*

*Thank you for placing your faith and trust in my ability to lead the Duxbury Police Department. I am fortunate to have had the privilege to work under your leadership as well as for the knowledge and wisdom you have shared with me during that time.*

*I would also like to thank the Board of Selectmen, members of various town committees, other department heads, and all town employees for their efforts in helping to ensure the smooth and efficient operations of the Police Department during my tenure.*

*Finally, I am forever grateful for the members of the Duxbury Police Department and their unmatched professionalism, dedication, and sacrifices. During our profession's most difficult and unpredictable times, they have remained stoic and steadfast in their duty to protect and serve this community. These*



*men and women are the types of human beings that we can only hope never become extinct; their lives are a shining example of the human spirit whose tireless service is truly awe inspiring.*

*As I transition to the next phase of my life, it is secure in the knowledge that I have done everything possible to leave a highly professional law enforcement organization staffed by some of this profession's most competent and capable individuals. It has been my absolute honor and privilege to serve as your Chief of Police.*

*In gratitude and respect,  
Stephen R. McDonald  
Chief of Police*

#### **FY24 Budget Update**

John Adams and I continue our work with the Finance Committee on developing the FY24 budget and the meetings with them have been going well. We are in the process of reviewing again the submittals from all of the department heads and we appreciate their efforts this year and we look forward to presenting our recommended budget later this month.

6. **COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS** None

7. **ONE-DAY LIQUOR LICENSE REQUESTS** None

8. **EVENT PERMITS**

#### ***1/1/2023 DEF Polar Plunge***

Mr. McGee moved that Melanie Brooks, as representative of the Duxbury Education Foundation, is granted permission to hold a Polar Plunge on Sunday, January 1, 2023, beginning at 8:30am (registration) to approximately 11:00am as described in the application materials and contingent upon the conditions of the permit. *Seconded by Mr. Flynn Vote: 4:0:0*

#### **9. MINUTES**

Mr. McGee moved to approve the 6/27/22 Selectboard's Executive Session Minutes, as amended, with the contents to remain confidential until the need has passed.

*Seconded by Mr. Flynn Vote: 3:0:1 (Mr. Guitart abstained as he was absent)*

Mr. McGee moved to approve the 6/6/22 and 6/13/22 Selectboard Open Session Minutes, as presented or amended. *Seconded by Mr. Flynn Vote: 4:0:0*

*(7/11/22 Minutes not voted on as there was no quorum due to absences)*

Mr. McGee moved to approve the 11/21/22 Selectboard Open Session Minutes, as presented or amended. *Seconded by Mr. Flynn Vote: 3:0:1 (Mr. Flynn abstained as he was absent)*

**10. ANNOUNCEMENTS**

Next Scheduled Selectboard Meeting will be on Monday, December 12, 2022 at 7:00pm in the Mural Room.

**11. ADJOURNMENT**

Mr. McGee moved to adjourn at approximately 8:35pm.

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

*Minutes submitted by Nancy O'Connor*

*List of documents in Selectboard file:*

*SB and Water& Sewer Agendas*

*Documentation regarding adding bedroom at 5 Surfside West*

*Seawall Replacement Project documentation and Planning Presentation*

*Class II license*

*Event Permit*

*Minutes*

*Announcements*