

**Date:** January 8, 2024

**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; Brian E. Glennon, II; and Fernando Guitart (*arrived at 7:15pm*)

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

**Others:** Wendell Cerne, Chair-AEC; Mark Cloud, Water Supt.; Glen Carle, AEC member. From Colonial Power: Denise Allard, Mark Cappadona, Joseph Cappadona, Deborah Donovan.

## 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 9. 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. Glennon recognized Representative Josh Cutler for having been appointed to a position within the administration, thanked him for all his hard work on behalf of the district and wished him well. Ms. Ladd Fiorini stated he will be missed and has done a great job.

Ms. Luttazi, DBR Executive Director, informed everyone that the DBR is hosting a Community Open forum on Thursday, 1/18 @ 6:30pm, at the Duxbury Bay Maritime School. The topic will be Coastal Resiliency. The speakers will be from Massachusetts Coastal Zone Management discussing the significance of barrier beaches and the latest in Coastal Resiliency projects. Ms. Luttazi invited everyone to attend. Mr. Glennon inquired about remote availability, and Ms. Luttazi responded yes, it is being worked on and will be available.

### 4. **NEW BUSINESS**

#### ***Recognition/Proclamation for Eagle Scout Matthew NeJame***

Ms. Ladd Fiorini welcomed Matthew NeJame and read the following Proclamation:

***Whereas, Matthew NeJame's Eagle Scout Project entailed the procurement and installation of "No Idling" signs at the Duxbury Public Schools to assist in combating climate change by mitigating carbon emissions from buses and vehicles during student pickup; and***

*Whereas, Matthew NeJame contributed to and wrote two books about carbon emissions and climate change and advocated for a version in a dyslexia font for children with reading disabilities; and*

*Whereas, Matthew NeJame's Eagle Scout project will preserve and protect the environment from harmful pollutants and provide a greater awareness to the community; and*

*Whereas, Matthew NeJame has been involved in scouting since kindergarten and is currently a Junior at Duxbury High School. His project will serve as an inspiration for future Eagle Scouts. We wish him well in his future endeavors.*

*Now therefore, be it resolved on this 6<sup>th</sup> day of January, 2024, that the Town of Duxbury, through the Selectboard and Town Manager, do hereby commend Matthew NeJame on attaining the rank of Eagle Scout.*

*Applause.* Congratulations Matthew!! Mr. Glennon also thanked Mr. McGee for presenting the proclamation in person on behalf of the Selectboard.

***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*

Mr. Mark Cloud, Water Superintendent, was present to discuss the two abatements, one for Checkerberry Circle and one for North Street. Ms. MacNab inquired about the reason for these abatements. Is the developer resisting his portion of the payment? Mr. Cloud stated that he had to calculate the charges based on the usage and divide the payment fairly between the owner and the developer which took some time. Mr. Glennon was concerned about the payment of the water that was used. Ms. Sarah Dacey, Champion Builders, stated that they did receive final readings, which were at 0 reading, at the time they offered to pay pro rata based on when the meter was installed and at the final reading, which they do not believe they used that much water. Ms. MacNab wanted to confirm that they are disputing the usage amount because it was in the winter months. Ms. Dacey said "correct." Mr. Glennon wanted to confirm if it was a meter error. Mr. Cloud said it was a clerical error. Ms. Dacey agreed to the current amounts of the abatements. Mr. Glennon thanked Ms. Sgarzi and Mr. Cloud for working on these issues.

**Checkerberry Circle**

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 **\$1,216.55** for water service charges at Checkerberry Circle.

*Seconded by Mr. Glennon   Vote: 4:0:1 (Mr. Guitart abstained-came in late)*

**North Street:**

Ms. MacNab moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the following amount for water and sewer Abatement charges totaling **\$592.20** for water service charges at North Street.

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

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

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

***Discussion and approval of Municipal Aggregation***

Ms. Ladd Fiorini read the following:

**Background:**

Ms. O'Connor worked with Colonial Power and Wendell Cerne (AEC) on organizing and disseminating Duxbury's Aggregation Plan for the required 30-day Public Review and Comment Period.

The Public Review and Comment period occurred from Tuesday, October 24, 2023 through Friday, November 24, 2023 by 12 noon.

Plan information was available on the Alternative Energy Committee webpage, distributed to subscribers through Town News, with hard copies available at the Duxbury Free Library, the Senior Center, the Town Clerk's office and the Town Manager/Selectboard office. There was also a public informational meeting hosted by the Alternative Energy Committee along with representatives from Colonial Power on Thursday, November 16.

The next step is for the Selectboard to vote to approve the plan prior to the Massachusetts Department of Public Utilities and Massachusetts Department of Energy Resources filing, which will be completed by Colonial Power.

Mr. Glennon commented that the agreement made reference to the savings not being able to be guaranteed, and thought that it was at odds with the original intention of this agreement, which is to save money on utilities. In the Draft Plan it states a disclaimer is required by the DPU (Department of Public Utilities). Mr. Glennon commented -- how certain are we that this process will result in consumer savings. Mr. Cerne, AEC Chair, stated that in the last meeting they had regarding Municipal Aggregation, he had included a list of communities already being serviced by Colonial Power and the success rate of savings. Mr. Glennon wanted it to be clear that the bill could be more and have that expressed to the residents. What control does the Town have over the rates? Mr. Cappadona explained the process of how they arrive to their rates. The goal of aggregation is to take the veil off energy and bring it out into the open. The Town decides when it wants to join and if the pricing is acceptable. Ms. Ladd Fiorini inquired if the individual consumer can choose how green they want to go. Ms. Denise Allard, Rep. for Colonial Power, replied that is why Mr. Cappadona mentioned the indicative prices. It is up to the individual to opt up, down or out. Mr. McGee asked if the consumer has the ability to see the standard rate and what renewable rates are.

Ms. Allard responded yes, they have the opportunity to see the rates and a comparison. Mr. Cerne stated that the first step is to approve this agreement and then begin with consumer education. Ms. Ladd Fiorini inquired if we are still looking at two years. Mr. Cappadona stated that it would be the fall of 2024 if anything would happen. Mr. Read inquired about who makes the decision for the Town of Kingston and is it a three-hour window. Ms. Allard stated that Keith (Town Manager) makes the decision and it is a three-hour window. Mr. Glen Carle, AEC-member, stated that the average saving per year, per household is approximately \$600. Mr. Cappadona confirmed that savings, stating the saving is usually about \$10 to \$12/month. Ms. MacNab stated that her understanding was that this is the default plan and individuals can change the mix to increase their savings. Mr. Carle said yes, they would have options. Making it easy to opt in or out. Mr. Guitart inquired about the fee charged by Colonial Power. Mr. Cappadona said it was a nominal fee, approximately .001 and there is no termination fee. Mr. David Amory, Puritan Road, thanked the Alternative Energy Committee for bringing this forward and having this conversation. Mr. Wendell Cerne recognized Colonial Power for all their help bringing this to fruition.

Ms. MacNab move that the Selectboard approve the Town of Duxbury Community Choice Power Supply Program Aggregation Plan prepared by Colonial Power Group, Inc., as presented, for submittal to the DOER (Massachusetts Department of Energy Resources) and the DPU (Massachusetts Department of Public Utilities).

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

***Discussion regarding new utility pole and license with Verizon and NStar located at 878 Tremont Street***

Mr. Read read the following regarding the request:

This request was reviewed by Shiela Sgarzi , DPW Director, as well as Brian McCusker, Senior Project Manager from Weston & Sampson, as this relates to the new DPW facility. They both approve of this installation.

Ms. MacNab moved that the Selectboard executes the license and grants permission to Verizon New England, Inc. and NSTAR Electric Company d/b/a Eversource Energy, to access, erect, construct, operate, maintain, connect, extend, replace and/or remove Pole 446/1.5 along with the necessary conduits, cables, wires, anchors, guys, supports, and/or fixtures, on Town Hall property located at 878 Tremont 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. Glenmon   Vote: 5:0:0*

**4. TOWN MANAGER'S REPORT**

Mr. Read shared the following memo from the Board of Library Trustees:

*TO:   Selectboard*

*From: Library Trustees*

*The Board of Library Trustees had planned to participate in a joint meeting tonight with the Selectboard to interview and select an interim appointee for the current vacancy on the Board, but we have decided to keep the position un-filled at this time. As we were directed in our joint meeting with the Selectboard in mid-November, the Trustees and staff have reached out to the Community to announce the vacancy and our intention to temporarily fill it. At that time our initial candidate decided not to proceed with the appointment process. Over the holiday season we had two responses to our invitation but one dropped out because of a family medical need and the other was not reachable for an interview in a timely manner. As it is now January, nomination papers are available at the office of the Town Clerk for election of a Trustee, for the remaining two years of the three-year term. Therefore, our Trustee interview sub-committee, has decided not to recommend an interim Trustee, in favor of allowing the community to fill the position in March. We continue to have a quorum at our meetings with our current membership of five elected Trustees. We are confident that the Board will be able to oversee Library operations with one Board vacancy. We will look forward to having a full cabinet when the new Trustee is duly elected. We thank you for your attention and direction with this appointment process. The Board has developed processes for interim appointments that will undoubtedly be helpful when vacancies occur in the future.*

*All our best wishes for 2024,*

*Lester Lloyd*

*Martha Dennison*

### **Seawall Update**

Our seawall engineer Pat Brennan provided me with the following update:

We have sent updated plans to NHESP. We received feedback from the Army Corps that the project may be submitted under the MA General Permit through the Preconstruction Notification process. This requires a waiver for shoreline stabilization over 1,000 linear feet but the Corps reviewer agreed that the project meets the eligibility requirement in that it protects public transportation (roads). I have also received feedback from MassDEP that since we are filing under the MA General Permit and we meet certain requirements (less than 5,000 s.f. permanent disturbance, less than 100 c.y. dredging, and it received local Orders of Conditions), the project is also eligible to fall under the MA 401 WQC General Permit. Therefore, no individual permits are required. All of the information required for the Preconstruction Notification will be submitted to the Corps and MassDEP this week. The review time is more condensed so we should still be on track to go out to bid sometime this spring.

Our timeline remains the same, for now and Pat will update it after we submit to the Corps and receive some initial feedback.

### **2024 Application for Dam & Seawall Grant**

Today Candace Martin asked me about the 2024 Application for Dam & Seawall Grant and offered to submit a grant proposal on behalf of the Town. I gratefully accepted her offer and advised our engineer Pat Brennan of the same and he offered to provide any information that she may need for the application.

Thank you, Candace!

### **FY26 Budget**

Work on the ATM/STM warrant continues and I hope to have a draft document out tomorrow. There was a brief discussion regarding the scheduling of FinCom meetings and the Selectboard attendance at these meetings for content of the articles.

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

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

<b><u>Board / Committee</u></b>	<b><u>Appointment/Re-appointment/Resignation</u></b>	<b><u>Term</u></b>
<b><u>Recreation Activities Committee</u></b>		
Gary Williamson	Appointment	06-30-2024

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

### **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>

### ***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 asked that the Coastal Resiliency Task Force be added to the list of vacancies. They currently have openings.*

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

### ***03/23/24 Rotary Club Trivia Night***

Ms. MacNab moved that Ms. Barbara Mello, as a representative of the Duxbury Rotary Club, is granted a One-Day Wine & Malt License to hold a **Trivia Night** on Saturday, **March 23, 2024** from 6:00 PM to 9:00 PM at the Duxbury Senior Center, 10 Mayflower Street, contingent upon the conditions of the license.

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

## **7. MINUTES**

### **Executive Session Minutes**

Ms. MacNab moved to approve the 12/11/23 Selectboard's Executive Session Minutes, with the contents to remain confidential until the need has passed.

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

### **Open Session Minutes**

Ms. MacNab moved to approve the 10/02/23 Selectboard Open Session Minutes, as amended.  
*Seconded by Mr. Glennon    Vote: 4:0:1 (Fernando abstained - absent)*

Ms. MacNab moved to approve the 10/16/23 Selectboard Open Session Minutes, as presented and/ amended.  
*Seconded by Mr. Glennon    Vote: 4:0:1 (Fernando abstained - absent)*

Ms. MacNab moved to approve the 12/11/23 Selectboard Open Session Minutes, as amended.  
*Seconded by Mr. Glennon    Vote: 5:0:0*

### **8.     ANNOUNCEMENTS**

#### **1)    Waiting Lists for Commercial Mussel & Razor Clam Licenses:**

Just a reminder that individuals on the Waiting Lists for Commercial Mussel and Razor Clam Licenses must renew their application annually within the month of January. The sign-up sheets are posted in the Selectboard's office.

#### **2)    Martin Luther King Jr. Holiday:**

The Town Hall will be closed on Monday, January 15<sup>th</sup> in observance of Martin Luther King Jr. Day. There will not be a Selectboard meeting.

#### **3)    Please note that beginning **January 1, 2024** all Event permits and One-Day Liquor Licenses are due **45 days prior** to the event date. Updated event requests can be found on the Town's website under: Departments>Town Manager's page: see left side of green page. Click on One-Day Liquor License Application and Event Permit Application.**

#### **4)    Next Scheduled Selectboard's Meeting will be on Monday, January 22, 2024.**

### **9.     ADJOURNMENT**

Ms. MacNab moved to adjourn at approximately 8:35pm.  
*Seconded by Mr. Glennon    Vote: 5:0:0*

*Minutes submitted by Michelle Seda-Stotts*

*List of documents in Selectboard file:*

*Selectboard Agenda  
Proclamation – Matthew NeJame  
Water & Sewer Commissioners – FY'24 Abatements  
Municipal Aggregation Plan – Presentation  
Pole Hearing – 878 Tremont Street  
Committee Appointments  
ODLL – Rotary Club Trivia Night  
Announcements*