

Date: January 29, 2024

Date Minutes Approved: 02/26/24

TOWN CLERK

2024 FEB 27 AM 11:10

DUXBURY, MASS.

SELECTBOARD

OPEN SESSION MINUTES

Present: Cynthia Ladd Fiorini, Chair (via Zoom); Michael McGee, Vice Chair; Amy M. MacNab, Clerk; Brian E. Glennon, II; and Fernando Guitart (*arrived at 7:15pm*)

Staff: René Read, Town Manager; Mary MacKinnon, Finance Director; and Michelle Seda-Stotts, Principal Assistant

Others: Holly Morris, Chair-Community Preservation Committee; Kathy Cross, Open Space Committee; Nancy Rufo, Conservation Administrator; Jake Emerson, Harbormaster; Dick Brennen, Shellfish Advisory-Chair; and Steve Studley, REC Director; and Tag Carpenter, Historical Commission.

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 for information about Duxbury programming including streaming on Duxbury YouTube, to watch replays and Video on Demand.

2. **PLEDGE OF ALLIGIANCE**

3. **OPEN FORUM**

Mr. Guitart began by stating that there was a letter received today, stating numerous allegations of by-law violations at 160 Marshall Street, perhaps we can put this on an Executive Meeting to discuss and determine the veracity of these allegations. Ms. MacNab seconded that request. Mr. Read stated he would speak with counsel. Mr. Glennon mentioned the wonderful performance of Mary Poppins performed by Duxbury High School and gave kudos to the cast and orchestra. Mr. Glennon also commented that the speed zone is not marked very well, towards the end of the zone. It is clearly marked in the beginning but becomes not clear towards the end of the zone. Mr. Emmett Sheehan, Powder Point Ave, commented on the short-term rentals in Duxbury. He would like to see this topic on a future agenda.

4. **NEW BUSINESS**

7:05pm Aquaculture License Renewals

Mr. McGee opened the public hearing. The State has required that on an annual basis the Selectboard has to grant a permit for the floats, where processing of the aquaculture products is done. The floats are in three designated areas.

Ms. MacNab moved that the Selectboard open the aquaculture float license public hearing advertised in the *Duxbury Clipper* on January 10, 2024 regarding aquaculture float license renewal applications from the aquaculture grant holders named in the notice.

Seconded by Mr. Glennon Roll Call Vote: Mr. McGee-aye; Ms. MacNab-aye; Mr. Guitart-aye; Mr. Glennon-aye; and Ms. Ladd Fiorini-aye (via remote)

Mr. McGee read the memo from Richard Brennan, Chair of the Shellfish Advisory Committee. Mr. Brennan stated in his memo dated 12/20/23 that the Shellfish Advisory Committee met on 12/13/23 to discuss the applications and voted to recommend that the Selectboard approve the applications.

Mr. McGee asked the Selectboard if they had any questions for Mr. Brennan, Mr. Guitart inquired about the basis to recommend the applications. Mr. Brennan, stated that it was an annual renewal, required by Mass State Regulations, in which we are required to review and approve the applications. Mr. Jake Emerson, Harbormaster, stated that the reason these are annual renewals is because they are dependent upon the 9110A permit, the floats on the moorings must be renewed annually. Ms. MacNab asked that the Bay Management Committee arrange to meet with the Selectboard to have a comprehensive discussion about the activities in the Bay. Mr. Guitart who is the Liaison to the Bay Management Committee, stated that they will be presenting an update on the Moratorium and perhaps change it to a Limited Entry Fishery. Mr. Brennan, stated that the Bay Management is the overseer of the Aquaculture and Shellfish Committee. Mr. Brennan recommended they put their questions in writing and give them to the Bay Management Committee for their answers. Ms. MacNab would like better insight into what is happening in the Bay. Mr. McGee inquired about what does this have to do with this future conversation on the Moratorium. Mr. Emerson explained that this is tied to the mooring and gives them the ability to grow and harvest. Mr. Glennon wanted to clarify that we are not holding back on approving individual growers, we need to send a letter to the chair of the Bay Management Committee to schedule a meeting. Ms. MacNab was looking forward to having this long-awaited discussion.

Ms. MacNab moved that the Selectboard approve the float license renewal applications submitted by the following applicants:

Ursula Balmer, Arthur Bennett, William Bennett, Mark Bouthillier, Brad Doyle, Scott Doyle, Michael George, Stephen Gilbert, Joseph Grady, Christian Horne, Robert Knecht, Benjamin Lloyd, Victoria Lloyd, William McCormick, Donald Merry, Gregory Morris, Christopher Phillips, Joseph Pierce, Peter Prime, Christopher Sherman, Kevin Thomson, and Brian Zec

and, as required by MGL 130 sec 57-68, grant permission to conduct activities as outlined by the Management Plan- (Designated Aquaculture Area, Federal Anchorage, DBMS Upweller-Aquaculture Float) pending all Federal, State, and local reviews and approvals.

Seconded by Mr. Glennon Roll Call Vote: Mr. McGee-aye; Ms. MacNab-aye; Mr. Guitart-aye; Mr. Glennon-aye; and Ms. Ladd Fiorini-aye (via remote)

Ms. MacNab moved that the Selectboard close the aquaculture float license public hearing.

Seconded by Mr. Glennon Roll Call Vote: Mr. McGee-aye; Ms. MacNab-aye; Mr. Guitart-aye; Mr. Glennon-aye; and Ms. Ladd Fiorini-aye (via remote)

Mr. Emerson thanked the Selectboard for their patience and understanding through this and getting to the next step.

Discussion Ellison Fund distribution

Mr. McGee read the following background: The Ellison Fund is a non-expendable trust, which was accepted by the 1990 Annual Town Meeting. The terms of the gift allow for half of the interest to be spent for worthy Town projects and the other half to be spent on the upkeep of the Ellison playground (i.e., the one adjacent to the Duxbury Free Library).

According to Mr. Studley, REC Director, the Treasurer's department has indicated that a total of \$25,234.40 (plus a \$500 Stipend to the Trustees, which the Trustees have declined) is available from the Ellison Fund for this fiscal year. Normally, the Recreation Director recommends projects to the Ellison Trustees based on collaborative input from the DPW Director, Recreation Director, and/or the Manager of Lands & Natural Resources and the Facilities Director. The staff's recommendation for the Selectboard's approval is for:

- \$12,617.20 for the maintenance and upkeep of the Ellison playgrounds; and
- \$12,617.20 for the restoration or replacement of the left field wall at Tarkiln baseball field.

To facilitate this process the staff has also reviewed their recommendations with the Ellison Fund Trustees, Mr. Matthew Walsh and Mr. Stephen Carleton, as the Trustees have the final approval. Both trustees have indicated their agreement with the suggested expenditures.

Mr. Glennon, who is the Liaison to the Recreation Activities Committee, commented on the Green Monster at the park, and stated that it is in dire need of replacement/repair and they felt it was worthy cause. Mr. McGee added the other half is the maintenance and upkeep of the Ellison playgrounds

Ms. MacNab moved that the Selectboard recommend a total expenditure of \$25,234.40 from the Eben H. Ellison Trust fund for the following:

- \$12,617.20 for the maintenance and upkeep of the Ellison Playgrounds; and
- \$12,617.20 to be allocated towards the restoration or replacement of the left field wall at the Tarkiln baseball field.

Seconded by Mr. Glennon Vote: 4:0:1 (Mr. Guitart-abstained and Ms. Ladd Fiorini voted remotely)

Discussion, review and vote on the following March 9, 2024 Annual Town Meeting articles:

Mr. McGee began with article 17 – Transfer of Town-Owned Properties under the control of the Selectboard to the Conservation Commission. Mr. Read handed out a List of Articles, so they can track their votes.

Ms. Holly Morris, Conservation and Preservation Comm. (CPC) - Chair, explained that the Conservation Commission, which she is also a member of, decided to Indefinitely Postpone Article 17. There is more work to be done on that article. They are not ready to bring it to Town Meeting. Mr. Glennon commented that this is adjacent to the Cemetery and is including the Cemetery Trustees in its discussion, he wants to be sure that both groups are working together. Mr. Read also had a conversation with Town Counsel and stated that if a trail is all that is desired, they can present to the Selectboard at any time, draw a plan, and request an easement. To change the ownership would require Town Meeting. Mr. Emmett Sheehan, Cemetery Trustee, commented that they have done a great job.

17	Transfer of Town-Owned Properties under the control of the Selectboard to the Conservation Commission
25	CPC: Operating Fund
26	CPC: Allocations
27	CPC: Conservation Fund
29	CPC: Rehabilitation and Preservation of the Town Clock at Pilgrim Congregational Church
30	CPC: Transfer of Funds to the CPA Affordable Housing Reserve
31	CPC: Open Space and Recreation Plan

Ms. MacNab moved that the Selectboard recommend to the March 9, 2024 Town Meeting to Indefinitely Postpone Article #17 – Transfer of Town-Owned Properties under the control of the Selectboard to the Conservation Commission.

Seconded by Mr. Glennon Vote: 5:0:0 (Ms. Ladd Fiorini voted remotely)

Ms. Morris, ConCom-member, stated that they are expecting to extinguish in the Special Town Meeting \$600k in debt incurred for the purchase of the Ricker property. Mr. McGee thanked Ms. Morris for sharing that information and they will be discussing it with the Finance Director on Feb.12th.

Ms. Morris then discussed Article #25 - this is for the CPC Operating Fund. They are recommending the transfer of \$140,230. This is to be used for administrative costs.

Ms. MacNab moved that the Selectboard recommend approval to the March 9, 2024 Town Meeting for Article #25 – CPC: Operating Fund.

Seconded by Mr. Glennon Vote: 5:0:0 (Ms. Ladd Fiorini voted remotely)

Ms. Morris, presented Article #26 and explained where each of the Allocations were going.

Ms. MacNab moved that the Selectboard recommend approval to the March 9, 2024 Town Meeting for Article #26 – CPC: Allocations.

Seconded by Mr. Glennon Vote: 5:0:0 (Ms. Ladd Fiorini voted remotely)

Ms. Morris presented Article #27, the Conservation Fund. The CPC recommends approval of the Transfer of \$75k from the CPA Open Space account to the Conservation Fund. Mr. Glennon

inquired about the use of these funds. Ms. Morris stated that this allows the Conservation Committee to make small purchases of land and the management of the properties.

Ms. MacNab moved that the Selectboard recommend approval to the March 9, 2024 Town Meeting for Article #27 – CPC: Conservation Fund.

Seconded by Mr. Glennon Vote: 5:0:0 (Ms. Ladd Fiorini voted remotely)

Ms. Morris presented Article #29, Rehabilitation and Preservation of the Town Clock at Pilgrim Congressional Church. The CPC is recommending \$20K for the maintenance and restoration of the Clock.

Ms. MacNab moved that the Selectboard recommend approval to the March 9, 2024 Town Meeting for Article #29 – CPC: Rehabilitation and Preservation of the Town Clock at Pilgrim Congregational Church.

Seconded by Mr. Glennon Vote: 5:0:0 (Ms. Ladd Fiorini voted remotely)

Ms. Morris presented Article #30, Transfer of Funds to the CPA Affordable Housing Reserve. They are recommending the transfer of \$250k from the CPA Undesignated fund to the CPA Housing Account.

Ms. MacNab moved that the Selectboard recommend approval to the March 9, 2024 Town Meeting for Article #30 – CPC: Transfer of funds to the CPA Affordable Housing Fund.

Seconded by Mr. Glennon Vote: 5:0:0 (Ms. Ladd Fiorini voted remotely)

Ms. Morris presented Article #31, CPC: Open Space and Recreation Plan. Every 7 years they must update the Open Space and Recreation Plan and it must be approved by the State. This enables them to apply for certain state grants. Mr. Christopher Ryan, previous Planning Director, recommended they contract with the Old Colony Planning Council. Ms. Morris recognized Ms. Kathy Cross and Ms. Patricia Loring, members of the Open Space Committee, for moving forward on this project. The CPC recommends approval of the expenditure of \$30k from the CPA-Open Space Account for the Open Space and Recreation Plan. Mr. Glennon agreed with this expenditure.

Ms. MacNab moved that the Selectboard recommend approval to the March 9, 2024 Town Meeting for Article #31 – CPC: Open Space and Recreation Plan.

Seconded by Mr. Glennon Vote: 5:0:0 (Ms. Ladd Fiorini voted remotely)

Mr. Glennon inquired about the investment of the funds. Ms. MacKinnon stated that the money is being invested by Rockland Trust, and she is looking to have them come in to speak with the Selectboard about the portfolio. The Selectboard thanked Ms. Morris for all her hard work.

5. TOWN MANAGER'S REPORT

Mr. Read distributed a copy of the Selectboard's long range agenda. There was a brief discussion about the items listed and future topics. Ms. MacNab mentioned the importance of discussing the merit increases and the process involved. Mr. Guitart mentioned having a discussion with Mr. Read about the Town Manager's Evaluation. Mr. Read stated they are all on the list. Mr. Read stated that

he had received Ms. Kristina Knowles, Facilities Director, resignation and her last day would be February 9th.

There are three positions on the Planning Board to be vacated by departing members Keith MacDonald, David C. Uitti, and Allison Shane. As of this evening, no one has taken out papers to run for these positions.

Nomination papers are available in the Town Clerk's office and are due back to the Town Clerk by Saturday, February 3, 2024. A candidate must obtain 50 signatures, certified by the Town Clerk, to appear on the ballot. The Clerk's office will be closed on Wednesday through Friday as they attend a conference but Town Clerk Susan Kelley has stated that she will be happy to meet with anyone returning papers on Saturday. Ms. MacNab commented that it was a good learning and growing experience for her. Mr. Glennon stated that he would be available to discuss, with anyone who is interested in joining the Planning Board, what it takes to be on the Board and give back to our community. Mr. Guitart inquired about the Planner position. Mr. Glennon commented that the available work force is limited across the State.

6. ONE-DAY LIQUOR LICENSE REQUESTS

02/16/24 South Shore Conservatory – "A Far Cry" Performance

Ms. MacNab moved that Ms. Sharon Bohan, as a representative of the **South Shore Conservatory**, is granted a One-Day Wine & Malt License for the "**A Far Cry**" performance to be held at the South Shore Conservatory – Ellison Center for the Arts, 64 Saint George Street, on Friday, February 16, 2024 from 7:00pm to 8:30pm, contingent upon the conditions of the license.

Seconded by Mr. Glennon Vote: 4:0:1 (Mr. Guitart-abstained; and Ms. Ladd Fiorini voted remotely)

7. MINUTES

Open Session Minutes

Ms. MacNab moved to approve the **11/20/23** Selectboard Open Session Minutes, as presented and/or amended.

Seconded by Mr. Glennon Vote: 4:0:1 (Mr. Guitart-abstained; and Ms. Ladd Fiorini voted remotely)

Ms. MacNab moved to approve the **01/08/24** Selectboard Open Session Minutes, as presented and/or amended.

Seconded by Mr. Glennon Vote: 5:0:0 (Ms. Ladd Fiorini voted remotely)

8. ANNOUNCEMENTS

1) **Greater Attleboro Taunton Regional Transit Authority (GATRA) will begin Sunday Service across all fixed route buses, effective February 5, 2024. GATRA began offering Sunday Service on select routes in mid-October 2023. As of this full rollout in early February, Sunday Service will now mirror the existing Saturday Service offered across GATRA communities. Please visit www.gatra.org for more information and route-specific details.**

2) **Next Scheduled Selectboard Meeting will be on Monday, February 5, 2024 at 7:00pm.**

9. BONUS SHELLFISH SEASON (February 2024)

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

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

Seconded by Mr. Glennon Vote: 5:0:0 (Ms. Ladd Fiorini voted remotely)

10. ADJOURNMENT

Ms. MacNab moved to adjourn at approximately 8:30pm.

Seconded by Mr. Glennon Vote: 5:0:0 (Ms. Ladd Fiorini voted remotely)

Minutes submitted by Michelle Seda-Stotts

List of documents in Selectboard file:

Selectboard Agenda

Aquaculture License Renewals

Ellison Fund distribution

ODLL – SSC- “A Far Cry” Performance

Minutes

Announcements

Bonus Shellfish (February 2024)