

**SELECT BOARD MEETING**  
**Monday, January 29, 2024**  
**Select Board Chamber, Town Hall**

Participants: James J. Kilcoyne; Lynne E. Fidler; Stephen R. Darcy; Michael A. Maresco, Town Administrator

Mr. Kilcoyne moved, seconded by Ms. Fidler, to open the meeting at 6:30 p.m. The vote was unanimous. Roll Call Vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy – aye. Mr. Kilcoyne announced that the meeting is being recorded by Marshfield Community Media.

Chairman's Comments – James Kilcoyne read the following statement into the record: Over the past few days there has been a significant number of posts on social media. The Board understands that in the absence of factual information, speculation, misleading statements and misinformation can become the norm. The Board welcomes public participation and comment, and would like to take this opportunity to provide as much factual information to the public as legally possible. This is to protect the legal rights of all involved. Please be patient and understand that the Select Board must protect the Town from potential legal actions while protecting the legal rights of both the complainant and the affected employee.

The issue of concern was not a result of any action, decision or accusation by the Select Board, Town Administrator or Legal Counsel, it is the result of a complaint. Although it is correct that the Select Board has oversight responsibility for these types of issues, again, this was not the result of any action, decision or accusation by the Select Board, Town Administrator or Legal Counsel, it is a result of a complaint. The Select Board first became aware of the situation on Saturday afternoon. The Select Board had no knowledge of this complaint until Saturday afternoon, we became aware of the issue at basically the same time the social media posts began to appear.

There has been a significant amount of speculation and misinformation on the scheduling of a meeting, and the type of meeting to be held. Information was incorrectly posted in social media, the Executive Session scheduled for this evening is only to address the posted issue, any comments to the contrary are absolutely incorrect. The Executive Session on tonight's agenda was previously scheduled and posted as an update to the Select Board regarding the ongoing labor contract negotiations. Nothing else was scheduled, nor was anything else to be discussed. Social media postings and comments to the contrary are factually inaccurate.

Thus, despite a significant number of comments and posts that the meeting was moved from today to Wednesday, nothing was moved, this evening's Executive Session was only for a contract negotiation update. Any new items for Select Board discussion or consideration must be posted in compliance with Commonwealth Open Meeting Law. It is very disappointing that individuals that have knowledge of this requirement, and should help the public understand, did not and repeatedly posted and commented that a meeting would be held on Monday, and inferred that it was a result of some Select Board action. The Board will not speculate on their motivations, but clearly there were individuals that should have, and could have, known better, but did not, and only caused more concern and division within the Town. This is sad, and regardless of your perspective, their actions should be a concern to the citizens due to a lack of knowledge or motivation.

In accordance with public meeting law a meeting has been scheduled (*not moved*) for this Wednesday, January 31, 2024. It is normal and customary with complaints such as this, both in the public and private sectors, to conduct such meetings in private or executive session. This scheduling was done to protect the legal rights of both parties, and not, as a number of posts have stated, to "do things behind closed doors". It is scheduled in this manner to protect the Town, complainant and affected employee, as to their legal rights and privacy.

To be clear, despite everything stated in social media and emails sent to the Select Board, suggesting that anyone has requested in writing that this meeting should be held in public and claiming they have knowledge of such, is incorrect. The purpose of Executive Session

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is not to keep anything from the public, rather it is to protect the privacy and rights of all involved. Again, it is disappointing and concerning that individuals, not the general public, but individuals who should have known these basic principles chose only to continue to mislead the public with more misinformation.

The final decision as to whether the meeting will be held in open or executive session resides with the affected employee. Again, to clarify, it is normal and customary to hold such meetings in executive session to respect the privacy and rights of the employee. Thus, the Board scheduled Wednesday's meeting as an executive session. The Select Board has reached out to the affected employee today, January 29, inquiring if they prefer an open meeting or private executive session and asking them to notify the Select Board in writing of their decision. Despite significant amounts of speculation and misleading information on social media as to the motivations of the Select Board, the affected employee has the right for a private meeting. All comments in social media that the Select Board has received a written request for an open meeting is factually incorrect. Again, it is sad that those who have no knowledge on the actual legal facts made repeated statements on social media as if they have information that even the Select Board does not possess, and then jump to wild conclusions.

Please allow the proper legal process to proceed, protecting the rights of all involved and their personal choice of an open or a private meeting to discuss the matter.

As required by law, the Select Board has scheduled and posted a meeting for this Wednesday evening. As is normal and customary, to protect the Town and participants, it is scheduled as an Executive Session. Unless the Board receives in writing a request from the affected employee that the meeting be held publicly, the Select Board will uphold this right up to any time before the commencement of the meeting.

It will be during this meeting, whether it be in executive or open session, that the Select Board will hear for the first time the details of the complaint. The Board understands that this is of great public interest, but asks the public to allow those involved to make the decisions that are best for them, and respect their decisions in this matter.

When I arrived about an hour and a half ago for this meeting, I learned that Chief Simpson has retained a private attorney and they have requested that he have a private meeting, i.e. Executive Session, exactly as previously scheduled by the Select Board. The meeting will take place this Wednesday at 6:30 p.m.

Town Administrator Report – Michael Maresco provided the Board with his brief as follows:

- Call into WATD to review the Select Board agenda and current issues
- Meeting regarding the Grad Nite Live grant application sent to the Town by DESE and the process and paperwork required to get access to the funds
- Meeting with Lynne Fidler to review the FY25 Budget
- Meeting with Greg Guimond, Leslie Fields and Rod Procaccino regarding the Marshfield/Duxbury beach nourishment project and process to have the available funds of \$639,000 committed to the remainder of the 18,575 cubic yards of material to be spread on the beaches
- Met with Fred Russell, Tony Bullock and Carol Hamilton regarding additional cleaning required at the Senior Center because of the new bathrooms and additional rooms. We have also increased the cleaning requirements for the new police station
- Met with Treasurer/Collector Shaun Strobel regarding the FY23 close out and Free Cash certification by the Commonwealth, we are very close to filing with DOR
- Met with Chief Tavares and Harbormaster DiMeo regarding issues with the dredging of the Federal area of the harbor. The Town's portion of the dredge has been completed by AGM. The Town is working with US Senator Markey's Office and Congressman Keating's Office and our state delegation to get the ACE to extend the dredge and to allow the dredging company, Bernum, to dispose of the dredge materials at the near disposal site outside the harbor entrance. The Chief, the Harbormaster and I will be on a ZOOM meeting tomorrow afternoon regarding this issue.

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- Met with Danielle Kerrigan regarding a personnel issue and Personnel Improvement Plan (PIP) for one of our employees
- Participated in Marshfield Housing Trust Meeting where we discussed an issue with one of our MHOP recipients, reviewed previous minutes, training sessions with the Mass Housing Trust and attending the lecture by Housing Secretary Ed Augustus in Brockton next week
- Attended Marshfield Chamber of Commerce Annual Meeting where the Chamber presented the Town with a check for \$5,000 for the Police/Beaches. Executive Director Lara Brait has continued to expand the reach and services of the chamber for its membership and stewardship in the Town of Marshfield.
- Participated in Revolutionary War Committee meeting regarding recognition of those minutemen from Marshfield who served our country during the revolution. The committee has spent the last two years researching the names and verifying the service through five dedicated sites. The names will be engraved on an obelisk and the unveiling will take place on April 19, 2026 for the 250th Anniversary.
- Participated in opening of the pest control bids with Fred Russell, Facility Director and Tony Bullock, Assistant Facility Director, Secured Pest Control was selected
- Lunch meeting with Chair Kilcoyne to review budget issues, timelines, capital budget and other town related issues
- Met with Fred Russell, Facility Director and Tony Bullock, Assistant Facility Director, to review ongoing maintenance issues at Town buildings, PV project, DPW project, Police project, Town Hall project and the design for the Fire Department's new locker room facilities with cost estimates. We expect to have the final design and cost estimates later this week.
- Participated in a meeting with Greg Guimond and Lynne Fidler to review some planning issues regarding the MBTA proposed district
- Meeting with Dan Smith of Smith and Sons and Andrew Stewart regarding some zoning issues regarding what type of items can be sold at that location to be in conformity with the regulations
- Met with Anne Marie Sinnott regarding some assessing issues and the opportunity to put in place a new program to assist Gold Star households in FY2026
- Met with Fred Russell and Tony Bullock to review the Building Department's new office space and renovations. The Town Clerk and staff are back in their newly renovated offices and IT is now in their new space where the Town Accountant office was previously located.
- Met with Danielle Kerrigan and Chief Simpson on a personnel matter

Dog Hearing – Marlie Nunes – James Kilcoyne read the public notice regarding this hearing into the record. Town Counsel Robert Galvin swore in all parties interested in speaking at this hearing. James Kilcoyne explained the process for the hearing. Animal Control Officers Courtney Ellis and Alexandra Forbes appeared before the Board. Officer Ellis reviewed the timeline of events leading her to request this hearing.

Jessica Norris, 94 Cedar Acres Road, appeared before the Board and gave some details on the incident that took place on December 25, 2023 when her dog was attacked and bitten by the Nunes' dogs. Ms. Norris said that this event was preceded by multiple incidents of the dogs being loose and threatening. Joyce Campbell, 84 Cedar Acres Road, said that the dogs have run out after her dog in a vicious manner as well and she avoids walking by this house for that reason. Trudy Millar, 58 Summer Street, said that she used to walk her dog through this neighborhood and on two occasions the Nunes' dogs charged them and followed them in an aggressive manner. Emily Bailey, 114 Cedar Acres Road, said that she has seen multiple incidents of the dogs coming out in the street when people or cars go by. Ms. Bailey said that her dog was also bitten by one of these dogs, but she did not report it at the time.

Marlie Nunes, 174 Cedar Acres Road, appeared before the Board and said that she wished that people had reached out to her when these incidents took place. Ms. Nunes said that she did not know that the dogs had attacked anyone until she received notice of this hearing. Ms. Nunes said that she was not aware of most of these incidents and noted that

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her dogs' names were incorrect in the hearing notice and clarified that the dogs are Otis and Bruno. Ms. Nunes said that they are rescue dogs and are very well cared for. Ms. Nunes disputed some of the statements made by the Animal Control Officer and neighbors. Ms. Nunes provided the Board with pictures and documentation and stated that she intended to install a fence in her yard

Police Chief Phil Tavares appeared before the Board and said that it is clear that the neighbors are victims and Marshfield Police has responded to calls regarding these dogs multiple times. Chief Tavares reviewed the timeline of police responses to this home and said that the dogs are a major problem in that neighborhood.

James Kilcoyne closed the public comment portion of this hearing at 7:20 p.m. After some discussion, James Kilcoyne moved, seconded by Lynne Fidler, to find that the dogs Otis and Bruno are dangerous dogs. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy – aye.

After further discussion, James Kilcoyne moved, seconded by Lynne Fidler, to order the following disposition:

- 1) that the dogs be humanely restrained at all times when outside the home; provided, however, neither dog shall be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building;
- 2) that the dogs shall be confined when at the premises at 174 Cedar Acres Road either to the interior of the home; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper;
- 3) that owner, Ms. Nunes, shall install on or before May 1, 2024, a chained linked or other equivalent pen at the premises at 174 Cedar Acres Road to securely confine the two dogs and that said pen, that such pen or dog run shall have a secure roof, and if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or have a proper shelter from the elements shall be provided to protect the dogs;
- 4) that when the dogs are removed from the premises at 174 Cedar Acres Road, of the owner or the premises of the person keeping the dogs, the dogs shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length.

James Kilcoyne asked when Ms. Nunes thought she would have the fence installed. Ms. Nunes could not answer this question. Stephen Darcy suggested setting a date of May 1, 2024 for installation of the fence. Mr. Kilcoyne added to the motion that the outside enclosure in section 2 be installed by May 1, 2024 at which time the Animal Control Officer will inspect it to ensure that it is in compliance. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy – aye. Ms. Nunes asked if she would receive the decision in writing and if she has the right to appeal this decision. Mr. Kilcoyne told her that she will receive written notice of the decision and will have 10 days to appeal it.

Document Review Policy – James Kilcoyne reviewed the policy that he brought forward to the Board at their last meeting. James Kilcoyne moved, seconded by Lynne Fidler, to adopt the new Document Review Policy as previously outlined to improve public visibility of proposed document changes or adoption of new and expanded policies. The vote was unanimous. Roll Call Vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy – aye.

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FY 2025 Budget Presentation – Michael Maresco and Shaun Strobel appeared before the Board. Mr. Maresco gave a PowerPoint presentation including expected revenue, expenses, fixed costs, debt management, and departmental budgets. James Kilcoyne asked how confident the fiscal team is about the projected revenue from solar. Michael Maresco said that with the car ports at the DPW and revenue from the solar array he feels confident that these projections are accurate. James Kilcoyne asked about the overall projections for revenue and expenses. Michael Maresco gave some details on the process for reaching these projections. Shaun Strobel spoke about the methodology used to prepare the budget.

Lynne Fidler asked about State aid. Shaun Strobel gave some details on how they came to this number and said that it is safe to assume a 2% increase in State funding. Lynne Fidler asked how the end of ARPA funding will affect the Surf Avenue and Plymouth Avenue projects. Michael Maresco said that this funding was a good shot in the arm for water and sewer infrastructure improvements, which will have to be funded internally going forward. Stephen Darcy asked about the financial state of Marshfield compared to other Towns. Michael Maresco said that many other Towns are dealing with layoffs, which Marshfield has been able to avoid through good fiscal planning. Stephen Darcy asked about the tax rate in Marshfield compared to other Towns. Anne Marie Sinnott said that we have one of the lowest tax rates in the area and noted that increased property values drive the tax rate down. James Kilcoyne moved, seconded by Lynne Fidler, to approve the budget as presented and turn it over to the Advisory Board. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy - aye.

Temporary Wine & Malt License – North River Arts Society – James Kilcoyne moved, seconded by Lynne Fidler, to approve an indoor one-day wine and malt beverage license for Maureen Smith on behalf of the North River Arts Society, 157 Old Main Street, pending signoff from the Police and Fire Departments and receipt of a copy of certificate of liquor liability insurance naming the Town as additional insured. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy - aye.

New Appointment to Recreation Trails Committee – Joseph Miller – Ned Bangs appeared before the Board and said that the Recreation Trails Committee supports the appointment of Joseph Miller to the committee. James Kilcoyne moved, seconded by Lynne Fidler, to appoint Joseph Miller to the Recreation Trails Committee as an alternate member for the remainder of a three-year term that expires on June 30, 2024. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy – aye.

ALS One Polar Plunge – James Kilcoyne gave some details on this event. James Kilcoyne moved, seconded by Lynne Fidler, to approve the request to hold the 9<sup>th</sup> Annual ALS One Polar Plunge at Rexhame Beach on Saturday, April 6, 2024 pending sign-off by the Police, Fire and Beach Departments. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy – aye.

Run to the Rock Road Race – James Kilcoyne moved, seconded by Lynne Fidler, to approve the request from South Shore Race Management to hold the “Run to the Rock” 5k, 10k and half marathon on Saturday September 7, 2024 beginning at 8:00 a.m. starting and ending at Brant Rock pending sign-off by the Police and Fire Departments. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy – aye.

Permission to Waive Fees - ZBA – James Kilcoyne moved, seconded by Lynne Fidler, to waive the Zoning Board of Appeals fee for the dam removal project at Veterans Park, 2200 Ocean Street and 25 Main Street. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy – aye.

Bluefin Showdown Tournament – James Kilcoyne moved, seconded by Lynne Fidler, to approve the request to use Marshfield Town Pier as a weigh-in point for the 3<sup>rd</sup> Annual Northeast Bluefin Showdown tournament from June 26, 2024 through June 30, 2024. Marshfield will be joining Portland Maine as the other alternative weigh-in point for the

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event which is headquartered in Newburyport. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy – aye.

Age Friendly Steering Committee – Michael Maresco gave some details on the role of this new committee. James Kilcoyne read through the list of people who have volunteered to serve on the committee. James Kilcoyne moved, seconded by Lynne Fidler, to appoint the following people to the Age Friendly Steering Committee: Ned Bangs, Dave Cheney, Marilee Commerford, Joanne LaFerrara, Fred Monaco, Nancy Masiello, Bonnie Owens, Christopher White, Safety Officer Jason Luchetti, Town Planner Greg Guimond and Town Administrator Michael Maresco. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy – aye.

Surplus Equipment – James Kilcoyne moved, seconded by Lynne Fidler, to declare 20 chairs as surplus for destruction or donation to a non-profit organization. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy – aye.

Acceptance of Minutes – James Kilcoyne moved, seconded by Lynne Fidler, to accept the minutes of January 22, 2024 as written. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy - aye.

Executive Session – at 8:35 p.m. Mr. Kilcoyne moved, seconded by Ms. Fidler, to go into Executive Session to discuss strategy with respect to collective bargaining that if conducted in open session may have detrimental effect on the bargaining position of the Town, not to return to open session. The vote was unanimous. Roll Call Vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy – aye.

Mr. Kilcoyne moved, seconded by Ms. Fidler, to close the Executive Session at 9:10 p.m. and adjourn the meeting. The vote was unanimous. Roll Call Vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy – aye. There were no votes taken in Executive Session.

Respectfully submitted,

Catherine Burke

*The following documents and exhibits were presented at the meeting: public notice and supporting documents for dog hearing (including photos and documents submitted by Ms. Nunes); copy of Document Review Policy; application for one day liquor license from NRAS; request to hold ALS One Polar Plunge and recommendations from Police and Fire Departments; request to hold Run to the Rock road race and recommendation from Fire Department; application for appointment to Recreation Trails Committee; request for permission to waive fees from Zoning Board of Appeals; request to use Marshfield Town Pier as an alternate weigh station for Bluefin Showdown fishing tournament; list of volunteers for Age Friendly Steering Committee; pictures of chairs to be declared as surplus equipment.*