

Date: September 27, 2021

Date Minutes Approved: 10/18/21

TOWN CLERK

2021 OCT 20 PM 12:25
OPEN SESSION MINUTES
DUXBURY, MASS.

BOARD OF SELECTMEN

Present: Amy M. MacNab, Chair; Cynthia Ladd Fiorini, Clerk; Theodore J. Flynn; and Michael McGee

Absent: Fernando Guitart, Vice Chair

Staff: René Read, Town Manager; and Nancy O'Connor, Executive Assistant

Others: Joe Grady, Conservation Administrator; Holly Morris, CPC Chair; Diane Bartlett, Chair DAHT; Matt Walsh, DAHT; Steve Dubuque, DAHT; Dan Coughlin, DAHT; and Shirin Everett, Esq., KP Law

CONVENED IN OPEN SESSION (*In-person in the Mural Room and via remote participation*)

I. CALL TO ORDER This meeting was called to order at approximately 6:00 pm.
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. 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 for information about Duxbury programming including streaming on Duxbury You Tube, to watch replays and Video on Demand.

II PLEDGE OF ALLIGIANCE

III EXECUTIVE SESSION

Ms. Ladd Fiorini moved we go into Executive Session for the purpose of:

Discussing consideration of the purchase, exchange, lease or value of real estate at 6 Kingstown Way, since an open meeting may have a detrimental effect on the strategizing and negotiating position of the Town; and

if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, section 21,

Ms. MacNab, as Chair, declared that the necessity for an Executive Session to discuss strategy with respect to the consideration of the purchase, exchange, lease, or value of real estate, as to do so in an Open Session may have a detrimental effect on the Town's bargaining, strategizing and negotiating position.

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

Discussion regarding 6 Kingstown Way

When the business of the Executive Session was completed, Ms. Ladd Fiorini moved to adjourn the Executive Session and reconvene in Open Session on or about 7pm.

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

IV OPEN FORUM PUBLIC COMMENTS

No comments from the public.

Ms. Ladd Fiorini would like a discussion on the renaming of Columbus Day to Indigenous People's Day. She stated that since the Board has pledged diversity, equity and inclusion, she would like to look into this issue at a future meeting.

V NEW BUSINESS

7:05 Public Hearing – 6 Kingstown Way

Open Public Hearing:

Ms. Ladd Fiorini moved that the Board of Selectmen open the public hearing.

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

Ms. MacNab asked if Mr. Joe Grady would begin the discussion. Mr. Grady explained that back in February 2021 the Town received a Notice of Intent and a signed Purchase & Sale Agreement regarding the Chapter 61A property at 6 Kingstown Way. He stated that the landowners received a tax break for years, giving the Town a right of first refusal for the 26 acres of land in the amount of \$462,000. The Town is not considering using for primarily open space, but allowing DAHT (Duxbury Affordable Housing Trust) to purchase for affordable housing. He confirmed that because the land under the Notice of Intent was going to be converted to another use, the Town has the right and is now considering to purchase it.

Ms. MacNab confirmed that funding will be from the DAHT's inclusionary funds.

Mr. Dan Coughlin, Trustee of the DAHT, commented that if the Town doesn't act, we would lose this potential opportunity. While they have put together a preliminary analysis, he remarked that they still need information regarding the development of the land to make an intelligent decision as to its use. He continued to say that the DAHT does recommend that the Selectmen move forward to exercise their option.

Mr. Jonathan Mark, who signed the Purchase & Sale on the property as potential buyer, admitted that he did submit paperwork after the fact regarding the use and that he does intend to bring back the bogs. He confirmed that he did originally put down change of use at the beginning. He continued to say that he would still like to buy it and keep it as agricultural use.

Ms. MacNab expressed an understanding for the process, that agricultural land was put into Chapter 61A status, which provided a tax savings for the property owner. The benefit for the Town is the right of first refusal when the land becomes available for sale. She explained that the right of first refusal was triggered because of the change of use, which gave us that right. She stated that she understood Mr. Mark filed subsequent documents to keep in agricultural status, but that trigger was already set. Further, the Town didn't collect taxes for many years, so we need to look at it for open space and/or affordable housing.

Motion:

Ms. Ladd Fiorini moved that the Board of Selectmen exercise its statutory right of first refusal pursuant to Chapter 61A, Section 14 to purchase approximately 24.81 acres of land, located at 6 Kingstown Way, Duxbury (Assessor's parcel 048-038-000) owned by RH Bena Cranberry Co., Inc., and authorize the Chair of the Board of Selectmen to execute any and all documents necessary or convenient in connection with the acquisition of said property, including, but not limited to a Notice of Exercise and Purchase and Sale Agreement.

Seconded by Mr. Flynn Roll Call Vote: Mr. Flynn-Aye; Mr. McGee-Nay; Ms. Ladd Fiorini-Aye; and Ms. MacNab-Aye

Close Public Hearing:

Ms. Ladd Fiorini moved that the Board of Selectmen close the public hearing.

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

Discussion and update on PFAS Monitoring

In attendance for this discussion were Tracy Mayo, Health Agent; Peter Mackin, Water Superintendent; Melissa Rosenblatt, BOH; Dr. Brumley, BOH; James Begley, LSP and Principal, MT Environmental Restoration; and Mark J. Benotti, Ph.D.

Mr. Begley, who has over 30 years of professional experience in the field of environmental science and engineering in the US and abroad, began the discussion with his presentation to the Board. He described "What are PFAS?" as a large group of man-made chemicals used in industry and consumer products worldwide since the 1950s, which are widespread in the environment; found in people, wildlife and fish all over the world; they do not breakdown easily in the environment; and have been linked to health risks. He mentioned a few of the commercial sources of PFAS are non-stick cookware, fast food packaging, cosmetics, personal care products, stain resistant furniture, and water resistant clothing. He further described the pathway to human exposure through various means including PFAS producing factories, landfills, PFAS treated material, firefighting foam, treated food packing/cookware, water, soils/farm land and food. He continued to say that MassDEP has regulated PFAS and drinking water maximum contaminant level for about six different PFAS compounds. He said that ways to mitigate exposure is to reduce use in products, control sources of release to the environment, and to cut off exposure pathways – all through consumer action, local responses, State and Federal responses.

Mr. Flynn asked what do we do now with the well that was shutdown. Mr. Begley responded that the Town should look at the treatment options, one of which is carbon filtration and is an approved approach. Mr. Flynn then asked if there was a way to trace the PFAS to this well. Mr. Begley answered potentially and there are ways to get a better idea.

Mr. McGee inquired if Mr. Begley had worked with other towns. Mr. Begley replied that some other towns were impacted early and have taken pro-active steps, such as the Town of Easton. He recommended the State's website as a first step in public education so we don't have to reinvent the wheel.

Ms. Ladd Fiorini remarked that our local response strategy should be more communication and education. Mr. Mark Benotti, Ph.D., who is an environmental consultant on PFAS, commented that public outreach and education can start at home with a point of entry treatment (POET) system. He remarked that a Britta water carbon filter is effective.

A question was asked about whether or not we should do more testing. Mr. Mackin replied that he didn't see an advantage to more testing (in addition to the current quarterly testing) due to the costs and the time it takes to get the results. It was asked if testing was available for those with well water and how many we have. Ms. Mayo answered that most of the well water is in the North/Franklin/Temple Street areas and that there are not a lot east of Route 3.

Mr. Read remarked that the cost of a carbon filtration system for the Partridge well is a \$1.8m capital expenditure and is planned for the March 2022 Annual Town Meeting. Ms. MacNab asked if this was the latest and greatest method. Mr. Mackin answered that carbon is very effective and was recommended by our engineering firm. Mr. Benotti was also in agreement with this method. Mr. Mackin also added that the Town of Easton has installed three carbon systems.

Further discussions ensued resulting in determine a date to have a joint meeting between the Board of Health and the Board of Selectmen. That will occur later in the month of October.

The Selectmen thanked the presenters and speakers for their valuable information.

Discussion pertaining to draft letter regarding Town of Duxbury concerns regarding Pilgrim Nuclear Power Station spent nuclear fuel safety (from previous meeting held on 9/20/21)

Ms. Ladd Fiorini moved that the Board of Selectmen execute the letter to Senators Markey and Warren and Congressman Keating urging the Nuclear Regulatory Commission to prioritize public safety regarding the storage of spent fuel at Pilgrim Nuclear Power Station and to also hold Holtec accountable to the terms of their contract, as presented by the Duxbury Nuclear Advisory Committee.

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

VI TOWN MANAGER'S REPORT

Mr. Read mentioned that the Board of Selectmen name change to Selectboard was heard on 9/14/21 and there was a first floor vote today in the Legislature. It will be heading for a third reading, and he will inform everyone once this becomes effective.

He also stated that the Special Town Meeting warrant will be emailed to the Board for their review and that they will vote on the articles at their October 18 meeting. He said that the Special Town Meeting will be on Monday, November 8, 2021 at 7pm at the Performing Arts Center (PAC).

Mr. Read informed the Board that Plymouth County will be receiving more CARES fund money and that both Mr. Adams and Mr. McGee will be attending an upcoming Plymouth County Association Board meeting. He will have more information after that meeting.

VII COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Ms. Ladd Fiorini moved that the Board of Selectmen appoint or re-appoint for the following:

<u>Board / Committee</u>	<u>Appointment/Re-appointment/Resignation</u>	<u>Term</u>
<u>Municipal Commission on Disability</u>		
Elika Dadsetan-Foley (to fill an unexpired term)	FY22 Appointment	06-30-2022
Nancy Shine	FY22 Appointment	06-30-2024

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

The following boards/committees have available seats:

<i>Alternative Energy Committee</i>	-	<i>two seats</i>
<i>Design Review Board</i>	-	<i>one Alternate seat</i>
<i>Duxbury Bay Mgmt Commission</i>	-	<i>two seats</i>
<i>Duxbury Seawall Committee</i>	-	<i>one seat</i>
<i>Nuclear Advisory Committee</i>	-	<i>two seats</i>
<i>Sidewalk & Bike Path Committee</i>	-	<i>one seat</i>

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 Employment & Volunteering tab.

VIII ONE-DAY LIQUOR LICENSE REQUESTS None

IX EVENT PERMITS

10/30/21 Halloween Party at North Hill Country Club

Ms. Ladd Fiorini moved that Mr. Paul Casale, is granted an Event Permit for a Halloween Party, to be held outdoors at the North Hill Country Club on Saturday, October 30, 2021 from 7:00pm to 11:00pm, subject to the conditions of the permit. *Seconded by Mr. Flynn Vote: 4:0:0*

10/30/21 Newcomers' Halloween Spooktacular

Ms. Ladd Fiorini moved that Ms. Ashley Query, as a representative of the Duxbury Newcomers' Club, is granted permission to hold their annual Halloween Spooktacular trick-or-treat event from 3:00pm – 5:00 pm on Saturday, October 30, 2021 (*Rain Date: Sunday October 31, 2021*), at participating businesses located in Halls Corner, Brothers Marketplace Plaza, and Depot Street Marketplace, contingent on conditions of the permit. *Seconded by Mr. Flynn Vote: 4:0:0*

X MINUTES

Ms. Ladd Fiorini moved to approve the 6/7/21 Selectmen's Executive Session Minutes with the contents to remain confidential until the need has passed, as presented.

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

Ms. Ladd Fiorini moved to approve the 4/26/21, 6/7/21 and 9/20/21 Selectmen's Open Session Minutes, as presented. *Seconded by Mr. Flynn Vote: 4:0:0*

X ANNOUNCEMENTS

- 1) **Next Scheduled Selectmen's Meeting** will be on Monday, October 4, 2021 at 7:00pm in the Mural Room.
- 2) **Columbus Day** The Town Hall will be closed on Monday, October 11th in observance of Columbus Day. There will not be a Selectmen's Meeting that evening.

XI BONUS SHELLFISH (Month of October)

Ms. Ladd Fiorini moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for:

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

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

XII ADJOURNMENT

Ms. Ladd Fiorini moved that the Board of Selectmen adjourn at approximately 8:45 p.m.

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

Minutes submitted by Nancy O'Connor

LIST OF DOCUMENTS

- 1) Agenda
- 2) Executive Session motion
- 3) Documentation re public hearing
- 4) PFAS documentation
- 5) Letter re Pilgrim Nuclear Power Station
- 6) Committee appointment
- 7) Event Permits
- 8) Minutes
- 9) Bonus Shellfish – month of October
- 10) Announcements