

**Date:** October 25, 2021

**Date Minutes Approved:** 11/15/21

TOWN CLERK  
2021 NOV 16 PM 1:54  
DUXBURY, MASS.  
OPEN SESSION MINUTES

**BOARD OF SELECTMEN  
(Joint Meeting with the Board of Health)**

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

**Absent:** None

**Staff:** René Read, Town Manager; Nancy O'Connor, Executive Assistant; and Michelle Seda-Stotts, Administrative Assistant

**Others:** Peter Mackin, Water Superintendent; Tracy Mayo, Health Agent; Karen Tepper, Board of Health, Chair; Michael Count, BOH-member; Melissa Rosenblatt, BOH-member; Bruce Bygate, BOH-member (remotely); David Brumley, BOH-Vice Chair (remotely) and Nick Leing, BOH-Alt.member (remotely); Speakers: Mr. Jim Begley and Dr. Mark Benotti; and Shirin Everett, Esq. of KP Law.

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

**I. CALL TO ORDER** This meeting was called to order at approximately 7:00 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](http://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 OPEN FORUM PUBLIC COMMENTS**

No comments from the public.

**IV NEW BUSINESS**

**7:05 Water & Sewer Commissioners – FY22 Commitment No.2**

Ms. Ladd Fiorini moved that the Board of Selectmen adjourn the meeting as Selectmen in order to meet as the Water & Sewer Commissioners, with the intent of re-convening as Selectmen afterward.  
*Seconded by Mr. Flynn Vote: 5:0:0*

Ms. Ladd Fiorini moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the following amount for water and sewer usage charges totaling **\$1,015,947.46** for Water and Sewer Commitment #2 of FY22.

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

Ms. Ladd Fiorini moved that the Board adjourn their meeting as Water & Sewer Commissioners and re-convene as Selectmen.

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

***Selectmen Vote to Open ATM/STM Warrants***

Ms. Ladd Fiorini moved that the Board of Selectmen vote to open the March 12, 2022 Annual Town Meeting and Special Town Meeting warrants.

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

Ms. MacNab invited citizens to submit articles for the 2022 Annual Town Meeting. Articles must be submitted to the Manager's Office by 12:30PM on Friday, December 3, 2021. The complete article language and a brief explanation of the article is required.

***Discussion and update on PFAS Monitoring***

In attendance for this discussion were Tracy Mayo, Health Agent; Peter Mackin, Water Superintendent; Melissa Rosenblatt, BOH; Karen Tepper, BOH-Chair; Dr. Brumley, BOH-Vice Chair (remotely); Bruce Bygate, BOH (remotely); Michael Count, BOH; Nick Leing, BOH (remotely); James Begley, LSP and Principal, MT Environmental Restoration; and Mark J. Benotti, Ph.D.

Dr. Mark Benotti is a Senior Environmental Chemist with NewFields, he has over 20 years of experience in the fields of contaminant fate, transport and water treatment. He specializes in PFAS forensics, a dynamic and evolving field that aims to attribute and allocate environmental PFAS contamination to the originating source. Dr. Benotti began the discussion with his presentation to the Board. He explained the chemistry and history behind PFAS and its origination including where PFAS can be found (such as paint, pesticides, food wrappers/pizza boxes, textiles, landfill leachate, wastewater treatments plants and septic tanks, just to name a few). He also discussed the timeline of PFAS since its discovery in 1938, the introduction of Teflon and Scotchgard, to when PFAS started showing up in human blood in the 1970's continuing to the 2000's when Federal and State regulations were enacted.

Mr. Flynn asked if there was a way to trace the PFAS to this well. Dr. Benotti answered potentially as it is important to locate where the PFAS is coming from in order to gain a better idea of how to treat it. Ms. MacNab asked if he had any recommendations and if recycling was a benefit to our water supply. Dr. Benotti replied that our recycling and trash is carried out from our Transfer Stations; however, he said using a carbon-based filter and having a whole house filter (POET) system or even using a Brita water filter will help to mitigate exposure.

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, wastewater disposal – septic systems and treatment plants, 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.

There was further discussion regarding the testing of the McNeil dump site and that the cost to conduct an assessment and testing was being presented as an Article at the Special Town Meeting on November 8, 2021 to approve approximately \$38,000. This site was never capped or lined.

Ms. Trevisan, a resident of Duxbury, suggested a letter go out to resident/owners that private wells need to be tested by owners prior to selling their home. She also mentioned the Depot Street well is closed due to manganese, which may be affected by the landfill. Mr. Mackin responded that the wells are tested annually for manganese. All wells should have some sort of filter and they are working on obtaining grants to help with the cost. Further discussion was had and it was determined that a letter should go out to residents with well water recommending they test the water.

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

***Discussion pertaining to Lincoln Street/Duxbury Lincoln LLC Closing***

Mr. Read read the following background on the Lincoln Street project:

- At the March 12, 1988 Annual Town Meeting under Article 9, the residents voted to authorize the Selectmen to convey the land for purposes of constructing 20 units of affordable and market rate housing.
- In April, 2018, the Town issued an RFP to dispose of this property for the development of mixed-income housing, and Champion Builders (n/k/a Duxbury Lincoln, LLC) was selected as the successful proposer.
- On April 22, 2019, the Board of Selectmen executed a Purchase & Sale Agreement
- On July 19, 2021, the Board of Selectmen executed a Regulatory Agreement

**Next step is the Closing, and the following documents are attached regarding same:**

1. Release Deed;
2. Land Development Agreement;
3. Moderate Housing Restriction; and
4. Settlement Statement

Ms. MacNab asked where are the disbursements going. Ms. O'Connor said she would follow up tomorrow.

Ms. Ladd Fiorini moved that the Board of Selectmen, pursuant to the vote taken under Article 9 of the March 12, 1988 Town Meeting, conveys to Duxbury Lincoln, LLC the parcel(s) of land located on Lincoln Street and described in deeds recorded in Book 4088, Pages 110 and 112, and to execute, and to authorize Amy M. MacNab, as Chair, to execute, on behalf of the Board, the deed, the Land Development Agreement, the Moderate Housing Restriction, and any and all other documents, settlement statements, and other instruments necessary or convenient to accomplish said conveyance.

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

***Discussion pertaining to Indigenous People's Day***

Mr. Read read the following:

Dear Members,

As you will recall, during two of your recent BOS meetings, I was asked to place a discussion item on a future agenda regarding the idea of changing the name of Columbus Day to Indigenous People's Day. Currently there are bills before the House (H. 3191) and Senate (Bill S. 2027) to amend Chapter 6 of the General Laws by striking out section 12V and inserting in place thereof the following section:

“Section 12V. The governor shall annually issue a proclamation setting apart the second Monday in October as Indigenous Peoples Day and recommending that it be observed by the people, with appropriate exercises in the schools and otherwise, to acknowledge the history of genocide and discrimination against Indigenous peoples, and to recognize and celebrate the thriving cultures and continued resistance and resilience of Indigenous peoples and their tribal nations.”

In anticipation of this discussion, I contacted Town Counsel for an opinion on this subject (the method/process for changing the name of the holiday) and framed the conversation as follows:

Approximately 20 communities across the state have changed the name of Columbus Day to Indigenous People's Day. What would be the process for the Town of Duxbury to change the name of Columbus Day to Indigenous People's Day? Is it a vote of the BOS? Do we need to present a warrant article at a Town Meeting for the voter's consideration? If passed, would we need to amend the General Bylaws, Personnel Plan or any other official documents that currently refer to the Columbus Day holiday?

In response, Town Counsel (Shirin Everett, Esq.) provided me with the following information:

As you know, Columbus Day is an annual federal holiday that occurs on the second Monday in October each year. Since it is a federal holiday, in my opinion, the Town does not have the ability to officially change the name of the holiday. That being said, we have advised that there is no reason why the Town could not vote to adopt a different name locally. However, any such a vote would be symbolic in nature.



In our experience, towns (for example, Amherst, Nantucket, Westford) that have voted to make this local change have done so through Town Meeting vote. However, I see no reason why the BOS could not simply vote to rename the holiday locally, although such an action would perhaps have less symbolic value than a Town Meeting vote. The decision whether to either seek a BOS or Town Meeting vote is a policy decision for the BOS. I note that in the 3 communities listed above, the Town Meeting votes were initiated by citizens' petitions, although the BOS could certainly sponsor an article if it wished to proceed in this direction. It is also worth pointing out that proposals to change the name of Columbus Day have met with criticism from some members of the Italian American community, which is not necessarily a reason not to proceed, but merely a political issue that the BOS may wish to consider before doing so.

As always, if you have any questions, please let me know.

Ms. Ladd Fiorini appreciated Mr. Read putting this topic on the agenda and a discussion was held regarding the History of Columbus Day and its significance to the community. Mr. Flynn shared his knowledge of history and Columbus Day stating that this is something the town should agree upon. Mr. McGee would be supportive of discussing local history and to make Indigenous Peoples Day separate from Columbus Day. Mr. Guitart stated there are two bills going through the House and Senate, and perhaps we should wait to see the final outcome. Ms. Ladd Fiorini said we could put this on the agenda for the future and perhaps engage the community to share their views.

## **VI TOWN MANAGER'S REPORT**

Mr. Read stated that for the moment we are concentrating on the budget.

## **VII COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS None**

## **VIII ONE-DAY LIQUOR LICENSE REQUESTS None**

## **IX EVENT PERMITS**

### ***11/06/21 & 11/13/21 – Duxburrow Path Walk (in memory of Monty Healy)***

Ms. Ladd Fiorini moved that Ms. Kathy Cross, as a representative of Duxbury2020, be granted permission to hold a Duxburrow Path Walk in memory of Monty Healy on Saturday, November 6, 2021 starting at the Alden House followed by trail walk to the DYC Clubhouse; and Saturday, November 13, 2021, starting at the DYC and proceeding to the Alden House, from 1pm-3pm on both days, contingent upon the conditions of the license.

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

## **X MINUTES**

Ms. Ladd Fiorini moved to approve the 10/18/21 Selectmen's Executive Session Minutes with the contents to remain sealed for medical confidentiality reasons.

*Seconded by Mr. Flynn    Vote: 4:0:1 Mr. Guitart abstained due to absence from meeting.*

Ms. Ladd Fiorini moved to approve the 10/18/21 Selectmen's Open Session Minutes, as presented.

*Seconded by Mr. Flynn    Vote: 4:0:1 Mr. Guitart abstained due to absence from meeting.*

## **X     ANNOUNCEMENTS**

- 1) **Next Scheduled Selectmen's Meeting** will be on Monday, November 1, 2021 at 7:00pm in the Mural Room.
- 2) The Town Hall will be closed on Thursday, November 11<sup>th</sup> in observance of Veteran's Day.

Ms. MacNab also reminded everyone that Special Town Meeting is on Monday, November 8, 2021 at 7pm at the PAC (Performing Arts Center).

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

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

## **XII   ADJOURNMENT**

Ms. Ladd Fiorini moved that the Board of Selectmen adjourn at approximately 9:30 p.m.

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

*Minutes submitted by Michelle Seda-Stotts*

### **LIST OF DOCUMENTS**

- 1) *Agenda*
- 2) *Motion – Water & Sewer Commissioners (Commitment #2-FY22)*
- 3) *Motion to Open ATM/STM Warrants*
- 4) *PFAS documentation*
- 5) *Closing Documents regarding Lincoln Street to Duxbury Lincoln, LLC*
- 6) *Memo from RJR re: Changing the name of Columbus Day to Indigenous People's Day*
- 7) *Event Permits*
- 8) *Minutes*
- 9) *Announcements*
- 10) *Bonus Shellfish – month of November*