

Date: November 7, 2022

Date Minutes Approved: 12-12-22

TOWN CLERK

2022 DEC 13 AM 9:32

SELECTBOARD

OPEN SESSION MINUTES

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

Absent: none

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

Others: Hillary Sandler, UMass Cranberry Station; Nancy Rufo, Conservation Administrator; Jeff Chandler, Agricultural Comm; Priscilla Chandler, Agricultural Comm;

CONVENED IN OPEN SESSION (*in-person and via remote participation by Zoom*)

I. CALL TO ORDER This meeting was called to order at approximately 7:00pm. *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. 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 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. OPEN FORUM Nothing brought forward

IV. NEW BUSINESS

7:05pm Water & Sewer Commissioner – Commitment No. 2 FY23

Authorize Water and Sewer Commitment (#2 –FY23) and Water Service Charges

Mr. McGee 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 Ms. MacNab Vote: 5:0:0

Mr. McGee moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the following amount for water and sewer usage charges totaling **\$1,139,466.95** for Water and Sewer Commitment #2 of FY23.

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

MOTION TO ADJOURN AS WATER & SEWER COMMISSIONERS & RE-CONVENE AS SELECTMEN

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

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

Continued discussion (from 09/19/22) pertaining to management of Town Cranberry Bogs

Mr. Read read the following memo into the record:

As you may recall in my memo to you regarding the Management of Town Cranberry Bogs dated September 19, 2022, I stated the following:

On Monday, August 29th, a resident attended the Selectboard's meeting during which she mentioned her concerns about the application of glyphosate on the Gifford/Merry Bogs.

As a result of that conversation, on Thursday, September 14, 2022, Conservation Administrator Nancy Rufo and I met with two of the cranberry growers currently operating our Town-owned cranberry bogs. During our site visit and discussion, we asked several questions in terms of their respective operations.

We specifically asked about the use of glyphosate and the manner in which it is applied. They explained that when using glyphosate-containing products, they apply them by wiping only. They stated that the products they use are cut with water at a ratio of either 12:1 or 16:1 dependent upon what is being applied and that caution is used for this process since they are being used near a food product and if not applied correctly, the herbicide would kill the plant as well. They also noted that they are required to follow all FDA and Massachusetts Department of Agricultural Resources (MDAR) requirements.

Based upon our conversations with the growers, we found that they were very open and responsive to our questions and believe that are responsible farmers mindful of concerns.

As noted, this site visit was performed following Sheila Lynch-Benttinen's attendance at the Selectboard's aforementioned meeting during which she expressed her concerns about the application of glyphosate on the Gifford/Merry Bogs and the idea of bringing a Citizen's Petition article forward for the Special Town Meeting in October. Although the article was not submitted, the intent was to "form a committee to study the use of glyphosate on Town of Duxbury owned properties along with an analysis of potential Town owned cranberry bogs using organic methods" and fund it in the amount of \$25,000. Since that time, Ms. Lynch-Benttinen has advised me that a new committee called "Mothers and Fathers against Glyphosate in Duxbury" has been formed.

As part of this ongoing discussion, the Board asked that the Agricultural Commission review this topic- the use of glyphosate on Town of Duxbury owned properties – specifically, which growers are using it, how it is being applied and if it is being applied correctly. I, along with Nancy Rufo, attended the Agricultural Commission meeting last month during which these topics were discussed along with

a discussion on the use of organic farming practices vs. non-organic. Also, during that meeting, it was noted that the responsibility for reviewing and regulating glyphosate falls to the Massachusetts Department of Agricultural Resources (MDAR). Jeff Chandler, Agricultural Committee Chair, explained that he had spoken with Frank DiLuna, Esq. who is legal counsel for the Massachusetts Farm Bureau Federation regarding this issue and Attorney DiLuna provided information related to the state's regulation of the use of herbicides and pesticides. That information is attached hereto.

To add some perspective, nationwide, there are more than 1,100 small family farmers – many of them fourth, fifth or even sixth generation – producing U.S. cranberries on over 40,000 acres. Cranberries are grown across the United States in the leading production states of Wisconsin, Massachusetts, New Jersey, Oregon and Washington.

Massachusetts is the founder of cranberry cultivation, initiated on Cape Cod in 1816, and currently stands as the second largest cranberry growing region in the country. In fact, the Commonwealth is home to 30% of all North American cranberry acreage producing approximately one quarter (23%) of the annual cranberry crop in the United States while providing over 6,900 jobs and a total economic benefit of over \$1.4 billion to the Massachusetts economy.

Regionally, found nestled among the towns and villages of southeastern Massachusetts, are more than 14,000 acres of cranberry bogs which are the workplaces of approximately 375 growers in the state with the average farm containing about 15-20 acres of producing cranberry bog.

According to the U.S. Department of Agriculture Organic Integrity Database, there are nine (9) certified cranberry operations in Massachusetts of which eight (8) are certified for handling of organic products and only one (1) of which is certified for growing organic crops.

I have asked Ms. Lynch-Benttinen to join us for this evening's discussion along with the members of the Board of Health and the Agricultural Commission and I thank them for being here and their participation.

Finally, Dr. Hilary Sandler, the Director of the UMass Cranberry Station and is an Extension Professor at the University of Massachusetts Amherst, is here this evening to provide a presentation on this subject and I am grateful to her for her attendance and participation.

Dr. Sandler gave a brief introduction of herself, and then outlined her presentation. She explained the federal guidelines, known as FIFRA (Federal Insecticide, and Rodenticide Act) which governs the registration, distribution, sale and use of pesticides in the U.S. Before a pesticide may be sold or distributed in U.S., it must be registered with the EPA. The registrant must show, that using the pesticide according to specifications "will not generally cause unreasonable adverse effects on the environment." There are several programs that support FIFRA, such as, labeling, packaging, worker protection standards, experimental use permits, restricted use, authority of states. Dr. Sandler discussed Glyphosate use in Cranberry bogs and the different types of application. Mr. Guitart inquired about the use of glyphosate and the affects on frogs or other animals. Dr. Sandler stated that there is no definitive answer to its affect on frogs. Mr. Guitart inquired about the window of application. Dr. Sandler stated that they can apply 30 days prior to harvesting, and not to be applied in the rain. Most herbicides need

2 hours drying time to be effective. Dr. Sandler also discussed non-chemical alternatives to treating weeds. She discussed the growing of organic cranberries and the challenge due to pest pressures. Mr. McGee inquired about subsidizing organic growers. Dr. Sandler said yes, there is support for the data gathering but she is not aware of any subsidizing. Ms. MacNab inquired about the spraying of this product, why is it being allowed if it is so harmful. Dr. Sandler replied that sometimes in the ditch area, spraying is a much faster way of applying, and then the post-harvest spray will destroy large patches and they will have to replant. Most growers use the wick wiper method. Mr. Guitart then took some questions from the audience. Ms. Finwich, Surplus Street, inquired about the 30 days before harvest, why is that? Dr. Sandler replied that all pesticides have a restricted pre-harvest interval, called a PHI. The EPA requires 30 days for the potential residue on the food crop to be below the threshold level. Mr. Carl, 90 Bow Street, inquired about the affects on the water table. Dr. Sandler stated that she was not aware of bio accumulating like DDT. The biggest potential for exposure is the applicator. Mr. Chandler, Lincoln Street, inquired about organic practices and use other products. Dr. Sandler replied as an organic grower you are required to use organic compounds from a list of acceptable pesticides. Ms. Rich, Tremont Street, inquired about the harm to the bee population. Dr. Sandler replied that there are 3 types of bees used on cranberry bogs and there are strict EPA regulations against applying pesticides with the bees around. Ms. Lynch-Benttinen thanked Dr. Sandler and the Selectboard for having this meeting. She commented about the inert ingredients in the glysophate that are harmful to animals and the effect to the water tables. She also recommended using a different kind of method, such as, the flame method, so as not to use the glysophate and Duxbury should do more research on alternative methods. Dr. Sandler agreed that the inert products seem to be the issue. Ms. Rosenblatt spoke about the water concern. Mr. Flynn inquired about the inert ingredients. Dr. Sandler replied that it is a challenge to know what they are. Mr. Ricker, Cranberry Bog grower, commented on the method of application on the wet ditches. Ms. Lynch-Benttinen stated that according to the directions the ditches should be dry during application. Mr. Ricker disagreed with her statement. Mr. McGee questioned Mr. Ricker about the wildlife being affected and he replied that he had not seen any affected. He would not use the Roundup due to the harm it might cause the bees. Mr. Flynn stated that the first thing he heard that glysophate is a necessary ingredient as an herbicide for the cranberry farmers, that has to be used properly, and which is being used properly by our farmers. The second thing he heard was about the inert ingredients that seem to be harmful to animals. Mr. McGee suggested the Board of Health look into these inert ingredients in our water. Ms. MacNab was in favor of continuing this conversation in the future. Mr. Rich, Cranberry grower, inquired if anyone had heard from Ocean Spray regarding this issue. Mr. Read responded that they are very involved and constantly testing for herbicides. Mr. Guitart suggested that Ms. Rufo coordinate a meeting with the farmers, the Agricultural Commission and residents to discuss and bring forth suggestions, and continue the conversation. Ms. Rufo agreed. Mr. Guitart thanked all who attended, Dr. Sandler and everyone who expressed their concerns.

VI. TOWN MANAGER'S REPORT

Mr. Read stated that tomorrow is Election Day and I encourage everyone who is registered to go out and vote. And if you have been notified by the Town Clerk's office that you will be an observer at the polls on Tuesday, or if you see observers there, here are some reminders:

At all times, observers must remain behind a guard rail.

- o The guardrail is designated as the area behind the green line surrounding the basketball court at the Steele Building.

- o Observers cannot be in the voting area.
- o Under no circumstances should an observer be sitting at either the check-in or check-out table or in a location where they may be confused for poll workers.
- o Observers cannot wander around the polling place.

An observer may not:

- o Speak directly to voters;
- o Speak to each other inside the election area;
- o Talk on cell phones or use outlets to charge devices;
- o Take pictures of individual voters checking in;
- o Take pictures of voters marking their ballots or depositing their marked ballots into the ballot box in a manner in which the secrecy of the ballot may be compromised;
- o Record audio of the check-in process;
- o Converse with election workers; or
- o Ask election officials to repeat or speak louder.
If election officials are not announcing the name and address of the voter loud enough, the observer should contact the warden.
- o Display or wear campaign buttons, t-shirts, hats, or any other material or item that supports or opposes or are otherwise intended to influence a candidate or question on the ballot at the current election. 950 CMR 54.04(22)(c).

The election official may direct the police officer or constable to remove from the polling place any person who is disorderly or who obstructs the access of voters. 950 CMR 54.04(22)(a).

You will be introduced to the warden upon arrival. If you have any questions, please reach out to the designated warden or Town Clerk.

Duxbury Public Schools - School Safety Forum

Wednesday, November 9th at 6:30 p.m. at Duxbury Performing Arts Center (73 Alden Street Duxbury)

The School Department will be hosting a School Safety Forum Wednesday, November 9th at 6:30 p.m. at Duxbury Performing Arts Center (73 Alden Street Duxbury).

At this forum, Duxbury Police Chief McDonald will share aspects of our approach to school safety and security and the panel will answer as many questions as we can. As we have previously shared, there are elements of our emergency response planning that must remain confidential but we hope to be able to provide helpful and reassuring information to families at the forum.

VII. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Mr. McGee moved that the Duxbury Selectboard appoint or re-appoint the following:

Old Colony Planning Council (Planning)

Christopher Ryan (to fill unexpired term) FY23 Appointment

06-30-2024

The following boards/committees have available seats:

<i>Board of Appeals (Zoning)</i>	-	<i>one seat</i>
<i>Community Preservation Committee</i>	-	<i>one seat</i>
<i>Duxbury Seawall Committee</i>	-	<i>one seat</i>
<i>Local Historical District Commission</i>	-	<i>one seat (alternate)</i>
<i>Sidewalk & Bike Path Committee</i>	-	<i>one seat</i>

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

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.

VIII. ONE-DAY LIQUOR LICENSE REQUESTS

11/26/22 Duxbury Booster Club for DHS Athletic Hall of Fame Dinner

Mr. McGee moved that **Ms. Christine Sovik**, as a representative of the **Duxbury Boosters Club**, is granted a One-Day Wine & Malt License for their Duxbury High School Athletic Hall of Fame dinner on Saturday, November 26, 2022 at the Duxbury Senior Center, 10 Mayflower Street, from 5:30PM – 9:30PM, contingent upon the conditions of the license.

Seconded by Ms. MacNab Vote: 5:0:0

IX. EVENT PERMITS

11/27/22 Duxbury Newcomer's Club – Holly Days Celebration

Mr. McGee moved that **Ms. Christine Sapra**, as the Chairman for the **Duxbury Newcomer's Club**, is granted an Event Permit for the Holly Days Celebration, to be held on Sunday, November 27, 2022 from Noon to 4:00 PM, contingent upon the conditions of the permit.

Seconded by Ms. MacNab Vote: 5:0:0

X. MINUTES - None

XI. ANNOUNCEMENTS

1. **Next Regularly Scheduled Selectboard Meeting** will be on Monday, November 14, 2022 at 7:00pm in the Mural Room.
2. **Elections**
State Election will be held at the Timothy Steele Building on Tuesday, November 8, polls will be open from 7am to 8pm.
3. **Veterans' Day**

Town Hall Offices and Transfer Station will be closed on Friday, November 11, 2022 in observance of Veterans' Day

XII. ADJOURNMENT

Mr. McGee moved to adjourn the meeting at approximately 9:00pm.

Seconded by Ms. MacNab Vote: 5:0:0

Minutes submitted by Michelle Seda-Stotts

List of documents in Selectboard file:

- 1. Agenda*
- 2. Water & Sewer Comm. – Commitment #2 FY23*
- 3. Presentation by Hilary Sandler*
- 4. Committee Appointment/Re-Appointment/Resignation*
- 5. ODLL – Duxbury Booster Club – DHS Athletic Hall of Fame Dinner*
- 6. Event Permit – 11/27/22 Holly Days Celebration*
- 7. Announcements*