

Date: January 4, 2023

Date Minutes Approved: 08/07/2023

TOWN CLERK

2023 SEP 18 PM 4:09

DUXBURY, MASS.

## SELECTBOARD

## OPEN SESSION MINUTES

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

**Absent:**

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

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

1. **CALL TO ORDER** This meeting was called to order at approximately 6:00pm. 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](http://www.pactv.org/duxbury) for information about Duxbury programming including streaming on Duxbury You Tube, to watch replays and Video on Demand.

2. **PLEDGE OF ALLIGIANCE**

3. **6:00PM EXECUTIVE SESSION**

- Watermark, LLC vs. RH Benea Cranberry Co. Inc., et al
- Holtec (not discussed - this will be moved to another date and time)

Mr. McGee moved that we go into Executive Session for the following purposes:

To discuss prospective litigation strategy since an open meeting may have a detrimental effect on the litigating position of the Town; and, if the Chair so declares, in accordance with Mass. General Laws Chapter 30A, Section 21, and that the Selectboard will adjourn immediately after the completion of this Executive Session and will convene in Open Session on or about 7:00pm. As Chair, Mr. Guitart declared the necessity for an Executive Session to discuss prospective litigation strategy as to do so in Open Session may have a detrimental effect on the Town's strategizing and litigating position. Seconded by Mr. Flynn Roll Call Vote: Mr. Guitart-Aye; Ms. Ladd Fiorini-Aye; Mr. McGee-Aye; Mr. Flynn-Aye; and Ms. MacNab-Aye

After the discussions were completed, Mr. McGee moved that the Selectboard adjourn the Executive Session and re-convene in Open Session on or about 7:00pm. Seconded by Mr. Flynn Roll Call Vote: Mr. Guitart-Aye; Ms. Ladd Fiorini-Aye; Mr. McGee-Aye; Mr. Flynn-Aye; and Ms. MacNab-Aye

#### 4. OPEN FORUM

On behalf of the Ladd Family, Ms. Ladd Fiorini thanked the community for their outpouring of comfort and support to her nephew and his family on the loss of their daughter Laney Ladd. There was a moment of silence per the request of Mr. Guitart.

#### 5. NEW BUSINESS

##### *Call Annual Town Election for Saturday, March 25, 2023*

Mr. McGee moved that the Selectboard directs the Constable of the Town of Duxbury to notify and warn the inhabitants of Duxbury who are qualified to vote in the Annual Town Election to vote at Precincts One through Six at the Lt. Timothy J. Steele Athletic Building, 130 Saint George Street, Duxbury, Massachusetts on Saturday, March 25, 2023 from 8:00 A.M. to 8:00 P.M.

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

##### *Discussion and vote to opt in for in-person early voting for Annual Town Election – presented by Town Clerk Susan Kelley*

Ms. Kelley stated that under the Votes Act of 2022, municipalities have the option to allow in-person early voting for town elections. The registrars voted 3-1 for early voting for town elections.

Mr. McGee moved that the Selectboard opt in to allow in-person early voting for the March 25, 2023 Annual Town Election at the following location during the specified times: In-person early voting will take place at the Town Clerk's office, Town Hall, 878 Tremont Street, Monday, March 13<sup>th</sup> through Wednesday, March 22<sup>nd</sup>, excluding Saturday and Sunday, during normal Town Hall business hours. *Seconded by Mr. Flynn      Vote: 5:0:0*

##### *Discussion pertaining to signing Acceptance of Deed and any other related closing documents re: Ricker Property purchase*

This potential purchase was presented to the Selectboard by Joe Grady, and on July 25, 2022, the Selectboard agreed to enter in a Purchase & Sale Agreement (pursuant to Special Town Meeting vote). At the October 17, 2022 Special Town Meeting under Article 2, the voters approved the purchase of the property located at 293 Mayflower Street along with a right of first refusal to purchase the Ricker's home at a later date.

Mr. McGee moved that the Selectboard, pursuant to the vote taken under Article 2 of the October 17, 2022 Special Town Meeting, purchase all or a portion of the parcel of land located at 293 Mayflower Street, approximately shown as "Town Purchase 35.9+ Ac." on a plan entitled "Work Plan 293 Mayflower Street", dated November 29, 2021, and dated last revised, December 30, 2021, prepared by Stenbeck & Taylor, Inc., including 14.63 acres of cranberry bog identified by the Duxbury Assessors as a portion of Parcel 093-024-000, excluding therefrom the existing residence as shown on said plan, for consideration in the amount of \$1,500,000 (One Million Five Hundred Thousand Dollars), and to accept a right of first refusal and option to purchase the residential home located at 293 Mayflower Street, and, further, to execute, and to authorize the Chair or Vice Chair to execute, on behalf of the Selectboard, an Acceptance of Deed, Right of First Refusal and Option to Purchase, settlement

statements, management agreements, and any and all other documents as may be necessary or convenient to accomplish the foregoing.

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

***Discussion regarding PFAS monitoring and sampling at the Town Transfer Station and solid waste management as the former Duxbury Landfill Inc./McNeil Dump property on Mayflower Street***

*Presentation by Mr. Sean Healey of Weston & Sampson*

Mr. Guitart provided open remarks as follows:

1. We have tested all of our town wells for PFAS and to date two wells that have exceeded allowable limits have been shuttered – Depot and Partridge. We will continue to test the town wells on a regular basis for PFAS.
2. At this time, we are not aware of any unpermitted private, potable wells. We strongly encourage private homeowners to permit their wells through the Board of Health in order to keep track of.
3. We are actively looking at all grant opportunities including EPA's Brownfield grants. In addition, we will have an article in the Annual Town Meeting appropriating any necessary funds to cover the mediation work in the event we don't get grant funding.

Mr. Guitart also added the following requests:

1. The Board of Health has created a dedicated webpage regarding PFAS, and he is encouraging residents to access this webpage for additional information regarding PFAS and presentations.
2. He asked everyone to please refrain from asking questions until after Mr. Healey's presentation.

Mr. Healey stated that he was presenting their initial assessment of the McNeil site and initial PFAS testing of the Duxbury municipal landfill and then provided a brief overview of "What is PFAS" and the widespread use (consumer, commercial and industrial products) and persistence in the environment including in drinking water, soil, fire extinguishing foam, food and food packaging, household products, personal care products, and biosolids, just to name a few.

He then provided the limited scope of work on the McNeil dump site as follows:

- Weston & Sampson engaged in November 2021
- Review of town records and previous reports
- Obtain DEP permitting (5-month approval process)
- Test pits, soil gas and MW Installation
- Soil gas and groundwater sampling – GW analysis (4 wells): VOCs, Metals, PFAS and 1,4 dioxane
- Landfill Assessment Report
- Work performed between May and October 2022

- Add on - Duxbury Municipal Landfill PFAS Sampling performed in conjunction with McNeil Dump scope of work (work requested by DEP since PFAS detected in Depot and Partridge wells)

***Duxbury Landfill Assessment Report – DEP Review:***

- Work performed between May and October 2022.
- Report issued to DEP Solid Waste on October 5, 2022.
- DEP provided verbal comments.
- DEP understands findings and agree no immediate risk to human health (no PWS (“Public Water Supply”) wells in use, no private water wells downgradient).
- Waiting on DEP final review and written comments/recommendations before moving to next phase of evaluation.

He stated that he received comments from the Town – including an in depth review by Mr. Jim Begley (Elm Street). W&S agreed with the following major comments: additional delineation of PFAS plume needed; groundwater flow and fate and transport evaluation needed; and additional evaluation of the potential risk to PWS wells (additional work scope needed to address these comments and remedial alternatives).

He added that according to the Board of Health database, there are no private drinking wells within 500 feet of the landfills or plume. He also confirmed that the Depot Street and Partridge Street wells remain offline (Depot – manganese and Partridge – PFAS).

He stated that the McNeil dump site contained scattered surface debris, such as metal, car parts, empty steel tanks, wood, construction, and concrete waste. He noted that they found nine historic monitoring wells with four viable for sampling.

***The overall findings of the McNeil dump site are as follows:***

- Landfill waste (primarily construction and demolition waste) to depths of 19 feet below.
- Limit of waste established northeastern, eastern, and southern property boundaries.
- Additional assessment is required to define limits of the landfill waste, western and northwestern property boundary.
- Results of perimeter soil gas monitoring did not identify levels of concern.
- Downgradient perimeter groundwater monitoring wells did not identify concentrations above drinking water standards.
- PFAS concentrations above drinking water standard at WS-1 upgradient well. Well screened directly below waste mass.
- Additional assessment is required to define the extent of groundwater impacts within this area.

Next Steps – McNeil Dump site closure:

- Additional test pits horizontal extent of waste.
- PFAS groundwater delineation to the west.
- Seasonal perimeter groundwater sampling to support closure (4 rounds)
- Complete Phase II Comprehensive Site Assessment Report, Corrective Action Alternatives Analysis, Corrective Action Design, out to bid and then work 2022 to 2025.

*The overall findings of the Duxbury Landfill site are as follows:*

- 1,4 dioxane detected at two locations above drinking water standards.
- PFAS detected above drinking water standards at all well locations sampled in May and July.
- PFAS plume extends to the east of the landfill to cemetery property.
- Duxbury Landfill appears to be main source of PFAS at Depot Street PWS. Partridge Street may be impacted from another source.

Next steps – Duxbury Landfill:

- Additional PFAS evaluation to confirm nature and extent of impacts.
- Delineation, horizontal and vertical extent of PFAS.
- Remaining wells in network to be sampled.
- Additional field survey.
- Evaluate potential impacts to nearby irrigation wells (sampling).
- Evaluate potential for additional sources to PWS (such as fire station property).
- Evaluation of potential remedial options including PFAS treatment at Depot Street PWS and possible source area treatment at Duxbury Municipal landfill.

*Rough Cost Estimates:*

- Duxbury Landfill additional PFAS monitoring and evaluation 2022 to 2024: \$200k
- McNeil Landfill Closure 2022 to 2025: \$440k to \$480k

Mr. Jim Begley, Elm Street, said that he put together written comments, which he discussed with Mr. Healey. He believes that W&S's presentation indicates that we are moving in the right direction with regards to next steps. He would like to see the consultant's proposal on additional work that lays out a specific plan with objectives and how to reach those objectives and to hopefully address sooner rather than later to get ahead of future impacts of PFAS along with the resources/funding to support it. Mr. Healey remarked that he was in agreement with Mr. Begley's comments and included in their overall scope for potential treatment of all well locations.



Ms. MacNab stated that they need to address filtration on all wells, but also address what needs to be done to both the McNeil and municipal dump sites. She asked if McNeil was capped and lined. Mr. Healey responded that McNeil is not capped or lined – it's just an open dump. He also confirmed that the Duxbury landfill is just capped. Ms. MacNab also questioned the need for more testing. Mr. Healey agreed that they should spend money where it is best used rather than sampling every well. It should be spent on a hydrogeo evaluation of the plume and the impacts and how to manage that going forward.

Ms. Melissa Rosenblatt, Board of Health, stated that the treatment could be complicated given the different findings (Depot well – manganese and PFAS; Partridge – PFAS and possibly 1,4 dioxane) and she felt that it would be worth it to bring in a drinking water treatment expert consultant especially if we are looking to re-open those wells. She also asked about what the anticipated corrective action is for McNeil. Mr. Healey responded that it is probably likely that we will need a cap with a liner system for McNeil and possibly a leachate collection system required, but we are only in the initial phase of assessment and haven't done the next comprehensive phase and formal next steps of the landfill closure.

*For more information and to view Weston & Sampson's presentation, please visit the Board of Health page on the Town's website as follows:*

<https://www.town.duxbury.ma.us/board-health/pages/pfas-information-and-website-links>

#### ***Town Manager's FY24 Budget Recommendation Presentation***

Mr. Read presented a balanced budget to the Selectboard for FY24. It was balanced without having to resort to layoffs or through the use of Stabilization funds and without a recommendation for using an override measure to do so.

The Proposed General Fund Operating Budget for Fiscal Year 2024 is \$85,591,871 which is an increase of \$1,303,920 (1.55%) over the 2023 final adjusted budget. The Proposed Water Enterprise Budget for Fiscal Year 2024 is \$2,697,659 which is an increase of \$48,632 (1.84%) over the 2023 final adjusted budget. Overall, this is a 5.35% increase in the total operating budget for all funds over Fiscal Year 2023.

Listed below are the separate component units of the General Fund, Water Enterprise Fund, and the new Regional Old Colony Communications Center (R.O.C.C.C.) Enterprise Fund for Fiscal Year 2024. The General Fund and Shared Costs percentages are slightly skewed because of the creation of the R.O.C.C.C. Enterprise fund. Employee benefits that were once covered in the General Fund are now part of this new Enterprise Fund and the Town budget includes its roughly 25% share of the fund as an assessment. In the absence of these shifting of costs, the Town's budget would be a 4.45% increase and the shared costs would be a 4.38% increase.

	<u>FY 2023</u> <u>Final</u> <u>Budget</u>	<u>FY 2024</u> <u>Proposed</u> <u>Budget</u>	<u>\$ Change</u>	<u>% Increase</u>
<b><u>GENERAL FUND</u></b>				
Town Budget	20,217,129	21,544,765	1,327,636	6.57%
School Budget	40,044,916	41,667,002	1,622,086	4.05%
Regional Dispatch (R.O.C.C.C)	1,487,734		(1,487,734)	-100.00%
Shared Costs	15,368,959	15,613,916	244,957	1.59%
Debt Service	7,169,213	6,766,188	(403,025)	-5.62%
<b>TOTAL GENERAL FUND</b>	<b>84,287,951</b>	<b>85,591,871</b>	<b>1,303,920</b>	<b>1.55%</b>
<b><u>R.O.C.C.C. ENTERPRISE</u></b>				
Salaries		2,699,386	2,699,386	
Expenses		596,955	596,955	
<b>TOTAL R.O.C.C.C. ENTERPRISE</b>	<b>0</b>	<b>3,296,341</b>	<b>3,296,341</b>	
<b><u>WATER ENTERPRISE</u></b>				
Operating Budget	2,052,552	2,192,032	139,480	6.80%
Debt Service	596,475	505,627	(90,848)	-15.23%
<b>TOTAL WATER ENTERPRISE</b>	<b>2,649,027</b>	<b>2,697,659</b>	<b>48,632</b>	<b>1.84%</b>
<b>GRAND TOTAL ALL BUDGETS</b>	<b>86,936,978</b>	<b>91,585,871</b>	<b>4,648,893</b>	<b>5.35%</b>

The budget consists of two main components - revenues and expenditures. The amount needed to be raised by taxes, or the tax levy, is the result of budgeted expenditures minus budgeted non-tax revenues (this includes estimates of State Aid, Local Receipts, and amounts from other available funds). While the Town, School, Water, and ROCCC fund budget details will be discussed in the Expenditure Highlights section of this overview, it is important to note that the Town has negotiated and included in this budget the settled agreements with two of our six unions. The Town is still currently in negotiations with the remaining four unions and its funding is not reflected in the Town Budget. Funding for the Town's non-union personnel is typically included in the "Funding of Salaries" article of the Annual Town Meeting Warrant.

### Revenue Highlights

The major revenue groups that are used to fund the Town's General Fund and Water Enterprise funds budgets are summarized below. Other appropriations at Town Meeting may also be funded by one or more of these revenue groups. Typical and reoccurring appropriations also funded through the Property Tax Levy include the Personnel Article and the Duxbury Beach Lease.

	<u>FY 2023 Final Budget</u>	<u>FY 2024 Proposed Budget</u>	<u>\$ Change</u>	<u>% Increase</u>
<b><u>GENERAL FUND</u></b>				
Property Tax Levy	65,300,620	67,650,619	2,349,999	3.60%
State Aid	7,815,908	7,979,260	163,352	2.09%
Local Receipts	8,613,614	8,867,115	253,501	2.94%
Regional Dispatch Revenue	1,500,000		(1,500,000)	-100.00%
Other Available Funds	724,704	786,251	61,547	8.49%
Uses of Fund Balance	333,105	308,626	(24,479)	-7.35%
<b>TOTAL GENERAL FUND</b>	<b>84,287,951</b>	<b>85,591,871</b>	<b>1,303,920</b>	<b>1.55%</b>
<b><u>R.O.C.C.C. ENTERPRISE</u></b>				
From Member Towns		1,680,000	1,680,000	
From Duxbury		516,341	516,341	
911 Grant		1,100,000	1,100,000	
<b>TOTAL R.O.C.C.C. ENTERPRISE</b>	<b>0</b>	<b>3,296,341</b>	<b>3,296,341</b>	
<b><u>WATER ENTERPRISE</u></b>				
Water Usage Charges	2,619,027	2,667,659	48,632	1.86%
Other Fees	30,000	30,000	0	0.00%
<b>TOTAL WATER ENTERPRISE</b>	<b>2,649,027</b>	<b>2,697,659</b>	<b>48,632</b>	<b>1.84%</b>
<b>GRAND TOTAL ALL BUDGETS</b>	<b>86,936,978</b>	<b>91,585,871</b>	<b>4,648,893</b>	<b>5.35%</b>

## 6. TOWN MANAGER'S REPORT

### **FY23 Firefighter Safety Equipment Grant Award**

Mr. Read stated that Deputy Monahan was able to secure over 10k in a state grant which will be used to upgrade tools on the fire trucks. This is not a matching grant and is 100% funded through the Department of Fire Services. Total award was \$10,361.48.

### **Duxbury Receives First Funds from Opioid Settlement, Invites Public Comment**

Duxbury's Opioid Working Group is seeking input from community members with expertise in or experience with the opioid misuse epidemic as the group prepares recommendations to the Town Manager for spending state funds allocated to the town.

Duxbury, along with most other Massachusetts communities, has begun to receive funds from the Attorney General's opioid abatement settlement with Johnson & Johnson and three pharmaceutical distributors. Duxbury's payments are estimated to total just under \$800,000 through 2038. Town Manager Rene' Read convened the working group in late summer to develop recommendations on how best to use the funds in designated, evidence-based interventions including treatment, recovery,



prevention, harm reduction and connections to care. The group is charged with reporting to Town management for the purpose of appropriating settlement funds to achieve their purpose, including how to expend these monies within state guidelines; leverage existing programs or pool funds with other towns; develop a long-term spending plan; draft articles for Town Meeting; oversee the spending of these funds; and prepare required reports and documentation. Members of that group include representatives of Duxbury Public Schools, fire and police, Duxbury Student Union, the town nurse, Duxbury FACTS and a recovery specialist.

Residents who have interest or expertise in the opioid crisis or who have first-hand experience that can help the working group identify barriers to prevention, treatment and recovery and determine priorities for using the funds can send an email to [info.opioidworkinggroup@Duxbury-ma.gov](mailto:info.opioidworkinggroup@Duxbury-ma.gov). A member of the working group will also be available monthly via Zoom to receive input. Zoom drop-in opportunities for resident input will take place every third Monday of the month beginning December 19 at 12:00 noon. To access the Zoom link and for more information about the working group and how to contact them, please go to the Board of Health page at [www.town.duxbury.ma.us](http://www.town.duxbury.ma.us)

7. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS None

8. ONE-DAY LIQUOR LICENSE REQUESTS None

9. EVENT PERMITS None

10. MINUTES

Mr. McGee moved to approve the 10/03/22 Selectboard Executive Session Minutes, with the contents to remain confidential until the need has passed. *Seconded by Mr. Flynn Vote: 4:0:1 (Mr. McGee abstained as he was absent during this meeting)*

Mr. McGee moved to approve the 7/11/22 Selectboard Open Session Minutes, as presented. *Seconded by Mr. Flynn Vote: 3:0:2 (Mr. Guitart and Mr. Flynn abstained as they were absent during this meeting)*

Mr. McGee moved to approve the 8/8/22 and 8/22/22 Selectboard Open Session Minutes, as presented and amended. *Seconded by Ms. MacNab Vote: 5:0:0*

Mr. McGee moved to approve the 8/29/22 Selectboard Open Session Minutes, as presented. *Seconded by Mr. Flynn Vote: 4:0:1 (Ms. Ladd Fiorini to abstain as she was absent during this meeting)*

11. ANNOUNCEMENTS

1. **Next Scheduled Selectmen's Meeting** will be on Monday, January 9, 2023 at 7pm.

**12. ADJOURNMENT**

Mr. McGee moved to adjourn at approximately 9:20pm.

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

*Minutes submitted by Nancy O'Connor*

*List of documents in Selectboard file:*

*Selectboard Agenda*

*Exec Session Motion*

*Town Election Motion*

*Early Voting Motion*

*Ricker Property purchase documentation*

*Weston & Sampson PFAS Presentation*

*FY24 Budget documentation*

*Minutes*

*Announcements*