

Town of Dudley

Board of Selectmen, Highway and Cemetery Commissioners

Monday, April 22, 2024 @ 6:30pm

Dudley Municipal Complex

71 West Main Street, Dudley, MA 01571

Room 321A

Approved 5/6/2024

Some matters have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.

a. Open Public Meeting, Call to Order, Pledge of Allegiance:

The meeting was called to order at 6:30pm. The Chairman stated that this meeting is being recorded.

In attendance were the Honorable John Marsi, the Honorable Mark Landry and the Honorable Steven Sullivan. Also present were Jonathan Ruda, Town Administrator and Michelle Jervis, Assistant Town Administrator. The Honorable Jason Johnson was absent.

- b. **Acceptance of Minutes** – John Marsi motioned to approve the minutes of April 1, 2024, April 8, 2024 and the joint meeting with the FAA on April 11, 2024 as written. Mark Landry seconded. Unanimous 4-0.

- c. **Appointments:** - New Appointment – Chris Lewis, 19 D'Alessandro Ave., Dudley, MA. **John Marsi motioned to appoint Chris Lewis as a member of the Recreation Commission with a term to expire June 30, 2027. Steven Sullivan seconded. Unanimous 4-0.**

Reappointment – Veteran's Agent – Stephen Rogerson – John Marsi motioned to reappoint Stephen Rogerson as the Veterans Agent with a term to expire April 30, 2025. Steven Sullivan seconded. Unanimous 4-0.

- d. **Licenses** – Common Victualler License – Seeman Sub Shop d/b/a Subway located at 157 West Main Street. Dudley, MA – Chairman Cyganiewicz stated that this license will be tabled for more information.
- e. **Public Hearing – Rocky Hill Estates Subdivision**-To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, a permanent utility (water line) easement in, on, under, along and across Eagle Drive, as shown on a plan entitled "Rocky Hill Estates", dated August 1, 1989 prepared by Para Land Surveying, Southbridge, MA, Plan Bood 623, Plan 67 a copy of which is on file with the Assessor Office; or take any other action relative thereto.

Chairman Cyganiewicz opened the Public Hearing at 6:52pm. Residents of the Rocky Hill Estate Subdivision as well as abutting streets were in attendance. Also in attendance was Sean Healey, LSP (Licensed Site Professional), Team Leader for Weston and Sampson and Jeff Blake, Esquire, KP Law. Chairman Cyganiewicz opened the meeting giving everyone the timeline on the project. He stated that in the town's capped landfill PFAS was discovered in the groundwater. This triggered MassDEP to require testing of residential wells within a 500

ft. bubble. The nearest residence was 600 feet from the landfill. MassDEP suggested testing the private well at 600 feet. PFAS was found in the water, and this triggered an IRA (Immediate Response Action) from MassDEP that required that the town provide bottled water to the residents. During this testing period, Gentex, which is located between the capped landfill, was also placed under an IRA by MassDEP as a possible source of PFAS contamination. Every time PFAS is discovered in a water supply, the 500 feet bubble is required and to date, the entire neighborhood is being tested and supplied with water or a POET system has been installed. It is also tested and maintained. The permanent solution to the PFAS issue is to provide the impacted residents with public waterline so that treated water can be delivered to their homes. Is it the solution that the DEP is recommending and ultimately going to require to resolve the PFAS issue. Because the homes that are impacted are located on a private road and all but one home on that road has a private well, it is necessary for the town to obtain an easement to install the waterline and bring it to each private home. The town will likely bear the cost of the waterline installation and tie in. The Town will not be in the business of forcing any resident to tie in that does not want to do so. It is recommended, but never forced. The easement will provide the Town with the ability to install and maintain the waterline, it will not change the private ownership of the road to public. Sean Healey presented a slide from an update 9/2023. In 2021 there was a detection of PFAS and 1,4 Dioxane in groundwater and surface water samples obtained during perimeter landfill monitoring. In October 2021 it was reported to MassDEP, BWSC and a RTN (Release Tracking Number) was issued and approval for an IRA (Immediate Response Action). The IRA plan was to sample residential homes, provide bottled water, and install POET (Point of Entry Treatment) systems along with the monitoring reports for these systems. There were 59 homes sampled, 15 POET systems have been installed and four are treated for PFAS & Dioxane. At this time, they have come to the end of the sampling since they have enough data. They will be performing Phase II assessment in and down gradient of the landfill to further establish nature and extent of impacts and source areas in 2024 and extending into 2025. Mr. Healey continued by informing everyone that the EPA has promulgated new drinking water standards dropping the parts per trillion to 4 and Mass DEP will adopt it by the end of the year. With that number another 25 additional homes will need POET systems. He described the homes affected on a map of the subdivision color coded. He provided a rough draft of the costs, after discussing with colleagues and contractors, with an approximate yearly cost of \$425,000 year. This would include the 15 POETS and 25 new POETs along with monitoring maintenance by Safewell, seasonal sampling, LSP services and an additional cost for Phase II CSA FY24 and FY25. These costs would be shared by Gentex Optics. He is not involved with the monitoring maintenance provided by Safewell, who Gentex hired to monitor the POET systems they paid to install, but it is a huge yearly number. It is very important to get the water lines installed to end this project. Jeff Blake stated that he has been working on this for over one year and the best-case scenario is to give the residents the ability to get good clean water. There is no end in sight. Chairman Cyganiewicz opened the meeting for public engagement.

Thomas Chojnacki of 70 Eagle Drive asked if the town will be sending a water bill. Will we get free water? Attorney Blake stated that the town will be responsible for the hook up of the water line to the house but not required to give residents free water. He also, at another period of the hearing, asked if the town's insurance could cover this contamination. Richard Carmignani stated that in the last 80s and the mid 90s the P&C insurance probably did not have any coverage, needs to demonstrate a loss. There might have been coverage at one time but that was years ago.

Nancy Bocketti of 62 Eagle Drive asked how many times the water in Dudley is tested? George Patrinos stated that our drinking water is better than Poland Springs right now. We test monthly for chloroform bacteria, arsenic and PFAS and each month we do a round of 40 to 50 tests. The new treatment center is up and running, tied into our systems. Our labs serve us very well and residents can call the water department to have their water tested as well.

Megan Darnel of 53 Fairview Ave stated that they purchased our home in February. They have been getting their water from the town and have been working with Woodward & Curran, the company Gentex has hired. Are there two different sections since they are not on Eagle Drive but close and if the samples reflect a higher PFAS number will a POET system is an option? Sean Healey stated that they work very closely, with the same data, with Woodward & Curran and the contractors share their data as well. You will still be getting seasonal sampling with the results, and they will be told if they need to move forward with a POET system.

David Durgin of 68 Eagle Drive asked if anyone from Gentex was here and if we invited them to attend. Yes, we did send them the same public hearing notice as everyone else. He reiterated that Gentex and the town are splitting the bill, but Gentex has installed 8 POETs and the town has installed 5 POETs also Gentex installed radon detectors and paid for them and he stated Mr. Ruda mentioned that radon treatment would be an added cost to the town. Jeff Blake stated the Gentex is not paying more than the town. The town had been sampling and testing prior to Gentex being involved and we figured out that because Gentex was not a responsible party for the Dioxane we were able to figure out how to divide this up the cost. Both parties are working amiably with one another to solve this issue. Mr. Durgin asked why it took so long to get the systems installed. All the residents that have 20 ppt residents got POET systems but it took too long. Sean Healey stated that in October 2022 he was working with MassDEP and thought we could be averaging with the information we had. After January 2023 MassDEP changed the procedure and told them they could not do averaging and POETs need to be installed by March 2023. Moving forward, Mr. Durgin asked about making Eagle Drive a public road and if the owner sues the town what will occur? Attorney Blake stated that the town is not taking the street under Chapter 79, just asking for an easement. The Board will vote on an Order of Taking that will be recorded at the Registry of Deeds. If a complaint is filed by the owner, it will move forward in the court system, but it will not slow down the project. The Town is doing what is mandated by the State but the result is clean water for all the residents. At some point the town's obligations will end when we put the water line in and connect everyone. The people on the POET systems can keep them but any maintenance is on the owner. As far as the cost to do this project is concerned, Mr. Durgin was informed that we do not have a source of funding. This project is in its infancy, and we are working on a grant with the help of MassDEP. MassDEP issued the mandates to the responsible parties. The town did not point fingers at Gentex, MassDEP and the EPA did it.

Joe Coggans of 45 Fairview Drive – He asked if after the water line is installed and there is a water break who is responsible? George Patrinos stated that the town would repair the line. The cost of the town to tie in and bring the water to the houses is between \$4000 to \$5000 to connect. The Water department and their contractor would bring the water to the foundation. Each home will have a lateral connection that goes into the house. As far as the existing wells, MassDEP will mandate that the wells be caved in so that no back contaminated water be released into the town's water supply.

Eva Chojnacki 37 Eagle Drive – Regarding Eagle Drive will be town repair the road to the same condition after the easement? Attorney Blake stated that since the road is owned by one

person there would be an assessed the value of an easement and issue a pro tanto, get an Order of Taking and put in the water line. The road would be repaired at least to the same condition as it was prior to the project.

Judy Heist of 19 Circle Drive – Circle Drive is also a private road off Fairview. Will the water line extend up in that neighborhood? George Patrinos stated that it would be looped around up Circle Drive and down Paula Lane. The town must give you clean water one way or the other.

Greg Chojnacki – He is the owner of the road. He wants the town to provide compensation to rip up his road. He voiced his opinion about who to blame for this contamination and what needs to be done.

Scott Forrester of 50 Eagle Drive thanked the Board for giving all the residents the bottled water. He asked how long it would take for the project to be completed. Mr. Ruda stated that the project would be completed by the fall of 2025. In the last 12 months we will have the engineering costs with construction being 6-8 months, contingent upon passing at town meeting and the town would remove any POET systems in the homes.

Scott Zajkowski stated there are thousands of chemicals in PFAS and right now we can't blame or find fault, just need to take the responsibility to clean it up.

The Public Hearing closed at 8:03pm.

f. New Business:

1. Disabled American Veteran's – W. F "Tiff" Szynal – Chapter #53 – Bill Monaco came before the Board asking to hold a toll booth on Saturday, May 18th. They will be giving out Forget-Me-Not flowers. **John Marsi motioned to approve the request to hold a toll booth on Saturday, May 18, 2024 from 9am to noon to support the Disabled Veteran's of Webster/Dudley. Steven Sullivan seconded. Unanimous 4-0.**
2. Black Tavern Historical Society – Linda Bazinet – Request permission to use the Town Common and parking waiver for Annual Craft Fair – Linda Bazinet came before the Board. This year will be the 11th year of the Craft Fair along with the Grange's Apple Festival and the Agricultural Commission. They have many crafters already signed up for this event. **Steven Sullivan motioned to approve the request from The Black Tavern for the use of the Town Common as well as a parking waiver on one side of Center Road (the Grange's side) for Saturday, October 5, 2024 for the Annual Craft Festival.**
3. Tentative Selectmen meeting dates Meetings to be on Monday beginning at 6:30pm unless otherwise noted: Steven Sullivan motioned to approve the following dates for the upcoming Board of Selectmen meetings: June 24, 2024, July 8, 2024, July 22, 2024, August 5, 2024, August 19, 2024, September 9, 2024, September 23, 2024, October 7, 2024, October 21, 2024, October 28, 2024 (Board will vote and confirm this date at a meeting in June 2024, to begin at 6:00pm prior to town meeting), November 18, 2024, December 2, 2024, December 16, 2024 and December 30, 2025. John Marsi seconded. Unanimous 4-0.

g. Town Administrator's Report: Mr. Ruda stated that the Dudley Woman's Club has announced that with the contribution of a past member, Nancy Vajcovec, who passed away in 2022, have hired J. Menard Landscaping to clean, plant and landscape all the veteran squares in

Dudley. These veteran squares honor the men and women who have served, and we are extremely grateful for this contribution to beautify the town.

h. Department Heads: Lt. Jim Annese from Dudley Police came before the Board. He stated there will be an increase in patrols continuing through June for seat belt awareness (click it or tick it). Also, Drug Kickback day will be Saturday, April 27th. Anyone who would like to drop off syringes can do so along with old prescription drugs.

George Patrinos – Water/Sewer Superintendent – Mr. Patrinos stated that the town is still flushing hydrants. They do this twice/year to clean out the lines.

Richard Carmignani, Treasurer/Collector stated that the pink slips, for late notices on excise tax will be going out. Anyone who does not pay within the time stated will be marked at our collection company and any transaction at the RVM could not occur. Also property taxes are due on 5/1/24.

i. Board Member Comments:

Steven Sullivan thanked everyone who attended the Public Hearing. John Marsi stated that the town has been working on the Eagle Drive water issue for a long time and we are responsible. We need to come up with a solution that is good for the entire town with the MassDEP mandates coming at us, we need to comply.

j. Adjournment/Executive Session:

Mark Landry motioned to adjourn at 8:20pm to convene into Executive Session under MGL Chapter 30A section 21(a)(3) – to discuss strategy with response to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body as declared by the Chair and not to reconvene into public session. Steven Sullivan seconded. Roll Call Vote: - IAFF Negotiations

Kerry Cyganiewicz, Aye

John Marsi, Aye

Mark Landry, Aye

Steven Sullivan, Aye

Respectfully submitted,
Michelle Jervis
Assistant Town Administrator

Cc: documents discussed or/and voted on:
Draft of warrant
Budget Overviews, budget line item.