



Select Board

Meeting Packet

November 28, 2023

TOWN OF MILTON
SENIOR TAX WORK OFF PROGRAM GUIDELINES
\$1,500 TAX ABATEMENT

ELIGIBILITY:

Applications to be screened by the COA Director to determine eligibility of applicants using the following criteria:

- 60 years of age or older
- Homeowner or current spouse of homeowner (see ownership & domicile)
- Currently reside in the Town of Milton and for the last five years prior to the date of this application
- Can produce a copy of the most recent tax bill upon application to the program
- Income does not exceed \$45,000/year for one person or \$60,000/year for a two-person household (*Copy of last Federal Tax Return Required*)
- Only one person per household per year may participate in the program

OWNERSHIP AND DOMICILE

- Applicant must own and occupy the subject property on January 1st of the calendar year and must have been domiciled in Milton for five years prior to the application
- Applicant may own this interest solely, as a joint owner or as a tenant in common
- The holder of a life estate satisfies the ownership requirement
- If the domicile is held in trust, the applicant must be both a trustee (or co-trustee) and a beneficiary in the domicile through that trust
- If the property is in a trust, applicant must provide a copy of the trust to satisfy proof of ownership (i.e., beneficiary/trustee relationship)
- Applicant must directly pay his/her own property tax bill and not indirectly through another organization or entity (i.e., condo associations, etc.)

JOBS

- Job openings are requirements to be determined by the needs of Town Departments
- Jobs to be supervised by Town Department Heads or their designees
- Jobs may be available at various locations throughout the town

COMPENSATION

- \$15.00 per hour with no benefits
- Earnings subject to withholding for federal income tax purposes

- Earnings (minus OBRA required withholdings) to be credited towards the senior's property tax obligations to the Town of Milton
- Seniors will receive documentation of their earnings credited against their property tax obligations

SELECTION

- Eligible applicants will be interviewed by the COA Director and/or Department Heads to determine applicant's suitability for the position
- Jobs will be offered to eligible applicants on the basis of qualifications, availability, location, transportation, physical limitations (if any) and compatibility with the requirements of the position in the judgment of the Department Head or his/her designee
- The Select Board has approved 25 volunteer slots for calendar year 2024.
- Applicants must complete 100 volunteer hours (25 shifts of 4 hours each) between January 1st and November 1st, 2024.
- If there are more than 25 eligible participants, new applicants will be given priority.

APPLICATION

Applications are available at the Senior Center or by mail or email.

Telephone: 617-898-4893

Email: cstanton@townofmilton.org

TOWN OF MILTON
APPLICATION FOR SENIOR TAX WORK-OFF PROGRAM

DATE _____

NAME _____

ADDRESS _____

TELEPHONE # _____

EMAIL _____

SECTION 1

Please note: Section 1 of this application and the information it contains will be treated as confidential information and will be used only by the COA Director to determine your eligibility for the program. This information will not be disseminated to other Town Departments or individuals.

PART A: ELIGIBILITY REQUIREMENTS (Please answer all questions)

	YES	NO
Over 60 years old?	_____	_____
Homeowner (or current spouse)?	_____	_____
Trustee or Beneficiary?	_____	_____
Milton Resident for past five years?	_____	_____
Reside in property?	_____	_____
Copy of most recent tax bill?	_____	_____
How many people in household?	_____	_____
Is this person: Spouse	_____	_____
Adult Child	_____	_____
Minor Child	_____	_____

PART B: GROSS HOUSEHOLD INCOME

COPY OF LATEST TAX RETURN REQUIRED

Total household annual income from all sources as reported to the IRS in the previous calendar year? \$ _____

TOWN OF MILTON
APPLICATION FOR SENIOR TAX WORK-OFF PROGRAM

SECTION II

Please note: The information contained in Section II will be disseminated to the Town Departments in which you have indicated an interest.

PART A – JOB PLACEMENT

Please indicate the departments in which you would like to work:

Town Hall _____
Library _____
Police Department _____
Parks & Recreation _____
Schools _____
Depart. Of Public Works _____
Senior Center _____
Fire Department _____
Cemetery _____

PART B: SKILLS & EXPERIENCE

Please briefly describe your past work

experiences and skills, or attach a current resume:

PART C: LIMITATIONS

Do you have any physical or medical restrictions which may keep you from doing certain types of work or require some accommodations? Please describe:

PART D: SUPERVISION Are you willing to accept supervision from Town employees?

Yes _____

No _____

If I am offered employment through the Senior Tax Work-Off Program, I understand that my earnings will be subject to withholding for federal income tax purposes, and that the balance of my earnings will be in the form of a credit that will be applied against my tax obligation to the Town of Milton. YES _____ NO _____

SIGNATURE _____

[ON COMMUNITY LETTERHEAD]

November 28, 2023

Michele Barden
U.S. Environmental Protection Agency –
Region 1
5 Post Office Square, Suite 100 (06-1)
Boston, MA 02109
barden.michele@epa.gov

Claire Golden
Surface Discharge Program
Massachusetts Department of Environmental
Protection
150 Presidential Way
Woburn, MA 01801
massdep.npdes@mass.gov

RE: Comments on Draft Permit No. MA0103284 for the MWRA Deer Island Treatment Plant

Dear Ms. Barden and Ms. Golden:

The Town of Milton appreciates the opportunity to comment on the draft National Pollutant Discharge Elimination System (NPDES) Permit No. MA0103284 (the Draft Permit) for the Massachusetts Water Resources Authority (MWRA) Deer Island Treatment Plant (DITP), which the U.S. Environmental Protection Agency – Region 1 (EPA or the Region) noticed for comment on May 31, 2023.¹ As one of the entities subject to the terms of the Draft Permit once they are finalized, the Town of Milton writes to express its support for the comments submitted by the Massachusetts Water Resources Authority Advisory Board (Advisory Board), which are incorporated by reference as if set forth herein, and also to write separately to articulate and highlight issues of particular concern to our community.

As an initial matter, the Town of Milton has substantial concerns about the Draft Permit's imposition of a novel requirement to develop and implement a major storm and flood event plans for its sewer system. This requirement will impose significant financial and resource burdens on communities like the Town of Milton. The extent of these burdens is unknown because neither EPA nor MassDEP has conducted any cost-benefit analysis of this new requirement. The Town of Milton also has significant concerns about the Draft Permit's directive to complete and begin implementing a plan within twelve months of the effective date of the final permit. Our community is also concerned that the mandate to modify its plan whenever new data are generated or discovered threatens to cast aside local planning priorities in favor of a federally mandated, perpetual planning cycle.

The Town of Milton has other significant concerns with the Draft Permit discussed in detail below. In particular, the Draft Permit and State Permit inappropriately regulate communities like the Town of Milton as co-permittees and have failed to define their obligations with adequate clarity. As the Advisory Board has commented, unless EPA and MassDEP clarify

¹ On May 31, 2023, the Massachusetts Department of Environmental Protection (MassDEP) also issued a draft 2023 Draft Massachusetts Permit to Discharge Pollutants to Surface Waters for DITP (the State Permit) that incorporates by reference Parts I.A-K and Part II of the Draft Permit. This letter similarly comments on the State Permit.

the communities' and MWRA's responsibilities, the DITP's permit could upset the longstanding and successful relationship among MWRA and the communities.

I. Major Storm and Flood Events Planning Requirements

Part I.E.2.(e)(2) of the Draft Permit (the Major Events Planning Provisions) would impose on the Town of Milton and other towns novel and onerous long-term obligations develop and implement plans to address sewer systems climate change resiliency. These plans, which the Draft Permit requires to be updated every five years, must include (1) an asset vulnerability evaluation; (2) a systematic vulnerability evaluation, and (3) a mitigation measures alternatives analysis, and they must take into consideration future conditions, "specifically the midterm (i.e., 20-30 years) and long-term (i.e., 80-100 years) and, in the case of sea level change, the plan must consider sea level change." Draft Permit Part I.E.2.(e)(2).

This requirement could strains the Town of Milton's resources beyond their breaking point and disrupt its broader capital planning process. The Draft Permit also gives the Town of Milton insufficient time to complete its plan. Worse yet, EPA lacks the authority to impose this new planning and project development obligation in DITP's NPDES permit, and both EPA and MassDEP have failed entirely to justify this new set of obligations.

A. EPA Failed to Evaluate the Costs that the Town of Milton and Other Communities Will Bear.

Complying with the Major Events Planning Provisions will impose substantial costs on the Town of Milton. The investments to undertake this work, including the up-front vulnerability and mitigation alternatives analysis and the significant implementation and ongoing re-evaluation requirements, will likely require thousands of hours of personnel time and the engagement of outside consultants. These costs could pale in comparison to the potential capital costs that the Town of Milton may incur in order to implement mitigation measures that could even require relocating existing facilities or building new ones.

The associated financial burdens on communities like the Town of Milton are unknown but certain to be substantial. Milton will need to assess whether it must hire more staff or engage consultants to comply with the Major Events Planning Provisions. Based on its planning efforts, Milton will then have to modify its capital plans and budget for resiliency projects. These additional costs will ultimately impact other parts of the Town's budget, resulting in lower spending on other critical infrastructure or other community needs

EPA and MassDEP must evaluate these costs before finalizing the Major Events Planning Provisions. At the very minimum, before issuing a final permit, EPA or MassDEP should provide the Town of Milton and the public more generally with a formal cost-benefit assessment that informs all interested parties of the cost burdens of implementing these novel and significant planning and implementation requirements.

B. The Major Events Planning Provisions Do Not Provide Sufficient Time for Compliance.

The Major Events Planning Provisions provide the Town of Milton inadequate time to develop a plan that must accomplish the following: (1) analyze sewer system-related assets and assess vulnerabilities, (2) conduct a systemic vulnerability evaluation of each individual system and develop an alternatives analysis, and (3) begin implementing mitigation measures. Draft Permit Part I.E.2.(e)(2). The Draft Permit affords the Town of Milton and its peer communities only 12 months to accomplish these tasks, an amount of time that is obviously insufficient to (a) retain the necessary staff or consultants and (b) complete the tasks required by the Draft Permit.

If EPA and MassDEP insist on including the Major Events Planning Provisions, the agencies must provide the Town of Milton and other communities a reasonable deadline to complete this major undertaking. Any final permit should allow the communities at least thirty-six months to develop and begin implementing major storm and flood events plans.

C. The Agencies Should Explore Whether Existing Programs Achieve the Objectives of the Major Events Planning Provisions.

Before requiring the Town of Milton to expend the significant resources necessary to comply with the onerous Major Events Planning Provisions, the agencies should assess the extent to which existing efforts or programs address or could be adapted to address the interests EPA seeks to protect through the Major Events Planning Provisions. For example, wastewater utilities in Massachusetts regularly seek funding from the Commonwealth's Clean Water State Revolving Fund (CWSRF), and this program already requires applicants to comply with planning and asset management requirements in order to receive funding. The agencies may find that the CWSRF is a better tool to address long-term planning obligations than an NDPES permit that is limited to governing specific discharges over a five-year term.

D. EPA and MassDEP Failed to Justify These Planning Requirements.

In addition to the foregoing issues, the Town is concerned that it has not had an adequate opportunity to comment on the Major Events Planning Provisions because EPA and MassDEP have failed to show their work. Both agencies' fact sheets must address "the significant factual, legal, methodological and policy questions considered in preparing the draft permit." 40 C.F.R. § 124.8(a); 314 CMR 2.05(3). For a set of programmatic requirements as important and sweeping as the Major Events Planning Provisions, one would expect substantial discussions of the various "factual, legal, methodological and policy questions" each agency considered.

EPA, however, justified the Major Events Planning Provisions by simply declaring them "necessary to ensure proper operation and maintenance" of wastewater treatment infrastructure.² Fact Sheet at 102-03. This explanation falls short of what EPA's regulations require, but it at least provides *some* indication of EPA's views. MassDEP, by contrast, failed entirely to discuss the Major Events Planning Provisions in its Supplemental Fact Sheet. If the Town and the public are to have a meaningful opportunity to comment on the Draft Permit, the agencies must better explain the Major Events Planning provisions and allow for additional public comment.

² This explanation appears inconsistent with what the Major Events Planning Provisions require. They do far more than ensuring "proper operation and maintenance" by requiring Milton and other towns to consider—and possibly pursue—relocating facilities or building entirely new ones. Draft Permit Part I.E.2.e.(2)i.(c)(ii), (iv).

The Town suspects that EPA may have failed to justify the Major Events Planning Provisions because it lacks authority to impose them under the Clean Water Act (CWA). The statute limits EPA's authority under the NPDES program to regulating discharges, not the wider facility (or facilities) that discharge. *See, e.g., Natural Resources Defense Council v. EPA*, 859 F.2d 156, 170 (D.C.Cir.1988) (“[T]he [Clean Water Act] does not empower the agency to regulate point sources themselves; rather, EPA’s jurisdiction under the operative statute is limited to regulating the discharge of pollutants.”). The Major Events Planning Provisions, however, reach far beyond regulating discharges by potentially regulating the location of permittees’ facilities or even requiring the construction of additional infrastructure. Because the Major Events Planning Provisions exceed EPA’s jurisdiction under the CWA, they should be removed from any final permit.

[INCLUDE AS SECTION II IF THE COMMUNITY IS A SANITARY SEWER CO-PERMITTEE:

II. THE DRAFT PERMIT IMPERMISSIBLY INCLUDES SANITARY SEWER COMMUNITIES AS CO-PERMITTEES.

As the Advisory Board has emphasized in its comments, for the first time, EPA and MassDEP are attempting to regulate the Town of Milton and thirty-eight other sanitary sewer communities under DITP’s permit. This radical change to these communities’ regulatory obligations exceeds both agencies’ respective authorities and threatens to disrupt the longstanding relationships between MWRA and the communities it serves. The agencies have also sought to impose this new regime without the Town of Milton’s consent by unlawfully waiving their permit application requirements.

Worse yet, MassDEP has provided no explanation at all for its decision to regulate the Co-permittees under the State Permit. MassDEP has an obligation to provide a “summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions” in its fact sheets but has provided none in the Supplemental Fact Sheet for including these Co-Permittees in the State Permit. 314 CMR 2.05(3)(c). In order for the Town of Milton to have an adequate opportunity to comment on the State Permit, MassDEP should explain its reasons and open a new comment period.

A. Neither EPA nor MassDEP Has Jurisdiction to Regulate Communities Like the Town of Milton.

1. The Federal Draft Permit

The Draft Permit’s inclusion of the Town of Milton as Co-permittee exceeds the EPA’s authority under the NPDES program. Under the CWA, EPA may only regulate “the discharge of [a] pollutant.” 33 U.S.C. § 1311(a). A regulated discharge requires an “addition of any pollutant to navigable waters from [a] point source” 33 U.S.C. § 1362(12)(A); 40 C.F.R. § 122.2. Unless its sanitary sewer system adds a pollutant to navigable waters, the Town of Milton is “neither statutorily obligated to comply with EPA regulations for point source discharges, nor are they statutorily obligated to seek or obtain an NPDES permit.” *Waterkeeper Alliance, Inc. v. EPA*, 399 F.3d 486, 504 (2d Cir. 2005); *Nat’l Pork Producers Council v. EPA*, 635 F.2d 738,

751 (5th Cir. 2011) (“There must be an actual discharge into navigable waters to trigger the CWA’s requirements and the EPA’s authority.”).

The Town of Milton’s sanitary sewer system adds no pollutants to navigable waters. As EPA concedes in the Fact Sheet, it only adds pollutants to MWRA’s treatment works. Fact Sheet 20 (“The Massachusetts municipalities in Appendix A own and operate wastewater collection systems that *discharge flows to the DITP*” (emphasis added)). The only addition of pollutants to navigable waters occurs downstream from [COMMUNITY]’s sewers, when DITP discharges treated effluent from Outfall T01.³

EPA rules reinforce that the communities do not have discharges that trigger the Region’s CWA authority. The regulatory definition of a “discharge of a pollutant” explains that the term encompasses releases “through pipes, sewers, or other conveyances owned by a State, municipality, or other person *which do not lead to a treatment works*” This language would only be necessary if the obverse is true: flows conveyed through municipally-owned sewers that *do* lead to a treatment works are not discharges.

2. The State Permit

For the reasons set forth above, MassDEP regulation of the Town of Milton and the other Co-permittees in the State Permit is inconsistent with the regulations governing Surface Water Discharge Permits. The Surface Water Discharge Permit regulations, like the CWA, generally impose the requirement to obtain a permit on persons who “discharge pollutants to surface waters” 314 CMR 3.03(1). And much like the federal program, the regulations define a “discharge” as an “addition of any pollutant to waters of the Commonwealth,” and explain that a discharge includes “discharges through ... sewers, or other conveyances owned by a ... municipality ... which do not lead to a POTW.” 314 CMR 3.02.

The sanitary systems’ conveyance of flows to DITP involves no addition of pollutants to any waters of the Commonwealth. They add flows only to the downstream POTW, a circumstance that the regulations make clear is not a discharge that requires a permit.

B. Communities like the Town of Milton are not part of the Deer Island Publicly-Owned Treatment Works.

1. The Federal Draft Permit

EPA cannot cure its lack of jurisdiction by lumping the Town of Milton and other sanitary sewer communities in with the larger publicly-owned treatment works (POTW) that

³ The Region’s assertion that a sewer system’s lack of proximity to the “the ultimate discharge point is not material to the question of whether it ‘discharges’” is inconsistent with the Supreme Court’s interpretation of the Act. Fact Sheet, Appendix D at 13. In *County of Maui v. Hawaii Wildlife Fund*, the Court explained that “[t]ime and distance traveled are obviously important” to determining whether a regulated discharge has occurred. 140 S. Ct. 1462, 1476 (2020).

includes DITP authorized under the Draft Permit.⁴ EPA’s regulations define a POTW to be “a treatment works ... which is owned by *a State or municipality*—expressed only in the singular. 40 C.F.R. § 403.3(q) (emphasis added); *see also id.* (referring to “*the municipality* ... which has jurisdiction over Indirect Discharges to and discharges from such a treatment works.” (emphasis added)). The definition’s use of the singular means that a POTW can only be owned by a single municipal entity, such that the Town of Milton’s sewer system cannot be part of same POTW as DITP.

EPA’s regulatory definition of a “discharge” confirms that the Region has improperly expanded the definition of POTW to span multiple communities’ sewer systems. That definition covers “discharges through pipes, sewers, or other conveyances owned by ... a municipality ... which do not lead to a treatment works.” 40 C.F.R. § 122.2. If a satellite collection system could be part of a POTW, there would never be circumstance where a municipally-owned sewer could “lead to a treatment works.” Instead, this provision would refer to municipally-owned sewers “which are not *part of* a treatment works.” The Region’s attempt to make the Co-Permittees part of the same POTW as DITP contradicts and cannot be reconciled with its own regulations.

2. The State Permit

MassDEP similarly cannot deem the Town of Milton’s sewer system part of the same POTW as DITP under its permitting regulations. Like their federal counterpart, the Surface Water Discharge Permit regulations define a POTW by reference to a single public entity rather than several. *See* 314 CMR 3.02 (“any device or system used in the treatment ... of municipal sewage ... which is owned by *a public entity*.” (emphasis added)). Having chosen to define a POTW by reference to a single owner, MassDEP cannot include satellite systems owned by thirty-nine communities in the same POTW as DITP.

C. The Town of Milton Has Not Submitted An Application To EPA or MassDEP, and Neither Agency Has Authority To Waive The Requirement To Do So.

The Town of Milton did not submit a permit application to either EPA or MassDEP. Even if the agencies could regulate the Co-permittees in DITP’s permit, issuance of a permit to a community that never submitted a permit application would violate their respective permitting regulations. EPA’s rules specify that “[a]ny person who discharges ... must submit a complete application” 40 C.F.R. § 122.21(a)(1). The Region then “shall not issue a permit before receiving a complete application for a permit” Without a permit application from the Town of Milton, EPA cannot issue a permit imposing conditions on the Town of Milton.

EPA cannot avoid this problem by waiving application requirements. *See* Fact Sheet 12, 21. EPA’s March 8, 2023 letter to the Town of Milton claimed that 40 C.F.R. § 121.21(j) authorized the Region to waive permit application requirements in their entirety. *See* Attachment

⁴*See* Fact Sheet, App’x D at 10 (EPA may regulate satellite communities because they are part of “facilities subject to the NPDES program”); *id.* (“NPDES regulations similarly identify the ‘POTW’ as the entity subject to regulation.”).

X [COMMUNITY NAME’S Waiver Letter]. The Region’s waiver authority under this provision, however, extends only “to any requirement under this paragraph [*i.e.*, the POTW-specific requirements in § 122.21(j)].” 40 C.F.R. § 122.21(j). Thus, EPA only could have waived discrete information requirements for treatment works, not the fundamental requirement that a regulated entity submit a permit application. *Accord* 64 Fed. Reg. 42434, 42440 (Aug. 4, 1999) (“EPA proposed the introductory paragraph of § 122.21(j) to allow the Director to waive any requirement in *paragraph (j)*” (emphasis added)). The Region violated its own regulations by attempting to waive the Town of Milton’s obligation to submit an application.

MassDEP similarly violated its regulations by seeking to regulate the Town of Milton in the State Permit without having received a permit application from the Town of Milton. The Surface Water Discharge Permit rules specify that “[a]ny person required to obtain a permit ... shall complete and submit the appropriate application form(s).” 314 CMR 3.10(1); *see also* 314 CMR 2.03(1) (“Any person required to obtain an individual permit ... shall apply to the Department.”). MassDEP “shall not issue a permit before receiving a complete application” 314 CMR 3.10(4); *see also* 314 CMR 3.02(2) (“The Department shall not issue an individual permit ... before receiving a complete application.”). Nothing in MassDEP’s regulations offer the department *any* authority to waive permit application requirements. This framework dictates that MassDEP cannot issue a permit that regulates the Town of Milton because the Town of Milton has not submitted an application for a Surface Water Discharge Permit.]

III. The Draft Permit Fails to Define with Sufficient Clarity the Relative Responsibilities of MWRA, CSO-Responsible Co-Permittees and Co-Permittees.

Even if EPA and MassDEP could lawfully structure DITP’s permit to include the Town of Milton and other communities, neither the Draft Permit nor the State Permit define these parties’ obligations with clarity sufficient to ensure that they are not held liable for conduct or events over which they have no control.

The cover page and Part I.E.2 must be revised to provide the communities and MWRA with absolute clarity that the communities are not responsible for MWRA’s noncompliance and vice versa. Any final permit issued by EPA and MassDEP must make clear that the communities cannot be held liable for violations of permit requirements applicable to DITP; the Draft Permit and State Permit fail to do this. Language in Part C, Part D, and Part E must also be clarified further to remove any ambiguity regarding the several liability of MWRA, the CSO-responsible Co-permittees, and the Co-permittees.

It is particularly critical that EPA and MassDEP clearly delineate these responsibilities to avoid disrupting the longstanding relationship between MWRA and the communities, and among the communities themselves. Each community and MWRA have their own responsibilities with respect to wastewater treatment, and collection system management and compliance.⁵ Under its organic statute, MWRA must be accountable to the communities, rather than a manager or regulator of the satellite sewer systems it serves. An NPDES permit or Surface Water Discharge Permit that could make the communities liable for MWRA’s conduct—or vice versa—could

⁵ *See* Acts of 1984 ch. 372, § 26(d), 1984 Mass. Acts 809 (each local body served by MWRA has “the charge and control of the respective water, waterworks and sewer works owned and used by said local body and not in the ownership, possession and control of [MWRA].”).

threaten that relationship. Accordingly, the Town of Milton supports the Advisory Board's proposed revisions to the Draft Permit's language that the Board submitted with its comments.

IV. Conclusion

The Town of Milton appreciates the opportunity to comment on the Draft Permit and State Permit. Please feel free to contact DPW Director Chase Berkeley at cberkeley@townofmilton.org if you have any questions or would like to arrange a meeting to discuss the resolution of the issues raised above.

Sincerely,

Nicholas Milano
Town Administrator



Advocacy & Accountability

Representing over 3 million people in Massachusetts since 1985

TO: MWRA Water Community Contacts
(via electronic mail)

October 4, 2023

Dear MWRA Water Communities,

I hope this letter finds you well. We are writing to make sure you are aware of a legal development meriting your attention as a member of the MWRA's waterworks system.

A Federal Judge in South Carolina has preliminarily approved settlements between both DuPont and related entities and 3M and public drinking water systems in the United States to address the presence of per- and polyfluoroalkyl substances (PFAS) in drinking water. It is possible that your community has already received a notice regarding these proposed settlements.

One key aspect of these proposed settlements is that they require public water systems to affirmatively opt out if they do not wish to participate. In other words, if your community takes no action, it will automatically become a party to the settlement. We want to ensure that all MWRA communities are well-informed about their options.

The deadlines for objecting to and opting out of the proposed settlements are fast approaching. The deadlines are: (i) for objecting to the proposed Dupont settlement - November 4th, 2023; (ii) for objecting to the proposed 3M settlement – November 11, 2023; (iii) for opting out of the proposed Dupont settlement – December 4, 2023; and (iv) for opting out of the proposed 3M settlement - December 11, 2023. It is important that you are aware of these deadlines as you assess your options and take any necessary steps promptly.

To provide you with additional information about these settlements, a website has been set up as a comprehensive resource: www.pfaswatersettlement.com. Please visit this website to access detailed information regarding the proposed settlements and their implications for your community.

Each of the communities may have rights under the proposed settlements, and rights may differ for partially supplied communities.

We highly encourage you to engage your community's legal counsel to thoroughly review the details of these proposed settlements. Your legal counsel can help you make an informed decision about whether your community wishes to participate in the settlements, participate while submitting objections, or affirmatively opt-out.

If your counsel has any questions on these settlements, MWRA's Law Department has generously offered to share what information MWRA has available about the proposed settlements. Your counsel can reach MWRA's General Counsel Carolyn Francisco Murphy by email [REDACTED] or Assistant General Counsel Kristen Schuler-Scammon by email at Kristen.Scammon@mwra.ab

Because these proposed settlements could have significant implications for your community your active participation in this process is crucial to making a well-informed decision in the best interests of your community. We appreciate your attention to this important issue and look forward to providing what further support we can in the coming weeks.

Sincerely,

Matthew A. Romero
Executive Director
MWRA Advisory Board



2 Griffin Way, Suite A, Chelsea, MA 02150



(617) 788-2050



mwra.ab@mwraadvisoryboard.com

mwraadvisoryboard.com

Matthew A. Romero
Executive Director

Nicholas Milano

From: Romero, Matthew [REDACTED]
Sent: Monday, October 30, 2023 2:16 PM
To: [REDACTED]
Francisco-Murphy, Carolyn; Schuler-Scammon, Kristen
Subject: PFAS Water Settlement Update
Attachments: 3M Allocation Interpretation.pdf; Allocation Interpretation.pdf

[External Email- Use Caution]

Dear MWRA Water Community Contact:

I hope this email finds you well. I am writing to provide you with an important update regarding the proposed PFAS Water Settlements from 3M and DuPont. Specifically, I want to inform you about a recent development related to the Allocation Procedures that has been brought to our attention.

A motion has been filed to supplement the Allocation Procedures to add clarification with regard to Public Water Supplies that are interrelated, such as MWRA serving as a wholesaler to its 48 water communities. As you are aware, both MWRA and its communities share the same water source, which presents unique challenges and considerations related to the language in the original proposed settlements. It's worth noting that this issue was raised by other wholesalers in California and Texas who share similar concerns with MWRA, underlining the significance and prevalence of this matter.

We have attached the parties' "joint interpretive guidance on interrelated drinking-water systems" for both the 3M and the DuPont proposed settlements to this email. These documents, along with the motions submitted to the court to include this additional guidance, can be found on the proposed PFAS settlement website (pfaswatersettlement.com).

In light of these developments, we strongly recommend that you share this information with your community's legal counsel. This new guidance may have implications for your community's decision-making process with regard to these proposed settlements.

One important detail to note is that the only deadline that has changed as a result of these motions is the DuPont objection deadline, which has now been extended to November 11, 2023. We understand that the complexity of this legal matter requires a thorough evaluation, and we will notify you of any updates we can share as we receive them.

I understand that this is a challenging and evolving situation. Please do not hesitate to reach out with any follow-up questions or concerns you may have. We are here to assist you and provide what information we can.

Thank you for your attention to this matter, and we appreciate your continued cooperation as we work through these important issues.

Sincerely,

Matthew A. Romero
Executive Director
MWRA Advisory Board

Matthew A. Romero
He | Him | His
Executive Director

MEMORANDUM:**THE PARTIES' JOINT INTERPRETIVE GUIDANCE ON INTERRELATED DRINKING-WATER SYSTEMS**

This memorandum provides guidance on how the Settlement Agreement between Public Water Systems and The Chemours Company, The Chemours Company FC, LLC, DuPont de Nemours, Inc., Corteva, Inc., and E.I. DuPont de Nemours and Company n/k/a EIDP, Inc. applies in interrelated drinking-water systems where there is not a single entity that draws water from a source, treats the water for any contaminants, and distributes the water to residential customers and other end users. This memorandum uses as its chief example of an interrelated drinking-water system the scenario where one water system (a “retail customer”) purchases water from another entity (a “wholesaler”). The principles set forth here may also apply to other interrelated-system scenarios where more than one entity is involved in providing drinking water.

The Parties will ask the Court to supplement the Settlement Agreement’s Exhibit C (Allocation Procedures) with this memorandum, with the understanding that the Parties and/or the Claims Administrator also may amend Exhibit D (Claims Form) to reflect the memorandum’s guidance.

BASIC PRINCIPLES

- The Settlement Agreement applies to Public Water Systems that operate as wholesalers. Most wholesalers are registered with the EPA as Public Water Systems¹ and/or fall within the Settlement Agreement’s definition of “Public Water System.”
- Public Water Systems, including wholesalers and their retail customers, are Settlement Class Members if they fall within the definition of the “Settlement Class.” A Public Water System is in the Settlement Class if it has previously detected PFAS at any level, is subject to the monitoring rules of UCMR-5, or otherwise falls within the Settlement Class definition.
- Purchased water is covered by the Settlement and will be taken into account by the Claims Administrator under the Allocation Procedures.

¹ In determining the number of people that a wholesaler serves, data from SDWIS’s “Population Served Count” field should be considered for both the wholesaler and related entities such as its customers, as indicated by SDWIS’s “Seller PWS ID” and “Seller PWS Name” fields.

- Consistent with a fundamental precept of the Settlement, the Settlement Agreement provides for one payment for each respective water supply, not a double recovery by both the wholesaler and its retail customer. The payment may be divided between the wholesaler and the retail customer as described below.
- The Settlement Agreement provides the Claims Administrator with sufficient discretionary authority, subject to the Special Master's oversight and authority to decide appeals, to apply the terms of the Settlement Agreement (including its Exhibits) to the unique facts presented by each interrelated drinking-water system, in order to expeditiously allocate and distribute the Settlement Funds among all Qualifying Settlement Class Members in a manner that is fair and equitable and accords with the procedures and timing described in the Allocation Procedures. Appeals of the Claims Administrator's decisions regarding apportionment of an award between two or more claimants will be governed by the appeals process described in the Settlement Agreement at § 8.8.
- The Parties recognize that time is of the essence and expect the Claims Administrator and Special Master to act accordingly in applying the Allocation Procedures.

OPERATION OF ALLOCATION PROCEDURES

- In almost all circumstances where a Public Water System purchases water from a wholesaler, both will be in the Settlement Class as to that water. Because the Settlement provides that there will be one amount allocated to that water to avoid double recovery or duplicative allocation, the following principles will apply to dividing the Allocated Amount between the wholesaler and the retail customer:
 - If the wholesaler and the retail customer come to an agreement as to how to divide the Allocated Amount, they should inform the Claims Administrator (either by submitting a Joint Claims Form, as described below, or otherwise).
 - Absent such an agreement, the Claims Administrator will divide the Allocated Amount based on relative capital and O&M costs of PFAS treatment borne by the wholesaler and the retail customer, respectively. The Claims Administrator shall determine how such costs

are “borne” by assessing and taking into account which entity does or has responsibility for the PFAS treatment² and, to the extent it is the wholesaler, whether the retail customer paid all or part of the costs indirectly through the purchase price, under the applicable contract, or otherwise.³

- Where the wholesaler opts out (or, hypothetically, is not in the Settlement Class), but the retail customer is in the Settlement Class, the retail customer receives the recovery for the water if it shows that it bears the PFAS treatment costs for that water.
- Where the retail customer opts out (or, hypothetically, is not in the Settlement Class), but the wholesaler is in the Settlement Class, the wholesaler receives the recovery for the water if it shows that it bears the PFAS treatment costs for that water.

In applying these principles, the Claims Administrator will use information supplied in Claims Forms as described below.

MECHANICS FOR SUBMISSION OF CLAIMS FORMS

Settlement Class Members in a wholesaler-retailer relationship will have three options for submitting Claims Forms relating to the purchased water: (1) submit a Joint Claims Form to the Claims Administrator; (2) unilaterally submit other documentation to the Claims Administrator; or (3) do not make any special submission to the Claims Administrator (beyond the individual Claims Form that all Settlement Class Members must submit to qualify for payments). The effect of each option will be described next.

Option One:

Submit a Joint Claims Form with Another Settlement Class Member

To assist the Claims Administrator in making decisions where two or more Settlement Class Members handle the same water, Class Counsel will ask the Claims

² In this memorandum, PFAS “treatment” refers to PFAS treatment, filtration, and remediation, removal of PFAS from water or a system, and any effort to prevent PFAS from entering water or a system.

³ In this memorandum, references to “borne” and “bear” will be interpreted consistent with these principles. In determining whether a retail customer bears the cost of PFAS treatment, the Claims Administrator also may take into account whether the retail customer shows that water was re-contaminated with PFAS after sale by the wholesaler.

Administrator to design a Joint Claims Form that any two (or more) Settlement Class Members may submit to provide information to help the Claims Administrator assess relevant claims. The Joint Claims Form will enable the Settlement Class Members to explain their relationship and express their joint view about the proper division of an Allocated Amount between them. For example, the Settlement Class Members submitting this Joint Claims Form may report on any contractual relationship that dictates (or at least suggests) how payments should be shared. The Claims Administrator ordinarily will adhere to any division of funds that the Settlement Class Members jointly suggest in their timely Joint Claims Form, provided the agreement is consistent with the principles and terms of the Settlement Agreement.

The Joint Claims Form is in addition to the other Claims Forms required by the Settlement Agreement, which each Settlement Class Member must still submit to obtain payment. In addition, if a wholesaler owns Impacted Water Sources that are independent of and unrelated to the water that it sells to a retail customer, the wholesaler can make independent claims for those Impacted Water Sources. Likewise, if a retail customer draws or collects water from Impacted Water Sources that are independent of and unrelated to the water that it purchases from a wholesaler, the retail customer can make independent claims for those Impacted Water Sources.

Option Two:
Submit Other Documentation Unilaterally

If, for any reason, two or more Settlement Class Members that could have submitted a Joint Claims Form do not do so, then the Claims Administrator may consider any relevant documents that either Settlement Class Member timely submits to the Claims Administrator. To facilitate the submission and review of such documents, Class Counsel will ask the Claims Administrator to design an Addendum Form to be used by any Settlement Class Member submitting such documents. These documents could include, for example, a contract dictating or suggesting how such funding should be shared or at least explaining what responsibility is borne by each Settlement Class Member for any capital and/or O&M costs of treating PFAS.

Option Three:
Make No Special Submission

If none of the two or more Settlement Class Members that could submit a Joint Claims Form for a specific water supply submits such a Form (Option One), and

if none of those Settlement Class Members submits relevant documentation (Option Two), the Claims Administrator has full discretionary authority to request additional information that he deems necessary to determine which entity or entities bear the PFAS treatment costs for that water. Absent adequate information about how PFAS treatment costs will be borne, the Claims Administrator may divide an Allocated Amount equally between or among Settlement Class Members.

The expectation is that Settlement Class Members eligible to file a Joint Claims Form will timely do so, likely rendering unnecessary any request for additional information. Of course, to access funds from the Settlement Agreement, a Settlement Class Member also must submit an individual Claims Form and thus become a Qualifying Settlement Class Member.

CLARIFICATIONS

Scope of Release

The Settlement Agreement contains detailed release provisions that specify whose claims are released. A core purpose of the release provisions is to prevent double recovery for the same water. In general, by participating in the Settlement, a Settlement Class Member releases claims on behalf of itself and its Releasing Parties (as defined in the Settlement Agreement) with respect to the water provided to (or supplied by) the Settlement Class Member. In general, if a wholesaler opts out of the Settlement Class and its retail customer is a Settlement Class Member, the release would extend to the wholesaler as to the water it provided to the Settlement Class Member except to the extent the wholesaler shows it had the obligation for and bore unreimbursed PFAS-treatment costs for that water independent of the retail customer. Ultimately, whether claims are released will turn on the application of the release provisions of the Settlement Agreement to the specific facts relevant to the wholesaler, the retail customer, and their relationship.⁴

Definition of “Water Source”

The Settlement Agreement defines “Water Source” as, among other things, “a groundwater well, surface water intake, or any other intake point from which a Public Water System draws or collects Drinking Water.” This definition is intended to be broad and includes any point from which a Public Water System may draw or

⁴ Nothing in this guidance supersedes the provisions of the Settlement Agreement about the States, the federal government, or certain Public Water Systems owned by States or the federal government.

collect water, regardless of whether the Water Source is owned by a retail customer or by a wholesaler.

The Allocation Procedures contain a clause stating that, “[f]or purposes [of] the Allocation Procedures, a purchased water connection from a seller that is a Water Source is not a Water Source.” That clause was intended to bar duplicative recovery for the same water. It was not intended, and should not be interpreted by the Claims Administrator, to preclude a retail customer from recovering for water that it purchases from a wholesaler, to the extent that the retail customer bears PFAS treatment costs for that water. Nor should the clause be interpreted to bar two or more Settlement Class Members from sharing the Allocated Amount for the water if they both bear PFAS treatment costs for that water.

* * *

Because each interrelated drinking-water system presents unique facts, ultimately the Claims Administrator, under the Special Master’s oversight, will need to exercise sound discretion to ensure fair and equitable outcomes that comport with the principles and terms of the Settlement Agreement.

MEMORANDUM:**THE PARTIES' JOINT INTERPRETIVE GUIDANCE ON INTERRELATED DRINKING-WATER SYSTEMS**

This memorandum provides guidance on how the Settlement Agreement between Public Water Systems and 3M Company applies in interrelated drinking-water systems where there is not a single entity that draws water from a source, treats the water for any contaminants, and distributes the water to residential customers and other end users. This memorandum uses as its chief example of an interrelated drinking-water system the scenario where one water system (a “retail customer”) purchases water from another entity (a “wholesaler”). The principles set forth here may also apply to other interrelated-system scenarios where more than one entity is involved in providing drinking water.

The Parties will ask the Court to supplement the Settlement Agreement’s Exhibit Q (Allocation Procedures) with this memorandum, with the understanding that the Parties and/or the Claims Administrator also may amend Exhibit A (Claims Form) to reflect the memorandum’s guidance.

BASIC PRINCIPLES

- The Settlement Agreement applies to Public Water Systems that operate as wholesalers. Most wholesalers are registered with the EPA as Public Water Systems¹ and/or fall within the Settlement Agreement’s definition of “Public Water System.”
- Public Water Systems, including wholesalers and their retail customers, are Class Members if they fall within the definition of the “Settlement Class.” A Public Water System is in the Settlement Class if it has previously detected PFAS at any level, is subject to the monitoring rules of UCMR-5, or otherwise falls within the Settlement Class definition.
- Purchased water is covered by the Settlement and will be taken into account by the Claims Administrator under the Allocation Procedures.

¹ In determining the number of people that a wholesaler serves, data from SDWIS’s “Population Served Count” field should be considered for both the wholesaler and related entities such as its customers, as indicated by SDWIS’s “Seller PWS ID” and “Seller PWS Name” fields.

- Consistent with a fundamental precept of the Settlement, the Settlement Agreement provides for one payment for each respective water supply, not a double recovery by both the wholesaler and its retail customer. The payment may be divided between the wholesaler and the retail customer as described below.
- The Settlement Agreement provides the Claims Administrator with sufficient discretionary authority, subject to the Special Master's oversight and authority to decide appeals, to apply the terms of the Settlement Agreement (including its Exhibits) to the unique facts presented by each interrelated drinking-water system, in order to expeditiously allocate and distribute the Settlement Funds among all Qualifying Class Members in a manner that is fair and equitable and accords with the procedures and timing described in the Allocation Procedures. Appeals of the Claims Administrator's decisions regarding apportionment of an award between two or more claimants will be governed by the appeals process described in paragraph 2.72 and section 7 of the Settlement Agreement.
- The Parties recognize that time is of the essence and expect the Claims Administrator and Special Master to act accordingly in applying the Allocation Procedures.

OPERATION OF ALLOCATION PROCEDURES

- In almost all circumstances where a Public Water System purchases water from a wholesaler, both will be in the Settlement Class as to that water. Because the Settlement provides that there will be one amount allocated to that water to avoid double recovery or duplicative allocation, the following principles will apply to dividing the Allocated Amount between the wholesaler and the retail customer:
 - If the wholesaler and the retail customer come to an agreement as to how to divide the Allocated Amount, they should inform the Claims Administrator (either by submitting a Joint Claims Form, as described below, or otherwise).
 - Absent such an agreement, the Claims Administrator will divide the Allocated Amount based on relative capital and O&M costs of PFAS treatment borne by the wholesaler and the retail customer, respectively. The Claims Administrator shall determine how such costs

are “borne” by assessing and taking into account which entity does, or has responsibility for, the PFAS treatment² and, to the extent it is the wholesaler, whether the retail customer paid all or part of the costs indirectly through the purchase price, under the applicable contract, or otherwise.³

- Where the wholesaler opts out (or, hypothetically, is not in the Settlement Class), but the retail customer is in the Settlement Class, the retail customer receives the recovery for the water if it shows that it bears the PFAS treatment costs for that water.
- Where the retail customer opts out (or, hypothetically, is not in the Settlement Class), but the wholesaler is in the Settlement Class, the wholesaler receives the recovery for the water if it shows that it bears the PFAS treatment costs for that water.

In applying these principles, the Claims Administrator will use information supplied in Claims Forms as described below.

MECHANICS FOR SUBMISSION OF CLAIMS FORMS

Class Members in a wholesaler-retailer relationship will have three options for submitting Claims Forms relating to the purchased water: (1) submit a Joint Claims Form to the Claims Administrator; (2) unilaterally submit other documentation to the Claims Administrator; or (3) do not make any special submission to the Claims Administrator (beyond the individual Claims Form that all Class Members must submit to qualify for payments). The effect of each option will be described next.

Option One:

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To assist the Claims Administrator in making decisions where two or more Class Members handle the same water, Class Counsel will ask the Claims

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³ In this memorandum, references to “borne” and “bear” will be interpreted consistent with these principles. In determining whether a retail customer bears the cost of PFAS treatment, the Claims Administrator also may take into account whether the retail customer shows that water was re-contaminated with PFAS after sale by the wholesaler.

Administrator to design a Joint Claims Form that any two (or more) Class Members may submit to provide information to help the Claims Administrator assess relevant claims. The Joint Claims Form will enable the Class Members to explain their relationship and express their joint view about the proper division of an Allocated Amount between them. For example, the Class Members submitting this Joint Claims Form may report on any contractual relationship that dictates (or at least suggests) how payments should be shared. The Claims Administrator ordinarily will adhere to any division of funds that the Class Members jointly suggest in their timely Joint Claims Form, provided the agreement is consistent with the principles and terms of the Settlement Agreement.

The Joint Claims Form is in addition to the other Claims Forms required by the Settlement Agreement, which each Class Member must still submit to obtain payment. In addition, if a wholesaler owns Impacted Water Sources that are independent of and unrelated to the water that it sells to a retail customer, the wholesaler can make independent claims for those Impacted Water Sources. Likewise, if a retail customer draws or collects water from Impacted Water Sources that are independent of and unrelated to the water that it purchases from a wholesaler, the retail customer can make independent claims for those Impacted Water Sources.

Option Two:
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If, for any reason, two or more Class Members that could have submitted a Joint Claims Form do not do so, then the Claims Administrator may consider any relevant documents that either Class Member timely submits to the Claims Administrator. To facilitate the submission and review of such documents, Class Counsel will ask the Claims Administrator to design an Addendum Form to be used by any Class Member submitting such documents. These documents could include, for example, a contract dictating or suggesting how such funding should be shared or at least explaining what responsibility is borne by each Class Member for any capital and/or O&M costs of treating PFAS.

Option Three:
Make No Special Submission

If Class Members that could submit a Joint Claims Form for a specific water supply do not submit such a Form (Option One), and if none of those Class Members submits relevant documentation (Option Two), the Claims Administrator has full discretionary authority to request additional information that he deems necessary

to determine which entity or entities bear the PFAS treatment costs for that water. Absent adequate information about how PFAS treatment costs will be borne, the Claims Administrator may divide an Allocated Amount equally between or among Class Members.

The expectation is that Class Members eligible to file a Joint Claims Form will timely do so, likely rendering unnecessary any request for additional information. Of course, to access funds from the Settlement Agreement, a Class Member also must submit an individual Claims Form and thus become a Qualifying Class Member.

CLARIFICATIONS

Scope of Release

The Settlement Agreement contains detailed release provisions that specify whose claims are released. A core purpose of the release provisions is to prevent double recovery for the same water. In general, by participating in the Settlement, a Class Member releases claims on behalf of itself and its Releasing Parties (as defined in the Settlement Agreement) with respect to the water provided to (or supplied by) the Class Member. In general, if a wholesaler opts out of the Settlement Class and its retail customer is a Class Member, the release would extend to the wholesaler as to the water it provided to the Class Member except to the extent the wholesaler shows it had the obligation for and bore unreimbursed PFAS-treatment costs for that water independent of the retail customer. Ultimately, whether claims are released will turn on the application of the release provisions of the Settlement Agreement to the specific facts relevant to the wholesaler, the retail customer, and their relationship.⁴

Definition of “Water Source”

The Settlement Agreement defines “Water Source” as, among other things, “a groundwater well, surface-water intake, or any other intake point from which a Public Water System draws or collects water for distribution as Drinking Water.” This definition is intended to be broad and includes any point from which a Public Water System may draw or collect water, regardless of whether the Water Source is owned by a retail customer or by a wholesaler.

⁴ Nothing in this guidance supersedes the provisions of the Settlement Agreement about the States, the federal government, or certain Public Water Systems owned by States or the federal government.

The Settlement Agreement's definition of "Water Source" contains a clause stating that, "[s]olely for purposes of the Allocation Procedures described in Exhibit Q, ... a purchased water connection from a seller that is a Water Source is not a Water Source." The definition of "Water Source" also contains a clause expressly including "the raw or untreated water" that a Public Water System draws or collects from an intake point for distribution as Drinking Water. Those clauses were intended to bar duplicative recovery for the same water. They were not intended, and should not be interpreted by the Claims Administrator, to preclude a retail customer from recovering for water that it purchases from a wholesaler, to the extent that the retail customer bears all or part of the PFAS treatment costs for that water. Nor should the clauses be interpreted to bar two or more Class Members from sharing the Allocated Amount for the water if they both bear part of the PFAS treatment costs for that water.

* * *

Because each interrelated drinking-water system presents unique facts, ultimately the Claims Administrator, under the Special Master's oversight, will need to exercise sound discretion to ensure fair and equitable outcomes that comport with the principles and terms of the Settlement Agreement.

MWRA ADVISORY BOARD

O 617.788.2054 | M 617.283.5800 | Matthew.Romero@MWRAAdvisoryBoard.com

**POLICY, PERMIT APPLICATION AND RELEASE FOR USE OF
THE TOWN GREEN AND/OR THE BARON HUGO GAZEBO**

APPLICATION

Applicant's Name: Francine Jeffers Kelley + Regie Properties

Applicant's Address: _____

Applicant's Phone: _____

Description of proposed use: Annual Marine Toys for Tots Drive
Exciting Event Children + Parents drop off
Unwrapped Toys to the Toy Drive

(Please provide as much detail as possible.)

Proposed Event Date: Sunday Dec 3

Proposed Event Start Time: 11:00 AM

Proposed Event End Time: 12:00 PM

Number of Guests and/or Attendees: _____ TOY DROP OFF WITH THE GRINCH

The Applicant certifies that he/she has read the foregoing policy and agrees to comply therewith, that all of the information provided in this application is true and correct, and that the applicant shall abide by any conditions of this permit.

Signature of Applicant: Francine Jeffers Date: Nov 7 2023

Printed Name: Francine Jeffers

Printed Title: Salesperson Kelley + Regie Properties

-----For Completion by the Select Board/Town Administrator-----

Approved by: [Signature]

Select Board / Town Administrator

Date

Conditions of Approval: _____

Use Charge(s): _____

POLICY, PERMIT APPLICATION AND RELEASE FOR USE OF THE TOWN GREEN AND/OR THE BARON HUGO GAZEBO

RELEASE AND INDEMNITY AGREEMENT

I, Francine Jeffers, of [REDACTED] Ave, Milton
(Applicant Name) (Applicant Address)

in consideration of the grant of permission to use the Town Green and/or the Baron Hugo
Gazebo located in front of the Milton Town Office Building at 525 Canton Ave, Milton, MA
02186 for the purpose of Marine Toys for Tots Drive on the date of Dec 3 2023
(Description of event) (Date)

forever release, indemnify and hold harmless the Town of Milton, Massachusetts, and all of its
officers, employees, boards, commissions and committees, including without limitation the
Milton Select Board and the Town Administrator (the "Indemnities") from all claims, causes of
action, costs, damage and liability of any kind, including without limitation death, personal
injury, property damage and attorney's fees, including without limitation those related to
COVID-19, which the Applicant now has or may have or hereafter may have against any of the
Indemnities resulting from the Applicant's and or the Applicant's invitees' use of the Town
Green and/or the Baron Hugo Gazebo. This provision is limited to claims for ordinary
negligence, and shall not apply to claims for gross negligence or reckless or intentional conduct.

Signature of Applicant: Francine Jeffers Date: Dec 3 2023

Printed Name: Francine Jeffers Printed Title: Salesperson
at Kelley & Rege

Coordinator for
Marine Toys for Tots Drive
at Kelley & Rege

Remember a loved one this holiday season.

Donate a light for the Holiday Memorial Tree at the Baron Hugo Gazebo on the Town Green. The Tree Lighting ceremony will include a reading of names of all those remembered herein at the gazebo in front of the Town Hall

Tree Lighting Ceremony: 7 pm on Friday, December 8, 2023.



Contributions will be used for community Rotary Club services, such as Student Foreign Exchanges, Substance Abuse Prevention, ShelterBox, Elimination of polio world wide - "Polio Plus" and High School Scholarships.

Please return this form with your contribution for the Memorial Tree Lighting by **December 1, 2023**.
Checks should be made out to "Milton Rotary Club Foundation", PO Box 243, Milton, MA 02186.

Donate online at: miltonrotary.org

Memorial light: \$25

Sponsor Memorial Light \$50

Patron Angel Light \$100

Memorial Star \$1000

Remember Our Loved Ones with a Light on the Memorial Tree:

Person Remembered:

Memorial Level (check one)

- | | |
|----------|------------------------------|
| 1. _____ | \$25__\$50__\$100__\$1,000__ |
| 2. _____ | \$25__\$50__\$100__\$1,000__ |
| 3. _____ | \$25__\$50__\$100__\$1,000__ |
| 4. _____ | \$25__\$50__\$100__\$1,000__ |

Attach additional sheet if needed.

Donated By: Name: _____

Address: _____

Tel. No. _____ Total Amount of your contribution: _____

Milton Rotary Club Foundation is a 501c3 charitable corp.

May we publish your name as a contributor in the Milton Times Thank You announcement? Yes____ No ____



Town of Milton

TEL 617-898-4846

TOWN OFFICE BUILDING
525 CANTON AVENUE
MILTON, MASSACHUSETTS

SPECIAL ONE DAY LIQUOR LICENSE APPLICATION

Applicant's Name: Eustis Estate - Amy Morgan Link, Program Assistant

Applicant's Address: 1424 Canton Avenue, Milton, MA 02186

Applicant's Contact Information

Telephone #

E-mail Address

Organization Name: Historic New England

Name of Event: Christmas Tea at the Eustis Estate

Description of Event: Victorian afternoon tea including a champagne toast

The Applicant is: ☒ Non-profit Organization or ☐ For Profit Organization

Date of Event: Monday, December 18, 2023

Hours of Event: 3:00 pm - 5:00 pm

Location of Event: Eustis Estate- 1424 Canton Avenue, Milton, MA 02186

Number of Participants: 40

License For: ☐ All Alcoholic Beverages - Issued only to a non-profit organization

☒ Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned: _____

SIGNATURE: _____ SIGNATURE: _____
Chief of Police Town Administrator on behalf of Select Board

APPLICANT'S SIGNATURE: Amy Morgan Link Date: 11/10/23

Applicants must attest to the information provided in order for the license to be approved. Completed applications should be submitted to the Select Board Office along with payment in the form of a check in the amount of \$50.00 made payable to the Town of Milton. The Select Board, as the Town of Milton's Licensing Authority, requires approval at a scheduled public meeting. Please submit the application 30 days in advance of the event for which the license is being applied.



Town of Milton

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TOWN OFFICE BUILDING
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MILTON, MASSACHUSETTS

SPECIAL ONE DAY LIQUOR LICENSE APPLICATION

Applicant's Name: Eustis Estate - Amy Morgan Link, Program Assistant

Applicant's Address: 1424 Canton Avenue, Milton, MA 02186

Applicant's Contact Information: [REDACTED]
Telephone # E-Mail Address

Organization Name: Historic New England

Name of Event: Christmas Cheers at the Eustis Estate

Description of Event: Evening holiday open house with music, food and drink

The Applicant is: ☒ Non-profit Organization or ☐ For Profit Organization

Date of Event: Thursday, December 7, 2023

Hours of Event: 7:00 pm - 9:00 pm

Location of Event: Eustis Estate- 1424 Canton Avenue, Milton, MA 02186

Number of Participants: 75-125

License For: ☐ All Alcoholic Beverages - Issued only to a non-profit organization

☒ Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned: _____

SIGNATURE: _____ SIGNATURE: _____
Chief of Police Town Administrator on behalf of Select Board

APPLICANT'S SIGNATURE: Amy Morgan Link Date: 11/10/23

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Applicant's Address: 1424 Canton Avenue, Milton, MA 02186

Applicant's Contact Information:

Telephone #

E-mail Address

Organization Name: Historic New England

Name of Event: Christmas Cheers at the Eustis Estate

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The Applicant is: ☒ Non-profit Organization or ☐ For Profit Organization

Date of Event: Thursday, December 7, 2023

Hours of Event: 7:00 pm - 9:00 pm

Location of Event: Eustis Estate- 1424 Canton Avenue, Milton, MA 02186

Number of Participants: 75-125

License For: ☐ All Alcoholic Beverages - Issued only to a non-profit organization

☒ Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned: _____

SIGNATURE: _____

Chief of Police

SIGNATURE: _____

Town Administrator on behalf of Select Board

APPLICANT'S SIGNATURE: Amy Morgan Link Date: 11/10/23

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Location of Event: Eustis Estate- 1424 Canton Avenue, Milton, MA 02186

Number of Participants: 75-125

License For: ☐ All Alcoholic Beverages - Issued only to a non-profit organization

☒ Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned: _____

SIGNATURE: _____ SIGNATURE: _____
Chief of Police Town Administrator on behalf of Select Board

APPLICANT'S SIGNATURE: Amy Morgan Link Date: 11/10/23

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Applicant's Address: 1424 Canton Avenue, Milton, MA 02186

Applicant's Contact Information: [REDACTED]

Telephone #

E-Mail Address

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Location of Event: Eustis Estate- 1424 Canton Avenue, Milton, MA 02186

Number of Participants: 75-125

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Recommended Number of Police Officer(s) to be assigned: _____

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Chief of Police Town Administrator on behalf of Select Board

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Hours of Event: 7:00 pm - 9:00 pm

Location of Event: Eustis Estate- 1424 Canton Avenue, Milton, MA 02186

Number of Participants: 75-125

License For: ☐ All Alcoholic Beverages - Issued only to a non-profit organization

☒ Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned: _____

SIGNATURE: _____
Chief of Police

SIGNATURE: _____
Town Administrator on behalf of Select Board

APPLICANT'S SIGNATURE: Amy Morgan Link Date: 11/10/23

Applicants must attest to the information provided in order for the license to be approved. Completed applications should be submitted to the Select Board Office along with payment in the form of a check in the amount of \$50.00 made payable to the Town of Milton. The Select Board, as the Town of Milton's Licensing Authority, requires approval at a scheduled public meeting. Please submit the application 30 days in advance of the event for which the license is being applied.

DRAFT

Select Board Meeting Minutes

Meeting Date: 10/10/2023

Members in Attendance: Michael Zullas, Chair; Roxanne Musto, Secretary; Richard G. Wells, Member, Benjamin Zoll, Member; Nicholas Milano, Town Administrator and Lynne DeNapoli, Executive Administrative Assistant to the Select Board (REMOTE)

Members Absent: Erin G. Bradley, Vice Chair

Meeting Location: Council on Aging - Hybrid

Time Meeting called to Order: 7:03PM

Time Meeting Adjourned: 8:54PM

1. Call to Order

2. Pledge of Allegiance

Chair Zullas called the meeting of the Select Board to order at 7:03PM and led the Pledge of Allegiance.

Chair Zullas requested a Moment of Silence to honor the men, women and children who lost their lives during the Hamas terrorist attack that took place in Israel.

3. Public Comment

Rabbi, Dr. Alfred H. Benjamin of Congregation Beth Shalom

Rabbi Benjamin expressed his heartfelt appreciation to all those who have reached out to him and others in the Jewish community to share their care and concern during this difficult time.

Rabbi Benjamin encouraged families to shield their children from the violence that

Congregation Beth Shalom invites members of the Milton community to a communal gathering on Friday, October 13th beginning at 7:45 pm at Congregation Beth Shalom (18 Shoolman Way).

Rabbi Benjamin concluded his remarks by reading Ecclesiastes 3: 1-8. To everything there is a season and a time to every purpose under heaven.

Chair Zullas requested that the Select Board address item #14 Public Comment Response. The Members agreed.

14. Public Comment Response

Mr. Wells, Mr. Zoll and Ms. Musto each shared their connection to Israel and ties to the Jewish Community.

The Members took a brief recess at 7:17PM. The meeting resumed at 7:19PM.

Ashely Brown – 50 Columbine Road

Ms. Brown expressed her support in favor of a Warrant Article that is compliant to the MBTA Communities Act. She thanked both the Planning Board, Select Board and staff for their hard work and support. Ms. Brown favors the amended warrant article that includes the Eliot Street Corridor. She requested that the maps be updated to reflect any changes.

Michael Clark - 1169 Brook Road (REMOTE)

Mr. Clark expressed his disappointment in the decision made by the Select Board Landing to remove public access to fishing along the Neponset River by installing a fence at Milton Landing. He does not feel that the fence was a necessity. Mr. Clark suggested that the Select Board re-visit the charge of the Committee. An updated/refreshed charge will help navigate the future of Milton Landing.

4. Discussion/Approval – Milton Chamber of Commerce Halloween Stroll Event on October 28, 2023 from 3PM-5PM

a. Use of Manning Park

b. One-Day Liquor License – October 28, 2023

Mr. Milano, the Town Administrator shared the itinerary for the Halloween Stroll and invited families to attend. The annual event is sponsored by the Milton Chamber of Commerce.

Mr. Wells moved to approve the Milton Chamber of Commerce's application to use Manning Park in East Milton Square on Saturday, October 28th from 3PM-5PM for the Halloween Stroll. The motion was seconded by Ms. Musto. The Board voted unanimously to approve.

Mr. Wells moved to approve the one-day liquor license to the Milton Chamber of Commerce for the Halloween Stroll on Saturday, October 28th. The motion was seconded by Ms. Musto. The Board voted all in favor to approve.

5. Discussion/Update/Approval – Special Town Meeting, December 4, 2023

a. Vote to reopen the Warrant

Mr. Wells moved to re-open the Warrant for the Special Town Meeting on December 4, 2023. The motion was seconded by Ms. Musto. The Board voted unanimously to re-open the Warrant.

i. Request for a Warrant Article: School Building Committee Appropriation

Mr. Mark Loring, Vice Chair of the School Building Committee and Member of the School Committee joined the Board Members to provide a progress report on the Committee's work and outline the proposed School Building Committee Warrant Article Appropriation. Mr. O'Rourke, Chair of the Committee joined via Zoom.

Mr. Loring explained that the Committee is charting their course to position the Town to address the issue of space limitations within the schools if the Massachusetts School Building Authority, (MSBA) does not accept Milton's application. A decision is not expected by the MSBA until mid-December.

The Committee is scheduled to make a recommendation for the Owner's Project Manager, (OPM) within the coming weeks. The proposed warrant article will allow the Committee and the Owner's Project Manager to stay on course and fund the feasibility study phase.

Mr. Wells moved to include the School Building Committee Appropriation Article in the amount of \$406,536 in the Warrant for the Special Town Meeting on December 4, 2023 and request that Town Counsel review and put in proper legal form. The motion was seconded by Mr. Zoll. The Board voted unanimously to include the Appropriation Article in the Special Town Meeting Warrant.

b. Vote to Close the Warrant

Mr. Wells moved to close the Warrant for the Special Town Meeting on December 4, 2023. The motion was seconded by Ms. Musto. The Board voted unanimously to close the Warrant.

c. Warrant Article: Zoning Bylaw Amendment for compliance with M.G.L. c. 40A, Section 3A Multi-family zoning as-of-right in MBTA communities

Mr. Czerwinski, the Director of Planning and Community Development joined the Board Members to provide an update on the proposed changes to the MBTA Communities Warrant Article. These changes are based on discussions, input and feedback from the Planning Board and our Technical Assistant Consultants at Utile. Mr. Czerwinski did state on the Planning Board's behalf, that they have not endorsed this Article or any previous version.

The proposal includes sub-districts: Eliot St. Corridor; Milton/Central Avenue Station and the Blue Hills Parkway Corridor. The updated dimensional parameters comply with the guidelines set by the Executive Office of Housing and Livable Communities.

Mr. Czerwinski responded to questions from the Select Board. He also informed the Select Board that the Planning Board has scheduled the Public Hearing in compliance with the statutory obligation required by the Commonwealth for Thursday, October 26th at Town Hall.

The Members weighed the merits of the updated sub-district parameters. Ms. Musto stated that she would abstain from any votes on zoning for the MBTA Communities this evening. She feels that the Planning Board should make their recommendation before the Select Board acts.

Mr. Wells moved to update the Warrant Article relative to the Zoning Bylaw Amendment for compliance with M.G.L. c. 40A, Section 3A Multi-family zoning as-of-right in MBTA communities. The motion was seconded by Mr. Zoll. The Board voted: 3-0-1 in favor of the updated Article.

a. Warrant Article: Zoning Bylaw Amendment for Requiring Mixed Use in the Milton/Central Station Subdistrict

Mr. Wells moved to update the Warrant Article relative to the Zoning Bylaw Amendment for Requiring Mixed Use in the Milton/Central Station Subdistrict. The motion was seconded by Mr. Zoll. The Board voted: 3-0-1 in favor of the updated Article.

Chair Zullas suggested that the Board move ahead to item #7 in order to give Attorney Mello a chance to join via Zoom. The Members agreed.

(7)

Discussion/Approval – Letter of Support for the Conservation Commission’s CPA Project Application for the Neponset Estuary

Mr. Wells moved to approve the letter of support for the Conservation Commission’s CPA Project Application for the Neponset Estuary. The motion was seconded by Ms. Musto. The Board voted unanimously to approve the letter of support.

The Board returned to item #6.

(6)

Discussion/Update/Approval - MassDOT’s response to Town Counsel’s letter regarding the proposed intersection project at Randolph Ave. and Chickatawbut Road

Attorney Peter Mello from the Office of Town Counsel joined the Board to provide the Members with an update from MassDOT. Representatives from MassDOT have agreed to grant the Select Board’s request for a meeting to discuss the proposed intersection project at Randolph Ave and Chickatawbut Road. The Members discussed options and decided that an AM site visit followed by a meeting at Town Hall would be the most beneficial. Attorney Mello will follow-up with MassDOT regarding available dates.

8. Discussion/Approval – Letter to the City of Boston in support of the Blue Hill Avenue Transportation Action Plan

Mr. Czerwienski, the Director of Planning and Community Development joined the Select Board Members to discuss the Blue Hill Avenue Transportation Action Plan and answer questions from the Board Members.

Mr. Wells moved to approve the letter to the City of Boston in support of the Blue Hill Avenue Transportation Action Plan. The motion was seconded by Mr. Zoll. The Board voted unanimously to approve the letter of support.

9. Discussion/Approval - Grant Agreement with the Copeland Foundation for the Animal Shelter Building Project

Mr. Milano, the Town Administrator provided a brief update. He noted that the Town has received informational requests related to the grant agreement with the Copeland Foundation.

The kick-off meeting with the Contractor is scheduled for October 18th. More information to follow at a future meeting.

10. Discussion/Approval – Request for Proposals for Milton Landing, Lot B

Mr. Milano, the Town Administrator provided the Select Board with an overview of the Request for Proposal for Lot B at Milton Landing.

Following a discussion, Mr. Wells moved to approve the Request for Proposal for Milton Landing, Lot B. The motion was seconded by Ms. Musto. The Board voted unanimously to approve the Request for Proposal.

11. Discussion/Approval – One Day Liquor Licenses:

(a)

Mr. Wells moved to approve the one-day liquor license for the Milton Art Center located at 334 Edge Hill Road for the First Friday- Local Musicians Concert– Friday, November 3, 2023.

(b)

Mr. Wells moved to approve the one-day liquor license for the Milton Art Center located at 334 Edge Hill Road for the First Friday- Art Exhibit and Music Concert– Friday, December 1, 2023. The motions were seconded by Ms. Musto. The Board voted unanimously to approve the one-day liquor licenses for the Milton Arts Center.

12. Town Administrator's Report

Mr. Milano shared the following updates from Milton Town Hall:

Paige Eppolito, Assistant Town Administrator and Human Resources Director has given her notice and will be leaving Milton after eight years of service at the end of the month to pursue a new career opportunity. Mr. Milano thanked Paige for her support and dedication and wished her well.

The Human Resources position is now open and has been posted on the Town's website.

The Town Employee Appreciation Lunch is scheduled for Wednesday, October 11th at the Council on Aging from 11:30AM-1:30PM. A special thank you to Steel and Rye and Novara for providing the food and to our Insurance Providers who donated raffle prizes.

The parking lot at the Council on Aging is nearing completion. Thank you to Milton residents and town employees for their support during this process.

The Town of Milton has scheduled their Flu Clinics for October 11th and 12th from 4PM-6PM. Please visit the Town website to register. www.townofmilton.org.

13. Chair's Report

Chair Zullas offered the following reminder:

Congregation Beth Shalom invites members of the Milton community to a communal gathering on Friday, October 13 beginning at 7:45 pm at Congregation Beth Shalom (18 Shoolman Way).

14. Public Comment Response

Public Comment was addressed earlier in the evening.

15. Future Meeting Dates:

The Board will meet on Tuesday, October 24, 2023 and Tuesday, November 14, 2023.

16. Future Agenda Items

Mr. Zill requested that the Board discuss ways to improve communication between residents and Town Meeting Members.

17. Executive Session- Pursuant to M.G.L. c. 30A, § 21(a)(3) – To discuss strategy with respect to collective bargaining

- a. Milton Professional Management Association**
- b. Milton Firefighters, Local 1116**

At 8:54 PM, Chair Zullas moved to enter into Executive Session to discuss strategy with respect to collective bargaining : Milton Professional Management Association and Milton Firefighters, Local 1116 based on my belief that discussion of this matter in open session may have a detrimental effect on the litigating position of the Select Board. The Select Board will not return to Open Session. The motion was seconded by Mr. Wells. The Board voted by roll call (4-0) to Enter into Executive Session.

MUSTO: YES

WELLS: YES

ZOLL: YES

ZULLAS: YES

18. Adjourn

At 8:54PM, Chair Zullas moved to adjourn. The Board voted all in favor to adjourn.

Respectfully requested by Lynne DeNapoli, Executive Administrative Assistant to the Select Board

Documents:

Policy, Permit Application and Release for the Use of Manning Park -Milton Chamber of Commerce: Halloween Stroll, Saturday, October 28th from 3PM-5PM

One-Day Liquor License – Milton Chamber of Commerce: Halloween Stroll

Saturday, October 28th from 3PM-5PM

Warrant Articles:

School Building Appropriation

Zoning Bylaw Amendment for compliance with M.G.L. c. 40A, Section 3A Multi-family zoning as-of-right in MBTA communities

Transfer of Land to the Conservation Commission

Amend FY2024 Budget

Bylaw to Require Recording and Posting of Meetings of Elected Public Bodies

Zoning Bylaw Amendment for Requiring Mixed Use in the Milton Village Subdistrict

Local Historic District Bylaw (Milton Village)

Citizens Petition - Transfer of Pope's Pond to the Conservation Commission

Draft Letter to Mayor Michelle Wu – Blue Hill Avenue Transportation Action Plan

Request for Proposals – Lease of Town Owned Property at 41 Wharf St.

One-Day Liquor License Applications:

Milton Art Center – 334 Edge Hill Road -First Friday- Local Musicians Concert– Friday, November 3, 2023

Milton Art Center – 334 Edge Hill Road -First Friday- Art Exhibit and Music Concert– Friday, December 1, 2023

DRAFT

Select Board Meeting Minutes

Meeting Date: 10/24/2023

Members in Attendance: Michael Zullas, Chair; Erin G. Bradley, Vice Chair (REMOTE), Roxanne Musto, Secretary; Richard G. Wells, Member (REMOTE); Benjamin Zoll, Member; Nicholas Milano, Town Administrator and Lynne DeNapoli, Executive Administrative Assistant to the Select Board (REMOTE)

Meeting Location: Council on Aging - Hybrid

Time Meeting called to Order: 7:06PM

Time Meeting Adjourned: 11:08PM

1. Call to Order

2. Pledge of Allegiance

Chair Zullas called the meeting of the Select Board to order at 8:55PM and led the Pledge of Allegiance.

3. Public Comment

Deborah Felton – 20 Willoughby Road

Ms. Felton provided updates on a couple of projects in her neighborhood that she would like the Select Board to weigh in on.

The MBTA installed a new traffic signal at the intersection of Blue Hills Parkway and Willoughby Road. The signal is not yet operational because there is currently no electrical power source available. Ms. Felton and Mr. Chase Berkeley, Milton's DPW Director, have reached out to the MBTA on this issue, citing the safety concerns. The MBTA plans to make the new traffic signals solar powered.

Ms. Felton is also working with the MA Department of Conservation and Recreation, (DCR) on a design to replace the plantings and broken cobblestone along the Blue Hills Parkway.

4. Discussion/Approval – Letters of Appreciation to Steel and Rye and Novara/Abby Park for Donations for the Staff Lunch Event

Mr. Milano, the Town Administrator thanked Vance Welch of Novara and Abby Park and Dan Kerrigan from Steel & Rye for catering the Employee Appreciation Luncheon. Their generosity and support were greatly appreciated. The event was well received.

Mr. Zoll moved to approve the letters of Appreciation to Steel and Rye and Novara/Abby Park for their donations for the Staff Lunch Event. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call 5-0) to approve the letters.

MUSTO: YES
ZOLL: YES
BRADLEY: YES
WELLS: YES
ZULLAS: YES

5. Discussion/Approval – Town Meeting Member Communications

Mr. Milano, Town Administrator, provided the Board with an update on Communications with the Town Meeting Members.

Mr. Milano met with Ms. Galvin, the Town Clerk and Mr. Hiss, the Town Moderator to review communication models from other municipalities and discuss how Milton can implement a similar program. Mr. Milano noted that he is working to address a few questions before moving forward. He will follow up with the Board with more details.

The Members discussed e-mail accessibility and privacy concerns of Town Meeting Members. The Select Board suggested that model recommendations include an: “Opt-In” and “Opt-Out” feature for Town Meeting Members. The Select Board can decide which model works best for Milton.

6. Discussion/Approval – School Building Committee Recommendation for an Owner’s Project Manager for the new school project

Sean O’Rourke, Chair of the School Building Committee joined the Select Board to provide a progress report on the Committee’s work and request the Select Board’s support for PMA Consultants as the School Building Committee’s recommendation for the Owner’s Project Manager.

Ms. Musto moved to approve PMA Consultants as the Owner’s Project Manager for the new school project recommended by the School Building Committee. The motion was seconded by Mr. Zoll. The Board voted unanimously by roll call (5-0) to approve PMA Consultants as the Owner’s Project Manager for the new school.

MUSTO: YES
ZOLL: YES
BRADLEY: YES
WELLS: YES
ZULLAS: YES

7. Discussion/Update– Lower Gile Field Turf Project

Mr. Milano, the Town Administrator, provided an update regarding the Lower Gile Field Turf Project. The project is currently before the Conservation Commission. The Commission requested an analysis of the project in terms of runoff and potential PFAS contamination.

The report prepared by Tetra Tech answers a number of questions posed to them by the Conservation Commission. The Conservation Commission does not have a budget which means the applicant, in this case the town paid for this report through the Parks Department.

Representatives from Tetra Tech attended the Conservation Commission meeting on October 10th to discuss their findings. The Commission continued the item until their next meeting on November 14th. Chair Kiernan noted that he hopes they will conclude with a vote that evening.

The Members shared their support in favor of the project and await the Conservation Commission's decision.

8. Discussion/Update/Approval – Special Town Meeting, December 4, 2023

a. Reopen the Warrant

- i. Warrant Article: Zoning Bylaw Amendment for a Multi-family Overlay District (Planning Board)**

b. Close the Warrant

Chair Zullas informed the Select Board Members that the Planning Board met earlier this evening and decided to withdraw their article. Agenda Items 8a & 8b are no longer needed.

c. Index and Greeting Pages

The Index and Greeting Pages were temporarily overlooked. The Members did return to this item later in the meeting.

9. Discussion/Update/Approval - Special Town Meeting Warrant Articles and Select Board Recommendations to be included in the Warrant:

Before the Board began their discussion on the Town Meeting Warrant Articles, Chair Zullas reviewed the response letter dated October 23rd from Ms. Caroline Kluchman, the Acting Director of the Division of Community Services for the Ex. Office of Housing and Livable Communities regarding Milton's request for clarification about its Community Category established in the *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act*. The Town of Milton is designated as a rapid transit community.

The Members offered their comments in response to the explanation provided by the Division of Community Services.

**a. Zoning Bylaw Amendment for compliance with M.G.L. c. 40A, Section 3A
Multi-family zoning as-of-right in MBTA communities**

Mr. Czerwienski, Director of Planning and Community Development joined the meeting to highlight the most recent changes to the MBTA Communities zoning articles. Mr. Czerwienski did express his appreciation to the Municipal Law Unit in the Attorney General's office for reviewing Milton's zoning proposal and offering their recommendations.

- Zoning Boundary Map will be amended to reflect the new diagram.
- Parking Requirement language updated. The mixed-use component will now be referred to as Non-Residential.
- The mandatory Mixed-Use Amendment will require projects in the Milton/Central Ave. Station Sub-District to include a multi-family component and a ground floor non-residential component.
- The Post Office and Milton Arts Center properties were removed from the East Milton district. These are both publicly owned, so they were not contributing units to our overall capacity numbers.
- Additional parcels were added to the Mattapan Station subdistrict. Taken on its own, that subdistrict previously had an area of about 4.9 acres. The guidelines state that subdistricts need to be a minimum of 5 acres. The Mattapan Station subdistrict is contiguous with other subdistricts that far exceed 5 acres total, but it is unclear whether the state would pass on this acreage. The Mattapan Station subdistrict should meet the minimum threshold on its own.

Mr. Czerwienski responded to questions/comments from the Members.

Ms. Musto stated that she would be abstaining from the vote. She would like more time to review the proposed changes that were distributed earlier in the day.

Mr. Wells moved to accept the updated changes to the Article regarding the Zoning Bylaw Amendment for compliance with M.G.L. c. 40A, Section 3A Multi-family zoning as-of-right in MBTA communities. The motion was seconded by Mr. Zoll. The Board voted by roll call (4-0-1) to accept the updated changes to the Article and include it in the Warrant for the Special Town Meeting.

MUSTO: ABSTAIN

ZOLL: YES

BRADLEY: YES

WELLS: YES

ZULLAS: YES

At the request of Ms. Hall, Chair of the Planning Board, Chair Zullas stated that he would represent the Select Board at the Planning Board's Public Hearing on Thursday, October 26th at 7PM.

Per Ms. Musto's request, Mr. Milano and Mr. Czerwienski provided the Select Board with the general guidelines pertaining to a public hearing. Mr. Czerwienski did state that he would highlight the changes made to the Zoning Articles during his presentation at the Public Hearing.

b. Zoning Bylaw Amendment for Mandatory Mixed Use in the Milton/Central Station Subdistrict

Mr. Zoll moved to accept the changes to the Mandatory Mixed-Use Amendment Article regarding Milton/Central Ave. Station Sub-District. The motion was seconded by Ms. Bradley. The Board voted by roll call (4-0-1) to accept the updated changes to the Article and include it in the Warrant for the Special Town Meeting.

MUSTO: ABSTAIN

ZOLL: YES

BRADLEY: YES

WELLS: YES

ZULLAS: YES

The Select Board Members briefly discussed the benefits of including their recommendations in the Warrant. The Members agreed to review their Bylaws and re-visit this matter prior to the Annual Town Meeting. It has been common practice for the Select Board to review and vote on Warrant Articles prior to the Special Town Meeting or Annual Town Meeting. The Members will continue to follow this practice.

c. Transfer of Land to the Conservation Commission

Mr. Wells moved to approve the Warrant Article with respect to the Transfer of Land to the Conservation Commission. The motion was seconded by Mr. Zoll. The Board voted by roll call (5-0) to approve the Warrant Article.

MUSTO: YES

ZOLL: YES

BRADLEY: YES

WELLS: YES

ZULLAS: YES

d. School Building Committee Appropriation

Mr. Wells moved to approve the Warrant Article with respect to the School Building Committee Appropriation. The motion was seconded by Ms. Musto. The Board voted by roll call (5-0) to approve the Warrant Article.

MUSTO: YES
ZOLL: YES
BRADLEY: YES
WELLS: YES
ZULLAS: YES

(a)

Zoning Bylaw Amendment for compliance with M.G.L. c. 40A, Section 3A Multi-family zoning as-of-right in MBTA communities

Mr. Zoll moved to approve the Warrant Article with respect to the updated Zoning Bylaw Amendment for compliance with M.G.L. c. 40A, Section 3A Multi-family zoning as-of-right in MBTA communities. The motion was seconded by Ms. Bradley. The Board voted by roll call (3-0-2) to approve the Warrant Article.

MUSTO: ABSTAIN
ZOLL: YES
BRADLEY: YES
WELLS: ABSTAIN
ZULLAS: YES

(b)

Zoning Bylaw Amendment for Mandatory Mixed Use in the Milton/Central Station Subdistrict

Mr. Zoll moved to approve the Warrant Article with respect to the updated Zoning Bylaw Amendment for Mandatory Mixed Use in the Milton/Central Station Subdistrict. The motion was seconded by Ms. Bradley. The Board voted by roll call (3-0-2) to approve the Warrant Article.

MUSTO: ABSTAIN
ZOLL: YES
BRADLEY: YES
WELLS: ABSTAIN
ZULLAS: YES

(e)

Amend FY2024 Budget

Mr. Zoll moved to approve the Warrant Article with respect to Amending the FY2024 Budget. The motion was seconded by Ms. Bradley. The Board voted by roll call (5-0) to approve the Warrant Article.

MUSTO: YES

ZOLL: YES

BRADLEY: YES

WELLS: YES

ZULLAS: YES

(f)

Bylaw to Require Recording and Posting of Meetings of Elected Public Bodies

Mr. Milano, the Town Administrator, provided the Members with an update on this article. The Warrant Committee has reviewed it for the second time. The Warrant Committee suggested that sub-committees that are comprised of elected officials be subject to this bylaw as well. Mr. Milano also noted that the Cemetery Trustees and the Board of Health raised concerns about recording their meetings. On occasion, families share personal information/stories that they would prefer not to be repeated or publicly shared.

The Members each shared their points of view. They agreed to allow Town Counsel time to review and offer his recommendation on the best way to move forward.

Chair Zullas asked the Members to return to Agenda Item 8C: "Index and Greeting Pages."

(8c)

Index and Greeting Pages

Mr. Zoll moved to approve the Index and Greeting Pages for the Special Town Meeting Warrant. The motion was seconded by Ms. Musto. The Board voted unanimously (5-0) by roll call vote to approve the Index and Greeting Pages.

MUSTO: YES

ZOLL: YES

BRADLEY: YES

WELLS: YES

ZULLAS: YES

(g)

Bylaw to Establish a Local Historic District Commission and the Milton Village Local Historic District

Select Board Members deferred taking action on the Bylaw to Establish a Local Historic District Commission and the Milton Village Local Historic District. Members thought it would be best to wait until after the Public Hearing tentatively scheduled for November 6th to offer their input.

(h)

Citizen's Petition to Transfer Pope's Pond (Map C, Block 34A, Lot 4) to the care, custody, and control of the Conservation Commission

Mr. Zoll moved not to support the Citizen's Petition. The motion was seconded by Ms. Bradley. Following a brief discussion regarding this article, Mr. Zoll withdrew the motion.

10. Discussion/Approval – Acceptance of Gift and Grant Agreement with the Copeland Foundation with the Animal Shelter Building Project

Mr. Milano, the Town Administrator, did note that Town Counsel has been in contact with the attorneys for the Copeland Foundation. He will continue to keep the Board updated as new information becomes available.

11. Discussion – Response to *Boston Globe* article “Beyond the Gilded Gate: Milton Home Prices – A Boston Globe Spotlight Team Report on the Housing Crisis”

The Members shared their concerns regarding the *Boston Globe* article “Beyond the Gilded Gate: Milton Home Prices – A Boston Globe Spotlight Team Report on the Housing Crisis.”

Recess: Meeting of the Trustees of the Governor Stoughton Trust

At 9:10PM, Mr. Zoll moved to recess the Select Board Meeting for a meeting of the Trustees of the Governor Stoughton Trust. The motion was seconded by Ms. Musto. The Board voted unanimously by roll (5-0) call to recess for a meeting of the Trustees of the Governor Stoughton Trust.

MUSTO: YES

ZOLL: YES

BRADLEY: YES

WELLS: YES

ZULLAS: YES

Return to the Select Board Meeting

At 9:4PM, the Select Board returned from the meeting of the Trustees of the Governor Stoughton Trust.

Chair Zullas suggested that the Members address item 15: Discussion/Approval – Milton Landing. The Members had no objection.

(15)

Discussion/Update/Approval – Milton Landing

- a. Winter Boat Storage**
- b. Harbormaster**

Mr. Wells, A Members of the Select Board Landing Committee provided a progress report on the Committee's work and to request the support of the Select Board on the following proposal for a Municipal Boat Storage Program for Lot A. The Select Board would need to notify the Milton Yacht Club that Lot B is no longer available for use. The Yacht Club currently uses Lot B for storage without an award for a lease. There is currently an RFP open for Lot B

Lot A - Boat Storage Application

Storage from October to June

\$12.00 per ft.

\$3000,000 insurance liability

Representatives from the Milton Yacht Club were in attendance and Chair Zullas offered them an opportunity to speak.

Mr. Bill Coughlin, Commodore at the Yacht Club

Mr. Coughlin informed the Members that the Yacht Club were working to negotiate. The Club made a post RFP offer and a follow-up offer in August, but did not receive a response. They were recently informed that a new RFP would be issued. Mr. Coughlin suggested that it would have been easier if the Town offered Lot B for Storage, rather than A. Mr. Coughlin did state that the Club is willing to pay rent as they have in the past on a pro-rated basis for the use of Lot B.

The Members weighed the pros and cons of the Landing Committee's proposal. Due to the onset of winter, Ms. Bradley and Mr. Zoll suggested that we work together to address a plan that will meet the needs of all interested parties for the 2024 winter season and implement a program/policy in advance of the 2025 winter season.

Mr. Wells suggested that for the 2024 winter season only (October 30th-June 1st) boat storage would remain in Lot. B based on the terms outlined on the application. Mr. Wells asked Mr. Milano to help orchestrate a meeting with the Yacht Club on this matter. Lot A would remain vacant.

Mr. Spencer Day – 7 Cottage Place
Executive Board Member of the Milton Yacht Club

Mr. Day clarified the Yacht Club's payment schedule to the Town of Milton. As it has in the past, the Yacht Club will continue to work with its partners at Milton Landing and remain in good standing with the Town.

Mr. Day shared concerns regarding the gravel driveway surrounding Lot A. The rocky surface makes it hard to maneuver the boats. Lot B is a little more conducive. He also shared a concern regarding the RFP process.

Heeding the concerns of the Select Board and Milton Yacht Club, Mr. Wells moved that for the 2024 winter season (October 30th-June 1st) boat storage could remain in Lot. B as long as owners complete the application process and meet the criteria. The motion was seconded by Ms. Musto.

Mr. Zoll informed the Members that he would not support this motion.

Chair Zullas suggested that representatives from the Milton Landing Committee: Mr. Milano and Mr. Wells schedule a meeting with Members of the Milton Yacht Club to address the need for boat storage for this season and report back to the Select Board on Nov. 14th with a proposal that will satisfy the interest of all parties.

Mr. Wells agreed and withdrew his motion.

b. Harbor Master

Mr. Wells provided a brief update on the Harbor Master Position. He noted that Ms. Eppolito, the HR Director worked to develop a part-time Harbor Master position with the support of Town Counsel. The Personnel Board approved the position in 2022. The funds would be derived from a Revolving Fund. Mr. Wells suggested that the position and funding source be reviewed by the Finance Committee before it is posted.

Mr. Wells informed the Members that there is a state statute in place for Harbor Masters. Milton's position adheres to the statute.

The Members had a brief discussion on the position.

12. Discussion/Update – Select Board Finance Committee Report

a. Economic Development Earmark

Mr. Milano, the Town Administrator provided the Members with an update on the Economic Development Earmark. The Finance Committee Members discussed the long-term forecast and how they can diversify the tax base. Milton is one of seven communities that can access a state budget earmark of \$1million to be shared equally for the purposes of Economic Development.

Mr. Milano recommended that as an initial step, Milton could conduct a market analysis to see what commercial uses would work best in our community.

Mr. Zoll, a Member of the Finance Committee offered his support in favor of this recommendation. The Town needs to expand its tax base and help ease the burden on residential property owners.

The Members agreed by consensus to move forward.

13. Discussion/Approval – First Reading: OPEB Policy

Mr. Milano provided an update on the OPEB policy. Now that the Milton retirement system is funded ahead of schedule, the Town needed to re-evaluate and restructure its OPEB policy. By investing in long term liabilities, Milton will provide a cushion for the retirement fund if economic instability occurs. The Members agreed by consensus to move the OPEB Policy to a second reading.

14. Discussion/Update – Affordable Housing Trust Update

Mr. Zoll provided an update from the Affordable Housing Trust during the meeting of the Governor Stoughton Trustees.

15. Discussion/Update/Approval – Milton Landing

- a. Winter Boat Storage**
- b. Harbormaster**

16. Discussion/Approval – Letter of Support for the South Shore Regional Chamber of Commerce application for a Regional Economic Development Organization (REDO) grant from the Commonwealth of Massachusetts

Mr. Zoll moved to approve the letter of Support for the South Shore Regional Chamber of Commerce application for a Regional Economic Development Organization (REDO) grant from the Commonwealth of Massachusetts. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call (5-0) to approve the letter of support.

MUSTO: YES

ZOLL: YES

BRADLEY: YES

WELLS: YES

ZULLAS: YES

17. Discussion/Approval – Statement with Respect to Israel; Placement of Israeli Flag in the Baron Hugo Gazebo

The Members discussed how to demonstrate their support for Israel. Ms. Musto offered to donate the flag of Israel to hang in the gazebo. Ms. Musto and Mr. Zoll will work together to prepare a statement on the Board's behalf.

Mr. Wells moved to approve flying the Flag of Israel in the Baron Hugo Gazebo for the month of November. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call (5-0) to approve flying the Flag of Israel in the Baron Hugo Gazebo

MUSTO: YES

ZOLL: YES

BRADLEY: YES

WELLS: YES

ZULLAS: YES

18. Discussion/Approval – Arbor Day Proclamation

Mr. Zoll moved to approve the Arbor Day Proclamation. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call (5-0) to approve the Arbor Day Proclamation.

MUSTO: YES

ZOLL: YES

BRADLEY: YES

WELLS: YES

ZULLAS: YES

19. Discussion/Approval – Board and Committee Appointments

a. Milton Retirement Board

Mr. Wells moved to appoint Johanna McCarthy to the Milton Retirement Board for a term to expire on July 31, 2024. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call to approve the appointment.

MUSTO: YES

ZOLL: YES

BRADLEY: YES

WELLS: YES

ZULLAS: YES

20. Discussion/Approval – Meeting Minutes- September 5, 2023 and September 12, 2023

Mr. Wells moved to approve the meeting minutes for September 5, 2023 and September 12, 2023. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call (5-0) to approve the meeting minutes.

MUSTO: YES

ZOLL: YES
BRADLEY: YES
WELLS: YES
ZULLAS: YES

21. Town Administrator's Report

Mr. Milano expressed his appreciation to Paige Eppolito, the Assistant Town Administrator and Human Resources Director for her eight years of service to the Town of Milton. Ms. Eppolito will be leaving on Friday to begin a new chapter in her career with the Town of Foxborough.

Mr. Milano also requested volunteers to serve on Milton's Boards and Committees. Please visit the Board and Committee Page on the Town's website for details or call the Town Administrator's office.

22. Chair's Report

The Chair has deferred his report.

23. Public Comment Response

Chair Zullas noted that the Board will research and follow-up on the issues raised by Ms. Felton.

24. Future Meeting Dates

The Board will meet on Tuesday, November 14, 2023, Tuesday, November 28, 2023 and on Monday, December 4, 2023 prior to the Special Town Meeting.

The Board is tentatively scheduled to meet on Wednesday, November 1, 2023 for a Site Visit with Representative from MassDOT at the Intersection of Randolph Ave and Chickatawbut Road. A meeting at Town Hall is scheduled following the site visit.

25. Executive Session: Pursuant to M.G.L. c. 30A, § 21(a)(3) - Discussion/Strategy with respect to threatened litigation against the Town

At 11:08PM, Chair Zullas moved to adjourn from the Open Session and enter into Executive Session to discuss strategy with respect to threatened litigation against the Town based on my belief that discussion of this matter in open session may have a detrimental effect on the litigating position of the Select Board. The Select Board will not return to Open Session. The motion was seconded by Mr. Zoll. The Board voted by roll call (5-0) to adjourn the Open Session and enter into Executive Session.

MUSTO: YES
ZOLL: YES
BRADLEY: YES
WELLS: YES
ZULLAS: YES

26. Future Agenda Items

Chair Zullas encouraged Members to contact him with topics for discussion at future meetings.

27. Adjourn

The Select Board adjourned their Open Session meeting at 11:08PM.

Respectfully submitted by Lynne DeNapoli, Executive Administrative Assistant to the Select Board.

Documents

Recommendation of the School Building Committee – Owner’s Project Manager for the new school project

Warrant Article: Zoning Bylaw Amendment for a Multi-family Overlay District

E-Mail Correspondence from Tim Czerwienski, Director of Planning and Community Development to Nicholas Milano, Town Administrator regarding changes to the Warrant Article: Zoning Bylaw Amendment for a Multi-family Overlay District and Mandatory Mixed Use Zoning Article

Warrant Article: Zoning Bylaw Amendment for a Multi-family Overlay District -Amended

Warrant Article - Mandatory Mixed-Use Zoning – Amended

Draft of the December 4, 2023 Special Town Meeting Warrant

Draft of the OPEB Policy

Letter of Support – Regional Economic Development Organization (REDO) grant application filed by the South Shore Chamber of Commerce

Arbor Day Proclamation

Meeting Minutes – September 5, 2023 and September 12, 2023