



**TOWN OF DENNIS
MEMORANDUM**

TO: Elizabeth C. Sullivan, Town Administrator
FROM: Gregory C. Rounseville, Assistant Town Administrator
DATE: July 11, 2024 (For Select Board Meeting July 16, 2024)

RE: Nathaniel H. Wixon School Status – 901 Route 134, East Dennis

The Select Board voted to recommend \$300,000 be appropriated at Annual Town meeting for an “unoccupied” building with minimal utilities and maintenance. At the Annual Town meeting (5-2-23) it was subsequently, unanimously voted to transfer \$300,000 for the assumed cost of Wixon School. Anticipating problems regarding occupying the building due to condition & insurance issues, Article 39 was placed upon warrant to allow for Town meetings to be permitted to take place outside of Town.

After the vote was taken, the Select Board wanted to re-consider using the building, which was not funded nor intended. Initially the heat was turned on and the Select Board wanted to attempt using the building. Just prior to scheduling the special Town meeting (11-9-23) the Town found that the school had stopped their maintenance required within their asbestos management program upon the move of operations to Yarmouth (February of 2023) and the Town was required to have a plan in place prior to any use, *per MA Department of Labor Standards, Lead & Asbestos Enforcement & Licensing division*.

Two things were identified as immediate problems one being the Town was without an asbestos management plan (and no maintenance had been conducted since DY left), which is required prior to occupying a building with asbestos and the Town’s insurer considered this a vacant building which they do not insure. The definition of an “occupied” building by insurers as being occupied at 31% of persons daily, Monday through Friday, a number calculated at approximately 600 persons, for only those areas the Town was wishing to occupy, which was not feasible.

Other providers were sought regarding providing insurance for partially occupied building, but none would insure under those conditions. Our insurance provider strongly suggested turning the heat off and draining the lines and securing the building. At that point the Select Board reconsidered the situation and determined that the Town would need to self-insure and to reduce the risk of building damage due to freezing pipes the heat was turned off and the lines drained.

As a stop gap measure the Town requested DY School District conduct an air sampling test to determine if asbestos was air borne, we received a summary letter from Vertex indicating that there was some minor damage to ceiling and floor tile, but lab test came back negative regarding air samples. Once we learned that DY had stopped their asbestos management plan, open access was restricted and not permitted. Once the test came back negative, access was limited due to lack of asbestos management plan.

11-9-23 at the fall Town meeting the Town voted to allocate \$300,000 for the costs associated with an assessment, survey and testing for the Wixon school. Specifications and Scope of services were

developed and using existing on-call engineering services contract Nitch Engineering was selected. Nitch Engineering kicked off survey work (2-27-24) and concurrently started working on other items including:

- Survey and Existing Conditions Plan (see attached dated 6-19-24)
 - Pickle Ball area had been previously carved out of property (ATM 3-6-73)
 - 4-9-24 Administration – Select Board coordinated/developed License Agreement with Dennis Yarmouth Youth Babe Ruth League to permit use of existing baseball fields
- Environmental Site assessment (ESA) of property (Phase I & II) – Phase I completed. In 1990 Underground Storage Tank (UST) was removed/replaced with 12,000 gallon tank. Existing 12,000 gallon UST pumped out, removing 5,431 gallons of heating oil (4-16-24). ESA Phase II disrupted by nesting osprey – need to place additional well at later date once osprey's have fledged – initial test wells results are anticipated early August.
 - Historic records show lead and copper in water system in 2002, likely from existing plumbing; if water in building will be used for drinking additional testing is recommended by TRACEY Environmental Consulting; historic records not clear whether issue was rectified; but additional testing showed improved results per reports.
- Septic System Inspections (three systems at Wixon one at Concession Stand). The report indicates the iron septic piping within the building and some connections on exterior are compromised, cracked and spalling and these pipes would need replacement **prior to any use** (see below for further information).
- Asbestos management plan, required by US DEP **prior to any use**;
 - According to TRACEY Environmental the building no longer falls under Asbestos Hazard Emergency Response Act (AHERA) regulations, it falls under National Emissions Standard for Hazardous Air Pollutants (NESHAP) regulations under the Clean Air Act. This is due to the fact it is no longer to be operating as a school. This asbestos management plan is being actively worked on, this needs to be in place for ongoing maintenance – additional testing was required and was conducted 6-20-24.

Please note the operational expenses continue to be ignored, we have no staffing allocated for this 100,000 +-sq ft building (eight Senior Centers could fit within this footprint to give scope of magnitude). It has been reported repeatedly that the DY School District was spending the following annually (2021):

- **\$1,400,000** = \$650,000 operational expenses + \$550,000 maintenance staff (O&M estimate) + \$200,000 asbestos management cleaning/management. To date there is no budget for staffing and actual O&M.

Other items identified during process:

- **\$\$\$ TBD** – According to video scoping (6-13-24) of septic iron piping the iron piping within the building and some connections on exterior are compromised, cracked and spalling and these pipes would need replacement **prior to any use**, this would be considered a “conditional pass” since the other portions of system are in compliance, usually repairs would need to be conducted within 30 days, but it is anticipated that additional time would be requested.
- Received videos of condition (7-12-24) and reviewed with Kristen Keller, Health Director and William Maher, PE, Nitsch Engineering. Found iron pipes throughout building envelope to be in unusable condition and in need of replacement. Also other repairs regarding exterior PVC sagging and roots in Distribution box, etc. would need to be repaired prior to use.
 - Knowing there is a significant issue, all the pipes would now require video scoping to determine locations, condition and proposed repair.

- A stamped engineered plan and specifications on repairs will be required for bidding purposes and compliance.
- It was recommended that an architect/engineer be utilized to determine scope, whether cutting floors may involve structural rehabilitation – this may involve bringing into current plumbing code compliance based upon scope of work.
- If flooring will need to be cut, an asbestos abatement would need to be conducted prior to cutting floors.
- **\$647,000** Asbestos Abatement Estimate for known ceiling tiles – Rowse Architects (4-17-24)
- **\$30,092** underground fuel storage tank removal quote received State bid FAC110. Currently determining available options/benefits of abandoning in place vs. removal.
- **\$23,827** cleanup vandalism within building – discharge of fire extinguishers throughout building.
- **\$18,000** Routine maintenance check of Generator requires repairs prior to use (notified 11-15-23). Generator currently offline.
- **\$6,918** - removal of 5,431 gallons of heating oil from underground storage tank. Preliminary safety precaution. This fuel had not been used for a number of years due to primary natural gas use of heating system (dual system).
- **\$5,000** Lighting Repair Auditorium, currently not functioning.
- **\$2,000** Boiler Pressure Relief valve
- Elevator requires inspection
- Fire extinguishers require inspection and replacement

Attachments

11-15-17 Perkins Eastman Cost Estimate for Repairs
 3-15-22 Letter from DY Regional School District
 8-8-22 Memo Director of Public Works
 7-26-23 Wixon School Code Evaluation
 4-17-24 Rowse Architect Asbestos Abatement Estimate
 6-19-24 Existing Conditions Plan
 US EPA Compliance-Enforcement Clean Air Act

Please note any future use is dictated on funding of staff, budgeted operational costs, repairs, maintenance, obtaining building insurance (requiring minimum occupancy), asbestos management plan, etc. It is premature to entertain usage until the above-mentioned items are addressed, discussion of unrealistic timetables will only give the public an unreasonable expectation that usage is imminent.