

Shutesbury Selectboard Meeting Minutes
April 12, 2023 Virtual Meeting Format

Selectboard members present: Rita Farrell/Chair, Melissa Makepeace-O'Neil and Eric Stocker

Staff present: Becky Torres/Town Administrator, Mary Anne Antonellis, Geneva Bickford/Administrative Secretary

Volunteers & Other Staff present: Matthew Kissane, Project Manager, Fuss & O'Neill

Guests: Jan Rowan, Joyce Brauhn, Debora O'Brien, Karen Traub, Michele Regan-Ladd, Leslie Luchonok, Gail Fleischaker, Steve Schmidt, Garrett Simonsen, Meryl Mandell, Mike Vinskey, John Buonaccorsi, Becca Wheeler, Jill Marland, Don Wakoluk, Michael, Melissa Makepeace, Arleen Reed, Clif Read, Katherine A. Powers, Katie Eagan, Penny Jaques, Joan Hanson, Melissa, Jon Lawless, Amanda Alix, Emily Bayard, Greg Caulton, Elaine Puleo, Allen, Sally May, Matteo Pangallo, Jessica Carlson-Belanger, Stephen Dallmus, Frank McGinn, Michael Broad, Peg Ross, Ted Keyes, Ziporah Hildebrandt, April Stein

Makepeace-O'Neil calls the meeting to order at 6:05 pm.

Agenda Review: As posted.

Discussion Topics:

1. Presentation of the Public Involvement Plan Draft: The purpose of tonight's meeting is to present the draft of the Public Improvement Plan ("PIP") and to formally open the public comment period on the plan. The comment period will be open until May 12. The SB asks that all comments regarding the PIP be submitted in writing to PIP@shutesbury.org. The Plan is available for viewing on the town's website at Shutesbury.org. A hard copy of the plan may also be picked up in the front hallway of town hall. Melissa Makepeace-O'Neil gives an overview of the PIP process and Matt Kissane from Fuss & O'Neill provides a brief history of Lot O-32 testing, done to date. Mary Anne Antonellis presents a summary of the draft PIP.

Makepeace-O'Neil opens the meeting for comments:

Leslie Luchonok asks what the relationship is between Friends of the MN Spear Memorial Library and the SB? Luchonok also asks if the document Antonellis presented will be posted on the Town's website? Antonellis prepared the PIP plan on behalf of the Town and it is much easier for her to post on the library website and the Friends of the Library built the library's website initially and that is why it says Friends of the library at the bottom. Antonellis has created a webpage on the MNSpear.org that has all of the PIP documentation that has been uploaded so far. It is called Public Involvement Plan RTN 1-21489. There is a link to it from Shutesbury.org. Kissane's presentation will be uploaded later in the week. There is also a link to the MA DEP website that has the documentation as well. Amanda Alix asks if the questions and concerns gathered from the SB's March 28, 2023 meeting and all written concerns and questions received will be attached to the draft plan? Alix also asks if there has ever been a question about this VOC issue and asks if it could have come from the fire station? Makepeace-O'Neil is not sure that question will be able to be answered tonight, it will be something that will be addressed going forward. Questions people submitted via email will be responded to in writing. Eric Stocker asks who "the town" is? Jill Marland asks to confirm that she heard the response time would be 60 days and asks why it would take 60 days for the Town to respond to concerns and questions submitted? Makepeace-O'Neil confirms the 60 days and Antonellis states it is to allow the town to get the work done and responses will be received by the 60 day deadline that is set by DEP. Makepeace-O'Neil also reminds everyone that this is a very busy time because of Town Meeting. Marland is speechless and does not think that is a satisfactory response. Marland asks Kissane in regards to the Fuss & O'Neill letter dated December 29, 2010, regarding the fire station gasoline leak, quoting parts of the letter "the full vertical and horizontal extent of gasoline contamination at the Shutesbury fire dept has not been determined. The close proximity of the disposal site and the nature of the contamination represent an environmental concern for 66 Leverett Rd or Lot O-32" and then they mention the response action should be continued to be monitored to determine if the contamination represents a risk to all of Lot O-32 due to the close proximity of 400 feet of the fire station to Lot O-32 and asks Kissane what about those concerns? Kissane states when a property

transaction screen is done there is no kind of subsurface investigation. You look at files that are regularly available and go to the DEP's file viewer and look at parcels in the vicinity and say are there any known conditions anywhere around our parcel or the target of the study. Then it is common practice to list out if there's an RTN or a release condition 400 feet of the parcel. Usually what you do if something is still open in the eyes of the MCP, which Kissane thinks was the case with the release condition at the fire department. The best thing that you could say, or the only thing that you could say is they haven't fully closed out this condition. A property transaction screen lists all the things that could happen, the whole point is to follow that up with subsurface investigation to investigate whether that actually occurred or happened. Cold Spring Environmental did test the front of the property for VOC's in groundwater and soil. Kissane is not privy to how they scoped out their investigation but I know they did test for those contaminants probably as a result of what was said in the transaction screen. Just because you are located in the vicinity does not mean that an entity is saying yes, it has impacted that site because the transaction screen doesn't involve any sampling of any kind. It is just a site walk and a desktop review. Marland asks Kissane if testing was done for PFAS? Kissane states the soil has been tested for PFAS in the front of the property and then eventually there will be a portable well installed as it relates to the library. As a policy under the DEP, that will have to be tested for a set of parameters and that will include PFAS. The well won't be able to be used until that data is submitted to DEP and one of those things will be PFAS. The town, with the help Fuss & O'Neill, will respond if PFAS is discovered. It doesn't prohibit the use of a portable well. There will need to be additional steps to mitigate the presence of PFAS in the water, if any PFAS is found in the water. The town, Fuss & O'Neill and the DEP are all aware of that condition. There have been discussions with DEP about how it relates to our site. Farrell responds to Stocker's question regarding who the town is. The SB is ultimately representing the town here and while Antonellis has taken the lead as the SB's representative, Farrell has also been participating in meetings with DEP and reviewing materials. Farrell also explains the PIP does not come without significant expense to the town and the SB is trying to be vigilant. The SB has received quotes of tens of thousands of dollars to manage this process. Antonellis has been putting in a tremendous amount of time. Farrell has also put in a significant amount of time so that the town is not paying consultants. Any questions Kissane has to respond to the town is paying for. Makepeace-O'Neil reiterates questions should be submitted to the email address previously mentioned. Alix states it was the petitioners impression that questions and concerns would be upended to the draft PIP from information found on DEP website. Alix believed the questions and concerns would be summarized and listed in the draft PIP according to the five different categories. Alix is sure Kissane is familiar with the nature and extent of contamination, neighborhood health issues, routes of exposure, site remediation process and opportunities for public involvement during a remediation response action process. That's why we were asking why they don't seem to be part of the draft. Makepeace-O'Neil states this is the draft and we have the comment period. The public has until May 12 to give comments and feedback to that email address so the SB can create a final draft document. Alix also asks where the quotes for tens of thousands of dollars came from? Alix understands the draft has to be created and also understands that Kissane was here tonight but feels it was not necessary to have him at the two previous meetings. Farrell states a quote was received from Fuss & O'Neill to oversee this process for \$35,000 and when Farrell met with DEP, DEP indicated that a PIP process typically costs \$40,000. Alix will request a copy of the quote. Matteo Pangallo thanks Antonellis and the other town employees and volunteers who have already gone above and beyond to put the PIP together and also thanks the professionals at Fuss & O'Neill for bringing their scientific and legal expertise over and helping the town properly address concerns with the lot, even in the face of what seems to be pretty repeated undermining, second guessing and goal post moving. Pangallo believes it is particularly concerning in light of the previous remarks that one of the people behind the PIP seems to be suggesting that the LSP shouldn't be present for these discussions with the town in these meetings. Pangallo thinks it would be imperative that the LSP be at meetings. Pangallo believes from Antonellis' presentation and in the copious documents produced from all the testing at Lot O-32, it seems that things are on target as required by law in the best interest of insuring that the property is safe for our library. Tests are happening and Pangallo sincerely hopes all community members are as equally committed to seeing the process carried out in good faith. Pangallo's grave concern is that this is being used as a means to drive up the cost of the library project and derail the will of the voters in Shutesbury who want this project to happen. Alix responds to Pangallo, the petitioners are not trying to undermine anything and only want to be informed. The petitioners are tax payers like you, a lot of us have been here many years and are very interested in this. We are also very

concerned about what is going on in town. We are not trying to drive up costs. Alix thinks it was good Kissane did the presentation tonight, but the SB wanted Kissane to do the presentation the other times. Alix believes the petitioners should not be blamed as they just want to be involved and did not cause the problem.

Farrell motions to Adjourn (7:10 pm); Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Documents and Other Items Used at the Meeting:

1. Draft PIP

Respectfully submitted,
Geneva Bickford,
Administrative Secretary

** A full version of the 4/12/23 SB meeting is available to view on the Town of Shutesbury's YouTube page at:
<https://www.youtube.com/channel/UC4ajoOcJsNzf5DBgMTZgcJA>