



**Acton Board of Health**  
**Meeting Minutes**  
**March 26, 2024**  
**7:30 PM.**  
**Virtual Meeting via Zoom**

**Present:**

**Virtual Members Present:** Mark Conoby – Chair of the Board of Health, William McInnis, Dr. William Taylor, Michael Kreuze and Dr. Rekha Singh

**Virtual Staff Present:** Matthew Dow – Interim Health Director and Penny Funaiole – Health and Family Services Director

**Others Present Virtually:** Alissa Nicol – Select Board Liaison, Jeff Vandegrift, Aidan Smith, Alice Ferguson, Andy Richardt, Andrew Schwartz, Ariel Kondiles – Nexamp, Chris Williams, Dan Jones, Dave B, Doug Halley, Fran Addison, Jacqueline Marden, John Atherton, Kate Crosby – ABRSB, Kelly Jennings, Kurt Marden, Mary Brolin, Mike Harris, Mohamed Kassamali – Nexamp, Peter Light – School Superintendent, Pia St. Amour, Sara Bohne, Scott Blaufuss, Yanxin Schmidt, Chris Williams and Call in User 1

**1. Opening**

Chairman – Mark Conoby opened the meeting at 7:35 P.M. A script was read that was provided by the Town and this meeting of the Board of Health was called to order.

**2. Regular Business**

**Future Agenda Items**

Mr. Conoby would like goal setting and an update on inspections on future agendas.

**Health Director Update**

Mr. Dow informed the Board that with-it being Springtime the Health Division is getting busier. Camp and pool applications are starting to come in through Open Gov and soil testing is starting to ramp up.

Mr. Dow also updated the Board that Rapscaillon at 5 Strawberry Hill Road has started to replace their septic system. The Division did an inspection on Tuesday March 26, and it is coming along nicely. The establishment can have no more than 54 seats at any one time.



## **Nursing Service Update**

Mr. Dow informed the Board that over the past two weeks there have been 24 Flu cases, 17 COVID cases and 2 Lyme cases the Acton Nursing Service has handled. Mr. Dow also stated that there are no issues to report at LifeCare Center or Benchmark at Robbins Brook.

### **3. New / Special Business**

#### **Hazardous Materials Control Permit – Boardwalk School – 75 Spruce Street – Nexamp**

Mr. Dow introduced Mohamed Kassamali and Ariel Kondiles from Nexamp to the Board. They are applying for a Hazardous Materials Control Permit for the Boardwalk School at 75 Spruce Street. Mr. Kassamali addressed the Board that a 1.07 Mega Watt battery storage system will be installed on the southeast area of the Boardwalk School. He continued that the energy storage system will be boxed in by a sound barrier. The hazardous materials control permit application relates to the ethylene glycol liquid cooling system. That is responsible for cooling and heating the system to manage the batteries temperature across its various states and various seasons. Mr. McInnis asked the applicants to describe to the Board what has changed from previous meetings. Mr. Kassamali stated that a 15-foot sound barrier will be installed and that the energy storage system has been moved slightly west to avoid any considerations of the flood areas. Mr. McInnis explained that the Board has created a list of conditions for battery storage that is unique to Acton and the sensitivity of the residents. Mr. McInnis continued that these conditions provide extra protection for the health and welfare of the community. He explained that the Board will need scientific justification if they are going to change any of the conditions. Mr. Kassamali explained that Nexamp had issues with the UL 95.40 certification, and that many in the industry can get that from factory acceptance. Mr. Conoby added that this condition is nonnegotiable and that having a professional third-party evaluation of the site once its built to ensure the compliance with applicable codes is a requirement of the permit. Mr. Conoby discussed the Fire Department concerns with Nexamp and how the battery storage is still within the 100-foot exclusion zone. Mr. Kassamali disagreed and mentioned that in the Code the offset is 10-feet, he mentioned the 100-feet is for an evacuation event.

After the presentation the public was allowed to speak. Yanxin Schmidt asked what the timeline for deciding will be because the financial impact will be felt on the School Board. Jeff Vandegrift spoke about the noise concerns with the project. Andrew Schwartz spoke about the financial implications of delaying this project. Kurt Marden spoke to the Board about safety taking a back seat to costs and money and his concerns with that. Chris Williams expressed her concerns with the Board about a lithium battery being installed so close to a school and flood zone. She has questions about how long a thermal runaway event will last. Peter Light spoke that the School Board did hire the Energy Safety Response Group, which is a leading energy safety management company that's independent from Nexamp or any other parties to this project. Mr. Conoby asked about the financial analysis and an alternative site analysis that were not given to the Board. Mr. Kreuze had questions about alternative locations for the battery



pack. Ariel addressed the Board that an alternative location would be in the location of the student's evacuation route, so it would be both cost prohibitive and not recommended from a safety prospective. Mr. Conoby asked Nexamp to provide the alternative locations that were looked at and the reasons why they cannot be used to the Board. On a motion made by Mr. McInnis to continue this hazardous materials control permit ruling, seconded by Dr. Taylor, the Board voted unanimously.

### **92B Willow Street – Update / Order and Enforcement**

Mr. Dow gave an update on 92B Willow Street to the Board. He reached out to Town counsel for an update, and was told the Housing Court Judge is still taking the information under advisement and has not made a ruling. The Board agreed to keep this on the agenda for the next meeting.

### **Minutes – March 5, 2024**

On a motion made by Dr. Taylor, seconded by Mr. Kreuze, the Board unanimously voted to accept the minutes of March 5, 2024. The Chair took roll call and all were in favor.

### **Adjournment**

On a motion made by Dr. Singh, seconded by Mr. Kreuze, the Board unanimously voted to adjourn at 9:09 P.M. The Chair took roll call and all were in favor.


### **Next Meeting**


The next Board of Health meeting will be on April 16, 2024

### **Documents and Exhibits Used During this Meeting:**

- Town of Acton script for boards and committees opening meeting
- Board of Health agenda
- Nexamp Boardwalk battery storage
- Conditions of Approval from the Health Division
- Nexamp noise study
- Public comments/concerns
- Green Advisory Board
- Fire Department comments/concerns
- Board of Health meeting minutes from 3/5/24

Respectfully Submitted,

  
Matthew Dow  
Interim Health Director

  
Mark Conoby, Chairman  
Acton Board of Health