



Acton Board of Health

Meeting Minutes

April 23, 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

Virtual Staff Present: Matthew Dow – Interim Health Director, Penny Funaiole – Health and Family Services Director, Felix Garcia – Public Health Inspector and Fire Chief Anita Arnum

Others Present Virtually: Alissa Nicol – Select Board Liaison, Jeff Vandegrift, Aidan Smith, Alice Ferguson, Andy Richardt, Andrew Schwartz, Mark Frigo – Nexamp, Chris Williams, Dan Jones, Dave B, Fran Addison, Jacqueline Marden, Ellen Smith, John Atherton, Kate Crosby – ABRSSB, Kelly Jennings, Kurt Marden, Mary Brolin, Mike Harris, Mohamed Kassamali – Nexamp,

1. Opening

Chairman – Mark Conoby opened the meeting at 7:31 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. Also, PFAS discussion with the Acton Water District as well as information from the Central Massachusetts Mosquito Control Project as future agenda items.

Health Director Update

Mr. Dow informed the Board that the Health Division has completed over 20 food inspections, 10 sealer of weights and measures inspections and performed 8 soil tests among other calls and emergencies that have come in to the Division.



Mr. Dow informed the Board that he expects the Division to get busier with-it being Springtime and camp and pool season starting. The Health Division has already received many permit applications thru Open Gov. for camps and pools.

The week prior to the meeting, Mr. Dow, Mrs. Funaiole and Mr. Conoby met with the Boardwalk School to discuss waste water matters. The School said they will continue to report water/wastewater on a quarterly basis. The rainwater system will be brought online with no anticipated changes to the O&M documentation. The School District will pursue action on the dry monitoring wells #5, #6 and #7 with the goal of accessing sufficient ground water for testing. They currently anticipate re-drilling in late June or early July on those wells.

Ms. Funaiole informed the Board about the Northwest Public Health Coalition. She stated that the Coalition serves the Towns of Westford, Acton, Dracut and the City of Lowell. Mrs. Funaiole continued that the Coalition will be hiring a health inspector that will help out in all municipalities. She will be starting Tuesday May 6th in Acton, and her name is Arleny. She will be helping with inspections, especially weekend inspections of temporary food events as well farmers markets. Mrs. Funaiole informed the Board that the Coalition is also looking at hiring a public health specialist to help with housing and hoarding issues. They will also be moving forward with Relevant inspectional software. This will help the Health Division record all inspectional activities. The Public Health Coalition will also be supporting the Health Division on tobacco surveys.

Nursing Service Update

Mr. Dow informed the Board that the Nursing Director Heather York reported that there are no issues at LifeCare Center or Benchmark at Robbins Brook at this time.

Mr. Dow informed the Board that the Nursing Service has treated 12 cases of Coronavirus, 18 cases of Influenza. 3 cases of Tuberculosis, 1 case of Hepatitis B and 1 case of Hepatitis C.

3. New / Special Business

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

Mr. Dow started by stating the Health Division still has reservations from the lack of information given by the applicants Nexamp at this time. Both Mohamed Kassamali and Mark Frigo from Nexamp are present to answer any questions the Board may have. The Chair Mr. Conoby informed the rest of the Board that they are still waiting for some additional information such as, an alternative site analysis, financial impact information, and the noise study showing non-compliance. He continued that Nexamp has also not agreed to all of the standard conditions that the Board laid out, such as safety and protection issues, the 110% containment and having an independent third-party review.



Mr. McInnis informed the Board that with the diesel fuel underground storage tank, he was wondering if the Boardwalk School has a hazardous material permit for that. Mr. Dow informed the Board that they do not have one at this time.

Mark Frigo and Mohamed Kassamali joined the meeting and shared a map of the battery storage area with offsets. Mr. Frigo started by addressing the Board about alternative sites for the battery storage. He stated that Nexamp looked at alternative sites on the basis of safety, cost and a schedule impact. Mr. Frigo continued that Nexamp did look at a parcel of land on the Boardwalk campus to the east of the carport on the Spruce Street side. However, Mr. Frigo stated that that is the emergency exit for the over one thousand kids and staff to exit the building in the event of an emergency. He also stated that the infrastructure for the facility was installed during construction of the School, and if they had to rip up the conduits, ducts and roadways it would be cost prohibitive. Mr. McInnis added that within the Boards hazardous materials bylaw, cost and schedule are not any of the criteria that the Board is supposed to judge a project on, it considers health and environmental impact.

Dr. Taylor had a question about the emergency response plan. He asked Nexamp about the 24-hour monitoring system and if someone had to intervene in the case of an emergency, how far away is that person and how long would it take the person to get to the site. Mr. Kassamali answered that there is a double layered 24-7 operation, however it could take up to 4 hours for a response to get on site. The first layer of protection is coming from Lawrence Massachusetts and then the Tesla remote operating center in California.

Chief Arnum joined the discussion and first wanted the Board to know she is not a solar energy or battery expert and that the technology has moved faster than the code and getting people up to speed has. However, some of the things that she has looked at are the failures that have occurred across the country. The Fire Chief continued that since the battery storage is within one hundred feet of a building and lot lines a hazard mitigation analysis has to be provided. She said Nexamp did provide that, but that it is very basic. The Chief reported to the Board that if a fire were to occur the Fire Department would let it burn, its not extinguishable. One of the other parts of the hazard mitigation plan is the emergency response plan. She said the only item that was presented in this plan was that it specified the location of the BESS installation was chosen with due regard for practicality and safety. The Chief had questions that were not addressed in this plan such as; did this plan consider the number and ages of the students, did it take into consideration the Fire Department apparatus, staffing and availability, the fire station locations, the distance to the school and the distances to the fire hydrants. Also the limited access to the fire apparatus to negotiate the parking lot. One of the other issues the Fire Chief had with this plan was that it stated there are multiple roads and pathways which will not be affected during a failure event. She believes that is an inaccurate statement. The Chief highly recommends a third-party analysis, which under the Fire Code gives her the right to ask for one. Mr. Conoby asked the Chief if she feels comfortable having the school, property line, the diesel generator and the egress means all within the one-hundred-foot zone. The Chief responded that she does not, that it is one of her concerns.



Mr. Conoby had a few questions for Nexamp. Does the sound barrier impact the ventilation? Mr. Kassamali answered that it does not and that he has checked with Tesla about that design. He responded that the coolant is responsible for cooling the batteries and the fans are responsible for cooling the coolant. The next question that was asked is about the distance from the BESS to the bus route? Mr. Kassamali answered that is 12.3 feet. Mr. Conoby asked if that complies with NFPA 855? He explained that the Code has changed in 2023 that all outdoor structures should be separated a minimum of 20 feet. Mr. Kassamali will get back to the Board with clarification on that section of the Code.

A few residents and property owners expressed concerns with the Boardwalk School battery storage facility. Ellen Smith of 61 Spruce Street had a question about the flood plain and what is gained by Net 0. Aiden Smith of 61 Spruce Street had a question about whether the 100-foot safety radius crosses the footprint of his property specifically his deck. Also, what weight was taken into each of the three factors that were chosen for the location; safety, cost and schedule. Mr. Smith expressed his opposition to the project. Kurt Marden property owner of 195 – 197 Arlington Street had a few comments about thermal runaway situations and the ability to shut down the system remotely. Mr. Marden believes this location has multiply issues. Dan Jones of 2 West Road had a question about the duration of the fire before it burns out in the event of an emergency. His last comment was about sheltering in place, and the fact that you have over one thousand kids in the building with a fire and potentially toxic gases blowing over the building. Mr. Jones opposes the project. Mei Zong of 211 Arlington Street expressed her concerns that the location of the battery is much too dangerous. Jacqueline Marden property owner on Arlington Street would like setbacks for battery storages facilities.

On a motion made by Mr. McInnis seconded by Dr. Taylor to continue this discussion of the Boardwalk School hazardous materials control permit. The Chair took roll call and all were in favor.

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 26, 2024

On a motion made by Dr. Taylor, seconded by Mr. McInnis, the Board unanimously voted to accept the minutes of March 26, 2024. The Chair took roll call and all were in favor.

Adjournment



On a motion made by Dr. Taylor, seconded by Mr. McInnis, the Board unanimously voted to adjourn at 9:22 P.M. The Chair took roll call and all were in favor.

Next Meeting

The next Board of Health meeting will be on May 21, 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 map with offsets
- Conditions of Approval from the Health Division
- Nexamp responses to Conditions of Approval
- Boardwalk project action plan
- NFPA 855 email
- Former Fire Chief comments/concerns
- FMD worksheets
- Public comments/concerns
- Fire Department additional code information
- Board of Health meeting minutes from 3/26/24

Respectfully Submitted,

Matthew R. Dow

Matthew Dow
Interim Health Director

Mark Conoby

Mark Conoby, Chairman
Acton Board of Health