



## HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE Meeting Minutes

March 27, 2023; Virtual Meeting via Zoom technology

**1. Roll Call.** T. Matuszko opened the meeting at 11:34 am, announced it was being recorded, being held under Mass. Virtual Meeting provisions, and asked each Committee member to introduce themselves and state the community they represented. Attending the meeting were the following Committee members:

Channing Gibson, Lenox Representative  
Bob Jones, Lee Select Board & Representative  
Chris Rembold, Great Barrington Town Planner, Assistant Town Manager & Representative  
Steve Shatz, Stockbridge Representative  
Rene Wood, Sheffield Select Board & Representative

And: Tom Matuszko, BRPC  
Melissa Provencher, BRPC  
Lauren Gaherty, BRPC

Public: Tim Gray, Gail Ceresia, Clare & Ed Lahey, Josh Bloom, Clarence Fanto, Robert Wespiser, Anne Langlais, James 84 North Plain

**2. Approval of Jan. 11, 2023 meeting minutes. A motion made by R. Wood, seconded by C. Rembold, to approve the minutes as written was approved on a unanimous 5-0 roll call vote.**

### **3. Comments from the Public.**

T. Gray stated that HRI has been pushing for the EPA to consider alternative technologies to break down PCBs rather than having to landfill them; this is the biggest thing left out of the settlement and the reason we're facing a dump in Lee/Lenox Dale. He invited the public and representatives from the Committee to attend alternative workshops that HRI will be offering April/May. He said that the current plan only removes 30-40% of PCBs from river and has no cleanup at all in CT. J. Bloom stated his concern that with PCB health impacts to children, noting the Montessori School is less than 2 miles away from the PCB landfill; children spend 40 hours a week here; is any outreach being done to alert the school and parents; the settlement was brokered under the previous administration - with a new EPA Administrator perhaps it is time to reexamine the settlement agreement. G. Ceresia agreed with T. Gray about alternative technologies; solve the problem, don't just move PCBs around the area; consider pilot projects. A. Langlais of Lee is opposed to the UDF; location is a health risk to residents and water supply; the settlement is a monetary benefit to GE – they unleashed the PCBs, make them pay for the cleanup; she also agreed that the ROR Committee should push bioremediation technologies and pilot projects to EPA. Clare & Ed Lahey live near the landfill; alternative technologies need to be considered to mitigate PCBs; she believes the site is unsuitable for toxic dump and dewatering operations; think about what the ROR Committee and its engineers can do to stop the landfill and the taking down of many trees on the site.

#### **4. Summary of Recent GE Submittals and ROR Committee comments.**

M. Provencher shared the table that was listed on the publicly-posted agenda, which is a summary of the recent comment documents that the ROR Committee had submitted to EPA in January and February. These comments are regarding plans that GE has submitted in accordance with the cleanup Permit. All ROR Committee comments can be viewed on the EPA Administrative record website and on BRPC's website. Neither members of the Committee nor the public raised any questions about the list of documents. R. Wood encouraged all in attendance to review the ROR Comments, as they demonstrate the Committee's seriousness on the issues.

B. Jones clarified his position as Lee's representative on the Committee. The Town of Lee signed onto an agreement and the select board sees that. He believes that the former Lee Select Board signed the settlement agreement without the acquiescence or support of the citizens of Lee. Two town representative votes and a voter referendum all call for rescinding the agreement. All 3 current Select Board members are opposed to the settlement but have not taken a vote to rescind because they are looking into the ramifications of having Lee withdraw from it. Mr. Jones is serving on the Committee because the town did sign an agreement; as a select board member he is representing the best interest of those who put him in office. He restated his opposition to the dump.

**5. Future Role of Committee.** EPA has approached the ROR Committee to ask if it wants to work with GE on developing a Communications Plan regarding transportation surrounding the UDF and how to get the word out. This would be different than the technical reviews that the Committee has been submitting on GE's various work plans. R. Wood stated her preference that EPA facilitate this with GE; she does not particularly think it is appropriate for the towns to work directly with GE; the Committee worked hard during the settlement negotiations to make sure that it included sections to ensure that the communities are kept involved as cleanup preparations are made and construction is done; the settlement agreement speaks to this issue, including funds to help towns deal with this type of issue and of monitoring; this is especially important for towns with actual dredging and construction occurring. She recalls earlier discussions about the original role of the full Committee and how it would transition once cleanup work begins, with possibly a subcommittee working with the Towns who are most effected by cleanup activities; she noted that Sheffield has no dredging work being done.

C. Gibson agreed that the towns should be kept apprised, but not deal with GE one-on-one. He believes that the full Committee should stay intact until all appeals processes have been completed; the Committee's role can't be extinguished until all appeals are dealt with and clear. Question – is there a more supplemental role of the Committee with very local impacts, such as transportation and communications plans. C. Gibson sees key town personnel as needing to be more directly involved and monitoring the cleanup once work starts, such as DPWs and town administrators.

S. Shatz believes that it was always the expectation that each town will have different levels of impacts from the cleanup, and there would be direct communications between those doing the work and the towns, including transportation plans that will be happening over a course of years; it is up to GE & EPA to work with each effected town, not GE working with the Committee. He agrees that EPA should work directly with GE, not the towns, on the transportation plan.

R. Wood mentioned that the role of the Committee was discussed about a year ago – members agreed that it would be good to review previous meeting minutes to refresh their memories on this issue; there is a need to ensure that there is a process for any transition to take place; don't want the Committee to bow out of the picture without clear next steps. C. Rembold echoes Committee members comments

and agrees that a meeting to discuss future role of the Committee would be beneficial. B. Jones also sees that there will be a need for Lee town officials and health board to be directly involved with future construction work. BRPC was asked to get more details from EPA about their offer.

S. Shatz reminded the Committee that the Intergovernmental Agreement refers to a reserve fund within the escrow account created as part of the settlement, which has money specifically set aside for legal consulting and continuing review of work under the revised permit; this sets a basis for the continued role of the Committee under the revised permit.

**6. Approval of Expenditure of Funds.** Legal counsel Seeger & Weiss need to file paperwork tomorrow to be able to provide oral arguments before the District Court of Appeals; legal counsel has estimated that it will cost up to \$15,000 to prep and present oral arguments. **A motion made by R. Wood, seconded by S. Shatz, to approve up to \$15,000 for our legal firm to prepare and make legal arguments before the First Circuit Court; motion passed on a 4-1 roll call vote, with B. Jones voting no.** Mr. Jones does not see why the Committee needs to weigh in on the appeal in federal court; all parties have their case and he doesn't see why the Committee has try to put its thumb on the scale in court.

**7. Other Business.** S. Shatz initiated a discussion about the process of accessing and distributing reserve funds from the escrow account with Wilmington Trust. There is no clear path on how to access and distribute these funds to pay for expenses being incurred. He has calculated that the towns could receive 11 funding distributions for past legal fees and he wants to be prepared so that the funds could be made available. Wilmington Trust's process could take months to establish. Questions: will the escrow agent release funds for these past expenses to each town, or would the agent prefer distribution to a third party, such as BRPC, who would distribute payments to the towns? BRPC was asked to speak with Mirick O'Connell, the firm who helped establish the escrow account, to better understand how the towns might access the reserve funds and how town governments should handle the funds when received. It was agreed that BRPC will approach Mirick O'Connell to determine best way to move forward and potential costs to do so.

The minutes from the referenced meeting a year ago – about the future role of the Committee – are publicly available if the discussion was made in regular session (executive sessions have not yet been released due to ongoing legal processes).

G. Ceresia raised her concern that the UDF will exacerbate runoff off the mountain and from the site with the addition of 20 acres of impermeable surface area; also raised the issue of monitoring GE's work, as they will certainly fence it off and not allow town officials or the public on site during the cleanup; GE will take shortcuts as soon as someone's not looking. R. Wood said that getting local public input and oversight is one of the main reasons that the Committee stayed in the settlement process, and they will continue to push EPA for public officials' access to monitor the cleanup as it proceeds.

**8. Adjournment.** **A motion made by C. Rembold, and seconded by R. Wood, to adjourn the meeting; motion passed on roll call vote unanimously.** The Committee adjourned at 12:33 pm.

Respectfully submitted by  
Lauren Gaherty, Berkshire Regional Planning Commission

Meeting Materials: Meeting Agenda 3-27-23; Draft Meeting Minutes of 1-11-23.