



TOWN OF TEWKSBURY BOARD OF HEALTH

Melissa Braga, Chairperson
Susan Amato, Vice Chairperson
George Ferdinand, Clerk
Christine Janeczak, Member
Pamela LeFave, Member

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES October 16, 2025

Town Clerk
Tewksbury, MA

11/21/2025, 8:38:58 AM

The meeting was called to order by Melissa Braga, Chairperson at 6:00 p.m. Present at the meeting were Susan Amato, Vice-Chairperson, George Ferdinand, Clerk, Chris Janeczak and Pamela LeFave, members. Also in attendance was Shannon Gillis, Director of Public Health.

Call to Order:

- Pledge of Allegiance

Approval of Previous Meeting Minutes:

- September 18, 2025, meeting minutes presented for approval

MOTION: Ms. Janeczak made the motion to approve the September 18, 2025, meeting minutes as submitted; seconded by Ms. Amato and the motion unanimously carried 5-0.

Public Comment

Residents may speak on any matter within the Board's public health jurisdiction. Comments are limited to two (2) minutes per speaker and must be directed to the Board through the Chair. The Board cannot deliberate on matters raised but may place them on a future agenda for consideration.

MOTION: Mr. Ferdinand made the motion to open the public comment; seconded by Ms. Amato and the motion unanimously carried 5-0

- **Dawn Sheehan, 100B Starr Ave** – Stated it was good to see the Board of Health's involvement with the lithium battery facility. One of the many safety concerns she had was within the scope of practice of the BOH which is the noise issue. The BOH sets allowable noise levels with regards to impacts and nuisance. Compliance does not equal safety. The role of the BOH is to ensure there are minimal impacts in order to protect the public. The BOH generally adds an additional layer of protection with another set of limits which is typically a lower set of limits regarding sound. Stated that she pleads for an in-depth analysis of the sound report done by East Point Energy. Stated that East Point Energy makes big claims saying they are well within the compliance to which she stated that they clearly are not. They claim not to go above 47dB at neighboring properties; however, their reports show readings of 57dB. Mass DEP does not allow more than an increase of 10dB above ambient. East Point Energy reports show readings of 14dB above ambient right outside their wall and subsequently to the surrounding neighbors. Stated that this warrants an in-depth look by the BOH at what this company is trying to hide from residents.

Mr. Ferdinand asked for a copy of the report. Ms. Braga stated reports could be forwarded to the Board.

- **Linda Martin, 25 Emerald Court** – Thanked Ms. Braga for attending the public hearing last Thursday. She stated that Ms. Braga’s remarks were very informative to the residents and hope that she follows up on what was said. She stated that one of the remarks Ms. Braga made was about measuring sound levels post construction. If construction occurs and the facility is operating, will the facility be able to be shut down? She would like to have an answer to that question.
- **John Quinn, 52 Emerald Court** – Resident of Tewksbury for 69 years. Stated his concern for people’s health who live around the facility. There is a 55 plus community within 1,000 ft. of the facility with 264 residents just 560 ft. away. There is an assisted living facility with 64 occupants within Emerald Court foot print, 20 nearby residents, 46 people, one within 34ft. There are 18 businesses with 120 employees with some only 40ft from the site. Stated that the proximity of these groups raises safety concerns such as single lane roads and evacuation challenges for elderly and assisted living residents. Stated that within a mile, there are 2,000 students with 1,300 of them in grades 3 through 6. Stated that if an evacuation was ever required, it would not be good. Stated that they were supposed to have the ability to get funds for community groups in small towns to be able to interpret these very complicated documents. Stated that there is no ability to fight this on their own. Stated that the suitability of the site does not belong in a residential neighborhood.

Mr. Ferdinand stated that for the record, he would like the residents to know that all of the BOH members voted 5-0 to have Ms. Braga speak at the public hearing on October 9, 2025.

- **John Lombardo, 17 Buckingham Rd.** – Stated that he is speaking as a resident of Tewksbury. Stated that it comes down to accountability when it comes to the health of first responders and residents. Stated that if there was ever an evacuation in a chemical atmosphere, where does the responsibility lay? Who will pay the bills for short-term, long-term housing? He stated that there is a history, especially with first responders, where they never are able to get their benefits. Stated that he wants the residents to know that when we distance ourselves and say it’s just up to the State and nothing can be done, the precedence is being set for not being able to get help from the Town.
- **Mary Ann Buczak, 40 Emerald Court** – Thanked Ms. Braga for having the courage to speak at the public hearing and providing all the research she did. Stated that it is believed that the batteries are Sungrow type 2 batteries that are made in China. These batteries are not yet perfected, and they are looking into better forms of these batteries. Stated that this mother company are from Norway called Equinor and that the emergency response team is based out of Texas. How will this help the small town of Tewksbury Mass? Stated that they don’t have the best interest of the residents. Stated that she is concerned for health and wellbeing of firefighters and residents in regard to respiratory issues in the event of an emergency.

Linda Martin approached the podium to speak again. She stated that East Point Energy stated that they were going to be cleaning up the existing site and that there may be contamination in the soil. Here question was how will this be checked and verified and what type of problems exist during the construction? Stated that the weight of the 169 batteries each weigh 93,700 pounds. Will the wight of the entire construction site have an effect on water conditions and runoff?

- **Tom Berrigan, 15 Emerald Court** – Stated that the Electric Power Research Institute keep a database where fires at large grid connected battery energy storage systems in the United States. Stated that as of April 2023, there have been 14 incidents of major fires. Stated that since these numbers were from 2 years ago, the incidents have probably increased. Stated that at all these sites, residents were assured that the batteries were safe.

John Quinn approached the podium to speak again. Asked if anybody has approached the BOH from the town relative to this project? Stated that he gets the sense that this project is not being widely discussed in the town and it could have a major impact on the town affecting the safety and health of a lot of people. Ms. Braga stated that the BOH is different from the Health Department. The BOH members have not been spoken to on the matter. Mr. Quinn stated that he was under the impression that the Health Department worked for the Town Manager to which Ms. Braga stated was correct. Mr. Quinn stated that one of his members inquired about talking to the BOH town employees and was referred to the Town Manager. He stated that there are concerns that the community is not involved in discussing the project, criticizing it, offering comments, having things they would like to say lawyers and interveners. He stated that he feels as though they are off to the side and they live next to the site. He stated that this is very disturbing.

Ms. Braga stated that as the BOH, it is their goal to ensure the safety and public health of every single resident in Tewksbury. This is something that when concerns and emails come before the Board, she looked into a couple of things to see what, as a Board, could or could not do. This is why the vote was taken for Ms. Braga to be able to speak at the public hearing. As tonight goes on, there will be more information and a discussion on that so everyone present is welcome to stay. Ms. Braga stated again that residents can submit anything by writing or email.

MOTION: **Mr. Ferdinand made the motion to close the public comment portion; seconded by Ms. Amato and the motion unanimously carried 5-0**

Compliance Hearing

- **7-Eleven 2280 Main St. - Correction/Cease and Desist Order - Tobacco Product Sale to a Person Under the Age of 21. ~~Second~~ violation which occurred October 6, 2025**

EDIT: It was noted during the meeting that this was a first violation, not a second violation.

MOTION: **Ms. LeFave made the motion to open the compliance hearing; seconded by Ms. Janeczak and the motion unanimously carried 5-0.**

Present were Ron Beauregard, Tewksbury Tobacco Control Agent as well as Peter Sullivan, 7-Eleven store manager. Mr. Beauregard stated that routine compliance checks are performed as required by the contract with the Department of Public Health and Tewksbury Board of Health. Eight checks were performed in Tewksbury that day. The eighteen-year-old male entered the store around 12:30pm on October 6, 2025. Mr. Beauregard stated that he entered the store about ten minutes after the sale and talked with Mr. Sullivan who has been very cooperative with past inspections and has always been in compliance. With the strong state law that went into effect in 2020, there is a minimum fine of \$1000. Mr. Sullivan is before the Board to go over a plan that would help eliminate any potential issues in the future. Mr. Sullivan stated that the plan going forward is that they activated the registers so that anytime a tobacco-related product is sold, it would require a scan of an ID through the register and there is no way to override it. They have also told all employees that they have to be IDing people for tobacco-related sales. Ms. Amato asked if the scan was for the licenses to which Mr. Sullivan stated it was. Mr. Ferdinand stated that businesses should get a tax credit to get the scanning equipment. The State expects these businesses to just have the money to take care of everything the government requires them to do. Ms. Janeczak asked what happened to the employee that caused the violation. Mr. Sullivan stated that she still works there and was retrained. She knows what she is supposed to do and was distracted since she was so busy. Ms. Braga stated that the Board cannot reduce the fine but could

discuss with the Board members things such as delaying payment or payment plans. Mr. Beauregard stated that if the company has a need for payment to be delayed that would be acceptable. Mr. Sullivan stated that he spoke with the owner who could not attend the meeting due to a surgery. The owner stated that he will either mail in the check or drop it off to Town Hall on Monday. Ms. Janeczak asked if the owner was paying the fine or the employee to which Mr. Sullivan stated was correct.

MOTION: Mr. Ferdinand made the motion that no further action needs to be taken; seconded by Ms. Amato and the motion unanimously carried 5-0.

MOTION: Ms. Amato made the motion to close the public hearing; seconded by Ms. Janeczak and the motion unanimously carried 5-0.

New Business:

➤ **2026 Meeting Calendar**

Ms. Braga stated that all BOH meetings are scheduled for the third Thursday of the month at 6:00pm.

MOTION: Ms. Amato made the motion to approve the 2026 meeting calendar; seconded by Ms. Janeczak and the motion unanimously carried 5-0.

➤ **Educational Presentation on BOH Authority by MAHB**

Present was Michael Hugo, Director of Strategy and Government Relations for the Massachusetts Association of Health Boards with a presentation to inform the Board of Health about their legal authority. He clarified that he was not attending in the capacity of an attorney, but rather to provide legal education, discuss strategic options available to Boards of Health, and explain the site assignment process should the Board choose to pursue that route. The slide show was presented. Mr. Hugo wanted to make it clear that the Board of Health has an agent who is the Health Director. The Health Director works under the Town Manager. The Health Director also works for the Board of Health. There may be times when the Board of Health makes decisions that the Town Manager or Select Board doesn't like and the allegiance of the Health Director, in that type of instance, goes to the Board of Health and not the Town Manager or Select Board. The Health Director cannot be directed by anyone else other than the Board of Health when it comes to public health issues. Federal Law sets minimum standards and State Law is free to take those minimum standards and build on top of that but not ever being able to take away from that. Boards of Health can pass standards that are more stringent than the State standard but cannot go less than the State standard. The Legislature has given the Boards of Health its authority. Nobody has more Boards of Health than Massachusetts, which has 351. Legislature has put its trust in Boards of Health. The Massachusetts Supreme Judicial Court has never once reversed a Board of Health order of reversed a Board of Health regulation as long as it was done in a reasonable manner. An example was discussed. The State legislature delegates its authority to local Boards of Health. Ms. Hugo stated that they will be discussing areas of Chapter 111 that discuss nuisances and noisome trades. A slide showed fifty plus duties that Boards of Health regulate. The nuisance law was discussed. If a nuisance could cause injury to the public health, then the Board of Health shall make a regulation relative there too. Mr. Hugo gave examples of what could be considered a nuisance. Noisome trades states that no trade or business that results in or may result in a nuisance being harmful to the inhabitants or injurious to their estates (property value) or public health or may be attended by noisome and injurious odors shall be established except in such a location as may be assigned by the Board of Health after a hearing. Mr. Hugo

The Board will discuss public health concerns raised by residents regarding the proposed Battery Energy Storage System (BESS) facility at 73–75 Hillman Street. A representative of East Point Energy, the developer, has been invited to attend and may provide information or answer questions posed by the board. There will be no opportunity for the public to address the representative(s) of the project directly at this meeting, beyond the usual public comment period. This is not a formal public hearing under M.G.L. c. 111, §143 at this time.

Ms. Braga stated the representative of the facility notified her that he was not able to attend in person. Mr. Braga stated that he was welcome to submit any written statement or any additional materials that he would like the Board to review. She has not heard anything back since then. Tonight is not a public hearing, but Ms. Braga wanted to hear public comment and to discuss with the Board the next steps going forward. There was a lot of information on the October 9, 2025, public hearing she attended, and many people spoke. Questions on noise levels, transparency, public health, emergency evacuation and proposed shelter in place if something were to happen was discussed. The recording of the public hearing can be found on YouTube. Ms. LeFave stated that she attended the public hearing as well and there was an abundance of information, some of it was opinion. She stated that the Board would need to move quickly as there is a date that was discussed that is coming up soon. Ms. Amato stated that Ms. Braga's list of the Board's concerns was brought up at the public hearing and wanted to know where the answers to those concerns could be found. Ms. Braga stated that the questions need to be put in writing and submitted by October 25, 2025. Ms. Braga wanted to wait until this meeting was over in case there were other questions that need to be added. Ms. Brage stated that the next step would be to see if the Board would want to go forward with the site assignment.

Ms. Ferdinand suggested that a meeting be held before the next meeting and give the representative of the facility to attend or submit information. Ms. Braga state that she will reach

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out to town council and the health department to work on the next steps that are necessary for the site assignment. A discussion ensued. Ms. Braga stated that any upcoming meetings will have an agenda posted 48 hours in advance on the Town website. All meetings are televised unless it is a working meeting.

Old Business:

- **Continued deliberation on proposed revisions to the Board of Health regulations from the October 2, 2025, working session, with the intent to finalize and adopt following discussion of further recommended amendments.**
 - **Chapter 1: Administrative and Organizational Regulations**
 - **Chapter 7: Dumpster Regulations**

Ms. Braga stated that the proposed revisions were made at the October 2, 2025, working meeting. Is there anything that needs to be added or revised? Ms. Amato asked for the revisions to be sent to her. A discussion ensued regarding some edits and questions. Ms. Gillis stated that she has sent the regulations to Town Council but has not heard back yet. All the Board members were in favor of the revisions.

Health Department Report:

- **Fall-o-ween Town Common October 19, 2025, 1-4pm**
- **Coat Drive will continue until December 15, 2025. Drop off gently used coats at the lower level of Town Hall. Nineteen coats have already been donated.**

Board Member Reports:

- **Planning Board Request for Master Plan Steering Committee Participation**

Ms. Braga received an email asking if any of the Board members wanted to be a part of this committee. Mr. Ferdinand asked if only one Board member could participate. Ms. Braga stated that the email did not say that it was limited to one BOH member or not, but it would be very beneficial for a board member to be part of the committee. Ms. Gillis stated that it is a twelve-to-sixteen-month commitment. Ms. Braga stated that there is interest, but more information would be needed to determine who would be able to participate. Ms. Gillis will follow up and get back to the Board members. An answer is needed by October 31, 2025.

Mr. Ferdinand stated that he had talked to Steve Sadwick, Assistant Town Manager, about the country's 250th anniversary that will be next year. The oldest public health museum is in Tewksbury; he would like to have someone from the HHS come to Tewksbury to report on what has been accomplished throughout the year. Mr. Ferdinand stated that the police would need to be notified for security and perhaps holding it at the high school for the public to attend. Ms. Braga stated that she wouldn't know how this would work since it would be a town event versus a Board of Health initiative event. Ms. Braga stated that Mr. Ferdinand could look into it to see if there is anything that could be done.

Ms. LeFave reported on the Wellness Committee. A discussion ensued. The wellness fare organized by the town's Wellness Committee is scheduled for March 10, 2026.

Future Agenda Items:

Adjournment:

Board of Health

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**Town Clerk
Tewksbury, MA**
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MOTION: Ms. Janeczak made the motion to adjourn; seconded by Ms. Amato and the motion unanimously carried 5-0. Meeting adjourned at 7:45 pm.

Approved on: 11/20/25

List of documents for October 16, 2025
Documents are located at the Tewksbury Health Department

Approval of Meeting Minutes:
September 18, 2025

Compliance Hearing:

7-Eleven 2280 Main St. packet

New Business:

2026 Meeting Calendar

Old Business:

Health Department Report:

Board Member Reports:

Tewksbury Master Plan Steering Committee

Future Agenda Items:

Adjournment:

