



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

SPECIAL EMERGENCY MEETING MINUTES October 29, 2025

Town Clerk
Tewksbury, MA

11/21/2025, 8:39:53 AM

The virtual meeting was called to order by Melissa Braga, Chairperson, at 6:05 p.m. The meeting was broadcast live. Present at the virtual meeting were Susan Amato, Vice-Chairperson, Chris Janeczak and Pamela LeFave, members. Also in attendance was Shannon Gillis, Director of Public Health. Also virtually attending was Mike Hugo from Massachusetts Association of Health Boards. George Ferdinand, Clerk, joined the virtual meeting at a later point.

New Business:

- **Discussion and Vote on Submitting Petition to Intervene as a Full Party in EFSB 25-08 proceeding regarding the proposed battery storage facility.**

Ms. Braga made it clear that the BOH has not changed their position when it comes to protecting public health and safety. This has always been and will continue to be the Board's main priority. The residents have been heard, and the Board is not stepping back their responsibility to ask questions, carefully analyze the answers and set expectations around any facility that could impact health or safety in Tewksbury no matter where it might be. After speaking with the Town and with the Town's legal counsel, it is the Board's belief that it would be premature to assert their jurisdiction in pursuing a local site assignment process under Mass General Law Chapter 111 for the battery storage facility. In light of certain ongoing proceedings before the energy facility sighting board, the Board would be in a better position to protect the public health of the Town by participating in the process currently underway and weighing in under the process. The Board has another option that may allow the Board to participate more directly within the official state process. The Board will be voting on two important items; to withdraw the Board's earlier decision to move forward with a site assignment process under Mass General Chapter 111 section 143 and to authorize the Board to submit a petition to intervene in the energy facility sighting board proceeding which is where the approval for this project will be decided initially. By intervening as a full party in that process, the Board will gain the ability to submit formal comments, request data, raise health and safety concerns and ensure that the sighting board understands and strongly considers the specific issues raised by residents and the BOH from a public health perspective. The Board is not stepping back and if the Board decides to vote a certain way from their responsibility, the Board is moving to the table where these decisions are being made with a clear understanding that public health considerations must be evaluated as part of the initial process.

Ms. Braga asked for a motion to withdraw the Board's prior action seeking a site assignment under Mass General Law Chapter 111 section 143 regarding the proposed battery energy storage facility at 73-75 Hillman Street.

MOTION: Ms. Amato made the motion to withdraw the Board's prior action seeking a site assignment at 73-75 Hillman St.; seconded by Ms. Janeczak. Ms. Braga asked the members if they had any questions on the vote.

Ms. LeFave stated that she did not have clarity on how it would put the Board in a position where they could exercise some authority should it become necessary. She would like Mr. Hugo to address this. Ms. Amato added that she understands it, however, if the Board goes through with this, what happens if the Board feels like they are not being heard and don't receive the answers that are needed to protect the citizens. Ms. Braga agreed and stated that this is not an easy decision and it's not a decision that is made lightly.

Mr. Hugo stated that in order to go forward with a site assignment, the Board would need to receive scientific information in a hearing. The Board could get all the scientific information, which is part of the siting process anyway. The Board would not be able to have a seat at the table unless they are able to intervene. Town Counsel and Special Counsel Mr. Bernstein agreed that there would be no opposition to a petition to intervene in the ongoing process. This gives the Board a seat at the table with Planning, Zoning, Conservation, and all the other commissions in town.

Mr. Hugo stated that it was abundantly clear in the meeting that was had with them that if the BOH is not happy with the level of respect that the other boards give the BOH, since the BOH has much more power than the other boards do, then the BOH is free to take whatever actions they would want to take. If the BOH participates in the ongoing process, no meetings could take place without the Director of Public Health, Shannon Gillis, who is the point person, knowing. All BOH members can attend the proceedings or have Ms. Gillis attend on their behalf. All would be parties to the decision.

Mr. Hugo stated that there is a potential for the BOH to be discounted or not heard by either the Town Manager or Select Board. If this should happen, the BOH members could reconvene and make a motion for a site assignment. Unfortunately, this will happen after the permits are given because the company will be spending a lot of money between now and then, and if the Board chooses to do a site assignment, the company will need to pay for everything from that point forward.

Mr. Hugo stated that in his opinion, the Board going through with a site assignment has merit because currently everyone is paying their own bills to study this, but a site assignment would be the responsibility of the licensed applicant to pay for. Mr. Hugo stated that it seems that the Town Manager and Town Council agree to do it this way. Special Counsel for the applicant, Attorney Bernstein, opined that the BOH has no authority to do a site assignment.

Mr. Hugo stated that the Supreme Judicial Court has never once, in the history of Massachusetts, overturned a BOH action or order that was done on a proper record. Mr. Hugo stated that he and Attorney Sbarra do not see any real merit to Mr. Bernstein's position. Mr. Bernstein makes his money doing nothing but placements of these BESS facilities across the state.

Mr. Hugo stated that the smarter course of action for the BOH right now would be to participate in the proceedings as they come up through the town, and the Board would need to be prepared to walk away from the commission and go forward with a site assignment. Mr. Hugo noted that it was understood Ms. Gillis isn't eager to give up on the idea of a site assignment and having someone in Town Hall who continues to keep that issue at the forefront will benefit the process.

In the comments submitted by MAHB to DOER, which were shared with everyone, it was emphasized that Boards of Health should be involved from the very beginning. The expectation is that the first time someone visits Town Hall—whether to meet with the Town Manager, Select Board, or Planning Board—they should have already spoken with the Board of Health. DOER has responded very positively to this idea and is currently working on incorporating it into their regulations. Mr. Hugo has had multiple meetings with DOER representatives, who have indicated that they intend to include a requirement ensuring that Boards of Health have a seat at the table in these discussions.

Ms. Braga stated that Mr. Ferdinand is following the meeting but not virtually on the screen. Ms. Braga thanked Mr. Hugo. It is a concern of the Board to make sure they are doing the best possibly way to ensure the safety and health of everyone in Tewksbury, which is part of her role as Chair, as well as the other BOH members. Ms. Braga stated that it is good to know that the BOH could come back in the future and vote on the site assignment again if need be. Mr. Hugo stated that if a site assignment was to be done, it wouldn't even begin until after the permit was granted. Ms. LeFave thanked Mr. Hugo for giving her clarity.

MOTION: Ms. Amato made the motion to withdraw the Board's prior action seeking a site assignment at 73-75 Hillman St.; seconded by Ms. Janeczak. Ms. Braga asked the members for a role call vote. Mr. Janeczak voted yes; Ms. Amato voted yes; Ms. LeFave voted yes; Mr. Ferdinand voted yes; Ms. Braga voted yes. The motion unanimously carried 5-0.

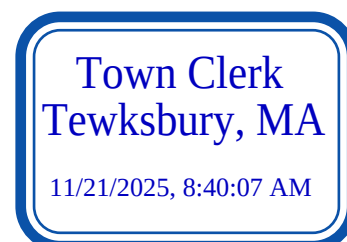
Mr. Hugo stated that the next step is for the Board to actively participate in the process. All Board of Health members, as well as Ms. Gillis, the Board's agent, will receive notice of meetings. Ms. Gillis will likely attend most meetings, as some may be scheduled at short notice.

Mr. Hugo recommended developing a position that balances scientific evidence, common sense, and the perspectives of those affected, since the Board represents the health interests of the community. He noted that there may be situations where individuals disagree with the Board's stance or recommendations, for example, during COVID-19, when some people resisted mask mandates.

He suggested that the Board consider scheduling public hearings that differ from the formal site assignment hearings. These hearings would not require a stenographic record or a hearing officer; as Chair, Ms. Braga would serve as the presiding officer. The Board should inform the public that input is being sought, establish deadlines for written comments (potentially two to three months), and consider holding one or two hearings for neighborhood residents to voice their concerns.

As the Board participates in these meetings, members can relay community concerns back to the Board. Mr. Hugo also noted that Board members should review the architectural plans for the proposed project in advance and have them available during discussions.

Finally, Mr. Hugo emphasized that he and MAHB are available to help with the entire process. Ms. Amato stressed that the BOH members are not for or against the project but as a Board they are trying to get answers. She stated that she hopes this brings everyone together including the Town Manager, Select Board and all the other boards to be able to work together. Ms. Braga agreed. If the project is coming, the Board wants to ensure that it is safe for everyone. Ms. Braga stated that if it wasn't for the emails she received from residents, the Board would not have been aware. This is frustrating as Ms. Braga had asked in the past about this and was told that when it



was time, it would come in front of the BOH. Had the Board known sooner, they could have answered a lot of questions and possibly could have helped alleviate some of the fear.

- **Discussion and Vote on Withdrawing the Board's prior action seeking a Site Assignment under M.G.L. c. 111, §143, regarding the Proposed Battery Energy Storage Facility at 73–75 Hillman Street**

Ms. Braga stated that the next motion would be to submit a petition to intervene as a full party in the EFSB 2508 proceedings regarding the proposed battery energy storage facility.

MOTION: **Mr. Ferdinand made the motion to submit a petition to intervene as a full party in the EFSB 2508 proceeding regarding the proposed energy storage facility; seconded by Ms. Amato Ms. Braga asked the members if they had any questions on the vote.**

Ms. Amato stated that she wants to make sure that Ms. Braga, Ms. Gillis and the Board are all part of this petition. Ms. Braga asked Mr. Hugo if that would be the case. Mr. Hugo stated yes. The petition would include the BOH members as well as Ms. Gillis.

MOTION: **Mr. Ferdinand made the motion to submit a petition to intervene as a full party in the EFSB 2508 proceeding regarding the proposed energy storage facility; seconded by Ms. Amato. Ms. Braga asked the members for a role call vote. Mr. Ferdinand voted yes; Ms. LeFave voted yes; Ms. Amato voted yes; Ms. Janeczak voted yes; Ms. Braga voted yes. The motion unanimously carried 5-0.**

Ms. Braga stated that the next BOH meeting will be on November 20, 2025 at 6:00pm in the first-floor meeting room. A hearing can be added to that agenda. This gives the Board plenty of time to notify everyone. In the meantime, Ms. Braga will be speaking with town council to get the message to intervene as a full party since it has been voted on. Ms. Braga will keep everyone notified.

MOTION: **Ms. Amato made the motion to adjourn; seconded by Ms. Lefave. Ms. Braga asked the members for a role call vote. Ms. Janeczak voted yes; Ms. Amato voted yes; Ms. LeFave voted yes; Mr. Ferdinand voted yes; Ms. Braga voted yes. The motion unanimously carried 5-0. Meeting adjourned at 6:36 pm.**

Approved on: 11/20/25

