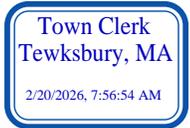




TOWN OF TEWKSBURY BOARD OF HEALTH

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

DEPARTMENT OF COMMUNITY DEVELOPMENT



MEETING MINUTES January 15, 2026

The meeting was called to order by Melissa Braga, Chairperson, at 6:01 p.m. Present at the meeting were Susan Amato, Vice-Chairperson, George Ferdinand, Clerk, Chris Janeczak, member. Also in attendance was Shannon Gillis, Director of Public Health. Pamela LeFave, member was not present.

Call to Order:

- Pledge of Allegiance

Approval of Previous Meeting Minutes:

- November 20, 2025, and December 18, 2025, meeting minutes presented for approval

MOTION: Mr. Ferdinand made the motion to approve the November 20, 2025, meeting minutes as submitted; seconded by Ms. Amato and the motion unanimously carried 4-0.

MOTION: Ms. Janeczak made the motion to approve the December 18, 2025, meeting minutes as submitted; seconded by Mr. Ferdinand and the motion unanimously carried 4-0.

Public Hearing:

- **Public Hearing** – Tewksbury Board of Health Minimum Standards for the Keeping of Animals permit Requested by Brian Smith, 4 Day Street for sixty (60) hens.

Ms. Braga read the public notice.

MOTION: Mr. Ferdinand made the motion to open the public hearing for 4 Day Street; seconded by Ms. Amato and the motion unanimously carried 4-0.

Present were Pamela Thomas, Tewksbury Animal Inspector and applicant Brian Smith. Ms. Thomas stated that she received a complaint that there were hens at this location. Mr. Smith has had poultry for many years, which is not uncommon. Ms. Thomas and the animal control officer went to the location together. Ms. Thomas stated that the setup was phenomenal. Composting, predator proofing and the overall esthetics well set up. The coop and run were plenty big enough for the hens that he has. Ms. Thomas told Mr. Smith the process on how to get an animal permit for the number of hens he has. All his paperwork was submitted, and the inspection of the location was completed. Ms. Thomas supports Mr. Smith receiving his animal permit.

Ms. Amato asked Mr. Smith if he wasn't aware that he needed an animal permit. Mr. Smith stated that he didn't think he could receive a permit for sixty birds. Ms. Amato asked why he wanted so

many. Mr. Smith stated that he has many different breeds for a variety of eggs. Ms. Thomas explained why hen owners would want different breeds.

MOTION: Ms. Janeczak made the motion to close the public hearing for 4 Day Street; seconded by Ms. Amato and the motion unanimously carried 4-0.

Ms. Braga asked for a motion to reopen the public hearing for any public comment.

MOTION: Ms. Janeczak made the motion to re-open the public hearing without prejudice; seconded by Ms. Amato and the motion unanimously carried 4-0.

There were no public comments.

MOTION: Mr. Ferdinand made the motion to close the public hearing for 4 Day Street; seconded by Ms. Janeczak and the motion unanimously carried 4-0.

Finding of Facts

1. The applicant has submitted a complete application
2. The legal notice has been made and published
3. Abutter notification was mailed out
4. Any residents have had an opportunity to speak for or against the application
5. Ms. Thomas, Tewksbury Animal Inspector, has reviewed the application and inspected the property under the rules and regulations for the Keeping of Animals and the applicant has met all the requirements.

MOTION: Ms. Janeczak made the motion to approve the animal permit for Keeping of Animal at 4 Day Street; seconded by Ms. Amato and the motion unanimously carried 4-0.

New Business:

- **Fee Schedule** – adding non-profit late fee of \$100 after renewal date to fee schedule

Mr. Ferdinand stated that he is glad that the late fee was set instead of charging non-profit food permit holders a set fee.

MOTION: Mr. Ferdinand made the motion to approve the non-profit late fee of \$100 after the renewal date to be added to the fee schedule; seconded by Ms. Amato and the motion unanimously carried 4-0.

- **Town Manager and Assistant Town Manager**

Present were John Curran, Town Manager and Robert Maynard, Assistant Town Manager. Mr. Curran referred to the memo that was given to the Board members for the request for an extension by the Town for expert witness testimony and the HCA process. Mr. Curran gave some back history. A redlined version of the HCA was received yesterday and is in review. He stated that the reason for executive session is because under the open meeting law, there are certain items that are allowed to be exempt from the open meeting law meaning they are not public record. It is a negotiation process and could be subject to litigation, so it doesn't lend itself well to open process. The town doesn't want to hurt its position having the other side hearing the

negotiation process. Ms. Curran stated that he understands the public's frustration in regard to transparency, but it is being done to protect the town's interests in the process of getting the best possible outcome for the town. Mr. Curran stated that he is hoping to have the HCA released soon to have a joint meeting with the BOH and Select Board members around January 28, 2026, after the budget process. This will also include a public participation process. The timeline is short to get an agreement from both sides. Once the comments are received, there will be another meeting around February 3, 2026, to vote to incorporate any changes that come out of that public process into the HCA. The extension is needed until February 6, 2026, to get everything accomplished. The expert witness testimony from Mr. Curran and the expert witness the town has hired, Paul Hayes. The memo provided to the BOH members has a link to LinkedIn to check out the credentials. Mr. Curran discussed the two extension requests.

Mr. Ferdinand asked through the Chair if the Health Director, Ms. Gillis, had any advice for the Board. Ms. Gillis stated that she would be listening to what the Board has to say since they are the intervening party as she is acting on their behalf.

Ms. Braga stated that she had some concerns. If the fire safety materials remain draft and only shared informally, it is her understanding that they may never become part of the EFSB evidentiary record. If they are not on the record, they can't be relied on the same way in briefing and decision making. Mr. Curran stated that this is not correct. Part of the HCA document itself there is a provision that the HCA be incorporated into the decision which is why they need the extension so that the HCA will be completed before they provide their testimony on February 6th so it will become part of the EFSB decision at the request of the Town and the petitioner. If they don't get the extension, then there is no guarantee that the information will be part of the EFSB decision. By granting the extension, there is a greater opportunity to make sure that it is part of decision. Ms. Braga stated that the motion states that without a complete HCA the town is simply unable to file either of these two pieces of pre-trial testimony, is this still Mr. Curran's position? What does unable mean? Legally unable, practically unable or strategically unwilling? Mr. Curran stated the latter and that strategic testimony might not be filed at all if they are unable to come to any type of agreement. Ms. Braga asked if there were any parts of the fire safety expert testimony that cannot be prepared unless the HCA is signed? Mr. Curran stated no and that they could be added if something came up after the HCA was signed. The fire safety standards are covered under the NFPA 855 and is a provision that is in the HCA agreement right now. In addition to that, Mr. Curran wants to call things out individually so there is transparency in the agreement. Ms. Braga stated that the interveners pointed out that by extending town testimony pushes disclosure past the discovery deadline. What is Mr. Curran's position on allowing additional discovery after the town finally files testimony? Mr. Curran stated that he does not think that this extension will affect the timeline of this process.

Ms. Amato stated the Board, without legal counsel, is trying their best to find out what everything within the pages means. She thanked Town Manager for the documentation that was sent to the Board. This is what they were looking for but not an hour before the Board meeting. A discussion was had on the redlined HCA document. Why can't the Board see this to make sure the safety provisions are included before they are finalized? A discussion ensued. Mr. Hayes's contract will provide witness testimony but also review the HCA and give feedback. Part of this includes calling out things that are required from the NFPA standards. They are working on that right now. They want to get the information to the Board at least 72 hours prior to meeting with the Select Board. They want to create an appendix on the HCA that calls out the fire safety standards. That document doesn't really impact on the sensitivity around negotiations so this can be provided to the Board. They are working on the appendix to call everything out instead of just saying to adhere to the NFPA standards. An example that would be called out in the appendix would be

adequate water capacity in the area. Another example would be fire access to the site to make sure trucks could get to any area of the site in event of an incident. These are required by the NFPA standards, but these are some examples that would be called out in the appendix. Ms. Amato stated that they would want enough time to review the safety and health provisions.

Ms. Braga stated that public safety review should not become dependent on the timing of HCA negotiations. There should be clear provisions prior. Why can't the testimony portion of the fire expert be submitted prior to the HCA. Mr. Curran stated that the testimony of the fire expert is dependent on the HCA. If there isn't an HCA in place, we don't have certainty that all these things will be followed, which will impact on how our expert witness testifies during this process. Ms. Braga stated that if there is testimony and they have it in writing and it's presented and filed, isn't that already on record regardless of whether the HCA has it written in there or not? Mr. Curran stated that the testimony is not written yet. There is no draft. Mr. Curran has received supporting documentation about what the testimony is going to be. A discussion ensued regarding the frustration amongst the residents as well as the BOH. Ms. Braga stated that neither the Town nor the Select Board had asked anything from the Board of Health. It would have been nice to ask the BOH for any type of input or include them in what was being discussed. Will the BOH members see any of the redlined HCA before the January 28th meeting? Mr. Curran stated that the BOH will be able to see the red-lined draft. Mr. Maynard clarified that the redlined draft was not sent back but was sent to the expert witness to review and comment on. Mr. Curran stated that they are working on the appendix to get to the BOH members in advance of the January 28th meeting. Mr. Curran understands the Boards frustration and is trying to get them the information they need but stated that he there is a lot of information he doesn't have as well. A discussion ensued regarding the frustrations of the Board and an emergency response plan. Ms. Janeczak asked how the location of the project was decided. Mr. Curran stated that it has to do with the location of the transfer station and electricity. Ms. Braga stated that there were three proposed sites, the summarized basis was that one was too far away from the transfer station, and one was too close to people. That was the reason why this site was chosen over the other ones. Ms. Janeczak asked about PILOT. Mr. Curran stated that this was payment in lieu of taxes. Mr. Curran gave an explanation on this and the value it provides to the Town. Mr. Curran also stated that if something was left out of the HCA, the EFSB can add it to the permit. The HCA is a tool for the Town. Since this permit is not permitted at the local level, we can't attach conditions so the HCA is a vehicle that the Town can use to attach conditions to a permit that the town doesn't adjudicate.

Ms. Braga asked if the Town could put together some expert testimony regarding the resources the fire department currently has, and what a thermal event would require. Is that being studied? Wouldn't it be better to include something instead of nothing? Mr. Curran stated that our perspective could be remarkably different if we don't have an HCA and we don't want to file something that we would regret and would want to change if the HCA doesn't work out. If there is no HCA by February 6th, does the Town Manger plan on filing no affirmative testimony? Mr. Curran can't predict exactly what would happen and doesn't want to speculate but the Towns testimony is dependent on whether there is one or not. Ms. Amato asked for clarification and a discussion ensued. Mr. Curran stated that the HCA cannot address everything, but it does impact what the Town's testimony will be. The Board asked for more clarification and the discussion continued. Ms. Braga stated that as a Board of Health, the concerns of the residents need to be heard but most importantly, their job is to make sure that all the things are being addressed and that they understand what is happening. There is so much to understand, and they are trying to make sense of it all and to them, testimony and the HCA is not making sense. Mr. Curran stated that the testimony is contingent upon what the Town feels that they've agreed to in a legal document that will be adopted by the decision at the EFSB. If they don't agree to all the things then the Town will have to make sure that testimony reflects that. If they do agree to these things,

the Town will need to reflect that in their testimony and as long as it is included by the EFSB. The discussion continued for more understanding. Mr. Curran stated it is incumbent that the petitioner provides information just like any special permit process. It also requires them to interact with town departments to get information about water capacity, gates etc. An engineering analysis needs to be done, and it is not incumbent upon the town to do it. They need to do it and then the Town will peer review and comment on it. Ms. Braga stated that for her own clarification, the HCA would state that Hillman would need to present factual evidence and reports stating that there is, for example, enough water supply to be able to do that. They would have to go out with their expert engineers, bring it back to the Town to look at. The Town would have a third party look at it separately and agree upon. They would be looking to make sure there is enough water supply and if they find that there isn't, then they would need to figure it out. Is that what you are saying? Mr. Curran stated that with regard to water, there are standards and specifications that they have to satisfy, and they can't make up their own. The Town cares about what their specifications are in order to fight a fire and that's what the Town wants them to adhere to. Either prove that it exists there today or tell the Town how you are going to build that infrastructure to make sure it is there when the project opens. If they get those things through the HCA, then the testimony that the Town would give would basically recognize that they have agreed to do these things, it's an issue and the Town would want it addressed. Without an HCA, the testimony would be that the Town would be very concerned about water capacity and would not know if anything could be built there until that issue is addressed. Mr. Curran stated that it is in the Towns' best interest to have more time to present the best case they can and that is what they are asking for.

Mr. Ferdinand asked for confirmation that they would have four days to look at the HCA. Mr. Ferdinand stated that there were other locations that could have been considered but they weren't cost-effective for the company. The company is still going to make money. The thirty-eight-page document was received yesterday, and the Board only had twenty-four hours to review it. He stated that he does understand the Town's position and has a better understanding of it. Mr. Ferdinand asked Mr. Curran, in regard to this company and their previous facilities, do you know which state has the most current regulations? Mr. Curran stated that he is aware that New York and California both have a very strict one. Mr. Ferdinand stated that he had previously asked about having a full-time security person that knows computers are able to shut the facility down and is asking to have this in the negotiations. A discussion ensued regarding the timeline of the project. Mr. Curran stated that he wished that the Town had more local involvement, which is frustrating. This can create a lot of distrust because the process is not happening at the local level, which makes the process not as transparent as what people are used to.

Ms. Braga thanked Town Manager and Assistant Town Manager for coming forward and speaking with the Board. Ms. Braga stated that there is a lot of mistrust because of the way this has been handled. She stated that she is going to give it the benefit of the doubt that everyone had the best intentions. The BOH is about the public health and safety and hopes that whatever occurs that the BOH addresses this in the right way possible for everyone. The Board will be meeting with the Select Board on January 28, 2026, to which Mr. Curran stated that Ms. Braga and himself will be meeting on January 20, 2026, to finalize January 28, 2026, which is a public meeting for everyone. The Chairman of the Select Board intended to open the meeting to the public. Ms. Braga stated that the Board will respond to the Town's request for an extension when they do the BESS update on the agenda.

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: Ms. Janeczak made the motion to open the public comment; seconded by Mr. Ferdinand and the motion unanimously carried 4-0.

- Linda Martin 25 Emerald Court – Thanked the Board for their support throughout the whole process so far. She is a limited participant and has been inundated with the material that's been presented in the last week. We will be affected by the outcome of this whole process. She had looked at the EFSB's agreements with other towns that have host agreements and the EFSB's final designation has not always said that the host agreements must be agreed to. The town could say that we need more water but if the EFSB does not say that's a requirement in the permitting process then that doesn't have to be followed. We need to be careful going forward about what is in the HCA. She is astounded that they have not been involved in that process at all. Safety is at the heart of this matter. Attorney Senie's motion for a partial summary decision on one of the zoning laws. On page five, he stated that immediately upon receiving the EFSB permit, Hillman will then ask for a certificate of environmental impact and public interest. That certificate is a composite permit and will give the company permission to start building and the Town will then be overruled on anything including the Conservation Commission, the Planning Board and the Board of Health. Once the EFSB makes their decision, that's the end of it as far as the Town is concerned. Is the Board aware of this and how does this effect negotiations going forward about HCA?
- Ms. Braga stated that this is all new to the Borad and they don't have answers. The Board does not have legal counsel but Ms. Braga along with Ms. Gillis have had meetings with special town council, however, they don't represent the Board of Health so if those types of questions are asked, she is not sure what the response would be. Mr. Curran stated that if there is a site plan approval thought the FSB, they will be coming before the Conservation Commission. They would not be coming before the Planning Board or any other Board. Ms. Martin stated that if Hillman receives a certificate of environmental impact, then it wouldn't come back to the Conservation Commission. Mr. Curran will readdress this question to town council and get an answer. Ms. Martin asked Mr. Curran if he agreed with the motion to extend the decision on this partial summary. Ms. Braga stated that all the interveners were in agreeance to extend to the 27th to reply back to the original. Ms. Braga stated that if everyone else agreed she didn't see a reason why the Board of Health wouldn't be.
- Dawn Sheehan 100B Starr Ave – It's frustrating that people who haven't been part of the process aren't aware of the fact that one party will have reports and file those. The next party will say hey I had more questions in that report. It's been going back and forth like this behind the scenes for the last several weeks. Since Tewksbury is wanting a delay for their reports to be submitted, just so you know that this was a procedural schedule set up by the EFSB that was agreed upon. Tewksbury has already received a twenty-three-day extension and now they are asking for another thirty-day extension in their reports. This is not allowing Tewksbury to participate in the EFSB process with all the other parties involved. People are not allowed to ask questions of their expert witness. If they turn this information over on February 6th, don't we go to court on February 9th? So, nobody including the EFSB hasn't had the ability to ask questions about what information Tewksbury is presenting. This removes Tewksbury from that process. There are a lot of experts weighing in on this so why is Tewksbury in such a rush to sign an HCA? The twenty-eight document that everyone keeps talking about the motion for partial summary basically

saying that the EFSB does not have the ability to override section 5.6.6 of local zoning. Part of this is due to the fact that this is in a zone 2 wellhead protected area and guidance requires that to be built on a self-contained area. These batteries need to be put on some type of surface so that when water gets put on them, that contaminated water does not go into the drinking supply that is feeding to Tewksbury State Hospital. It would need to have some sort of retention pond. That is why that motion is being filed. If they are saying that there are so many things with this project that do not meet the requirements that they are trying to get a motion on it right now, why on earth would Tewksbury want to participate and sign a document being in a contract with these people who we don't even know if this can legally be built in this town? Why shouldn't this go before the whole process? You are talking about wanting to see those fire documents beforehand, what about us? We live here and this is our town and we deserve that fire safety. In order to go to the joint HCA meeting, we need to know what we are talking about. It is a disservice to all the residents if the Board doesn't agree that we need these fire documents.

- Sandra Poole 64 Emerald Court – Granting the Town's request for this extension, it would result in the reports being released after the Select Board is scheduled to approve the HCA. Withholding this essential public safety information would prevent the Board of Health from properly evaluating the adequacy of the HCA's safety provisions before it's even signed. We are rushing to get this signed. The public health safety must take priority over the negotiation strategy and urge the Board of Health to file an opposition that would motion to acquire proper access to the information needed before the HCA is signed. If this is a hundred-and-fifty-nine-million-dollar project, why doesn't the Board of Health have legal representation to protect the Town and the residents? There is a lot of confusion and if this is such a high-powered project, shouldn't the Board of Health have a lawyer to assist them?
- Bob Schleicher 74 Emerald Court – It has been a very difficult time. We've heard about this starting in March and according to the Select Board minutes, this has been going on since September of 2024. He and his wife have met with the Fire Chief sometime in May. The Fire Chief stated that he knew nothing about it yet previous remarks noted in the Select Board minutes talk about the Fire Chief being there. This has been a year and four months with no safety plan. Something with 125 megawatts, one of the largest and best units in the state, you would want to see if a thermal runaway happened, what would the Town do? Why would you depend on another company? I would think that the Fire Chief would have looked into this almost as soon as he heard about something of that magnitude coming to town. This is a disgrace to the citizens that this has not yet happened. He has only seen a four-page boilerplate evacuation plan and to him, that is not a plan.
- Gerard Corbin 82 Emerald Court – Would like to follow up on the evacuation plan. Two minutes ago, Mr. Curran stated that there is a plan and earlier tonight we heard that part of build process will be to develop the plan so how can they both be true? How can we have a plan now and develop a plan? I would think that as part of the process we should be presenting to the EFSB the viability of a plan. Many of us are concerned that anything north of Old Boston Road trying to evacuate Archstone, Bayberry, Emerald Court, all the houses on Court, Old Boston Rd. and Washington Street in particular would be extremely challenging. I don't think that it is something you can put in an HCA how that evacuation could be made easier. It will be difficult, if not impossible. That should be done now and not later. Mr. Curran stated that pilot agreements are usually not for profits. This pilot agreement is limited to energy storage. On the other hand, I don't think National Grid has a pilot program agreement with the Town. There aren't any businesses that have a pilot agreement with the Town. The new daycare center doesn't have a pilot agreement or Walmart. If I want to refinance my house, I'm not going to get a pilot agreement to make it look more attractive to the bank. My taxes are determined by the assessed

value of my property, the tax rate that the town comes up with and then any other special assessments. I believe the pilot program removes all three of those factors for the battery storage unit. It gives them a fixed negotiated price for the duration of that project, which I find grossly unfair to me as a homeowner and to any of the other businesses in town.

- Mr. Curran clarified that when he stated that this had happened, he was referring to talking about having discussion with them about thermal runaways and as stated earlier, yes, they are in the process of working through emergency evacuation plans or emergency response plans. That document is not going to be completed in the next few weeks. The document is a working document that will be finished before they receive their occupancy permits and will be worked on right along. The Chief has been working with them, and our experts will be working with them on that issue. It is in the ACA that this has to be addressed. That document won't exist today or in the next few weeks because it needs to be further developed and we need to know exactly what the plan is before they can completely develop it. It will probably be 80% developed but won't be finalized before it actually happens. Mr. Curran stated that he understands the frustration about pilots but it's a state issue that can be taken up with the legislature. They put that incentive in there for battery energy storage or energy storage to allow them to have the opportunity to do a pilot. It is something that has to be approved by the DOR and has to be based on the value of the project. It isn't something where they just get a huge break. The Town has hired someone who went and assessed the value to this project and determined what the depreciation of that project would be over time versus what they call ad valorem which is like if you and I pay taxes through ad valorem we just pay a regular tax bill. We calculate that and amortize that across a twenty-year period what would that be on an annual basis. The DOR has to sanction that as a third party, an independent party, to make sure that it is a fair and reasonable value for that property. They don't have an upper hand with that and neither does the town in terms of being able to dictate what the value is. We can't overvalue it and they can't undervalue it. Mr. Corbin stated that the town has had fifteen months to develop an accurate evacuation plan, not the eight weeks Mr. Curran is talking about now and he believes that a pilot is an option, not mandatory to which Mr. Curran stated yes.

MOTION: Ms. Janeczak made the motion to close the public comment; seconded by Ms. Amato and the motion unanimously carried 4-0.

Old Business:

- BESS update continuation

Mr. Ferdinand stated that the town should be requesting our state representative to be here because he is on the energy committee in this state. Every election really matters.

The thirty-three document was received from the petition from one of the interveners. Ms. Braga stated that she would summarize the three filings in the EFSB case that affect timeline and process. The Town's motion for extension, the partial opposition to that motion filed by the interveners DePalma and Sheehan and the town's response to that partial opposition. She stated that she would also recap some points from the January 13, 2026, call that she had with Town Manager, Ms. Gillis and town special counsel. The motion for extension was filed on January 12th and the town is asking that the sighting board extend the deadline for the town's pre-filed testimony to February 6th. The extension is needed because the final host community agreement will be the basis of two pieces of town testimony. The Town Manager testimony explaining the HCA and how it protects the town/public. An expert testimony focusing on HCA provisions for fire safety and emergency planning and how they align with "state of the art practices and safeguard public safety". The town also states that without a completed HCA, it is unable to file

either piece of testimony. Additional statement mentioned that if there was no agreement on the HCA by February 6th, it may take a different position on the brief and likely will not pre-file any testimony. The partial opposition which was filed January 13th by DePalma/Sheehan stating they do not oppose giving the town more time for the town manager's testimony to February 6th as long as there is an added discovery window to allow questions on the late filed testimony. What they do oppose is extending the deadline for the town's expert testimony. They argue the procedural schedule has discovery due January 20th and if the town files testimony on February 6th, that would be after discovery closes limiting other parties' ability including the Board of Health to serve discovery based on that testimony. They proposed six days of discovery time after the town managers' testimony is filed, matching the six-day window that would have existed if the town filed by the earlier date. Ms. Braga stated that this was her understanding. Their key substance process was that they say it's backwards to tie expert safety testimony to the HCA. Expert safety analysis should inform the HCA, not the other way around. The town's response to the partial opposition, which was filed today, January 15th, states that the partial opposition contains misstatements and rejects the idea that interveners can dictate the town's strategy or reject the town's decision to tie both fact and expert testimony to a prospective HCA. The town says that the presiding officer issued the currently operative schedule by email dated December 19th disputing the partials opposition's characterization. Town states that there will be a joined meeting between the Select Board and Board of Health with public participation and a second Select Board meeting to decide whether to approve the HCA. The town said that negotiations are being handled privately because they view it as tied to litigation strategy. They have a redlined HCA received on January 14th and were cautiously optimistic but not final. A timeline was discussed with a joint public meeting for the week of January 26th, January 28th, Select Board action February 3rd, town asked to file testimony February 6th, EFSB hearing start February 9th. During that meeting, it was emphasized that fire safety work will likely be an appendix to the HCA and to share it before the public meeting. It was stated that the BOH remains independent and doesn't need to take a final position now. It was stated that the BOH can still oppose the project even with conditions. Ms. Braga stated that there's a lot of saying that the town can't file either the town manager's expert testimony without the complete HCA. If the HCA is delayed or not reached, the town suggests it might not file testimony at all which can shift the burden of building the public health safety record more heavily onto the BOH or other interveners. The other issue she stated was that the partial opposition points out that discovery is due January 20th and argues that the town February 6th filing would come after discovery closes limiting parties' ability to serve discovery about it. The BOH is neutral and doesn't take any sides. It's a due process issue. The BOH should not lose the ability to meaningfully test late filed testimony. Partial opposition also argues that expert testimony should be engineering and science base and should inform the HCA not requiring scoring with an HCA negotiated behind closed doors. The town rejects that and insists it should be allowed to present its case tied to the HCA. Two conflicting things. Ms. Braga stated that as members of the BOH, they need to ensure that the expert record on fire safety and emergency response is complete, transparent and testable regardless of whether it's packaged as an HCA appendix or a separate testimony. Partial opposition says the town mistakenly stated that the schedule was issued and claims the adopted issued November 25th. The town's response says that the presiding officer issued the correct operative schedule by email. There was some credibility and clarity stuff, and anyone could make those mistakes. Ms. Braga stated that the town uses loaded language. Ms. Braga stated that she wants to remain calm, factual and focused on public health, safety and procedural fairness. The BOH job is not to endorse a project through procedural votes but to protect public health and safety and to ensure that the process gives a fair chance to review, question and build a complete record especially given the level of community concern. Ms. Braga stated that her concern is procedural. If the fire safety materials remain in draft and are only circulated informally, they may not become part of the evidentiary record in the EFSB proceeding. If they are not in the

record, they generally can't be relied upon in briefs or in the final decision the same way admitted evidence can. Why are we rushing into signing an agreement without having all the proper evidence that is needed. The need for last-minute extensions and rushed review is in part a result of the BOH not being brought into this process at the onset. Earlier coordination would have allowed public health issues to be addressed in a more orderly and transparent way. Ms. Braga stated that she has seen a lot of other towns and all the fire chiefs and departments have concerns. If fire chiefs in other towns have concerns about it going into their town, why aren't we? The only concerns that have been raised are by the residents. She has not heard any concerns from anyone of a public official other than the BOH questioning things. This is concerning in regard to the part of public health and safety because for that, you need to ask questions. The Board needs to vote on a couple things. How to reply to the town's motion for an extension. The Board could assent, which means that everything that they have written the Board agrees with. The Board could oppose, assent with conditions or partial opposition which may be the same as assenting with conditions. Ms. Braga stated that she is not an attorney, but this is what she believes the Board could do. Mr. Ferdinand asked questions about votes. Ms. Braga stated that the town's motion itself ties to the extension to finishing the HCA negotiation. Ms. Braga stated that the partial opposition is fine with that from her understanding; the town manager's testimony extension with six days to serve discovery. There would need to be a vote on both tonight. Mr. Ferdinand stated that he is trying to keep his focus on health and safety. Ms. Amato stated that she wanted to make sure that the BOH is given the information in advance to look over and has at least five to six days before the January 28th meeting to respond and not have anything delayed or submitted without the BOH having time to respond. Ms. Braga stated that the discovery portion would be closed so they wouldn't be able to have a back and forth and wouldn't be filed with the EFSB in time before that discovery. A discussion ensued. Mr. Curran gave feedback. Ms. Gillis stated that it is her understanding that at the meeting on January 28th, the Board will have five or six days to look at the documents before that meeting then on January 28th we will open public comment and the town will gather that as well as the Boards comments, go back and have until February 3rd to incorporate what the Board comments on what is discussed on January 28th or whatever prior is brought up on the 28th. Ms. Braga stated that the interveners that are not part of this would not be able to comment on or come back with responses to that. The BOH would be the only ones able to do that. Mr. Curran stated that the residents of the town can participate in the hearing process and provide testimony at the January 28th meeting. Ms. Braga stated that she thought that the testimony wouldn't count for the EFSB. Mr. Curran stated that this isn't part of the EFSB processes. It's for the HCA. A discussion ensued.

MOTION: Mr. Ferdinand made the motion to ascent to the town's petition with the contingency that the Board of Health and public obtains access of fire safety data, appendix and any other data in possession of the developer or any town department that may impact upon health and safety and on the contingency that the EFSB grants extension of the discovery period hearings from date of this filing which would extend all other proceedings; seconded by Ms. Amato and the motion unanimously carried 4-0.

Partial opposition from DePalma and Sheehan to give more time to the town manager's testimony. They are not opposed to more time for the town manager's testimony, but they do oppose extending the deadline for the expert testimony. Ms. Gillis suggested having another meeting to have time to review and meet before submitting the comments by the 27th. The meeting can be virtually. Ms. Braga stated that there needs to be forty-eight-hour notice. A discussion ensued. Ms. Braga stated that the BOH does not vote on the HCA. They can give their input and say what they want, however, it doesn't mean that it will go in there or that they will vote on it. The Board is trying their best for both sides. The Board members all agreed to hold a special BOH meeting and the meeting will be posted.

- Kratom hearing rescheduling
Will be rescheduled for a future date. Maria Ruggerio is researching more information.

Health Department Report:

- Permit renewals
One tattoo artist received a double fee; the Tobacconist paid their fine and are in operation. We are currently renewing installers, offal & septage hauler permits.
- Main Street Pizza, will be changing ownership
- UMass Lowell Community Needs Assessment Opioid Survey
The Tewksbury opioid taskforce and UMass Lowell created a community needs assessment survey on opioid use disorder. The survey will help us learn about the needs and barriers to care related to opioid use disorder. The survey results are going to be distributed to the task force at the end of the month. Once the task force goes over them, UMass Lowell will come to present the results to the Board.
- Flu
There are high number of cases of the flu throughout the State. Since December 1st we have had 180 confirmed cases. Reminder to cover your cough & sneezes, wash your hands and limit contact with others while you're symptomatic. We still have vaccine. If anyone would like a flu shot, contact the Health Department.
- Strategic Plan PHE grant
Tewksbury is a part of the Public Health Excellence grant with Billerica, Tyngsboro and Chelmsford. Through this grant funding we are pursuing a strategic plan to articulate and demonstrate its value to internal and external stakeholders, including municipal leadership, Boards of Health, partner agencies, and community members. This initiative will build a unified narrative, data-informed visuals, and a clear roadmap that highlights:
 - a. The essential public health services currently delivered
 - b. The impact of existing programs and services
 - c. Gaps between current capacity and community need
 - d. What the Coalition and Health Departments could accomplish with additional funding
 - e. The resources required to sustainably deliver high-quality public health services

Through a strategic planning and communication-focused approach, this project will strengthen NEPHA's ability to advocate for resources, align leadership, and build community understanding and trust in local public health.

Mr. Ferdinand asked a question regarding 7-Eleven tobacco sale to a minor. Ms. Gillis stated that a representative from 7-Eleven will be attending the February BOH meeting.

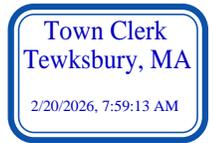
Board Member Reports:

Future Agenda Items:

Adjournment:

MOTION: Ms. Janeczak made the motion to adjourn; seconded by Mr. Ferdinand and the motion unanimously carried 5-0. Meeting adjourned at 8:32 pm.

Approved on: 2/19/26



List of documents for January 15, 2026
Documents are located at the Tewksbury Health Department

Approval of Meeting Minutes:

November 20, 2025, meeting minutes

December 18, 2025, meeting minutes

Public Hearings

Keeping of Animals for 4 Day Street packet

New Business:

Town Manager memo dated 1/16/26

Old Business:

Health Department Report:

Board Member Reports:

Future Agenda Items:

Adjournment: