

STOCKBRIDGE SELECT BOARD MEETING MINUTES
Thursday, February 4, 2020
4:05 p.m.
TOWN OFFICES, 50 MAIN STREET

Executive Session: Rest of River

Following open meeting vote, the Board entered into executive session. Present for the meeting were: Board members Terry Flynn, Chair; Chuck Cardillo; Roxanne McCaffery; Interim TA Mark Webber, Steve Shatz and Administrative Assistant Theresa Zanetti

Steve Shatz began by stating that the ROR Committee, EPA and other parties to the Mediation had scheduled a public announcement of settlement agreement on Monday, February 10th and that the Board members are invited.

Steve stated that the ROR Committee had approved a settlement agreement for submission to the respective select boards for approval and execution t. He explained that Pittsfield had finally joined in the settlement and negotiated additional funds for Pittsfield. This has allowed for better clean-up for Reaches 5A, 5B and 5C (Woods Pond). This has also produced a tighter agreement and with Mass Audubon's agreement and that of the Berkshire Environmental Action Team, a better clean-up. Pittsfield also tightened up the language regarding truck traffic which will benefit Lee and Lenox neighborhoods. Overall, Steve stated that these were all positive changes. Secondly, the ROR Committee approved an amendment to the Intermunicipal Agreement among the five towns which provides for a fund to assist the towns in supervising and participating in the clean up over the estimated 13 to 15-year plan. This amendment also states that compensation will be distributed first to cover all Town expenses in full amounts (\$135,000 through end of FY 20 for Stockbridge to be returned to free cash. The IMA amendment also provides that after those expenses are distributed to the towns, a portion of the remaining compensation will be placed in a reserve fund, allowing the Towns to undertake supervision of the cleanup. This reserve fund should eliminate the need for the Towns to make annual appropriations for this effort. Any remaining compensation will be distributed back to the Towns in predetermined percentage as set forth in the IMA.

Steve said that the \$55 million from GE will be deposited to an escrow account within the next thirty days but will not come be distributed to each town earlier than December 2020 or longer if the revised permit is appealed. When the money is distributed to the towns it will then be up to respective Town Meetings to determine how those funds are to be used.

Steve explained that the sediment behind the Glendale damn is small. The trucking route from this site and the Rising Pond site may be along Route 183 or to exit one on the turnpike to Lee. The Board of Selectmen, MADOT will have a role in route decisions as per the Settlement Agreement.

Steve stated that today the Board needed to vote to approve the settlement agreement and revoke any previously approved settlement agreements; enter into the Intermunicipal

Agreement Amendment. He stated that the settlement agreement now includes Pittsfield changes and those suggested by BEAT regarding the clean-up of vernal pools. These are all improvements to the prior agreement and in no event detrimental to Stockbridge.

Terry asked if the removed sediments would be trucked out of State. Steve explained that the Towns brought suit in the EAB as GE's original plans were to have 100% of the PBC sediments deposited in three landfills in Berkshire County which was objectionable to the ROR Committee. The goal was to reduce the amount of contamination allowed in our local landfills, limit deposit to one landfill and to have deposits of contaminated sediments and soils limited to levels of less than 50 parts per million. Another goal now achieved in the settlement is that residential properties in Pittsfield and Lenox will be cleaned up to a standard of less than 1 part per million. Hot spot material will be shipped out of State of 100,000 cubic yards will be shipped out of state and the balance of the 1,000,000 cubic yards will go to the Upland Disposal site in Lee. Steve noted that this will not be a 'toxic waste' site as the material to be disposed of will be below toxic levels. There are specifications for the landfill, monitoring of which will be supervised by EPA with ROR participation and no other materials will be accepted. Steve continued to say that they will hold public meetings on February 19th and February 20th. Roxanne questioned GE's responsibility to maintain the site and Steve said that Lee and Lenox may have funds set aside if this does not happen and that EPA has funds to do this as well.

Terry moved to approve the settlement agreement, included with the minutes of this meeting, among the Town of Stockbridge and others concerning pending litigation regarding the removal and remediation of pcb contaminated sediments in the Housatonic River and to revoke any prior settlement agreement(s) previously approved. Chuck seconded. Vote: I Chuck, I Terry, I Roxanne.

Terry moved to approve an amendment to the Intermunicipal Agreement, included with the minutes of this meeting. Chuck seconded. Vote: I Chuck, I Terry, I Roxanne.

Terry moved to authorize the Chair of the Board of Selectmen to (a)execute the foregoing Agreement and Amendment on behalf of the Town; and (b) to execute any subsequent, non-substantive revisions to such documents. Chuck seconded. Vote: I Chuck, I Terry, I Roxanne.

5:00 p.m. Board adjourned the executive session by unanimous roll call vote.

Attachments: Settlement Agreement and amendment to the Intermunicipal Agreement