

**Town of *New Salem* Selectboard  
Meeting Minutes  
September 6, 2022  
Held Virtually via Zoom**

**Convened:** 7:00 pm

**Present:** Hugh Mackay, Carl Seppala, Selectboard; Kathy Neal, Town Coordinator; Kyle Dragon, Animal Control Officer; Jen Potee, Board of Health; Lisa Finestone, Tree Committee; Laurie DiDonato, Daniel Keller, Gillian Budine, Wendell Selectboard; Tom Thomas; Marley Ashburne; Doug Tanner; Glenn Johnson-Mussad; Eric Lehman, Tighe & Bond; Heidi Bohn; Kathy Fritch; Bob Fritch; Susan Cloutier; Tim White; Joe Larson; Rob Watkins; Polly Johnston

**Selectboard Reviewed & Signed the Following:**

- Payroll & Vendor Warrants

**Discussion Items**

***PFAS at Swift River Elementary: Discussion of Recommended Solutions with the Wendell Selectboard & Tighe & Bond***

Eric reported on a status update to DEP along with a recommendation from Tighe & Bond. That recommendation is against a new well being drilled. This leaves two options, treating the water from the existing well, or if it seems like a good idea, lining the existing well which targets the fracture in the rock seen in video testing on the well. Hugh asked if there is a potential for a water filtration system regardless of whether a new well is drilled or not. Eric responded it is almost certain a filtration system would be required regardless, yes. Carl asked for a little clarification noting some items in the consent order with DEP. He noted he isn't trying to discount our options, but rather to ensure we're meeting the requirements of the consent order. He didn't think the relining of the well is an allowable solution and wanted to understand that better. Eric responded that we can propose it. There is always a risk that DEP may reject what is proposed. Dan asked a question regarding the recommendation on a filtration system noting that the recommendation didn't really go beyond that. Eric clarified that wells are difficult things because it's underground and you can't usually see. We do, however, have the camera footage from testing done. This well gets it's water from what comes through the fractured rock beneath it. Fracture sounds bad, but in this case it isn't. This is what brings water into the well. But in this sort of well, a fracture actually means it's a better producing well. Doug asked if this would be what Eric would advocate in his own hometown. Eric responded affirmatively, he would. There's no perfect solution and it needs to come to a resolution. Gillian expressed concern about the sustainability of this well. She didn't see lining as a real solution given the practical considerations.

She also had some misgivings on the filtration system given the location of the well within the building complex. She expressed the opinion that DEP's communications have made it clear that a new well might be a solution. Hugh clarified that she is in favor of filtration and then subsequent pursuit of a new well. Gillian responded that given the location of the well and the issues with installation, she has taken the position that a new well is the best solution. Laurie asked about the casing noting her understanding was that the crack was there. Eric elaborated that there is casing and it doesn't have a crack. The well casing goes down to the sandy gravelly material above the bedrock like it's supposed to. The depth of the casing is about 12 feet. Which is acceptable for wells. As for drilling a new well, there's a lot of risk. You could end up with the same or similar contamination, or not have a well succeed. You don't know until you drill and test it. He recollected another client that tried drilling a new well and that well ended up being worse. Laurie expressed concern that the likelihood might very well be that we find the same PFAS issues. She knows that Tim Newton, the New Salem Board of Health Agent, has looked for identifiers of where the PFAS is coming from. He hasn't been able to locate anything. So this could be an older problem then we realize and might just be an issue in the ground water there. Eric elaborated that PFAS is a mind boggling issue. It's virtually everywhere around the globe and found in bodies of humans and wild animals. He felt it important to act sooner rather than later, but he reminded it's not a superfund sort of crisis. Still we should take action and DEP wants us to take action. Dan noted that groundwater comes through the fracture around 20 feet. He posited that it could involve some surface water. Eric didn't concur with that assessment. He stressed that the fracture is a positive thing where it is located. Dan urged some additional testing.

Eric suggested it would be useful to know, and it could be worth more sampling. If the fracture is the source, we'd have a decision on whether we attempt to add lining. Hugh asked if the school is testing regularly and keeping records of it. Gillian responded they do.

Carl turned discussion back to the consent order. We agreed with DEP to install a filtration system and failed to submit a long term action plan. We have waited so long in getting this done, we risk fines. We should have done more of this research a year ago. He expressed worry about the PFAS, but he noted that this is not really an issue we can solve. We should install the filtration system. We shouldn't gamble, and he didn't see a gamble as defensible at town meeting. There is also a limit to how much we should spend on testing. The source of the PFAS is a concern, but that's going to require the state and the federal level. Hugh noted some history regarding a filtration system. New Salem approved funding for the cost that it understood that to be and now it's gone up. We'd understood the cost of a filtration system being \$40,000 and now it's \$80,000. So we approved \$20,000, but we'll have to find another \$20,000. Carl agreed and noted that the filtration system can be installed without disturbing any tile that we may suspect of asbestos. Laurie went back to the concern about the fracture and any surface water. She inquired about testing surface water near or around the school building. Eric responded that at this point, the question of where the PFAS is coming from is more or less moot. It's in a lot of places, it's even been found in rainwater. Laurie clarified that this isn't about pinpointing the precise place it's coming from, but rather to better understand the situation. Eric expressed the desire to see that kind of study, but he agreed that it's a long term research issue for DEP and EPA. But at this point, it won't help us to go down that road. Dan felt there to be no harm in further testing in his view. Laurie noted the time lag here. Even if we go for further testing we'll need DEP on board as it'll take time. Eric generally agreed noting that Tighe & Bond wouldn't do the testing directly and there would be costs.

Laurie expressed concern that the time could drag on for a month. Eric conceded that it could. The safest course of action in his mind is the filtration system. DEP would be happy with that solution being implemented immediately. He cautioned that continuing to test instead might just be hunting for an alternate solution that doesn't exist. DEP has to receive a plan by September 30, 2022. Gillian noted some related questions like the iron levels. Eric noted that the iron appears to be somewhat high, but we'd just oversize the filtration system a little and the present proposed design would have that capacity. Maintenance concerns with the filtration system can readily be addressed to prevent any risk of other issues. Carl expressed concern that we have time to consider further testing. Eric conceded DEP is likely to be unhappy and therefore to fine. This started in December 2020 and we're in September 2022. That's coming on 2 years. Carl echoed that noting that there are real fines here and we need to realize there's some hardball coming from DEP if we don't take action. Hugh noted it appears that New Salem's Selectboard is in favor of a filtration system and Wendell's Selectboard is in favor of more testing. Carl stressed the least expensive clear shot is the filtration system. But he stressed he does believe we need to pursue the source of contamination further. But the filtration system is something we can do now. The rest of it is either beyond us or going to take a long time. Jen noted this is also a Board of Health issue and she submitted these are faculty, teachers, staff, parents, and children. It is shameful for us not to address this immediately. She asked both Selectboard's to endorse a filtration system. Laurie submitted that we agree to both, really we are talking two things and the issue is which should be done first. We can do the filtration now and look into the contamination source and the potential for a new well in the future.

Hugh agreed that the two towns would be willing to pursue the deeper question on the source of contamination and the potential for a new well. Dan asked if the proposal is to filter first before any repair. Laurie responded it would be. Eric proposed a way to possibly go in parallel. We could essentially do both and get DEP to sign off on that. If we can't work out further testing we still have a filtration system going in. Gillian expressed the feeling that this is ultimately an unfair burden on the two towns, but expressed hope that we might have the opportunity to address uncertainties in this. Carl concurred, but we are seriously out of time. Doug expressed satisfaction with the idea of the filtration if there is a solid commitment to long term research, testing, and working towards solutions. The framing is that we're doing filtration as an interim step as we search for longer term solutions. Laurie asked when the funds have to be committed. We might have to plan for Special Town Meetings. Carl submitted that most residents won't have a problem with approving funds for this. Hugh reminded we have a \$40,000 earmark from the General Court. So if the filtration system is \$80,000, that leaves us at the \$20,000 and New Salem has approved such funds. Laurie noted some items for Wendell and the fact that it may be prudent to use ARPA funds. Gillian noted that we've spent some of that \$40,000. Hugh realized she was right noting that \$20,000 will pay Tighe & Bond. So that means it's \$30,000 each town. Doug conceded that the Selectboard's could use ARPA funds for this. Gillian suggested a vote from Wendell that it would be brought to town meeting but ARPA funds would be committed in contingency. Dan agreed that town meeting should be consulted. He was unwilling to commit funds further without a town meeting vote. Kathy reminded

that if a town meeting is involved then the public will need to be educated. Laurie expressed concern about the unknown of waiting for a Special Town Meeting. Gillian noted that Wendell will meet again and a vote can be taken there. Laurie and Dan concurred on waiting. Eric promised to draw up the action plan as quickly as he could. The Wendell Selectboard then adjourned at 8:14 pm.

A motion was made by Carl to express support by the New Salem Selectboard of the installation of a PFAS filtration system at the Swift River Elementary School. The motion was seconded by Hugh with the addition of the recommendation of Tighe & Bond along with commitment to Wendell to further research solutions for the long term issue. Carl agreed to the amendment and it passed by majority vote.

#### ***Noise Complaint Hearing: Roosters at 34 Blackinton Road (Right to Farm By-Law)***

Kyle briefly reported that on August 18 he received a complaint regarding some roosters. He's spoken with the resident about the complaints and didn't hear much further. On August 25 the complainant had advised him that they were still being noisy including crowing all day not just at dawn. Kyle then reported on the circumstances regarding the zoning and the fact that New Salem lacks a noise control by-law. Carl asked if the Agricultural Commission is functioning. It was unclear. Kathy reported the Commission exists, but she's not aware of how active they've been. Still there is a Right to Farm By-Law. And it does empower the Selectboard and Board of Health in addition to the Agricultural Commission. Hugh noted that part of the problem is the by-law doesn't specify a minimum amount of space. Tim then interjected to note terms in the by-law that would seem to him to identify the right to use any parcel used for the primary purpose of agriculture. The parcel in question is primarily a residence and under this by-law to his view, it wouldn't qualify. To him this isn't right to farm, its animal control. Lisa noted she has served on the Agricultural Commission. Her recollection would follow Tim's. The point of the by-law is to authorize agriculture. Not nuisance pets. Roosters are not necessary for backyard poultry. So to her mind using that by-law here is a misuse. The owner of the roosters interjected to say that the roosters are necessary to keep breeding the chickens. He not only harvests eggs, but also eats the meat.

He moved to town because it is a right to farm town. He is ordering a shed that will help quiet the birds further. Right now they have a temporary shelter. He asked for time to pursue solutions noting he did call the town and confirmed that it was right to farm before he moved to town. Hugh reminded there are clauses on nuisance animals. If neighbors are complaining then that indicates nuisance. Perhaps a rooster can be replaced. Bob noted he is one of the neighbors. This noise is harassing. He didn't think a shed would resolve the issue. Hugh submitted that it may be advisable for the owner to rethink the process and consider alternatives. The owner noted several ways he is working to minimize the sound. It's not just the shed, but the shed is part of the longer term solution. Another thing he's done is order a crow collar. Tom noted he also lives in this home and affirmed that several solutions are being worked on. He apologized to his neighbors. Tom also highlighted the fact that the roosters have been further separated and that appears to have resulted in less noise already. Hugh proposed a check in within 30 days. Tom was willing to make that commitment. Kathy Fritch noted that the ACO has already informed these residents weeks ago of the problem and there's only now a proposal. She emphasized her health issues and refused to wait 30 days. Kathy Fritch stressed several provisions of the Zoning By-Laws that she felt deemed these roosters a nuisance. Bob concurred stressing the view that his property has been devalued by this. Hugh came back to the 30 days asking if it is reasonable to ask for any faster. Tom stressed the shed they've purchased cost \$6,000. He reminded the crow collars are coming as well. For now steps have already been taken to abate the noise. Hugh asked if this could be documented to demonstrate good faith steps are indeed being taken as asserted. Tom was willing to make that commitment. It was agreed to check back in at the Selectboard's next meeting in two weeks. Kathy Neal reminded that if zoning is the road taken then the matter belongs before the Zoning Board of Appeals. Therefore we are subject to the Right to Farm By-Law.

#### ***Board of Health Update***

Jen gave a broad overview of the present circumstance noting that aside from COVID-19 the PFAS problem is probably our biggest challenge. COVID-19 is now being more managed by the joint grant funded program with Orange and some other neighboring towns. Numbers aren't spiking at the moment, but she expects to see that increase this fall. We can now get a booster for Omicron and she suggested folks go out and get it. Board of Health will next meet September 20, 2022. Jen then turned to the flu vaccine. She urged residents to obtain that vaccination as well.

### ***ARPA Funds Discussion***

Hugh noted the talk for this is basically to the well for Swift River Elementary. So we're committing at least \$10,000 if not more like \$60,000. Otherwise we've committed for the Fire Stations generator and spent on a platform for the Transfer Station. Lisa asked that the playground be considered for some of the ARPA funds. She further asked for authorization to establish a working group to study the issue. Carl noted he personally replaced all of the swings. He saw no reason not to figure out the costs and sponsor a later town meeting warrant article.

### ***Old Academy Building***

Hugh reported that the Historical Commission is now functioning and has agreed to take this item off the Selectboard's agenda. Otherwise he's sending materials to the Commission.

### ***Minutes***

The Selectboard considered the minutes for August 22, 2022. Seeing no reason not to approve them as written the Selectboard determined to do so.

A motion was made by Carl to accept the August 22, 2022, minutes as written. The motion was seconded by Hugh and passed by majority vote.

A motion to adjourn at 8:57 pm was made by Carl. The motion was seconded by Hugh and passed by majority vote.

Respectfully Submitted  
Jakob K. Voelker, Selectboard Clerk