

MEETING MINUTES OF Earth Removal Advisory Committee (ERAC), DECEMBER 12, 2022

Meeting called to order at 7:05 pm.

Present were: John A. Picariello, ERAC; Tonia Bandrowicz, ERAC; Joe Markarian, ERAC; Gary Barden ERAC; Aaron Rosenberg, Aggregate Industries (AI) legal counsel; Jarrett Temple, AI; Tania Taylor AI; and Chris Drucas, AI legal counsel. Ms. Bandrowicz left the meeting early, at 6:46 pm.

The meeting started with a review and approval of meeting minutes of August 30, 2022 and September 26, 2022.

The next agenda item was ERAC's receipt of complaints of truck traffic on Essex Street from a resident. Mr. Markarian asked what kind of truck the resident recorded, a tractor trailer or ten-wheeler? A brief discussion about the size of trucks typically on those streets followed. Mr. Picariello stated that he asked the complainant if she had called the police. He also told the committee that he attended the Traffic Study committee meeting to bring this issue to their attention and raise the possibility of having the state conduct truck inspection, safety, registration, weight limits as they have done in the past. The Traffic Study committee agreed and said they will bring the matter to the state.

Ms. Bandrowicz started to ask a question on the permit extension deadline and Mr. Rosenberg, as he has at all past meetings, stated that any statements made during the meeting were without waiver of the company's claims in the pending litigation. It was then observed that ERAC is in an unusual position because of the lawsuit as it has no knowledge as to the status of case, or how, in light of the litigation it should proceed with either recommending an extension of the present permit or proposing a new permit with updates and changes, or even when that new permit should be issued. Mr. Rosenberg stated that there has not been further communication with the town administration, lawyers, and Select Board since AI's sent a response to the items in the permit that they are not in agreement with.

ERAC agreed that a letter be sent to the town administration and Select Board explaining that ERAC is unsure as to how to proceed with AI's permit due to the pending litigation. Mr. Picariello will ask to be put on the Select Board meeting agenda and also ask for an executive session meeting to discuss the lawsuit, permit, and extending the permit until June 30th, 2023. Mr. Markarian asked about the current status of the lawsuit. Mr. Rosenberg noted that after AI filed the complaint, Town Counsel moved to dismiss the action, but there is no date pending on when the matter will be heard by the court. At a February meeting AI was asked to submit a redlined document with the items in dispute. AI sent edits to the permit addressing its concerns, but as noted, the Town has not responded to its proposal.

ERAC asked for verification on the number of blasts per year as there was confusion with the fire department as to the time frame used, i.e., is it the timeframe of the permit (July to June) or the calendar year. Following discussion, it was agreed that it would be the number of blasts in a calendar year and that the permit should be updated to reflect that.

The next subject was the submission of items in the permit that have not yet been met: noise and dust studies, revised and updated greenbelt map, and notification for pre-blast surveys. Jarrett says that there is confusion with the buffer zone map and what it should represent. Mr. Picariello asks Mr. Drucas for a definition of what the greenbelt buffer zone map is supposed to include. The discussion continued

until all present had a clearer understanding as to what it should represent. Mr. Drucas said that AI agrees that the map should show all the company's property outside the mining operation that will not be developed while the mining operation continues. That represent approximately 40 plus acres. Mr. Barden agreed review the map and AI's property boundaries to see if he can better clarify the greenbelt. Mr. Temple will send Mr. Barden the map that had been done by the Hancock company.

Mr. Picariello intends to establish a regular monthly meeting of ERAC, subject to cancellation if not needed, and will coordinate with town hall to avoid conflict with other committee meetings.

Mr. Picariello asked if all the requirements of the present permit (reports, tests, etc.) will be presented at the January permit hearing. It was noted that ERAC has yet to receive the dust, noise study report done in November. AI stated that they will not do that. The discussion continued as to whether a new permit would be issued or the current would be extended for a longer period of time.

Motion to adjourn at 8:00 pm, and agreed upon.