

TOWN HALL 3 EAST MAIN ROAD PERU, MA 01235

SELECT BOARD MEETING MINUTES: February 21, 2024, 6:00 P.M.

Town Hall Meeting Room

Verne Leach, Chair Selectman/ACO
Ed Munch, Selectman
Terry Walker, Town Administrator
Justin Russell, Highway Superintendent
Bruce Cullett, Police Chief
Paul Hickling, Finance Committee
Nanette Mone, Board of Health
Dan Cawthorn, Temporary Fire Chief
Bonny DiTomasso, School Committee

Public Attendees: Heather Brooks, Tina Barrington, Doreen Jewell, Jay Jewell

Item 1: Call to order: 6:00 P.M.

Item 2: Roll Call: Chairman Leach present, Selectman Haskins absent, Selectman Munch present

Item 3: State Recording status: Heather Brooks

Item 4: Pledge of Allegiance to the Flag: Led by Selectman Leach

Item 5: Review and Approve BOS Meeting Minutes for 2/12/2024.

Selectman Leach motion to approve 2/12/2024 minutes pending changes, Selectman Munch second, 2-0

Item 6: Update of Departments:

- Chief Cullett mentioned that the Small Claims case the Town of Peru filed against Verizon will be held on March 20, 2024, at 10:00 a.m.
- Chief Cullett mentioned that he attended Day 1 of Attack Response Training for active shooters and life saving measures. This was sponsored by the Western Mass Regional Holand Security Advisory Council in Hatfield, MA. This training is open to all EMS and Law Enforcement.
- Highway Superintendent Russell mentioned that the new plow was delivered, and a second plow needs to be welded to extend the life of the plow.
- DEP issue with oil spill at Highway Garage will need some excavating as soon as ground is thawed to remove soil that is contaminated.
- Selectman Munch asked if there was a possibility of covering the sand pile for public use so it wouldn't freeze. Superintendent Russell mentioned that the box cannot be covered because it would be too difficult to put sand in box.

Bonny DiTomasso updated Selectboard on school committee budget draft which was approved by the school committee. Next step is for the Selectmen to approve then the budget will be presented to voters at Annual Town Meeting. Ms. DiTomasso forwarded the comment from Selectman Munch regarding continually increasing costs for the

towns The Superintendent cannot decrease state contributions nor decrease student enrollment. The Superintendent will look at decreasing school expenses.

Temporary Fire Chief Cawthorn mentioned that the least expensive way to secure the confidential files at the fire house is to install a door to the office. Chief Cawthorn also mentioned the width of the doorway is 3 feet wide. The Fire Department also received a \$10,500 state grant for rescue tools, lighting for the trucks etc.

Selectman Munch mentioned that when Guardian walked through the fire house for the second energy audit the fire house was very clean and presentable.

Paul Hickling, Finance Committee Chairman, mentioned that he cannot schedule a Finance Committee meeting because they do not have any budgets to work with. Once the budgets start coming in he will then schedule a Finance Committee meeting.

TA Walker presented the current Fire Chief job description, which was reviewed, and changes will be made to the compensation. TA Walker will update Fire Chief Job description.

TA Walker presented a letter from Town Council regarding Berkshire Public Health Alliance's Confidentiality Policy for the Board of Health to adopt and sign. Town Council determined that the BOH should refrain from signing the Confidentiality policy in its current form. Town Council will work with the Alliance to draft a new policy although Town Council would need consent before KP Law rewrites the confidentiality policy.

TA Walker forwarded an email from Eric Kinshurf, Accountant regarding closing books for FY23. The email suggested TA Walker assist Treasurer Wendling to reconcile monthly cash and help with closing the books for FY23. Selectman Leach and Selectman Munch were in agreement that TA Walker would assist Treasurer Wendling close the books.

Item 7: Discussion on Fire Department procedures and staffing with Doreen Jewell: Doreen Jewell had concerns on an emergency call for her husband, Jay Jewell, with a possible heart attack. Doreen Jewell felt that the lack of fire department response time was inadequate. Fire Chief Cawthorn apologized for the delayed response but explained that there are only 3 people on the fire department. Heather Brooks and her son Logan Brooks were at work and Fire Chief Cawthorn was at home with personal issues. Fire Chief Cawthorn explained the issue with such a long response is because the town needs more volunteers. Fire Chief Cawthorn felt that incentives or tax breaks would increase the volunteers on the fire Department. Heather Brooks suggested a small stipend to recruit volunteers. Heather Brooks is considering walking away from her duties in the fire department because she doesn't want to take any more abuse. Jay Jewel felt that a stipend may attract more volunteers. Police Chief Cullett received the call at the Jewell residence at 9:23 p.m. and was at the scene at 9:38 p.m. although the ambulance did not arrive for thirty minutes after Police Chief Cullett arrived. It was agreed that the fire department cannot function properly with only 3 people. Doreen Jewell asked why \$100,000 was spent on a new vehicle when there is no one to man the vehicle. With the resignation of Chief Jesse Pelkey, the town is down one more responder. Selectman Munch mentioned that the town has a new fire chief and a new emergency response vehicle. The plan is to build up the fire department with enough volunteers to respond on a timely basis. Selectman Munch mentioned that the fire chief should submit his budget with a stipend for fire men and EMS. Heather Brooks mentioned that several towns' people will not attend Annual Town Meetings because they fear retribution and if they voice their opinion they will be targeted. Selectman Munch stated that these accusations cannot be addressed without the names of these people. Police Chief Cullett mentioned that there is an ongoing shortage of ambulance services. The present the contract with the Town of Hinsdale is \$2,000 per year. Selectman Leach suggested a pancake breakfast to bring in fire department volunteers and Selectman Munch suggested a stipend to recruit more volunteers. Selectman Munch assured Doreen and Jay Jewell their concerns about the delayed response was not being swept under the rug. Selectman Leach thanked Doreen Jewell for attending the BOS meeting.

Item 8: Review and Approve Accounts Payable, Treasury Warrant and Payroll Warrant: V17-2024, 24-17P

Item 9: Public Input: BOS will review Town Hall Building Committee posting and place it on the agenda for March 4th.

Item 10: Adjourn: Selectman Leach made motion to adjourn the 2/21/2024 BOS Meeting, Selectman Munch second, Vote 2-0. The 2/21/2024 BOS Meeting adjourned at 7:00 P.M.

Articles used:

V17-2024, 24-17P

Fire Chief Job Description

Berkshire Public Health Alliance Confidentiality Policy-KP Law response Alliance

Accountants' emails regarding closing books for FY23

Oil spill at Highway Garage (DEP)

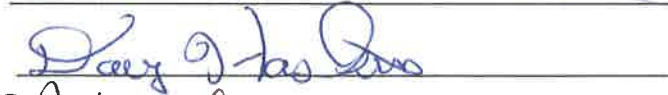
Terry Walker

Town Administrator

Verne Leach, Chairman



Doug Haskins, Selectman



Ed Munch, Selectman



Date Approved: 3/4/24

Received 3-4-2024 Kim Leach , Town Clerk

Town of Peru
Employment Opportunity
Fire Chief

JOB DESCRIPTION:

Pursuant to Massachusetts General Laws, Chapter 48, Section 42, the Fire Chief shall have full and absolute authority in the administration of the Fire Department. Responsible for supervising and coordinating department operations, including fire suppression, emergency medical response, purchase and maintenance of equipment and apparatus, recruitment, retention, and training of personnel and code enforcement. Also pursuant to Massachusetts General Laws, Chapter 48, Section 43, the Fire Chief shall act as the Forest Fire Warden with all due powers and responsibilities.

The Fire Chief works collaboratively with the Town Administrator and other Town Departments and reports to the Board of Selectmen.

THE IDEAL CANDIDATE:

The Town is looking for an ideal candidate who must be comfortable working in a small- town atmosphere where positions in the Fire Department are volunteers and relationships date back generations. The ideal candidate shall help set the stage for town-wide cooperation to effectively address the needs of the fire department and can strongly facilitate regional discussions with bordering communities to help strengthen mutual aid relationships in the effort to strategically meet the safety needs of the public. He or she will work cooperatively and establish credible and respectful relationships with all constituencies within the town, including residents, elected and appointed officials, volunteers, and business owners. The Fire Chief must be able to provide support, direction, and motivation to ensure high performance and professional growth by Fire Department personnel. The Fire Chief must be a creative problem-solver who is accessible, transparent, trustworthy, collaborative, respectful, and a consensus-builder.

JOB DUTIES (administrative):

- Drafts fire services policies, implements fire department policy and fire suppression plans. Plans for short-term and long-term resource and scheduling requirements.
- Plans for short-term and long-term equipment and apparatus requirements.
- Directs the operations of the Fire Department and evaluates and administers such functions as: requisitioning of supplies; maintenance of reports, records, repairs, and equipment.
- Ensures all existing Memorandum of Agreements, Memorandum of Understandings, Certifications, Registration, Radio Licenses and Contracts for Service are kept in force and up to date.
- Recruit and retain volunteers.

- Hires, fires, trains, supervises and directs departmental personnel and volunteers. Meets with firefighting personnel to review and evaluate their performance, provide feedback and supervision and listen to complaints and suggestions.
- Supervise all fire department volunteers and personnel.
- Ensures that Fire Department personnel complete and maintain all required training.
- Maintain personnel files on all Volunteers including but not limited to applications, preemployment physical results, Personnel Action Forms, training certificates or other forms of training documentation, personnel evaluations, letters of recommendation letters of reprimand and letters of termination.
- Prepares and administers grants for firefighting equipment and activities.
- Prepares annual department budget. Presents and defends budget before the Selectboard, Finance Committee and Town Meeting.
- Directs and controls the expenditure of the approved budget.
- Prepares Annual Report, and submits Annual Town Report to Town Administrator
- Ensures prompt and proper completion of required paperwork.

JOB DUTIES (activities/operations):

- Performs firefighting duties including combating and extinguishing fires, rescuing victims, saving property, and operating fire apparatus. Provides first responder medical service at all emergency incidents. Responds to hazardous materials incidents, including carbon monoxide emergencies.
- Responds to fire alarms, medical and other emergencies and requests for assistance both within the Town of Peru and to other towns within the Mutual Aid response area.
- Plans procedures; assigns personnel and equipment to effect proper fire control, fire suppression and rescue operations; directs firefighting operations.
- Maintains familiarity with road locations and conditions, the location of water supplies, standpipes and other water sources.
- Ensures maintenance of standpipes and other sources of water and the access to these sources. May mean repair or replacement of equipment and physical cleaning of intake screens etc.
- Maintains familiarity with the location and layout of buildings and the types of building construction and other information important to the department in emergencies.
- Confers with town officials, other departments and the public to provide fire safety education and problem solving as needed.
- Enforces fire codes, and Performs Plan reviews for building permits as needed
- Conducts, or ensures completion of MGL Chapter 148 Section 26F1/2 inspections for all transfer or sales of property (single and two family dwellings).
- Must be available to the public via phone or in person to answer any and all questions relating to fire codes, fire safety, fire department operations or other general information.
- Engages in public relations activities and shall foster good relationships with the public.
- Participates in training exercises and classes to enhance job-related skills and abilities.
- Maintains familiarity with changes to 780 CMR State Building Codes where they pertain to or effect fire safety and/or fire behavior in structures.

- Remains vigilant and educated on changes in the firefighting community/industry; such as changes to laws, regulations and codes, changes in tactics and protocols, and emerging threats (opioids, active shooter, etc.)
- Ensures all personnel are aware of and where necessary trained and properly equipped to respond to these emerging threats such as fentanyl awareness, hostile MCI, tactical medic and warm zone operations.
- Participates in fire chief associations and other trade organizations related to fire department needs.
- *Maintains Fire Department equipment in good working order.
- *Maintains Fire Department facility in good working order.

KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

- Specialized training in firefighting administration, fire prevention and inspection.
- Has working knowledge of building construction and building HVAC systems that enables him/her to effectively carryout the responsibilities of the position.
- Has a thorough knowledge of fire alarm systems.
- Has a thorough knowledge of radio communication systems.
- Has a thorough knowledge of Laws, Regulations and Codes pertaining to Fire Prevention and safety: 527 CMR 1.00, MGL Chapter 148 and MGL Chapter 48 as an example.
- Has a strong working knowledge of the Nation Incident Management System.
- Has ability to work well with the public.
- Must have the ability to get people of different backgrounds, abilities and personalities to work together as a team, often in life threatening situations.
- Must have the ability to be a good leader with proven supervisory skills and experience.
- Has ability to react quickly and calmly in an emergency.
- Has thorough knowledge of the principles and practice of municipal fire service administration.
- Has ability to command a fire scene, including planning attack, directing personnel, and directing equipment.
- Has ability to make difficult decisions involving the safety of others and protection of property.
- Has thorough knowledge of firefighting apparatus and equipment maintenance practices and procedures.
- Has a strong mechanical background and mechanical abilities.
- Familiar with small engine maintenance practices.
- Has a thorough knowledge of electrical systems: DC vehicle electrical systems, AC household systems, AC transmission/distribution, and Photovoltaic generation systems.

MINIMUM QUALIFICATIONS:

- High School diploma required.
- Ten years' experience in fire/EMS service.
- Minimum of two years in supervisory position in Fire/EMS service.
- Must have completed training up-to the level of ICS-400.
- Possesses valid Massachusetts driver's license.

- Basic EMT or higher certification preferred.
- * First Responder, CPR/AED Certification.
- Hazardous waste Operation and emergency response (HAZWOPER)

WORKING CONDITIONS:

The physical demands and work environment described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Duties often involve extreme physical exertion such as lifting heavy objects or persons and climbing several flights of stairs while wearing protective gear and self-contained breathing apparatus.
- The employee must regularly lift and/or move up to 50 pounds, frequently lift and/or move up to 100 pounds and occasionally lift and/or move up to 150 pounds.
- While performing the duties of this job, the employee is regularly required to sit, stand, walk and run; use hands to finger, handle or feel objects, tools or controls; reach with hands or arms, climb or balance, stoop, kneel, crouch or crawl and talk and hear and taste and smell.
- Specific vision abilities required by this job include close vision, distance vision, night vision, peripheral vision, depth perception and ability to adjust focus.
- While performing the essential functions of this job, the employee regularly works in outdoor weather conditions and near moving mechanical parts, occasionally works in high, precarious places and in high heat and is occasionally exposed to stress, personal danger, toxic or lethal gases, fumes or airborne particles, and pathogens, blood borne pathogens, biohazards, toxic or caustic chemicals and risk of electrical shock.

COMPENSATION:

Annual Salary as Fire Chief is \$2,525.00

HOW TO APPLY:

Please send resume with a cover letter and 3 professional references - addressing the job requirements to the Town Administrator at townadmin@townofperuma.com. Or to this mailing address: Town Administrator 3 East Main Road, Suite 100, Peru, MA 01235. Submitted applications are to be to the attention of the Town Administrator. Position will remain open until filled.

The Board of Selectmen will do the final interviews and will be the hiring authority. Should you have any questions regarding this opportunity, please contact: Terry Walker, Town Administrator, at 413-655-8312 x 100 or townadmin@townofperuma.com.

AFFIRMATIVE ACTION: The Town of Peru is an Equal Employment Opportunity\Affirmative Action Employer

Administrative Assistant

From: Brian M. Maser <BMaser@k-plaw.com>
Sent: Monday, February 12, 2024 3:38 PM
To: Administrative Assistant
Subject: [External Sender]RE: [External Sender]RE: [External Sender]RE: Board of Health question

Hi Terry:

I understand that the Berkshire Public Health Alliance (the "Alliance") sent the Board of Health (the "Board") a guide regarding Board of Health Confidentiality Policies (the "Guide") as well as a sample Confidentiality Policy (the "Policy") for the Board to adopt and sign. You have informed me that one of the Board members, Ms. Nanette Mone, has been questioning the Policy as to its legitimacy. We have reviewed and analyzed the Guide and the Policy, and in our opinion, there are several legal concerns with what has been proposed, and we would not recommend adopting the policy in its present form.

As an initial matter, the Guide states that it "highlights many of the steps needed to adopt a BOH Confidentiality Policy under G.L. c. 4, §7(26)(o)," and that Section 7(26)(o) gives Boards of Health the authority to adopt and have members and staff sign a Confidentiality Agreement to keep certain protected information—such as trade secrets, identifiable medical information, and active and ongoing investigations—unavailable to public records request. These statements are inaccurate as a matter of law. While G.L. c. 4, Section 7(26) contains various broad categories of records that are exempt from disclosure under the Public Records Law, Section 7(26)(o) does not provide Boards of Health with the authority to adopt Confidentiality Policies nor does it provide them with the steps to do so at all. For your information, Section 7(26)(o) permits a public entity to withhold from public disclosure:

the home address, personal email address and home telephone number of an employee of the judicial branch, an unelected employee of the general court, an agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of a political subdivision thereof or of an authority established by the general court to serve a public purpose, in the custody of a government agency which maintains records identifying persons as falling within those categories; provided that the information may be disclosed to an employee organization under chapter 150E, a nonprofit organization for retired public employees under chapter 180, or a criminal justice agency as defined in section 167 of chapter 6.

It is unclear how the Alliance concluded that Section 7(26)(o) provides the Board with authority contemplated under the proposed Policy.

Moving next to the Policy itself, it lists: (a) identifiable medical files or information as long as the person is alive; (b) trade secrets as long as still valid; (c) anonymous complainants until they disclose themselves; and (d) any other documents that would constitute an unwarranted invasion of an individual's personal privacy, as "permanently protected information" under the Policy. It further lists: (a) active and ongoing investigations; (b) active and ongoing legal proceedings; and (c) personnel files and information including home addresses and contact information as "temporary protected information" under the Policy. While some of these categories of records quite possibly may fall within an exemption to the Public Records Law in a particular situation, in our opinion it is overbroad to categorically state that all such records will always be withheld from public disclosure. As you know, in most instances, records made or received by public officials or employees are presumed to be public, and we are concerned that the Policy is too broad in scope and the Board could not possibly ensure that all of the types of records listed will not be disclosed. It would be unlawful for the Board to agree via a Policy that it will withhold records that otherwise might be required to be disclosed under the Public Records Law.

Ultimately, in my opinion the Board should refrain from signing the Policy in its current form. If the Board would like us to get in contact with the Alliance and work with them to draft a new and more narrow Policy, then we are happy to do so. However, it is important to note that our firm represents a number of communities in the Alliance; therefore, we would need to seek their determination and consent before we begin to do so.

I hope that this information is helpful and please do not hesitate to reach out with any further questions or concerns.

Thanks,
Brian

Brian M. Maser, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654 1725
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From: Administrative Assistant <adminassist@townofperuma.com>
Sent: Monday, February 12, 2024 2:46 PM
To: Brian M. Maser <BMaser@k-plaw.com>
Subject: RE: [External Sender]RE: [External Sender]RE: Board of Health question

Thanks you,

Terry Walker
TA Peru

From: Brian M. Maser <BMaser@k-plaw.com>
Sent: Thursday, February 8, 2024 7:53 AM
To: Administrative Assistant <adminassist@townofperuma.com>
Subject: [External Sender]RE: [External Sender]RE: Board of Health question

Hi Terry.

We will have it back to you before the 12th.

Have a nice day,

Brian

Brian M. Maser, Esq.
KP | LAW
101 Arch Street, 12th Floor
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From: Administrative Assistant <adminassist@townofperuma.com>
Sent: Wednesday, February 7, 2024 9:19 PM
To: Brian M. Maser <BMaser@k-plaw.com>
Subject: RE: [External Sender]RE: Board of Health question

Hi Attorney Maser,

How about February 12th before 5 p.m.

Thank you,

Terry Walker
Peru TA

From: Brian M. Maser <BMaser@k-plaw.com>
Sent: Tuesday, February 6, 2024 10:17 AM
To: Administrative Assistant <adminassist@townofperuma.com>
Subject: [External Sender]RE: Board of Health question

Terry. Sure, no problem.

When would you like to hear back from me by?

Thanks.

Brian

Brian M. Maser, Esq.
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101 Arch Street, 12th Floor
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From: Administrative Assistant <adminassist@townofperuma.com>
Sent: Monday, February 5, 2024 8:44 PM
To: Brian M. Maser <BMaser@k-plaw.com>
Subject: Board of Health question

Hi Attorney Maser,

One of the members of the Board of Health, Nanette Mone, is questioning this form.

The Board of Selectmen gave me permission to send this email.

Ms. Mone wants to know if town council should review this form before the Board of

Health members sign the Confidentiality Policy.

Can you review and give your opinion?

Thanks you,

Terry Walker
Peru TA

Town Administrator

From: Eric Kinsherf <eric@erickinsherfcpa.com>
Sent: Tuesday, February 20, 2024 7:51 PM
To: Town Administrator
Cc: Janice Boucher; Tax Collector; Douglas Haskins; Select Men; 'kinderhaus1@verizon.net'
Subject: [External Sender]Re: [External Sender]Town of Peru-Close books-submit for free cash

Hi Terry,

Can you make copies of the June 2023 and July 2023 bank statements and send them to us? Please also include the outstanding checklist as of June 2023.

Thank you for your willingness to assist.

Eric

Eric A. Kinsherf, CPA LLC
116 State Road #8
P.O. Box 791
Sagamore Beach, MA 02562

www.erickinsherfcpa.com
eric@erickinsherfcpa.com

To upload or download files securely please use our [Secure File Transfer](#) platform powered by LeapFile

From: Town Administrator <townadmin@townofperuma.com>
Sent: Tuesday, February 20, 2024 7:47 PM
To: Eric Kinsherf <eric@erickinsherfcpa.com>
Cc: Janice Boucher <Janice@erickinsherfcpa.com>; Tax Collector <taxcollector@townofperuma.com>; Douglas Haskins <dhaskins@townofperuma.com>; Select Men <selectman@townofperuma.com>; 'kinderhaus1@verizon.net' <kinderhaus1@verizon.net>
Subject: RE: [External Sender]Town of Peru-Close books-submit for free cash

Hi Eric,

I am willing to help close the books and reconcile cash for FY23. I have served as a Town Treasurer in the past and I am here to assist Treasurer Wendling in any way I can.

I know the importance of closing the books and getting free Cash certified. Just let me know what I can do to help.

Terry Walker
Peru TA

From: Eric Kinsherf <eric@erickinsherfcpa.com>

Sent: Tuesday, February 20, 2024 3:44 PM

To: Town Administrator <townadmin@townofperuma.com>

Cc: Janice Boucher <Janice@erickinsherfcpa.com>; Tax Collector <taxcollector@townofperuma.com>; Douglas Haskins <dhaskins@townofperuma.com>; Select Men <selectman@townofperuma.com>

Subject: [External Sender]Town of Peru-Close books-submit for free cash

Importance: High

Hi Terry,

We want to close the books for FY 2023 and submit for free cash.

In order to do so, we need the Treasurer to give us her cash balances.

Can you and Caryn help us?

Eric

Eric A. Kinsherf, CPA LLC

116 State Road #8

P.O. Box 791

Sagamore Beach, MA 02562

www.erickinsherfcpa.com

eric@erickinsherfcpa.com

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Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

January 26, 2024

Peru Highway Department
3 East Main Road, Ste. 110
Peru, MA 01235

Attn: Justin Russell

Re: Peru
9 East Main Road
Hydraulic Oil Release
RTN 1-21949
**RELEASE NOTIFICATION and
NOTICE OF RESPONSIBILITY
M.G.L. c. 21E and
310 CMR 40.0000**

Dear Mr. Russell:

On January 26, 2024, the Department of Environmental Protection (the Department) was notified of a release of over 10 gallons of hydraulic oil to paved surfaces, and potentially a catch basin and soil at 9 East Main Road in Peru, Massachusetts (the site). As reported, a piston on a dump truck owned and operated by MB Hauling LLC failed during a sand delivery at the Peru Highway Department Maintenance Facility. This constitutes a reportable release as listed in the Massachusetts Contingency Plan, 310 CMR 40.0000 (the "MCP"). In addition to oral notification, 310 CMR 40.0333 further requires that a completed Release Notification Form (RNF) be submitted to the Department within 60 calendar days of the date of the oral notification.

The Department has reason to believe that the release that was reported is or may be a disposal site as defined in the MCP. The Department also has reason to believe that you (as used in this letter "you" refers to Peru Highway Department) are a potentially responsible party (PRP) with liability under Section 5(a) of M.G.L. c. 21E. This liability is "strict", meaning that it is not based on fault, but solely on your status as owner, operator, generator, transporter, disposer or other person specified in said Section 5(a). This liability is also "joint and several", meaning that you are liable for all response costs incurred at a disposal site even if there are other liable parties.

The Department encourages PRPs to take prompt and appropriate actions in response to releases and threats of release of oil and/or hazardous materials. By taking the necessary response actions, you may significantly lower your assessment and cleanup costs and/or avoid liability for costs incurred by the

This information is available in alternate format. Please contact Melixza Esenyle at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Department in taking such actions. You may also avoid or reduce certain permit or annual compliance fees payable under 310 CMR 4.00. Please refer to M.G.L. c. 21E for a complete description of potential liability. For your convenience, a summary of liability under M.G.L. c. 21E is attached.

You should be aware that you may have claims against third parties for damages, including claims for contribution or reimbursement for the costs of cleanup. Such claims do not exist indefinitely but are governed by laws which establish the time allowed for bringing litigation. The Department encourages you to take any actions necessary to protect any such claims you may have against third parties.

At the time of notification, the Department approved the following response actions as Immediate Response Actions (IRA):

- Deployment of absorbents as necessary.

Specific approval is required from the Department for the implementation of an IRA with the exception of assessment activities, the construction of a fence and/or posting of signs. Additional submittals are necessary with regard to this notification including, but not limited to, the filing of an IRA Plan within 60 days of the date of notification, unless an IRA Completion Statement and/or a Permanent or Temporary Solution Statement has been filed prior to that date. IRA Status Reports are required to be submitted within 120 days of the date of notification and every six months thereafter, unless an IRA Completion Statement and/or a Permanent or Temporary Solution Statement has been filed prior to the IRA submittal due dates. The MCP requires that a fee of **\$1470.00** be submitted to the Department when a Permanent or Temporary Solution Statement is filed greater than **120 days** from the date of initial notification.

Unless otherwise provided by the Department, responsible parties have one year from the initial date notice of a release or threat of release is provided to the Department pursuant to 310 CMR 40.0300 or from the date the Department issues a Notice of Responsibility, whichever occurs earlier, to file with the Department one of the following submittals: (1) a completed Tier Classification Submittal; or (2) a Permanent or Temporary Solution Statement; or (3) a Downgradient Property Status Submittal. The one-year anniversary date for this release is **January 26, 2025**.

It is important to note that you must dispose of any Remediation Waste generated at the subject locations in accordance with 310 CMR 40.0030 including, without limitation, contaminated soil and/or debris. Any Bill of Lading accompanying such waste must bear the seal and signature of a Licensed Site Professional (LSP). You may contact the LSP Board of Registration at 617-556-1091 to obtain the current LSP list. The LSP list is also available via the following link: <https://eeaonline.eea.state.ma.us/portal#!/search/lsp>.

Please note that all submittals for this release that require an LSP opinion must be submitted through e-DEP, MassDEP's electronic document and form submittal repository. For more information on electronic submittal of forms and reports, please visit MassDEP's website, <http://www.mass.gov/eea/agencies/massdep/service/online/edep-online-filing.html>.

Peru Highway Department
9 East Main Road, Peru
Notice of Responsibility
RTN 1-21949
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If you have any questions relative to this notice, you should contact the undersigned at the above letterhead address or Jeremy Johnston at 857-276-7149. All future communications regarding this release must reference the Release Tracking Number (RTN) contained in the subject block of this letter.

Sincerely,



David A. Slowick
Section Chief
Emergency Response

DAS:JTJ
1-21949 Peru 9 East Main Road Peru Highway Department Hydraulic Oil Release NOR

e-cc: Peru:
Fire Department
Board of Health
Board of Selectmen

Denise Andler, MassDEP
Katelynn Kelly, MassDEP
Todd Mayhew, MB Hauling LLC
Neil Schofield, L.S.P.

Enclosed: Summary of Liability Under Chapter 21E