

MEETING MINUTES
Town of Acton
Community Preservation Committee

March 31, 2010
Acton Town Hall, Room 204

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MAY - 3 2010
TOWN CLERK, ACTON *md*

Attending: Jon Benson, Walter Foster, Tory Beyer, Roland Bourdon, Mike Gowing, Susan Mitchell-Hardt, Ron Schlegel, Corrina Roman-Kreuze, Doré Hunter, Janet Adachi, Roland Bartl, Town Planner. Also present were Steve Noone (Finance Committee observer) and Anne Forbes, Historic District Commission.

The meeting was called to order by Chairman Jon Benson at 7:30 p.m.

- I. Review of Caouette Land Purchase Documents. Committee members reviewed the Purchase and Sale Agreement and other documents signed by the sellers.
- II. Approval of 3/25/2010 Minutes. The minutes of 3/25/2010 were approved.
- III. Executive Session. At 7:48 p.m., Roland made a motion that the Committee go into Executive Session to discuss matters relating to real estate, with the expectation that the public meeting would resume thereafter. Walter seconded.

Ayes: Jon Benson, Walter Foster, Tory Beyer, Roland Bourdon, Mike Gowing, Susan Mitchell-Hardt, Ron Schlegel, Corrina Roman-Kreuze, Doré Hunter, Janet Adachi. Nays: None.

At or around 8:10 p.m. the Committee resumed the public meeting.

- IV. Recommendation of Appropriation for Caouette Land Purchase. Committee members voted unanimously to recommend the appropriation of \$1 million from the Community Preservation Open-Space Set-Aside Fund for the proposed purchase of the Caouette parcel.
- V. Town Meeting Presentation. Warrant Articles 24 (Community Preservation Program) and 25 (Land Acquisition and Disposition – Simeone-Caouette Property) are likely to be on the second night of Town Meeting, Tuesday, April 6th. Town Counsel recommends that the Town Meeting first take up Article 24, which will include, in Paragraph K, the appropriation of CPA funds for the Caouette parcel purchase, and then address the purchase itself in Article 25; if the Article 24 appropriation is approved but the Article 25 purchase fails, there can be a motion to negate the Article 24 appropriation and restore the funds to the Community Preservation fund, or the like. The Town Moderator would prefer to have the Article 24 (K) appropriation and Article 25 taken up together.

The meeting was adjourned at 8:15 p.m.

- Janet Adachi, Clerk

MEETING MINUTES - EXECUTIVE SESSION

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Attending: Jon Benson, Walter Foster, Tory Beyer, Roland Bourdon, Mike Gowing, Susan Mitchell-Hardt, Ron Schlegel, Corrina Roman-Kreuze, Doré Hunter, Janet Adachi, Roland Bartl, Town Planner. Also present was Steve Noone (Finance Committee observer).

Chairman Jon Benson opened the Executive Session around 7:48 p.m.

Discussion of Potential Caouette Parcel Acquisition. Committee members discussed the Purchase and Sale Agreement and other documents, signed by the sellers, that they had reviewed during the initial public portion of the meeting, prior to the Executive Session. Jon noted that the word "not" should be inserted in the first sentence of Paragraph 17, after "90 Martin Street that is" and "before "marked." Roland Bartl noted that Paragraph 18 specifies that the environmental assessment will involve only the "eastern portion" of the parcel.

Roland Bartl reported on the meeting that he and Town Manager Steve Ledoux had with Town Counsel Steve Anderson and Jim Okun of O'Reilly, Talbot & Okun, to discuss the next steps in the ongoing environmental assessment of the parcel. The four agreed on preliminary testing of groundwater, soil and pond sediment. The project will be more expensive and be subject to the public bidding process.

Mike said that the focus of testing will be in the vicinity of the former tannery; testing in areas away from the site might pick up farming-related chemicals such as DDT. Sediment will pick up heavy metals, so testing will include the pond sediment for evidence of any heavy metals that have migrated from the tannery site. Mike will be providing a full explanation of the environmental evaluation process during the presentation of the proposed acquisition at Town Meeting.

Mike has arranged for Mary Michelman, of the Acton Citizens for Environmental Safety, to confer about well locations, and the like, with Mike Okun, whom she knows already from her work on issues relating to the W.R. Grace site.

Susan asked what would happen if the Town walked away from the transaction. Any subsequent purchase proposal would trigger Chapter 21E and require remediation of any environmental problem that was uncovered.

The Town must address any contamination that is uncovered, given the proposed conservation restriction that will encourage public access. One option would be to condition the purchase on the sellers' covering the cost of any cleanup. If the problem were heavy metals, capping would be a possibility.

At 8:10 p.m., Roland moved to adjourn the Executive Session. Walter seconded.

Ayes: Jon Benson, Walter Foster, Tory Beyer, Roland Bourdon, Mike Gowing, Susan Mitchell-Hardt, Ron Schlegel, Corrina Roman-Kreuze, Doré Hunter, Janet Adachi; Nays: None.

Janet Adachi, Clerk