



## SELECT BOARD

Executive Session Meeting Minutes

Monday, October 21 2024

6:00 PM

Room 204

**Select Board Members Present:** Fran Arsenault, Dean Charter, Alissa Nicol, David Martin, and Jim Snyder-Grant

Additional Attendees: Town Manager John Mangiaratti, Executive Assistant Lisa Tomyl, Conservation Agent Olivia Barksdale, Stephanie Dubanowitz, Town Counsel

**moved, seconded by to enter into executive session to discuss the purchase, exchange, lease or value of real property located at 19 and 35 Wetherbee Street under purpose 6 as an open session may have a detrimental effect on the negotiating position of the public body and approved unanimously 5-0 by roll call vote.**

Mr. Mangiaratti updated the Board on the progress towards finalizing the purchase of the property and the result of the Board's direction. Stephanie Dubanowitz from Town Counsel updated on the progress of negotiations specifically the financial part and is still waiting about the \$100K reimbursement to the seller to perform the demolition of the towers and that it would instead be part of the total cost of the sale, and possibly splitting the difference after their attorney discusses it with the sellers. Mr. Mangiaratti met with Ray Lyons, attorney for the sellers, about the financial arrangements and the scheduling necessity to get the grant writing agency to agree that the special area on the property would be accepted and not have to reapply for another grant, took several steps with the grant agency to give a reason to allow the inclusion of the special parcel, and if the town had another appraisal performed, and the appraisal price had not changed, then it would not be an issue, and the easement would be used specifically for active recreation and wastewater. The Conservation Commission supports the plan with using CPA funds towards the purchase, and the use of the reserve area, support owning the land and the managing the property, a Conservation Restriction would be recorded and held by a third party, which would be the Acton Conservation Trust, who would be interested in being the third party holder. Olivia Barksdale added that additional management would be delegated to the Recreation Commission if active recreation was being allowed on the property. The current timeline is the appraisal would not be available until December 17<sup>th</sup>. The warrant article would contemplate some details that would be completed at a later date. Ms. Dubanowitz suggested that a sketch of the reserved area be made available in the Town Meeting warrant article. Town Engineer QinRui Pang worked on preparing a plot plan to show the 11 plots for subdivision for the appraiser that would still match the purchase amount of \$3.1 million. Mr. Mangiaratti noted 2 options – to continue pursuing the grant as open space, or move forward without the grant. Ms. Nicol questioned if the town forgo the grant would it also eliminate the potential for receiving an MVP grant – Mr. Mangiaratti noted that the town wouldn't need a Special Town Meeting since it is required to hold for a special town meeting vote for the current grant application. Mr. Charter noted that he was not in favor of walking away from the \$500K if we can't reserve a special area on the parcel then take the \$500K and make the property all open space. Mr. Mangiaratti noted that in order to get the special area with the grant it would have to be included in the appraisal.



Ms. Nicol spoke with the Acton Conservation Trust Board and stated they were committed to raise \$100K, but they also have that in reserves anyway if they don't raise the amount. Ms. Nicol suggested to set up infrastructure in place to communicate with the public about the parcel. Mr. Martin recommends moving forward pursuing the grant, and to consider future needs for recreation, questioned if the price of the special area be more, and continued his support for pursuing the purchase price of \$3.7 million.

Mr. Charter noted there is a Community Preservation Committee meeting scheduled for tomorrow night, and could add this onto their agenda since it was not anticipated when the agenda was posted, and that the next meeting of Community Preservation Committee is on 11/19 for a vote prior to town meeting. Mr. Snyder-Grant questioned if property is purchased, then a CR is required for the whole property and the ACT required payment up front if they would be holding a CR. Mr. Martin requested that Mr. Mangiaratti ask what the amount would be. Mr. Mangiaratti noted the Board would be looking for a letter of intent towards the P+S. Ms. Nicol questioned if the Town Manager needs authorization from the Board if the appraisal is above \$3.6 million. Mr. Martin would request that the CPC pay for 100% including the special area and 90% towards the CR.

Mr. Charter stressed the need for the \$500K from the state, and if it means walking away from the wastewater portion, he doesn't want to be at the Special Town Meeting to explain why the town is walking away from grant money. Mr. Snyder-Grant noted that purchasing open space is in agreement with many groups in town and not additional active recreation or wastewater discharge needs. Ms. Nicol supports pursuing the MVP grant and not forgo losing the \$500K. Mr. Martin commented on preserving some of the open space designated for active recreation. Mr. Charter stressed what the public perception of the Board would be if they were to hear the Board walked away from a \$500K grant and to request bonding at annual Town Meeting.

**Ms. Nicol moved, seconded by Mr. Charter to approve \$3.65 million purchase price for the acquisition as shown generally in COI with understanding that if special area makes it ineligible for a land grant then we would forgo as much of the special area to keep the land grant and approved unanimously 5-0 by roll call vote.**

**Mr. Martin moved, seconded by Ms. Nicol to exit executive session and approved unanimously by roll call vote 5-0.**