

BOARD OF SELECTMEN

October 9, 2013

Executive Session

Chairman Michael V. McCoy called the meeting to order at 5:30 p.m. for the purpose of discussing real property issues. Present were Selectmen Michael L. Champoux, Louis Cimaglia, IV and Michael J. Newhouse. Also present were Michael Penney, P.E. from GeoInsight and Louis Ross, Esq. from Deutsch Williams.

The Town Manager outlined the purpose of the meeting which is to consider approval of an amendment to the purchase and sales agreement with the Archdiocese to extend the time by which the Selectmen will need to notify the church if it intends to withdraw its offer to purchase from October 11th to October 31, 2013; to confirm the intentions to establish three (3) new site for monitoring wells on the subject property and to discuss the retesting of monitoring well (MW-2).

Mr. Penney was asked for his opinion about the source of the contaminants found in MW-2. He stated that the source could be one of a number of things: an onsite septic system at the former recreation building if someone had poured a cleaning agent down a sink; drippings from trucks parking on site or someone dumping a material on the site. Groundwater samples were taken from MW-2 on Tuesday and results are expected Thursday or Friday.

Selectman Champoux inquired if the contaminants already identified trigger any issues with EPA or DEP. Mr. Penney noted the point that triggers reporting to DEP and additional actions is 5 parts per billion. PCE was detected at 7 parts per billion (ppb) and TCE was detected at 5 ppb. Detection amounts were right at the threshold for reporting.

Selectman Newhouse asked if the proposed monitoring well sites tested clean or lower than MW-2 or higher than MW-2 could Mr. Penney quantify the problem. Mr. Penney stated that he could. If concentrations increase in wells closer to the recreation building, that may indicate the source is a septic system. DEP will require that the size of the area be identified. Mr. Penney also noted that if the retest of MW-2 comes back clean a third test of MW-2 is recommended.

Selectman Champoux expressed concern about the long term consequences of identifying contaminants. Does someone need to take swift action to remedy the situation? Mr. Penney noted that if the town backs out of the purchase, the church would have 120 days to report the findings to DEP.

Selectman Champoux asked whether someone would incur costs for the clean-up. Mr. Penney noted that at the concentrations detected at present or even 174 ppb for example, the concentrations are so small that it is not practical to clean up the area. A risk assessment would need to be conducted. It is possible that an activities use limitation (AUL) would need to be placed on the property which might restrict the ability to place a well in that location. Concentrations of 3,000 ppb or 30,000 ppb would be much more problematic.

Selectman Newhouse asked about the DEP requirements, whether they were triggered by the concentration. Mr. Penney noted that the Massachusetts Contingency regulations reference that the "nature and extent" of the contamination must be established.

Selectman Cimaglia asked if Mr. Penney had a gut feeling about what will be found with the new test wells. Mr. Penney indicated he expects to see similar results in the up gradient wells.

Mr. Penney stated that a driller has been scheduled for Monday, October 14th, samples will be taken on Tuesday and results expected by Wednesday or Thursday. This would provide enough time to conduct a third round of testing if necessary.

Attorney Ross noted that if there is still uncertainty after the deadline to withdraw the offer passes, in the end if Town Meeting does not approve the purchase, the town will receive its \$50,000 deposit back.

Mr. Penney noted that he spoke today with Mike DeRosa, the LSP hired by the church and that Mr. DeRosa confirmed that the church did conduct testing in the past and did not detect any contaminants. He agreed with the approach proposed by Mr. Penney.

Mr. Penney was asked if he believes it would be necessary to establish a monitoring well on the church property north of MW-2 as initially suggested. He stated a well in that location would not be necessary.


Chairman McCoy entertained a motion to execute the amendment to the purchase and sales agreement to extend the notice period to October 31, 2013. A motion was made by Selectman Cimaglia, seconded by Selectman Newhouse and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen execute an amendment to the purchase and sales agreement to extend the notice period to October 31, 2013.

There being no further business of an Executive Session nature to come before the Board of Selectmen and upon motion duly made and seconded and recorded by roll call vote, it was

VOTED: To adjourn at 6:10 p.m.

Respectfully Submitted,


Jeffrey M. Hull
Town Manager