



SELECT BOARD

Executive Session Meeting Minutes

Monday, October 7 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

Mr. Marin moved, seconded by Ms. Nicol 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.

Mr. Mangiaratti updated the Board on the progress toward the purchase of the property and the letter submitted. The purchase price was for \$3.6 plus up to an additional \$100K for the removal of the towers and additional structures for a total offer price of \$3.7 million. The town acquires the land with a small portion of 2.5 acres for the use of active recreation and sub-surface utilities such as wastewater management. Looking for areas to support for wastewater and accessory structures for parking. Mr. Martin added that Ray Lyons, attorney for the property owners are more interested in negotiating on the uses of the property rather than the purchase price. The Conservation Restriction would cover the property except the smaller 3 acre portion. Asking if the Board is comfortable with the exclusion of the 3 acres which is where the house was and is not in a pristine wooded area. Mr. Charter questioned about using open space funds and if the exclusion of the 3 acres would affect it. Mr. Mangiaratti noted that there may be a need for the use of general funds for including the 3 acres.

Mr. Martin noted the 3 acres would be about 10% of the parcel equaling \$350K. Ms. Nicol noted that the town would have to pay the 100K for the removal of the structures and what additional cost may occur after the purchase price. Ms. Dubanowitz noted the third party costs would be an addition of for environmental studies.

Mr. Snyder-Grant questioned the owners through attorney Lyons. What is their alternative and could we ask for 3.5 plus 100K or 3.4 plus 100k and negotiating strategy. Mr. Martin noted the counter offer was 3.1 plus CR or 3.6 plus carve out of 3 acres leaves less to pay out of general funds and met with the 3.6. Biggest concern was to preserve the look of the property, not mind utility building for soccer field or wastewater infiltration, just not a permanent building structure and to have open space preserved. Ms. Arsenault asked up to 100K is for removal of the towers and demo of house, and removal of cars except the car in the vernal pool to just remove the top of the car and not disturb the bottom half to not disturb wildlife that settled in. Ms. Nicol concern for safety in case someone enters the pond and checking in with conservation staff what the better alternative would be. Mr. Charter noted a ConsCom meeting on topic and they embrace cutting the top off the car to minimize the impact on the environment. Mr. Snyder-Grant noted there are several cars on conservation property that have been left in place. Mr. Martin questioned if the Board wants the other vehicles, Board members' consensus was to remove from the property, and Mr. Martin noted that removal would be before the transfer of ownership.



Mr. Mangiaratti noted the town being awarded a grant for this property requires a Town Meeting vote and acceptance of the grant and stressed the urgency to finalize purchasing the property. Mr. Charter was in favor of options and questioned about any testing for infiltration – Mr. Mangiaratti noted not testing for geothermal also would not qualify for an MVP grant. SD noted could add as part of due diligence. MR. Martin noted this means paying 10% of funds from non-CPA funds. If not suitable then it would mean only all open space. Ms. Nicol Mr. Mangiaratti noted the town was set up for an appraisal for tomorrow, and noted that it wasn't guaranteed that we would be awarded and MVP grant. Noted the original intent of the Board was to acquire the property.

Mr. Martin noted the Acton Conservation Trust pledged to raise \$100K towards the purchase of the property. Mr. Snyder-Grant questioned if the town should break the parcel into the larger portion and spend more time in questioning the use of smaller parcel to make sure to do the right thing with the use. Mr. Martin stressed the importance of the smaller portion for use of as a future soccer field.

Mr. Martin is comfortable to counter offer \$3.6M, including removing the towers. Mr. Martin is concerned about the \$500K and the strings attached and deciding whether it would work or not and would have to pivot and figure out if the change would change the price.

Ms. Nicol noted it is negotiating point and no harm in asking, and if there is any complications with the grant and that the value is lower we negotiate the lower 3.1M.

Mr. Charter is looking to finalize the purchase and sale by Thanksgiving.

Mr. Martin summarized that it would be difficult to negotiate a lower negotiating price, reserve the parcel for active recreating even if it is not useful for infiltration sites for future generations, have the carve-out, and negotiate the 100K with the removal of the towers.

The Board had a consensus to proceed with a letter of intent and negotiate the \$100K, and include in due diligence whether the parcel passes the perk test.

Mr. Mangiaratti requested to schedule another Executive Session before next meeting.

Mr. Martin moved, seconded by Ms. Nicol to exit executive session and approved 5-0