

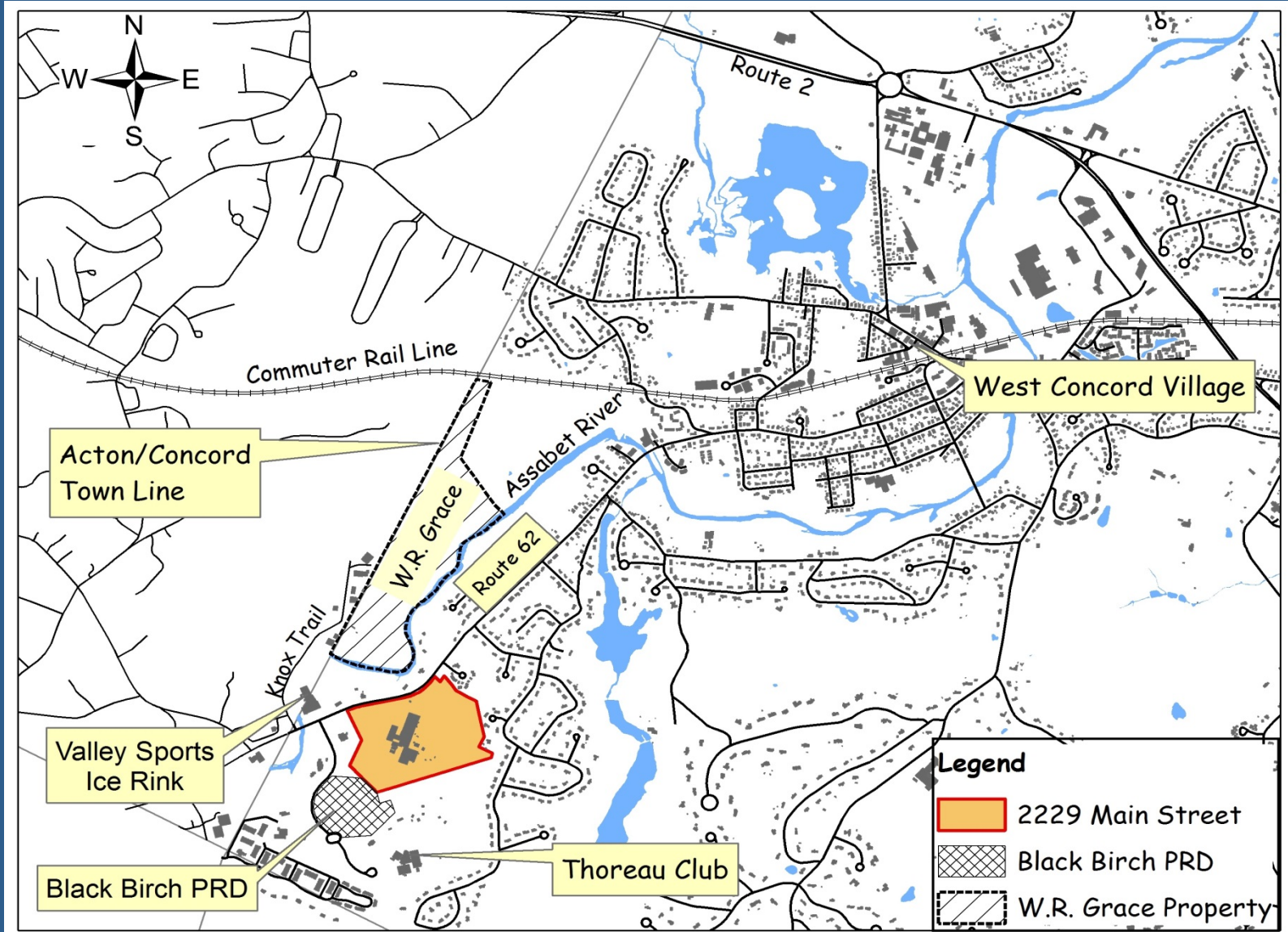
AUTHORIZE ACQUISITION OF THE 2229 MAIN ST. PROPERTY

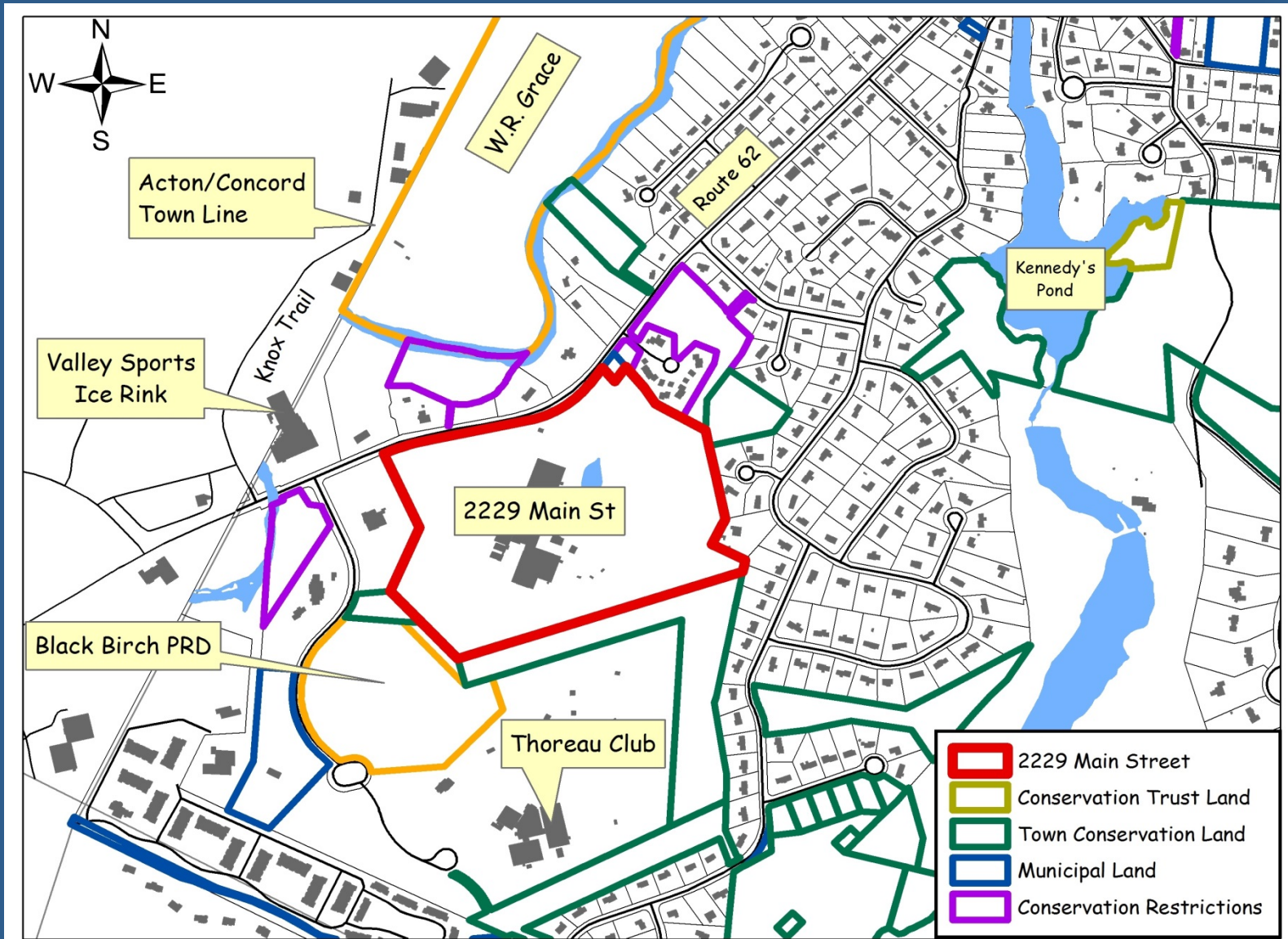
Ms. Reiss moves: that the Town authorize the Board of Selectmen to take by eminent domain pursuant to MGL c.79, for municipal purposes, including residential housing, the property at 2229 Main Street in West Concord formerly operated by Nuclear Metals, Inc. and Starmet, Inc., shown on the assessors maps as parcel 2970-1, containing 46.4 acres more or less, such municipal purposes to commence only following the completion of all components of the on-going work of the US Environmental Protection Agency to abate the contamination on the site other than groundwater remediation, provided that prior to such acquisition the Select-men shall hold a public hearing at which time the specific terms and conditions of the acquisition shall be disclosed and discussed publicly.



Revisions Made to ATM Article 31

- **Article 31 2.** To determine whether the Town will vote to authorize the board of Selectmen to acquire or take by eminent domain, under the terms and conditions agreeable to the Selectmen, fee, easement and/or other property interests in, on, over, across, under and along all or any portion of the property at 2229 Main Street in West Concord formerly operated by Nuclear Metals, Inc. and Starmet, Inc., shown on the assessors maps as parcel #2970-1, containing 46.4 acres more or less, **to be used** for municipal purposes, **such use to commence following** ~~upon~~ the ~~substantial~~ completion of the on-going work of the U.S. Environmental Protection Agency to abate the contamination on the site, provided that prior to such acquisition the Selectmen shall hold a public hearing at which time the specific terms and conditions of the acquisition shall be disclosed and discussed publicly, or take any other action relative thereto.







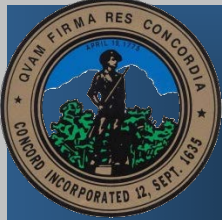
IF ARTICLE 2 IS APPROVED:

SELECTMEN WILL INVESTIGATE:

- Appraisal
- Acceptable terms
- Best interests of the Town

SELECTMEN WILL HOLD A PUBLIC HEARING:

- Prior to making acquisition
- Providing specific terms and conditions



2229 MAIN ST. IS A SUPERFUND SITE

- History of uranium-tipped munitions manufacture
- U.S. EPA has undertaken emergency removal actions to remove contamination 2002-08
- Site has been thoroughly studied 2004-14
- Public Hearings have been held on the proposed remediation plan December, 2014
- Final remedial action plan expected to be issued by EPA September, 2015



REMEDIATION PLAN

Proposed Standard: **RESIDENTIAL**

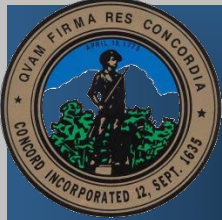
➤ EPA' s most stringent

Proposed components:

- Removal of buildings
- Removal or capping of contaminated soil & sediment
- Pump and treat contaminated groundwater
- Institutional controls

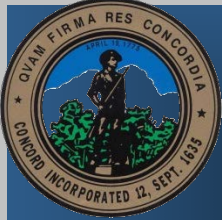
Funding: Federal Government & Private Parties

Anticipated completion: 2020, with groundwater treatment continuing years longer



INSTITUTIONAL CONTROLS

- restrictions on drawing groundwater
- restrictions on excavating soil
- vapor monitoring and control in any buildings constructed
- non-interference with groundwater treatment and monitoring wells



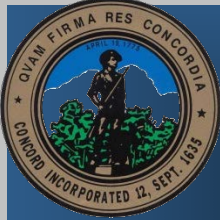
BENEFITS OF THE ACQUISITION

- Clear statement to EPA that the Town is invested in the future of the parcel
- Town enforces “institutional controls” to protect Public health & safety and environmental quality
- Town would own 46 acres on Rt. 62 remediated to residential standard for future municipal purpose needs, including affordable or other housing
- Town would control future development of the parcel



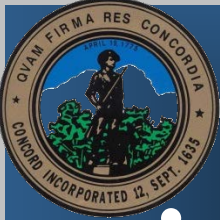
EXPECTED COST OF THE ACQUISITION

- Town would forego \$500K in taxes, utility fees and interest owed
- Town would incur transaction costs likely less than \$100K
- Town does not expect to pay additional money
- If a need for funding develops, request would come to Town Meeting



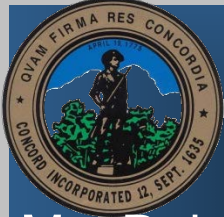
ENVIRONMENTAL LIABILITY RISK

- Solicit advice of environmental counsel and review by environmental consultant
- Protection against future clean-up liability under CERCLA as “bona fide purchaser”
- Request waiver of EPA and other liens for past remediation costs (\$2 to \$4 million)
- Request comfort letter from MA DEP
- Investigate insurance options



ISSUES TO BE RESOLVED

- Property is abandoned: record owner is defunct
- Banks have mortgage liens
- EPA and another private party have liens for remedial costs
- Best mode of acquisition uncertain (purchase, eminent domain, tax taking)
- Remediation Plan must be finalized and accepted



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