

West Windsor Selectboard  
Draft Minutes  
June 13, 2019

Present: Win Johnson, Brett Myers, Matt Kantola, Martha Harrison, Tom Kenyon, Tom Kennedy, Seth Warren

- 1) Call to Order – Selectboard Chair Win Johnson called the meeting to order at 4:30 PM.
- 2) Changes or Additions – None
- 3) Public Comment – None
- 4) Consider applying to Brownfields Reuse & Environmental Liability Limitation Act (BRELLA) program – Win said, as Martha mentioned, the Purchase & Sales contract addendum indicates that we agreed to close on the property by June 21<sup>st</sup>. Win said he thinks, if we ask, we can get some relief from that commitment. Win said it doesn't hurt to apply to BRELLA and we may be able to get reimbursed for the \$500 application fee by the Regional Planning Commission. Win said DEC wants a plan from us, which would include using the property for storage and leaving the soil in place. Win said Alan Liptak has agreed to write a Notice to Land Records for us and work with Shawn Donovan to get it cleared. Win asked the Selectboard to approve \$200 for LE Environmental to compose the Notice to Land Records. Win said he and Martha may be able to get the application out tomorrow and get it approved in time for the closing. Win asked Tom Kennedy about the value of BRELLA to the Town. Tom said if contamination goes onto someone else's land or someone gets sick and it's a much bigger problem than we thought it was, the Town would have liability protection. Win asked Martha if it's her impression that the additional site work Shawn may want to have done could be done after the Town closes on the property. Martha said yes, definitely. Win noted that DEC may provide funding for the additional work. Martha agreed. Matt said he thinks it's overkill given the minor amount of contamination, so he's torn. Win agreed but added that Tom Kennedy has pointed out to him that the Town is a public entity and should, therefore, be conservative. Win said he doesn't think the additional work Shawn may want to have done is going to be exhaustive. Martha said Shawn mentioned that there may be PCBs in the concrete and he wanted another well water sample. Win read from one of Shawn's emails, "I would also point out that I believe this site currently does not pose an undue health and safety concern; based on the LEE report. I am not concerned with exposure risks, etc." Brett said she thinks we should do it; it's \$500. Matt said it could potentially cost thousands more if they make us do more testing. Martha said there is funding available for that. Tom Kennedy said DEC just got a \$300,000 grant from the EPA. Brett said if we don't enter the BRELLA program and, ten years from now, we go to build the Fire Station, we're still going to have to do some work and we won't be eligible for funding. Martha said if the concrete does have PCBs that would require special handling, which can be very expensive. Win said Tom Kennedy wasn't sure there would be funding for that. Martha said Shawn doesn't know if there's going to be funding in ten years, nobody does, but he said it would be eligible. Brett said it might make sense to go into the BRELLA program and do some work now while there is funding available. Tom Kennedy said PCBs were not mentioned in the report as a Recognized Environmental Condition (REC). Win said we didn't do a full Phase II study. Tom said if there were PCBs, there would be staining. Martha said Shawn mentioned staining in the photographs. Win said the paint was tested for PCBs and it was clean. Win said we're going to shoot for closing on June 21<sup>st</sup> but if we're not ready, Win asked Seth if we could have a little more time. Seth said if it's a matter of getting documents

to the attorneys by Monday or Tuesday of the following week, I think they can handle that. Matt asked about the Notice to Land Records. Win provided a copy of the Notice on the mountain property. Martha said she doesn't think we have to file a Notice before we close. Win said no, but he'd just as soon get it done. Martha said if we do more assessment, then the results may affect what's included in the Notice, so we may have to do another one. Win agreed. Martha suggested asking Shawn what he thinks. Win said he's hoping that, once we close, Mike can start parking vehicles in the garage and staking out the area where the sand pile's going to go. **Brett moved to hire LE Environmental to assist the Town in writing the Notice to Land Records unless Shawn Donovan says it's unnecessary. Win seconded the motion, which passed unanimously. Brett moved to authorize the expenditure of voted funds in the amount of \$91,000 for the purchase of the Burke property. Matt seconded the motion, which passed unanimously. Brett moved to submit an application to enter the BRELLE program. Matt seconded the motion, which passed unanimously.** Martha said she has completed a draft of the application and the project schedule. Win said Shawn has indicated that he can turn the application around in two or three days so we might be able to close on the 21<sup>st</sup>. Matt said the state just needs the check. Win said the Town needs to be accepted into the BRELLE program before we buy the property. Tom Kennedy said the Town can invoice the Regional Planning Commission for reimbursement of the \$500 BRELLE application fee. Win said John Springer was in earlier and asked why the Town isn't taking the small piece of property on the northwest side of the intersection, which is also owned by Gary Burke. Martha said that piece was not included in the Phase I or the Phase II studies. Tom Kennedy said the Town is doing all the appropriate things.

- 5) Discuss next steps re: Burke property – See above
- 6) Other Business – None
- 7) Adjourn – **Brett moved to adjourn at 4:51 PM. Matt seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison