

February 3, 2011

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Rep. Elizabeth Poirier
Room 124
The State House
Boston, MA 02133

Rep. Jay Barrows
Room 542
The State House
Boston, MA 02133

Dear Betty and Jay,

You should be in receipt of this VERY IMPORTANT communication from the Town of Norton relative to filing special legislation on our behalf, which will facilitate continued remediation efforts at the Shpack Superfund Site.

It is a legal technicality which allows the Army Corps of Engineers and the 'Shpack Site Group' (Principal Responsible Parties under direction of US EPA) access to the property which was, and still is owned by the Conservation Commission of Norton (and as such classified under Article 97).

A change in the "Use, and the Conveyance of Restrictions and Easements" upon the Shpack Property (Conservation Land protected under Article 97) requires approval of the Massachusetts General Court.

As Coordinator of the 'Citizens Advisory Shpack Team' and a constituent who has been at the forefront of the battle to see this decades old toxic waste dump (and blight on our community) finally cleaned up, thought I would weigh in to urge action in filing this piece of legislation for the Town of Norton. If there is anything I, or others can do to facilitate the passage of the bill, please advise.

The Army Corps of Engineers has removed **99%** of the radioactive contaminated materials at the Shpack Site. They expect to be back in the field this March to complete their portion of the clean-up. Meanwhile, the PRPs – ‘Shpack Site Group’ is prepared to begin their work clearing the site of remaining debris (chemical contaminants and heavy metals).

But due to changes in the agreement for this conservation parcel, law dictates that the Town of Norton now needs permission under Article 97 to grant new easements to the performing parties for access to finish remediation of the site.

With that accomplished soon, it is expected that by the end of 2012 the US Environmental Protection Agency can declare the Shpack Superfund Site has met the cleanup requirements of the Record of Decision and Consent Decree. And the Town of Norton will have (thanks to the new restrictions in this Use and Conveyance Agreement) assurance that the property will not be used for any purpose that could pose a public health risk.

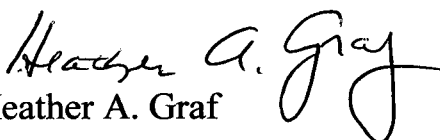
If you have not already done so, I urge you to make the filing of this piece of special legislation a top priority. All the ‘legal beagle’ stuff has been worked out by Town Counsel, with direction from Norton Conservation, the Town Manager, Army Corps, the attorney for the Shpack Site Group and myself.

Your past support - assisting in the effort to finally remedy and bring closure to this decades old toxic waste site has been greatly appreciated.

If I can be of assistance, please call.

Actually, even if you don’t need assistance – feel free to call me anyway!

Respectfully,


Heather A. Graf

Cc: Senator Jim Timilty, Tim Beauchemin (ACOE), Jennifer Carlino

AN ACT AUTHORIZING THE TOWN OF NORTON TO GRANT EASEMENTS AND RESTRICTIONS OVER CERTAIN TOWN-OWNED LAND

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary and pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and in recognition of the fact that the removal of the below-described land from the protections of Article 97 will be tempered by the imposition of strict regulation of future use of the land to protect public health and the environment, the Town of Norton is hereby authorized to transfer the care, custody, management and control of a portion of the property commonly known as the Shpack Site from the conservation commission for conservation purposes to the conservation commission for conservation purposes and for the purpose of conveyance to the Army Corps of Engineers and the performing defendants under the below-referenced consent decree of such restrictions on the future use of the property and such easements thereon as are necessary to effectuate environmental remediation and future use of such land as provided by and in accordance with the Record of Decision and Consent Decree lodged in the matter of U.S. v. City of Attleboro, Massachusetts et al. (Civil Action No. 1:08-cv-120378), and to authorize the conservation commission to convey said easements and restrictions; said parcel of land being further described as follows:

The land with the buildings and improvements thereon, being Lot 1 and Lot 3 on a Plan of Land entitled: "Plan of Land on Union Road in Norton, Massachusetts, Prepared for: Lea Shpack Date: March 16, 1981, Freeman Engineering Company" which plan is recorded at the Bristol Northern District Registry of Deeds together with, and being more particularly described in, a deed recorded with Bristol Northern District Registry of Deeds in Book 2106, Page 246, and as shown on Assessor's Map 26 as Parcel 2 and Parcel 2-02;

SECTION 2. No document conveying interests in the property described in section 1 shall be valid unless such document provides that said interests shall be solely for the purposes of remediating the property and imposes restrictions on the future use of such property, so as to meet the requirements of the Record of Decision and Consent Decree lodged in the above-referenced matter.

SECTION 3. This act shall take effect upon passage.