

CLERMONT TOWN BOARD  
SPECIAL MEEETING  
JANUARY 21, 2008

The Clermont Town Board held a special meeting on Monday, January 21, 2008 with representatives from C. T. Male regarding the DEC draft analysis plan of the twenty-acre parcel known as the 'Hettling Property' which was given to the town in 2003. Those present were Supervisor Staats, Councilwoman Lent, Councilwoman O'Neal, Councilman Jones and Councilman Nolan. Others present were: Robert Desmond, Dan Wheeler and Jay Trapp of D. F. Wheeler Engineers, Andrew Howard, Judith Neary, Elizabeth Mahar, Bruce Unson, Richard Roth of the Independent, Kirk Moline of C.T. Male, Tammy Connolly, Charlie Lent, George Davis and Phil Leonard.

Supervisor Staats opened the meeting with the salute to the flag. This is not a public hearing, but an informational meeting to clarify issues and for the board to ask questions. If there is time at the end of the meeting the public may ask questions.

Supervisor Staats welcomed Kirk Moline of C. T. Male, Andy Howard, Town Attorney and Dan Wheeler, Town Engineer.

Andy Howard has had some time to review some materials specifically from Kimberlea Shaw Ray as to where we are in the process.

There was discussion as to the nature of the property and the use of the property. Property was conveyed to town in 2003 and a correction deed filed in 2005 with restrictions for recreational/open space usage. The town would like to explore and address how recommendation will fit into that. Do we modify Brownfields grant? Town wants to keep with the covenants and restrictions of the property. Ms. Ray has said that in terms of the work, we have qualified consultants on board with C. T. Male. There will be a significant percentage paid for by DEC- 90 Percent. The Town portion - 10% amount can come from other grants as well.

Supervisor Staats stated that we are looking to proceed but have questions on how we can proceed.

Mr. Moline - Preface with statement that draft is still in review with DEC. Still waiting for comment from NYS Department of Health and will reply with formal statement and then a final will be put together. Within a month, we should have a report.

DEC would like to meet with the town prior to the public hearing with a representative from Department of Health and they would release the proposed analysis plan.

Documents would be deposited at Town Hall, with a forty-five day period for public comment. A lot of what we will cover is not cut in stone because it is still in review by Department of Health and DEC.

Materials were accumulated on the property and have been taken away.

Subsurface soil is arsenic. Surface soil in eastern portion of site is arsenic. 0-2inches below the root zone. Arsenic is real concern on eastern half of site.

Per state assistance contract with state for investigation, needs to go to remediation for this activity. Restricted use of the property, cannot be just used for anything if there are contaminants detected, The restrictions are more stringent for residential use than for commercial use. The report compares the results to restricted commercial. At the Supervisors request, looked at residential issue where contaminants become an issue. Councilwoman O'Neal asked if rear portion would be usable for recreation. Mr. Moline response was no because when going from commercial to residential, the pesticide becomes more (prevalent: Corrected to problematic) for recreational use. Asked if remediation could be accomplished with plantings. This type of remediation has never been the final on a remediation report. Would have to fence off the entire site and prove that remediation by plantings has worked.

The PRAP is being rewritten to allow for fewer restrictions.

Alternative Cost – 1 foot area cover for commercial use is acceptable, for a park, it needs a two-foot area of cover. This cost is \$650,000.00.

Councilwoman Lent - there is some passive recreation uses that are allowed in a commercial use, mainly walking trails, tennis courts, etc.

Councilman Jones - if 6 inches or a foot was removed, would this be done by DEC supervision. Yes it would.

Development of remedial design plan based on what the town wants to do with the property. If you want to use for commercial, you would have to put a one-foot barrier. For recreation, you would need two-foot barrier. The results show the back acreage would not need to be covered over. If six inches was removed from back and put on front, you would still need a one-foot cover on front.

Councilman Jones – the Town is considering a garage site, if in removing three feet from rear section, to use on the front section, if it is clean, would this be acceptable? Yes, this could be a solution.

Bruce Unson asked if there is any neutralizer. There is none that Mr. Moline is aware.

Bob Desmond asked if there could be hot spots in between the test spots. That is why the entire area would be remediated.

Discussed surface water and ground water. Surface water is running from north to south. Ground water contamination is located on northern boundary. Surface water runs north to south into pond, from highest point in the north corner. Ground water runs south to north. Pond on south side – DEC required sediment and surface water out of the pond to determine if there was anything related. There is no issue on anything found in the pond.

A lot of things detected are commonly found in nature. He does not think there would be an issue. Councilman Jones asked if the pond were to be filled, would there be any problem. Mr. Moline's response what that as long as it is not a wetland and on the Town's property, it would probably be all right.

Bob Desmond asked how likely is it that DEC would make changes based on public comment. Mr. Moline's response was that it could be. If you contemplate a change in use, it can easily be done, after the record of decision.

Discussed covering front portion of land using fill from back portion, using back portion for garage, front for recreational. Councilwoman Lent - can use five acres on Route 6 for a ballfield. Don't need to use any part of twenty acres for ballfield. Bruce Unson stated that at one time it was discussed that a ballfield should not be near the main road because of traffic.

Councilwoman Lent asked if C. T. Male went through the file of the entire Hettling property or was it only on the twenty acres? The majority of the results are from the site.

Does this have an effect on subdivisions that are in former orchards or farms?

It could but that would be determined in SEQRA review during the subdivision process.

Andy Howard asked that in terms of record of decision, is there a certain point in time that the town must decide which remediation plan to use. Or pursuant to plan does the town have to choose an option. Mr. Moline - The regulators will make the decision with input from town. The town should have an idea of what they are going to use the property for and which option they are going to use.

The forty-five day comment period has not been entered into yet, it is determined by when the Department of Health concludes, all comments are in from town and the public. Then DEC would provide a responsive summary, then shortly thereafter would be the record of decision.

The town plan needs to be prepared within the next two and a half months. The Record of Decision is being written so that the use can be changed at a later date.

Defined use: Construction, relative to use, can be incorporated into the plan.

During the forty-five day comment period, when public comment opens, the town will still have input based on what the public has to say.

Alternatives:

#1 - No further action and Long Term Monitoring - does not believe state would allow this action, might have to put a fence around it. \$38403.00

#2 - Implementation of institutional controls, restricted use of property, long term monitoring - maintenance of property, annual inspection to check conditions, groundwater-sampling analysis at a cost of \$126,003.

#3 - Site Management Plan and long term Monitoring, covering with 12 inches of soil cover or other suitable cover, restricted use - \$682,550.

#4 - Excavating material out of seven acres, replacing with clean material, long term monitoring of ground water. \$2,015,045.00.

Is long term monitoring factored into this cost and how does that get paid? Essentially a draw down from DEC over a five year period. Submitted quarterly or annually to DEC once expended and then reimbursed.

For future budgeting purposes the town pays first and then gets reimbursed.

Is town still liable once everything is completed to satisfaction? The town receives a release of liability from DEC.

Bob Desmond – the Town should be looking soon as to what the property is going to be used for.

Judith Neary – is there any danger to residents when removal process is taking place?

Mr. Moline - There is a requirement for dust control, eliminate dust or other chemicals to keep dust down. Air is monitored up wind and down wind.

Supervisor Staats asked if there could be a well located on the property. To have a well, you would have to have the state's permission.

DEC would probably like to come down immediately after the Department of Health is done with their review. Mr. Moline will talk to Randy Hough about a meeting with the board.

A motion was made by Councilman Nolan, seconded by Councilwoman O'Neal to adjourn at 8:45 P.M.

Respectfully submitted,

Mary Helen Shannon, RMC  
Town Clerk