

CLERMONT TOWN BOARD  
MARCH 3, 2008

The Clermont Town Board held their regular meeting on Monday, March 3, 2008 at 7:30 P.M. at the Town Hall. Those present were Supervisor Staats, Councilwoman O'Neal, Councilwoman Lent, Councilman Jones and Councilman Nolan. Others present were Andy Howard, Town Attorney, Alberta and Richard Staats, Elizabeth Mahar, Judith Neary, Charles Larsen, Robert Desmond, Laurence Saulpaugh, Bruce Unson, Ray Tousey, Nancy Moore, Dennis Palazzo, Tammy Connolly, Dagmar Payne, Rebecca Sethi, Paul Doherty, Kathy Dunn, Jay Trapp of D. F. Wheeler Engineers, Mel Heiko, John and Nora Moran and George Davis. Also present were Kirk Moline of C.T. Male, Randy Hough, Project Manager and Michael Komoroski, P.E. of DEC and Bridget Callahan of NYS Department of Health.

Supervisor Staats opened the meeting with the salute to the flag. The Supervisor noted a correction to the minutes of the February 3<sup>rd</sup> meeting. Insert that the reason the executive session was called was for medical, financial, credit or employment of an employee. On page 5 add to the discussion of Main Care Fuel, that going to another vendor is cheaper than going through state bid. Councilwoman O'Neal asked Mr. Moline to clarify a statement in the minutes of January 21<sup>st</sup>, whether or not 0-2 inches below the root zone was correct. He said that it is a near surface soil sample and was correctly stated. A motion was made by Councilman Nolan, seconded by Councilwoman O'Neal to accept the February 3 minutes with corrections. All in favor. So carried.

Rebecca Sethi, Chair of the Hamlet Steering Committee brought in files from the committee. Vouchers to be submitted to the Hudson Valley Greenway were also completed and brought in for reimbursement of \$7500 spent on the Hamlet Plan. The Board thanked Ms. Sethi for the work that she did on the project.

COMMUNICATIONS:

- Town Clerks Report: A check for the general fund was submitted in the amount of \$106.80 and a check for Trust and Agency for \$631.25.

COMMITTEE REPORTS:

- Insurance Committee: Councilwoman Lent reported that NYMIR would be here Friday at 10:00 A.M. to evaluate the buildings. They will call on Thursday evening to confirm.
- The Clerk did a breakdown of the oil and electric use over the last two years of all the town buildings. Councilman Nolan will be looking at these.
- Councilman Nolan attended the Keep Farming meeting in Livingston. There may be an expansion of the Clermont, Germantown, and Livingston group to include Gallatin, Copake and Ancram into the Southern Columbia area.
- Councilman Nolan and Councilwoman O'Neal went to the State Park to talk about the dock project. The Friends of Clermont have a grant for \$5000 and possibly \$20,000 from DEC. Councilwoman O'Neal said they talked about making a more active communication and cooperation between the Town and State Park. Also discussed the entrance fee to the park for residents.

**BUILDING COMMITTEE:** Councilwoman O'Neal received approval from OPRHS to go ahead with a proposal for windows in the community house. They have to do outline specifications. Stacy Matson Zuvich sent a detailed description of what she needs. Councilwoman O'Neal met three weeks ago with Marilyn Kaplan and discussed work by LaTorre Construction on the roof project, which has not been satisfactorily completed. Need to look at the original scope of work to see if everything has been touched upon. She has not completed the building rules as of yet. Supervisor Staats does not see the need to hire Marilyn Kaplan on the window project. All agreed with the exception of Councilwoman Lent. She feels we need an historic architect. Councilwoman O'Neal feels her plan will work.

Judith Neary – Cautioned about grants and believes we should come up with ways to raise funds for the Community House because we should be proud of the building and keep it in repair. Councilman Nolan would like to see if the Village Green BBQ committee would expand to help with the building.

Bob Desmond – if he recalls, the lease amount is supposed to cover the heating and electric, and prior to the lease, the church had been paying the heating costs. If the lease is not covering the heat and electric, then raise the lease amount. Councilwoman O'Neal – the historical committee is looking into ways to raise money.

A motion was made by Councilman Jones, seconded by Councilman Nolan to close the regular meeting in order to open the public meeting with members of the Department of Environmental Conservation and NYS Health Department regarding the twenty-acre property.

Michael Komoroski of DEC spoke on the proposed remedial action plan for the former Hettling Farm Site. There is 90% reimbursement from DEC. The process involves site discovery/application, remedial investigation, alternative analysis, proposed remedial action plan, record of decision, remedial design, construction and site management.

Written comments will be received through March 17<sup>th</sup>. There is a sign up sheet if anyone wants to receive information. DEC will evaluate all comments received and will select a final remedy. Councilman Nolan asked if the comment period can be extended beyond the set date. DEC will extend for a period of two weeks; however, Mr. Komoroski feels it would be better for the town to close by the end of March.

Randy Hough of DEC summarized the remedial investigation.

- Site Description – 20.5 acres
- Groundwater flow from west to east
- Land to the west – apple orchards
- Lands to the east appears to have been used for row crops and vegetables
- Pesticides and herbicides were used on site.
- Waste material disposal on surface and possibly in subsurface.
- Chromium, copper, wood preservatives, creosote were common things found on site.

- As an interim remedial measure non time critical removal of waste on site of 116 tons of material and disposing off site
- Electromagnetic survey – to detect any buried waste containers on site.
- There were eight anomalies on the parcel and these were investigated.
- Soil borings were done, which were converted into monitoring wells
- Sampling and analysis – surface soils, subsurface soils, surface water, sediment samples
- Fish and wildlife impact analysis
- Site survey to pinpoint sampling locations.

#### Standards, Criteria and Guidance

- Cleanup objectives for unrestricted use, restricted use and commercial use.  
Results of investigation of EM anomalies – no hazardous waste with buried objects.  
No drums or waste containers were found.
- Soil results – arsenic in surface sample and some in subsurface, and in area of waste removal area. Seven and one half acres are contaminated with arsenic. This requires remedial action.
- Groundwater – organic contamination at well #4, sodium along Route 9 **contributed** changed to attributed to road salt. Remediation of groundwater is not necessary.  
Surface water results and sediments results as a result of the offsite pond.  
Remediation is not required.

Bridget Callahan of the NYS Department of Health, Bureau of Environmental Exposure Department spoke on:

- Exposure - direct contact, ingestion, inhalation
- Remediation goals are to eliminate or reduce exposure to groundwater and metals in the soils.
- In order to restore the site to unrestricted use conditions the department did an internal review and the entire 20-acre parcel would have to be remediated to get to the standards using approximately 33000 cubic yards of cover material.
- Recommending alternative #3 as outlined and the health department is in agreement.

Bob Desmond – The town wanted to use the land for recreation from the beginning. Would like it corrected so that town can use the land for what it was intended. A survey should be done of what the townspeople want to use the property for. Also, is there the possibility of using material from the rear to cover the front portion? Could it then be used for recreation? The response was that amendments have been added as an environmental easement and would have to meet requirements of restricted residential use. You could have different segments of 20 acres for different uses. You could use soil from the back as long as it meets standards and for the most part it does meet standards. Councilman Nolan asked if one acre of the seven were covered, could it be used for passive recreation and leave the rest. If the material meets the restrictive residential standard it could be done.

Dagmar Payne is an adjoining resident. When the drilling and testing was done, she was not notified of the activity. Is there any hazard when you start moving soil around? Ms.  
PAGE 4 CLERMONT TOWN BOARD MARCH 3, 2008

Callahan from Dept. of Health responded that community air monitoring is required, and there was air monitoring during all activities. It is reported that the east side has the majority of arsenic contamination and that it is above standard. Are there other orchards with arsenic contamination in NYS? Yes, that is likely

Asked if there will be funds from the state to complete the project. There are funds, but it is uncertain if the funds will be released by the legislature and governor. It was suggested to contact your state legislature and file the record of decision very soon.

Councilman Nolan asked if there is a liability if the land is used or someone walks across it. They suggested to go through the comment period, record of decision and not do anything that voids the document.

As the immediate need now is for a highway garage, discussed the possibility of subdividing the property and possible being able to use the back portion for a highway garage and getting a release of liability. Suggested having our town attorney speak with a DEC attorney. If large volumes of soil were moved, more testing would have to be done. Defined Passive recreation as walking trails, hiking, limited soil contact. Active recreation would be basketball court, soccer field, and reason for soil contact.

Bruce Unson asked if highway garage could be located on front portion with six inches or asphalt or concrete covering the contaminated area?

Paul Doherty – Asked if contamination in an orchard is usually in first foot of soil. Wouldn't it dilute if you were using two feet of soil?

Bob Desmond suggested investigate costs of testing, do the testing and see if we can use that material on the front portion.

Andy Howard - that would be in the development remediation plan. Get through the comment period, notice of decision, remedial application and any costs incurred are eligible assuming there is funding.

Councilwoman Lent asked if we are required to hire an outside source to move the material. The response is that an engineer must certify it. The first thing is that the town must have an approved remedial work plan application.

Question about a plan for the land and if now two feet of soil is put down, then in ten or twenty years the town wants to put in a playing field, can it be done. It will be monitored by DEC.

#### OLD BUSINESS:

- Website update – Steven Hammer has updated website with current minutes.

The Supervisor made the following appointments to the Website committee: Judith Neary, Mary Helen Shannon, Dianne O'Neal and Bram Moreinis.

PAGE 5

CLERMONT TOWN BOARD

MARCH 3, 2008

- Canaan Fellowship – table until next month. There was discussion on the high costs of fuel and electric.
- A resident brought up The need for a sign to be installed opposite Nevis Road, where it comes out on Lasher Road Nevis Road intersection – last month. Supervisor Staats called the County Highway and an arrow sign was installed. It was reported that someone hit the yield sign recently.

#### NEW BUSINESS:

- Resolution #42-08 for the salary increase of highway superintendent retroactive to January 1, 2008 and transfer of funds was signed and approved on a motion made by Councilman Nolan, seconded by Councilwoman O'Neal. All in favor. So carried.
- Resolution #43-08 was introduced to rescind the closure of Hudson Correctional Facility in Hudson. Councilman Nolan believes the resolution is not worded correctly, rescinds the order and then asks for an impact study. After discussion a motion was made by Councilwoman O'Neal to approve this resolution, seconded by Councilwoman Lent. A roll call vote was held:
  - Councilwoman O'Neal, aye; Councilman Jones, aye; Councilwoman Lent, aye, Councilman Nolan, abstained.
- Supervisor Staats will introduce a resolution next month to acknowledge Joan Davidson for involvement in Quadra-centennial event. After discussion, a motion was made by Councilwoman O'Neal to approve, seconded by Councilman Jones. All in favor. So carried.
- Local Law #2-2008 – Grievance day was changed when we had an assessor whom covered multiple towns. Mr. Greenhouse would like to return to the third Tuesday in May as set by law. This law repeals Local Law #1-2001. A motion was made to schedule a public hearing for April 7, 2008 at 7:00 P.M. by Councilman Nolan, seconded by Councilman Jones. All in favor. So carried.
- Highway Garage – Garage is leaking severely. Recently had the blower replaced which was damaged by water? Something has to be done to divert the water from the roof. Councilman Nolan would support a patch but we need to get a proposal for the garage. Councilman Jones would like to have a citizens committee to decide what to do with the garage with the Superintendent. Councilwoman Lent said that the Highway Superintendent has provided a design. Councilman Nolan would support a subcommittee to push this through, but we must have an engineer. Councilwoman O'Neal has found a grant, which pays for town garages.
- A secondary polling district in Clermont has been brought up by Greg Fingar to the Board of Elections. This will be discussed at next months meeting. Councilman Nolan has requested an opinion, but has not received it yet.

#### SUPERVISORS REPORT:

- Agriculture Committee - did not meet

- Real Property – Discussed reassessing the parcels for full revaluation. Andy Howard said that historically towns have engaged in split reevaluations.

PAGE 6

CLERMONT TOWN BOARD

MARCH 3, 2008

- Computer Committee – replacing computers which were formerly leased, now they are purchased, and towns may be able to make use of them.
- Human Services Committee – The department at 325 Columbia Street reportedly needs more space. They have requested a metal detector for the building and security.
- Buildings and Facilities Committee – Discussed accepting bids for projects.

A motion was made to approve General Abstract #3 in the amount of \$14,888.69 by Councilman Nolan, seconded by Councilwoman Lent. All in favor. So carried.

A motion was made to approve Trust and Agency Abstract #3 in the amount of \$448.50 by Councilman Nolan, seconded by Councilwoman Lent. All in favor. So carried.

A motion was made to approve Highway Abstract #3 in the amount of \$9,205.78 by Councilman Nolan, seconded by Councilwoman Lent. All in favor. So carried.

**PUBLIC COMMENT:**

- Charlie Larsen reported on the Village Green BBQ on August 9<sup>th</sup>. There will be garden tractor pull starting at 9:00 A.M
- Supervisor Staats thanked the Village Green Committee for taking over the Easter Egg Hunt.
- Councilman Jones asked if we will be able to park on Saulpaugh property for the BBQ. Ray Tousey has spoken to the attorney for the Saulpaughs.

A motion was made by Councilman Nolan, seconded by Councilwoman Lent to enter into executive session to discuss proposed or pending litigation at 10:00 P.M.

A motion was made by Councilman Jones, seconded by Councilman Nolan to come out of executive session at 10:20 P.M.

A motion was made to adjourn by Councilman Jones, seconded by Councilman Nolan.