

**MINUTES OF SELECTMEN'S MEETING
TUESDAY, OCTOBER 12, 2010
HOPE TOWN OFFICE
6:30 P.M.**

Note: These minutes may not be considered an official public record until such time as they are read and accepted by the Board of Selectmen.

Board Members Present: Mike Ames, Tim Pearse, Barbara Bentley, Kathleen Hastings, Eric Campbell

Others Present: Jon Duke, Alex Ludwig, Joe Berry, Mike Christiansen, Brian Powers, Teresa Duke, Donovan Bowley, Bruce Melanson, Leslie Robinson, Terry Connelly, Randy Smith, Becky Hewitt, Pete LaFlonde, Lew McGregor, Wendy Pelletier, Judith Jones, Bill Jones, Doug Merrill, Fred Holbrook, Clarence Keller

I. Call the Meeting to Order

Barbara Bentley called the meeting to order at 6:30 P.M.

II. Minutes

a. Minutes of the September 26th meeting of the Board of Selectmen

Tim Pearse moved, and Mike Ames seconded, a motion to approve the minutes of the September 28th meeting of the Board of Selectmen as modified. **Motion passed 4-0-1 (Campbell abstained)**

III. Selectmen's Roundtable

- Next regular meeting of the Board of Selectmen will take place Tuesday, October 26th at 6:30pm at the Hope Town Office.
- Marriners has missed the paving deadline of Sept. 30. Tim Pearse asked Alex Ludwig to contact Marriners regarding the missed deadline and how they will rectify the situation. In a related note, Marriners completed paving Route 105 for the state this past week.

IV. Town Administrator's Report

- Jon is in the middle of attending the MMA Convention in Augusta and attended a number of forums ranging from more discussion on the Highway Simplification Study to Managing Municipal Personnel in the 21st Century. Tomorrow's session is highlighted by a Gubernatorial forum attended by all the candidates for governor.
- The Penobscot Company received, and cashed, the final payment on the Hope Corner Fire Station marking an end to the project. On a related note, the town finally received the amended permit from DEP which will allow the Town to recoup over \$10,000 it was erroneously charged for work related to stormwater at the new station.
- The Selectmen unanimously adopted the first quarter financial report prepared by Mary Cooke.
- After recently receiving the report from MMA's Property and Casualty division some six months after the initial review, the Fire Department will address adding additional

railings to the South Hope Fire Station and clean the storage space upstairs on November 1st.

VII. New Business

a. Union Chemical Site Status Discussion

Terry Connelly of the EPA outlined the history of the Union Chemical Superfund site, described the difficulty in remediating the toxins within the soil to the point where the groundwater could become acceptably under the drinking water standard. Connelly noted that the contamination has not left the property and that wells located just off the boundaries are not showing signs of being affected by the toxins on the Union Chemical site. Connelly stated that the next step in the process for Union Chemical is to change the program statement to reflect that the property will not be able to be cleared of toxins in the foreseeable future. The testing of the site will continue in perpetuity by the EPA, DEP, and the parties responsible for the clean-up. Connelly related the results of a 2006 study, commissioned by the EPA, that proposed combining water rights on the adjacent Town owned property, across Quiggle Brook, to allow the town to eventually sell the Union Chemical property with potable water.

Becky Hewitt of the Maine DEP added that the property is in receivership to protect the town and state from liability during the clean up process. Hewitt noted that the state is ready to hand over the property and end the receivership, but that there will need to be a plan put forward as to how the property will be used as well as a series of covenants on the deed restricting certain uses that would protect from future contamination or re-opening decommissioned wells as well as preserving access to the site for monitoring by the EPA or DEP. At one point over 200 wells were in use on the property, but now less than half that number remain in various stages of being cut below grade and filled with concrete or bentonite.

David Wright, Director of Remediation for the Maine DEP, stated that it is not uncommon across the state to see sites that fail to see 100% removal of toxins and that the reality of physics likely prevent a clean site. Terry Connelly, on a question from Mr. Christensen, noted that future liability for the site rests with the responsible parties, represented by Randy Smith, but future contamination by a new owner would be the responsible party for the new damage. Because it is a Superfund site, the DEP and EPA would have the authority to enforce the covenants placed on the property.

Pete LeFlond of the Attorney General's office reiterated the status of receivership for the Union Chemical deed held by the court. A petition to the court would be needed, from the potential owners, to change the status of the order.

Barbara Bentley asked what would happen to an individual if he/she were to drink the water on the site. Terry Connelly reported that a number of carcinogens are in the water, but the tests of these samples are based upon a lifetime of consumption. The risks for consuming this water can depend on numerous factors: age, family history, etc.

Bruce Melanson asked why the "Johnson well" was not rectified by the responsible parties. Terry Connelly and Randy Smith related that the Johnson family and the responsible parties consummated a deal separately that addressed the affected well.

Melanson inquired about the rights of way and woods roads located on the Union Chemical property and why those roads have not been maintained. Connelly indicated that he was not aware of any language in the consent decree or any other document that involved maintenance of the woods roads.

Donovan Bowley asked about the methods used to attempt to remediate the site, and Becky Hewitt listed a series of methods including vaporization and carbon filtering.

Terry Connelly related the difficulty in removing contaminants from the soil due to the make up of the soils onsite.

Judith Jones inquired about the cleanliness of the topsoil and the suitability for development. Terry Connelly responded that the topsoil is clean, but the soil and groundwater below possess the possibility of contaminating the above soil through the vapors packed within.

Donovan Bowley asked if use of the areas where wells were decommissioned could be used for non-invasive uses like a ball field. Becky Hewitt responded that this would be the case as little excavation would be required nor would there be a building that could serve to collect vapors from below.

Bill Jones asked who would be responsible to draft covenants to be placed on the property, and Becky Hewitt replied that the EPA and DEP would draft these covenants. Jones further asked who could petition the court to change the order, and Peter LaFlonde responded that any of the parties in the order (Town of Hope and DEP) could petition the court, but through the Commissioner of the DEP.

Brian Powers relayed the history of the grant received by those who live in the localized community near the Union Chemical site. The grant allowed the neighborhood group to hire world renowned experts to review the situation and then as the cleanup progressed to near completion, to hire a consultant to assist in the redevelopment of the site. Powers informed the Board of the committee appointed by the Selectmen in 2006 that reported to the Board of Selectmen the results of the committee's work in March of 2007. Powers suggested that the process needs to move forward and that the Selectmen should put forward a question to the voters at a town meeting to accept the property so as to get the property back on the tax rolls.

In moving ahead from the present, Terry Connelly stated that he will complete, within the next 12 months, a public process that proposes the steps for decommissioning of the site. The issue of ownership is related to how Connelly drafts his statement, but the petition to the court is the responsibility of the DEP. Randy Smith stated that he's legally responsible by the existing consent decree to continue monitoring the property for at least another 40 years. Becky Hewitt stated that the DEP is ready for receivership to end, but that to do so the environmental covenants will need to be drafted. Once all parties involved (town, DEP, EPA, and responsible parties) have reviewed the draft covenants, a petition to the court could move forward. Hewitt agreed that the entire process could be completed within a year's time.

The Board agreed to place an item on the agenda to discuss sending a letter to Becky Hewett at the DEP to request a change in the receivership status. The Town will also consider placing an item on the June Annual Town Meeting Warrant to consider accepting the Union Chemical property.

b. Wind Power Committee

The Board elected to postpone appointments to the Tri-Town Wind Power committee until the Town of Camden has taken further action on the proposal.

c. South Hope Cellular Tower Proposal

In response to the initial draft proposal to Jack Drew, which Mr. Drew turned down, the Board considered altering its offer to Drew in hopes of developing a dialog with the developer.

Tim Pearse made a motion amend the draft proposal to Jack Drew for the purposes lowering the amount of rent per month to \$1000 and the fee per month for additional carriers more than three to \$300. Mike Ames seconded. **Motion passed 4-1 (Hastings opposed)**

d. Fire Department Utility 3 Truck Replacement

Chief Keller spoke to the Board regarding the replacement of the 1978 Utility 3 fire truck. The Board, as a part of the FY 2011 budget, set aside \$20,000 in a fire truck replacement capital reserve to assist in the replacement of Utility 3. Chief Keller has investigated various options to replace the truck, but used fire trucks that had previously appeared to be a decent fit for Hope have seemingly disappeared from the market. The option of purchasing a cabin chassis and creating a brush truck on their own seems to be the only remaining option. Chief Keller found a 2005 Ford F-450 at Whited in Bangor that fits the fire department's need, and had the truck brought to the fire station, where members of the fire department reviewed the truck and found the vehicle in good working order. Subsequent to that visit, Chief Keller put together a budget for equipping the truck as a fire truck with a total cost of \$45,614.90. The budgeted amount includes \$13,000 for a skid unit that could be treated as phase II of the project that could be paid for, in part, via a forestry firefighting grant in January. The primary use of the truck is to transport equipment and firefighters so the department will not require the skid unit until the spring fire season begins. If the grant did not come through, the existing Utility 3 could be "nursed" until potential funds might be available in July in the new fiscal year.

Eric Campbell made a motion to authorize Chief Keller to purchase a 2005 Ford F-450 from Whited Ford and accompanying accessories as budgeted in an amount not to exceed \$32,619.40. Tim Pearse seconded. **Motion approved 5-0.**

e. Town Office Building ADA Design RFP

The Town received 9 responses to the Town Office Building ADA Design RFP with prices ranging from \$8000 to over \$30,000. The Board asked the Administrator to review the RFP's submitted and return to the Board with a recommendation as to whom the Town should hire.

f. Approval of Warrants

Mike Ames moved, and Eric Campbell seconded, a motion to approve warrants 25-28.
Motion approved 5-0.

VIII. Adjournment

Tim Pearse moved to adjourn at 10:15 pm. Mike Ames seconded. **Motion passed 5-0.**