

## FINAL

### Minutes of the DPW Public Meeting February 22, 2017 7:00pm Sherman School DPW Yard Julian Pile

**Present:** First Selectman Mike Tetreau, DPW Director Joseph Michelangelo, Superintendent Scott Bartlett, Conservation Director Brian Carey, Osprey Environmentalist Rob Gaborek, Logical Environmental Representative Cindy Knight, Fire Chief Denis McCarthy, Town Attorney Stanton Lesser, Health Director Sands Cleary, SW&R Director Mike Zembruski, State Representative Brenda Kupchik, RTM Members, members of the public.

**Introduction:** First Selectman Tetreau welcomed everyone to our focus on the DPW Yard. As this meeting was being filmed, he asked that all questions be held to the end of the Presentation (see attachment)

**Q&A** opened up at 7:35 pm.

**Will this planting season be used for planting the shrubs?**

Joe- There are a few hurdles, more likely in Sept/Oct.

**Patty Zecchi – How are they (Julian) being handled? Has there been legal action?**

Mike Tetreau: They are responsible. Julian will be liable. There has been no legal action. When we get the results of the testing, then cost and numbers will be available.

**Why were they allowed to bring materials from other Towns?**

**Mr. Michelangelo:** The purpose of the agreement was to reuse material to make a viable product to make road sweeping and catch basin material usable again you have to import quite a bit more material. The fatal flaw was that they imported much more than they had to. The standard was set too high from a product point of view and therefore allowed too much to come on site.

**Jan Reber- There seems to be a discrepancy- weren't you doing your own (testing?) Why would you need ariel photos to tell us ?**

**Mr. Michelangelo:** We didn't have a scale. We weren't checking every load. There have been no fly over surveys since 2013. In September a bunch of road material was brought in.

**Cynthia Knight** happened to be on site when this material was brought in. It was suspect by sight, aroma moisture coloration. It was still a sandy gravel material, but not typical of a road project soil – it looked different from the other material.

It takes 10 days to get results back. The last date material was brought in was December 13 2016.

**Brenda Kupchik**, State Representative

The neighbors reached out to me that DEEP had visited the site. Upon review of an email dated February 3, 2017, George from DEEP told a liaison about Complaint #249. Jean McGillis did not visit the site.

According to Conservation Director **Brian Carey**, the oil chemical division came immediately. There was a phone conversation on site with Julian until the property was tested. George sent the PCB Division, Jan DiCousky on Jan 10<sup>th</sup>. There were no samples taken, just a site visit. There hasn't been a lot of DEEP involvement since LEP's are involved.  
(Licensed Environmental Professional)

**Amy Mezzo**: asked about “ **the millings?**”

**Mr. Michelangelo** commented there were no non Town millings brought to the site during the operations. Julian was not to bring in any asphalt millings, and they complied. Milling is a procedure in which the existing asphalt material that is shaved off a roadway. The asphalt millings from this process can be beneficially re-used in some road construction projects. However, it has to be isolated from other soils to be useful, and it should be re-utilized before 6-12 months. After that period, the millings solidify and become less useful, and instead turn into a liability. The Town did bring millings from our projects to be re-used. The RFP was written to prevent the contractor from importing non-Town millings. There were no problems with dealing with asphalt millings at any time during the Julian operations.

**Chris Tymniak**: **Was there any testing done last spring?**

**Cynthia Knight**: No. we were brought in September 29<sup>th</sup>, 2016. The Town was testing the pile prior to that.

**Bob Gaborek**: We test the stormwater runoff quarterly. We were not testing materials in the pile. He did not notice anything that looked out of place based on visual, everything looked like it was properly operated.

**Why wasn't there regular testing on contaminants prior?**

The pile was getting bigger yet every time you told me it was getting smaller.

**Brian Carey**: In the State of CT you need to know if your material is suitable for use. If a Contractor is operating on your site they should be required to provide analytical information.

**Peter Wiswell**: **What steps has the Town taken to secure that Julian will make good? (insurance, bond money?)**

**Atty Stanton Lesser**: At this point their responsibility is to clean up the problem created during their tenure –waiting to hear what they are going to do. We can't talk about litigation strategies.

**P Wiswell:** I suggest you look into a means to secure, other attorneys here will offer to help.

**P Wiswell:** The likelihood of contaminant testing in the creek or marshes has been put on hold – what plans are there?

**Brian Carey:** The 2200 tons are isolated at this time –I’m sure it is not migrating. Any impact on the marsh is minimal. The marsh is in an industrial area, a former land fill from the 50’s, not implausible to have decades of sediment settle in the marsh, Southport harbor, ash creek. These are recurring bodies in an urban environment. There is no impact on human health.

**David Garrell: Does the Town have any other active contracts with Julian?**

**Mr. Michelangelo:** They have the current contract to plow the school parking lots.

**S. Bartlett:** Snow bids go out this summer for next year.

**D. Garrell:** Will Julian be able to bid?

**D. Garrell:** I want to make a statement: You stated you let too much material come in. Then you presented that Julian will be removing material at 5000 tons a week yet they were still bringing material in. This has happened twice now. This is negligence and gross mismanagement of your Dept.

**RTM Bill Perugini: What is your confidence in the identified materials?**

**Bob Gaboreck:** After extreme testing, the materials in question are isolated from wind and rainwater by a large tarp. Before testing there were no airborne issues. There were no PCBs or lead in the drainage path spoils.

**Kurt Soderlund: Where are we on the spectrum?**

**Brian Carey:** This is a very isolated section of about 2000 yds. We have to look at the numbers. If the samples are below the 10 ppm, we can sequester and cap.

**K. Soderlund:** We were told everything passing thru the gate and scales was accounted for. It’s baffling. We have a real credibility issue with the Town. There is a continuous weave and dodge without holding anyone accountable. This is very unsettling.

**What’s the confidence that there will be a budget to get this done?**

We need a timeline. We want very specific details from the Town.

**Selectman Tetreau:** Once we have identified the contaminants we can put together a remediation plan. It’s hard to put dates out as there are levels of approvals.

The Clean Up

Do the Berm  
Planting  
Get rid of pile  
Focus Groups

We will be sending emails every 2 weeks. We will be scheduling another meeting in April. We will be using money within the DPW budget.

**Christine Knix:** None of this would be occurring unless we brought this to your attention.

In September, **Cynthia Knight** from Logical Environmental was here weekly sampling anything that looked suspect.

**Bob Gaborek:** My visits were never scheduled, I would test quarterly at unscheduled times and send for analysis for the materials expected to be on site.

**Will Julian be responsible for the remediation and removal of the additional waste?**

**Selectman Tetreau:** That should be part of their responsibility. Simply put, we will take a look at what comes back and hold them responsible. We don't know what the legal action plan will be.

**Dru Georgiatis:** Now that all Julian trucks are gone, how do we get rid of it?

**Mr. Michelangelo:** Quite a bit will go into the construction of the Berm

**Dru:** What %?

**Mr. Michelangelo:** About 30,000 cubic yards and will continue another 20,000 yds along Harvest New England site. We will use 4000 cubic yards to extend to the Fire Training Center. The Berm will wrap around the WWPT. We will turn possible into actual.

**Suzanne Miska:** Is anyone checking forms? Julian had a license to process this material. How did this happen?

**Mr. Michelangelo:** We all had the same goal. Julian was the largest enterprise we've had in there as of April 2013. We had confidence the equation would flip, it would be productive, the promise of the pile disappearing – but were not able to accomplish this.

**Was any license required by the state to operate this site?**

No

**Where was the material coming from?**

We did not look at the tickets. We are looking to get the tickets from Julian.

**Why do we still have contracts with them?**

**Bob Noga:** I don't understand the size of the pile – is it bigger than Exide (30,000cyds) ? Exide site is about 1/3 the size of the pile. It took 20 years to get Exide done.

**Who owns the Exide property?**

A private enterprise.

**Where was that soil taken?**

**Brian Carey:** The material was taken to 2 different locations, hazardous waste to one site and lead to another.

**Did it all get dumped by the end of the contract?**

**Mr. Michelangelo:** The pile was growing and it was underreported the first half of 2016 .

**Ken Lee:** RTM Dist 10 I moved here in 1963 – rode up and down the street.

I have attended numerous BOF and RTM meetings over the years. When am I going to look out my window and not see a pile? I'm pleased that DPW can accomplish this task with their own resources because there is not a lot of extra money in the budget.

**Bill S: Are any other areas being tested that Julian may have slipped in?**

**Cynthia Knight:** We are going beyond where the material is. We are testing outside of the main pile. We need to follow protocol. We are going to delineate the property and take samples of the entire reclamation pile.

**Brian Carey:** Let's go back to September when we found an isolated area in the processing yard, It was abundantly clear with the amount of demo in this pile. This is where we found the pollutants. We have to test the building materials for PCB's, that there is no asbestos. We will continue to test until it becomes clear.

**Bill Periguini:** It is clear this is a very confrontational, fraudulent activity. This is a lousy relationship, we need to sever this relationship with them.

**AttyLesser:** from a legal standpoint, this is a separate entity for snowplowing. I don't know if we have the right to cancel this contract.

**P Wiswell:** Is the contract for aggregate in violation?Is there a bond? Has there been a breach of contract? Do we have an insurance contract? Does it cover environmental?

**Atty Lesser:** There is a bond, a general liability contract ( 1-2 million)  
They were put on notice - a few weeks/ a month ago.  
We would have you moving at light speed. The Town is very delinquent.

**Patti Zecchi:** Mike (Tetreau) you are the only elected official that is responsible to us, all the others are responsible to you. I do not know how an RFP can be signed and the supervisor of the yard for so many years could not notice this was going on. There needs to be an accountable timeline to legal liability and social liability. We expect you to be true to that. (applause)

**Selectman Tetreau:** You make a number of good points. We will continue to keep you up to speed.

**Pam Iacona:** As an elected official, this is a great concern to me. I had no idea this was going on. Please loop in the other elected officials of the RTM.

**Selectman Tetreau:** commented that we will let you know about the April meeting.

Respectfully Submitted,  
Kyle Fournier