

NMI/Starmet Re-use Planning Committee

Meeting Minutes March 5, 2021

Consistent with the Town's "Temporary Policy Directive and Guidelines for Public Meeting and Public Hearings conducted Via Remote Participation Due To Covid-19 State of Emergency," this meeting was conducted as a Zoom meeting, and the public was invited to view the meeting.

PRESENT:

Members: Gary Kleiman, Paul Boehm, Andrew Boardman, Jim Burns, Pam Rockwell, Karl Seidman

Others: Marcia Rasmussen, Director of Planning & Land Management Department (DPLM)

Matt Johnson, liaison member of the Select Board

Nancy James, Walden Terrace

Breht Feigh, Spencer Brook Rd.

Gordon Brockway, Brad Hubbard-Nelson, Amity Wilczek

The meeting was called to order at 8:00 am. Gary read the instructions for participation.

Accept Minutes from January 8. Andrew made a motion to accept the minutes from January 8 as amended, Paul seconded it, and the minutes were accepted unanimously.

Accept Minutes from February 5. Paul made a motion to accept the minutes from February 5 as amended, Andrew seconded it. The minutes were accepted with five votes to accept, and one abstention.

Review the updated Liability section of the report. Paul thanked Nancy James for bringing additional concerns about potential liability related to possible acquisition of the site by the Town' to the committee.

Paul and Gary had a meeting with EPA and de maximis (the contractor managing the site) to clarify issues of liability. The most important detail is that this is a Superfund site, not an "ordinary" Brownfields site. The Consent Decree is the guiding document for the cleanup, and specifies the division of costs and the amounts that will be escrowed. 98% of the costs are from Federal sources (mostly the US Army) and 2% are from private companies Textron and Whittaker.

Municipalities are desired purchasers/owners of cleaned up Superfund sites because EPA wants these sites to be developed responsibly. Therefore, towns are afforded special liability exemptions by EPA. Information on the multiple path ways to seek and be granted these exemptions have been added to the report section on "liability assessment".

Jim questioned what costs the Town could potentially be liable for, and Paul responded that the Town could be possibly liable for future contamination caused by the Town and to violations of restrictions known as "Institutional Controls" on development of certain small areas of the site.

The cost of liability insurance was another issue discussed and the committee agreed that this should be part of the Town Counsel's due diligence and added to the fiscal impact study.

Gary mentioned that the committee will try and address liability issues and research insurance issues adding those findings to the financial impact and liability sections in the NSRC report.

Review the comment matrix for the report. Gary talked the committee through specific comments that have been received and the committee discussed responses to each comment. The final listing of each comment and the committee response to each comment will appear as an annex to the NSRC report to the Select Board.

Breht Feigh, who had given written comments to the committee, commented that he was glad to hear that the committee spent more time on the liability and financial issues on the report, and wanted to commend the committee on their work.

Committee Process discussion. Gary and Paul will update the report, including the comment matrix, and send it out to committee members to review. The committee will meet again on March 26 to review the new draft. In the meantime, Pam will send out another version of the executive summary and others will send comments back to Gary and Paul. The committee hopes to present the completed report in a public presentation to the Select Board in April, a briefing that will be open to the public, of course.

Public Comment. There were no further public comments.

Next meeting: Friday, March 26.

Paul adjourned the meeting at 9:34 am.

Respectfully submitted,
Pam Rockwell, Clerk