

~~Unapproved~~Approved  
Candia Selectmen's Public Meeting Minutes  
Thursday August 2, 2012

**Attendance:** Chairman Joe Duarte, Vice-Chair Richard Snow, Selectman Fred Kelley, Selectman Amanda Soares, Selectman David DePuy, and Administrative Assistant Andria Hansen. **Guests:** Scott Knightly and Malcolm Bradshaw of EnviroVantage.

**6:00 p.m.** Chairman Duarte opened the meeting.

Chairman Duarte wanted to start off the meeting with comments from the Board members. Selectman Kelley said there was a meeting last Friday and some good comments and ideas were brought up. He felt there were some figures on the EnviroVantage quote that he thought they could eliminate. Chairman Duarte said his main point is that we need to come up with a way to pay for this. He has looked at a couple of options. Selectman Snow noted that Mr. Knightly's input is what the cost is going to be for this year. This is what we need to come up with. They talked about leaving the fencing until next year (at Friday's meeting). He would like to see if EnviroVantage would agree to that and this would give us \$1,500 that we don't have to worry about until next year. Chairman Duarte replied that he wasn't too worried about the \$1,500. He said they have \$30,000 set aside for the closure and if they could find \$20,000 in the budget, they could put the rest off for a warrant article or put it in our budget next year. Selectman Kelley said he was a little leery about going back to the townspeople for money. He would not recommend going back to the townspeople. Chairman Duarte replied how we are going to get the money. Selectman Kelley replied he didn't know and we already had to beg for the \$40,000 for the closure. We got the money and this was supposedly going to be enough to take care of this. Chairman Duarte stated there's not going to be an easy solution, but it has to get done. Selectman Kelley said he had a question on EnviroVantage's quote for \$19,000 to take down the incinerator. He didn't know how he got those figures. It's just a cement block building once they get the burner out of there. Selectman DePuy noted that the removal and disposal of incinerator ash was much lower than the other two bids. He was wondering if they planned to make it up in the site work. Selectman Kelley mentioned there was no set time on how long this bid is good for. Selectman Snow felt the bottom line on contract is that it's much less and he's moving the money around differently. This number appears to be a real good number. He felt they could move some money around, but there is no way they can get the money out of this year's budget. They have no appropriation to use. The only thing they can use is what's in that fund. Chairman Duarte noted this is not something we have control over, it's a DES problem. Scott Knightly and Malcolm Bradshaw joined the meeting. Selectman Kelley said they didn't need to remove the cement slabs and he thought they could cover them with clay and leave them there. Selectman Snow replied that is a change they need to talk about. He felt they didn't need to take the fence down, but that was just his opinion. Mr. Knightly explained after the walkthrough they called the State to talk to them. We asked them what needed to be done at the facility. They looked at the test pits, steel, gravel, and the ash. The State said they were looking for a few dumpsters of ash coming out of there. They explained the combination of what they needed to get the closure done with the clay, material and everything they proposed. The state found this completely acceptable. Selectman Snow asked if we sign the contract will you guarantee that you'll take care of it. Mr. Knightly replied yes. Chairman Duarte thought the

other bids were higher because they are from out of state. Mr. Knightly explained one of the advantages is that we have our own pit. We already have a lot of the materials. They have a blended product that will give you exactly what you want based on materials we already have, so there's not a lot of a cost there. We shot the whole site and looked at the quantities out there and what they had for the berms on the right. There's the center berm which was where the ash and the metal are. They will retain scrap metal value out of that. They will retain the scrap metal of the building, so that will offset the product that is going back in. As a total they have no problem giving the town what they asked for on the sight. They looked at the test pits and the berms and looked at what scrap metal value they could get out of it. They looked at the scrap metal value of the buildings and concrete. We have our own crushers and we are local. Selectman DePuy asked if this was a realistic number and would they stick by it. Mr. Bradshaw said he was the only bidder that spoke with the state. He spoke with Mr. Kemp at DES and spoke with Waste Management about the cost for the disposal of the ash. He asked if the other bidders had called and they spoke with Francesco. Mr. Knightly explained he went over and shot the site, so they were able to figure out how much waste was there and what we needed. We are going to sift it and pull out what we need to pull out. They will retain the scrap metal value out of that. He knew they didn't want too much grass there because then the town will have to maintain it. Selectman DePuy said his recollection of the testing was the lead was high. Mr. Bradshaw replied they will be removing most of the metals that cause arsenic. It's those metals that are giving you high readings on those items in the material. It will all be cleaned of plastics, glass, and other stuff and it will be blended with clay. Then it will be laid back down so it turns into a solid. So you'll have a clean site and then they will put the loam on top. Selectman DePuy asked if they do the testing beforehand and when you're done to make sure you've gotten it all. Mr. Bradshaw explained our magnets pull out all of the metals. A lot of this stuff is why you are getting the readings in your tests. They will be pulling it out of the soils. Selectman Snow asked if they anticipated any of it being solid waste. Mr. Bradshaw replied they do and they have a price in the quote to haul away the ash. As long as they haul away the ash they will be covered. Wood ash is considered a hazard. This will go to Waste Management and you'll have documentation that says it's been hauled and dumped into the landfill. Selectman DePuy said other than that your plan is to remove the metals. Mr. Bradshaw replied remove the metals from the other soils, but there were different materials at the site. The concentration of the ash was in the middle. Mr. Knightly explained they have to move it all so they will sort through all of it. They are going to process it and pull out everything that isn't good for the cap to meet the States requirements. They will put the clay down to give them the elevations they need and leave it the way you want. Selectman Snow noted when we talked to you at the site we said we were going to leave some of the cement, since then we've had input from the public. They suggested leaving the slabs and bringing them down to ground level. He asked if they could give them some relief for that. Mr. Bradshaw replied you really don't want to be burying concrete with metal in it. We won't know if there is any metal in it unless we hammer it and break it up to see if there is anything in there. If there is any rebar or wire in it you want to get it out before you bury it. The metals will leech and give you readings you don't want in the water. The one good thing with concrete is if we blend it with the material it has lime and it will counteract with the material. If there is a slight amount of ash in the material it will counteract. Mr. Knightly explained it gives a good cap when you're done. There was some discussion about the level of concrete. Selectman Snow asked if they were going to go below the cap. Mr. Knightly replied no this was a strict rule that you didn't want to break the plain of that cap. Selectman Snow said

they would like to leave the fencing up for awhile after this is done. He asked if they could live with a phasing where we don't pay you for the fence to be taken down and maybe they could take the fence down in the next fiscal year. Mr. Knightly said they'll have their equipment there and they plan on driving it over everything and pulling at the same time. He asked if he was talking about doing it now and paying us later for it. Selectman Snow replied if they didn't do it until later he wouldn't pay them until later. He thought they were holding back 10% of the cost. Mr. Knightly replied if we have the equipment there they will want to take it down at that point. Selectman Snow clarified there would be an extra cost to leave it. Mr. Knightly replied yes because they would have to remobilize the equipment. Selectman Kelley asked why they would have to take it down. Mr. Knightly replied it's already coming down on the right hand side of the gate. Selectman Kelley said you are opening up a can of worms, because there will be four wheelers in there. Selectman Snow asked if we decided to not take the fence down could we do it for \$1,500 less. Mr. Knightly replied yes it's a line item. Selectman Soares noted the site work is quoted at \$91,000 and could they explain what the makeup of this entails. Mr. Bradshaw explained its bringing quite a bit of equipment and processing the material you have on site. It's prepping the material to lay it down on site and then hauling in all of the material you need. He was surprised that it added up fast. Selectman Soares replied that it's a deceiving site, its bigger than it looks. She clarified that the \$91,000 encompasses the materials and the labor cost. She asked about the disposal of the incinerator stack and buildings and did they intend on selling the metal from those buildings. She thought the cost seemed a little high. Mr. Bradshaw explained the scrap prices fluctuate so he has to judge. He tries to factor in the best number and there is a disposal cost. Selectman Soares asked about the removal and the disposal of the incinerator ash and the cost being \$9,000. She thought the \$9,000 seemed a little low. They don't know the exact quantification of what's really there. What happens if there is more ash then need be. She asked what if the \$9,000 doesn't cover it. They haven't figured out an exact perimeter for where everything is located. Mr. Knightly explained they shot the site and basically took the elevations and quantities and then they called the State. What they got from the State is what they wanted for the removal which we carry in this bid. They don't feel the town has what they think they have for volume. Even if you did it now you're covered with the volume and we're willing to do it for that price. We did talk with the state and discussed what they were looking for (the cap) when we were all done. They felt his volume was overstated and they are well within the perimeters. They are willing to hold this price. He noted they put a lot of time into this quote and are very comfortable with their number. Selectman Soares asked about the hauling fees of removing the hazardous waste and the cost of disposing it. She questioned if this fell under the site work costs or is this additional. Mr. Bradshaw replied they are considering the ash a hazardous waste and it will likely go to Waste Management or to Casella in Maine. He has quotes from both and there about the same amount of money. It would be closer to haul to Rochester rather than Maine. He will be doing his own trucking and is trying to keep the costs down. Selectman Soares asked about hauling the hazardous waste and if the liability of anything happening on the road lies on the generator of the hazardous materials. In this instance would we still hold that liability until it's destroyed or are you taking on that liability? Mr. Knightly explained its cradle to grave for any hazardous waste. You own the responsibility of the product from cradle to grave. Even in the grave you own it and are a potential responsible party. If he spills all over the road on the way there we'll pay to clean it up. Technically you would still be responsible for the item but you would come back at us to clean up the mess we made which we would do under our insurance policy. He reiterated ultimately its cradle to grave for any

hazardous waste. Selectman Soares said she called some of the references Mr. Knightly provided. She spoke with Gary Gagnon of Portsmouth Naval Yard and he had great things to say about you. She questioned the Waterville Valley waste water treatment plant and asked if they installed monitoring wells. They couldn't remember what you had done. Mr. Knightly explained they did all of the blasting and coatings removal. They did a fairly large blast clean on the inside of the tanks for the closure, but they didn't do the monitoring wells. She spoke with Mike Finch in Durham and they said you did an outstanding job. She noted that your company still works with some of these people. Mr. Knightly explained they have been doing this for 27 years and we're a 12 million dollar company and most of our business is repeat. They have been at the Portsmouth Naval Yard for all of those 27 years and we just landed a \$2.3 million dollar project with them. He stated for his company they do the right thing always, you stand behind your work, and you do the research upfront. He noted that Mr. Bradshaw and he spent a lot of time putting this bid together. Chairman Duarte asked if they had a timeframe on this project from beginning to end. Mr. Bradshaw said it depends on the weather and it needs to be very dry to process the material. He'll be working with clay and even a little bit of rain could make it messy. Chairman Duarte asked if the site work would be the final part of the project and would they consider doing everything but that until they get into next year's budget. Mr. Knightly asked when that was. Selectman Soares replied March. Mr. Bradshaw said he could do whatever works for the Board. Selectman Snow said this is why he mentioned phasing. The buildings would come down and the pulverization would take place. They have roughly \$35,000. To get the rest of the money they will either have to wait until next year or hold a special town meeting to get an appropriation to be able to pay the rest of it. He looked at DES grants and you can't get them until you're all through with the project which means we have to pay it first. Mr. Knightly said as long as it makes sense for the process we can take down the building, the pulverization of the concrete and clean up that area. We'll stop there and we will wait for the spring to do the rest as long as we do it in weather that's dry enough to do the site work. Selectman Snow said if they talked about a phase we don't need to start thinking about special town meetings and getting appropriations. We could think about doing it for the March town meeting. If they could give us a schedule of how much you think you could do for the \$35,000 and come back to us with that. We could then give you a contract that's contingent upon a warrant article passing. Chairman Duarte didn't think they could do that. It's got to be part of the budget, because it's got to get done. Selectman Soares noted what if the warrant article doesn't pass. Selectman Snow said he didn't know how you could guarantee that the money's going to be available. Selectman Soares understood that but you can't put it contingent because there is no guarantee the money can be available. Selectman Kelley added what if the voters say no. Chairman Duarte stated we have to get this done. Selectman Snow noted the schedule they would be putting together is based on the amount of money they know is available which is \$35,000. Mr. Knightly said they do the line items for the disposal of the incinerator stack, the demolition of the former swap shop, and three sections of the concrete and this would cost \$27,700. They can do the work this fall and it still falls under \$35,000. Then if you decide to do the rest in the spring we will come back and do that. There are two things you can do - you can sign a contract for \$30,000 to take care of this and then we'll come back and sign another contract so you're not held responsible for it. We'll take this quote and we'll split it. We'll come back in the spring after the warrant article and you're not bound to paying us this. Selectman Snow said the only problem he has with that is they would be re-proposing. He questioned what if things have changed and we go out for a warrant article for \$100,000 and you

say we can't do it for that amount. Mr. Bradshaw replied the only thing that would change is his disposal costs. He would have to call Waste Management and get a locked in answer that says they won't change that price. Selectman Snow asked if they could do something with ash disposal part of it. Mr. Knightly replied no, because they would mean they'd be digging. They are going to be bringing equipment in, so it will cost more because they have to double mobilize. He suggested doing \$30,000 for the first phase and we don't do the second phase right away. It may go up 10%, but we're still lion's share under everyone else because of what we did for work on it. We'll hold it and you're not bound to any contract that says you're going to owe us \$129,000. Selectman Snow said it's basically like a contingency; we'll give you the full contract. Mr. Knightly replied you may not want to give us the full contract and then you're bound to it. He suggested just splitting the contract. Chairman Duarte thought that sounded like the best solution. Selectman Kelley didn't understand why the concrete slabs needed to be removed and did DES say they needed to be removed. Mr. Knightly explained you don't want anything that will taint your readings and it's not a huge cost. Selectman Kelley said this isn't what he was told by Doug Kemp. Mr. Knightly said the slab was fine, because it was well above the elevation. If you are going to regrade the whole site you really should be taking it out and utilizing it. They can leave them at the town's risk. When they do leave the foundations they usually poke holes in them so the drainage goes down when they fill them. They don't like burying anything anymore. Selectman Snow noted it's impervious, but there is metal in it that may contribute to some contamination later on. Selectman DePuy mentioned they dug test pits and they found the lead and arsenic was high. He asked when they get done will test pits be dug to see if the levels go down. Selectman Snow explained the testing will done as they are doing the work. The material that is being sent out to Waste Management will be required to be tested. The materials that are being pulled out of there are causing the high reading and what will be left is benign material. Selectman DePuy mentioned that they are using magnets to pull out the material and magnets don't work on lead. Mr. Bradshaw replied they will be using a magnet, but they will also be using fine screens. This is why the dryness is essential to doing this process. Chairman Duarte asked if they would send another quote. Mr. Knightly said he will rearrange it and send it back with a breakdown. It may be a few percentage points more in the spring, but it will be a small amount. It's exponentially small based on fuel and a little bit of risk because we are remobilizing a second time with our equipment. Mr. Bradshaw said they didn't think they were going to be there more than two weeks. Mr. Knightly said he will send the new contract tomorrow. Citizen Judy Szot mentioned when they sift through the soil they may find batteries. She mentioned batteries leak and the acid and lead gets in the soil. How are they are going to get that out of the soil. You are going to take the whole battery out, but there will be contamination in the soil. Mr. Knightly replied that they didn't think there was going to be batteries in there. Mr. Bradshaw replied if they find batteries it will most likely be one that's already been destroyed and whatever was in it is gone. Citizen Judy Szot said that is the reason we are getting the readings because it's already in the soil. Mr. Bradshaw replied you would be getting acid readings not lead. You can't remove the acid. Citizen Judy Szot was worried they were getting the readings of the lead and other things because it has gotten into the water. Mr. Bradshaw explained when you take the materials out of the soil this will all dissipate and you won't have the readings anymore. Mr. Knightly explained if you had a battery it would have gone through the incinerator and there might be a solid chunk left. We didn't anticipate this and neither did the State. He noted prior to putting the soil back they will have to test it. They will be testing the soil as they are sifting through it. Chairman Duarte thanked Mr. Knightly and Mr.

Bradshaw for their time.

Selectman Soares said she called four different references and they were all good. Chairman Duarte didn't think the Board had a lot of options and these guys are willing to work with us. We don't have the money right now. Selectman Kelley asked if they have gone back to every department to see if there is any money. Chairman Duarte said if EnviroVantage is willing to go this route he didn't see any reason for taking money from the budget. Selectman Kelley said he didn't want to go back to the residents of the town and ask for money. Chairman Duarte replied we have to get this finalized and we won't get it in a warrant article it will have to be in the budget. We don't have a choice. Selectman Snow thought they could take the money out of the unreserved fund balance. Selectman Soares replied the DRA won't allow you to do it unless it's an emergency. Citizen Judy Szot said she didn't understand how we got to this point. It was her understanding that in March the only thing left to do was to get the buildings down. There were warrant articles in 2011 and 2012 both of which the townspeople said take the buildings off that site. Essentially they said they don't want anyone on that site. Her understanding was our whole plan for that closure was approved by the State. There was no mention of ash or ash removal. Everything had been approved by the State and all that was left was to take down the buildings. Now we are looking at \$129,000 to a third of a million dollars to remove ash that the State never told us to take out of there in the first place. We had a complete and final closure plan. She doesn't know how we got to this place. Chairman Duarte explained the ash had not been tested before that and the closure plan didn't have anything to do with this. When the test pits were drawn we found out there was a problem there and it had to be done sooner or later. This is the position we're in right now and we don't have a choice. Citizen Judy Szot asked do we have a letter from the State that tells us we have to remove the ash. Selectman Soares said the State told them if it was clean burning brush or wood we didn't have to test the ash. She has this in an email. Citizen Judy Szot clarified there is nothing from the State that tells us that we have to remove the ash. She just wants to know if there is something in writing that they can show to the public. Selectman Snow replied the State has said tell us what you are going to do and he doesn't have a piece of paper from DES. He explained when Doug Kemp comes down for the closure he's going to question the berms and if they've been tested. They've been tested and now we know its solid waste material. Selectman Soares said she and Doug Kemp walked the site and he didn't say anything about the berms. Citizen Carla Penfield asked if they were going to split the contract in two parts and in the second part are they going to discuss the removal of the ash. Chairman Duarte replied the removal of the ash is going to be taken care of up front. The site work is going to be the final part and that would cost \$91,000. It was noted by other Board members that they weren't doing the ash. Citizen Carla Penfield clarified you are dividing the contract into two and potentially write two contracts. One contract will happen right away and it doesn't cover the ash removal, site work, and they wouldn't take down the chain link fence. So the contract next year that you would be asking the town to approve is the removal of the ash and the site work. Her question would be when they come up with the warrant article she wants to see a letter from the state of New Hampshire telling us they require that we remove the ash. She didn't believe the State could tell us to do that. Selectman Snow said he would talk to DES and say we have a problem and we don't have a specific mandate from it. They will not sign off on the closure of the site until those berms are handled. Citizen Carla Penfield replied when you get to town meeting you need to be very clear, because you can't tell this community the state of New Hampshire says you have to do it unless you have a letter from the State saying

so. This will be the big question when we get to town meeting. You can still ask for the money, but you can say the State doesn't require us to do this but they recommend it. Chairman Duarte suggested to Selectman Snow that we get a letter from DES. Selectman DePuy said they have a warrant article that's been approved for \$35,000 to take down the buildings. Selectman Soares clarified it's the closure fund it used to be the incinerator maintenance fund and they changed it. It was never a warrant article but the money is there. She noted we never really sign off on the closure plan. DES tells us it's closed and they have the final say in the closure. We don't vote on it or make a decision on it. Selectman Snow added DES will give us a piece of paper that says you now have a closed incinerator site. Citizen Rudy Cartier explained the closure plan that Selectman Soares sent in was only for the incinerator. It has nothing to do with the site. The caveat was in the closure plan it said the site was going to be reclaimed. The situation came up back in April of 2011 and the question came up what was going to happen to the berms and the decision was made by the Select Board that they would be leveled. The issue came up because that was a solid waste site and they needed to make sure the berms were only wood ash. The composite test confirmed that it was wood ash and the test came back phenomenally high in lead and arsenic. This is when things changed back 40 years ago there was a gap of where the town got rid of their ash. They were getting rid of it for a while in Deerfield. The State told them they couldn't do that because they are not an ash site. The State was down here almost on a monthly basis dealing with the Board of Selectmen at the time telling them they needed to give them a plan to get rid of that ash. They finally got Waste Management to take the ash from the incinerator but there was a time period where there are no records of ash being disposed of properly. This is where the ash probably came from. Now the Citizens have inherited a problem that should have been taken care of properly 40 years ago. It's coming through as a hazardous waste so we're going to have to treat it properly. EnviroVantage are right on target with what you have to do. There are three areas that are hazardous waste and we'll have to get rid of it based on composite tests. The rest we can use as compost and they can use it right on site. They are assuming that it's not all hazardous waste. We can't leave it there as a town because we don't have an approved landfill for that kind of material. This is why it needs to be taken off site. Citizen Judy Szot thought he said as long as those berms were left and not level the State said we didn't have to do anything. Citizen Rudy Cartier replied no and the assumption was they were wood ash but to take the berms down we needed to test them. Citizen Judy Szot said you said in the beginning as long as we left those berms alone we were fine. Once we talked about leveling that site now we're in trouble. Citizen Rudy Cartier replied that was a valid point but its sticking your head in the sand and hope the problem goes away. The fortunate thing is that we found a definite health and environmental issue for the neighbors in that area. This has been going on for 40 years. If it was decided that the berms didn't need to be leveled they probably could have gone on for the next forty years until people started getting sick. Chairman Duarte said he would get information on this tomorrow.

Selectman Snow moved to adjourn at 7:05 pm. Seconded by Selectman Kelley. All were in favor.

Respectfully submitted,  
Andria Hansen, Recording Secretary