

Minutes of the Special Meeting of the Town Board of the Town of Mooers held April 25, 2014 at the Mooers Office Complex commencing at 6:00P.M.

Present: **Jeff Menard, Supervisor**
 Cory Ross, Councilperson
 Steve Barcomb, Councilperson
 Mary Myatt, Councilperson
 Gerald LaValley, Councilperson

Recording Secretary: **Brandi Lloyd, Town Clerk**

Others Present: **none**

Absent: **none**

Meeting: Supervisor Jeff Menard called the Meeting to Order at 6:00PM, then he asked Brandi Lloyd to lead them in the "Pledge of Allegiance", which she did.

Supervisor Menard announced that the purpose of the meeting was to discuss the building collapse at 2444 State Route 11, Mooers. Supervisor Menard explained that two days ago the Town learned that the debris tested positive for asbestos. He said the Town had received an e-mail from Mr. Jason Pensbeane of the New York State Department of Labor. Supervisor Menard read the e-mail received from Mr. Pensbeane addressed to Mr. Dixon; "I received your fax. Unfortunately we cannot sample a building once it has already been fell. Also, I have positive results from the new samples that I collected while on the site. At this point there is no way around cleaning up the whole debris pile as an asbestos project." Supervisor Menard said they have been saying all along that it could not be tested and now they tested it. He added that now we know it is positive and that Mr. Pensbeane said it was 12 parts per million. Mr. Dixon said the results were, "12 parts per sample" whatever his sample size is, it did not specify. Councilperson Barcomb said that seems like a contradiction because the Town was told the pile could not be tested for asbestos. Supervisor Menard said that is what he was being told all along, that the building could not be tested once it is already down. He said that is what he was told when he contacted them about a month ago to find out how to proceed. Supervisor Menard said he was told that it needed to be treated as if it was asbestos because he was told a sample could not be taken to test for asbestos. Supervisor Menard said that is what they were doing, treating it as asbestos, starting to clean it up, and watching for asbestos. He said he was then told that is not how it works. He said he was told how it works means all removed debris from the site must go to an asbestos facility, not a regular landfill. He added that the closest facility is near Rochester at \$225/ ton and they were paying \$63/ton in Morrisonville. Supervisor Menard said when working on an asbestos site, equipment to monitor the air is required. He said the site also needs to be hosed with water during removal so there is no dust disturbed. He said that is what Mr. Bedard was doing when he was removing debris from the site. He said they were watering it down as they were moving it so there was no dust and debris floating around. Supervisor Menard said the purpose of the meeting tonight is to discuss contacting an asbestos qualified contractor and look into covering the pile. Mr. Dixon said the pile was tested and it is crystal tile asbestos. He explained that he contacted the school as soon as he was made aware that it was positive for asbestos. He said he suggested to the school to not let the kids outdoors for recess and to re-route the busses around the site. Mr. Dixon said he talked to Supervisor Menard and asked the Fire Department to wet down the pile. He added that wetting it down is the main thing to do with asbestos. Mr. Dixon said being concerned with the cost is not important. He said the main concern is safety. He said KAS of Plattsburgh can handle the project and start work on it Monday. Mr. Dixon explained in order to get a variance, a designer is required for the cap. He said the cap will last three years if needed, but added that the removal of the debris will start as soon as school is out. Mr. Dixon said LBI Environmental of Massena, an asbestos contractor, can do it Monday. Mr. Dixon said Mr. Pensbeane, the guy that shut down the work earlier, will have to authorize the variance before the Town can move forward. Mr. Dixon said on Monday the area will be flattened, decontaminated, and excavator decontaminated. He said an estimate for the job is \$7,500.00, which will be higher if the job is considered "large." There will also be a filing fee of up to \$2,000.00. Mr. Dixon said school is closed Monday. The NCCS School Board reminded the Town that New York State exams start Wednesday and, not barring safety, it would be best if the students could be back in school by then. Mr. Dixon said it should be OK by then. He added that Monday is tentative, that bureaucracy could be involved. Mr. Dixon said this is not Chernobyl, but it is a public safety issue that needs to be taken care of. Mr. Dixon asked if there were any questions. Supervisor Menard thanked Mr. Dixon. Councilperson Barcomb made a motion to have the site located at 2444 State Route 11, Mooers capped. The motion was seconded by Supervisor Menard. All in favor. Motion carried. Mr. Dixon volunteered to spearhead the project.

Supervisor Menard asked if there were any questions.

Mr. Greg Sample, NCCS School Board, asked if it was possible for the asbestos to get in the drains and be harmful. Supervisor Menard said just enough water is being put on the debris to keep the dust down. Mr. Sample asked if anyone knew what the level of contamination was. Mr. Dixon said it would certainly be harmful to ingest or inhale. He said the asbestos being airborne is the main issue. Mr. Dixon said he can't get into the water system. Mr. Sample asked about the duration of the cap and also suggested that the Town have a representative speak to the media. Supervisor Menard said he is doing a press release after the meeting. Mr. Dixon said he spoke to Mr. Scott regarding information for the press. Mr. Dixon said he has the full report of the asbestos test. He added that it is considered crystal tile asbestos, which is the "safest form" of asbestos. Mr. Dixon explained that the cap would last a minimum of six months, barring extensive winds. He said the Town would then pursue the owner to proceed with the clean-up, but would not wait for the owner if he is delaying the process. Mr. Dixon said removal would not start before the end of the school year and that it would be finished before school started back in September. Mr. Sample asked if the cap would be insured if it did rip. Mr. Dixon said it would be handled by LBI. Mr. Sample asked what the reaction time would be to repair the cap if needed. Mr. Dixon answered that KAS coordinates the entire project and would be handled quickly. Councilperson Barcomb asked if the clean-up would then begin as soon as school is out. Mr. Dixon said yes and that it is a much larger project as the air quality has to be monitored as well as other factors. Mr. Sample asked if the owner is taking part in negotiating the cost. Mr. Dixon said, no, the Town will handle it as the 60 days notice given to the owner has expired. Supervisor Menard added that the Town just finally met with owner Wednesday. Mr. Sample asked if the owner had insurance on the property. Mr. Dixon said he had asked the owner, but received no reply. He added that he is going to ask the Town lawyer if there is a legal way to find out if the owner has insurance. Mr. Sample asked, with the Town paying for the clean-up, would the property become that of the town. Supervisor Menard answered that all costs would go on the tax bill and that after three years on non-payment, the County would then take ownership and then it would eventually become the Town's. Mrs. Tammy Gonyo, NCCS School Board, reminded everyone that just Mooers Elementary school is closed on Monday.

Adjourn: Meeting adjourned 6:21pm.

Respectfully Submitted,

BRANDI B. LLOYD, TOWN CLERK/TAX COLLECTOR