

401 Webbs Mills Road
Raymond, Maine 04071
207.655.4742

Selectmen Special Meeting Minutes
Tuesday, November 10, 2004

Members present: Ada Brown, Vice Chairman; Mike Reynolds; Mark Gendron; and Christine McClellan.

Members absent: Betty McDermott.

Staff present: Don Willard, Town Manager; and Amanda Simpson, Assessor's Assistant.

Others present: Ted Wolfe, Maine Department of Environmental Protection, and Greg Cunningham, Bernstein, Shur, Sawyer, & Nelson, town attorney.

1. Call to order. Ada Brown convened the meeting at 6:13 pm at the Town Office.
2. 6:00: Presentation from Ted Wolfe, DEP regarding Woodward & Curran Landfill Report.

DISCUSSION: Mr. Wolfe informed the meeting that he was a part of the DEP which involved research but not enforcement, therefore there were some aspects of dump closure which he was not informed about. He said that development around landfills was not encouraged unless it was more than 1,000 feet away. He said that his presence was to lend advice and possibly financial help with studies. He said that his department's contribution to this project was for Phase 1 only.

He noted that the residue found was mainly iron and manganese, which until recently manganese did not have an established level. He gave a short history of a landfill problem in Wells, Maine. He noted that the DEP's authority stops 100 feet from a landfill boundary, but they don't recommend development and wells within 1,000 feet. He did recommend the town getting control of the ground water flow by either purchasing the land or getting an easement for water rights. He encouraged the education of the owners, or future owners about the existence of the landfill to avoid problems later on. He noted that Phase 1 testing was very basic but didn't show any truly hazardous contamination. He continued that a Phase II plan could amount to \$80,000 to \$90,000 and still not be conclusive. A condition of use would have to be established to do this type of study. If a Phase II program were approved then it may need to post closure for a sampling program equal to 300 gallons per day per home, which would be 3,300 gallons per day for eleven homes. He added that sampling would be necessary for a long time.

Mrs. McClellan asked about the landfill on Patricia Avenue. Mr. Wolfe thought that the houses were more than 1,000 feet from that site. Mr. Willard said that there were no funds for further study. Mr. Wolfe added that there would be no further grant funds because the DEP's recommendation is for no development. The Egypt Road landfill is producing leeches. Mr. Cunningham asked what would happen if there was no development and the town wanted to do something there i.e. purchase the land. Mr. Wolfe said that the DEP might do something but right now there is no money left. This would also be new territory for the DEP to get into but felt that it would be less interested if the town allowed development there. He encouraged a conservation easement. Mr. Gendron asked if 1,000 feet was a minimum distance and at what point is the town safe in allowing development. Mr. Wolfe said this was not arbitrary and is based on dilution factors. He indicated that the current Woodward & Curran study was for up to a 200 foot boundary depth. He added that a deed affidavit about the site will limit the town's liability to some extent. Mr. Gendron interjected that this type of deed affidavit hasn't helped with locating airports. Mr. Wolfe said that this site doesn't seem to be totally dangerous, and if he rated it from 1 – 10 (10 being most dangerous) this would be a 2.

MOTION: Christine McClellan motioned to go into Executive Session with the Town Manager and the Town Attorney. Seconded by Mike Reynolds.
VOTE: Unanimous.

RECESS: Ada Brown recessed the meeting at 6:48 pm.

3. 6:30: Executive Session.

MOTION: Christine McClellan motioned to come out of executive session.
Seconded by Mark Gendron.
VOTE: Unanimous.

RE-OPEN MEETING: Ada Brown re-opened the meeting at 7:37 pm.

NOTE: It was announced that there will be a selectmen's meeting on November 18, 2004 at 4:00 pm at the Town Office followed by an agenda item to which Mike Myers and Trudilyn Files will be invited.

4. Adjourn.

MOTION: There was a motion and second to adjourn.
VOTE: Unanimous.

ADJOURNMENT: Ada Brown adjourned the meeting at 7:40 pm.

Louise H. Lester
Town Clerk