

NEWHALL ADVISORY COMMITTEE

Final Meeting Summary

December 15, 2005

6:35 pm – 8:40 pm

Members Attending: Henry Alexander, Henry Blue, Sheila Epps, Donald Eaton, Dr. Abdul Hamid, Elizabeth Hayes, Rhonda Hayward, Scott Jackson, Leonardo Melendez, Henry Platt, Roosevelt Young, Rep. Peter Villano, LaNorma Webb

Alternates Attending: Carolyn Smith, Bill Wilson.

Absent: Pastor George Bulgin, Mike Colaiacovo, Luther Cooper, Loydon Henry-Phillip, Rev. Keith King, Deloris McNair, Pamala Moore, Willa Taylor

Ex-Officio Members Attending: Elsie Patton, Tom RisCassi, Jackie Pernell, Department of Environmental Protection (DEP); Ken Department of Public Health (DPH); Jimmy Young (Olin); Tom Chaplik, Regional Water Authority (RWA), Arthur Bogan, Town of Hamden.

Others Attending: Willie Mewborn, Hamden Town Council District; Sen. Joseph Crisco, 17th Senatorial District, Michael Gagnon, NH Register; Lissette Rodriguez, 691 Brooks St, Hamden Journal; Tom Blatchley, Halloran & Sage, LLP; Ulia Pitts, 626 Newhall St., Gladys Martin, 39 Edward St; Tolson, 228 Butler St; Fay Crawford, 231 Butler St; Gherries Daniels, 466 Shelton Ave; James Jackson, 223 Butler St; Geraldine Bostik, 47 Homeland Terrace; Ellis Perlswig, 30 Bryden Terrace; L. McClean; Lorraine R. Wright, 19c Dudley St., Matthew Abraham, 39 St. Mary St., Raleigh Holmes, 48 Alling St; Liz Arocohs, 48 Alling St; Willie L. Brown, 29 N. Sheffield St., David & Pamela Sims, 300 Morse St.; Eddie Nelson, 32 Edward St.; Gerlain Charleis, 117 Bryden Terrace; Janice Clemins, 90 Bryden Terrace; Barbara Nelson, 32 Alling St; David Owens, 476 Shelton Ave; Marc & Christine Pypaerte, 66 Morse St; Olga Martin, 44 Bryden Terrace; Dorothy Little, 34 Marlboro St.; Eldrige Hatcher, 21 Wadsworth St; Lecraig Hatcher, 21 Wadsworth St; Sally Tolson, 229 Butler St; Fay Crawford, 231 Butler St; Kim Miller, 35 Edwards St; Catherine Calhoun, 118 Bryden Terrace; Vera M. Myers, 125 Bryden Terrace; Brad Mitchell, 100 Summer St., 30th floor, Boston; Mark Yeckel, 4 Morse St; Karen Duval, 25 Morse St; Barbara Nelson, 30 Alling St; Lane Driscoll, 38 Francis Ave; Robert M. Barrett Jr., 59 Edwards St., Lynette Simmons, 678 Newhall St; David & Beverly Owens, 476 Shelton Ave; Lloyd Barrett Sr., 267 Morse St; Yvonne Anderson, 13 Harris St.; Antoinette Olweria, 16 ½ Dudley Court; Tanya Campbell, 484 Shelton Ave.; Keith and Lynley Darden, 26 Homelands Terrace; Justine Hasting, 22 Bryden Terrace; Louise Craig, 507 Newhall St; Robert Vada, 20 Norton Ave; Eddie Jackson, 32 Edwards St; Kelly McCarthy, 83 Treadwell St; Lamal Hayward, 69 Marlboro St; Raymon Shaw, 478 Newhall St; Shirley Bostick, Shelton Ave; Karen DeBall, 25 Morse St; Penny Toney, 436 Shelton Ave; Kim Miller, 35 Edwards; Jennie Byer, 22 Bryden Terrace; Floyd Barrett, 267 Morse; Margaret Lyons, 220 Morse St; Nannie B. Lyons, 200 Morse; Sonia Powell, 137 Shepard; David Webb, 124 Bryden Terrace; Robert Buida, 20 Norton; Taneheit & Lamar Edwards, 69 Marlboro; Dorothy Williams, 1067 Winchester; Kenneth Sause, 30 Bryden Terrace; Doris Johnson, 79 Elm St, Hartford; Theodore Holmes, 31 Prospect Lane; Raymond Sims, Sr., 478 Newhall St; O. Hishsmith, 470 Shelton; David Brown, 121 County St; Eugena Nelson,

71 Bryden Terrace; Lucy Phillips, 482 Shelton; Gerddim Bosha, 47 Homeland Terrace; Karen Duval, 25 Morse;

Technical and Public Participation Assistance: Jill Barrett (FHI); Kevin Hood, ERI.

Facilitator: Kathleen Conway

Action Items

- Town to provide sample protocol for utility and road construction in contaminated areas
- .NAC request for Town officials to attend NAC meeting to hear concerns about Hamden Middle School cleanup and redevelopment; and tax abatement and revaluation.

- NAC Information Requests to DEP
 1. Calculations estimating the number of truck trips related to: 1) removal of fill from residential areas; 2) replacement with clean fill; and. 3) other construction related.
 2. Description of specific cleanup and restoration activities being proposed on a property-by-property basis.
 3. Estimated amount of time to remove waste fill, backfill and restore a property
DEP Response: Items 1 –3 will addressed as part of the remedial design plan.
 4. Estimated amount of waste fill outside the Consent Order: 1) under 4 feet; 2) over 4 feet.
 5. Written summary of the DEP review of the Supplemental Investigations to date
 6. A written report on the properties sampled outside the Consent Order
 7. Master list identifying all properties within and outside Consent Order: with waste fill less than 4 feet and deeper than 4 feet; that had structural assessments and that have structural damage.
 8. Map showing current state of properties and map showing impact if all fill removed with demolition of homes and streets. (**LEA Figure at the Newhall Project Office**)

Agenda

Introduction. Representative Peter Villano sent an invitation on behalf of the Newhall Advisory Committee to the community mailing list of over 800 property owners and other stakeholders to attend the NAC meeting to be held as a “town forum” to express their views and concerns about the supplemental investigations, remedial alternatives and the NAC’s recommendations sent in a letter to the property owners within the boundaries of the consent order. In the interim, DEP sent letters to property owners outside the Consent Order regarding recent sampling results relating to contaminated fill in their areas. DEP held an Informational Meeting on Tuesday, December 13, 2005 to talk about the history of filling in the Newhall area, recent sampling outside of the known fill area within the Consent Order boundaries and proposed remedial alternatives.

The NAC dispensed with the business meeting and commenced with public comments at 6:50 pm. Representative Villano presided over the meeting, asking the attendees to comment on what they believe is the best way to remediate the area and what will make the

neighborhood better after the remediation. The NAC needs this information to present to the Commissioner. Her final decision will be influenced by what the community wants. Public participation is of paramount importance.

Public Comments and Questions.

- When will remediation begin? We heard the same information years ago and nothing has happened since. **DEP response: The Proposed Decision will be issued at the end of January 2006. Public comment period will likely be 60 days (end of March). The Final Remedial Decision will be issued approximately a month later (end April). The remedial design phase on a property by property basis will be conducted in remaining 2006. Remediation will begin in 2007.**
- There are no specific details on relocation during the cleanup. How long will it take? Where will we go? Will people be compensated? We need to know how it affects us. **Rep Villano: We understand that accommodations will be made on a one-to-one basis.** We want to hear if this is still on the table.
- There are discussions that if properties have over 4 feet, they will take the top 4 feet off, bring in new soil and require a land use restriction. I object. It's not acceptable. The restriction will devalue our property. It's not fair. We didn't do anything to create this.
- I have lived in this neighborhood for 39 years – I love my neighborhood. I am a mother with 3 children on a fixed income. If material is left, it will work its way to the top. We prefer to stay, have the land cleared and house fixed. We don't want to be forced to move. What happens if a person stays while its fixed? Money won't make us whole.
- **Comments from Property Owners outside the Consent Order.** Several commenters identified themselves as part of the Yale Community with legal and environmental backgrounds. They stated that the technical work that has been done outside the Consent Order is unacceptable. There are number of problems with the Loureiro findings. The testing was shoddy. For example, the consultants based their conclusions on 1 sample; did not test below 3 inches; tested for arsenic near an arsenic treated fence; and tested in a "bare spot", which is actually a garden, mulch area.

Before we bought our property, we asked DEP where to test. We tested and it was clean when we bought the property. Our independent findings did not then and do not now show any contamination. We will be contesting the results and will file suit against DEP if necessary. We find that the work done inside the Consent Order was of a much higher quality than that done outside the Consent Order. While we fully support remediation for those property owners who have documented fill, we do not want to be included in the remediation. We support the remediation in your neighborhood and believe that the money spent on properties outside the Consent Order should have gone to help people within the Consent Order. We do not believe that our area should be a part of the remediation project.

We purchased our home recently. My father, an EPA Environmental Engineer, reviewed the sampling results. I have 2 questions: 1) how did DEP make the decision to expand testing outside the Consent Order? 2) if all the affected properties are acquired, do you have a development plan in place?

DEP Response: Testing within the Consent Order showed that the waste fill continued beyond the Consent Order boundaries. This finding required more testing. As more waste fill was identified, more sampling was conducted. The issue was human health and environmental safety. DEP is responsible to tell you. We acted on the conservative side.

The area has unconsolidated material. The nature of waste fill is that it is highly variable. The fill is mixed and disturbed. Since the waste varies, the samples will vary depending on where you sample. How do you evaluate different results – best way is with more sampling. DEP plans on conducting additional detailed sampling in the spring to further clarify its findings and areas of concern.

DEP has no money, no authority to redevelop the area. DEP's responsibility is to protect human health and the environment. You have to decide whether to remove all waste and have buildings taken down. DEP wouldn't or couldn't control or predict future uses. DEP has to make the decision whether all or part of the fill is removed.

Will it be replaced by industrial, new buildings, high rises – you are telling people to make an uninformed decision. Can we bring in decision makers from the Town? What is the Town's position? **NAC Town Representative. The Town perspective is to maintain the neighborhood's integrity with a remedy that is protective of human health and the environment. I would not sign my name to a 100% fill removal with demolition of properties and streets unless there was a plan for rebuilding the homes and giving property owners the opportunity to keep their property.**

- This goes back to the Hamden Middle School - costs have gone from \$44 million to \$50-\$60 million. Where have our taxes gone? The reassessments are up. If the Town can find \$50 to \$60 million to build a new Middle School, then the Town can find the money to cleanup our neighborhood.
- **NAC Member.** We waited 5 years. Where were you? Don't run away now – the community has suffered, not knowing what will happen. The community needs the Yale community. We want 100% remediation and redevelopment as part of the remediation. The DEP signed a Consent Order without "us" [the community]. The DEP problem is that it has assumed ½ the costs. The DEP has a conflict of interest. **NAC Member.** It's true that DEP does not do redevelopment. The community is talking to developers and architects to come up with a plan for the community that maintains its character.

Response: A property owner outside the Consent Order said that her husband was an architect who would be interested in helping out.

- I want a list of all homes that are going to be torn down. I have been at a lot of meetings since 2001 and there is still no decision. What about the homes that have been sinking.
- I have lived in this area for a number of years and have not heard anything about this problem. Why hasn't the media been more involved? What can we do to get more media?
- I am a resident of Hamden but live outside the Consent Order. I have an environmental background. I would object to removing 4 feet and filling and have the possibility of recontamination by chemicals moving up and recontaminating the clean backfill.
- This is my first time learning about the problem. My mother has a house on Edwards. I would like to get the house tested.
- I live outside the Consent Order. I have held a Town Council seat. I want to tell people that the Newhall Project Office at the Keefe Community Center staffed by a DEP employee has a lot of information that is available on daily basis. Everyone should visit it for information about what will happen if all the fill is removed. There isn't that much clean fill available in the state of Connecticut. The question I have is what would happen to the integrity of the community if 100% removal happens and there is no plan for developing the properties. What is the cost? I have a real concern about the integrity of the neighborhood.
- What state assistance is there for cleanup and development?
- If a property owner wants to stay during cleanup, what are the options? If you do not want to stay, what are options? How long is cleanup?
If you are a surrounding property owner but not in the cleanup, what if you don't want to stay while it is being done?
- I have been here 40 years. Tax abatement is only lip service. Is the Town thinking about it?

Rep Villano Response. Determining damage is premature. We do not have a Final Decision. For 4 years, they have been gathering information. Property values are going up. When the remediation is determined on a property by property basis, assessment of damage can be considered.

Senator Crisco. If we assume that DEP purchases the properties, we can have plans after the Final Decision. We cannot commit or make decisions until some coordination is in place. At this point, we would be making an uninformed decision.

- What is the difficulty in coordinating removal and development plans? One needs to know the outcome, otherwise, it's an uninformed decision.

- I am an environmental consultant working out of New York but live in Connecticut. Some residents asked me to come and make technical comments. It is my opinion that some proposed alternatives are not appropriate in a residential setting. Environmental Land Use Restrictions require property owner approval and cannot be imposed.
- I live just outside the Consent Order and this is the first time I have heard about the problem. I always felt safe until we were tested. My husband is very sick and I care for him. We need to downsize. I had our house up for sale and had to take it off the market. I have 4 feet of waste. I need independent testing to determine what to do.

With all the work being done, how will it affect people's health. I also think that we all need to think about our neighborhood. What will it look like if all the waste is removed and the houses are removed.

- **Comments from Property Owners outside the Consent Order.** We seriously contest the methods and science of the findings. The sampling reports contain seriously flawed, bad science. We want an independent consultant paid by DEP to determine the extent of the contamination and the remedy. The DEP has a conflict as a result of being responsible for ½ the costs; and there is the issue of kickbacks from consultants. The DEP consultant as the investigation contractor has a conflict of interest with respect to doing the the remediation. If there are mistakes, will DEP correct the public record, when and how? **DEP Response. The DEP has confidence in the consultant's work. The consultant who did the investigation would not be allowed to bid for the remedial work. If there are factual mistakes, DEP will correct the record.**

The money spent outside the Consent Order should be spent on you. The State should pay Fair Market Value, cleanup and redevelop the properties.

We got the Revaluation Assessment and the DEP letter Thanksgiving week. This was a far out blanket survey.

- I stayed away for 5 years. I came back and it's the same rhetoric. Nothing happened then and nothing is happening now. They have been to my house 3 times. People are tired; they want some solutions. Why have you waited this long?
- **Comments from Property Owners outside the Consent Order.** We don't think that proper procedures were followed. There were no details. I apologize for not joining sooner. I am a scientist and trained to look at assumptions, which here, are deeply flawed. We don't have a lot of confidence in the people running this.
- A man called three times to test the air in my basement. He still has not come. What is going to happen? When? How?
- I live outside the Consent Order. I had an assessment twice in 2 years. The assessor told me he heard about the contamination from the residents, not from DEP or the Town.

- My property was tested. I was told that interim emergency measures had to be taken. I had to wear a mask when mowing my lawn and could not let my kids play in the yard. We just had 10 days of rain. I want all the fill, 100%, removed.
- I would not have bought the house if I knew. The Town should have let people know. There are 2 reports – one found contamination; the second found no contamination. But my driveway and garage are cracking.
- What are you going to do to look into our health? What can we do to have a productive life? We don't have health care; we can't afford it. We need to know.
- I dug 5 ½ feet down to bury large dogs. What did I expose myself to?
- There has been testing around me on Edwards Street. They took a spoonful of soil from my property. Some people want to move. I had a real estate agent who came and went. Have not seen him since.
- I think “we are being taken to the cleaners.” The big developers are going to come in and take up all the properties.
- I have lead on my property but nothing has been done. Yet, a lot of money has been spent on the new school.
- I hear lots of concerns and questions about the methodology. What's the next step?
- **NAC Member.** We have heard a strong message from members of the community. They want 100% removal of all waste fill from the neighborhood and the Middle School; immediate tax abatement; an independent consultant to oversee the work as it is being done; and redevelopment of the properties where homes have been demolished. The member recited some of the points in the Cleanup Alternative Fact Sheet prepared by the NAC: removing all fill from the residential, HMS and Parks with redevelopment; demolish as many homes and streets as needed with total replacement; owner has option to sell or wait until it is replaced; relocation expenses paid at 1 ½ times the market value of the expenses
- It has been stated that if a child has been exposed to contaminated soil, the child should be tested for lead. If anyone has been exposed to contaminated soil, everyone should be tested for lead. If the results can't be trusted, then an independent test should be done.
- I have a home that is structurally damaged with cracks in every room. There are some homes with cracks so wide that the homes are sinking. These homes need to be addressed immediately.
- If all fill is removed, who backfills? Who rebuilds houses and streets? Who pays? What happens to property owners? Is there a plan? How can you recommend

removal of all fill without having a plan for rebuilding? How can people make a decision without this information? **NAC Town Representative. Until I see a plan that guarantees that the same residents will have first opportunity to own rebuilt homes, I will not sign a proposal for 100 % removal that includes demolition of homes.**

There being no further public comments, the meeting adjourned at 8:45 pm.

Next NAC Meeting. January 19, 2006. Keefe Community Center, 6:30 – 8:30 pm

ADDENDUM TO 12/15/05 NAC MEETING SUMMARY

Request by NAC Member to add the following text on page 7.

NAC Member. “Anyone of those effected who were present at the meeting were asked to raise their hand if they did not agree with the five substantive proposals. No one raised his or her hand:

1. 100 % of all waste fill from the neighborhood and the Middle School; 2. Immediate tax abatement; 3. A permanent paid penal comprising of the residents must be established to oversee the cleanup and redevelopment of the area. 4. A plan should be presented to the owner of each property for the remediation and redevelopment for approval. 5. Relocation expenses must be paid to all those effected at 1-1/2 times the market value of the expenses including rent, moving and storage cost and inconvenience cost etc.”