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Linda Paradise
ASST. TOWN CLERK

REGULAR MEETING MINUTES

Belding-Corticelli Improvement Committee (BCIC)
Friday, September 9, 2016 – 9:00AM
Merrill Seney Community Room
Thompson Town Hall

PRESENT: J. Blanchette, Chairman ABSENT: R. Faucher
S. Lewis
B. Davis
N. O'Leary
J. Hall

ALSO PRESENT: S. Donohoe, Property Owner Liaison, M. A. Chinatti, Director
of Planning & Development, W. Bugden, CME, M. Lewis, CT
DEEP, J. Rice, K. Beausoleil, First Selectman

1. CALL TO ORDER

J. Blanchette called the meeting to order at 9:02 AM.

2. APPROVAL OF MINUTES

- a. August 12, 2016 Regular Meeting
(M/S/C O'Leary/Lewis) to approve the minutes as presented. After discussion, N. O'Leary amended the motion/S. Lewis agreed to the amendment, to approve the minutes with the following correction: blank line on p. 4 is changed to read "more certain of".

Vote on amended motion: carried unanimously.

3. ADDITIONS TO THE AGENDA - **(M/S/C O'Leary/Davis)** to add, as item 4.iv., Discussion/Possible Action re Committee Name/Charge Modification. **Carried unanimously.**

4. COMMITTEE BUSINESS

- i. State's liability relief programs, potential sources of funding - CT DEEP discussion w/Mark Lewis, Brownfield Coordinator, and W. Bugden, Grant project consultant.

M. Lewis introduced himself, thanked the Committee for inviting him to speak about options for the mill. He stated that his office works really closely with DECD, and discussed the following potential assistance avenues:

Can provide grants (DECD), with the next round to be announced in the next month or so. He noted that grants can go up to \$4M, but DECD limits funding to \$2M. He stated the grants can be for assessment and clean up, noting that applications that do well are the ones that have committees like the BCIC who think about the future of the mill, or a potential developer, and have the support of the town. He stated that applications that pass the scoring get called in for an interview, and the final cut is made after that. He stated that, should an application be submitted and subsequently denied, the town should keep trying. He also stated that reviewers like to see that the town has "skin in the game" financially or other supports in place. He stated that, for clean up grants, the town would have to own the property.

W. Bugden noted, with assessment and clean up dollars, there is a "gray area in the middle" re putting ELURs on property, to which M. Lewis agreed. W. Bugden noted ELURs are a limitation activity and asked if there is any wiggle-room for the town to get grants for ELURs even though they don't own the property. M. Lewis responded that, as a practical matter, only the property owner can record an ELUR, so an agreement would be needed with the property owner. He stated that's such a special circumstance that he urged the town to talk to his office and DECD. He noted that DECD is the decision maker, but DECD/DEEP are a team and he would be happy to initiate that conversation.

J. Blanchette stated, just so M. Lewis is aware, the mill environmental assessment is pretty much complete, through grant funding. W. Bugden continued, stating remediation actions have been being discussed for the better part of 2016, what the town could do and what help the state could be, especially since the site is under private ownership.

M. Lewis distributed hand-outs re liability relief programs and offered the following:

1. Municipal Liability Relief Program – is run by the DEEP, and would apply if the town were looking to take ownership, clean

the site up and “flip” it. He stated applications can be turned-around in about two weeks. He stated this program “gets you off the hook for liability to third parties” and exempts from the property transfer act. He then discussed the town’s responsibilities under this program, noting that the town doesn’t have to clean up the property itself – it can partner with a potential developer.

2. Abandoned Brownfield Cleanup Program – M. Lewis stated this program takes 1 – 2 months between application submission and approval. He stated the big thing to qualify for this program is the property has to be abandoned, or significantly underutilized for at least five years. He stated this program exempts the town from state and 3rd party liability and from contamination on-site that’s leaving the site. He stated enrollment in DEEP’s Voluntary Remediation Program is required, with a fee of \$3,200. He noted that, when the site is cleaned up, the town would be eligible for *Covenant not to Sue* (between the State and the property owner). He stated that, also, if the State makes its regulations more stringent going forward, the town wouldn’t have to comply with those. He stated that, in this program, the town wouldn’t have to pay the fee.
3. Brownfield Remediation and Revitalization Program – M. Lewis outlined the program and associated fees.

J. Blanchette noted the town had to be the property owner for programs 1 and 2, above, which M. Lewis clarified, stating that property must be municipally owned for any of the three programs, noting that the Brownfield Remediation and Revitalization Program is transferable.

W. Bugden noted that the Belding site is already in the Property Transfer Program, and asked how that would affect any potential applicant. M. Lewis stated none of the referenced programs have any affect on the transfer program, that the property owner is still responsible for fulfilling their obligations as part of the Property Transfer Act.

M. Lewis then briefly discussed, re liability relief, CGS §22a-133d, and noted that DEEP isn’t directly involved with the statute, but to

discuss possible use of the statute with DEEP and they may be able to help get the town through the process.

M. Lewis then outlined the Prepared Workbook, and noted information in that book would be helpful going forward.

B. Davis stated he suspected no advantage for the town to get clean up funds if it only leased, as opposed to owned, the property, to which M. Lewis responded that the town wouldn't be able to get funding if it only leased the property.

W. Bugden noted one more of the past Brownfield meetings mentioned legislation that passed re brownfield land banks but that it had been vetoed due to a "glitch" in the text. He stated that, once the "glitch" is fixed, he expected the legislation to again pass, and subsequently be signed. He asked if M. Lewis could comment on land banks, which could play into some of the referenced programs, and asked if land banks could take title and then be eligible for the programs.

M. Lewis stated land banks could take advantage of all liability programs. He stated, however, that land banks do not have the power of eminent domain. He stated a land bank would enjoy all of the same benefits as a town, with the exception of eminent domain.

J. Blanchette asked how the Belding site would get into one of those programs, to which W. Bugden responded it is his understanding that the land bank could take title to the property and, once they do that, can work almost as a surrogate for what the municipality wants to accomplish. He continued, stated the property could be cleaned up, marketed and sold later on, noting that there are a lot of nuances that would need to be worked out. He stated that, eventually the transfer act could be closed out.

M. Lewis stated how to accomplish what W. Bugden discussed is something DEEP needs to think about (closing out the transfer act). He recommended talking with DEEP and DEEP will see if it can work through closing out the verification under the transfer act. He stated that, generally, a future owner is pretty much absolved if they are in one of the clean up programs. He stated *Covenant not to Sue* would benefit land banks also.

B. Davis stated, given the current status of the Belding site, one thing that interests him more is land banks, asking if they work

similarly to land trusts, to which M. Lewis responded his thought that land trusts would be somewhat of a model. He noted any land bank would have to apply to DECD to make sure the bank is capable of meeting its stated objectives. He continued, stating that when it's set up, the statute states they can own and sell and get funding and apply for liability relief for property. He stated the land bank would have to show they entered into a contract with a town/towns.

J. Blanchette wondered if NECCOG could be the bank because it is a regional organization, to which K. Beausoleil responded that would be appropriate.

M. Lewis stated one thing CT legislation says is the land bank must be set up as a 501(c)3 non-profit organization.

J. Blanchette stated NECCOG would be the best avenue because they would be able to provide staffing and keep up with necessary paperwork, etc.

M. Lewis noted that some of the regional councils of government have applied to the EPA for clean up funds. He also said to keep in mind that, at the federal level, EPA offers brownfield assessments where they actually provide a consultant to come out and do the assessment work (up to \$300K), but that a pretty strong case must be made and, if interested, EPA Region 1 should be contacted.

W. Bugden stated he talked with Bill Warzecha, and reviewed CME's assessment slides to familiarize M. Lewis with the site. He stated the discussion with Bill was to clean up the soils that were in places that are accessible, and any soils left behind would require an ELUR. He noted that contaminated soils on the island are not accessible, that he would like to leave those behind, not cap because soils would have to be mounded above the retaining walls and the area is already inaccessible because it's in the river; he noted Bill Warzecha recommended having that discussion with M. Lewis.

M. Lewis stated, from a common sense perspective, the average person is not going to be going out onto the island; he stated that, normally it would be required to put some kind of a cap over contaminated soil but for that area requirements "could probably be looser." He stated the decision is ultimately up to Bill Warzecha/the

Remediation Division, and that it would also be run by CT DPH, but something like this proposal would probably be ok'd.

W. Bugden stated that AoC8 has a lot of coal ash, and there would be no problem with coming up with a plan to cap that area/put an ELUR on it. He stated the east side of the island would also be capped.

M. Lewis stated it sounds like the site is a fairly typical 19th/early 20th century mill site, and that "nothing here scares me."

W. Bugden stated that CME is pretty pleased that areas where contamination was found didn't have much, areas thought to have contamination had nothing, and non-typical contamination one might think would be found was not found.

M. Lewis noted that most of the demolition has been done, which is good, as asbestos/lead/etc. is generally more problematic than "dirty soils." He noted he saw nothing that would prevent ELUR placement to address direct exposure issues, though he reminded members that Bill Warzecha/Remediation Division makes the final decision.

W. Bugden stated that it was also learned that none of the property is within the Level A Aquifer, and that water quality is considered GA.

M. Lewis stated, regarding liability protection, there are also federal funds available, and reminded members, if the goal is to take title to the property, that a "fresh" Phase I ESA (done within 6 months) is required; if the Phase I ESA was done within 6 mos. – a year, it would need to be updated.

ii. Redevelopment/Remediation Report Update.

W. Bugden stated Phase I – 3 ESAs have been completed, and supplemental tasks done include:

- Sediment sampling, which revealed no pcb's found anywhere, which was great, given the history of the site. He stated CME is currently reviewing the data/looking at the information regarding all constituents of concern;
- Structural analysis to make sure the retaining walls aren't at risk of collapse/if there were any critical points in areas where the ELURs would be placed. He noted that the analysis was done

to create a baseline. He then asked M. Lewis if restoration funds could be used to restore some of the walls, to which M. Lewis responded that is a "gray area", that funds can be used for everything but acquisition and vertical construction, with some exceptions. He stated it must be shown that shoring up the retaining walls would be for the purpose of an environmental solution, and that it would also make the SHPO happy to preserve those walls.

- Floodplain delineation – W. Bugden discussed the current FEMA delineation on its current maps, and noted that detailed surveying revealed that delineation to be incorrect. He stated CME will be requesting that FEMA issue a LOMA based on the more accurate survey. He stated CME still has some work to do before the map/LOMA request is made. M. Lewis noted that the Inland Water Resources Division would also weigh in on any FEMA LOMA request. W. Bugden stated there is also an exception for the floodplain for old mills. M. Lewis stated that, if the town is thinking about taking advantage of that exemption for mills, DEEP would have to think long and hard about that because it hasn't used that exemption much at all, and asked that it be discussed with DEEP sooner rather than later.

In response to a question by J. Blanchette whether CME should get feedback from the town re any conceptual redevelopment, W. Bugden stated that the redevelopment plan is to try to give a matrix of solutions, ways to deal with the contamination and assess the feasibility of those options with the objective that anyone who comes along has a road map to get to the end point of their development. He continued, stating that he wanted to leave the redevelopment/remediation plan open to possibilities, and CME will outline the locations of each of the ELURs.

M. Lewis stated that, when a decision point is reached and if Town Meeting is required, or public informational meetings are held, for any of this, he would be more than happy to come out and speak at that and answer questions.

W. Bugden stated the committee has been around a long time, and he has worked with other municipalities that, when a project comes along they form a committee, then within a matter of months they have meetings with no quorums and end up "fizzling out." He stated this committee has been very persistent, has gotten a great start and has been on task a long time.

W. Bugden stated CME talks with S. Donohoe whenever it goes out to the property and will forward to S. Donohoe the documents CME has prepared to date.

iii. Other Committee Business. – NONE

iv. Discussion/Possible Action re Committee Name/Charge Modification – M. A. Chinatti outlined this agenda item, noting that the institutional knowledge this committee has gained throughout its existence would be extremely valuable for subsequent project(s) such as the 929 Riverside Drive Brownfield Grant Project going forward. She reviewed BCIC creation history/proposed modification to its name/charge. After brief discussion, the following action was taken:

(M/S/C Hall/Davis) to agree that the Belding Corticelli Improvement Advisory Committee name/charge be modified to *Mill Sites Redevelopment Committee*, charged with:

1. Work to improve/enhance/promote the Town's historic mill sites, and search for grants to accomplish same;
2. Serve as the lead for the ongoing 630 Riverside Drive (Belding site) grant funded brownfield project, which is nearing completion;
3. Serve as lead for the 929 Riverside Drive (River Mill/North Grosvenordale Mill) grant funded brownfield project, which is just beginning;
4. Provide quarterly updates of any ongoing work to the Board of Selectmen.

Vote on the motion: Carried unanimously.

5. CORRESPONDENCE - NONE

6. CITIZEN COMMENTS - NONE

7. ADJOURNMENT – With no further business, the meeting adjourned at 10:58AM.

Respectfully Submitted,
M. A. Chinatti, Director of Planning & Development