

**Middleport Community Input Group  
Meeting at Masonic Lodge Hall – Part I Meeting Summary  
April 14, 2009 – 5:30 to 6:45 p.m.**

**In Attendance:**

Bill Arnold – CIG Chairman	Elizabeth Bateman – Resident
Elizabeth Storch – Resident	Margaret Droman – Resident/MRAG
Larry Lutz – Resident	Dan Watts, NJIT – Technical Consultant
Christa Lutz – Resident	Debra Overkamp – AMEC
Dick Westcott – Resident	Brian McGinnis – FMC
Pat Cousins – Resident	Wai Chin Lachell – AMEC
Dan Dodge – Resident	Andy Twarowski – FMC
Harold Mufford – Resident	Glen Wilson – FMC
Lynn Andrews – Resident	April Strong – FMC
Jennifer Bieber – Town of Royalton	
Dick Owen – Resident	Ann Howard, RIT – Facilitator
Dori Green – Resident	Jim Pasinski, Carr Marketing Communications – Meeting Notes
Tom Arlington – Resident	

**1. Welcome and Introductions**

- A. Howard began the meeting, reviewed the agenda, and led introductions.
- Andy Twarowski was introduced as the new FMC Middleport plant manager.
- B. McGinnis noted that the CIG has been awarded with a US EPA Region 2 Environmental Quality Award and offered congratulations to the group. B. Arnold noted that he had received recognition from U.S. Rep. Chris Lee and noted that the award will be presented to the CIG, likely at a future CIG meeting.

**2. Comments on Home Value Assurance Program**

- A. Strong noted that some questions were raised during the March CIG meeting regarding the new Home Value Assurance Program (HVAP), real estate MLS data in Middleport and Price Protection Program (PPP) sales data. She stated that she was on hand to present revised information, which shows homes sold in the PPP and houses in the Middleport zip code. She noted that there were 28 homes sold in the zip code and 24 of the 28 homes were within the Village of Middleport in the PPP.
- A. Strong stated that since the PPP started in 2004, 64 homes have entered the program, 35 of which FMC ended up purchasing. She stated that the remaining 29 properties were sold by the owner and/or realtors within the six-month marketing window of the PPP. She stated that those homes sold via private sale (by owner or by owners realtor) were generally in better physical condition and were priced more suitable to the market as compared to those homes that FMC ended up purchasing through the PPP.

- A. Strong stated that FMC spent \$336,000 on repairs and improvements on 24 of the 35 homes purchased by FMC, an average of \$14,000 per home. The most spent on a single property was \$40,000. She also presented before and after photos of various properties showing the upgrades that were made.
- A. Strong noted that at the March CIG meeting a comment was made about realtors reluctant to sell homes in Middleport. A. Strong presented a list of the realtors that FMC works with to sell homes via the PPP. D. Overkamp presented Middleport promotional brochures that FMC created and which were provided to area realtors during a HVAP realtor meeting this past January.
- A resident stated that he raised a concern at the March meeting that FMC was selling homes for less than their value in Middleport, which the resident thought could impact housing values in the village. A. Strong noted that market conditions dictates the selling prices of the homes and that market conditions in Middleport have changed. A resident noted that some properties in Middleport have sold for \$90,000, which is great for a village like Middleport.
- B. McGinnis noted that a question was raised at the March CIG meeting regarding homes that residents acquire via an estate being allowed to take part in the HVAP. He noted that the HVAP requirements state that a resident must own and live in a property for two years in order for that property to be eligible for the program. He stated that he followed-up on the question and FMC senior management stated that the program requirements will not change and are final.
- B. McGinnis also noted that any property that has received a notice from the Agencies that no further action will be required on that property are also not eligible for the HVAP.
- B. McGinnis noted that a question was raised about the boundaries of the programs. He stated that the original intent of those boundaries was to provide protection and assurance for those properties that were proposed for soil sampling. W. Lachell stated that the PPP and HVAP were developed to address New York's real estate disclosure law, which requires property owners to disclose any soil sampling data in the event of a sale of their property. She stated that the PPP and HVAP were intended to provide assurance to residents that the sampling data would not impact the value of the sampled property.
- A resident stated that there is a stigma in Middleport and property values have been affected. They stated that property owners who have stayed in the village have paid a price.
- A resident stated that if the Agencies and FMC get the remediation process moving, then there will be no future concerns about property values.
- B. McGinnis stated that the draft RFI reports define the area that has been impacted by FMC and identify properties that need to further evaluated as

part of the Corrective Measures Study and properties that require no further action by FMC.

### **3. FMC Update**

- W. Lachell stated that on-site vapor intrusion testing at the FMC plant has been completed and a report is to be issued.
- W. Lachell stated that soil sampling would take place the week of April 20<sup>th</sup> in areas north of the Canal and east of the county line.
- W. Lachell stated that draft RFI volumes II and IV would be finalized and issued on April 20<sup>th</sup>. She stated that the Agencies will start a public comment period and a public meeting is scheduled for June 10<sup>th</sup> at the Middleport Fire Hall.
- W. Lachell stated that FMC sent CMS materials to the Agencies on March 23<sup>rd</sup>, which included a corrective measure alternative chart, list of technologies, evaluation criteria, and a summary approach for Culvert 105 and the Air Deposition Area. She stated that FMC is awaiting the Agencies comments, which were scheduled to be received March 27<sup>th</sup>. The Agencies were then targeting an April 14<sup>th</sup> response date. B. McGinnis noted that the Agency delay on response to the March 23<sup>rd</sup> CMS documents is affecting FMC's submission timeline of a modified CMS workplan.
- W. Lachell stated that FMC sent the Agencies a final report on the phytoremediation study and the Agencies have provided comments.
- W. Lachell stated that FMC is working with the village on an access agreement for implementation of the maintenance and monitoring plan for the Culvert 105 manholes on Margaret Droman Park.
- W. Lachell stated that FMC is working on a monitoring and maintenance plan for the Wooded Parcel and plans to submit it to the Agencies next week or two.
- W. Lachell stated that the Keeping You Posted document and an updated chart with the Agencies' Target Dates have more information on all of the current items.
- In response to a resident question, W. Lachell stated that the Agencies have directed FMC to extend the phytoremediation study into 2009.
- In response to a resident question, B. McGinnis noted that FMC is waiting for the grass to take hold on the property at the end of Park Avenue before the snow fence is removed from that property. D. Overkamp noted that the snow fence was noted to be down in certain sections and would be addressed by the landscaping contractor later in the week.

#### **4. FMC Neighborhood House Update**

- A. Howard noted that FMC has suggested that D. Overkamp would present a brief update on FMC's community activities at MCIG meetings. It was agreed that these reports would be welcomed.
- D. Overkamp noted that the FMC Neighborhood House (17 Vernon St.) is open Thursdays from 9 a.m. to 4 p.m. or by appointment. She stated that she has received numerous inquiries regarding property data, the PPP and HVAP over the past month.
- FMC purchased ½ page ad in Middleport Community Choir patron book.
- FMC paid a \$25 membership fee to Roy-Hart Business Assoc.
- FMC hosted the NY Main St. Grant Review Panel at Neighborhood House on March 23.
- FMC mailed postcards for CIG meeting.
- D. Overkamp noted that the Middleport Web site ([www.middleport-ny.com](http://www.middleport-ny.com)) had 1,250 unique visitors in March, while the CIG Web site ([www.middleport-future.com](http://www.middleport-future.com)) had 250 unique visitors during the same time period. She noted that both sides have had increasing traffic.
- D. Overkamp noted that FMC made a formal announcement of Andy Twarowski as the new Middleport plant manager. She also noted that the CAP newsletter has been sent to residents and a VIP meeting is scheduled for April 21<sup>st</sup> at the FMC Neighborhood House.

#### **5. Grant Update**

- D. Dodge noted that the Village is in the third stage of the Main Street Grant program. He stated that it appeared the committee would be able to distribute all of the grant funds to business owners in the Main Street area.
- D. Dodge stated that they were able to meet with the Canal Corp. and the New York State Thruway Authority and work is now underway on the grant to construct a pavilion and establish water and electrical hookups to it in Margaret Droman Park.
- D. Dodge stated that they are working to apply for a Restore NY grant, which this year is expected to target smaller communities. He stated that the village fared very well in the preliminary process and he is optimistic that Middleport will qualify for a grant to cover the expenses associated with a building demolition that has been completed.

#### **6. Questions on Phytoremediation Study**

- A resident stated they were a part of the phytoremediation study in 2008 and they understand why FMC does not want to continue the study.
- B. McGinnis stated that FMC has a difference of opinion with the Agencies and FMC will likely request a meeting to determine why the Agencies think the study should be continued into 2009. He stated that FMC does not believe phytoremediation will be an effective remediation tool in Middleport.
- W. Lachell stated that the arsenic uptake in the ferns was a smaller amount and the size (and weight) of the harvested ferns were smaller than

ferns grown in southern areas of the country. She stated that the highest arsenic concentration found in the Middleport ferns was approximately 150 ppm while ferns grown in the south ranged from 1,500 ppm to 4,000 ppm. She stated that the ferns can't grow big enough in the Middleport climate to remove an adequate amount of arsenic from the soil. She further stated the northern most area that ferns were grown by Edenspace was in central New Jersey. Those ferns had to be grown in cold frames to extend the growing season.

- W. Lachell stated that Cornell University studies, which took place on Cornell's orchard land in New York State, showed that arsenic uptake by the ferns was limited due to the limited growing season in New York. Dr. Harmon theorized that the ferns would only reduce arsenic in soil by 1 ppm per year (assuming that the arsenic uptake in the ferns was 1000 ppm) and that the climate of the region is the key factor. She stated that Cornell does not feel phytoremediation via the brake fern is a viable cleanup option in this climate.
- A resident that was a part of the study stated that they were glad FMC tried phytoremediation, but it is time to move on and they would not offer their property as a test site again.
- A resident stated that time should not be wasted testing phytoremediation again.
- A resident stated that the ferns available are native to a swampy area in Florida so they will not work in Middleport.
- D. Watts stated that FMC and the Agencies should discuss the matter further since it is a scientific matter of opinion.
- A resident stated that if arsenic is of a species that plants cannot uptake, how are humans going to take it up. The resident questioned if low arsenic levels are really of any danger to humans.
- A resident stated that she was aware of a group of University of Rochester graduate students who were interested in phytoremediation as a project. She stated that they would grow plants in Middleport and they analyze them at labs at the university.
- A resident stated that the CIG and FMC must inform the Agencies that if the Agencies are going to force more phytoremediation studies, it cannot have any impact on the RFI and CMS process. B. McGinnis stated that it is FMC's intention to move forward now with the RFI and CMS.

## **7. Update on Norco Property**

- T. Arlington stated that the phase one environmental study on the Norco property was completed in December through Niagara County. He stated that the county has since applied for a grant with the EPA and if successful, there would be a phase two assessment on the Norco property.
- T. Arlington stated that it is a long process and the earliest any action would take place is the fall of 2009. He stated that he hopes these actions will open the door to grants to remove the buildings on the Norco

property. He stated that Norco maintains the title to the property but there are liens against it.

#### **8. Suggested Format for the Agencies Public Meeting on RFI Vols. II and IV**

- A. Howard noted that the Agency public meeting on RFI volumes II and IV is tentatively scheduled for Wednesday, June 10<sup>th</sup> at the Middleport Fire Hall.
- B. Arnold noted that the Agencies have suggested an afternoon session that would consist of one-on-one meeting opportunities between interested residents and representatives of the Agencies followed by an evening session consisting of brief presentations by the Agencies and FMC; the presentations would last no longer than 30 minutes and would be followed by a question and answer session.
- W. Lachell stated that the basic findings of the RFI is that the extent of FMC-related arsenic has been defined based on a delineation criterion of 20 ppm and will tell which properties are subject to further examination via the Corrective Measures Study for the Air Deposition Area and Culvert 105.
- B. McGinnis stated that most residents would be interested in knowing if their property will be subject to further examination.
- B. Arnold stated that the CIG should have a table at the meeting along with FMC.
- W. Lachell stated that in the past the EPA has facilitated these types of meetings, but she does not think that will be the case for this meeting.
- It was noted that there might be an opportunity for A. Howard to facilitate the session. A resident stated that A. Howard should facilitate the evening meeting.

#### **9. Meeting Schedule**

- The May meeting is scheduled for Wednesday, May 6.
- The June meeting is scheduled for Tuesday, June 9.
- A. Twarowski noted that after viewing this meeting, he immediately understood how the CIG earned the EPA award. He stated that he looks forward to working with the group in the future and is committed to keeping FMC a good neighbor in Middleport.

**THE NEXT MEETING OF THE CIG IS SCHEDULED FOR MAY 6. ALL MEETINGS WILL BE HELD FROM 5:30 to 8 P.M. AT THE MASONIC LODGE.**