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RESTORATION ADVISORY BOARD MEETING

FORT MCCLELLAN, ALABAMA

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Taken before Donna D. Gallahar, Court  
Reporter and Commissioner for the State of  
Alabama at Large at Building 215, Fort  
McClellan, Alabama on the 13th day of January,  
2003, commencing at approximately 6:30 p.m.

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1 MR. CLENDENIN: Let me call us to  
2 order. Glad that you are here tonight. Let me do  
3 a little roll call to make sure everybody is here.  
4 We have several of the members who have excused  
5 absences including Dr. Mary Harrington, and I'm  
6 sitting in in her stead. Mr. Glynn Ryan.

7 MR. RYAN: Yes.

8 MR. CLENDENIN: Scott Beckett is  
9 excused. James Buford. Monty Clendenin, I'm here.  
10 Pete Conroy?

11 MR. CONROY: Here.

12 MR. CLENDENIN: Barry Cox?

13 DR. COX: Here.

14 MR. CLENDENIN: Donald Cunningham?  
15 Jerome Elser?

16 MR. ELSER: Here.

17 MR. CLENDENIN: Donna Fathke?

18 MS. FATHKE: Here.

19 MR. CLENDENIN: Curtis Franklin?

20 MR. FRANKLIN: Here.

21 MR. CLENDENIN: Lamar Freeman?

22 MR. FREEMAN: Here.

23 MR. CLENDENIN: Craig Branchfield?

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1 MR. BRANCHFIELD: Here.

2 MR. CLENDENIN: Ronald Hood?

3 MR. HOOD: Here.

4 MR. CLENDENIN: William Kimbrough?

5 MAYOR KIMBROUGH: Here.

6 MR. CLENDENIN: Cheryl Bragg?

7 MS. BRAGG: Here.

8 MR. CLENDENIN: Dwight Mitchell?

9 MR. MITCHELL: Here.

10 MR. CLENDENIN: Jim Miller?

11 MR. MILLER: Here.

12 MR. CLENDENIN: Ron Grant?

13 MR. GRANT: Here.

14 MR. CLENDENIN: Ron Levy?

15 MR. LEVY: Here.

16 MR. CLENDENIN: Doyle Brittain has

17 an excused absence. Philip Stroud?

18 MR. STROUD: Here.

19 MR. CLENDENIN: Okay. We have three

20 new members to the board tonight. And I'm going to

21 call their names, and what I would like for them to

22 do is just share with the board a sentence about

23 yourself and what some of your expectations for

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1       this board. So I'm going to start with Cheryl  
2       Bragg.

3                   MS. BRAGG: I'm Cheryl Bragg and I'm  
4       the director of the Anniston Museum Complex, which  
5       includes the Anniston Museum of Natural History and  
6       the Berman Museum, and I'm just too new to know my  
7       expectations yet. I'll let you know.

8                   MR. CLENDENIN: I have been on this  
9       board for about two years and I am just now  
10      beginning to figure out the cast of characters, so  
11      be patient. The language is also hard to figure  
12      out. But once you get a knack for it, it will come  
13      to you. Dwight Mitchell.

14                  MR. MITCHELL: My name is Dwight  
15      Mitchell, I'm director of public works City of  
16      Weaver. I'm kind of like this lady here, I'm not  
17      quite sure what to expect at this point so I'll let  
18      it go at that.

19                  MR. CLENDENIN: Okay, Jim Miller.

20                  MR. MILLER: Yes, sir, I'm general  
21      manager of Anniston Water Works and Sewer Board,  
22      and as always, I expect clean water.

23                  MR. CLENDENIN: Welcome to the three

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1 of you. Let's start in the back and if you would  
2 if you are a guest here tonight or part of the  
3 regular crew, introduce yourself and tell us who  
4 you are. Start with Ms. Brenda.

5 MS. CUNNINGHAM: Brenda Cunningham,  
6 I work for the transition force, the environmental  
7 office here at McClellan.

8 MR. MCNEAL: Alvin McNeal, Corps of  
9 Engineers, Fort McClellan Office.

10 MS. WINSTON: Linda Winston, Corps  
11 of Engineers.

12 MR. HOLCOMB: Art Holcomb, Foster  
13 Wheeler.

14 MS. HOLSTEIN: Lisa Holstein,  
15 transition force, environmental office.

16 MR. JENKINS: Josh Jenkins, Shaw  
17 Environmental.

18 MR. JAYE: Lee Jaye, transition  
19 force environmental.

20 MR. GARLAND: Bill Garland, U.S.  
21 Fish and Wildlife.

22 MR. STABIL: Darrell Stabil, Corps  
23 of Engineers, Mobile District.

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1                   MR. SHANKS: Bill Shanks, transition  
2                   force environmental office.

3                   MR. DOYLE: Joe Doyle, transition  
4                   force, legal office.

5                   MR. DAFFRON: Bob Daffron,  
6                   environmental office, National Guard.

7                   MR. JAMES: Paul James, transition  
8                   force environmental office.

9                   MS. CLEMENTS: Sara Clements, The  
10                  Anniston Star.

11                  MR. CLENDENIN: Okay. Thank all of  
12                  you. Most of you are regulars, so glad that you  
13                  are here. You have the minutes or have had them,  
14                  take a minute to look at the minutes for the  
15                  November 2002 meeting. If there's any questions  
16                  about those, let's bring those to the front right  
17                  now. Are there any changes that you wish to note?  
18                  Corrections? Do I hear a motion that these minutes  
19                  be accepted as they are presented to us?

20                  MS. FATHKE: So moved.

21                  MR. ELSER: Second.

22                  MR. CLENDENIN: And I'll give you  
23                  just a minute for any discussion or a moment before

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1 we act if you need just a moment. If you are in  
2 many favor say aye.

3 RAB MEMBERS: Aye.

4 MR. CLENDENIN: If you are not, say  
5 no. These minutes stand approved. Old business,  
6 if you would, look at number four, consideration of  
7 amendments to the bylaws. In your packet you have  
8 suggested amendments to the RAB bylaws. Give you  
9 just a minute to look at those and if you have any  
10 questions or concerns about that. Do we need to  
11 take any action on this?

12 MR. LEVY: Yeah, I think this was  
13 put out at the last meeting. I think you need to  
14 go through each one to decide whether you want to  
15 make a change. Some of them are going to require  
16 some thought, it's not just a yes or no.

17 MR. CLENDENIN: Okay.

18 MR. CONROY: Ron, can you remind me,  
19 who suggested these amendments?

20 MR. LEVY: Some of them came from  
21 us, some of them came from RAB input previously. A  
22 lot of the ones that are administrative in nature  
23 like the first one that says that it was located at

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1        Building 141-A where we used to be, we're asking it  
2        be changed to here.

3                Some of the ones have to deal with the  
4        attendance because of the difficulty of getting a  
5        quorum and defining that. One is just about how we  
6        are notifying the RAB, that's just really  
7        administrative and how we are going to do our order  
8        of business, which we have been following as of  
9        late.

10               I think the big one really deals with the  
11        quorum issue and the change in language there. Joe  
12        Doyle suggested that language. I'm not sure  
13        whether Joe wants to go into it or not.

14               MR. DOYLE: Just it would make  
15        matters easier because in terms of we can have less  
16        people and still have a meeting because it's kind  
17        of disheartening, plus it cost money to set one of  
18        these up and have a court reporter here and not a  
19        majority of members present so that you can conduct  
20        business. So that was the thought of changing the  
21        quorum to a lesser number and still conduct  
22        business of the RAB.

23               MR. CONROY: What is the standard

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1 in RABs across the country?

2 MR. DOYLE: I really don't know.

3 MR. CLENDENIN: Do we know, what's  
4 the difference in the number we're talking about?  
5 How many members versus how many members?

6 MAYOR KIMBROUGH: If two show up,  
7 then, well, it would have to be three, wouldn't it?  
8 The way it's written if three showed up then you  
9 would have a quorum of two on a vote. Is that the  
10 way I read it? It says a majority of those  
11 present, RAB members present.

12 MR. CLENDENIN: But a quorum has to  
13 do with a majority of the committee whether or not  
14 you have enough committee to transact business. So  
15 it has to do with the minimum number on the  
16 committee for you to be able to conduct business.  
17 And then those present, you know, majority rules, I  
18 suppose, in terms of action. But the quorum has to  
19 do with our minimum number of voting board members  
20 present to conduct business.

21 MS. FATHKE: I guess on the page  
22 that is looking at that quorum defined, I don't  
23 understand the difference between how it currently

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1 reads and option two. Maybe if somebody could  
2 explain that one to me.

3 MR. DOYLE: It's at the option of  
4 the people present can determine a sufficient  
5 number, at each meeting they have that option of  
6 determining what a quorum will be. Actually, I  
7 think the first option is the better one in that  
8 you can set a number whether it be, how many,  
9 Brenda, how many do we currently have to have?

10 MS. CUNNINGHAM: We have to have  
11 nine now.

12 MR. DOYLE: We have to have nine.  
13 Something less than that, seven would be the number  
14 I would suggest. Again, that's entirely your  
15 option.

16 MS. FATHKE: How many total members  
17 do we have?

18 MS. CUNNINGHAM: Seventeen.

19 MS. FATHKE: So we're looking at a  
20 majority.

21 MS. CUNNINGHAM: Right.

22 MR. LEVY: See, what makes a  
23 difference is if we lose members like we have, and

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1       you go from seventeen to fifteen and the majority  
2       at seventeen is nine, the majority at fifteen would  
3       be eight, okay, but the difference there is that  
4       now you are looking at a majority. If you can't  
5       get the people there to the meeting, especially  
6       since you are losing members, which we've had  
7       members leave, it's hard to get that quorum. So it  
8       helps us when we lose members. Now we are talking  
9       a majority of the regular members, the ones that  
10      are actually here. And we were just able to fill  
11      three positions, but it took us a while to get to  
12      that point.

13                   MR. FRANKLIN: To prevent that  
14      happening where we can't conduct any business on  
15      occasions like you are saying when members go off  
  
16      and everything, what's wrong with option two? I  
17      mean, that way you can always conduct business.

18                   MR. DOYLE: You are absolutely  
19      correct, sir.

20                   MR. HOOD: The only problem I have  
21      with option two is the way that it's written. It's  
22      confusing to me.

23                   MS. FATHKE: Yeah. I don't

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1 understand it. I don't want to conduct business  
2 with three people here.

3 MR. HOOD: This is a problem that's  
4 been going on ever since we've had this, ever since  
5 they wrote the first bylaws and constitution. And  
6 my suggestion at the time and still the suggestion  
7 is just have it fifty percent or forty-five  
8 percent, if you want to, of the members that are  
9 currently on the board so that if you lose some  
10 members it's fifty percent of whatever you have  
11 left that you have for a quorum. And that changes  
12 up and down as the members change.

13 MR. CLENDENIN: But the ratio  
14 remains the same if you do a percentage basis.

15 MR. HOOD: That's right. If you've  
16 got half of the people here you can conduct  
17 business. Half of the ones that are currently on  
18 the board. So if you've got seventeen, then you  
19 need nine. If you drop down to fifteen, then you  
20 need eight, or make it forty percent or forty-five  
21 percent, some percentage, and solve the problem  
22 forever.

23 MS. FATHKE: Well, and perhaps we

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1       need to revisit the attendance issues. Where right  
2       now we're at as long as you attend fifty percent of  
3       the meetings you can stay on the board. But to me  
4       if you are only coming to half of the meetings, you  
5       are not grasping all the issues and you are not  
6       creating any continuity. And perhaps we ought to  
7       up that number which would then clean the board of  
8       people who aren't coming regularly and therefore  
9       make, you know, they would drop off the board which  
10      would allow our quorum to be based on whatever is  
11      left on the board.

12                   MR. LEVY:   That's one of the issues  
13      in here, attendance, asking for a change. There's  
14      some options in there specified. In a given year,  
15      in months, there's a recommendation of fifty  
16      percent of the regular RAB meetings in twelve  
17      consecutive months, if they don't make those.  
18      Before we were looking at any given year, they  
19      could miss two or three and then come back and miss  
20      two or three. It's really --

21                   MS. FATHKE:  Ron, is there a  
22      misprint there in that "currently reads?"  
23      Shouldn't that be fifty percent of the regular RAB

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1 meetings in a given calendar year?

2 MS. CUNNINGHAM: Which one are you  
3 on?

4 MR. LEVY: Paragraph 4-4  
5 Attendance. 4.4.

6 MS. CUNNINGHAM: No, no, that's the  
7 way that it reads in the bylaws. Fifty percent of  
8 the regular members in each calendar year.

9 MR. LEVY: The regular member may  
10 be removed if they fail to attend fifty percent of  
11 the regular RAB meetings in each calendar year.

12 MR. CLENDENIN: Okay. Anymore  
13 question on the options? Do we want to make one of  
14 these as a recommendation and motion that we go  
15 this way?

16 MS. FATHKE: Are we going to  
17 address each one separately?

18 MR. RYAN: I would suggest that we  
19 do, we go through and address each one separately,  
20 otherwise, because you may want to --

21 MR. CLENDENIN: Okay, let's look at  
22 the first one then, Paragraph 4.1 Regular Meetings,  
23 currently reads "located in Building 141-A." Is

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1       there any dispute of that? Are we now meeting in  
2       Building 215?

3                   MR. CONROY:    No dispute.

4                   MR. CLENDENIN:  Okay, do I hear a  
5       motion that we approve that we are in this  
6       building?

7                   MS. FATHKE:    So moved.

8                   MR. ELSER:    Second.

9                   MR. CLENDENIN:  Everybody in favor  
10      of acknowledging that we're in this building say  
11      aye.

12                  RAB MEMBERS:  Aye.

13                  MR. CLENDENIN:  Anybody opposed say  
14      no. Okay, let's move to the second one. Paragraph  
15      4.4 on attendance currently reads "fifty percent of  
16      the regular RAB members in each calendar area."  
17      The recommended change to read one of these two  
18      options. I don't understand either. Would someone  
19      like to --

20                  MR. LEVY:    What we were trying to  
21      do is allow the RAB to define a number.

22                  MR. CLENDENIN:  Each meeting?

23                  MR. DOYLE:    If I might help you

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1       here. Option one, let me, as a suggestion, if a  
2       person were to miss three regular RAB meetings in a  
3       row without prior notification, that's cause, if  
4       the board wishes to, to remove them from the board.  
5       Or you can put a different number in there. That's  
6       just a number I'm pulling out of a hat, or four or  
7       whatever it might be.

8               That's how you address option number one.  
9       The board, somebody make a motion and insert a  
10      particular number, whatever you think is  
11      beneficial. Or you can, and the second one is  
12      merely a restatement of what's already in the  
13      minutes.

14             Help me out Brenda, I think that was the  
15      one we were doing that just clarifies it. You are  
16      correct, it does read incorrectly as it's --

17             MR. LEVY:    The difference is  
18      consecutive months rather than calendar year.

19             MR. HOOD:    And it doesn't have  
20      anything in there about notification or excused  
21      absences or anything of that nature.

22             MS. FATHKE:   And we meet, is it ten  
23      or eleven times a year?

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1 MR. LEVY: Eleven.

2 MS. CUNNINGHAM: I have Anniston  
3 Army Depot bylaws, and they have three unexcused  
4 absences in one year.

5 MAYOR KIMBROUGH: Unexcused  
6 absences?

7 MS. CUNNINGHAM: Right.

8 MAYOR KIMBROUGH: If you don't have  
9 any exceptions, one concern that I have if somebody  
10 comes in, which is my experience last year when I  
11 had my heart attack, you know, I mean, I couldn't  
12 come. But do we have any exceptions in there?

13 MR. BRANCHFIELD: We may want to  
14 set up something, if you call in advance and let  
15 Brenda know or write her an e-mail and say I'm not  
16 going to be there, that's an excused absence.

17 MAYOR KIMBROUGH: But is that in  
18 there now? Or are we just saying right here we're  
19 going to set a number with no exceptions?

20 MR. FREEMAN: Option one says  
21 exceptions, you have exceptions.

22 MR. HOOD: You could call in for  
23 every meeting for the whole year and just say I'm

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1 not going to be there, and by the way that reads  
2 that's okay.

3 MR. DOYLE: If I might make a  
4 suggestion then, option one change it to three  
5 regularly scheduled RAB meetings in a row without  
6 prior excusal by the president.

7 MR. BRANCHFIELD: Why don't you just  
8 say two regular meetings in a row or three meetings  
9 total, so you can't call in three times in a row.  
10 Even then the RAB has to vote you off. I mean you  
11 are not just kicked off. So if somebody like the  
12 mayor or somebody else has a serious illness and  
13 they want to stay on the RAB, they just let Brenda  
14 know, that person is sick or family issue or  
15 whatever. You can work around that. The goal, why  
16 would you give an excuse if you didn't want to be  
17 on the RAB anymore?

18 MR. CONROY: Do you want to put it  
19 in the form of a motion or phrase something?

20 MR. CLENDENIN: An amendment?

21 MR. BRANCHFIELD: I propose however  
22 it fits the words in here, if they miss two regular  
23 RAB meetings in a row without prior notification or

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1 three consecutive meetings total regardless of  
2 notification.

3 MS. FATHKE: Why don't we keep it  
4 simple and say three meetings in a row?

5 MR. HOOD: That sounds better to  
6 me.

7 MR. CLENDENIN: Somebody want to  
8 make that in the form of a motion we can record?

9 MS. FATHKE: I move that we change  
10 the reading under attendance to, how did they do  
11 that here, to three meetings in a row of the  
12 regular RAB meetings. Does that make sense,  
13 Brenda?

14 MR. LEVY: Maybe the sentence ought  
15 to read regular members may be removed if they fail  
16 to attend three of the regular RAB meetings in a  
17 row. Is that what you are trying to say?

18 MR. CLENDENIN: Yeah, did you hear  
19 that?

20 MS. FATHKE: I couldn't hear  
21 anybody.

22 MR. CLENDENIN: Listen to this.

23 MR. LEVY: Paragraph 4.4 should read

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1 regular members may be removed if they fail to  
2 attend three of the regular RAB meetings in a row.

3 MR. BRANCHFIELD: I think you've got  
4 to add more onto that, because now you've set up so  
5 you don't even have to come fifty percent during a  
6 year.

7 MR. LEVY: Well, that was her  
8 motion.

9 MR. BRANCHFIELD: I propose or make  
10 a motion or however you are supposed to do this is  
11 to say three of the regular RAB meetings in a row  
12 or fifty percent of the regular RAB meetings in  
13 twelve consecutive months. That way you get thrown  
14 off if you are just flat out not coming with any  
15 regularity.

16 MR. CLENDENIN: Can you say that  
17 again?

18 MR. BRANCHFIELD: Sure. Whatever is  
19 before the three dots there, but have it say three  
20 of the regular RAB meetings in a row or fifty  
21 percent of the regular RAB meetings in twelve  
22 consecutive months.

23 MR. CLENDENIN: Okay, did everyone

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1       hear that now? Did someone record it? And are we  
2       ready to vote? Are you making that in the form of  
3       a motion?

4                   MR. BRANCHFIELD: Yeah, I move that  
5       we --

6                   MR. CLENDENIN: Do I hear a second  
7       on that?

8                   MS. FATHKE: I second.

9                   MR. CLENDENIN: Okay, now any  
10       further discussion before we vote? Everybody in  
11       favor say aye.

12                   RAB MEMBERS: Aye.

13                   MR. CLENDENIN: Everybody not in  
14       favor say no. All right, the amendment then was  
15       approved, which is option three I guess.

16                   MR. BRANCHFIELD: Which is simply  
17       option one plus option two.

18                   MR. CLENDENIN: Okay. The next page  
19       paragraph 4.5 Notice. Currently reads, "sent to  
20       each member addressed first class mail postage  
21       prepaid. Each notice shall describe the time and  
22       place of the meeting announced and with which shall  
23       be enclosed an agenda of the matters to be

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1       discussed." Recommendation changed to read, "sent  
2       to each member's mailing or e-mail address each  
3       notice." Okay is that?

4                   MS. CUNNINGHAM:    It might help you  
5       that the bylaws with all these changes and the way  
6       it currently reads is right behind these amendments  
7       so you can see them.

8                   MR. DOYLE:    This merely makes the  
9       bylaws comport with the way we do business right  
10      now.

11                  MR. BRANCHFIELD:   I would move to  
12      approve this change.

13                  MR. HOOD:    Second.

14                  MR. CLENDENIN:   Okay, everybody in  
15      favor of that say aye.

16                  RAB MEMBERS:   Aye.

17                  MR. CLENDENIN:   Everybody opposed  
18      say no.    Okay, next page, 4.6 Order Of Business,  
19      currently reads, you see there, roll call, approval  
20      of minutes, training reports, committees, old  
21      business, new business, adjournment.   The change  
22      would be, roll call, introduction of guests,  
23      approval of minutes, old business, program

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1 training, new business, audience comments,  
2 adjournment.

3 MS. FATHKE: I move we approve.

4 MR. CLENDENIN: Second?

5 MR. FREEMAN: Second.

6 MR. CLENDENIN: Everybody in favor  
7 of that say aye.

8 RAB MEMBERS: Aye.

9 MR. CLENDENIN: Any opposed say no.  
10 Okay, paragraph 5.1, A Quorum Defined. Currently  
11 reads "a majority of the regular RAB members  
12 attendance at any meeting shall constitute a quorum  
13 of the RAB." Recommended option one change  
14 majority to whatever number RAB wants. Option two  
15 change sentence to read a majority consensus of the  
16 regular members present at any meeting shall  
17 constitute a quorum of the RAB.

18 MR. DOYLE: Can I be heard one last  
19 time? Based upon your conversation earlier on this  
20 particular issue, I may have a third option which  
21 might apply, because I heard concerns of the  
22 people. Reading from option two and I'm going to  
23 add some more language, but a majority consensus of

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1 the regular members present at any meeting shall  
2 constitute a quorum of the RAB, but in no case be  
3 less than six members. Would that take care of the  
4 concerns that you could have three people showing  
5 up to do business?

6 MR. BRANCHFIELD: That sounds good  
7 to me.

8 MR. HOOD: Why can't we just go  
9 with a certain percentage of the people on the  
10 board.

11 MR. DOYLE: I don't like doing math,  
12 but other than that. We can do it that way,  
13 whatever you want.

14 MS. FATHKE: Why don't we do it  
15 like forty-five or forty-nine percent or whatever.  
16 Sometimes we miss that quorum by just the one  
17 person. You know, if you've got fifteen, then  
18 you've got to get eight people. But if you've got  
19 just forty-five percent, then you can do it with  
20 seven people. Which I think would solve most of  
21 our quorum issues.

22 MR. CONROY: Let me ask a more  
23 fundamental question, that is how many times have

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1 we not been able to meet quorum over an average  
2 year?

3 MR. LEVY: I think just once this  
4 year.

5 MR. CONROY: I can think of two  
6 times. I don't think it's that big of an issue. I  
7 kind of like the idea of raising the bar rather  
8 than lowering it, especially as these issues get  
9 more serious.

10 MR. DOYLE: But we've got people  
11 that have traveled in and guests speakers, and  
12 that's a cost that has to be born.

13 DR. COX: We can still have the  
14 guest speakers, we simply can't vote on any  
15 business.

16 MR. CLENDENIN: Whatever the quorum  
17 is will not improve attendance. It sounds like you  
18 are trying to do two things at once, with trying to  
19 get everybody here who should be here. And that's  
20 what we all should do, but you can't adjust the  
21 quorum to make people come.

22 MR. RYAN: Well, I think if you  
23 read 5.1, "no meeting shall begin" is the way the

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1       bylaws read right now. If we don't have a quorum  
2       present, we can't begin a meeting and that includes  
3       any other items we had.

4                   DR. COX: If we can't do it  
5       legally, we do it any way.

6                   MR. RYAN: Only because we don't  
7       count well sometimes.

8                   MR. CONROY: That only happened  
9       once.

10                  MR. RYAN: Actually it's happened a  
11       couple of times. In fact, that's one of the  
12       reasons we've had problems electing new members.  
13       If you remember back, part of the problems we had  
14       was we couldn't vote on new members. That went on  
15       for two months.

16                  MS. FATHKE: Again, we've just  
17       tightened the restrictions on who is or isn't  
18       qualified to be on the board. Which means that as  
19       people drop off the board, that quorum number gets  
20       automatically lowered anyways. I think that if we  
21       just change the sentence to read -- I don't like  
22       the fact that any meeting, that we need a quorum to  
23       start a meeting. I think we need to change the

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1        wording so that our quorum definition stays the  
2        same but we can have a meeting without a quorum.

3                    MR. CLENDENIN: Business is  
4        typically not conducted or actions taken without  
5        the majority, without the quorum present. That's  
6        what that's for.

7                    MR. MILLER: She's saying keep that  
8        part, but you can still have a meeting without  
9        conducting business. It happens all the time.

10                   MR. CLENDENIN: I guess you could  
11        hear reports and presentations but could take no  
12        action.

13                   MS. FATHKE: Usually the only  
14        action we take is approving the minutes.

15                   MR. CLENDENIN: That's about true  
16        too.

17                   MR. MILLER: And that can wait until  
18        the next meeting when we do have a quorum.

19                   MR. CLENDENIN: Well, how can we get  
20        past this? Are you comfortable with the definition  
21        as it is now?

22                   MR. BRANCHFIELD: I think we have  
23        to respect the concern not being able to have a

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1 meeting if we already paid to have a consultant  
2 come down and give a briefing. So I support  
3 removing that portion of the sentence.

4 MR. CLENDENIN: Okay, everybody  
5 happy with this and we will just move on and not  
6 take any action then. Paragraph 5.2 --

7 MR. MILLER: Are we going to remove  
8 that sentence? I don't know whether you could hear  
9 me or not, Mr. Chairman, I suggested that we change  
10 the second sentence of 5.1 to read that no business  
11 shall be conducted without there first being a  
12 quorum present.

13 MR. HOOD: Is that a motion?

14 MR. MILLER: I make it as a motion.

15 MR. HOOD: Second.

16 MR. CLENDENIN: Okay, discussion?

17 Everybody in favor say aye.

18 RAB MEMBERS: Aye.

19 MR. CLENDENIN: Opposed say no.

20 Okay, everybody comfortable with that. And moving  
21 on to 5.2, Action By Restoration Advisory board  
22 currently reads, "every act or decision done or  
23 made by a majority" if the recommended change to

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1       5.1 is approved this change must also be made.

2                   MR. HOOD:   This one is null and void  
3       now.

4                   MR. CLENDENIN:   Okay, let's move on.  
5       One more.   Paragraph 6.0, Committees,  
6       recommendation, "if the committees are not needed  
7       or filled delete paragraph 6 and renumber paragraph  
8       7 to 6."   Somebody understands that, what it means,  
9       what we need there?

10                  MAYOR KIMBROUGH:   Why are we saying  
11       these committees are not needed?

12                  MR. LEVY:    The RAB has not convened  
13       them.

14                  MAYOR KIMBROUGH:   What about  
15       community relations?   We used to have one, did we  
16       not?

17                  MR. LEVY:    We understand that.   The  
18       reason it was suggested was that nobody has  
19       convened them, nobody has brought them in.

20                  MAYOR KIMBROUGH:   Why?

21                  MR. LEVY:    I don't know.

22                  MS. FATHKE:   Can you speak up, Ron  
23       we can't hear you down here.

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1                   MR. RYAN:    We do not have the  
2                   current committees filled.  There's a charter, a  
3                   membership committee and a community relation  
4                   committee.  There's been none appointed this year  
5                   and I don't believe there was any appointed last  
6                   year by the chairman.

7                   MS. FATHKE:   Does that warrant  
8                   taking them out of the bylaws though?

9                   MR. RYAN:    If not, we should fill  
10                  them.  And that's the suggestion.  Either remove  
11                  them or fill them.

12                  MAYOR KIMBROUGH:   Again, at one  
13                  time, wasn't the community relations committee made  
14                  up of members that went out in the community and  
15                  made presentations on behalf of the RAB?  Is that  
16                  who made up that committee?

17                  MR. LEVY:    That was part of what  
18                  that committee did, yes.

19                  MAYOR KIMBROUGH:   And is that not  
20                  part of the goals of the formation of the RAB just  
21                  to communicate with the citizens direct?

22                  MR. LEVY:    Yes.

23                  MAYOR KIMBROUGH:   I don't have any

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1 problems with the charter membership committee.  
2 You know, of course, other committees might, but I  
3 think that the community relations, even if it's  
4 non-existent now, could be an asset to the RAB.  
5 But if nobody wants to do that. I know Fern  
6 Thomason who is no longer on it, about three or  
7 four of them, they did go out in the communities.

8 MR. RYAN: And we certainly don't,  
9 I mean we didn't intend to say that we wanted to  
10 cut the committees off. That was either we needed  
11 to fill them or we needed to remove them from our  
12 bylaws was our only point.

13 MR. HOOD: Well, let me make a  
14 suggestion on this, take everything out except the  
15 6.1.1 which says that, "The RAB may add or delete  
16 committees as it deems appropriate." Leave that as  
17 paragraph 6 and you don't really need anything else  
18 for your constitution. That way if we need  
19 committees we add them, and if we don't fill them,  
20 it's not anywhere else except that we can have them  
21 as we need them.

22 MR. CONROY: That's all  
23 encompassing.

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1                   MR. HOOD:    I make it a motion that  
2   we take paragraph 6 and have it say the RAB may add  
3   or delete committees as it deems appropriate and  
4   delete everything else.

5                   DR. COX:    Second.

6                   MR. CLENDENIN:  Discussion?  
7   Everybody in favor of that say aye.

8                   RAB MEMBERS:  Aye.

9                   MR. CLENDENIN:  Any opposed say no.  
10   Is that the last one on the amendments?

11                   MR. RYAN:    I think so.

12                   MR. LEVY:    There's only one other  
13   thing add a line in there on the date it was  
14   amended.

15                   MR. CLENDENIN:  Okay anything else  
16   on the bylaws?  We're ready to move on.

17                   Reply regarding definitions of passive  
18   recreation.  You have copies of the replies in your  
19   packet.  Who is going to speak on this?

20                   MR. RYAN:    I will.  Mr. Conroy  
21   asked that we provide some information and Brenda  
22   sent this out on November the 20th.  This was a  
23   definition of passive recreation.  And just in case

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1       someone did not get that, we wanted to make sure  
2       there was a copy in here tonight.

3                   MR. CLENDENIN: All right. Any  
4       questions, any concerns? Okay, reply regarding  
5       Army's decision --

6                   MR. CONROY: Monty, one quick  
7       question. With regards to the definition of  
8       passive recreation, before the national wildlife  
9       refuge had been authorized, I had operated under  
10      the assumption that the Charlie area would be  
11      cleaned to passive recreation standard. And now  
12      since that authorization language, I now understood  
13      there could be another standard that's called fish  
14      and wildlife or something along those lines. And I  
15      would like a clarification in terms of which it is.  
16      If it's passive recreation, my understanding is  
17      that's surface to six inches, and if it's fish and  
18      wildlife then it's surface only. Anyone here to  
19      talk about that?

20                  MR. RYAN: Well, obviously we're  
21      still working the Charlie area EE/CA which  
22      encompasses fish and wildlife. So I would hesitate  
23      to say we've made any decisions on that. We're

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1 looking at recommendations. And I don't think  
2 there is anything been pulled together on it. In  
3 fact, we're still talking with fish and wildlife on  
4 the transfers.

5 MR. CONROY: Again, I've been  
6 engaged in those conversations with Fish and  
7 Wildlife Service, and that's something that, of  
8 course the sooner we have an answer to that, the  
9 sooner Fish and Wildlife Service can respond when  
10 they are asked, well what do you want to do with  
11 this land?

12 MR. RYAN: Sure.

13 MR. CONROY: Any expectations in  
14 terms of when that might come around the corner?

15 MR. RYAN: Actually we are going to  
16 meet with them again this month and we're  
17 continuing to meet with them. Obviously I don't  
18 know the answer to it. We're still working, like I  
19 say, on the Charlie area EE/CA itself. So no  
20 recommendations by the Army in total on that  
21 Charlie area EE/CA, and we're still discussing with  
22 fish and wildlife on the cleanup.

23 MR. CONROY: So dependent upon Fish

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1 and Wildlife Service use, the depth of clearance  
2 may change?

3 MR. RYAN: Oh, sure, I think that's  
4 always been the case. They have asked for things  
5 that are fire breaks and roads and visitor center,  
6 so those are all different uses in that fish and  
7 wildlife area.

8 MR. CONROY: I apologize if some of  
9 these questions are redundant, because we talk  
10 about them periodically. But thanks.

11 MR. RYAN: No problem.

12 MR. CLENDENIN: Anything else on  
13 that issue? Reply regarding Army's decision to  
14 fill area northwest of Reilly Airfield. Who will  
15 speak to that?

16 MR. RYAN: I will. Major Kimbrough  
17 asked the question at the last RAB meeting about  
18 Reilly field, it's a particular parcel, it was a  
19 northwest Reilly Army Airfield, and it was a fill  
20 area. The reason we had to come back and look at  
21 that is we weren't sure exactly which one it was  
22 and we clarified we knew which one we were all  
23 discussing. And I provided everyone a copy of the

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1 letter that went to Mayor Kimbrough.

2 And the question was was this  
3 investigated in a UXO EE/CA, and it was not. It  
4 was a landfill EE/CA because that particular  
5 landfill was not in a fan or range area, so there  
6 was no part of that with the UXO. The munitions  
7 that were found, and these were training munitions  
8 were found in the investigation of the landfill and  
9 they are being addressed in the landfill itself.  
10 The letter goes ahead and lays out some explanation  
11 of unexploded ordnance and munitions and training  
12 munitions.

13 MAYOR KIMBROUGH: What's the date  
14 on this letter?

15 MR. RYAN: Actually it's today,  
16 Mayor, unfortunately.

17 MAYOR KIMBROUGH: Because I knew I  
18 had not seen it.

19 MR. RYAN: No, sir, you had not.  
20 You had not. I actually said I would provide you  
21 an answer. I unfortunately didn't get you one  
22 provided until tonight. I apologize for that.

23 MAYOR KIMBROUGH: Part of my

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1 question was and belief that that was identified as  
2 not passive but active recreational area. And I  
3 think I asked one thing about unexploded ordnance,  
4 which I've read this briefly, and I understand the  
5 difference between practice rounds and other  
6 things. My concern was that if there is a  
7 possibility of even a slight explosion in this  
8 active recreation where children and families are  
9 going to be involved in there and they found these,  
10 am I to assume that they were found only by a  
11 sampling and there wasn't an extensive research  
12 done in that area?

13 MR. RYAN: All fill areas generally  
14 are considered to have possibly had munitions. I  
15 mean it is a fill area, and one of the problems has  
16 always been you are never sure what's in there.

17 MAYOR KIMBROUGH: What would  
18 further action consist of if they recommend it? To  
19 do further research to see if there was more  
20 explosive there or actual removal?

21 MR. RYAN: Actually do nothing and  
22 to restrict it to no digging. No intrusive action.

23 MAYOR KIMBROUGH: Like I say, my

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1 concern is that children or family or something,  
2 even though they are, got corks in them and  
3 explosives, you know, that can injure somebody, not  
4 blow them up, but it can injure somebody. And that  
5 was my concern and my question on that with it  
6 being active recreation. I've still got concerns.  
7 From your answer, there shouldn't be one, but from  
8 your answer on the grenades.

9 MR. RYAN: They are five to ten  
10 foot in depth.

11 MAYOR KIMBROUGH: Simulated fuse, a  
12 special fuse and be inserted in the top hole and a  
13 small charge can be inserted. There's a  
14 possibility that any of those grenades could still  
15 have those fuses in there.

16 MR. RYAN: I would say there's  
17 always a possibility they were not removed.

18 MAYOR KIMBROUGH: That's where my  
19 question is coming from. All right, thank you.

20 MR. CLENDENIN: Any other old  
21 business? Let's move on to number five, new  
22 business. Agency reports, Philip, are you going to  
23 do ADEM?

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1                   MR. STROUD:    Yeah, I just want to  
2                   say something about EPA, I know they are not here.  
3                   I looked through here and it looked like Doyle  
4                   Brittain had sent in a little work he's been doing,  
5                   I think twelve items and there's this little note  
6                   back here from him.    I'm going to pass this out.  
7                   This is ADEM documents for review.   However, I have  
8                   on here a lot of our correspondence that say "no  
9                   review necessary."   That doesn't mean we haven't  
10                  reviewed it.   It's just things we are not going to  
11                  correspond back necessarily, maybe a replacement  
12                  page or something like that.

13                 This will get smaller after this.   I just  
14                 want to let you all see some of the documents  
15                 coming through, and this is not all of them.   This  
16                 comes just a little bit after, this is after our  
17                 last meeting we had.   And just to let you know in  
18                 2002 we had a hundred and ninety-seven  
19                 correspondence.   If you divide that out and  
20                 subtract all the days for vacation and whatnot, it  
21                 comes out to about approaching nine reports a day  
22                 we're receiving.

23                 I've broken this down into pending, and

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1       then you'll see some pendings with initials beside  
2       it. They are actually being reviewed and they are  
3       probably about fourteen or fifteen or more reports  
4       that are on the eve of coming out right now.

5       That's through other help, and I've got several of  
6       these pendings taken care of. We're approaching  
7       catch up.

8               We have been working extensively on UXO  
9       comments and review for the M-101 area. Tract two,  
10      tract three and the FOST and the Alpha EE/CA. And  
11      I guess the rest is self explanatory. There is one  
12      report in here that's being reviewed by the Alabama  
13      Health Department. And that was the radiologic  
14      historical assessment of Pelham Range. And they  
15      traditionally work with anything radiological. But  
16      if you have any questions, ask me, and I'll sure  
17      get you the answers from the fellows at the health  
18      department, or you can call them directly. And any  
19      of these where we are saying "no review necessary"  
20      all these things are for the public, and if you  
21      need them you can get them through a file review,  
22      any questions?

23              DR. COX:    Say that again about how

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1       you can get them.

2                   MR. STROUD:    You request a file  
3       review.  Come down to ADEM and you can get any of  
4       these correspondences at any time.

5                   MR. CLENDENIN:  Okay, any other  
6       questions for Phil?  The JPA report, Ms. Miki.

7                   MS. SCHNEIDER:  Thank you, sir.  On,  
8       at the JPA board meeting in December, the board  
9       voted unanimously to pursue early transfer and  
10      privatization cleanup at McClellan.  We sent a  
11      letter to the Army, Mr. Fatts, (phonetic) and as a  
12      result of that correspondence the Army and the JPA  
13      will hold our first kick-off meeting toward the  
14      early transfer January 23rd.  There will be a staff  
15      working meeting with just the staff of Army and the  
16      JPA will sit down and work through the issues and  
17      time lines and that kind of thing.

18                  Also at that meeting the JPA board  
19      approved for us to begin negotiations with a  
20      conservation group for the gray bat habitat at  
21      McClellan.  You have all seen maps of the habitat,  
22      I don't see one in here now, that identifies the  
23      location of the feeding area for the gray bat.  And

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1 we are looking at making those, it's like a hand  
2 kind of placed over the top of McClellan with these  
3 fingers, and we're taking all of the fingers and  
4 identifying them through survey work and giving a  
5 conservation easement to a nonprofit group so those  
6 will be protected in perpetuity from building and  
7 construction.

8 We're real excited about this because it  
9 also creates some corridors, some open space  
10 corridors that will be there, it will back up to  
11 development, it will back up next to it, but it  
12 will be protected.

13 DR. COX: What's the group?

14 MS. SCHNEIDER: Choccolocco Open  
15 Land Trust. And lastly we also have hired a group  
16 called Design Works out of Charleston, South  
17 Carolina. They are currently working on a military  
18 base in Myrtle Beach, an air force base, and they  
19 have started working with us on some specific  
20 design issues. Infrastructure is a big issue at  
21 McClellan as we begin to look at storm water  
22 management and sewer and water, Mr. Miller. We are  
23 looking at having them take a look at

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1       infrastructure comprehensively and where we need to  
2       put our dollars to best serve the future  
3       infrastructure needs here.

4               They will also be doing design work.  
5       When you say an area is commercial or you say an  
6       area is residential, how is that going to look?  
7       And they are actually going in and drawing  
8       elevations of how a commercial section over here in  
9       the historic warehouse area should look. How the  
10      streets should interact once that area is  
11      commercialized, where parking should be, what trees  
12      and landscaping should be saved in a particular  
13      area. And they are coordinating with the buildings  
14      that we have obviously sold here as well. I think  
15      that's about it.

16               MR. CLENDENIN: Any questions to  
17      Miki? Thank you, ma'am. TRC report, Craig, are  
18      you doing that?

19               MR. BRANCHFIELD: I have nothing to  
20      report.

21               MR. CONROY: I could probably  
22      report on that by virtue of the trip that you all  
23      allowed for me to go on to Monterey, California.

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1 MR. LEVY: You took that?

2 MR. CONROY: Yeah, and first I just  
3 want to say thank you very much. I will start by  
4 saying my hotel room looked over Monterey Bay, and  
5 as I checked in on the first night, a sea otter and  
6 sea lion were screaming and hollering and it was a  
7 beautiful thing. And I went to Monterey Bay  
8 Aquarium on the time off.

9 But really there was a lot of work  
10 engaged and involved in this meeting. And it was a  
11 UXO basic training course, and I would like to pass  
12 that around so you all get a sense of what this was  
13 all about. And I learned an awful lot about  
14 unexploded ordnance and the vocabulary was one of  
15 the things that was of interest to me. And I  
16 learned more than anything that this UXO piece is a  
17 challenge for the Army and the communities that  
18 have been plagued by it.

19 And I learned good news that RABs  
20 sometimes can be very effective. But there was a  
21 disturbing report out of the Fort Ford RAB, and  
22 there was a fellow there representing the former  
23 Fort Ford RAB, and he claims that when the RAB

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1 started to ask the tough questions, the RAB was  
2 actually disbarred and it was shut down. And so he  
3 asked me in challenge, what are the tough questions  
4 that you all have been asking. And I said I had to  
5 admit at this stage of the game it was hard to ask  
6 the tough questions, because, you know, the EE/CA  
7 work really having just getting started. And I was  
8 challenged to get the Alpha area EE/CA.

9 And for those of you all who are new here  
10 tonight, Dwight, Cheryl and Jim, this Alpha area  
11 EE/CA has been looming now since, I guess, what,  
12 March, April of last year is when we first started  
13 asking about it. And we still haven't been able to  
14 get a copy. And I have all the respect in the  
15 world for the folks who are producing this, because  
16 there are a lot of i's to be dotted and a lot of  
17 t's to be crossed. But it has been shared with  
18 federal and state agencies. And we've waited long  
19 enough, and so I kind of did everything I could to  
20 learn more about this Alpha area EE/CA.

21 And remember that ADEM has said that  
22 their documents when produced would be public  
23 documents. And although it may have made some of

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1 the folks at ADEM a little bit uncomfortable, above  
2 your level, Philip, I went ahead and got a copy of  
3 the letter written by ADEM asking the tough  
4 questions that frankly we may not be trained to ask  
5 just at this stage. And this is it right here. If  
6 you want to pass that around, I think this will  
7 help us in identifying the tough questions that we  
8 need to be asking as we move forward toward this  
9 unexploded ordnance cleanup.

10 And I guess, for one, being a strong  
11 supporter of the national wildlife refuge, I kind  
12 of don't want there to be unexploded ordnance  
13 issues. Because the more we have a clean base, and  
14 as a JPA member, the more we have a clean base, the  
15 faster we can move forward in reusing it, creating  
16 jobs, and getting tourists out there to take a look  
17 at this national wildlife refuge. But people can  
18 die when an unexploded ordnance is met by them. So  
19 I have recommitted myself to take this as seriously  
20 as I possibly could.

21 This letter that is going around may  
22 still not make a lot of sense to a lot of you all.  
23 And I was going to ask Philip tonight, and I hope

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1       this doesn't put you in too much of an  
2       uncomfortable position, to help us understand what  
3       you believe the tough questions to be that you are  
4       asking. And in some ways it's okay that we haven't  
5       seen -- no, let me put that personally, it's okay  
6       that I haven't seen the Alpha area EE/CA because I  
7       probably wouldn't understand half of what I was  
8       looking at anyway. But for the trained eyes of  
9       ADEM to ask these tough questions seems appropriate  
10      that we even ask ADEM to tell us what you meant by  
11      asking these questions.

12               When I was in California I was also asked  
13      and challenged to ask questions regarding how valid  
14      unexploded ordnance characterization has been here  
15      at Fort McClellan up to this point. And so this is  
16      something I really would like to focus in on. And  
17      I was also challenged to ask questions regarding  
18      the models that have been used in characterizing  
19      UXO here. And there are obviously lots of  
20      follow-up questions, but Philip, if you don't mind  
21      helping us to understand what this letter says and  
22      if you can identify maybe a high point here or  
23      there.

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1                   MR. STROUD: These are the ADEM  
2 review comments for the draft final engineering  
3 EE/CA redevelopment area. A letter went out  
4 December 13th, 2002. This was stamped and put into  
5 ADEM files. It is for public review. If anybody  
6 came down they could also get this. I want to take  
7 a first shot, there's a total of over seventy  
8 questions here.

9                   MR. CONROY: And we don't want to  
10 review seventy questions.

11                  MR. STROUD: The gist of the  
12 questions are going to evolve around depth to  
13 clearance. We are asking the Army for a lot of  
14 information to help us validate these questions  
15 even further, and that's still pending. We are  
16 receiving some right now. We're looking at it.  
17 The models you were referring to such as the OERIA,  
18 I had the chance of going to unexploded ordnance  
19 and have a lot of contacts with the unexploded  
20 ordnance realm discussing OERIA, and also, I don't  
21 have my subcontractor here tonight to explain it in  
22 detail. But the OERIA process we're requesting a  
23 look at further.

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1           Also we are questioning one of their,  
2           apparently in here it is brought up several times  
3           where we're questioning the UXO calculator. And  
4           that's a fair question. We had been questioning  
5           all along about the UXO calculator and their using  
6           it for the Alpha. And what we're trying to do is  
7           see, we're going to try to validate it and see if  
8           it does work and see if it's a real good tool that  
9           carries over to the OERIA process.

10          But depth to clearance is also one of them  
11          apparently we're asking through here. And that's  
12          are they using whites or are they using some other  
13          methods like M61 depth to clearance. And when it  
14          comes down to turning over the property, are we  
15          going to satisfy the Joint Powers Authority saying,  
16          you know, we didn't find any UXO but using the  
17          whites, is there anything greater than one foot  
18          depth, was it an impact area. So there are a lot  
19          of questions related to that in here, depth to  
20          clearance.

21          During a session out west that I went to,  
22          I mean, when I say out west, it was down in  
23          Orlando, and also I have been to several other UXO

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1 conferences out west and other places too that have  
2 been questioning the use of certain risk models.  
3 And what I'm trying to get a grasp on is what other  
4 models are out there, are we really using the right  
5 model, can we upgrade this model to do a little bit  
6 better. And a lot of models are based on a variety  
7 of things like quantitative and qualitative. The  
8 more qualitative you are in this, the better your  
9 answer is, in my opinion. The less qualitative the  
10 more quantitative it is -- I mean, don't want to  
11 get that backwards. The more qualitative it is,  
12 the less value of it. The more quantitative it is,  
13 the more value that's added to it. And that's what  
14 I got out of a lot of these meetings. And so we're  
15 asking that.

16           These are very fair questions and I'm  
17 sure we'll get some good answers out of it. But  
18 validation is real important in this. And the Army  
19 is getting together a lot of information for us so  
20 we can go through and understand that validation  
21 process. And once we see that then we can make our  
22 decision that yes, it's a good job or not, or does  
23 it need to be tweaked some. I don't know the

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1       answer to that yet. So these questions are still  
2       out. I'm sure the Army can't answer any of these  
3       questions right now to my knowledge. Unless you  
4       want to take a shot at any of them. But, does that  
5       help? I'm just trying to thumb through and find a  
6       couple of more things.

7                       MR. CONROY: That helps. And what  
8       I'm taking away from this is, right or wrong, our  
9       state environmental agency has serious questions as  
10      to how valid the characterizations has been in  
11      assessing unexploded ordnance. And when our state  
12      agency has questions like that, the thought is that  
13      maybe we should know. And the sooner we have these  
14      questions in our hands, the sooner we can  
15      determine, with help from others, as to whether or  
16      not they are good questions or questions that can  
17      be answered.

18                     MR. RYAN: Okay, let me just address  
19      that. We provided the Alpha area EE/CA in a draft  
20      format to ADEM for review. We received these  
21      comments sometime after the 13th, and we're  
22      preparing a response. The reason you do not have  
23      the Alpha area EE/CA is we have not addressed these

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1        comments. That's the reason we provided to it ADEM  
2        to see what their concerns were. Once we have  
3        addressed those comments and we go final with the  
4        Alpha area EE/CA, you will be provided it.

5                DR. COX: So, to be clear on this,  
6        we don't get the drafts, we only get the finals?

7                MR. RYAN: We first take them to  
8        EPA and ADEM in the case of UXO only to ADEM  
9        because EPA no longer deals with UXO, and we ask  
10       them to review what we have provided in a draft  
11       format, give us their responses, and then we sit  
12       down with them and work out did we misstate  
13       something or did you not understand how we prepared  
14       something, do we need to clarify it before we go  
15       out with a final product that says we have agreed  
16       EPA and ADEM and the Army.

17               DR. COX: And just one question,  
18       what happens if the Army and ADEM don't agree?  
19       Refresh me, what's the procedure there?

20               MR. RYAN: We will take their  
21       comments, we will respond. If they do not agree  
22       with our responses, it will be an unresolved  
23       comment. All of these documents will be a part of

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1 the public record.

2 MAYOR KIMBROUGH: Let me ask a  
3 question. Under your manual Restoration Advisory  
4 board Guidelines, F53, of course it says as a  
5 general rule all draft and final documents  
6 delivered to regulators should be distributed to  
7 the RAB. Now, do I understand what you said is we  
8 are only getting the final documents and we are not  
9 being provided the drafts?

10 MR. LEVY: Actually you are getting  
11 draft documents.

12 MR. RYAN: You have gotten some  
13 drafts. But we have come to this one, this is the  
14 first UXO EE/CA we produced, and we went to it  
15 first with ADEM to try to resolve any comments.

16 MR. LEVY: There is a public  
17 participation process, obviously, in what we do.  
18 And that's what we've been doing with all the  
19 documents. We do deal with the regulatory agencies  
20 on review of these documents, we've been doing it  
21 for a long time. And when a document comes out  
22 before a decision is made it goes, where we're  
23 trying to choose a remedy or choose an action, it

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1 does go out to the public. So the document is  
2 still in a draft then too. We don't finalize a  
3 document until we get public opinion. So the draft  
4 document, like in the case of the landfill EE/CA,  
5 that was a draft document. It did come to you all  
6 as well. So we are following those guidelines.

7 MR. RYAN: But my statement was  
8 incorrect what I said was a final document, I  
9 should have said final draft. Because as ADEM will  
10 tell you, we deal with draft, draft final. I'm  
11 like Philip now, I can't state that correctly.  
12 Philip can you state that?

13 MR. STROUD: Draft, draft final,  
14 probably go to a revised draft final one, two,  
15 three. It depends. Now the drafts, you'll see  
16 them in here and you'll see finals. Again, when we  
17 get them, they are stamped and they are put in the  
18 file. So there is a process to get these things.  
19 I cannot deny a report when it comes in. It goes  
20 straight to the files and is open for public  
21 review.

22 DR. COX: You mentioned earlier,  
23 did you not, that all the documents at ADEM were

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1       available to the public?

2                   MR. STROUD:    Yes.

3                   DR. COX:     So therefore if the Army  
4       sends you something to review, then that document  
5       is reviewed and goes to the public?

6                   MR. STROUD:   It goes to the file.

7                   DR. COX:     If somebody wanted to go  
8       to the trouble, they could go down and get a copy  
9       of it?

10                  MR. STROUD:   Come down and file  
11       review, request it, and they should have it.

12                  MR. CONROY:    And that's essentially  
13       how I got these.

14                  MR. LEVY:     But my point is the Army  
15       is not trying to withhold any documents from  
16       anybody.  We are trying to resolve internal  
17       comments from the regulatory agencies, because  
18       there is a public piece to this process, and when  
19       that public piece comes up, the Army provides those  
20       documents so that you can review them.

21                  MR. CONROY:   We have all the faith  
22       in you all personally.  And I should say that I do.  
23       Over a period of time there continue to be trust

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1 issues relating to, you all know the list as well  
2 as I do, VX, TCE, and over the weekend we learned  
3 PCB and UXO is a part of this alphabet soup of  
4 contamination.

5 And again, what I learned when I was at  
6 this meeting is that we need to get as much  
7 information as soon as we can get information to  
8 evaluate it, because although there is a public  
9 participation process, it sometimes doesn't work as  
10 well as the public would like to see it work. In  
11 fairness to you all, again, you all have done a  
12 great job. And we're just looking to get  
13 information -- I'm looking for ways to get  
14 information to help us evaluate just as soon as  
15 possible because the clock is ticking with the JPA.

16 MR. LEVY: I do want to point out  
17 something about this process, because the Army  
18 doesn't go this alone. We are with the regulatory  
19 agencies hand in hand. The plans for Alpha, work  
20 plans or Alpha and even the OERIA model were  
21 presented to the regulatory agencies. They did  
22 concur with the plan and did concur with the model.  
23 So this is not new.

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1                   It's kind of here we are now we're  
2           bringing into question things that were already  
3           agreed to up front. I understand we look at things  
4           all the time and review them all the time. But  
5           just understand that the Army does not go this  
6           alone. That's why they formed BRAC cleanup team.  
7           We sit on a monthly basis and before anybody puts a  
8           shovel in the soil we go through these work plans.  
9           We agree to what it is we're going to do before we  
10          even do it. Or we attempt to come to agreement.  
11          And there may be some occasions where we may  
12          disagree. But we try to follow what the law  
13          requires.

14                   DR. COX: Here again, what happens  
15          if you disagree in the instance you just gave?

16                   MR. LEVY: In all cases we try to  
17          resolve before we move forward. We try to resolve,  
18          and it doesn't always happen.

19                   DR. COX: That's my question, what  
20          happens if it isn't solved before you move forward?

21                   MR. LEVY: From our perspective, I  
22          generally, BCT level where we're at, if there's a  
23          disagreement, we'll push it forward to a higher

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1 level and see whether or not they can come to an  
2 agreement at that higher level. So I may push it  
3 to Glynn or higher. Generally we're moving forward  
4 and we try to do everything at the lowest level to  
5 agree where we're going.

6 MR. CLENDENIN: Any other questions?  
7 Does that help clarify some? Okay. The action  
8 summary sheet that was in your mail out or e-mail.  
9 Any questions or comments about that and who will  
10 make this report?

11 MR. LEVY: That's mine. And I'll  
12 just briefly go over for the new members so that  
13 they know. We've got essentially two programs at  
14 Fort McClellan, one is the UXO program we're  
15 looking at characterization and clean up of  
16 unexploded ordnance. And then we've got what we  
17 call an HTRW, which is a basic term, hazardous  
18 toxic radiological waste. So it's essentially all  
19 the other types of contaminant. This then is the  
20 areas we're looking at in our UXO program. It  
21 covers just a block of property that when we  
22 originally started down this path we were told from  
23 a JPA standpoint, because this is how we want to

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1       try to acquire the property. This being for  
2       industrial, Alpha was a priority. This being where  
3       the refuge area was supposed to be, and this being  
4       kind of like the third priority. And this, the  
5       Eastern Bypass actually turned out to be the number  
6       one priority. So these are our investigative  
7       areas. Eastern Bypass, Bravo, Charlie, Alpha.  
8       When you hear those terms, Jim and Cheryl, you know  
9       those are the areas that we are looking at.

10               And then, I don't think I've got a map  
11       here showing the various sites from a HTRW  
12       standpoint. There are lots of sites across the  
13       installation where we've got a history of activity.  
14       It could have been a maintenance operation, I don't  
15       know, it could have been some sort of chemical  
16       training, decontamination. We're seeing  
17       groundwater contamination, and if you look up here  
18       you'll see various areas on the map. Those are  
19       really the two programs.

20               One of the big programs is the landfill  
21       EE/CA, and then we've got a separate remedial  
22       investigation going on on landfill three. This  
23       piece up here is landfill three. It's directly

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1 adjacent to Highway 21. There's two different  
2 things going on at landfill three. We're doing an  
3 EE/CA that encompasses all the fill areas to  
4 include landfill three. And the remedies or the  
5 actions we're going to take in association, a lot  
6 of you heard about that landfill EE/CA and you can  
7 see these are all the various fill areas that we're  
8 looking at. So we're looking at the landfill EE/CA  
9 from the aspect of what we're going to do with all  
10 those fill areas and then we're looking at the  
11 groundwater issue, because we have a known  
12 groundwater contamination associated with landfill  
13 three.

14 That's being done as a separate RI. The  
15 BRAC cleanup team, you'll hear the BCT, BRAC  
16 cleanup team, it consist of myself, Philip from  
17 ADEM, and Doyle Brittain from EPA, we meet on a  
18 monthly basis. We have been looking at the ongoing  
19 investigation for the landfill, landfill three for  
20 groundwater investigation. What we've determined  
21 at this point is that we think we've got the  
22 contamination boundaries at the east and the west  
23 and in the south to some extent. We've got some

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1 more work actually going on there too. Going north  
2 we still have a piece we need to nail down in terms  
3 of what might be happening up there. So there are  
4 ten additional wells that we are going to be  
5 putting in to try to do a better job of bounding  
6 that and looking where that contamination might be  
7 going towards the north. So what you see in the  
8 first one is a little discussion about landfill  
9 three and what we're doing there.

10 DR. COX: Where will the wells be  
11 Ron, on the map?

12 MR. LEVY: Gosh, we've showed it  
13 before and off the top of my head I really can't  
14 tell you. But some of those will be right off of  
15 the fill area here, and some will be in the median  
16 of Highway 21 and some are going to be in private  
17 property on the other side of 21. There are ten  
18 additional wells that we are putting in.

19 MAYOR KIMBROUGH: How far north are  
20 you going to go?

21 MR. LEVY: How about it, Josh?

22 MR. JENKINS: We're going just to  
23 the north side, you see up there on that map where

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1 the edge of the green is, we're going just a little  
2 north of that. There is an east-west trending  
3 boundaries, northern part, just to the north of  
4 that at this point in time.

5 MS. FATHKE: Ron, how does anybody  
6 decide where these wells are going to go?

7 MR. LEVY: We've got some very  
8 talented geologists and hydrogeologists that look  
9 at the terrain and look at the groundwater and look  
10 at all sorts of stuff and we've had between EPA and  
11 Shaw, our contractor, we put the wells where they  
12 think is best suited to capture migration. So,  
13 Josh can probably talk to you more in depth, but  
14 there is actually a groundwater subcommittee with  
15 the BCT that discusses this. Josh is one of the  
16 talented geologists.

17 MR. CONROY: This will bring us up  
18 to thirty-one?

19 MR. LEVY: That's pretty good. I  
20 mean, across the installation, we've got hundreds  
21 of wells.

22 MR. CONROY: Right but that's on  
23 landfill three?

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1                   MR. LEVY:    Now, the other part that  
2                   I essentially want to go over is the Alpha, Bravo,  
3                   and Charlie, just so you know, all the field work  
4                   has been completed in those investigative areas,  
5                   we've really just completed the field work in  
6                   Charlie.  It's been done since September, it's been  
7                   going back and forth.  But for the Alpha area you  
8                   heard Philip say that they provided comments and  
9                   we're looking at those comments now.  We're trying  
10                  to get through those comments now.  Can't give you  
11                  any particular date in terms of when we'll get that  
12                  completed.  Bravo we are, we've finished the field  
13                  work.  We're trying to prepare a report.  Don't  
14                  know when that report is going to come out, but  
15                  March sometime.

16                 MAYOR KIMBROUGH:  Ron, your clean up  
17                  on your EE/CAS are still being based on a 2000 plan  
18                  that was submitted, is that correct, from the JPA?

19                 MR. LEVY:    The reuse plan that was  
20                  -- yeah, the reuse plan was part of the application  
21                  that came --

22                 MAYOR KIMBROUGH:  So it was '97 but  
23                  it was submitted in 2000 I believe?

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1 MR. LEVY: I believe that's correct.

2 MS. SCHNEIDER: And when are y'all  
3 going to respond to the time line on the landfill  
4 EE/CA comments?

5 MR. LEVY: We are still shooting for  
6 the first of March around March.

7 Okay, so essentially what you see on the  
8 sheet is the status, and a lot of this -- and,  
9 again, those reports will go through the regulatory  
10 agencies first are still being generated. You've  
11 got to understand there is a lot of work and there  
12 are a lot of folks involved in reviewing those  
13 things. There is QA analysis, quality assurance  
14 analysis, the corps wants to make sure that what  
15 comes out on those documents are the best data and  
16 written properly.

17 There's another piece I failed to  
18 mention, this brown piece is called M-101. It's  
19 hard to explain how we got to that piece. It is  
20 being handled separately. We have in fact done a  
21 clearance in there. That report has been provided  
22 to ADEM, and I think we're supposed to start  
23 getting --

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1                   MR. STROUD: Comments have been  
2 signed and they should be in your hands January  
3 6th.(sic)

4                   MR. LEVY: And then the Eastern  
5 Bypass, this right here, and again we base our  
6 clearance on historical information on where ranges  
7 were and where we shot and what we know of might  
8 have been on the ground. So this part down here,  
9 there is no history of any ordnance used on top of  
10 the bypass. In fact, it's already been  
11 transferred. This part here, we've had significant  
12 use, and we knew there was significant ordnance in  
13 there. See, the red areas in here, when we first  
14 went down this path the department of  
15 transportation said we need this, you see it's sort  
16 of the brownish color and purple. And then they  
17 came back later on and said well, our design wasn't  
18 correct, we need the rest of this in here. So we  
19 had to go back and pick that up and do clearance on  
20 that as well. We are still working in this area  
21 here, doing mechanical clearance, you've probably  
22 all heard that. We're moving along on that.  
23 Hopefully we'll get finished with the mechanical

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1 clearance on that at the end of the month. That's  
2 the status of the UXO work going on.

3 The landfill EE/CA, you asked the  
4 question, again that's been out for public comment  
5 and we've got comments from the regulatory agencies  
6 and the public and we're still addressing those  
7 comments. And then there's some FOSTs that are  
8 out. Cheryl and Jim, a FOST is a finding  
9 suitability to transfer.

10 MS. FATHKE: You keep forgetting  
11 Dwight.

12 MR. LEVY: Dwight has been with us.  
13 He's been coming to the meetings. And there is a  
14 requirement for the Army to document the property  
15 is suitable for transfer. Those are separate  
16 documents that might have, you know, a lot of  
17 different sites that have been cleaned up or at a  
18 point where they are ready to be transferred for  
19 whatever reason. So it may be a piece of property  
20 and we've got one for this property, for this one  
21 right up here, this what we call tract two.  
22 Anyways, it's presented to the regulatory agencies,  
23 it's also opened up for public comment. We believe

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1 the FOST is suitable for transfer. We take any  
2 unresolved comments and attach those to the FOST.  
3 We try to resolve all the comments, but those that  
4 are not are attached to the FOST and then we'll  
5 start the real estate action to deed and actual  
6 property transfer.

7 As you can see, you've got a FOST two  
8 that's out there, we've got Eastern Bypass tract  
9 two and the western portion of tract three which is  
10 this and this. This is critical to open up  
11 Summerall Gate Road. So we are working to get that  
12 transferred.

13 And then you've got another FOST called  
14 Super FOST Three, and it's a conglomerate of about  
15 fifty-four acres, and sites that kind of got left  
16 out of transfers because we were still doing  
17 investigation. So it's kind of a spattering of  
18 sites in here without trying to be real specific on  
19 that. And then there is also some information  
20 about deeds that we're working on. I don't know if  
21 I can answer any questions about that.

22 Also on that sheet is the status of what  
23 we've got locally here contractual support from

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1 Shaw and Foster Wheeler and the corps of engineers  
2 focus on the site that are actually doing the work  
3 and our typical safety warning and concern about  
4 people roaming around on posted areas and areas  
5 that have been cordoned off without considering the  
6 impacts of that.

7 MR. CLENDENIN: Any questions for  
8 Ron on this report?

9 MR. LEVY: I won't do it like that  
10 again. Only because Jim and Cheryl.

11 MR. CLENDENIN: Let's move along.  
12 Update on the TAPP contract hours.

13 MR. LEVY: I'll do that. It was  
14 originally started with five hundred hours for the  
15 November-December time frame. Ron Grant who is our  
16 TAPP contractor billed us for three point five.  
17 Overall what presently is left in terms of the  
18 number of hours in his contract is four hundred and  
19 forty-eight. Four hundred and forty-eight and a  
20 quarter hours left for use. He bills at a fifty  
21 dollar per hour rate. And that's cheap.

22 MR. CLENDENIN: Any comments on  
23 that? Ron, would you like to say anything?

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1 MR. GRANT: Did Ron say I was cheap?

2 MS. SCHNEIDER: Will he review the  
3 UXO documents for the RAB?

4 MR. LEVY: Certainly that's up to  
5 the RAB. When they become public documents -- what  
6 do you mean by review? He will --

7 MS. SCHNEIDER: Just like he did the  
8 landfill EE/CA.

9 MR. LEVY: Yeah, at the pleasure of  
10 the RAB, I'm sure that's what he'll do. The intent  
11 of his contract is to be able to explain, you know,  
12 he's a technical assistance person. So he is to be  
13 able to explain really what's been said to put it  
14 simply in that document to you all.

15 MR. CLENDENIN: Okay. Anything  
16 else?

17 MR. RYAN: I have one thing, Dwight  
18 had asked that he be able to present a groundwater  
19 study, and, Dwight, to the RAB meeting and I  
20 understand that you are going to be giving it to  
21 your city council meeting tomorrow night?

22 MR. MITCHELL: No, sir. The  
23 contractor or geologist will be presenting it, and

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1 I was requesting to share the information with the  
2 RAB. And that information will be presented  
3 tomorrow night.

4 MR. RYAN: The meeting is open to  
5 the RAB meetings who would like to attend?

6 MR. MITCHELL: I'm sure the mayor  
7 wouldn't mind at all.

8 MR. RYAN: That's tomorrow night.  
9 We can ask questions, right? Dwight you intended  
10 for Ben maybe to come in and present it here or  
11 just bring some paperwork. I'm assuming if the RAB  
12 members would like to have that presented at the  
13 next RAB meeting we can certainly ask that Dwight  
14 or his contractor do that.

15 MR. MITCHELL: He had intended to do  
16 that if we could get on the agenda, yes.

17 MR. CLENDENIN: For the next  
18 meeting?

19 MR. MITCHELL: At the next meeting  
20 in February.

21 MR. RYAN: That's entirely up to  
22 the members of the RAB.

23 MR. CLENDENIN: Would you like to

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1       see that happen, to hear that report next month?  
2       Everybody in favor?

3                     MS. FATHKE:   Yes.

4                     MAYOR KIMBROUGH:  I have a question  
5       concerning that.  It's overall procedures that are  
6       used by this RAB.  And my first question is who  
7       sets the agenda for the RAB?

8                     MR. RYAN:  Well, Ron and I and the  
9       RAB members themselves.  If they have anything like  
10      the letter the information you requested or Pete  
11      requested.  We certainly take any agenda items you  
12      have.  We would ask that they be pertinent to the  
13      RAB business itself on the installation.

14                    MAYOR KIMBROUGH:  Okay, I've got  
15      several questions that I would like to ask  
16      concerning that.  Maybe, I don't think I  
17      misunderstand this.  But we received a  
18      communication from your office when we requested  
19      that, that you required a pre-briefing for each  
20      program that's presented to the RAB.  Is that  
21      policy of this RAB?

22                    MR. RYAN:  We require our  
23      contractors to pre-brief, EPA and ADEM, so that we

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1 understand what the briefing is.

2 MAYOR KIMBROUGH: Is that a  
3 requirement to get on the agenda is a pre-briefing  
4 be presented?

5 MR. LEVY: No, we just asked, it  
6 wasn't a requirement. If it was presented as a  
7 requirement it was never meant to do that. All we  
8 asked was to hear about what was going to be  
9 presented.

10 MAYOR KIMBROUGH: Well, you know,  
11 this says, "Mr. Ryan requires a pre-brief for each  
12 program presented to RAB. Can your contractor be  
13 here to do the pre-brief at 1300 on 10 February. It  
14 will be in the same room as the RAB meeting. If  
15 not, please let me know the time. If there are any  
16 handouts, I can make copies after the pre-brief  
17 just in case there are any changes. We have a  
18 computer projector and screen if he needs to run a  
19 slide show. If there is anything else needed --  
20 now, you know --

21 MR. RYAN: Let me say, that is  
22 normally the way we do our contractor, both EPA,  
23 ADEM and the Army's that come in and provide the

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1 technical briefings to you. And I'm sure that was  
2 the intent, was to try to have all of that  
3 together.

4 MAYOR KIMBROUGH: In the  
5 pre-briefings has there ever been a request made to  
6 a contractor to remove any information that they  
7 presented that could possibly be controversial to  
8 this RAB?

9 MR. RYAN: Only that that is not  
10 explained. If they brought together information  
11 that they didn't explain that would have been  
12 explainable to the RAB members in whole and not to  
13 a technical group. We've had instances where  
14 geologists, and I'll pick on Josh, wanted to  
15 explain it in terms that geologists understood but  
16 most of the rest of us had a tough time  
17 understanding it. And my request was to make it  
18 understandable for the general public.

19 MAYOR KIMBROUGH: My understanding  
20 of the rules and regulations state that the agenda  
21 is supposed to be set by both chair and co-chair  
22 people, supposed to be signed off. If it's a  
23 prerequisite that contractors or maybe this was

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1       miscommunicated, but we're not a contractor, so,  
2       but if there's a pre-briefing, then I would think  
3       that either the other co-chair person or a member  
4       of the RAB should be present at that pre-briefing.

5               MR. RYAN: Dr. Cox, I know that you  
6       have attended some of the pre-briefs we've had.

7               DR. COX: One.

8               MR. RYAN: We don't have a problem  
9       asking people out here. In fact, we will notify  
10      any of you.

11              DR. COX: So to clarify that, the  
12      pre-briefings are open to the RAB members?

13              MR. RYAN: Yeah, I'm --

14              MAYOR KIMBROUGH: See, I was never  
15      aware that there was a pre-briefing on any  
16      presentation that was ever made to us. And maybe I  
17      just, that is I've looked in our bylaws and I  
18      looked in the RAB organizational chart, and when I  
19      got this and said that we were required to do a  
  
20      pre-briefing, then my question is why we as RAB  
21      members weren't aware of that and why is that not  
22      in the guidelines. Because it makes me, whether it  
23      is or not it makes me think well why is this taking

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1 place? You know, why -- are the reports being  
2 skewed or anything. Is there information being  
3 removed that the Army doesn't want us to know about  
4 that could have been controversial.

5 MR. RYAN: No.

6 MR. LEVY: No.

7 MAYOR KIMBROUGH: Whether it is or  
8 not, you can understand what I am saying.

9 MR. RYAN: We certainly hear you and  
10 we understand that, and we will certainly make sure  
11 that the co-chair is invited to any pre-briefs we  
12 have and we can notify anyone else who is  
13 interested.

14 MR. CLENDENIN: Okay. Anything else  
15 on this matter? Comments from the audience?  
16 Anybody need to say anything or ask questions of  
17 this group or anybody on this group?

18 DR. COX: Let me make a suggestion,  
19 something came up when you mentioned about agendas.  
20 One of the things that may be helpful as far as an  
21 item on our agenda is the discussion of the agenda  
22 for the next meeting. So if any RAB members have  
23 anything they would like to see happen for the next

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1 meeting, then that could be put on the agenda. And  
2 one thing that I throw out for suggestions perhaps  
3 since Pete bought up the Alpha EE/CA, what about  
4 having ADEM's would Philip bring his tech in and  
5 enlighten us on comments and concerns that you  
6 have.

7 MR. STROUD: I don't see any problem  
8 with that. We're real critical of his funding and  
9 using him, but yes, the answer is yes, I would love  
10 to have him here. I wish I had had him here  
11 tonight. We're watching his funding very closely  
12 right now. Using him for down the road.

13 MR. RYAN: When will you know that  
14 we can have your guy here?

15 MR. STROUD: If they request, I'll  
16 just tell him he's coming the next time.

17 MR. CLENDENIN: I thought that was a  
18 request.

19 DR. COX: I was just throwing that  
20 out --

21 MR. STROUD: I don't want to bring  
22 him here if we're not reviewing something UXO.

23 MR. BRANCHFIELD: I want to suggest

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1 taking it a step further if it's appropriate, when  
2 we ask ADEM to present their comments maybe that  
3 should be done in concert with the Army being able  
4 to present their response. Kill two birds with one  
5 stone, something like that.

6 MR. RYAN: I can't guarantee that  
7 we'll have our responses ready by the next RAB  
8 meeting, so.

9 MR. BRANCHFIELD: In which case  
10 maybe we should put it off to that point.

11 DR. COX: The thing I would like to  
12 have is maybe an educational meeting. Since only  
13 one of us got to go hear the sea lions bark, then  
14 perhaps you could explain some of the issues that,  
15 help us understand some of the questions that you  
16 are asking. I think that would be, that's what I  
17 was thinking and then have --

18 MR. STROUD: I am encouraged that  
19 Pete had gone to this. And he's already asking me  
20 questions on homogeneity and risk models, so  
21 apparently he did a real good job.

22 MR. CONROY: If it had been up to  
23 me, you all would have come along.

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1 MS. SCHNEIDER: They still can go,  
2 can't they, in the next round?

3 MR. CONROY: Yeah, I think they are  
4 doing it twice a year. It's not always with sea  
5 lions. Sometimes it goes to the east coast.

6 MR. STROUD: I'll send something  
7 from the ITRC maybe to Brenda and she could, you  
8 have all these people on the e-mail, correct? And  
9 they'll keep you updated and they'll be glad to  
10 have you updated on their meetings and times and  
11 places and costs.

12 MR. CONROY: In relating to what  
13 Craig had mentioned, and I know this is often times  
14 the impossible question to have answered, when  
15 would you anticipate answers to these questions?

16 MR. RYAN: I don't have one, Pete.

17 MR. CONROY: Is the contractor  
18 reading them and working on them now as far as you  
19 know?

20 MR. RYAN: Yes, that's exactly what  
21 happened.

22 MR. CONROY: Is this Foster Wheeler?

23 MR. RYAN: Yes

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1                   MR. CONROY:   Anyone here from  
2   Foster Wheeler?

3                   MR. RYAN:    The contracting officer  
4   hasn't told them when they can release them.  I can  
5   tell you that's the answer that you'll get.

6                   MR. HOLCOMB:  The contracting  
7   officer hasn't even told me to work on them yet.  
8   But we are working on them, with the corps.

9                   MR. CONROY:   Do you have  
10  permission?  But you are working on them?

11                  MR. HOLCOMB:   We are working on  
12  them.  We are going back and forth between some of  
13  them the corps has to answer and some of them we  
14  need to.

15                  MR. CONROY:   Do you think within six  
16  months?

17                  MR. HOLCOMB:   Oh, gosh, yeah.

18                  MR. CONROY:   Within two months?

19                  MR. HOLCOMB:   I can't get any closer  
20  than that.

21                  MR. CONROY:   I just start broad and  
22  I'll narrow it down.  Thanks.

23                  MS. FATHKE:   On Mayor Kimbrough's

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1 concern, with this pre-briefing, would it make  
2 sense to advertise when it's going to be held when  
3 the agenda is released so that if we do have an  
4 interest on one of the topics on the agenda we can  
5 go to the pre-briefing?

6 MR. RYAN: I don't see a problem  
7 with it. I think Brenda could put out some  
8 information when she sends out normal information  
9 if there's a pre-brief schedule.

10 MR. CONROY: At some point if we're  
11 all coming to the pre-briefing then we'll have to  
12 have a pre-brief briefing, wouldn't we?

13 MR. RYAN: We can just have the RAB  
14 meeting early, how is that?

15 MR. LEVY: The whole intent of that  
16 pre-brief is to make sure that what the briefer is  
17 doing is understandable to the RAB so we get folks  
18 who are pretty much just saying no, you're trying  
19 to say something that they are not going to  
20 understand you need to make that more simple. And  
21 as tough as this stuff is when you look at it, it's  
22 tougher when we start to sit down. That's the  
23 whole intent of that pre-brief, not to hold back

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1        anything but to make sure that what that briefer is  
2        doing is understandable to you.

3                    MR. RYAN:    But you are certainly  
4        welcome to attend.

5                    MR. DOYLE:    If I may make a  
6        comment.  You guys, it was not pretty listening to  
7        the risk assessors for the first time at the  
8        pre-brief.  It was god awful, and it had everything  
9        to do with fixing the briefing.  These guys are  
10       risk analyzers that are not public speakers.  It  
11       was just terrible.

12                   MS. SCHNIEDER:  Risk assessment is  
13       boring.

14                   MR. DOYLE:    It was boring.  If you  
15       could have heard and seen the two-hour briefing the  
16       first time around, you would have gone out and  
17       committed suicide.

18                   All we are doing is, and we have the  
19       input of Philip and Doyle there, in terms of "Hey  
20       guys, speak to the public.  Don't speak to a fellow  
21       geologist or fellow risk manager because it makes  
22       sense to no one."  Whether it be myself or, Ron  
23       understands most of this, but to most of us it made

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1 no sense whatsoever. It was terrible. So, I mean,  
2 if you want to come and hear them, there is no  
3 problem with it, but you are not going to find any  
4 smoking gun there. It's just to fine tune and  
5 refine what's being presented at the RAB. That's  
6 just my two cents.

7 MS. FATHKE: Well, and it may be to  
8 our gain too because if one of us is there and  
9 we're looking at it from the RAB perspective, we  
10 may urge the presenter to give further  
11 clarification on a certain point. If anyone has a  
12 personal interest, for instance the mayor and this  
13 water study then he or one of his representatives  
14 probably ought to be there to make sure that it's  
15 presented in the best interest of the City of  
16 Weaver.

17 MAYOR KIMBROUGH: We're not going  
18 to do it, I'm sorry. And we've already  
19 communicated that. We're not going to ask our  
20 engineer to come up here and spend a half a day for  
21 a pre-briefing. That's why we've invited to come  
22 tomorrow. We are not going to provide a  
23 pre-briefing. There is nothing controversial in

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1       there. We are trying to provide information from  
2       the source water study that was required by the  
3       Clean Water Act. And you know there shouldn't be  
4       anything controversial. And if an engineer can  
5       speak to a bunch of city councilmen, then he ought  
6       to be able to speak to the RAB.

7                       MR. RYAN: We understand that you  
8       are going to request for being on the agenda in  
9       February. I guess that was my question that  
10      started all of this.

11                      MAYOR KIMBROUGH: Yes, we've  
12      requested it. Under the condition of a  
13      pre-briefing we will not provide.

14                      MR. RYAN: Yeah, we understand that.  
15      In fact, I thought we had communicated that. Maybe  
16      I just hadn't done that in our discussion here.  
17      Okay.

18                      MR. CLENDENIN: Okay, anything else?  
19      Any further audience comments or any further board  
20      comments? Do I hear a motion that we adjourn?

21                      MR. CONROY: So moved.

22                      DR. COX: Second.

23                      MR. CLENDENIN: Everybody in favor

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OHATCHEE, ALABAMA 36271  
PHONE: (256) 892-0591

1 say aye.

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3 RAB MEMBERS: Aye.

4 MR. CLENDENIN: Thank you very much.

5 (Whereupon this RAB meeting was concluded

6 at 8:05 p.m.)

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C E R T I F I C A T E  
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STATE OF ALABAMA )

CALHOUN COUNTY )

I, DONNA D. GALLAHAR, a Court  
Reporter and a Notary Public in and for the State  
of Alabama at Large, duly commissioned and  
qualified, hereby certify that the above captioned  
meeting was by me reduced to shorthand and  
afterwards transcribed upon a computer; and that  
the foregoing is a true and correct transcript of  
the meeting as aforesaid.

I FURTHER CERTIFY that this RAB  
meeting was taken at the time and place in the  
foregoing caption specified, and was completed  
without adjournment.

I FURTHER CERTIFY that I am not a  
relative, counsel, or attorney for either party, or  
otherwise interested in the outcome of this action.

NOBLE & ASSOCIATES  
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1                   IN WITNESS WHEREOF, I have  
2           hereunto set my hand and affixed my seal at  
3           Anniston, Alabama, on this the 27th day of January,  
4           2003.

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My commission expires May 20, 2005.

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