

RESTORATION ADVISORY BOARD

FORT McCLELLAN, ALABAMA

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Taken before SAMANTHA E. NOBLE, a Court  
Reporter and Commissioner for Alabama at Large, at Building  
215, Fort McClellan, Alabama, on the  
17th day of November, 2003, commencing at approximately  
6:30 p.m.

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FAX 256-892-3001

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1 MR. MONTY CLENDENIN: I am here.

2 Gary Harvey?

3 MR. GARY HARVEY: Here.

4 MR. MONTY CLENDENIN: Scott Beckett

5 has resigned. James Buford?

6 MR. JAMES BUFORD: Here.

7 MR. MONTY CLENDENIN:

8 Mary Harrington?

9 DR. MARY HARRINGTON: She's here.

10 MR. MONTY CLENDENIN: Pete Conroy?

11 MR. PETE CONROY: Here.

12 MR. MONTY CLENDENIN: Barry Cox?

13 DR. BARRY COX: Here.

14 MR. MONTY CLENDENIN: David Steffy?

15 DR. DAVID STEFFY: Here.

16 MR. MONTY CLENDENIN: Jerome Elser?

17 MR. JERRY ELSER: Here.

18 MR. MONTY CLENDENIN: Donna Fathke?

19 MS. DONNA FATHKE: Here.

20 MR. MONTY CLENDENIN:

21 Curtis Franklin?

22 MR. CURTIS FRANKLIN: Here.

23 MR. MONTY CLENDENIN: Craig

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1 Branchfield? Mayor Kimbrough?

2 MAYOR WILLIAM KIMBROUGH: Here.

3 MR. MONTY CLENDENIN: Cheryl Bragg?

4 MS. CHERYL BRAGG: Here.

5 MR. MONTY CLENDENIN:

6 Dwight Mitchell is out. Jim Miller?

7 MR. JIM MILLER: Here.

8 MR. MONTY CLENDENIN: Ron Grant.

9 MR. RON GRANT: Here.

10 MR. MONTY CLENDENIN: Ron Levy?

11 MR. RON LEVY: Here.

12 MR. MONTY CLENDENIN:

13 Doyle Brittain? Philip Stroud?

14 MR. PHILLIP STROUD: Here.

15 MR. MONTY CLENDENIN: Okay. All

16 right, now, let's go around the room, starting back

17 here with Lisa and coming around this way and say who

18 you are and what you do.

19 MS. LISA HOLSTEIN: Lisa Holstein,

20 Transition Force, Environmental Office.

21 MS. KAREN PINSON: Karen Pinson,

22 Transition Force, Environmental.

23 MR. CUNNINGHAM: Brenda Cunningham,

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1 Transition Force, Environmental.

2 SARA CLEMENCE: Sara Clemence,  
3 The Anniston Star.

4 MR. JIM GRASSIANO: Jim Grassiano,  
5 ADEM.

6 MR. PAUL JAMES: Paul James,  
7 Transition Force, Environmental Office.

8 SHANA DECKER: Shana Decker with  
9 ADEM.

10 MR. BILL SHANKS: Bill Shanks,  
11 Transition Force, Environmental Office.

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

14 MR. DAN COPELAND: Dan Copeland,  
15 Corps of Engineers, Huntsville.

16 MR. TODD BATES (phonetic):  
17 Todd Bates (phonetic), Foster Wheeler.

18 MR. BOB SCHMITTER: Bob Schmitter,  
19 TOSC Program.

20 MR. BOB DAFFRON: Bob Daffron,  
21 National Guard Training Center, Environmental Office.

22 MR. MONTY CLENDENIN: Okay. Thank  
23 you all for being here.

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1                   You see the minutes in your packet.  
2       Look at those right quick. If there are any changes  
3       or corrections or additions, make that known right  
4       quick. We have two sets of minutes. We did not have  
5       a quorum last time, so, we could not approve the  
6       minutes. I'm assuming we have a quorum today.

7                   I have to have approval on those  
8       separately, if you want to make a motion on them.

9                   DR. BARRY COX: So moved.

10                  MR. MONTY CLENDENIN: Second?

11                  DR. MARY HARRINGTON: Second.

12                  MR. MONTY CLENDENIN: Any discussion  
13       for September?

14                  Okay. Anything for October?

15                  MS. SAMANTHA NOBLE: Monty, give me  
16       one second. Okay?

17                  MR. MONTY CLENDENIN: Everybody  
18       straight down this line right here, I can't see your  
19       faces, so when you talk, talk loudly. Thank you.

20                  MR. MONTY CLENDENIN: What's your  
21       pleasure on October? Any corrections, changes? Hear  
22       a motion?

23                  DR. MARY HARRINGTON: I move that we

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1 accept the motion to approve as they're printed.

2 MR. MONTY CLENDENIN: Second?

3 MR. JERRY ELSER: Second.

4 MR. MONTY CLENDENIN: Any

5 discussion? Everybody in favor say I.

6 Okay. The program tonight, report  
7 of pre-RAB meeting. I don't know who is going to make  
8 this report. Is somebody -- Pete, you want to do this  
9 for us then? All right. Go ahead.

10 MR. PETE CONROY: Okay. The report  
11 is brief, but I would say somewhat profound in this  
12 pre-meeting, collectively, I guess we've come to the  
13 conclusion that our service to this RAB may not be  
14 worth our time. And nothing we could recall has  
15 resulted in anything that we could remember. In other  
16 words, as volunteers, we're calling in to question our  
17 service as RAB members.

18 And it was a sad thing when I asked  
19 this board collectively, if there is anything we have  
20 done that might be considered worthwhile, no one could  
21 come up with anything. And that sounds a little  
22 bleak.

23 And so, we've decided to ask, I

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1       guess, Gary, you, in your new role, to convince us  
2       that continued service to this RAB would change in  
3       some way and become more meaningful and, in the  
4       future, worth our time.

5                       Before I hand the floor over to  
6       Gary, I want to make certain that that is in essence  
7       what we had discussed, collectively. That's about it.

8                       This is kind of a tough question,  
9       and all of us feel bad that the only thing we could  
10      collectively say that we've done is: We've had coffee  
11      and we've spent a lot of time here. And looking  
12      around the room, I see some folks are on a payroll  
13      right now, and if we were to add up what that payroll  
14      would be per hour, per meeting, it would be a pretty  
15      hefty bottom line.

16                      And the time that we take away from  
17      other meetings and our families, that's worth  
18      something, we know. And so, Gary, give it a shot,  
19      because we're deciding as to whether or not we want to  
20      continue.

21                      MR. GARY HARVEY: Okay. Well, first  
22      of all, I'd like to take a shot at talking about the  
23      money, because I've been counting it up and wondering



1       why we're spending so much money, if we're not getting  
2       anything out of it.

3                       This thing takes time. And you got  
4       to read everything that's put out, and it's difficult,  
5       okay. So, you need to look at -- and I'm not trying  
6       to turn it around on you -- if you've got the time to  
7       spend. Now, whatever it is you want, we will try to  
8       give you. You've got Ron Grant, you've -- I've  
9       forgotten your name already. I'm bad on names.  
10      Pardon?

11                      MR. BOB SCHMITTER: Bob Schmitter.

12                      MR. GARY HARVEY: Bob, we've got you  
13      all the resources, you've got to use them. Now, I can  
14      put together most anything you want. We can brief you  
15      on the status of this, status of that, where we're at,  
16      and I'll give it to you down and dirty, okay. I don't  
17      caveat nothing.

18                      I don't know what you want. I think a  
19      lot of people came on the Board, maybe thought it was  
20      controlling something, rather than being advisory.  
21      And as advisory, I think the job is even tougher than  
22      if you're in control, because you can get more  
23      latitude if you're in control.

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1                   So, I don't know what it is you  
2           want. I'm prepared to do it. We have a lot of people  
3           here, which -- and I think are probably too many --  
4           just in case you might ask a question. I guess that's  
5           the reason they're here. Is that why you're here,  
6           Art?

7                   MR. ART HOLCOMB: Yes, sir.

8                   MR. GARY HARVEY: I mean, that's  
9           just a guess on my part.

10                  But I don't know what y'all want,  
11           what y'all's expectations. We've got you some  
12           resources. Ron did 101 today, right, Ron?

13                  MR. RON GRANT: Yeah.

14                  MR. GARY HARVEY: With them kind of  
15           thing. I don't know if that helped.

16                  I understood all of Jim's points the  
17           other day. He doesn't want to come unless he can do  
18           something. I'll put together whatever you want in  
19           order for you to be productive. We can do it. We've  
20           got the assets here. But y'all have to come ready,  
21           you've got to read what is on the program or what's  
22           provided and know anecdotal stuff and go at it.

23                  I mean, what do you want to know

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1 about environmental restoration here?

2 MR. PETE CONROY: I really don't  
3 want this to be a dialogue between the two of us,  
4 but --

5 MR. GARY HARVEY: Well, you asked  
6 the question, I'm talking back straight to you.

7 MR. PETE CONROY: I appreciate that.  
8 I was doing that on behalf of a larger group.

9 MR. GARY HARVEY: I understand.

10 MR. PETE CONROY: Is there anyone  
11 else that would like to carry the ball? I'd be happy  
12 to --

13 DR. MARY HARRINGTON: Well, the  
14 biggest problem, I think that in the discussion for  
15 what we've talked about, and you say you want to give  
16 us what we want, but when we get the final product,  
17 it's done. And I think the biggest problem is: From  
18 an advisory, you ask for the input as you are doing  
19 it, in the draft stages. And you know, we're not  
20 afforded that.

21 DR. BARRY COX: I think one of the  
22 con- -- it is our perception you don't want any  
23 advice. In other words, you're going to wait 'till

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1       it's over and then tell us what you did. Would that  
2       be a fair statement?

3                       MR. PETE CONROY: (Nods head.)

4                       MS. DONNA FATHKE: Part of the issue  
5       is that the documents are so complex. It's very hard  
6       for us to hone in on what are the issues. If we were  
7       allowed to have access to the drafts and to the EPA  
8       and ADEM's comments on the draft, it would help us  
9       focus in on what the important issues are.

10                      Right now have no idea where to go,  
11       and it's impossible to read through those documents  
12       and understand that without some guidance on where the  
13       issues lie.

14                      And according to RAB 101, we are  
15       supposed to have access to all drafts and final  
16       documents.

17                      MAYOR WILLIAM KIMBROUGH: Gary,  
18       where this -- I think, where some of it started, I  
19       believe it was the ESCA on the Alpha area. That was  
20       an issue that we -- really brought some things to a  
21       head. But we received -- well, we had to go to ADEM  
22       to get the final document.

23                      MR. GARY HARVEY: When was this?

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1 MAYOR WILLIAM KIMBROUGH: This was  
2 year, two year, year and a half --

3 MR. GARY HARVEY: Who went to ADEM  
4 to get it?

5 MAYOR WILLIAM KIMBROUGH: Pete got  
6 it.

7 MS. DONNA FATHKE: Pete, he did.

8 MR. GARY HARVEY: Well, I understand  
9 how that transpired, but I didn't know anybody --  
10 'cause we checked on there who signed out from ADEM,  
11 and we didn't see that. So, we thought maybe there  
12 was something else coming. Y'all are going to be  
13 getting documents, but that's here nor there.

14 MAYOR WILLIAM KIMBROUGH: But  
15 what -- when we looked, and then this document was  
16 presented, and when we looked at the guidelines, it  
17 said that we were supposed to see preliminary  
18 documents. You should -- it was suggested, of course,  
19 it says, "should", you know. It doesn't say "it  
20 shall".

21 MR. GARY HARVEY: Uh-huh.

22 MAYOR WILLIAM KIMBROUGH: And we saw  
23 the final document. So, it's very frustrating for us,

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1       when the negotiations and everything go in, is to have  
2       input on something that the first time we see it, the  
3       decisions have already been made.

4                       Now, after our discussion tonight, I  
5       understand the BCT might have changed some of the  
6       operations, in that alternatives that are discussed in  
7       the BCT, we've been told were confidential. So, from  
8       our -- from our background is: You know, when a  
9       decision is made, what alternatives have been  
10      evaluated and looked at, and, you know, how can we  
11      give advice if we receive the final document?

12                     And this -- I talked to somebody  
13      today that is new on this, and they're very frustrated  
14      because the questions -- and I'm being very frank with  
15      you up front -- the questions, when we ask them, it  
16      seems like automatically, the impression that we have  
17      gotten, that a wall goes up and it becomes an  
18      attack -- maybe an attack instead of looking at it  
19      objectively and saying, well, you know, is this a  
20      legitimate concern or is it not a legitimate concern?

21                     And so, that's the frustrations that  
22      have come out. And so, that's what we're asking you  
23      as, I think, Pete, isn't it, what Pete said --

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1                   MR. JIM MILLER: I think one thing  
2     that needs to be pointed out is, is that we see it --  
3     our point of view is a little different from y'all's  
4     point of view. And that's the nature of the beast.  
5     But it doesn't have to be adversarial.

6                   Our point of view is is that when  
7     all is said and done at the end of the day, we want  
8     some property out here that the community can use for  
9     its benefit. And I think maybe that's true of the  
10    Army, too, to some extent, but I think, also, y'all  
11    are looking at a lot of other things, like cost and  
12    getting out with your shirt and all those kind of  
13    things that I would be looking at if I were in your  
14    shoes.

15                  But, you know, our bottom line is is  
16    how well this gets cleaned up, how usable it is, and  
17    what kind of legacy is left here for the next  
18    generation. And I don't think that it should be -- I  
19    don't think y'all should be defensive about that or  
20    resentful about that.

21                  MR. RON LEVY: I don't think we are.  
22    I mean, in fact --

23                  MR. JIM MILLER: Well, some people

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1 have been given that impression.

2 MR. GARY HARVEY: Okay. Let me  
3 stand up. I need to stand up. If I'm going to talk  
4 to everybody, I need to get off my butt.

5 MR. RON LEVY: This issue is  
6 something that actually had come up on the draft  
7 documents a long time, and the Army told you, those  
8 draft documents are available to be reviewed. I mean,  
9 now there's a lot of new faces and a lot of new folks,  
10 but --

11 MR. JIM MILLER: But my  
12 understanding, if I recall correctly, is is we had to  
13 know what draft document to ask for.

14 MR. RON LEVY: We've given you  
15 the -- we gave you the spread sheet on all those  
16 documents that are out there, and we've given it out,  
17 consistently. So --

18 MR. JIM MILLER: Well, I think the  
19 group is really -- I think the group would really just  
20 like to -- or do you want our advice or would you  
21 rather not have it?

22 MR. RON LEVY: My impression is you  
23 want me to tell you what to ask me. I mean, and I'm



1 not sure what that is. So, that's my frustration,  
2 that's a lot of our frustration. You know, tell us  
3 what your problem is, so we can ask it back to you and  
4 delve into that. And I don't know what to -- how to  
5 answer that.

6 MR. PETE CONROY: You've done a good  
7 job, Ron, of answering questions when you've been  
8 asked those questions.

9 But, again, at the end of the day,  
10 our question, collectively is: You know, convince us  
11 that this is worth our time and that our input  
12 matters, in terms of the outcome.

13 MR. GARY HARVEY: Let's get  
14 something straight. We're either doing it or we ain't  
15 doing it. We can't say we're doing it, then say we're  
16 not.

17 I want to address Jim's point.  
18 Okay?

19 MR. PETE CONROY: I'm not sure what  
20 you mean by that.

21 MR. GARY HARVEY: I get exactly what  
22 you're saying here, that we can be adversarial without  
23 getting bad feelings or anything else. Now, we do

1 have some problems with what BCT does and everybody  
2 else, and that is spending the Government's money,  
3 because a lot of risk analysis comes to that. We  
4 shouldn't be defensive about it.

5 We ought to sit there and say, on  
6 this part of the deliberation, what we're talking now,  
7 and we ought to be able to tell you why, which would  
8 do a lot of -- it's almost the same as union  
9 negotiations. You can be adversarial with the union  
10 and never be mad at the union chief.

11 I don't know how -- we have all the  
12 documents, I'm not sure you know what the documents  
13 mean. I get a little confused. We've got the fourth  
14 draft of the fifth iteration of the fifteenth response  
15 to comments, and every -- this environmental stuff is  
16 real complicated.

17 Do we need to tell you -- and this  
18 is where I think you can use Ron. If Ron needs to  
19 come out here more, we've got lots of money for him,  
20 right?

21 MR. RON LEVY: Well, not lots of  
22 money.

23 MR. GARY HARVEY: We haven't been

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1 using a lot of it. Well, not a lot --

2 MR. JIM MILLER: (Inaudible)

3 everything. We started --

4 MR. GARY HARVEY: -- but some money.

5 MR. JIM MILLER: -- (inaudible).

6 MR. GARY HARVEY: Maybe we need to  
7 bring Ron out here and he can go back and say, hey,  
8 this is what's coming up, this is what you need to  
9 look at. None of this stuff is secret, y'all pay for  
10 it.

11 MR. JIM MILLER: Well, Gary, I  
12 think -- I don't disagree with what you're saying.

13 MR. GARY HARVEY: Okay.

14 MR. JIM MILLER: And I've known you  
15 for a long time. I've got a lot of respect for you  
16 and Ron. That's not the issue here. Ron Levy and  
17 Ron Grant, for that matter.

18 But we're committing -- we committed  
19 tonight an extra bit of time for Ron to educate us on  
20 some of the issues here and what our role is. I guess  
21 the question we're asking, though, is: Do y'all  
22 really want to hear that? Do you really want to hear  
23 our concerns? 'Cause we're going to have to put a lot

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1 of time and a lot of effort into getting up to speed  
2 so that we can ask you intelligent questions.

3 But before I do that, and I think  
4 before the rest of this group does that, we want to  
5 know if that is -- if we're going to legitimately be  
6 heard and the end result is, is this cleanup going to  
7 be better for it or is there any possibility of that?  
8 If that is not in the cards, I think frankly,  
9 honestly, we'd all just like to know that so we can go  
10 home.

11 MR. PETE CONROY: But if Gary says  
12 anything other than a yes, then he's in direct  
13 conflict with Army policy and it puts him in a spot.

14 MR. JIM MILLER: Well --

15 MR. PETE CONROY: So, we  
16 recognize --

17 MR. JIM MILLER: And my part, I'm  
18 off -- I mean, you know, for my part -- this can be  
19 off the record -- I'm not going to hold anybody's feet  
20 to the fire. This is just trying to make things work.

21 MR. GARY HARVEY: I understand what  
22 you meant. Yeah.

23 MR. JIM MILLER: Uh-huh.

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1 MR. GARY HARVEY: Now, the RAB is  
2 advisory.

3 MR. JIM MILLER: Well, we understand  
4 that. We don't have control.

5 MR. GARY HARVEY: Right. I  
6 understand that. I'm just restating something, Jim.

7 And you also got a member of the  
8 LRA. Now, they're going to do the Alpha area. That's  
9 already been negotiated, the money been allocated, and  
10 they're going to do the cleanup. Okay?

11 Now, they are the ones that speak  
12 with more authority than quote "an advisory board",  
13 but y'all got input. I mean, everybody in the LRA  
14 knows what the RAB's doing every day. When I go there  
15 on a Monday -- on a Tuesday morning meeting, there's  
16 reports from the RAB the day before, what they're  
17 doing, most likely, what they're not doing.

18 I don't know -- I can't think of a  
19 reason why I wouldn't forward your concerns to anyone  
20 if it were something I couldn't handle here. And I'd  
21 tell you, you know, if it's Army policy, I'll flat  
22 tell you. I won't hide behind it, never have.

23 So, I'm hard pressed -- you got to

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1 put in a lot of time. You got the newspaper here, she  
2 writes your issues all the time. I don't get to do  
3 that. You've got the LRA doing it.

4 Give me something, something that  
5 you haven't seen that I need to show you. I'm real  
6 old school. If your tax dollar paid for it, you've  
7 got a right to see it, unless it is top secret and  
8 somebody is going to die, and we ain't there and we  
9 don't do that kind of work anymore.

10 DR. DAVID STEFFY: Can you tell me  
11 an instance of where someone asked you a question at  
12 one of these meetings that made an impact on the Army?

13 MR. GARY HARVEY: I don't know, I  
14 haven't been coming to them. I've been doing another  
15 job.

16 DR. DAVID STEFFY: Who can I point  
17 that question to?

18 MR. RON LEVY: You know, some of the  
19 discussion -- let's talk about the Alpha area EECA.  
20 And you may not be privy to this, but I know the JPA  
21 is -- there was discussion about the -- from a  
22 regulatory standpoint, on the amount of sampling that  
23 was done out in the Alpha. One of the things we did

1 negotiate, because it was a RAB concern, 'cause it  
2 came from RAB members, was we were concerned about the  
3 number of samples.

4 And you can go back and see that --  
5 that were taken out there, as to whether or not it was  
6 adequate, the no further action areas. Well, in fact,  
7 if you look at what's been negotiated with the JPA,  
8 there are more samples being taken as part of that  
9 contract, part of that ESCA to do that.

10 Pete, there was a time when you  
11 wrote a letter, as a RAB member, to DA, to the RAB  
12 folks, about the concern on funding. That did have an  
13 impact. We did see more funding come. We saw a  
14 release of additional dollars.

15 We've heard comments about concerns  
16 on some of the EE/CA stuff. I've got to tell you, a  
17 lot of what we've done really is tried to prove the  
18 negative, you know, that there's nothing there.

19 So, we've eliminated a lot of sites,  
20 which the regulatory community was in agreement with.  
21 We've still got a lot of sites that we haven't  
22 finished and that we still haven't got to a decision.  
23 There's not been a lot of cleanup, because the

1 decisions haven't been made. They've been held up.

2 In fact, that in itself is  
3 significant, the RAB's concerns there held up things  
4 that -- about landfills, that you weren't really sure  
5 that we were doing everything that we were supposed to  
6 be doing. And part of the negotiation when we went  
7 into the privatization or the ESCA with the JPA, in  
8 fact, took into account those things, and there's more  
9 work being done because the JPA agreed to it.

10 It's different from what we  
11 originally said in the first place in some of those  
12 documents. So, yeah, I think the RAB has had an  
13 effect. Now --

14 DR. DAVID STEFFY: (Inaudible) false  
15 impression that I've developed here tonight that we're  
16 not being delivered the final document and not given a  
17 chance to participate in restoration before the final  
18 document comes out?

19 MR. RON LEVY: Well, there was a  
20 time where we weren't really showing you draft  
21 documents. And now -- I think it's been almost a year  
22 since that time has occurred. And I understand your  
23 delima about the draft documents, we don't really know



1       what to look at, I do understand that.

2                       But that's what these other  
3       resources are there for, and I thought that you were  
4       going to use the TOSC and Ron on some of those, but it  
5       really hasn't gotten off the ground. I'm not blaming  
6       the RAB for that.

7                       But those resources are out there,  
8       look at a particular issue, look at a particular site.  
9       I mean, I can't hold your hand and take you to that  
10      site and say, you know, we've got a problem here that  
11      you should look at because from a RAB perspective, if  
12      you look at it, and you've got a concern, then you  
13      should be asking, Bob and company and Ron to go back  
14      in and look at it, and they will explain it to you.  
15      And who knows what would come out of that.

16                      We've had public meetings, documents  
17      on -- and I get very little to no participation, at  
18      all, to include RAB members, I mean, separate public  
19      meetings, which is kind of frustrating from my part;  
20      everybody's got a concern, but they don't show up to  
21      raise that as an issue.

22                      And I know you're frustrated about  
23      it, but so am I. You've got to come to me and say,

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1 man, this is a problem. But you've got to be specific  
2 about what that problem is, instead of looking, you  
3 know, well, let me just -- trying to find a fight  
4 about this, because it's not about that. It's about  
5 what is the issue, what is the impacts to human health  
6 and the environment for you, for the community, for  
7 whoever, that you can tell me you're concerned with.

8 The groundwater issues associated  
9 with landfill three is another one. Are we impacting  
10 human health and the environment? Are we impacting  
11 people's drinking waters, at this point? And we've  
12 gone through a number of renditions on that.

13 Now, we understand, it's a problem.  
14 But there are means that we're trying to do to address  
15 it.

16 And the JPA's got that now. So, we  
17 have heard you.

18 I mean, I understand the perception  
19 is that nothing the RAB has said or done has made an  
20 impact, but I really think it has. I think there's a  
21 lot of stuff that's come out, that if not overtly  
22 influenced the Army, in other ways has influenced the  
23 Army to move in different directions.

1                   I know my headquarters is concerned  
2 when they hear things coming out of the RAB that are  
3 not, you know, going over too well. The Alpha area is  
4 an example. I mean, we really did try to respond to  
5 that one.

6                   And we've got Charlie and Bravo,  
7 those are not out because the Army is still working  
8 it, internally. And I'll be very frank with you, you  
9 know, we've got some concerns internally about what  
10 we're going to present to make sure that we're right  
11 and that we've got the right information, that we're  
12 not holding anything back, and that we are doing an  
13 adequate job, and that the risks are going to be, you  
14 now, very low to none.

15                  But, you know, we haven't gotten it  
16 out to you. It's still being worked.

17                  MS. DONNA FATHKE: Ron, you've  
18 addressed the issue of the draft documents, that  
19 they're now available, but what really guides us to  
20 the issues are the comments that go between the  
21 agencies and the Army.

22                  MR. RON LEVY: And ADEM will tell  
23 you you're welcome to it. I think ADEM has said

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1 publicly to you, previously, in the past, that when  
2 they get comments in to the agency or address them  
3 back, they become public documents.

4 And help me out here, Jim, am I not  
5 right on that? Have you not said that?

6 MR. JIM GRASSIANO: That is correct.

7 MR. RON LEVY: And you're welcome to  
8 them. You can go right --

9 MR. JIM GRASSIANO: We clarified  
10 that several, several months ago, I think. And maybe  
11 in a correspondence or at a RAB meeting, I think,  
12 and --

13 MS. DONNA FATHKE: Can they be put  
14 on file in the libraries with the rest of the  
15 documentation so we have easy access to them? I mean,  
16 not too many of us can get down to Montgomery to  
17 request --

18 MR. JIM GRASSIANO: Sure. That's a  
19 good -- that would be a responsibility of  
20 Fort McClellan to do that.

21 MR. RON LEVY: And I think -- well,  
22 let me ask -- where's Lisa at?

23 MS. LISA HOLSTEIN: Right here.

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1 MR. RON LEVY: Lisa, at what point  
2 do we put them in the repository?

3 MS. LISA HOLSTEIN: When they become  
4 final. But we give you the spread sheets so you know  
5 who has put out comments. If you request those  
6 comments, I'm sure --

7 MR. RON LEVY: We'll provide them.

8 MS. LISA HOLSTEIN: -- we can  
9 provide them to you.

10 MR. RON LEVY: Positive, negative,  
11 any comment that you want, we'll provide it. I mean,  
12 we agreed to this awhile back, but -- and I understand  
13 that it may be the perception that's it's not  
14 available, but it is, you've just got to ask for it.

15 Now, I can't tell you exactly what  
16 to ask for. We will give you the information. If you  
17 see something that's a particular concern, you let us  
18 know, we'll get it to you.

19 MR. MONTY CLENDENIN: Okay. I think  
20 everything has been said and we're probably going to  
21 be resaying it. Any other comments? This is probably  
22 going to be an ongoing issue with us for the next  
23 few --

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1                   MR. PETE CONROY: I guess, the only  
2 other tangible thing that we had talked about earlier  
3 is, you know, the concept of eliminating the RAB or  
4 changing our meeting schedule.

5                   MR. MONTY CLENDENIN: That's on new  
6 business. It's next on the agenda, to talk about our  
7 meeting frequency.

8                   MR. PETE CONROY: Let's do that.

9                   MR. MONTY CLENDENIN: Okay.

10                  Everybody finished with the program  
11 stuff?

12                  Let's go to new business and go to  
13 the discussion on meeting less frequently and meeting  
14 content. Anybody have an opinion about that? I  
15 frankly, like most of you, feel like that, come out  
16 here and hear these reports and then come back the  
17 next month and hear a very similar report.

18                  I could hear that quarterly, as well  
19 as I could hear it weekly -- I mean, monthly.

20                  MR. JIM MILLER: Well, my thinking  
21 was, too, is the staff here puts a lot of work into  
22 those reports.

23                  MR. MONTY CLENDENIN: Right.

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1                   MR. JIM MILLER: Yet, we're kind of  
2                   sedated, I guess, for lack of a better word term, when  
3                   we hear them, so we don't respond as well as we might  
4                   otherwise. And we've contrasted this RAB to the  
5                   Depot RAB that some of us serve on, that does meet  
6                   quarterly, unless they've got an issue that has to be  
7                   addressed, something really hot.

8                   So, I would make the motion that we  
9                   meet quarterly, unless Ron or Gary find that to be a  
10                  problem.

11                 MR. PETE CONROY: Second that  
12                  motion.

13                 MR. MONTY CLENDENIN: Okay.  
14                  Discussion?

15                 MS. DONNA FATHKE: My only  
16                  concern -- and I have mixed emotions about it either  
17                  way -- but one thing I would like to point out is that  
18                  it's hard enough to keep the thread going when we meet  
19                  just once a month. It's going to be even more  
20                  difficult to keep the thread going, if we're only  
21                  meeting four times a year.

22                 MR. JIM MILLER: I think, in  
23                  response to that, for my own personal point of view, I

1       could do a better job of preparing for a meeting if I  
2       could set aside a couple of hours a quarter to read  
3       the documents and have some feel for what we're doing  
4       here than I can -- you know, the monthly meeting rolls  
5       around before I can get prepared. And I'm up to about  
6       seventy-five hours a week now, like most of y'all.  
7       So, you know, I've either got to give up sleep or  
8       we've got to get a little time in the schedule here.

9                       DR. BARRY COX: The only question I  
10       would have is when the JPA starts their cleanup  
11       efforts, would there be a reason -- I guess, I would  
12       ask Miki that -- to have a RAB available on a monthly  
13       basis? Do you see any reason for that?

14                      MS. MIKI SCHNEIDER: If we had  
15       something that we wanted to present to this RAB or if  
16       you had a question about something we were doing, we  
17       would certainly -- you could certainly call us and  
18       you'd have a special meeting, we could come.

19                      DR. BARRY COX: So, is it my  
20       understanding that in the future, then the RAB will  
21       meet -- there will be a joint RAB with Fort McClellan  
22       and with the Army and with the JPA, is that --

23                      MS. MIKI SCHNEIDER: The cleanup

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1       agreement the JPA has with ADEM does not call for a  
2       RAB like this RAB. There is a public process, and  
3       exactly how that public process is going to walk and  
4       talk right now will be defined through the bylaws of  
5       the program management team that the JPA is creating,  
6       in the process of creating right now.

7                       MR. JIM MILLER: Miki, let me ask  
8       you while we're -- there is a little bit off the field  
9       of the motion on the floor, but is the JPA going to --  
10      are we going to continue to serve the JPA? Hopefully,  
11      in a better job than we've done for the Army, but --

12                      MS. MIKI SCHNEIDER: Like I've just  
13      said, the cleanup agreement that we had with ADEM  
14      calls for a public process. It does not -- it is not  
15      tied to this RAB.

16                      The program management team that the  
17      JPA is creating will establish what that public  
18      process is going to be. I have no idea, yet, how that  
19      will look. We will certainly, any time this RAB has a  
20      question about anything we're doing, we will be glad  
21      to come. I can get Michelle here or Linda, whoever we  
22      need to bring in, to talk over a particular item with  
23      you or a site, if we're having trouble or if we think

1       it's something that we need to bring to you. I would  
2       certainly hope the Army would open that door for us.

3                   MR. RON LEVY: Well, the ESCA,  
4       itself, the document between the Army and the JPA,  
5       says that the Army will in fact continue the RABs with  
6       participation on the part of the JPA. So, we're on  
7       the hook for funding RAB meetings and doing RABs. And  
8       that's within the ESCA agreement between the JPA.

9                   MS. CHERYL BRAGG: For how long?

10                  MR. RON LEVY: How those RAB  
11       meetings look or how often we do them certainly is up  
12       to the RAB.

13                  MR. MONTY CLENDENIN: Our  
14       discussion -- or we have a motion on the floor for  
15       meeting quarterly. Any further discussion on that?

16                  MR. PETE CONROY: Yeah, is the  
17       funding for the RAB tied to the number of meetings we  
18       might hold in any way?

19                  MR. RON LEVY: No, not that I'm  
20       aware of.

21                  MR. PETE CONROY: And just  
22       hypothetically, if there were no RAB, what would the  
23       Army's opinion be with regards to that, like to have

1 one, but don't have to?

2 MR. GARY HARVEY: If you don't want  
3 one -- I mean, we're required to have one, but if you  
4 don't want to show, we don't have it. I mean, I just  
5 write a letter and say, the people didn't want it --

6 MR. RON LEVY: Well, actually,  
7 there's a formal process for stopping the RAB that's  
8 in the guidelines. But essentially, what Gary says is  
9 true: You've got to come back and say -- and  
10 everybody has to be in unison on this, because the RAB  
11 is considered as a whole and it's considered  
12 individuals. Each individual on the RAB has an  
13 advisory voice, and it doesn't have to be consensus.

14 So, we've got to listen. And if  
15 there is anybody out in the community that wants it,  
16 we're supposed to conduct it. That's in accordance  
17 with the guidelines.

18 MR. PETE CONROY: I don't think  
19 we're there, yet, but you just said you are required  
20 to have a RAB?

21 MR. GARY HARVEY: Well, we're  
22 required to conduct a RAB. That doesn't mean you've  
23 got to be on -- a part of it. You know, it's just

1       like closing the base, we are required to close the  
2       base, you're weren't required to take it.

3                       I'm not trying to be facetious. We  
4       are -- we have one, we try to have a RAB. If y'all  
5       say you don't want one, we may go out and say, hey,  
6       anybody want to be a RAB member? Say they don't, we  
7       write a letter to the DA and say, there's no interest.

8                       There is several posts that do not  
9       have RABs. The RAB is --

10                      MR. JIM MILLER: I think what we're  
11       really saying is: We want to be a responsible RAB or  
12       we'd rather not be one.

13                      MR. GARY HARVEY: I understand, Jim.  
14       I'm not disagreeing with your point.

15                      MR. JIM MILLER: Since we've got a  
16       motion on the floor, I --

17                      MR. MONTY CLENDENIN: Everybody in  
18       favor of the quarterly meeting say I. Anybody  
19       opposed, say no.

20                      MAYOR WILLIAM KIMBROUGH: I got a  
21       question.

22                      MR. MONTY CLENDENIN: Okay.

23                      MAYOR WILLIAM KIMBROUGH: I've got a

1 copy of the bylaws. Do we need to establish now when  
2 those quarterly meetings will be? They are now the  
3 third Monday of each month at 6:30.

4 MR. JIM MILLER: We're essentially  
5 amending the bylaws here.

6 MAYOR WILLIAM KIMBROUGH: Yeah. Do  
7 we need to, in the bylaws --

8 MR. PETE CONROY: Yes.

9 MR. MONTY CLENDENIN: I would think  
10 so --

11 MAYOR WILLIAM KIMBROUGH: -- to set  
12 the --

13 MR. MONTY CLENDENIN: Do we have to  
14 have a motion to amend the bylaws first?

15 MR. JIM MILLER: I would amend my  
16 motion to amend the bylaws.

17 MAYOR WILLIAM KIMBROUGH: Let's see  
18 what it says.

19 MR. PETE CONROY: (Inaudible.)

20 MAYOR WILLIAM KIMBROUGH: It just  
21 says, these bylaws may be amended from time to time by  
22 affirmative vote, therefore, the regular membership of  
23 the RAB at a duly-noticed meeting. That's all it

1 says, as far as amendment.

2 MR. JIM MILLER: We're there, I've  
3 amended my motion, with your permission.

4 MAYOR WILLIAM KIMBROUGH: To do  
5 what?

6 MR. JIM MILLER: To amend the bylaws  
7 to change the meetings from once a month to a date, I  
8 guess, that we need to discuss, quarterly, until --  
9 unless there is some reason to have a called meeting.

10 MR. MONTY CLENDENIN: Right.

11 MR. PETE CONROY: Accepted  
12 (phonetic).

13 MR. JIM MILLER: Thank you.

14 MR. MONTY CLENDENIN: All right.  
15 Let's go back to the vote, because I don't think I got  
16 that clear.

17 Everybody in favor of amending the  
18 bylaws and meeting quarterly, say I. Any opposed say  
19 no. Now, let's talk about when we're going to meet  
20 first.

21 THE COURT REPORTER: Monty, you've  
22 got to tell me on the record if it passed or if it  
23 didn't.

1 MR. MONTY CLENDENIN: It passed.

2 THE COURT REPORTER: Thank you.

3 MR. MONTY CLENDENIN: We do not meet  
4 in December. So, do you want to meet in January and  
5 then quarterly from there? That would be the way to  
6 set it up.

7 MR. JIM MILLER: That would seem to  
8 make sense to me --

9 MS. BRENDA CUNNINGHAM: Excuse me.  
10 In your packets, there is a suggested RAB meeting  
11 dates. If you look, it should be at the end of your  
12 packet, that may help you. Look at them, because  
13 those were the dates that were there before, so, you  
14 can just scratch out what you don't want.

15 MR. MONTY CLENDENIN: I don't --  
16 where are we?

17 MR. JIM MILLER: I assume these are  
18 all Mondays.

19 MS. BRENDA CUNNINGHAM: Yes.

20 MR. MONTY CLENDENIN: They're all  
21 Mondays; January, April, July, and what, October?  
22 November? Okay, that work, January 12th, April 19,  
23 July 19, November 15? And no meeting in December of

1 2004. Do we need to vote on those?

2 DR. DAVID STEFFY: Be October.

3 MR. JERRY ELSER: October.

4 MR. MONTY CLENDENIN: October

5 instead of November. October the 18th instead of

6 November.

7 MR. JIM MILLER: It suits me, if it

8 suits y'all.

9 MR. MONTY CLENDENIN: Okay.

10 Everybody in favor of those dates, say I. Any

11 opposed, say no. Motion passed.

12 THE COURT REPORTER: Thank you.

13 MR. MONTY CLENDENIN: Did we want to

14 talk about the meeting content or do we just want to

15 talk about meeting less? We've been talking about

16 content, so, let's move on. Okay?

17 Look in your packet. There are

18 applications for new RAB members. We want to share

19 the task of doing nothing with some more folks.

20 So, you see the ballot, you see

21 these names that are before you, we are to elect two.

22 So, I suggest we take the time right now to make the

23 ballot.

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1 MS. BRENDA CUNNINGHAM: Monty, they  
2 could change the bylaws and just make it fifteen  
3 members instead of seventeen, if they do not want to  
4 elect two new members. I mean, that's just an idea.

5 MR. MONTY CLENDENIN: Okay. Brenda  
6 said that we could change the bylaws and reduce the  
7 number on the Board by two instead of having to elect  
8 two new members.

9 But I think we ought to share the  
10 nothing with everybody. Anybody want to make a speech  
11 for any of these candidates?

12 MAYOR WILLIAM KIMBROUGH:  
13 Robert Jackson, I would encourage -- Robert is on the  
14 Transportation Committee with the Chamber of Commerce,  
15 and he's also on the local MPO, and since there are  
16 going to be some issues on the road, with the new  
17 auxiliary road and also the bypass is coming in, I  
18 think that he would have some input maybe from that  
19 aspect that would contribute to the RAB.

20 MR. JIM MILLER: He could be an  
21 asset to us. He's a good guy.

22 MR. MONTY CLENDENIN: Who is that?

23 MR. JIM MILLER: Mr. Jackson.

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1 MR. MONTY CLENDENIN:

2 Mr. Bob Jackson.

3 MR. JIM MILLER: I worked with him  
4 on the Chamber's infrastructure committee.

5 MR. MONTY CLENDENIN: I was his  
6 spiritual advisor, and so I could say yeah to that,  
7 but --

8 All right. Just pass those in, I  
9 guess, to me, I guess.

10 MR. PETE CONROY: I'll put in a plug  
11 for Penn Wilson who works at Jacksonville State and a  
12 good community servant, and then also, James Hall, who  
13 lives in West Anniston and is president of what's  
14 called the Brownfield Institute.

15 MR. MONTY CLENDENIN: Okay. Just  
16 get those to me as soon as you can. We'll move on.

17 Agency reports, starting with ADEM,  
18 anybody here from there?

19 DR. BARRY COX: Philip.

20 MR. PHILIP STROUD: Yeah. All  
21 right. First of all, I want to introduce again  
22 Shana Decker. That's S-H-A-N-A. And she's coming on  
23 board and we're ramping up -- she's been some great

1 help already, and we're trying to ramp up some of the  
2 new employees with what's to be expected in the  
3 future.

4 And we're in the midst of reviewing  
5 several reports right now. I'm going to go ahead and  
6 hand these out. These are the ones that are incoming  
7 at this time.

8 And so, basically we're just  
9 extremely busy and getting ready for -- do you have  
10 any questions on those handouts? It's just --  
11 actually, these are the incoming reports. Like I  
12 said, we're in the midst of reviewing quite a few  
13 other reports, so --

14 MR. PETE CONROY: You got anymore?

15 MR. PHILIP STROUD: Yeah, they're  
16 coming. I realized.

17 I did talk to Doyle Brittain, he  
18 said he would not be here today. And I don't know if  
19 he passed along his information or not. Did you  
20 receive that?

21 MS. BRENDA CUNNINGHAM: No, he did  
22 not.

23 MR. PHILIP STROUD: Okay. I don't

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1 really have much more to add than that. But we have  
2 several meetings coming up in the future that we're  
3 preparing for also, immediate future that is. Feel  
4 free to call me, any of you.

5 MR. MONTY CLENDENIN: Thank you,  
6 Phillip. Any questions for Phillip?

7 And no EPA report. JPA report,  
8 Ms. Miki.

9 MS. MIKI SCHNEIDER: Thank you, sir.  
10 The JPA is busy getting ourselves  
11 into the cleanup business. Michelle Feetman  
12 (phonetic) from Matrix will be here -- in fact, I have  
13 to leave to meet her in just a few minutes. They're  
14 coming in tonight for a two-day meeting with the Army  
15 this week. And then we will be continuing our setup  
16 and getting ourselves organized for the -- meeting the  
17 responsibilities that we have in the ESCA with the  
18 Army.

19 The next good thing that you will  
20 see out here, Hungin, the automotive supplier, has  
21 bought additional property from the JPA and will be  
22 expanding to meet their automotive needs. They are  
23 very pleased with their progress, and they'll be

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1 building an additional building on. And I think it's  
2 expansion for a contract they have with Mercedes.

3 At tomorrow morning's meeting, the  
4 Board will be giving -- leasing additional property to  
5 Auburn University. They are going to continue  
6 expansion of their program. Those of you who are  
7 familiar with the dog program know how successful it's  
8 been, and I know it's been a great asset to the local  
9 police departments, as well as to Home Land Security.  
10 They are now the official canine training center for  
11 Home Land Security. And they will be expanding their  
12 facility by fifty kennels. And that's turned into a  
13 great asset to this community.

14 And then, our access road, tomorrow  
15 morning, we hope the Board will let a contract for the  
16 survey of the industrial access road from Highway 21  
17 down to Baines Gap Road with the delay in the  
18 construction of the eastern bypass.

19 This industrial access road becomes  
20 very important for attracting industrial clients and  
21 we have the -- a survey or crew that we'll --  
22 hopefully, we'll award the contract to tomorrow, and  
23 you'll start seeing people in the field over the next

1 three months, setting that right-of-way and staking  
2 that industrial access line.

3 Any questions?

4 MAYOR WILLIAM KIMBROUGH: When do  
5 you think that the environmental cleanup, that y'all  
6 will be able to pick that up?

7 MS. MIKI SCHNEIDER: I'm sorry?

8 MAYOR WILLIAM KIMBROUGH: In Alpha,  
9 environmental cleanup, when do you foresee getting  
10 that back on track?

11 MS. MIKI SCHNEIDER: Well, after the  
12 first of the year, we hope to have the program  
13 management team up here and running. I mean, they're  
14 already starting to do some work from Denver, but we  
15 will hope to have people on the ground here after  
16 December.

17 That's the intention on the Board's  
18 work.

19 MR. MONTY CLENDENIN: Anything  
20 else?

21 MS. MIKI SCHNEIDER: No. I'm going  
22 to go meet Michelle.

23 MR. MONTY CLENDENIN: All right.

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1 Y'all have fun.

2 Really, there is no TRC report, as I  
3 understand it, right, Technical Review Committee?

4 Action summary sheets, questions or  
5 comments, got those?

6 MR. RON LEVY: I can review the  
7 sheet, if you want, or I can just take questions. I  
8 can just give you a quick update of what's going on,  
9 and I'll go over here to the map to point out  
10 (inaudible).

11 The first thing on the UXO work, the  
12 OE, the Bravo area, this area here in orange, one of  
13 the meetings that Miki referred to tomorrow and that  
14 also Philip referred to tomorrow is the discussion of  
15 the Bravo area.

16 We did send a draft document to  
17 ADEM, and we're going to sit down with the JPA and  
18 ADEM to discuss the Bravo area, talk a little bit  
19 about what's in there, look at their comments or  
20 concerns and potentially go out there and do some more  
21 sampling, based on what it is that comes out of that  
22 meeting.

23 That document is out in draft, if

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1 the RAB wants to see that, it's available for them, as  
2 well. JPA does have it.

3 The Y area removal, is this area  
4 right here above the -- tract two of the -- tract  
5 three of the eastern bypass. And that work has been  
6 completed, as it's been pointed out there.

7 The Charlie area and -- which is  
8 this area in here -- (pointing), that document is with  
9 the Fish and Wildlife Service, they're reviewing that.  
10 Hopefully, we'll see comments some time in the future  
11 on that. There is discussion on that. It's out as a  
12 draft document, so the RAB is able to take copies of  
13 that, if they want to see it.

14 In the eastern bypass, OES area one,  
15 which includes -- there's two pieces -- this little  
16 yellow here, is the flying J and this piece here --  
17 (pointing) -- both of those we've already gone through  
18 some discussions and comments with ADEM.

19 One of the things that occurred  
20 with -- ALDOT got involved. ALDOT did some work --  
21 you probably saw it in the newspaper -- for this piece  
22 right here, which is called tract two -- (pointing) --  
23 and essentially, internally, their recommendations



1       were to move forward with construction.

2                       I don't know specifically what  
3       ALDOT's next step is on that. But their report  
4       concluded that they could start construction because  
5       they really, in a nutshell, didn't find anything. I  
6       don't know if they're talking back with ADEM about  
7       that or not.

8                       This northern part of tract three,  
9       which is here on up -- (witness pointing) -- that  
10      feild work is complete. We have been discussing --  
11      going back and forth with comments with ADEM on that.  
12      So, that's out there.

13                      We're hoping to see concurrence at  
14      some point from ADEM. We're working through that.  
15      The Army is preparing a letter of clearance on that  
16      (inaudible) since we've now done it.

17                      Part of that clearance will also  
18      involve some construction support availability, based  
19      on the fact that there's a piece in there -- because  
20      of the depth of the construction that occurred out  
21      there from building a road, we'll have to have that  
22      available to ALDOT for purposes of their clearance  
23      because we couldn't look down far enough because of

1 the debris. So, there is some of that going on.

2 MAYOR WILLIAM KIMBROUGH: Ron, let  
3 me ask you on tract three, why did ALDOT do that  
4 investigation instead of y'all?

5 MR. RON LEVY: Why did ALDOT do  
6 that? The Army made -- well, just to put it simply,  
7 the Army said that, you know, we believe it's clean,  
8 we certify it's clean. ADEM came back and said,  
9 essentially, we don't agree. And the Army stuck with  
10 its position, and I think ADEM stuck with their  
11 position.

12 ALDOT felt that in order to move  
13 this thing forward, that they were going to do some  
14 more work to be absolutely sure and, in fact, that's  
15 what happened.

16 MR. GARY HARVEY: And in fact, they  
17 validated our letter of clearance, Ed. So, that --

18 DR. BARRY COX: Philip, do you have  
19 any comment on that one?

20 MR. PHILIP STROUD: Well, we're  
21 still going to have issues, even regardless if they  
22 didn't find anything or they did find anything. It's  
23 good to know they didn't find anything with this

1 validation.

2 But ADEM is still questioning the  
3 methodology of why certain things are still found out  
4 there, why they're digging up certain items out there,  
5 the size they were finding. So, we've still got  
6 questions to ask about that.

7 DR. BARRY COX: What do you mean by  
8 found "certain things," there are things that should  
9 have been found or what --

10 MR. PHILIP STROUD: Things that  
11 should have been found, like horseshoes and pipes and  
12 things like that that are still in the ground.

13 So, we're still going to ask a lot  
14 of questions. This is something on validation of  
15 data.

16 It's been a long-term question of  
17 ours. You should be very aware of that.

18 MR. GARY HARVEY: There was no  
19 unexploded ordnance found.

20 MR. RON LEVY: No bodies.

21 MR. GARY HARVEY: No bodies.

22 DR. BARRY COX: Are you saying it's  
23 a fundamental disagreement between ADEM and the Army

1 on how to proceed or would that be a fair statement or  
2 what is --

3 MR. PHILIP STROUD: Well, with this  
4 particular parcel of property that ALDOT was going to  
5 get, some of our early questions, it's fairly  
6 complicated in the way they dig up ordnance, and the  
7 methodology they use, and the type of instruments they  
8 used, and then the QAQC that was used. So, we  
9 followed all these procedures. We felt uncomfortable  
10 with those procedures. ALDOT was already asking that  
11 question, too, so, we could not confidently say, yes,  
12 we feel comfortable that this land, you know, that's  
13 going to be dug up with bulldozers.

14 So, ALDOT took it on themselves,  
15 saying, let's just look at it. So, when they came  
16 back with some information, they said, wow, there is a  
17 lot -- apparently, there's something under the ground  
18 here. And when they went out and physically dug it  
19 up, they came up with fairly large items in the top  
20 foot.

21 So, we are naturally asking, what --  
22 why were those not dug up, you know. So, we're still  
23 asking those questions. So, we don't know the full

1 answer to this, yet.

2 DR. BARRY COX: And then, Ron, what  
3 is the question why they weren't dug up? What is the  
4 answer?

5 MR. RON LEVY: I'm not sure what  
6 he's talking about. I mean, what items are we talking  
7 about?

8 MR. PHILIP STROUD: Well, they're  
9 from the ALDOT reports.

10 MR. RON LEVY: Well, they were  
11 certainly items out there, but the Army's position  
12 was: It was a training area, it wasn't an impact  
13 area. You're going to find eaches (phonetic) of all  
14 sorts of stuff, to include historical use of that  
15 property with large anomalous readings.

16 We did essentially one-foot  
17 clearance. And it was based upon the history of the  
18 site, which is documented, because it wasn't an impact  
19 area, so we did removal. As part of that, there was  
20 some -- there was some turning up of the soils and  
21 other things that went on out there. So, there may  
22 have been things that came back up. But we did remove  
23 what -- if it was any OE, or OE items, we did remove

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1 all those.

2 Because of the history of the site,  
3 there wasn't any -- we felt there was not any reason  
4 to be looking any deeper at a significant cost, which  
5 obviously ALDOT had to pay for, you know, because they  
6 were stuck in between the Army's position and ADEM's  
7 position. So, well, they spent a hundred and fifty  
8 thousand dollars. And essentially what the Army is  
9 saying that they concluded, what we concluded, that  
10 there was no -- it was not an impact area, there was  
11 no ordnance out there associated with that.

12 So, now -- and I know ADEM's got a  
13 philosophical difference on that. Some of it is about  
14 how the data was derived, and we understand that, and  
15 we're discussing that.

16 But as far as this site is  
17 concerned, I think the Army and ALDOT are in agreement  
18 that there isn't -- there isn't any issues out there.

19 MR. GARY HARVEY: Might add one  
20 thing, Barry: If we'd have found unexploded ordnance  
21 in the one-foot clearance, then our assumption would  
22 have been void, and we'd have had to go the full  
23 measure, and we didn't.

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1 DR. BARRY COX: Okay. And so, just  
2 for clarification, there was some things, some metal  
3 within the one foot, but you're saying that was  
4 because the soil was churned up, is the reason it  
5 wasn't -- I think that's --

6 MR. DAN COPELAND: We performed a  
7 one-foot clearance so we could have timber harvest.  
8 You know, any time you start harvesting timber, you're  
9 going to have some moving of the soil.

10 MR. RON LEVY: On any of the root  
11 rakes and whatnot that were used out there, even  
12 though they say they don't go below a foot, I can tell  
13 you they went below a foot, and they were things  
14 (inaudible) that were moved out. And the fact is that  
15 we didn't remove because it wasn't ordnance.

16 MR. DAN COPELAND: Right. Right.  
17 (Inaudible.) We're required to remove all ordnance  
18 items.

19 DR. BARRY COX: Okay. So, you find  
20 some heavy piece of metal, there would be no reason to  
21 remove it?

22 MR. RON LEVY: Right.

23 MR. PHILIP STROUD: Well, we're

1 going to challenge that because we have the report of  
2 what was to be done. And in that report, it clearly  
3 says anything greater than three inches needs to be --  
4 will be dug up and removed. So, when you go back and  
5 you find items greater than three inches, a  
6 significant amount of them, then we've got to ask that  
7 question.

8 MR. RON LEVY: No, Philip, you got  
9 the wrong thing. It's anything on the surface that's  
10 three inches or larger was going to be removed.

11 MR. GARY HARVEY: Anyway, Barry --

12 DR. BARRY COX: Yes.

13 MR. GARY HARVEY: We are still  
14 arguing -- I mean, we brought our geochemist in from  
15 Huntsville, and we had a meeting. I'm not sure where  
16 we're going to resolve our difference --

17 DR. BARRY COX: But the reason we're  
18 asking that, of course, is that if there is a  
19 difference between the two, I think the RAB would  
20 certainly like to hear what both sides have to say and  
21 then go on from there.

22 MR. JIM GRASSIANO: Dr. Cox, if I  
23 could add, I think suffice it to say that ALDOT has



1 the information that it needed after conducting its  
2 additional investigation that it has exercised enough  
3 due diligence on its part to proceed with its  
4 construction.

5 We still have -- ADEM still has some  
6 differences with the Army on the methodologies used  
7 and the level of clearance, their investigation that  
8 was completed on the Bravo area, and that's going to  
9 be part of the investigations that are going to be  
10 (inaudible) tomorrow.

11 MR. PETE CONROY: What's the time  
12 frame, resolving the difference, you guys?

13 MR. JIM GRASSIANO: I don't have the  
14 answer to that. That's a good question. But we may  
15 know more after this meeting is over.

16 MR. GARY HARVEY: The reason we're  
17 having a meeting tomorrow is because we've got  
18 differences.

19 DR. BARRY COX: And how long have  
20 these difference been -- how long has this been on the  
21 surface? Is it something new that's just come up that  
22 y'all have differences?

23 MR. RON LEVY: No, in fact. Some of

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1 the comments that you all saw in the Alpha area EE/CA  
2 that Pete (phonetic) showed you -- I mean, those  
3 were -- they're programmatic issues, they're not just  
4 about the Alpha area, they're across the entire  
5 spectrum.

6 MR. JIM GRASSIANO: I'd say about a  
7 year and a half.

8 DR. BARRY COX: Okay. About a year  
9 and a half. So, it's been a year and a half we've had  
10 these differences between ADEM and the Army?

11 MR. JIM GRASSIANO: Uh-huh.

12 MR. RON LEVY: Well, one of the  
13 things that we've argued about -- and it's kind of  
14 been tough -- is that we started down the road -- we  
15 started with approved work plans. And understanding  
16 that ADEM got into this business a little late, and  
17 they brought in their own contractor -- well, which  
18 started looking at the documents, some things came out  
19 after the Army had performed the work that we had  
20 already gone through on our approved work plan. So --  
21 and then still, some of those things we still say that  
22 the Army's expertise and what it does internally is --  
23 satisfies these requirements.

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1                   Now, ADEM doesn't agree with that,  
2                   but that's been the Army's position. Certainly, we  
3                   have a history of doing this work for a long time now.  
4                   And we've get a center of excellence that does it for  
5                   a living every day.

6                   MAYOR WILLIAM KIMBROUGH: So, let me  
7                   ask you a question. You said we could receive a copy  
8                   of the EE/CA for Bravo, for instance. Can we also get  
9                   a copy of the comments that are made, as far as --

10                  MR. GARY HARVEY: Yeah, absolutely.

11                  MAYOR WILLIAM KIMBROUGH: Okay. So,  
12                  who do we need to contact for those?

13                  MR. GARY HARVEY: Huh?

14                  MAYOR WILLIAM KIMBROUGH: Who do we  
15                  need to contact to get those?

16                  MR. RON LEVY: I'll --

17                  MR. GARY HARVEY: Call me, call Ron.  
18                  If you don't get it, call me.

19                  MAYOR WILLIAM KIMBROUGH: Okay.

20                  MR. DAN COPELAND: We haven't  
21                  received any comments on Bravo yet.

22                  MR. PHILIP STROUD: Tomorrow we'll  
23                  be able to probably have some --

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1 MR. GARY HARVEY: We're still  
2 working that.

3 MAYOR WILLIAM KIMBROUGH: And I  
4 guess I'm more interested in -- this will be comments  
5 from ADEM and EPA, too?

6 MR. PHILIP STROUD: No, just ADEM.

7 MAYOR WILLIAM KIMBROUGH: What I'm  
8 more interested in is is when the BCT gets together  
9 and there are issues that are brought in there or  
10 questions, as far as what was discussed tonight, then  
11 are those available to us, too? Now, I know the  
12 public, when you have public input, but when there are  
13 conflicts like this tonight -- I know it's being  
14 brought out now, but will those be made available to  
15 us, also?

16 MR. RON LEVY: In fact the  
17 transcripts or the minutes from the BCT meetings, and  
18 we have them -- are put into the repository, as well,  
19 they're out there.

20 MAYOR WILLIAM KIMBROUGH: Okay.  
21 Well, I was under the impression at one time we were  
22 told that that was supposed to be held in confidence,  
23 the negotiations in the BCT --

1 MR. RON LEVY: Well, you've got the  
2 JPA who also sits in with the BCT. Remember the JPA  
3 is a --

4 MR. GARY HARVEY: People have not  
5 been having trouble finding what's going on in the  
6 BCT, okay. So, let's do away with that. People are  
7 finding out.

8 But your question is legitimate, if  
9 you want to know, we'll give you the minutes. The  
10 only problem we had starting out with the BCT is the  
11 group is sitting there, voting on alternatives that  
12 cost money. All right.

13 MAYOR WILLIAM KIMBROUGH: Right.

14 MR. GARY HARVEY: That gets to be a  
15 problem when only Government people can obligate money  
16 or have it. I mean, you don't want us running the  
17 City of Weaver, because we'd probably really slow you  
18 down there and --

19 MAYOR WILLIAM KIMBROUGH: Probably  
20 not much more than we already are.

21 MR. GARY HARVEY: -- you sure don't  
22 want us running Jax State.

23 But if you got a question on any

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1 document, and you can't get it, once that thing's  
2 printed, it's pretty well -- unless it's procurement  
3 sensitive, we'll get it for you.

4 MAYOR WILLIAM KIMBROUGH: My  
5 question, Gary, is, I guess, there are different  
6 technologies and things that are out there that are  
7 discussed by the BCT. I understand, because this is  
8 the issue that we discussed there.

9 We don't have the backgrounds -- and  
10 that was the question that we asked, when Ron came in,  
11 Ron Grant, came in, you know, we were wanting to know,  
12 you know, what technology is out there, is there  
13 something that could better serve in there? So,  
14 that's my basis of my question. I don't mean to go  
15 into that, but that's my basis. And if we can get  
16 those things, then that answers my question.

17 MR. GARY HARVEY: And those are real  
18 problems to all of us, because we start down a road,  
19 we do a work plan, we're doing it by this method, and  
20 then all of sudden, here comes another method now, and  
21 you turn on a dime and go this way. Well, it's just  
22 like buying a computer. It changes every day.

23 MAYOR WILLIAM KIMBROUGH: I

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1 understand. I hope you understand --

2 MR. GARY HARVEY: Okay. But if you  
3 don't get a document, you let me know, and we'll get  
4 them to you.

5 MAYOR WILLIAM KIMBROUGH: Because I  
6 do read them.

7 MR. RON LEVY: Anymore discussion on  
8 that? I'll just do -- as far as the landfill EE/CA  
9 investigation, obviously, most of you know that that  
10 work went to the JPA, and there are a couple of sites  
11 that did not -- (inaudible) stumped (phonetic) on. An  
12 area that's inside the bypass, and area which has been  
13 completely reworked in terms of what's happened out  
14 there and the probable fill area, range thirty, which  
15 is in this general area up in there.

16 Those are things that we're going to  
17 close out. We had some discussion. EPA has been  
18 involved, JPA knows those decisions that were made and  
19 has agreed to them.

20 Essentially, there wasn't any issues  
21 there. One of the big things that came out of our  
22 discussions in the past was ADEM was wanting to see us  
23 do some soil gases or landfill gases at all these

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1 sites, which we did complete, and we provided those to  
2 ADEM. We didn't see anything new associated with  
3 that.

4 One of the things we wanted to say  
5 to you is that we're doing close-out reports for  
6 those, so, you'll -- so, there will be some documents  
7 that come out along that line, even though the work's  
8 migrating over towards the JPA.

9 One new action that's happening, I  
10 think the last BCT meeting, I briefed -- is it the  
11 last one or the one before that? We briefed that  
12 there is a parcel, or there is a piece of property  
13 that has not been transferred -- (pointing) --  
14 essentially, so it's -- what's up underneath  
15 Highway 21, runs alongside the installation. We are  
16 starting a FOST on that, so that we can transfer it to  
17 the Highway Department to get rid of that last piece  
18 of property. So, that's what's referenced in here is  
19 that Highway 21 FOST.

20 It will exclude the piece up here,  
21 which is impacted by the groundwater that's -- that  
22 will be addressed in the ESCA document.

23 And then you can see, there is two

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1 property transfer actions that are sitting there, the  
2 fifty-five acres and the building is what the fire  
3 department is using. It's in the middle of main post.  
4 It was apparently -- it did not make it out until just  
5 recently.

6 And then working some acreages in  
7 here -- (witness pointing) -- that were cleared for  
8 transfer to ALDOT, the tract two piece. That's the  
9 Flying J. that we were just talking about. ALDOT's  
10 (inaudible) start construction.

11 Any other questions?

12 MR. MONTY CLENDENIN: Thank you.  
13 The ballot, Robert Jackson, ten and James Hall, six,  
14 will be the new members, Robert and James. So, make  
15 note of that.

16 TAPP report.

17 MR. RON GRANT: Okay. That's me. I  
18 guess, I charged off seventeen and a quarter hours. I  
19 had, subject to the RAB meeting, you know, when you  
20 all asked me to do a briefing, I spent a couple of  
21 hours talking with Ron and Karen Pinson and them  
22 about -- charged off a total of twelve hours in  
23 preparing my presentation tonight. So, that's where

1 the bulk of that went.

2 MR. MONTY CLENDENIN: Good  
3 presentation, too, that was helpful for all of us.

4 MR. RON LEVY: I'll just add to  
5 that, Ron, of the total hours that's left in his  
6 contract, there's three hundred and forty and a half  
7 hours left in his contract, since he's -- he bills on  
8 an hourly basis, so, right now -- we started at five  
9 hundred, there's three hundred and forty point five  
10 hours still available.

11 MR. GRANT: That goes through, I  
12 guess, through April.

13 MR. RON LEVY: Right. And we have  
14 the option of extending it, certainly.

15 MS. DONNA FATHKE: Jim Miller asked  
16 me to bring up the question whether or not we wanted  
17 to meet with Ron again, like we did tonight at the  
18 next meeting, prior to that meeting, I guess, to be  
19 determined.

20 MR. MONTY CLENDENIN: You got an  
21 advanced course for us?

22 MR. RON GRANT: Jim, gave me a name  
23 for this one tonight. He gave me that. He didn't

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1 leave a name for the next presentation.

2 That's up to you. I guess I just  
3 need some idea of what you want to cover. You know,  
4 if you want to do that.

5 MS. DONNA FATHKE: Well, does the  
6 RAB want to do it? I guess that's the issue.

7 MAYOR WILLIAM KIMBROUGH: I would  
8 like for you to review the Bravo area EE/CA and bring  
9 some comments on that.

10 MR. RON GRANT: Okay.

11 MR. MONTY CLENDENIN: 5:30 for the  
12 pre-meeting. Okay. Do we need to vote on that?  
13 Everybody in favor say I. Any opposed say no.  
14 Passes. Okay. 5:30, our next meeting.

15 Anything else, Ron?

16 MR. RON GRANT: No.

17 MR. MONTY CLENDENIN: Okay. TOSC  
18 report.

19 MR. RON LEVY: Can I -- I mean, you  
20 got another resource here in the terms of Bob there.  
21 Do you want to consider use of his time, too? He has  
22 not done any work up to this point, have you, Bob?

23 MR. BOB SCHMITTER: There's been a

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1 review of documents in the repository and the library  
2 that's -- trying to get us up to speed on what's going  
3 on here, but that's about it.

4 DR. BARRY COX: One thing we could  
5 consider is perhaps if -- and, Bob, if you have the  
6 expertise, is that maybe you can weigh in for us on  
7 the issue with UXOs between the Army and ADEM, the  
8 difference in philosophies.

9 MR. BOB SCHMITTER: Sure.

10 DR. BARRY COX: That would be good  
11 for next meeting, too.

12 MR. BOB SCHMITTER: Take a look at  
13 it and see what we can do.

14 DR. BARRY COX: I'll just throw that  
15 out as a --

16 MR. MONTY CLENDENIN: All right.  
17 Anything else? Was that the TOSC -- you're the TOSC  
18 guy, right?

19 MR. BOB SCHMITTER: Right.

20 MR. MONTY CLENDENIN: All right.  
21 Any upcoming programs?

22 DR. BARRY COX: Would you have time  
23 to do that one by next -- that would be just a month,

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1       that would probably -- have to put that off for a  
2       little bit longer than that.

3                       DR. DAVID STEFFY:   January.

4                       DR. BARRY COX:   Will two months be  
5       enough time to -- that will be a little tight.  In  
6       other words, do nothing for eight months, and then all  
7       of a sudden --

8                       MR. BOB SCHMITTER:  Well, I need to  
9       know what -- the specifics of -- I'll get with you or  
10      whoever and see what I can do, give it a shot.

11                      MR. PETE CONROY:  I'll mention that  
12      on December 2nd, 4:00 o'clock, at McClellan, there  
13      will be a JPA public use meeting, where Scott Parker  
14      will go to the community, for public input, the reuse  
15      plan.

16                      MS. DONNA FATHKE:  At  
17      Remington Place.

18                      MR. PETE CONROY:  Remington Hall.

19                      MR. MONTY CLENDENIN:  Any other  
20      upcoming programs?

21                      This does not have to do with  
22      cleanup, but it does have to do with restoration.  My  
23      church has just received a grant from the

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1        Presbyterian Church USA to involve Native Americans in  
2        what happens to the snake effigy that's on top of  
3        Skeleton Mountain. We're working on that, and I have  
4        a meeting, I hope, next Saturday with Joyce Baird, who  
5        is the person that's with the Cherokee Nation in  
6        Muskogee, Oklahoma. They are very interested in  
7        looking at this site, talking about what's going to  
8        happen to it.

9                                So, anybody -- and Ron gave me some  
10       tremendous information, but anybody who has  
11       information about that or interest in that, I'd like  
12       to solicit some input from this committee. Some of  
13       you may not even know about it, but it's a rock effigy  
14       that's on top of one of the mountains on the south rim  
15       of the Fort.

16                               Harry Holstein has done some work up  
17       there, an archeologist from UAB has done some work up  
18       there. It is probably Mississippians, it is probably  
19       pre-Columbian and probably pre-Creek, but the  
20       Creek Nation is the authoritative folks for this area.  
21       Cherokees come down as far as Gadsden.

22                               So, that's something that I'm  
23       working on and would appreciate any input and I would

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1       also like to know if the Army -- if anybody has any  
2       information about other Native American sites on the  
3       Fort, besides that particular one. Are there other  
4       sites that should be looked at?

5                       MR. RON LEVY: There are certainly  
6       other sites that were investigated under a phase-one  
7       investigation, and there are other sites that went to  
8       phase two. Those sites are identified in deeds in the  
9       documents that go to the JPA on the transfers, because  
10      in some senses, they are protected sites.

11                      So, the only thing that concerns  
12      some folks about defining where those sites are, is  
13      that you don't get people go out there and start, you  
14      know, treading on any --

15                      MR. GARY HARVEY: Rooting around  
16      looking for souvenirs.

17                      MR. RON LEVY: Yes.

18                      MR. PETE CONROY: Are the JSU  
19      archeology community kind of plugged in to this  
20      meeting?

21                      MR. MONTY CLENDENIN: Well, I have  
22      not talked with them, and I haven't talked with Harry  
23      about it in a long time, in terms of an official

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1 capacity.

2 MR. PETE CONROY: Do you have a date  
3 for it again?

4 MR. MONTY CLENDENIN: For what?

5 MR. PETE CONROY: The meeting.

6 MR. MONTY CLENDENIN: She is in  
7 Columbus, Georgia this week and is going to be passing  
8 through here next Saturday, so, I'm trying to arrange  
9 a meeting with her Saturday morning.

10 MR. PETE CONROY: Between Lisa and  
11 I, I think we can triangulate on those folks.

12 MR. MONTY CLENDENIN: Okay. All  
13 right, good.

14 Audience comments? Any comments  
15 from the participants? Do I hear a motion that we --  
16 oh, our next meeting, no meeting in December, next  
17 meeting will be January the 12th. That's all I know.  
18 Do I hear a motion we adjourn?

19 DR. BARRY COX: So moved.

20 MR. MONTY CLENDENIN: Everybody in  
21 favor say I. Motion passed.  
22 (Whereupon, the meeting was adjourned.)

23



## C E R T I F I C A T E

STATE OF ALABAMA)

CALHOUN COUNTY )

I, SAMANTHA E. NOBLE, a Court  
Reporter and Notary Public in and for The State of  
Alabama at Large, duly commissioned and qualified,  
HEREBY CERTIFY that this proceeding was taken before  
me, then was by me reduced to shorthand, afterwards  
transcribed upon a computer, and that the foregoing is  
a true and correct transcript of the proceeding to the  
best of my ability.

I FURTHER CERTIFY this proceeding  
was taken at the time and place and was concluded  
without adjournment.

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IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed my seal at Anniston, Alabama, 5  
on this the 19th of December, 2003.

SAMANTHA E. NOBLE  
Notary Public in and for  
Alabama at Large

MY COMMISSION EXPIRES: 11-19-2005.

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