

NOBLE & ASSOCIATES

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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
12th day of January, 2004, commencing at approximately 6:30
p.m.

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1 MR. MONTY CLENDENIN: Before we
2 begin, I'd like to introduce our -- we have two new
3 members of the RAB Board, Bob Jackson, over here at
4 this end and James Hall on this end. Welcome to both
5 of you.

6 Let's do the roll call. I'm here.

7 Gary Harvey? James Burford?

8 MR. JAMES BUFORD: Here.

9 MR. MONTY CLENDENIN: Pete Conroy?

10 MR. PETE CONROY: Here.

11 MR. MONTY CLENDENIN: Barry Cox?

12 DR. BARRY COX: Here.

13 MR. MONTY CLENDENIN: Jerome Elser?

14 Donna Fathke?

15 MS. DONNA FATHKE: Here.

16 MR. MONTY CLENDENIN: Oh, you're
17 here. I thought you had an --

18 MS. DONNA FATHKE: I just snuck in.

19 MR. MONTY CLENDENIN: Okay. All
20 right. Curtis Franklin?

21 MR. CURTIS FRANKLIN: Here.

22 MR. MONTY CLENDENIN: James Hall?

23 MR. JAMES HALL: Here.

1 MR. MONTY CLENDENIN:

2 Robert Jackson?

3 MR. ROBERT JACKSON: Here.

4 MR. MONTY CLENDENIN:

5 Mayor Kimbrough?

6 MAYOR KIMBROUGH: Here.

7 MR. MONTY CLENDENIN: Joe McCarey?

8 MR. JOE MCCAREY: Here.

9 MR. MONTY CLENDENIN: Jim Miller?

10 MR. JIM MILLER: Here.

11 MR. MONTY CLENDENIN:

12 Dwight Mitchell? David Steffy?

13 DR. DAVID STEFFY: Here.

14 MR. MONTY CLENDENIN:

15 Micki Schneider? Anybody from JPA? Doyle Brittain?

16 Ron Levy?

17 MR. RON LEVY: Here.

18 MR. MONTY CLENDENIN: And

19 Phillip Stroud?

20 MR. PHILLIP STROUD: Here.

21 MR. MONTY CLENDENIN: All right.

22 MAYOR WILLIAM KIMBROUGH: Does

23 anybody know where Pete's name plate is? He's sitting

1 over here by me, and I'd like to --

2 MR. PETE CONROY: Get rid of him?

3 MR. MONTY CLENDENIN: Okay. Let's
4 start back here in the back and all the guests
5 introduce themselves, please.

6 MR. JOE DOYLE: Joe Doyle,
7 Transition Force.

8 MR. JOE MCNEIL: Joe McNeil,
9 Corps of Engineers, Huntsville.

10 MS. SHANA DECKER: Shana Decker with
11 ADEM.

12 MR. BOB SCHMITTER: Bob Schmitter
13 with Georgia Tech.

14 MR. JIM GRASSIANO: Jim Grassiano,
15 ADEM.

16 MR. PAUL JAMES: Paul James,
17 Transition Force, Environmental Office.

18 MR. TODD BATES: Todd Bates,
19 Foster Wheeler.

20 MR. RON GRANT: Ron Grant, TAPP
21 contractor.

22 MR. BILL SHANKS: Bill Shanks,
23 Transition Force, Environmental.

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1 MS. KAREN PINSON: Karen Pinson,
2 Transition Force, Environmental.

3 MS. LISA HOLSTEIN: Lisa Holstein,
4 Transition Force, Environmental.

5 MS. BRENDA CUNNINGHAM:
6 Brenda Cunningham, Transition Force, Environmental.

7 MR. LOUIS BASS: Louis Bass,
8 Fort McClellan homeowner.

9 MR. MONTY CLENDENIN: Okay.
10 Welcome.

11 Just for the record, Cheryl Bragg
12 and Mary Harrington have asked for an excuse tonight.

13 You have before you and you should
14 have had in e-mail form, if you were able to look at
15 the minutes, for November. Let's take a minute to
16 look at those, and any changes, corrections, or
17 additions, we'll entertain.

18 Anybody --

19 MS. DONNA FATHKE: So moved.

20 MR. MONTY CLENDENIN: It's been so
21 moved, and second it?

22 MR. JAMES BUFORD: I second.

23 MR. MONTY CLENDENIN: Everybody in

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1 favor of that say aye. Any opposed say no. Okay.

2 The minutes are approved.

3 Any old business? Anything pending
4 from past meetings or --

5 Okay. The program -- report of the
6 pre-RAB meeting, we met, and we didn't have much to
7 say to this group, so, we have no report.

8 Let's move on to new business. We
9 have some slots for new members. Are those
10 applications, where are those?

11 MS. BRENDA CUNNINGHAM: I didn't
12 print them out again. They're the same ones --

13 MR. MONTY CLENDENIN: The same ones
14 that we've had?

15 MS. BRENDA CUNNINGHAM: -- that are
16 on file, yes.

17 MR. MONTY CLENDENIN: And we need
18 three or --

19 MS. BRENDA CUNNINGHAM: No, we need
20 one.

21 MR. MONTY CLENDENIN: We need one.
22 Do we have a ballot of some sort?

23 MS. BRENDA CUNNINGHAM: Yeah, it's

1 in your packet.

2 DR. BARRY COX: In your packet.

3 MR. MONTY CLENDENIN: Very good.

4 Okay. You see these -- I -- let's just do that right
5 quick then. Cast your vote, we need one. Anybody
6 want to make a campaign speech? This is the year to
7 do that. We're going to get enough of that later, I
8 suppose. All right. Make a single vote and pass it
9 in.

10 MR. JIM MILLER: What if there's a
11 dangling chad with that, what do we do with that?

12 MR. MONTY CLENDENIN: What?

13 MR. JIM MILLER: How do we deal with
14 that?

15 MR. MONTY CLENDENIN: I don't know.
16 I don't know.

17 Pass them kind of toward this way,
18 and I'll let Ms. Brenda, if she would, or someone,
19 take them and count them. Thank you.

20 Any other ballots out? We'll have
21 the votes a little later.

22 Okay. Other issues. Do you see the
23 renewal of TAPP contract expires May 14th. Who needs

1 to address that issue?

2 MR. RON LEVY: Right now, pending --
3 obviously, it's pending the agreement on the part of
4 the RAB is to renew his contract. But that's a RAB
5 decision, solely a RAB decision. Now, we will work
6 the contract issues.

7 MR. MONTY CLENDENIN: Is that for
8 Ron?

9 MR. RON LEVY: That's for Ron Grant.

10 MR. MONTY CLENDENIN: Do I hear a
11 motion then that we seek a renewal of Ron Grant's
12 contract, TAPP?

13 DR. BARRY COX: Moved.

14 MAYOR WILLIAM KIMBROUGH: Second.

15 MR. MONTY CLENDENIN: Do I have
16 another second? Jim Miller.

17 MR. JIM MILLER: Second.

18 MR. MONTY CLENDENIN: Any questions?
19 Any debate? Everybody in favor say aye. Any opposed
20 say no.

21 Agency reports, ADEM and EPA.

22 THE COURT REPORTER: Your last
23 motion?

1 MR. MONTY CLENDENIN: The motion
2 passed.

3 THE COURT REPORTER: Thank you.

4 MR. MONTY CLENDENIN: Agency
5 reports, ADEM.

6 MR. PHILIP STROUD: All right. EPA
7 is not here today. I don't know if anybody has heard
8 from them, and I'm not sure of what they've done.

9 I'm going to pass this out. This is
10 our documents reviewed, documents received, status of
11 each one. Pass them around.

12 All right. I've been in the field
13 all day today. I'll be here through Wednesday. And
14 I'm looking over the ranges west of
15 Iron Mountain Road, at the ranges there and the ranges
16 at the Baby (phonetic) Baine's Gap Road. And what I'm
17 doing is verifying a lot of the information we've
18 already gone over to make sure that what we're saying
19 in the reports is a fact.

20 And more just a verification of lead
21 that has been found and how the ranges look, what the
22 ranges look like, and to see how they're related to
23 the new eastern bypass going through. A lot of them

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1 have been disturbed by the eastern bypass. I wanted
2 to get a good visual on this. And also, what these
3 ranges look like.

4 And so, we'll be here through
5 Wednesday, if anybody has any further questions about
6 that.

7 We're looking at the issues, also,
8 with the Bravo area. This is between the Bravo, the
9 ranges west of Iron Mountain Road and
10 Baby Baine's Gap Road and that's keeping me swamped.

11 And we're still working the issues
12 with the Army about the flying J, and those issues are
13 now -- we're trying to resolve those issues as we
14 speak.

15 That's about it. I can tell you
16 we're very busy with all these things, so, if you have
17 any questions, please, call --

18 MAYOR WILLIAM KIMBROUGH: Flying J,
19 what --

20 MR. PHILIP STROUD: The flying J
21 is -- it's been called also tract number two. And
22 that's the area that is --

23 MR. RON LEVY: Philip, it's better

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1 on this. If you can see where I'm pointing, this in
2 the yellow.

3 MAYOR WILLIAM KIMBROUGH: Okay, it's
4 where -- okay.

5 MR. PHILIP STROUD: Right, issues
6 related to that, those are still outstanding.

7 MR. MONTY CLENDENIN: I noticed them
8 laying -- or putting high line (phonetic) along the
9 side there now. Do you know what's that's for?

10 MR. PHILIP STROUD: I don't know
11 what that is for. As a matter of fact, I asked a
12 question there. They're putting power lines in there
13 already.

14 MR. JIM MILLER: I got to ask this
15 question. It doesn't have anything to do with
16 anything pertinent, but where that right-of-way has
17 been cleared there for the flying J, out there in the
18 opening about halfway up, there's a single lone tree
19 left standing there. I've been dying to know why that
20 tree has been left. Was there a brown bat living in
21 that thing?

22 MR. GARY HARVEY: I think that was
23 the contractor's picnic area. I always saw the pickup

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1 truck parked by it.

2 MR. JIM MILLER: There's got to be
3 some logic to that tree standing there.

4 MR. PHILIP STROUD: I don't know. I
5 don't know what it is, Jim.

6 MR. MONTY CLENDENIN: Is that
7 flying J the northern access off of the bypass going
8 up 21, is that what the purpose of that --

9 MR. RON LEVY: No, that is -- no,
10 that is the rerouting of Summerall Gate Road.

11 What's happening is the eastern
12 bypass is coming right over the top and spreading into
13 Summerall Gate Road. And so, in order for them to
14 have a connection back into Summerall Gate Road, they
15 had to reroute it up to the north, and that's what
16 that is.

17 MR. MONTY CLENDENIN: So, the
18 connector will be south of the flying J?

19 MR. RON LEVY: Right.

20 MR. MONTY CLENDENIN: Okay.

21 MR. RON LEVY: The ramp off of the
22 eastern bypass, coming into McClellan, is this right
23 here -- (demonstrating) -- that's it. Sorry,

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1 Dr. Steffy.

2 MR. GARY HARVEY: See that's coming
3 into McClellan.

4 MR. RON LEVY: This is the eastern
5 bypass here, and this is one of the ramps off, and
6 then this is another one right here --
7 (demonstrating) -- McClellan ramp or -- what's the
8 term they use for it?

9 MR. MONTY CLENDENIN: Where will it
10 intersect 21 and 431, can you show that?

11 MR. RON LEVY: Up here somewhere --
12 (pointing) --

13 MR. JOE DOYLE: Right by the
14 original Summerall Gate.

15 MR. RON LEVY: Yeah. Well,
16 actually, it cuts across -- it cuts across Highway 21
17 and goes across, as I understand it, the property
18 that's the Board of Education property and then
19 intersects into 431 there.

20 MAYOR WILLIAM KIMBROUGH: I thought
21 it was above it.

22 MR. RON LEVY: It's up above that.

23 MR. MONTY CLENDENIN: That little

1 section where they've cleared the trees?

2 MR. ROBERT JACKSON: Where
3 SouthTrust is. Where the SouthTrust Bank used to be
4 (phonetic).

5 MS. DONNA FATHKE: And, Ron, you
6 said that was so they could regain access through
7 Summerall Gate Road?

8 MR. RON LEVY: Yeah. Essentially,
9 there is no way for free-flowing traffic, other than
10 what's coming off of the eastern bypass to get into
11 this area. So, from a redevelopment standpoint there
12 was a need to put in that -- there was a need to put
13 in that rerouting of Summerall Gate Road.

14 MS. DONNA FATHKE: As a local access
15 road?

16 MR. RON LEVY: Right.

17 MS. DONNA FATHKE: Okay.

18 MR. JIM MILLER: And all that's
19 clean and clear and been turned over to the D.O.T.?

20 MR. RON LEVY: Well, that's the
21 discussion that Philip said was --

22 MR. JIM MILLER: But subject to your
23 review?

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1 MR. PHILIP STROUD: Yeah, we're
2 still in review of that, and we're still asking the
3 Army questions about that. Y'all brought it up at the
4 last meeting, the issues still remain.

5 MAYOR WILLIAM KIMBROUGH: That's not
6 the area that the D.O.T. paid for and had cleared, is
7 it?

8 MR. RON LEVY: It is.

9 MR. PHILIP STROUD: Yes.

10 MR. RON LEVY: Well, they didn't
11 have it cleared, they went in there and did additional
12 geophysical investigative work.

13 MAYOR WILLIAM KIMBROUGH: Oh, okay.

14 MR. RON LEVY: The Army's position
15 is that it's clear and we're working on -- I'll
16 discuss it when we get to my part -- but we're working
17 on a deed right now.

18 MR. MONTY CLENDENIN: And let me --
19 I just hate to let that go. But their additional work
20 confirmed the work that you had done, you feel like?

21 MR. RON LEVY: That's what we feel.

22 MR. MONTY CLENDENIN: All right.

23 Anything else?

1 MR. PHILIP STROUD: Well, while I
2 have Jim here, Jim, is there anything else right now
3 that I missed?

4 MR. JIM GRASSIANO: No. I think
5 that's a good status.

6 MR. PHILIP STROUD: One thing, while
7 I'm on the topic of ADEM, I believe all of y'all have
8 met Shana Decker. Again, I just want to reintroduce
9 her. And she is actually transitioning in, and I'm
10 glad to have her along and onboard. So, she'll be
11 transitioning in on several. So, welcome her and work
12 with her and give her a call. Shana Decker, not
13 Shanna (phonetic).

14 MR. JIM MILLER: We'll get in
15 trouble for that.

16 MR. PHILIP STROUD: Yeah, just let
17 y'all know.

18 MR. MONTY CLENDENIN: Okay. Thank
19 you, Philip. Anything else? Any questions for ADEM?

20 JPA report, I don't see it. I have
21 a concern that may just be a personal concern but, you
22 know, I thought until the transfer that the Army was
23 the one that's on the hot seat, and then I thought now

1 that JPA was on the hot seat answering questions, but
2 they've not been at the last three meetings, they've
3 not had any representation.

4 MR. PETE CONROY: Well, you know,
5 they really do, but board level and Ed and I represent
6 the JPA, collectively, wholeheartedly.

7 MR. MONTY CLENDENIN: Do you have
8 reports to bring to them or from them for this
9 meeting?

10 MR. PETE CONROY: I think Ed and I
11 are in a position to answer any questions --

12 MR. MONTY CLENDENIN: Okay.

13 MR. PETE CONROY: -- and provide any
14 information that's needed.

15 MR. MONTY CLENDENIN: Okay. Do
16 y'all have a report?

17 MR. PETE CONROY: Yeah. Tomorrow
18 morning, there will be a work session, and everyone is
19 invited to attend that work session. The time has
20 been changed from 7:30 to 8:00 o'clock, which is good
21 for us, Ed.

22 And one of the things that we're
23 going to be working on tomorrow is -- well, no votes

1 are taken at the work session meetings, but we'll be
2 talking about the Baltzell Gate area and the
3 Symphony at McClellan, as well as virtually every
4 other issue we're engaged with.

5 Anything come to mind, Ed, in
6 particular?

7 MAYOR WILLIAM KIMBROUGH: Well, the
8 reuse map, we will -- it will be proposed for
9 adoption. Of course, we have a work session, but that
10 will be in two weeks. And so -- and also,
11 negotiations are ongoing for the management team to
12 manage, as far as the cleanup. So, you were asking
13 (inaudible) session, about the forty-eight,
14 forty-eight point five million, and that's -- we'll
15 have to have a management team in place before a lots
16 of the activities start for us, start taking place.

17 MR. MONTY CLENDENIN: Would you say
18 that JPA is pleased with this committee's work?

19 MAYOR WILLIAM KIMBROUGH: I don't
20 know if anybody besides Pete and I are aware of the
21 reuse. I know Micki comes for some and Dan has, but I
22 couldn't answer -- I couldn't answer except for
23 myself. And, of course, I am. I couldn't answer for

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1 the JPA.

2 MR. PETE CONROY: It maybe a
3 reasonable thing for members of this RAB to attend JPA
4 committee meetings, work meetings, or full meetings,
5 in particularly the full meeting are the meetings that
6 are informational.

7 MAYOR WILLIAM KIMBROUGH: And if you
8 want us to relate from the RAB to them that you're
9 concerned that none of the staff has attended the last
10 three meetings, then we'll be glad to do that.

11 MR. MONTY CLENDENIN: I guess my
12 concern is: I kind of thought the function of this
13 committee was to oversee the cleanup of the Fort.
14 But --

15 MAYOR WILLIAM KIMBROUGH: Well, we
16 haven't gotten any --

17 MR. MONTY CLENDENIN: Is the JPA
18 pleased with what is being done, in terms of the
19 cleanup are the discoveries or, you know --

20 MAYOR WILLIAM KIMBROUGH: Well --

21 MR. MONTY CLENDENIN: Does that make
22 any sense? Am I --

23 MAYOR WILLIAM KIMBROUGH: Yeah, it

1 makes sense.

2 MR. PETE CONROY: I would say it's a
3 pretty broad question or statement. Are they pleased
4 with everything, no. Are they pleased with most
5 things, probably. And they'll probably be a couple of
6 areas that remain of concern.

7 MS. DONNA FATHKE: Pete --

8 MR. RON LEVY: I do want to say that
9 I talked to Micki just before -- she called me and
10 said, you know, that she's got a son that -- at the
11 house, and she was going to attend, but because her
12 husband wasn't there, she had to go home and take care
13 of him. So, she was planning -- she asked me if there
14 was anything specific, in terms of things coming up.
15 And I said, well, we're on the Bravo, but I don't know
16 how that was going to go. But she said she probably
17 wouldn't make it.

18 MR. GARY HARVEY: You know, it's not
19 going to be very long, the Army won't be here anymore,
20 none of us, will be very shortly. And with the Army
21 gone, I'm not sure if the RAB is going to be here or
22 not. I can't imagine why we would have a RAB when all
23 the Army is gone and all the environmental is turned

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1 over.

2 So, it might be time for the JPA and
3 the RAB to see how they're going to do community
4 advisory after the Army is gone. Because the goal is
5 to have all the property gone by the end -- by
6 30 September. That's the DA's goal. Whether we'll
7 make it or not, I don't know. But we're down to four
8 hundred and seventy-eight acres. That's not much.
9 JPA has all of theirs.

10 We're going away. And I can't
11 imagine that when we negotiate the ESCA phase two,
12 that's the cooperative agreement with the JPA, to do
13 the rest of the cleanup, that there will be any need
14 for any Army presence here anymore.

15 So, being we have some board members
16 here on the thing, you may look at how you're going to
17 do community involvement after we're gone.

18 MR. JIM MILLER: Is the funding JPA
19 received earmarked for community involvement or
20 specifically for advisory board?

21 MR. GARY HARVEY: The money they're
22 getting now is for cleanup, but when they negotiate
23 ESCA phase two, that would be a time to bring it up in

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1 negotiations, whether we should do that or it should
2 be built into their money.

3 MAYOR WILLIAM KIMBROUGH: We brought
4 it up. It's been discussed. And until we get the
5 management team in place, they'll develop the total
6 plan and then bring it to the JPA for approval.

7 MR. GARY HARVEY: Right. I
8 understand that.

9 MAYOR WILLIAM KIMBROUGH: The
10 management team -- and I think our bylaws, I saw
11 today, they'll be proposed at this time, as far as the
12 makeup -- I believe it's five people, Pete, I read it
13 this morning and all. So, it's still in the works.

14 To answer your question. It's lots more
15 complicated than I think some of us thought it would
16 be, especially me. I'm very simple minded, so -- but
17 it's taking a while to get up and running.

18 MR. GARY HARVEY: Well, I understand
19 that. I'm just talking about maybe when your
20 management team gets in --

21 MAYOR WILLIAM KIMBROUGH: Yeah.

22 MR. GARY HARVEY: -- and then the
23 community involvement people --

1 MAYOR WILLIAM KIMBROUGH: Right --

2 MR. GARY HARVEY: -- advisory --

3 MAYOR WILLIAM KIMBROUGH: Pete and I
4 have both brought that up on several occasions, and
5 it's my understanding that there will be some
6 community relations in there. And I've requested that
7 time and again.

8 MR. RON LEVY: There already is some
9 funding in the ESCA for community relations.

10 MAYOR WILLIAM KIMBROUGH: I thought
11 there was.

12 MR. RON LEVY: And what the ESCA
13 says now is the Army is responsible for maintaining
14 the RAB with input, a piece of it, you know, being
15 done by the JPA, as their work starts in. So --

16 DR. BARRY COX: How long is that
17 going to be in effect, Ron?

18 MR. RON LEVY: The ESCA?

19 DR. BARRY COX: I mean, how long --
20 you said that they're responsible for the --

21 MR. RON LEVY: I think what Gary was
22 proposing is that if there's a phase two, that we
23 could negotiate changing that over or doing something

1 different. But as it stands now, as long as the ESCA
2 is in effect, however long it takes you to do the
3 cleanup.

4 DR. BARRY COX: That the -- are you
5 saying then that the Army would be --

6 MR. RON LEVY: And it could be done
7 in several means. I mean, it may be that it becomes a
8 separate funding source, as opposed to us doing it the
9 way we're doing it now. I just don't know.

10 DR. BARRY COX: The last meeting,
11 didn't Micki indicate that they probably would not see
12 a need for a RAB on a regular basis? Was that the
13 comment she made at the last meeting? Go back to the
14 minutes --

15 MR. PETE CONROY: I would say that's
16 an informal comment from a staff member.

17 DR. BARRY COX: Okay. Well, it
18 might be wise for this committee to begin to talk
19 about sunset of this committee's task, because I kind
20 of feel -- I don't know who we're asking all these
21 difficult questions about cleanup for. It used to be
22 kind of I was quizzing the Army, before they got out
23 of here and turned the Fort and stuff over that I

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1 thought our focus was directed.

2 But if -- again, we've discussed this
3 kind of at the last meeting, but I don't feel like I
4 know who needs this information that we're gathering
5 and so studiously worried about each quarter now,
6 instead of each month.

7 So, I'm confused, I guess, because,
8 I don't know why -- who we're asking these questions
9 for.

10 MR. JOE DOYLE: Monty, if I might
11 address the floor here for a second. Remember now,
12 we've got the phase one and the phase two ESCA, so, as
13 we speak right now. You know, the phase two, as Ron
14 and I briefed back, when we had it at your church, in
15 fact, that meeting, we explained to you, you know,
16 based upon the map and with certain exclusions,
17 that -- on an area basis -- as we speak, the Army has
18 cleanup responsibility, for example, the Bravo EECA.

19 That may change in the phase two
20 ESCA, but as we speak, the Army has certain cleanup
21 responsibilities, and we'll continue until and when
22 that ESCA, the second phase is put into place.

23 Now, on the other hand, you've got

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1 the phase one ESCA, as we briefed you, which is now a
2 JPA responsibility. And as we speak, we did address
3 the responsibility of the RAB in the phase one ESCA,
4 whereby it would be -- as I addressed even before we
5 finalized the ESCA, I said -- we looked at it as
6 bifurcated proceedings, whereby the Army would have --
7 be addressing any issues, essentially what -- the
8 phase two, since we still have responsibility to you,
9 the RAB members, and the JPA have the second half or
10 whoever wants to go first -- we don't have an ego in
11 this -- they address what they're doing, in terms of
12 making progress on the phase one ESCA cleanup
13 responsibilities that they have.

14 Now, for the immediate future, I
15 think that's the way it should be now. And as Gary,
16 Mr. Harvey said, as soon as phase two ESCA goes to --
17 kicks in, if that happens or when that happens,
18 whether it be the first of October or some other date,
19 at that point, the Army's responsibility for the
20 immediate cleanup of either the phase one or phase two
21 ESCA goes away.

22 Now, as I told you previously, that
23 still doesn't mean -- we ultimately are the

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1 stakeholder, if something goes wrong in the clean-up
2 process, JPA is going through. But on the day-to-day
3 cleanup operations, as to what they're finding, what
4 they're cleaning up, that's a JPA responsibility, and
5 you know, that should be addressed to the RAB.

6 So, as far as the sunset provision,
7 yes, it should be sunsetted with regard to the Army
8 providing that information. But as far as being
9 sunsetted for a responsibility for the public hearing,
10 what's going on in the cleanup of Fort McClellan, that
11 might be premature.

12 So, it's not necessarily a
13 disbanding that you're looking at, it's more of a
14 process by which the Army withdraws its support for
15 this, and the JPA is substituting in its place, but
16 doing essentially the same thing. I don't know if
17 that clarified it or what it did.

18 MAYOR WILLIAM KIMBROUGH: And as far
19 as the JPA involvement, they're not ready -- as far
20 as -- the management team will manage the cleanup.
21 So, when that team gets into place, then that will
22 be -- they'll have contractors, just like the Army has
23 and everything. So, that would be the point at which,

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1 you know, they would come to make presentations on
2 that.

3 MR. RON LEVY: I'll point out, too,
4 that the Fish & Wildlife area and the
5 Choccolocco Corridor area, one being Fish & Wildlife,
6 Department of Interior, being State property, are
7 still an Army responsibility that we have to maintain
8 until we get through the cleanup on that. So, those
9 are ongoing cleanup issues the Army is not giving over
10 to somebody else, at this point.

11 MR. MONTY CLENDENIN: Okay, anything
12 else for or from JPA?

13 TRC report?

14 MR. RON LEVY: I don't think we have
15 one.

16 MR. JIM MILLER: I think we lost the
17 technical review committee.

18 MR. MONTY CLENDENIN: I think, in
19 fact, didn't we decide to dissolve that committee last
20 time? Can we strike them from the agenda, the TRC,
21 henceforth?

22 Action summary sheets are in your
23 packet. Do you want to take a look at those right

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1 quick. Any questions, comments on that?

2 DR. DAVID STEFFY: We're dissolved.

3 DR. BARRY COX: We're dissolved.

4 MS. BRENDA CUNNINGHAM: I think

5 Barry is still left on the TRC.

6 MR. MONTY CLENDENIN: You've been

7 dissolved, but not solved.

8 DR. BARRY COX: Praise the Lord.

9 MR. RON LEVY: If anybody is

10 interested in me going through these and discussing.

11 I know we've got two new members who probably haven't

12 a clue as to what's going on or what's happened in the

13 past.

14 MR. MONTY CLENDENIN: Why should

15 they be privileged?

16 MR. RON LEVY: You guys need to line

17 up behind ADEM.

18 MR. MONTY CLENDENIN: Any questions

19 for Ron?

20 MAYOR WILLIAM KIMBROUGH: Did you

21 discuss in any of this -- which I think it would be

22 good for this group to hear -- on the recent events of

23 the vial?

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1 MR. RON LEVY: Yes.

2 MAYOR WILLIAM KIMBROUGH: Are you
3 planning on doing that?

4 MR. RON LEVY: I can. There is a
5 paragraph that talks about that, under turning area
6 T-38. And I'll just -- just to synopsise, it's been
7 in the paper. But we were -- we've been removing 3-X
8 material, essentially material that has been used in
9 the past by the Army to train soldiers on chemical
10 agent use, material that has been contaminated and
11 decontaminated.

12 One of our requirements, internal
13 requirements, is to remove that 3-X material. And
14 we've been doing that on two sites, both 24 Alpha and
15 T-38. But back in December, we uncovered a vial, an
16 ampule of -- from a case kit, with chemical agent --
17 chemical agent --

18 MR. GARY HARVEY: Identification
19 set.

20 MR. RON LEVY: -- identification
21 set. Soldiers used them to identify agent.
22 Essentially, it was a diluted -- dilute agent in the
23 vial, but it had agent nonetheless. And we took

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1 action to destroy that agent in that vial on site.

2 Most of you may have seen it in the newspaper.

3 The vial has been destroyed,
4 neutralized essentially, and the hazardous components
5 or hazardous waste of that has been shipped off the
6 installation to a site in Texas for incineration.

7 DR. DAVIS STEFFY: Was this an
8 accidental finding?

9 MR. RON LEVY: This is a finding we
10 did not expect to see.

11 DR. DAVID STEFFY: So, it was
12 accidental.

13 MR. RON LEVY: I would call it an
14 anomalous event, yes.

15 DR. DAVID STEFFY: Was it visually
16 or --

17 MR. RON LEVY: Yes, it was visually.
18 What they -- what they essentially were doing up there
19 is they were going in -- and they were in
20 protective -- in a protective -- going in and pulling
21 the soil up and all and everything that was in it,
22 screening the soil, and then shipping off the pieces,
23 you know, that are coming out of that, to an

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1 incinerator for disposal purposes.

2 DR. DAVID STEFFY: At what depth was
3 it being sifted out of?

4 MR. RON LEVY: The depth of the
5 pit -- the bottom of the pit -- I'm trying to remember
6 what was the total -- what was the depth of the pit,
7 Karen?

8 MS. KAREN PINSON: Actually, I think
9 it scooped up. They weren't sure exactly how deep the
10 vial was.

11 MR. RON LEVY: I'm trying to
12 remember. That was down about three foot?

13 MS. KAREN PINSON: It was three,
14 about three foot down.

15 MR. RON LEVY: Three foot. I think
16 the total depth of the pit wasn't any -- wasn't much
17 more than three or four feet in depth, but it was a
18 known area where what was -- where these items were
19 deconned and thrown into the pit. This would have
20 been back in the '60s?

21 MR. GARY HARVEY: Back in the early
22 '60s, yeah.

23 MR. RON LEVY: '60s. So, we knew

1 that was there. In fact we had -- we had geophysical
2 evidence of anomalous things that were in the ground
3 there.

4 DR. DAVID STEFFY: Including that
5 vial?

6 MR. RON LEVY: Well, no, no, not
7 including that vial. We saw material -- as we --
8 during our CWM investigation, we saw different types
9 of material, mostly broken glass, where they had
10 deconned different things, different containers that
11 are going in there. But we didn't see anything like
12 this, at the time.

13 MR. GARY HARVEY: Find one, it's
14 always a surprise. It shouldn't have been there. We
15 haven't seen anymore. They didn't see any on the
16 investigation we did, which is quite an extensive
17 investigation. So, it was a surprise to find one that
18 was intact, because normally they were used to train
19 students, it was broke open to get at the agent. And
20 so to find one that wasn't out of a container that
21 wasn't broke open was strange.

22 But it's no longer a sealed
23 container. It was destroyed and shipped off post.

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1 MR. MONTY CLENDENIN: It's just
2 neutralized on site?

3 MR. GARY HARVEY: Right.

4 MR. RON LEVY: Right. It involved a
5 fairly elaborate procedure to neutralize it on site,
6 just to be absolutely sure. In fact, it's the first
7 time that the Army did this -- they've actually tested
8 the procedure, but this is the first time they ever
9 did it in the field for an actual vial that's been
10 found.

11 MR. MONTY CLENDENIN: Did you have
12 people on site that did this or did you have to call
13 in outside people?

14 MR. RON LEVY: Yeah, there was -- it
15 was -- there were separate individuals that came from
16 off-site. Tech -- Tech Escort was one organization
17 that really was the main player in this that did the
18 destruction. In fact, that's their mission, they do
19 it across the country. But there were a lot of other
20 players, Fiengernot (phonetic) Stockpile was involved,
21 and a lot of folks who did -- did oversight, as well.

22 DR. BARRY COX: What was the volume
23 of the vial?

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1 MR. RON LEVY: Three, four
2 milliliters -- forty-eight --

3 MR. GARY HARVEY: Forty milliliters,
4 right? Two milliliters of agent.

5 MR. RON LEVY: Yes. The agent was
6 a --

7 MR. GARY HARVEY: Dilute agent.
8 Like two milliliters in, for instance, like what if --
9 what percent solution was involved, 2 percent? Like a
10 2 percent solution in chloroform.

11 Now, that's the first one we've ever
12 found here. Well, that's less than half a tablespoon
13 (phonetic), but still, we find it, we have to treat it
14 like chemical agent. Downwind hazard, you can put it
15 over at the far side of the room and it's not going to
16 bother anybody, but it's chemical agent.

17 The thing that was interesting about
18 how we got rid of it, there is a hundred and sixty
19 thousand of these kits that were made all over the
20 world. They find them all over. It was the first one
21 we ever found here, and this was where the chemicals
22 are trained. They're found all over, which is not
23 good.

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1 But this container they brought down is
2 not only a storage container, but it's destroyed
3 inside the container, the container stays closed, and
4 that is the shipping container that went down to Texas
5 to be destroyed. That's what we have to do to get rid
6 of less than half a teaspoon (phonetic) of agent.

7 DR. BARRY COX: In other words, it
8 had to be redestroyed, since it was destroyed here,
9 right?

10 MR. GARY HARVEY: Yeah. Well, in
11 fact it wasn't destroyed here, the vial was intact.

12 MR. JIM MILLER: Neutralized.

13 MR. GARY HARVEY: So, we put it in
14 the container --

15 DR. BARRY COX: Oh, okay.

16 MR. GARY HARVEY: -- destroyed it in
17 the container with the decontaminates in there that
18 destroyed it, and that container had a shipping label
19 put on it and sent off post, the same thing.

20 MR. RON LEVY: What we -- when we
21 shipped it off post, we didn't do anything that you
22 would have normally done for destruction of a
23 hazardous material or hazardous waste. It was

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1 essentially a hazardous waste.

2 So, if you generated hazardous waste
3 in any other way, you would have had to have
4 transported it to a disposal facility.

5 MAYOR WILLIAM KIMBROUGH: Ron,
6 what would be the result if say if a citizen or a
7 child, you know, picked that up and opened it up,
8 would it --

9 MR. RON LEVY: See, I really
10 couldn't tell you. I --

11 MAYOR WILLIAM KIMBROUGH: Would it
12 just make their eyes water and all or --

13 MR. GARY HARVEY: The blister agent,
14 I don't know, about a 5 percent solution, may put some
15 modified blisters on you, which is about all it would
16 do. It's not the pure stuff that would severely burn
17 you, but you would get some blisters from it.

18 MR. RON LEVY: The problem -- the
19 problem, too, with mustard, it's a known carcinogen,
20 so, because of that, there are certain requirements.
21 And the fact of the matter is the law required us to
22 do things we did for the disposal of these agent.
23 It's actually managed that way, from the destruction

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1 standpoint.

2 MR. MONTY CLENDENIN: You determined
3 it was mustard gas?

4 MR. RON LEVY: There was a --

5 MR. GARY HARVEY: Blister --

6 MR. RON LEVY: Yeah, there was an
7 analysis done prior to --

8 MR. MONTY CLENDENIN: Okay. Let's
9 get back to the report. And anything else on this?
10 Do I hear a motion we receive these action summary
11 sheets for --

12 MAYOR WILLIAM KIMBROUGH: So moved.

13 MR. MONTY CLENDENIN: Second?

14 DR. BARRY COX: Second.

15 MR. MONTY CLENDENIN:

16 Everybody -- any questions, further
17 questions? Everybody in favor, say aye. Action
18 passed.

19 TAPP report.

20 MR. RON GRANT: The only thing I
21 have to report is, you know, I charged off nine hours
22 at the end of the December reporting period because we
23 didn't have a meeting in December. And I've used --

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1 the end of this reporting period is not until the
2 14th of January, but I've used twenty hours up until
3 the meeting tonight -- twenty-two hours up until the
4 meeting tonight, doing the review of the Bravo EE/CA.

5 MR. RON LEVY: To put it in a
6 different way, Ron has got three hundred and
7 thirty-nine point seven five hours still in his
8 contract usable for his services.

9 MR. MONTY CLENDENIN: Okay.
10 Appreciate you meeting with us before the meeting.
11 Any questions for Ron?

12 TOSC report. Who does that?

13 MR. BOB SCHMITTER: Just real quick.
14 Just to kind of update everybody. After the meeting,
15 last meeting, Barry and Pete and I talked about what
16 TOSC could do to kind of clarify some issues between
17 the Army and ADEM, regarding some of the issues with
18 the UXO, identification and cleanup and that sort of
19 thing.

20 So, I plowed through some of the
21 documents that Ron sent me. There is a lot there, and
22 not being an UXO expert, there is a lot to go through.
23 You see a list here of some of the documents that I've

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1 gone through, some letters between ADEM and the Army
2 have been sent back and forth indicating some of the
3 concerns that both sides have.

4 So, again, trying to plow through
5 that. It's a pretty steep learning curve. What I
6 hope to do for the next meeting is provide a report on
7 the differences between what ADEM thinks needs to be
8 done, what the Army thinks needs to be done, QAQC
9 differences between the two folks, and report back to
10 you on that. I can't guarantee that I'll come up with
11 any solutions for this, that is something that is
12 going to have to be hashed out between ADEM and the
13 Army and the RAB as you go forward.

14 But that's where that stands. So,
15 next meeting, I hope to have a report on the issues
16 between the two.

17 MR. MONTY CLENDENIN: Okay. Thank
18 you, sir. Any questions?

19 What about upcoming programs? Got
20 any takers? Anybody up next?

21 While you're thinking, it's been
22 suggested to the chair here that in the future that we
23 consider changing the time of our meeting. I want to

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1 just throw that out on the table for you to consider.

2 MS. DONNA FATHKE: I would certainly
3 like to move the meeting up to 5:30, if we could.
4 There was one RAB member that had a conflict, but I'm
5 not sure if he's still on the Board.

6 MAYOR WILLIAM KIMBROUGH:
7 (Inaudible) I think did.

8 MR. MONTY CLENDENIN: Anybody have a
9 problem with 5:30? Would that be okay with everybody
10 on the committee?

11 Do I hear a motion then that we
12 change our time? Can we do that without changing the
13 bylaws or something?

14 MS. BRENDA CUNNINGHAM: No.

15 MR. MONTY CLENDENIN: No, we can't?
16 Address any bylaws first?

17 MR. BRENDA CUNNINGHAM: Well, you
18 should. I mean, that's up to you, but --

19 MR. MONTY CLENDENIN: Well --

20 MR. JIM MILLER: We can just vote to
21 change the bylaws and then we can vote --

22 MR. MONTY CLENDENIN: We've got to
23 do that first. So, whatever the bylaws says about

1 meeting times and our flexibility in that, it's on the
2 floor for being changed where we can change our mind.
3 I don't -- does anybody know what it says?

4 MAYOR WILLIAM KIMBROUGH: What do we
5 need to do?

6 MR. MONTY CLENDENIN: I don't know.

7 MS. BRENDA CUNNINGHAM: Right here,
8 you've got a copy of the updated bylaws in here, too.

9 MR. MONTY CLENDENIN: Okay.

10 MR. JIM MILLER: She can't keep up
11 with the bylaws.

12 MS. BRENDA CUNNINGHAM: Y'all just
13 rip those bylaws up that are in there that we changed
14 last meeting. Right here, 6:30.

15 MR. MONTY CLENDENIN: It doesn't say
16 anything about changing it, though.

17 MS. BRENDA CUNNINGHAM: No, it
18 doesn't. It just says it's 6:30.

19 MR. JIM MILLER: Well, I make a
20 motion that we amend the bylaws to reflect our hours
21 as being 5:30 rather than 6:30.

22 MR. JOE DOYLE: Can I make a
23 suggestion, rather than you having to go through this

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1 again, why don't you just put it at the direction of
2 the chairman of the board?

3 MR. MONTY CLENDENIN: The time?

4 MR. JIM MILLER: The motion amended
5 to reflect what Joe said.

6 MR. GARY HARVEY: If I could second,
7 I would.

8 MR. MONTY CLENDENIN: Did somebody
9 get that? Say that again, slow, Joe.

10 MS. DONNA FATHKE: Second.

11 MR. JOE DOYLE: The amendment is is
12 that the time of the Board Meetings shall be set --
13 shall be set one month in advance by the -- by the --

14 MR. JIM MILLER: Chairman.

15 MR. JOE DOYLE: -- at the discretion
16 of the chair.

17 MR. MONTY CLENDENIN: Okay.

18 MR. ROBERT JACKSON: If I could
19 point out, that's what it says now, basically. If you
20 read after 6:30, it says, "or other such times and
21 places designated by the chair".

22 MR. MONTY CLENDENIN: Okay. Thank
23 you. So, we don't have to do anything.

1 MR. JIM MILLER: I was so worried
2 about that.

3 MR. GARY HARVEY: Whatever he said.

4 MR. JIM MILLER: I'll withdraw my
5 motion.

6 DR. BARRY COX: Shouldn't we vote on
7 whether we prefer to have it at 5:30 or 6:30?

8 MR. MONTY CLENDENIN: Yes, let's do
9 that. Who makes a motion?

10 MR. JIM MILLER: Donna made the
11 motion, Pete seconded it.

12 MR. MONTY CLENDENIN: Okay.
13 Discussion for this is on the table. If you have one
14 way or another, just discuss it.

15 DR. BARRY COX: Personally, I prefer
16 it stay the way it is.

17 MR. CURTIS FRANKLIN: Same here.

18 DR. DAVID STEFFY: Same here.

19 MR. MONTY CLENDENIN: Everybody in
20 favor of changing it to 5:30, say aye. Everybody in
21 favor of leaving it where it is, at 6:30, say aye.

22 MR. JIM MILLER: Sounded like more
23 ayes on this side.

1 MR. MONTY CLENDENIN: I think we got
2 more ayes for 6:30.

3 MAYOR WILLIAM KIMBROUGH: They band
4 together.

5 MR. JOE McCAREY: I thought we
6 decided we were going to start coming early at 5:30 to
7 get feedback from him. So, that pushes that to
8 4:30 --

9 MR. JIM MILLER: Or 5:00 o'clock.

10 MR. MONTY CLENDENIN: Sounds like --
11 chair rules 6:30 remains the time of the -- good try,
12 whoever that was.

13 MAYOR WILLIAM KIMBROUGH: Well, let
14 me -- let me ask this question and we might decide --
15 are we going to continue to have our 5:30 meeting,
16 too?

17 MR. JOE McCAREY: Yeah.

18 MAYOR WILLIAM KIMBROUGH: Has that
19 decision been made?

20 MR. GARY HARVEY: That's up to
21 y'all.

22 MR. MONTY CLENDENIN: I don't know.
23 I guess. I don't know who called that meeting, but

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1 that's a good program each week.

2 MAYOR WILLIAM KIMBROUGH: I got a
3 lot out of it.

4 MR. MONTY CLENDENIN: All right.
5 Any other suggestions for upcoming programs? Any of
6 you do --

7 MR. RON GRANT: Let me make a
8 comment. You know, if you're going to have a 5:30
9 meeting on a regular basis, I need some -- I need an
10 assignment of some kind, because you've asked --
11 you've asked for specific information up until now.
12 Yeah, I'll be here at 5:30, but I won't necessarily
13 have anything prepared --

14 MR. JIM MILLER: You don't
15 necessarily have to. In my view, you don't have to
16 have anything prepared. We'll come with questions or
17 we'll talk about whatever comes up.

18 MR. MONTY CLENDENIN: Discussion
19 time.

20 DR. DAVID STEFFY: The issues are
21 for the next meeting.

22 MR. MONTY CLENDENIN: Okay. We'll
23 just have reports then next meeting, as far as I can

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1 tell for upcoming programs. You need to know that
2 there is an updated copy of the bylaws in your
3 packets.

4 And also, Brenda needs your change
5 of address, any new, current change of address for
6 members, if it's changed or whatever, please, get that
7 to her so she can keep files updated.

8 Announce Phillip Burgett or Burgett
9 was elected by a considerable majority for the new RAB
10 position.

11 MR. JIM MILLER: I'll try not to let
12 him hold that against you.

13 MR. MONTY CLENDENIN: Audience
14 comments?

15 MR. PETE CONROY: Monty, what can
16 you tell us about Phillip?

17 MR. MONTY CLENDENIN: Phillip?

18 MR. PETE CONROY: Our new RAB
19 member.

20 MR. MONTY CLENDENIN: I don't --

21 MR. JIM MILLER: I can tell you he's
22 the manager of engineering services for the
23 Anniston Water Works Board, he has a BS degree in

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1 civil, environmental engineering from Auburn, and he's
2 a great guy.

3 MR. GARY HARVEY: Oh, no. Water
4 Board and Auburn.

5 MR. MONTY CLENDENIN: Okay. That's
6 much more than I knew.

7 MR. JIM MILLER: Smartest guy I ever
8 met.

9 MR. MONTY CLENDENIN: Any audience
10 comments?

11 MS. BRENDA CUNNINGHAM: I have a
12 question.

13 MR. MONTY CLENDENIN: Are you all
14 going to meet at 5:30 next --

15 MR. JIM MILLER: No, they voted us
16 down, Brenda.

17 MS. BRENDA CUNNINGHAM: Are you
18 going to have a pre-RAB meeting at 5:30?

19 MR. MONTY CLENDENIN: Yeah.

20 MR. JIM MILLER: Yes. Pre-RAB at
21 5:30, regular meeting at 6:30.

22 MS. BRENDA CUNNINGHAM: And we do
23 not have to change the bylaws again?

1 MR. JIM MILLER: No.

2 MAYOR WILLIAM KIMBROUGH: No, unless
3 you want us to.

4 MS. BRENDA CUNNINGHAM: No, that's
5 fine. And the next meeting is April 19th?

6 MR. MONTY CLENDENIN: April 19th,
7 here at this building.

8 MS. BRENDA CUNNINGHAM: Just want to
9 make sure.

10 MR. MONTY CLENDENIN: No comments
11 from the audience?

12 MR. JOE McCAREY: I have one
13 question. And I didn't know where to put this in or
14 how. But going over the stuff that he had done with
15 us earlier, looking at the eastern bypass road, I
16 just -- that just seemed to jump out and hit me in the
17 face, that big red area that's covered up by the blue.
18 What is the status of that, right below the flying J?
19 You've got the blue area, and it's laying right over
20 the M32H and M31H, and those are the -- that's
21 probably where the UXO density is highest.

22 That just seems to jump out at me.
23 And I kept wondering when I was going to ask that.

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1 That's kind of a nebulous question.

2 MR. TODD BATES: Yeah, that's the
3 area that we called Rocket City. I don't know if you
4 remember us briefing you on it.

5 MR. JOE McCAREY: Oh, okay.

6 MR. TODD BATES: That was
7 Rocket City.

8 MR. JOE McCAREY: That's
9 Rocket City?

10 MR. TODD BATES: Yes, sir.

11 MR. JOE McCAREY: So, what's the
12 possibility of it -- well, what I would be concerned,
13 if I were a construction person, and I was coming
14 through there with a bulldozer, I would be worried,
15 but otherwise, I think they're going to find that
16 before we ever get down there.

17 MR. TODD BATES: We already did.

18 MR. JOE McCAREY: You already did.

19 MR. TODD BATES: We dug some of that
20 down to eight to ten feet.

21 MR. JOE McCAREY: Okay.

22 MR. TODD BATES: We went in there
23 and cleaned it. And in that specific area, we

1 completely remapped it after we were done to make sure
2 that everything was --

3 MR. JOE McCAREY: Good. I feel a
4 lot better. Won't be worried about coming off that
5 off ramp, you know, blowing up.

6 MR. MONTY CLENDENIN: All right. Do
7 I hear a motion that we adjourn?

8 MR. JIM MILLER: So moved.

9 MAYOR WILLIAM KIMBROUGH: Second.

10 MR. MONTY CLENDENIN: Also, let me
11 just, as a courtesy, to invite you, I intended to
12 invite all of you on the RAB Board to this reception
13 Thursday night for the historic preservation officers
14 from the Creek Nation. They will be here to look at
15 the snake effigy site.

16 And my intention was to invite all
17 of you. If you did not get an invitation, I've got
18 one in my car I'll give you.

19 MR. JIM MILLER: Creek snake effigy,
20 can they build a casino there --

21 MR. MONTY CLENDENIN: That's what
22 I'm kind of hoping. They are noted for that.

23 MAYOR WILLIAM KIMBROUGH: The money

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1 won't go to the --

2 MR. MONTY CLENDENIN: No, I don't
3 have any -- I don't have a dog in that hunt.

4 We are adjourned.

5 (Whereupon, the meeting was adjourned.)

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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 16th of February, 2004.

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

MY COMMISSION EXPIRES: 11-19-2005.

FAX 256-892-3001