

PRESS RELEASE

WA State Department of Ecology Meeting

Skykomish, Washington 98288

Thursday, June 9th 2011

6-8PM

Masonic Hall

Subject: Skykomish Cleanup

- BNSF Environmental General Director, Allen Stegman, DoE Officials and Elected Sky Officials will present BNSF Railway's 2011 Skykomish Environmental Cleanup Schedule.
 - Exciting Economic Development achievements will be announced.
 - State Senator Val Stevens will be in attendance along with State Representatives Dan Kristiansen and Kirk Pearson.
 - Question & Answer session is provided.
-

Serious Issues created by Cleanup actions remain Unresolved.

Below are sample questions **YOU** may want to ask **YOUR** government and BNSF officials.

Questions

1. A Viable Economy?

A recent article (Monroe Monitor 2011-05-23) states '**BNSF wants to leave the Town viable**'.



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July 27, 2011

12/22/2011 1:08:00 PM

Restoration Summer begins in Skykomish

Polly Keary
Editor

For the last five years, Skykomish has been in a state of upheaval. The town has literally been dug up, the earth beneath it replaced, and set back down.

This summer, the town will begin to take shape as a theme town, as the upheaval comes to a close.



"They [BNSF] don't want to clean up the town and leave; they want to clean it up and restore it so it's a viable town," . . .

The 2 Year Skykomish Cleanup Plan is now in its 6th year of physical and economic upheaval, disruption and hardship that has left structures damaged, businesses wasted and lives broken, all while leaving the original pollution problem essentially unaddressed.

- What are BNSF, Ecology and the Town of Skykomish doing to correct the situation and compensate damaged parties?

2. Recontamination?

- Are properties in the Cleanup Zone being re-contaminated?
- Why don't we have a 'real' monitoring well program in place?

The current program appears designed for one purpose... to obfuscate the facts.

You can see from the following '**Helena Independent Record**' article and Edwards Frickle & Culver news announcement that BNSF's Skykomish tactics aren't new, but in fact have been playing in theaters near you for years. **It's time for Sky to wise up. We're getting hosed.**

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Wrong side of the tracks



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EVE BYRON - IR Staff Writer - 06/19/05 | Posted: Saturday, June 18, 2005 11:00 pm | (0) Comments

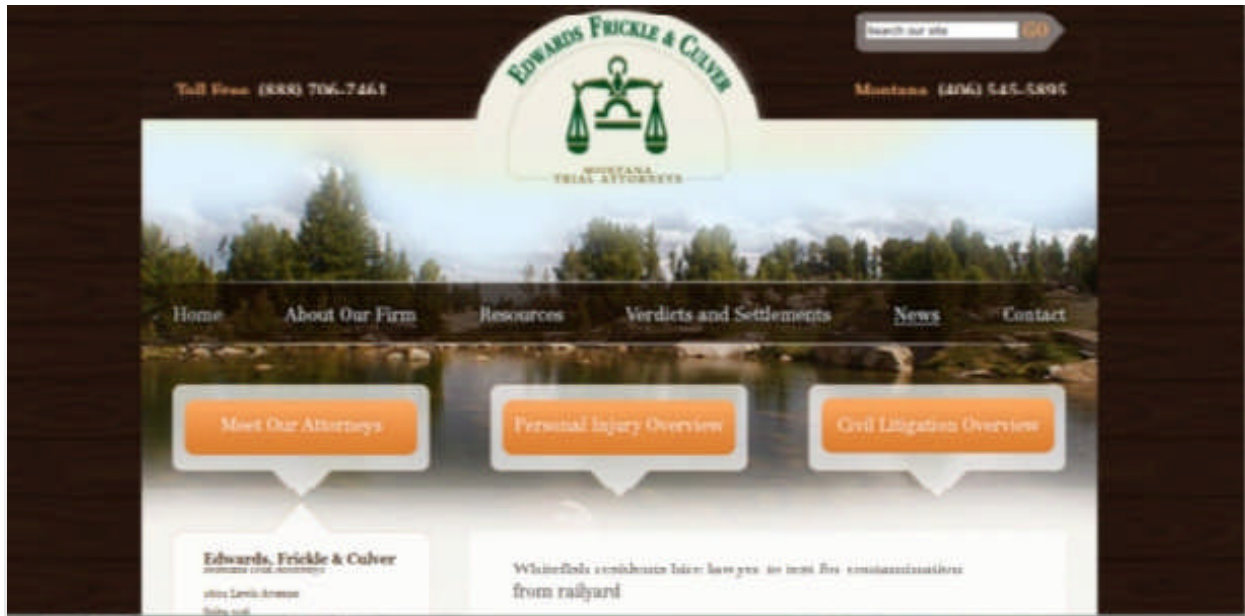
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A century of fueling and cleaning trains has left diesel and solvents on BNSF Railway Company fueling facilities throughout Montana, creating a toxic brew of poisonous chemicals.

"We found a plume of contamination in North Havre," Lewis said. "The railroad and their attorneys and consultants in Washington had represented there was no contamination up there.

"We were in litigation, we disclosed this and they didn't believe it. They retested, and found what they hadn't done is firm there was contamination in North Havre and settled with almost all of North Havre; we still have a couple of cases left. Ultimately, they're buying their property up."

Tom Lewis- Great Falls, Legal Counsel for N. Havre residents



Previously, the law firm represented Park County in a claim that BNSF had dumped chemical solvents in the county landfill there. The company [BNSF] offered to settle for \$2 million, Chris Edwards said, in an attempt to be "good neighbors." Jurors ultimately ordered the railroad to pay \$14.5 million.

"BNSF is not going to, voluntarily, be a good neighbor," Chris Edwards wrote, adding that BNSF's tactics never change. It always denies the extent of the pollution. It always purchases property near the edge of the plume and then abandons the property, leaving a blight."

- Did 'Select' Council member Sladek and Mayor negotiate this deal where the fox hires the guards to report on the hen house status once a year when the water table is at its lowest level?
- Why isn't today's technology being employed to remotely monitor well conditions 24/7 in real time with an automatic 'alert' status function?
- Is DoE protecting the environment or just cashing in by generating endless fees and permit charges that help ensure the government ruling class won't go hungry while paying lip service to real environmental disasters?
- Isn't the Town concerned about protecting its tax base?

3. 'Railroad' Theme Town

Nice idea, but similar themes are dying all across America.

The recent closure of the Railroad and Logging Camp No.6 operation at nearby Point Defiance Park should have served as a warning to really think this scheme through instead of letting a couple of rail fans run wild with the Town's environmental legacy funding.

- Has this 'Railroad' Theme Town plan been properly vetted? If so, when and by whom?
- Have other plans received proper attention, consideration and discussion?
- Have those with 'skin in the game' been consulted or is this just the latest collectivized, centrally planned, government/corporate oligarch controlled economic plan from the usual suspects?
- Is this Town Center project being driven by BNSF's need to own or control properties situated in the Cleanup Zone that may be subject to recontamination?

5. Settlement Agreement?

Yes, BNSF worked out an agreement with Town officials **behind closed doors**, several of whom have now been tainted by taking money from BNSF in return for supporting the railway's 'preferred' cleanup plan.

You can see from the following '**Flathead Beacon**' article that BNSF has played this same game before.

LEGAL LIABILITY, NOT SAFETY OR AVOIDING CLEANUP, IS THE REASON

BNSF Explains Secretive Actions in Whitefish



MOST COMMENTS NEW COMMENTS POPULAR

On Tuesday morning, representatives from Burlington Northern Santa Fe Railway explained for the first time, following months of silence, their reasons for discreetly attempting to purchase properties in Whitefish's railway district.

'... BNSF's environmental director, Allen Stegman, explained that Montana has "unique litigation" conditions and their company wanted to avoid a similar outcome to a court case between the town of Sunburst and oil giant Texaco. In that \$41-million lawsuit from 2007, the Montana Supreme Court ruled against Texaco for extensive gasoline spillage at its former refinery in Sunburst ...'

- Why haven't citizens received a copy of the Settlement Agreement?

6. Another Version of the Vision

BNSF is donating transportation for an old steam locomotive and passenger car nobody else wants as Mayor and Council make a hard left turn from a planned multi-use day and long term destination recreation area into a short term rail fan day destination.

This new Vision is in direct conflict with the Economic Development element of our Comprehensive Plan that was created at great expense.

- Why are we continuing to pay huge consulting fees only to have the product thrown out as the latest harebrained version of the Vision is cooked up by new expensive consultants?
- What are the overriding economic benefits to spending legacy funds on a Railroad Theme Town versus the alternatives?
- Do these old railroad relics contain Asbestos that could cause future cleanup costs should Mayor and Council's latest version of the Vision not go as planned?

7. BNSF Goes Above and Beyond

Mayor Black says BNSF is doing things for Sky not required by the court order.

With many of BNSF's 20+ Montana pollution sites under legal siege, isn't it amazing how our very own Mayor Black gets along so famously with the Oracle that he, along with 'Select' Council members are able to wrangle extra beads and trinkets for Sky?

- Why hasn't Mayor Black's warm and fuzzy cuddle fest with BNSF yielded resolution to numerous serious property damage issues caused by Cleanup efforts?

8. Wastewater Treatment Facility

Our \$9 million (used to be \$6 million) waste water treatment facility funding appears to be clouded in confusion.

- Is BNSF paying for our new waste water treatment facility? **NO.** BNSF is a minor player. A state environmental tax at the wholesale level and system rate payers are the real players.

9. Buildings Receive New Foundations

The January 2011 Mayor's Report states that at the end of the year (2010) all properties north of the tracks that underwent cleanup had been returned to new foundations and hooked up to water, power and sewer. **This is an outright lie.**

- Why doesn't the Mayor talk about the Macavoy House and other properties which were seriously damaged?
- How about the Sky Hotel, in addition to having no operational utilities, which also suffered a potentially disastrous and completely avoidable foundation snafu due solely to the Town's Design Review Board, Mayor and Council? What about the more than one million dollars in damage to the Hotel following the Town crew's 'hammering' the water back on following BNSF street removal operations in front of the Hotel?

10. North Cascades Institute?

- Where is the North Cascades Institute report that cost \$6,000 and was due April 15th?

11. Fun, interesting things are happening.

- Yes, 2 rail fans are having way too much fun travelling at taxpayer expense to promote the latest folly. Who's minding the store, as not even the simplest things are getting done over at Town Hall?

12. The Results

It started with Council member Henry Sladek's July 7th 2003 letter (available on the Sky Hotel's web Archive page under 'BNSF Railway Gets Steamed Up'), where Henry set the negotiating stage **by referring to BNSF Railway as the 'aggrieved party' and suggests that 'Select' Council members** (like himself) **negotiate with this large, powerful corporation that has been wronged by the people of Skykomish.**

Years later, the results of such a misguided approach are becoming apparent.

- 'Select' negotiators were so skilled they got our Town stuck with the Former Maloney Creek East upland cleanup costs instead of BNSF and DoE.
- No protection for Town's tax base.
- No protection for properties, citizens or businesses.
- BNSF and DoE monies showered upon the Town, certainly meant there would be plenty left over to build Sky's latest Version of the Vision. **Not!**
- The Town is already way over budget and remaining monies are being rapidly depleted with permitting, engineering and consulting fees, before construction even begins.
- Clint Stanovsky says '**more money could fall in our laps**' but what's really going to happen as the Oracle and DoE prepare to skedaddle out of town?
- Will Sky be left with newly paved streets, period streetlights, a bunch of fresh promises and a **busted, broken economy and school district?**
- Sky continues spending taxpayer dollars to fight its own citizens. When does this Stop?
- King County Standards – If they're preventing our Town from moving forward, why don't we jettison them instead of allowing Mayor and Council to continually use them as their excuse for not doing things correctly?
- If Ecology is 'reimbursing' for CTA Clint Stanovsky like the Mayor says, why does Council need to approve checks? Why is it not showing on the Budget where monies are coming from to pay him or that monies are going out to him?
- Why are the Mayor's proposed Amendments to the Comprehensive Plan amendments a secret?
- Where is the insurance quote for the Park to compare so the Town can charge fees, take donations, and require security deposits?

- When and how will the issue of the Clerk's difficulty in utility account collections be resolved? Will the Mayor hire yet another mouth to feed over at Town Hall?
- Whispering and mumbling at Council table. How will this be resolved?
- Council member Kevin Wiederstrom's Ordinance review. How's that coming?
- **What about the Pit Bull running wild? Will anything be done before some poor child gets mauled or eaten?**
- Mayor Black is well into his 2nd year. There are no excuses for continuing to be disengaged, concentrating on new street signs, flower planting, etc. and having staff, boards, commissions, committees, departments and expensive consultants running around **creating problems we don't need with money we don't have.**

13. Where's the missing \$2.3 million?

The April 10 posting of 'Skykomish Finances Shocking Truth Revealed' shows \$2,328,713 missing on the Mayor's 2010 Annual Report.

- Where is the missing \$2,328,713?
- How can we the People feel comfortable knowing that absolutely no one at Town Hall has any idea what is going on, not even after the State Auditors or all of the high priced consultants?
- Why the continuing effort to confuse, fool and bamboozle?
- Why not just be straight up with those you are charged with representing?
- What agenda are you trying so hard to keep hidden from the summer sunshine?

If we allow ourselves to be bamboozled by every snake oil salesman and corporate oligarch that turns off the highway, we're going to lose our Town.

14. Pending Legal Issues

Our Town refuses to respond to repeated written requests regarding pending legal issues discussed at the May 9th Council meeting? At no time have we requested confidential legal information that the 'public' is not entitled to.

- Why do elected officials continue to cause expensive legal problems for our Town?
- Why must our own citizens spend precious resources to fight their own elected officials'?
- Did the Carson Law Group advise the Town to sign the latest BNSF Settlement Agreement knowing that recent Montana court rulings could have important implications for Sky?
- Judge Yu's decision to overturn BNSF agreement with Town due to Council and Mayor Violations of RCW 42.23, Municipal Officers Code. **How could this happen with highly paid advisors Carson & Stanovsky at the right hands of Mayor Mackner and 'Select' Council member Sladek?**
- Did Carson Law Group commit professional malpractice in allowing Town officials to enter into an agreement whereby they violated the Municipal Officers Code of Ethics? Is this continuing with his representation of ongoing Town issues with BNSF Railway and WA Department of Ecology?

- **Mayor admits 2011-04-21 he negotiated and signed the revised BNSF Settlement Agreement two days prior to receiving authorization from Council to do so.**
- Mayor Black has an established record of discrimination, harassment and retaliation against the Sky Hotel's owner and agent as recently exhibited during the March 21 council meeting where he allowed and actually egged on the Deli owner's personal attack against the Hotel owner and again at the May 9th meeting as evidenced by his tirade against Mr. Benz and threat to eject him for not being able to hear Council and Mayoral mumbling and whispering.
- **Document Requests go unanswered.** Our government of the People, by the People and for the People **refuses to even respond** as required by law to numerous document requests over a long period of time, once again causing citizens to spend their money to fight other taxpayers (Town's lawyers) in order to receive access to 'public documents' every citizen is entitled to receive by law.

15. Why won't Town officials discuss public issues in public, instead offering to meet with individuals and corporate oligarchs behind closed doors?

- Henry Sladek's 2011-04-12 statement (**'but my suggestion, as it always has been, is to simply take ANY questions, and/or conflicting information to town hall and schedule a work/discussion session with staff and/or Council and see if we can't clear up some of the 'confusion'**) pretty well sums up how business is conducted in Sky... The public's business is best discussed in private.

16. University Education Meltdown Coming?

We're pleased to learn the UW is locating a Forestry and Fisheries department at Sky's Forest Service Compound.

The timing is especially welcome as many government institutions are experiencing financial cutbacks. Thankfully UW isn't one of them.

It does however bring up an interesting issue.

It's now possible to acquire a top notch university education free, online if you can muster the self discipline necessary to virtually attend and then Photoshop your own diploma.

This will be increasingly attractive to students and parents alike, as many colleges and universities are about to find themselves priced out of the education market as a result of not being able to control their greed.

Over many decades, staff, salary and benefit packages have expanded far beyond productivity improvements and inflation.

The day after retiring at 55, many restart back in their old positions, qualifying for yet another pension at 65.

It's unbelievable that in times of such great change, upheaval and hardship, public employees entrusted with educating future leaders, should continue taking bread from the working family's table.

Until recently, this didn't especially bother most folks as government guaranteed student loans took up the slack between what an education cost and what students and parents could actually afford.

Costs are now so high that many no longer see the value in becoming an indentured servant just to be called 'educated'

Starting life behind the eight ball of a huge student loan debt burden could condemn many to a life of servitude just as in feudal times when most toiled so the few could rule from the royal manor.

Change is viral and higher education isn't immune.

17. Municipal Suicide Time Line:

- Sky signs King County Interlocal Agreement.
- Design Review Board, Planning Commission, Parks Department created.
- King County road and street standards adopted.
- Community Centre built with \$250,000 of other People's money (OPM).
- Masonic Hall paint job + miscellaneous done with \$36,000 OPM.
- Design Review Board rejects Skykomish Hotel restoration.
- Covered School Playground built with \$400,000 of OPM.
- Kiosk constructed with \$5,000 of OPM.
- DoE intros 'Sparging Wells and Restrictive Covenants' to property owners. Fails to fly.
- King County intros Sky as sex offender sanctuary. Fails when community erupts.
- Town terminates Environmental Legal Counsel in favour of DoE and 'Select' Council members.
- Without Environmental Counsel citizens and property owners receive a good hosing as Mayor and 'Select' Council members give the rest of us a good toss under the bus.
- Design Review Board rejects Hotel's new foundation elevation, but approves BNSF requests for same.
- Mayor announces Town Center project.
- Rick Aydelotte delivers a Hail Mary pass for the Town, but elected officials throw us under the bus once again before citizens can even blink.
- Mayor announces rezoning of unnamed private properties to public and expansion of Town's right of way to 30' from street center lines.
- Council meeting videos create quite a stir as citizens can now view Council's outrages from the security of their own home.
- Is Santa Claus coming from Ft. Worth to shower us with more beads and trinkets while announcing fun, exciting, good times are just around the corner?