Turchetto Gerald

From: Turchetto Gerald
Sent: Tuesday, June 17, 2003 4:24 PM
To: Hemida Mohamed
Cc: Orlan Bernard
Subject: ATC Invoice for HS for Leadership 90 Trinity

Mohamed,

On a note unrelated to PS/IS89, Ruby Dacosta brought me down a reaf of ATC invoices that she says she just received from you guys, most of which I already have. However, there is 1 that I did not have: Payment #36 for HS for Leadership (Contract #3E75253), for services during period 4/02 - 6/02, for $14,062.50. Can you explain how this relates to two other invoices against this contract that cover this same period for this school?:

--#8 (6/21/02)	covers 3/02 - 4/02	$291,748.75
--#11 (7/1/02)	covers 5/02 - 6/02	$273,171.00.

I don't know if we'll be able to submit this to FEMA for reimbursement at this point, but I'll need to distinguish it from the two already submitted for this time period.

Thanks.

Gerry T.
DSF

-----Original Message-----
From: Turchetto Gerald
Sent: Tuesday, June 17, 2003 3:38 PM
To: Hemida Mohamed
Cc: Orlan Bernard; Sanders Ira
Subject: PS/IS89

Mohamed,

I have received all the information that ATC can supply re. environmental testing at PS/IS89. I need your opinion on how to reconcile two points of view that seem to be in conflict.

The insurance carrier for PS/IS89 has this position: "The first issue was the cleaning of the interior of the building. It was done to an asbestos contamination standard although all the documents we have show that there was no asbestos contamination on the interior of the building. Alex Lempert stated that this was a directive from the Board of Education to clean the interior of the school this way. We need the supporting documents to confirm that an asbestos standard was needed." In other words, the building wasn't contaminated but the Board of Ed treated its recovery as though it were contaminated (for whatever reason). I'm not sure what documents the insurance company is examining to come to the conclusion that the building was not contaminated.

Mark Terjesen of ATC holds the position, in his cover letter to all the documents he sent, that: "During the course of the sampling, there were numerous incidences where elevated levels of certain compounds or substances were detected. Some of the more frequently detected elevations were found in lead wipe samples collected within the school, fiberglass bulk samples within the school and respirable particulate levels both inside and outside the building. In addition, levels of airborne asbestos structures were detected in samples on numerous occasions throughout the sampling program." The test results from the sampling program are documented from early 11/01 well into 2002. For example, an air sample taken in the cafeteria on 11/11/01 has an asbestos concentration TEM analysis of <.0045 S/cc. This is indeed less than the .01 f/cc that the NYCDEP was claiming as the "acceptable" level, although it may well be less than the .000004 f/mL (=f/cc) that USEPA considers the "action level" to trigger a cleanup.

How do we adjudicate these claims? What is your opinion? My number if (718) 391-8334.

Gerry Turchetto
DSF