

TOWNSHIP OF LONG HILL
PLANNING BOARD

-----x

IN THE MATTER OF:

Application No. 19-13P
PRISM MILLINGTON, LLC
50 Division Avenue
Blocks 12301/10100 Lots 1/7.01
Major Preliminary and Final
Site Plan

TRANSCRIPT
OF
PROCEEDINGS

-----x

Tuesday, June 23, 2020
Zoom Remote Hearing
Commencing at 7:44 p.m.

BOARD MEMBERS PRESENT:

DAVID HANDS, Chairman
THOMAS JONES, Vice Chairman
BRENDAN RAE, Mayor
JOHN FALVEY
VICTOR VERLEZZA
TOM MALINOUSKY
J. ALAN PFEIL
DENNIS SANDOW

A P P E A R A N C E S

JOLANTA MAZIARZ, ESQUIRE
Attorney for the Board

DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP
BY: FRANCIS REGAN, ESQUIRE
Attorneys for the Applicant

PRECISION REPORTING SERVICE
Certified Shorthand Reporters
(908) 642-4299

1 A L S O P R E S E N T :

2 DEBRA COONCE, Planning & Zoning Board
 Coordinator

3 ELIZABETH LEHENY, Township Planner

4 MICHAEL LANZAFAMA, Board Engineer

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TABLE OF CONTENTS

WITNESS:	PAGE
ROBERT FOURNIADIS (Sworn)	13
EDWARD SULLIVAN	PAGE
Examination by Mr. Regan	14
Examination by the Board	27
Examination by the Public	35

NUMBER	EXHIBITS DESCRIPTION	PAGE
	(No new exhibits marked)	

1 CHAIRMAN HANDS: Okay. We're going
2 to jump back now to the -- back to the agenda.
3 And this is continued from the last meeting on
4 the application for Prism on the lots commonly
5 known as Tifa.

6 Last time we left off, I think most
7 of the conversation centered around
8 environmental concerns and questions and we
9 had an LSRP present, who is here tonight as
10 well.

11 Before we go back and pick up the
12 application, I just want to make a few points,
13 if I might. The last -- I thought, in
14 general -- and this may be my opinion only --
15 I thought the meeting itself was a good
16 meeting. I think the technology, in these
17 unusual times, we have to do a Planning Board
18 meeting, in this case, via Zoom. I appreciate
19 everybody's patience with some of the
20 technical steps we had to go through to get
21 the application moving and, you know, to do it
22 in a -- I think a fairly transparent and
23 constructive way. In some ways, you know,
24 documentation posted on the website is good
25 because that's better than before, when it's

1 been located in the office within town hall.
2 So I think access to information is perhaps
3 easier this way. Maybe we can consider
4 setting it up that way for the future.

5 So I think there were some positives
6 and I think the meeting overall was a very
7 successful exercise. However, I do think
8 there were some areas that we can improve upon
9 and we should continue to look to improve if
10 this situation leads to present itself in the
11 next number of meetings.

12 So a couple of points I just want to
13 make to, really, the authors of any document.
14 As we know, Deb's been posting the documents
15 up onto the Township website. Hopefully
16 everybody's been able to find those and access
17 them.

18 I would ask that the authors or
19 submitters of those documents ensure that
20 those documents are posted correctly and
21 completely and timely on the website. So it's
22 not a case of just handing the document off
23 to, say, Deb to post because there may be some
24 inconsistencies, there may be, as we saw even
25 in the first discussion, some reports where

1 appendices were dropped off.

2 So I'd like to put some onus on the
3 authors, whether that be the applicant, the
4 Board professionals, to ensure that once
5 posted or once requested for posting, they do
6 actually check to see that they have been
7 posted completely and accurately and timely on
8 the website.

9 It is important. This information
10 is -- all those facts, people do need to see
11 this so everybody's referring to the same
12 documents. And when they're referred to, I
13 want to make sure that they are there.

14 In addition, I know we had some
15 concerns, issues, about the video being posted
16 timely. We did make the statement that
17 within, you know, 24, 48 hours expect the --
18 and I think that's a fair statement for the
19 normal process when we are in normal session.
20 This time, I understand there may be some
21 capacity or size issues of the file recording
22 from Zoom that caused problems to upload the
23 video in a timely fashion. I'm hoping or
24 expecting those technical issues have been
25 addressed. We seem to have went through one

1 situation of that. And I'd like to expect or
2 hope to expect that that will not be the case
3 going for future meetings. I know these are
4 lengthy meetings. I know it takes up a lot of
5 capacity, the files, the video files. I would
6 expect that we do get this sorted out sooner
7 than later.

8 And I also ask that the public -- I
9 appreciate the e-mails from the public. In
10 general, the public -- any requests or
11 comments or suggestions should really go to
12 the Board secretary just to ensure that those
13 can be recorded and acted on appropriately as
14 opposed to individual Board members where
15 things may get misconstrued. So I would ask
16 the public continue with the process of
17 sending documents or requests to the Board
18 secretary.

19 Having said all that, I would like
20 to ask, Deb, maybe you can spend just a couple
21 more minutes on procedures in general for
22 folks that may be new to this meeting. I see
23 there's 29 attendees. There were about 60
24 last time. I'm not sure if some people are
25 new to this meeting who were not -- didn't

1 join the prior meeting.

2 So, Deb, if you wouldn't mind just
3 talking about some of the procedures and maybe
4 any improvements of those procedures for these
5 meetings that you've come across before in the
6 last couple of weeks.

7 COORDINATOR COONCE: Absolutely.
8 Thank you, Mr. Chairman.

9 I think that last meeting went
10 fairly well and I did have some questions from
11 the public. And we answered as best as we
12 can. To reiterate from the last meeting, as
13 far as procedures for tonight as well, once
14 the Prism attorney, Mr. Regan, you know, we
15 can continue -- he can continue with the
16 last -- testimony from last week. And members
17 of the public are still welcome to answer --
18 ask questions this evening.

19 If -- at such a time we find that
20 questions are ceasing with the current
21 testimony, then we can move on to new
22 testimony with a new witness.

23 Again, we won't be taking procedural
24 questions this evening, but if you have any
25 procedural questions, you're more than welcome

1 to e-mail me and I can answer to the best of
2 my ability after the meeting.

3 Again, we're going to make sure that
4 we hear from every member of the public. If a
5 member of the public doesn't believe -- or if
6 we had problems, we weren't able to see you or
7 your hand raised to ask a question, again,
8 please feel free to e-mail me and we can make
9 sure to address that at the next meeting.

10 For now, I did put -- the latest
11 documents on the website include some
12 architectural renderings and everything,
13 again, that I've posted on the website has
14 today's date of an upload date.

15 We are also working with the
16 webmaster concurrently to try to figure out a
17 way to put the link to the 2019 PA/SI reports
18 from the NJDEP on the website as well. I'm
19 not sure if we're able to do it remotely at
20 this time, but we're working very diligently
21 to try to get that up on the website as the
22 applicant has given permission to do so. And,
23 again, it would be a link that would take you
24 to the report because the report is over 2,000
25 pages. So we're working on that.

1 I think that's it. I mean,
2 basically I, again, urge all professionals to
3 make sure to check the website frequently to
4 make sure that we have the most current
5 documents and most revised date are included
6 on the documents so that the public is
7 informed as soon as any documents are changed.

8 CHAIRMAN HANDS: Thank you, Deb.

9 And I imagine this process is going
10 to go on for a couple, a few meetings, at
11 least. Our intention here is to make sure
12 people do have the time to speak. Have the
13 professionals available for conver -- for
14 discussion and to finish testimony. And I
15 know some of the reports may be updated. So I
16 expect a continuation of documentation to flow
17 through to the website. So I think it is a
18 burden upon us all to make sure that that
19 information is accurate, timely and complete.

20 Again, I'm -- without asking for
21 yeas from the professionals and the applicant,
22 hopefully that's a sufficient enough request
23 that people will adhere to that. And if
24 there's any concerns or questions, I'd ask you
25 to go to Deb if you're see something that's

1 not complete -- accurate or complete that you
2 authored that should be on the website.

3 Okay. Having said all that --
4 unless, Jolanta, you want to add any more
5 comments about procedures and policy.

6 MS. MAZIARZ: I don't about
7 procedures and policy. Just one little bit of
8 housekeeping. Anyone who is not speaking,
9 because I've been on about 50 Zoom calls in
10 the last days during COVID-19, please mute
11 yourself when you're not speaking. We get
12 terrible feedback. We hear your dogs. We
13 hear what's going on in your house. So please
14 mute yourself so that we can hear the speaker.
15 We have enough trouble with WiFi and internet.
16 So that's all I wanted to add, Chairman.
17 Thank you.

18 CHAIRMAN HANDS: Thank you.

19 Okay. With that, let's continue on
20 with the application of major preliminary and
21 final site plan for the site known as Tifa.
22 And I'll hand it over to the applicant to
23 continue, introduce the subject and
24 continuation from the conversation you had
25 last time.

1 MR. REGAN: Thank you, Mr. Chairman.
2 Frank Regan, the attorney for the
3 applicant, here this evening. We do have Ed
4 Sullivan, who is our environmental consultant,
5 here again this evening. And I know Deb
6 alluded to the fact that the applicant did
7 submit a copy of the preliminary
8 investigation -- I'm sorry, preliminary
9 assessment site investigation report to the
10 Board and it is a massive document. I don't
11 know how to figure out how to make that
12 available to the public, but for the record, I
13 wanted to state that.

14 Before I ask Mr. Sullivan to provide
15 some further responses, I think, to a number
16 of questions that were raised by the Board and
17 the public at the last meeting, I'd also like
18 to swear in Robert Fourniadis, who's the
19 senior vice president at Prism, a
20 representative of the owner and property
21 owner, because I think there were some
22 questions that were raised at the last meeting
23 that I think Bob is probably better suited to
24 answer, particularly as it relates to the
25 existing landfill and its ongoing, you know,

1 maintenance and operations, as well as the
2 demolition and clearance of the building if
3 the project is to move ahead.

4 So if I could have him sworn in, I
5 think it would be helpful.

6 MS. MAZIARZ: Okay. Thank you.

7 R O B E R T F O U R N I A D I S,
8 having been duly sworn, was examined and
9 testified as follows:

10 MR. REGAN: Take your mute off, Bob.

11 MR. FOURNIADIS: I was just
12 following instructions and muted myself. I
13 do.

14 MS. MAZIARZ: Thank you.

15 MR. FOURNIADIS: And I did have -- I
16 did have my hand on a bible.

17 MS. MAZIARZ: Thank you.

18 E D W A R D S U L L I V A N,
19 having been previously duly sworn, was
20 examined and testified as follows:

21 MR. REGAN: Mr. Sullivan, you're --
22 I guess he remains under oath from the last
23 time?

24 MS. MAZIARZ: See, I muted myself.
25 Yes, he is. Thank you. You may proceed.

1 MR. REGAN: Thank you.

2 CONTINUED DIRECT-EXAMINATION

3 BY MR. REGAN:

4 Q. Mr. Sullivan, obviously you spent quite
5 a bit of time testifying at the last hearing and,
6 you know, a number of questions and comments were
7 presented by the Board as well as by the public.
8 I know you have what I'll call a statement, but
9 it's essentially an effort to try to address those
10 questions and comments that were raised at the
11 last meeting. And then obviously you'll continue
12 to answer any questions that may come up.

13 If I could just have you proceed
14 with that, I'd appreciate it.

15 A. Thank you, Frank.

16 THE WITNESS: Everyone can hear me
17 okay?

18 A. I'm unmuted, right?

19 Q. Yep, you're good.

20 A. Okay. Okay. As Frank said, based on
21 some of the concerns that were expressed by some
22 Board members and the public during the last
23 meeting, I think I really wanted to -- instead of
24 trying to answer specific questions, I think I
25 wanted to try to focus on three specific concerns

1 about my testimony that we discussed at the last
2 meeting that I wanted to maybe reiterate some
3 points and then maybe expand upon some things,
4 also.

5 Those three issues are the remediation
6 process that we're going to follow, the management
7 of the asbestos or ACM. I'll refer to it as ACM
8 going forward. And then, finally, the role of the
9 LSRP. So sort of three general topics that I
10 think were the source of a lot of questions and
11 I'm just going to talk for a few minutes about
12 each one of those.

13 First, for the remediation process, the
14 first thing I wanted to stress is that all the
15 contaminated areas of concern at the site -- and
16 there's another acronym for that, I'll refer to
17 them as AOCs going forward. AOCs just stands for
18 areas of concern.

19 All of the contaminated AOCs that
20 exist at the site were identified during the
21 preliminary assessment and site investigation
22 that were already completed, and that includes
23 any areas of concerns, or AOCs, that would
24 have been inside of a building, because that's
25 part of the process also. You look both

1 outside on the property and also inside the
2 buildings. You look for areas of concern.

3 So this next phase of investigation that
4 we're going to complete called the remedial
5 investigation, that will be done here, the goal of
6 that investigation really is to collect enough
7 additional information to allow us to design
8 remedial action. So it's not designed to find
9 more areas of contamination.

10 So if there were any concerns about,
11 you know, during additional investigations we
12 may uncover more contamination or different
13 contamination, that's highly unlikely at this
14 stage because that PA/SI process is designed
15 to identify all of the areas of concern at the
16 site. And again, this next phase, the
17 remedial investigation, is really just to
18 collect, you know, ancillary -- ancillary
19 information to help us on the remediation. So
20 that was that.

21 The second issue is on the asbestos or
22 ACM management at the site. And I think I
23 testified last time, although there are no state
24 soil standards for ACM, there are a number of
25 federal regulations to deal with with ACM with

1 regard to all types of issues such as, you know,
2 construction management, worker safety, public
3 safety, and then the transportation and disposal
4 of ACM material.

5 So there are a lot of regulations that,
6 even as an LSRP, that we can follow to make sure
7 that the ACM material is properly handled.

8 I think it's the intent of the owner,
9 the consultant, certainly myself, that all -- any
10 applicable federal regulations will be followed
11 both during the site remediation process and
12 during demolition.

13 It's my understanding that a contractor
14 that's experienced with ACM material will be
15 retained to do the demolition, and that
16 transportation contractors that will be used to
17 remove any material from the site will also be
18 experienced in transporting ACM and will be
19 familiar with all the, you know, regulations to
20 keep material covered and not let dust blow off
21 the trucks and things of that nature.

22 And then I believe that we're also going
23 to be retaining a -- I guess I'll call it a
24 specialty health and safety firm to help develop
25 the health and safety plans for the site. Those

1 health and safety plans will include all of the
2 worker and public safety measures that are going
3 to be required.

4 And then, also, that firm will also help
5 to plan and to implement air monitoring programs,
6 which are an important part of the health and
7 safety process.

8 So this health and safety plan will
9 include monitoring procedures and action levels to
10 protect both on-site workers and off-site
11 residents.

12 This health and safety plan that I'm
13 referring to -- and there will be probably other
14 documents, too, such as a community air monitoring
15 plan that will be similar to the health and safety
16 plan. So even though there may be multiple plans
17 involved here, I'll just generically refer to it
18 as the health and safety plan just to keep things
19 simple.

20 So the health and safety plan is a
21 document that not only specifies the procedures
22 that will be used, it also specifies the site
23 health and safety personnel and what their
24 responsibilities are. This plan is submitted to
25 the NJDEP and will be provided to and reviewed

1 with any workers on site. Any contractors, any
2 other consultants, any other personnel that come
3 on to the site that work in any capacity.

4 And, in addition, a designated site
5 health and safety officer will oversee the
6 implementation of the health and safety plan.
7 This particular individual will oversee all the
8 site safety practices, including any activities
9 that may potentially release ACM.

10 You know, this person will also really
11 be a liaison regarding safety issues along with
12 me, as the LSRP, for designated Township
13 representatives. So a liaison to sort of the
14 public and the Township.

15 There was one specific question about
16 the possibility of ACM being under parking lots
17 and buildings and present in the soils beneath
18 those different structures. And, you know, we are
19 cognizant of that. And the demolition work and
20 the remediation work at the site will all proceed
21 using precautions that will be in the health and
22 safety plan almost -- well, actually, assuming
23 that we will find these materials underneath the
24 floor, even though we may not. But we have to be
25 prepared for that possibility.

1 So -- so, again, all applicable
2 regulations will be followed during these
3 processes and it will be outlined in the site
4 health and safety plan.

5 And the other thing I wanted to stress,
6 and this is not to try to be flippant about the
7 issue at all, but ACM in soil and in on-site
8 materials is really a manageable issue if you
9 implement safety precautions, you have the
10 monitoring in place, you have the perimeter
11 monitoring for residents. So as long as all those
12 procedures are followed, there will be very little
13 to no risk to the public or even to the on-site
14 workers from asbestos because, again, it's only an
15 issue if it becomes airborne and you breathe it.

16 So a lot of times the asbestos particles
17 are too large to become airborne and, you know,
18 simple things, as simple as wetting materials
19 down, will prevent any dust or airborne particles.

20 So, again, not to try to be flippant at
21 all, I understand the concern. I'll be on the
22 site, too. I'll have the same concerns for my
23 health and safety. It's a manageable issue.

24 As part of all these programs, I touched
25 on this last week, one of the most important

1 things for public health and safety will be
2 perimeter air monitoring stations. So there'll be
3 a series of them along the rear of the site
4 perimeter. And those -- those pieces of equipment
5 will detect both dust and asbestos particles. So
6 there will be that type of information that will
7 be available for making decisions about what's
8 occurring at the site.

9 And I mentioned on the federal
10 regulations that will follow, when it comes to
11 issues of dust control and soil erosion, we'll
12 also be coordinating with and complying with any
13 requirements of the County Soil Conservation
14 District or the municipal engineer or the local
15 Health Department. So all of those entities will
16 be -- you know, will be stakeholders in this
17 process.

18 So another issue that was, I think, a
19 specific question that I heard was about
20 activities taking place right next to the existing
21 landfill cover. And as far as -- maybe I'll let
22 Bob speak to the demolition issues, but as far as
23 soil remediation issues are concerned, I don't
24 anticipate that we're going to be doing much, if
25 any, work anywhere near the existing landfill

1 cover. So if there's any concern about the cover
2 being breached somehow during remediation, that's
3 highly unlikely because we're not going to be
4 working near the landfill.

5 And I guess that brings me to the last
6 issue, which is the role of the LSRP. And I
7 mentioned this at the last meeting as well. As
8 the LSRP, my highest priority on any case that I'm
9 working on is protection of public health, safety
10 and environment. And that's written into our code
11 of ethics, code of conduct.

12 So that's always going to be my highest
13 priority working on this site, and any site that
14 I'm involved in. Again, the LSRP program is a
15 State program and all of the other -- other than
16 the ACM, all of the other issues are regulated by
17 State soil standards, groundwater standards.
18 Things of that nature.

19 And although the ACM isn't specifically
20 addressed by any State soil standards or
21 regulations, as the LSRP, it's still within my
22 purview to make sure that during remediation and
23 during demolition, that we are protective of the
24 public health, safety and the environment.

25 So I will be involved in those issues as

1 well, those on-site issues.

2 And while -- LSRPs are not required to
3 be experts in every issue that will arise on a
4 site, remediation site, but they are required to
5 seek the input of experts on an issue where
6 they're not an expert. So while my area of
7 expertise is generally in soil and groundwater
8 site investigation and remediation, I wouldn't say
9 that I'm an expert in ACM materials, but I am an
10 expert in, you know, handling soil and excavating
11 soil and health and safety measures, things of
12 that nature, so I will have input there.

13 But, again, as I mentioned before, it's
14 my understanding that we're going to be bringing
15 in the services of a firm that specializes in
16 health and safety issues and monitoring the ACM
17 and also contractors that are highly experienced
18 in construction, demolition and transportation.

19 So as far as the process is concerned,
20 when the remediation is complete, it's my
21 responsibility, as the LSRP, at the end of the
22 remedial action to issue a document that's called
23 a response action outcome, or an RAO. And that
24 document provides my professional opinion that the
25 remediation was completed with all applicable

1 standards, regulation, guidance, et cetera. And
2 that document is issued to the property owner.
3 Copies of that document also, by a New Jersey
4 regulation, also go to the NJDEP, to various Town
5 officials, like the clerk, for example, and also
6 needs to go to local health departments.

7 So that document is the final -- I
8 believe the final closure document that says
9 remediation is complete and all ongoing issues of
10 possible exposure to contamination have been
11 remediated.

12 And I think that's pretty much
13 everything I wanted to cover.

14 Q. Ed, I wanted to ask you, is it a fair
15 characterization of your role as the LSRP to
16 essentially be DEP's surrogate for the site?

17 A. That's -- that's a good way to put it.
18 That's the reason why the LSRP program was
19 developed. There was a whole backlog of cases at
20 the NJDEP and they wanted to find a system that
21 would allow, you know, experienced people to
22 essentially serve as surrogates for the NJDEP to
23 review remedial actions at sites and to issue
24 letters that the remediation was completed
25 satisfactorily.

1 Q. And I know you said this. I just want
2 to simplify it a little. But also your role as
3 the LSRP is to be involved in the remedial
4 investigation, to further delineate the
5 contamination that's been identified, as well as
6 to then oversee the remediation required by -- of
7 the contamination that's been identified, is that
8 correct?

9 A. Right. Right, to ensure that everything
10 that's done is done within the applicable NJDEP
11 guidance and regulation.

12 Q. And in your opinion as a professional, I
13 mean, this particular site, I mean, do you see any
14 issues, you know, out of the ordinary for a former
15 industrial site of concern, you know, as something
16 that really can't be handled in the normal course
17 of, you know, remediating these type of sites and,
18 you know, through the methods that exist,
19 including, you know, developing the site?

20 A. No. I think I touched on this the last
21 time, also. All of the contaminants that we're
22 seeing in the soil and the groundwater are very
23 common in New Jersey. These types of compounds,
24 contaminants, and the levels that we're seeing
25 them are very common.

1 There have been hundreds, if not
2 thousands, of sites, literally, that have had
3 these types of contaminants and have been
4 remediated.

5 Q. And none of these, in your opinion,
6 based on, you know, the information that you
7 currently have, should have any negative impact on
8 the ability to develop the site?

9 A. No. They're all -- they're all highly
10 manageable issues. Most of them are addressed
11 actually before there's any construction at the
12 site.

13 Q. Thank you.

14 MR. REGAN: Mr. Chairman, I don't
15 have anything more for Mr. Sullivan. I know
16 Mr. Fourniadis is prepared to answer, you
17 know, or address some of the questions that
18 came up with regards to the existing landfill
19 site. I don't know how you -- if you wanted
20 me to go to him now or you want to take any
21 questions for Mr. Sullivan.

22 CHAIRMAN HANDS: I'd like to, of
23 course, say thank you, Ed, for giving us some
24 further background. That's very helpful. It
25 certainly addressed some of my questions.

1 If I might ask a couple of questions
2 and then open it up to the Board to ask as
3 well.

4 The health and safety plan, you said
5 there's a specialty firm will be responsible
6 for that. I'm going to assume for a minute
7 that that's developed over a course of time.
8 It's not something that's going to be ready or
9 required for this application review. This
10 is -- as part of the process, that's going to
11 be developed along with the community air
12 monitoring plan and then that will be shared
13 with the Township officials and NJDEP and
14 maybe, I'll presume, Morris County as well.

15 Can we just focus a little bit more
16 on that, on the process of when it's
17 completed, and then who will have opportunity
18 to review or if there is any review process by
19 the Township and other officials?

20 THE WITNESS: Okay. So you want me
21 to describe the timing and process for the
22 health and safety plan?

23 CHAIRMAN HANDS: Yes, please. Just
24 an outline. An outline, you know, a little
25 bit more about it. I just want to understand

1 the timing of that. Is that something that's
2 done in the course of time? Is that done in
3 coordination with Township officials? Is that
4 done independently, but shared with the
5 Township? Just can you just go through that,
6 those steps? And is that information made
7 public as well or is that just shared with the
8 Township and other officials?

9 THE WITNESS: Okay. Yeah, this type
10 of document is commonly developed prior to
11 when you begin the remedial investigation so
12 that it's ready in time for when you implement
13 the remedial investigation and then move into
14 the remedial action.

15 Typically -- well, not typically.
16 It's always submitted to the New Jersey DEP.
17 It's one of the required documents that they
18 require to be submitted. They typically won't
19 really review it. Sometimes they do, but it's
20 such a common document that a lot of times
21 they won't hear from them on it.

22 And in my experience, I don't think
23 I've ever worked with a municipality to
24 develop a health and safety plan. It's
25 usually done by the consultants and any

1 specialty health and safety consultants that
2 are involved in the project.

3 I certainly don't see any reason why
4 it couldn't be shared with the Township.

5 MR. FOURNIADIS: If I could
6 interject on that, Chairman, that, you know,
7 there are firms that are licensed to do this
8 type of demolition. We just completed a
9 massive one in the Borough of Dunellen, a
10 building of 500,000 square feet with all of
11 the same AOCs that we have here and a lot
12 more. And they come up with a plan and it's
13 presented as part of its -- when they come in
14 for the demolition permit. There's a lot, as
15 your engineer knows, your construction code
16 official knows, a lot of steps that have to be
17 taken before we can start demolition. And
18 part of that will be this safety control plan,
19 the dust control plan, the air monitoring
20 plan.

21 And of course, you know, we'll share
22 it with whoever wants to take a look at it.
23 We have nothing to hide. We want the site --
24 we want the site, as much as you do, to be
25 safe. We have people working here; our

1 employees, our contractors. We don't want
2 anybody to be in danger. And eventually we're
3 going to have people living here and we don't
4 want them to be in danger either.

5 So that will be developed. And I'm
6 happy, when, you know, we bring the firms in
7 that we're considering, to have your engineer
8 talk to them so he can get comfortable with
9 their experience. Again, we're an open book
10 here. We have nothing to hide.

11 CHAIRMAN HANDS: Thank you.

12 Does anybody else on the Board have
13 any questions?

14 VICE CHAIRMAN JONES: Yeah, sorry.
15 It's Tom.

16 CHAIRMAN HANDS: Tom.

17 VICE CHAIRMAN JONES: Mr. Sullivan,
18 thank you very much. I've heard this comment
19 a couple of times, in your June 9th
20 presentation, as well as today. The comment
21 is around levels of contaminant are common in
22 New Jersey. But the level, where -- is the
23 level below the standard? at the standard?
24 above the standard? Could you opine on that?

25 THE WITNESS: Sure. So far a fair

1 number of samples have already been collected
2 and it's actually a mix of all of those that
3 you've mentioned, many of the samples are
4 below the New Jersey standards. There are a
5 few that are above. There's actually -- to
6 complicate things even more, there's several
7 different types of New Jersey standards. Some
8 of them exceed one standard. Some of that
9 exceed -- fewer of them exceed more than one
10 standard.

11 VICE CHAIRMAN JONES: So those where
12 you have multiple standards up against, which
13 standard would you take? The more aggressive
14 standard with the lower standard or would you
15 just come in under the highest standard?
16 That's a catch 22 question.

17 THE WITNESS: It's such a
18 complicated issue on how you decide which
19 remediation standards have to be applied. In
20 general, yes, you would apply the lowest of
21 the standard, which is either the residential
22 standard or -- here, we have to apply the
23 residential standard. But there's also a
24 standard that's related to protecting
25 groundwater. And that's, for some instances,

1 is lower even than the residential standard.

2 So, yeah, the answer is typically
3 it's the lower standard that you apply.

4 VICE CHAIRMAN JONES: I'm sure some
5 of the residents will have some concerns about
6 any of those items that are above the standard
7 and what those exactly are. Too long of a
8 name for me to try to even pronounce. But
9 those will be definitely a concern.

10 If I could switch a little gear
11 here. The documents that will be presented,
12 the health and safety plan, the community plan
13 and several others, is anywhere in there a
14 communication plan for when something is
15 triggered where, say, a large dust or
16 something has been uncovered that requires
17 immediate attention? Is there any
18 communication plan back to the Town, to any
19 official? If you could -- if you could
20 elaborate on that.

21 THE WITNESS: Okay. And I'm not an
22 expert on the community air monitoring plans,
23 but those types of issues can be addressed
24 directly in the health and safety plan. So
25 there can be -- there's a lot of contact

1 information, who to contact regarding what.
2 The plan will include people's names, phone
3 numbers, e-mail. Yeah, there is --

4 MR. FOURNIADIS: If I could, Ed.
5 The short answer to the question is, yes, in
6 the other towns that we've done this type of
7 work in, it's -- typically the Board of Health
8 was the point of contact, and if there is a
9 release, which fortunately we have never had,
10 that would have required calling it in, that's
11 who we would call in to. And we would hope
12 that we would have more than one number to
13 call so if the Board of Health representative
14 is out to lunch or called in sick that day,
15 there would be a number two person to call,
16 then a number three, number four, number five
17 until we got somebody. That would definitely
18 be the protocol.

19 VICE CHAIRMAN JONES: Mr. Fourniadis
20 , thank you very much for that. I don't want
21 it to be a paper exercise. If something were
22 to come, I would want you to take the offense
23 and say, hey, we've uncovered something. It
24 needs your attention. We're working on it.
25 You may not have an answer at that time, but I

1 don't want this communication plan to do a
2 paper exercise. So that, again, is very
3 important to me.

4 MR. FOURNIADIS: It's important to
5 us, too.

6 VICE CHAIRMAN JONES: The water, we
7 want to know about that.

8 MR. FOURNIADIS: Okay.

9 VICE CHAIRMAN JONES: Mr. Chairman,
10 that's all. Thank you very much.

11 Thank you, Mr. Fourniadis.

12 CHAIRMAN HANDS: Ed, do you have any
13 more comments or points for your testimony?

14 THE WITNESS: No, I think I covered
15 everything I wanted to tonight.

16 CHAIRMAN HANDS: Perhaps if there's
17 no more questions from the Board, Deb, should
18 we open it up? I see a couple of people.

19 BOARD MEMBER MALINOUSKY: I just
20 have one very quick question.

21 Mr. Sullivan, will you be on site
22 every day throughout the project or at least
23 until the RAO is issued?

24 THE WITNESS: No. And it's not
25 typically the role of the LSRP to be on site

1 every day.

2 BOARD MEMBER MALINOUSKY: Okay. How
3 about the designated site safety officer? Is
4 that person on site?

5 THE WITNESS: Yes, that person is on
6 site every day. Yes.

7 BOARD MEMBER MALINOUSKY: Okay.
8 Thank you.

9 CHAIRMAN HANDS: Deb, can we go
10 to -- unmute, I think Terry is the first --

11 COORDINATOR COONCE: Yes. Terry
12 Carruthers. Sir, you have to unmute yourself,
13 Terry.

14 MR. CARRUTHERS: There I go. Do you
15 hear me?

16 COORDINATOR COONCE: Yeah, we can
17 hear you.

18 MR. CARRUTHERS: Okay, thanks. Good
19 evening, Mr. Chairman, ladies and gentlemen.

20 Mr. Sullivan, I'd like to continue a
21 line of inquiry I started two weeks ago about
22 those VOCs that were found in the perched
23 water and the groundwater.

24 Just to step back a bit, do you know
25 if the PA/SI report found any VOCs, any

1 contaminants in stormwater coming off the
2 site? Did anyone collect stormwater off the
3 site and measure any stormwater in case there
4 was leakages in the storm drains, the old
5 storm drains there?

6 THE WITNESS: So sampling of
7 stormwater specifically?

8 MR. CARRUTHERS: Correct.

9 THE WITNESS: Yeah, I don't think
10 that's -- that wasn't done. It's not the
11 typical type of sample that we take.

12 MR. CARRUTHERS: So how do you test
13 or how do you check that or how can it be
14 checked that the VOCs in the perched water
15 bodies and the groundwater are not leaking
16 into the storm drains? Now, I understand that
17 the location of the VOCs is typically down a
18 few feet lower than the storm drains, but how
19 do you test that the old storm drains there
20 aren't absorbing VOCs from the soils around
21 them?

22 MR. FOURNIADIS: I think I can
23 answer that. The EPA, as part of the
24 administrative consent order and consent
25 decree, tests the Passaic River every five

1 years in perpetuity to monitor, you know,
2 anything that might leach into the river. And
3 it's been done once since we've owned the
4 property and I know it's been done several
5 times in the years since the original
6 settlement in 1992 prior to our purchasing the
7 property. And nothing of that nature has ever
8 been found by the EPA in the river.

9 If there are existing storm drains
10 underneath the parking lot today that may be
11 leaking and taking in groundwater, that's
12 certainly something that will be remedied when
13 we redevelop the site and put entirely new
14 storm drains that won't be taking in any
15 infiltration from any of the perched
16 groundwater.

17 So if it is there now, it would have
18 shown up in the Passaic River and it hasn't.
19 And if it is there now, it will be remedied
20 when we redevelop the site and put an entirely
21 new drainage system in there.

22 MR. CARRUTHERS: Which leads me to
23 my next question, that would there be any
24 risk of old storm drains being reused or would
25 you be installing new storm drain systems for

1 that?

2 MR. FOURNIADIS: Totally new. All
3 the old storm drains will be pulled.

4 MR. CARRUTHERS: So you've answered
5 that question.

6 Then back to Mr. Sullivan again.
7 Back to the migration, to the risk of vapor
8 intrusion of those VOCs through the soils into
9 the buildings when they are developed. What
10 precautions are usually taken and how
11 effective are those precautions?

12 MR. FOURNIADIS: I can answer that
13 one, too, because this isn't the first site
14 like this that we've developed. I mean, we
15 stopped -- and by "we," I mean the entire
16 industry -- stopped developing farmland
17 probably around '99, 2000, 2001. And since
18 then most of the development in the state has
19 taken place on sites exactly like this.

20 And there are systems that are put
21 in place that would be designed by the LSRP
22 and they would be either passive or active,
23 depending upon the level of the soil gas, the
24 vapors, that we will test for.

25 My experience has always been,

1 without exception, all of the sites that I've
2 developed, and I've developed over 6,000 lots
3 on former industrial sites north of the
4 Raritan River and east of 287, is that a
5 passive system with a stone-filled foundation
6 with perforated pipe in it, a vapor barrier
7 and a system that vents any subsurface gasses
8 through the roof is more than adequate. But
9 to require something more than that, like you
10 may have heard of radon, sometimes you test
11 for radon, and if you find it, you have to put
12 a fan in the attic to ventilate it. We would
13 do something like that.

14 So far we haven't found anything in
15 any of the investigations that we've done here
16 that would indicate you'd have to put an
17 active system in.

18 But my MO has always been whether
19 there's a vapor or not, we put the passive
20 mitigation system in. It costs pennies to put
21 it in, the vapor barrier, the PVC pipe, the
22 stone. It would cost a fortune to have to put
23 it in after your foundations were poured and
24 people were living there. So these homes will
25 have a vapor mitigation system, a vapor

1 barrier installed. And if it has to be active
2 based on what we discover as we do the RI,
3 then it will be active. There will be fans
4 that will be set to go off if it reaches a
5 certain level. Again, nothing unusual. It's
6 done all over the state. I've been lucky in
7 that I've never had to do that. And I'm not
8 expecting to have to do it here, but if I do,
9 we will.

10 MR. CARRUTHERS: And thank you for
11 that.

12 Mr. Sullivan, again, back to
13 stormwater. Is it typical in sites like this
14 where there is a risk of vapor intrusion into
15 storm drains that the stormwater be detained
16 at someplace before it be discharged to either
17 the stormwater system or the river?

18 MR. FOURNIADIS: He's not the
19 engineer. He can't -- the engineer can
20 address stormwater management issues. You're
21 muted, Frank.

22 MR. REGAN: The engineer will
23 address the issue of drainage and whether
24 there'll be on-site detention necessary. I
25 know you're asking in the context of

1 remediation, but I don't know that

2 Mr. Sullivan is --

3 THE WITNESS: Well, the one thing I
4 can say generically, Mr. Carruthers, the NJDEP
5 has a process for evaluating vapor intrusion,
6 a guidance document. And that's what we would
7 follow to evaluate any issues dealing with,
8 you know, vapors possibly getting into the
9 building.

10 MR. CARRUTHERS: Okay. And is this
11 the point I would ask somebody -- because I
12 think it's mentioned in the PA/S -- no, it's
13 mentioned in the environmental impact
14 statement that the sewer -- there would be an
15 8-inch sewer main to accommodate the effluent.
16 Is that a large enough sewer main to
17 accommodate the effluent from 140 homes? I
18 know my own sewer drain is a 4-inch drain, so
19 it seems a very small drain.

20 MR. REGAN: Our engineer will need
21 to respond to that question, I think.

22 MR. FOURNIADIS: And just for the
23 record, I just completed a design, we're
24 building 232 apartments in Woodbridge and the
25 sewage from the 232 apartments are handled by

1 an 8-inch line. Even though I'm not an
2 engineer, I sometimes play one and I've been
3 around this long enough, 8 inches is plenty
4 for 140 homes.

5 MR. CARRUTHERS: Okay. Let me see
6 if I have any more questions.

7 I presume there will be an
8 opportunity soon to address some of the design
9 issues and the structural issues? But this
10 probably isn't the point to do so.

11 MR. REGAN: I think that's for the
12 architect.

13 MR. FOURNIADIS: Which, hopefully,
14 we'll get to tonight.

15 CHAIRMAN HANDS: Terry, are you
16 good?

17 MR. CARRUTHERS: One second, please.
18 Yes, I've had my questions answered.
19 Thank you for your time.

20 CHAIRMAN HANDS: Thank you, Terry.

21 Deb, I see next a couple more hands
22 coming up.

23 COORDINATOR COONCE: I assume this
24 is Chuck Arentowicz.

25 MR. ARENTOWICZ: That is correct.

1 Charles Arentowicz, Millington.

2 THE REPORTER: Name, please, and
3 spell it. I didn't catch that name.

4 MR. ARENTOWICZ: Charles, last name
5 is Arentowicz. It's spelled
6 A-R-E-N-T-O-W-I-C-Z.

7 THE REPORTER: Thank you.

8 MR. ARENTOWICZ: Mr. Sullivan, I
9 hope we have a more productive session tonight
10 than the one on June the 9th.

11 Have you had a chance over the last
12 two weeks to visit the site?

13 THE WITNESS: I have not.

14 MR. ARENTOWICZ: When do you plan to
15 visit the site?

16 THE WITNESS: Prior to the
17 implementation of the remedial investigation,
18 I'll be visiting the site.

19 MR. ARENTOWICZ: When it's completed
20 or when they're doing it or --

21 THE WITNESS: No, beforehand and
22 then on an as-needed basis during and after.

23 MR. ARENTOWICZ: Are they working on
24 that Phase 2 now?

25 THE WITNESS: Some -- some drilling

1 occurred this week.

2 MR. ARENTOWICZ: So if they're
3 working on it, you're not going to visit it
4 or...?

5 THE WITNESS: I haven't yet, but I
6 will be visiting.

7 MR. ARENTOWICZ: Since the last
8 meeting on the 9th, who have you spoken to to
9 help prepare you for tonight?

10 THE WITNESS: I have spoken to no
11 one to help me prepare. I have spoken with
12 several people on ongoing matters related to
13 the work at the site.

14 MR. ARENTOWICZ: Have you spoken to
15 anybody from EWMA?

16 THE WITNESS: Yes, Mindy Chaturgan,
17 who's their project manager, and Don
18 Richardson, who is their principal in charge
19 of this project.

20 MR. ARENTOWICZ: Francis Rooney or
21 no?

22 THE WITNESS: Excuse me?

23 MR. ARENTOWICZ: Have you spoken to
24 Francis Rooney?

25 THE WITNESS: I have not, no. He no

1 longer works at EWMA.

2 MR. ARENTOWICZ: When did that
3 happen? Do you know?

4 THE WITNESS: I'm not sure.

5 MR. ARENTOWICZ: Are you aware of
6 the administrative consent order executed
7 between your client and the New Jersey DEP?

8 THE WITNESS: Related to the
9 landfill?

10 MR. ARENTOWICZ: Yes.

11 THE WITNESS: I am not.

12 MR. ARENTOWICZ: Do you know there
13 are deed restrictions on this property?

14 THE WITNESS: Anything related to
15 the landfill is outside of my involvement.

16 MR. ARENTOWICZ: There are
17 restrictions there that will impact the
18 activities that are going to take place on
19 developable areas. I think you need to take a
20 look at that.

21 THE WITNESS: Okay.

22 MR. FOURNIADIS: Is there a question
23 here?

24 THE WITNESS: I'll take a look.

25 MR. ARENTOWICZ: Yeah. The question

1 is there was a public safety issue on the
2 weekend of June 13th and 14th putting the
3 public safety at risk with an unlocked
4 chain-link fence that opened up into the
5 developable area. It was open for at least
6 two days.

7 MR. FOURNIADIS: Are you asking me
8 or telling me?

9 MR. ARENTOWICZ: Well, I'm telling
10 you what happened.

11 MR. FOURNIADIS: I know what
12 happened. There was work that had to be
13 conducted on the site pursuant to a request by
14 the EPA to go in, bring some topsoil and seed
15 in for some areas that had eroded as part of
16 the ongoing operation and maintenance of
17 the -- of the cap, and when the people
18 completed the work, they left, and they didn't
19 padlock it.

20 And we've had a -- explained it to
21 the DEP and the EPA. They asked if anybody
22 from the public came onto the site. I said I
23 didn't think so. At least nobody told me that
24 anybody wandered onto the site who didn't
25 belong there. And because of that, we've put

1 strict new procedures in place that whenever
2 any work is done on the cap, the property
3 manager is to lock the gate behind the people
4 doing the work. Give them a key so when
5 they're done, they can unlock the gate and let
6 themselves out and then return the key to the
7 manager and the manager doesn't leave the
8 property until the last person working on the
9 cap has left the property.

10 Now, I just want to add that the
11 work on the cap, it's not like there's people
12 out there every day. The lawn is mowed a
13 couple times a month. We have inspections
14 once a year by the DEP, inspections every two
15 years by the EPA. And then if there's work
16 that needs to be done, we do it.

17 So I would say for, you know, 95
18 percent of the time, 98 percent of the time,
19 the gate is locked. And it was left unlocked
20 this weekend unintentionally, inadvertently,
21 first time since we've owned the property.
22 And I sincerely appreciate you bringing it to
23 our attention. Because as soon as we found
24 out about it, we made sure the gate was
25 locked. And we put two locks on it this time

1 to make sure that this doesn't happen again.

2 MR. ARENTOWICZ: There were two
3 locks on it before that were locked to the
4 chain and it was two weeks ago. So the
5 responsibility for not locking the gate rests
6 with the EPA, is that correct?

7 MR. FOURNIADIS: No, it rests with
8 us.

9 MR. ARENTOWICZ: So who left it
10 unlocked?

11 MR. REGAN: He just answered that.
12 He told you.

13 MR. FOURNIADIS: I just answered it.

14 MR. ARENTOWICZ: Yeah, that's what
15 I'm saying. Because the EPA says they didn't
16 do it. Okay?

17 MR. FOURNIADIS: I didn't say the
18 EPA did it. I said the EPA inspected the
19 property a few months ago and asked us to go
20 put some topsoil and seed on the few bare
21 areas that they found. This was the first
22 time we were able to do it because of weather
23 and because of being able to get people to go
24 out there and work and that's why we did it.
25 I did not say the EPA is responsible

1 for the gate. I did not say the EPA unlocked
2 the gate. I said we're responsible for the
3 gate. We unlocked it and then it wasn't
4 locked after the landscapers left. It was our
5 mistake. A new procedure's in place now. The
6 property manager has been read the riot act
7 and it's not going to happen again.

8 And, again, I thank you for catching
9 it and bringing it to our attention. I
10 appreciate your regard for the public safety.

11 MR. ARENTOWICZ: You're most
12 welcome. You're most welcome.

13 Mr. Sullivan, have you contacted
14 anyone at the New Jersey DEP or EPA regarding
15 the conditions on this site?

16 THE WITNESS: The conditions at the
17 site? Not as of yet, no.

18 MR. ARENTOWICZ: If we have this
19 violation with this gate, who would you
20 contact at the DEP?

21 MR. REGAN: Before you answer that,
22 Ed, he indicated he's not responsible for the
23 landfill. You're talking about the gate on
24 the landfill. He's not the person to answer
25 that question.

1 MR. ARENTOWICZ: Well, who can
2 answer it then?

3 MR. REGAN: He just answered it, Bob
4 Fourniadis, the representative of the owner.
5 And he just answered that question.

6 MR. FOURNIADIS: And I did a full
7 mea culpa to the DEP and the EPA and they said
8 don't do it again. And I said okay.

9 MR. ARENTOWICZ: I wish you well.

10 Mr. Sullivan, you identified -- we
11 talked the last meeting about the 22 areas of
12 concern. I asked at the time how many of the
13 22 of the AOCs concern asbestos.

14 Have you had a chance to look at
15 that?

16 THE WITNESS: I don't believe any
17 specific AOCs call out asbestos. There is an
18 indication that some asbestos has been found
19 in the soil. So there is asbestos in the
20 soil.

21 MR. ARENTOWICZ: So none of the AOCs
22 have any concern over asbestos? Is that what
23 you're saying?

24 THE WITNESS: I don't -- I don't
25 believe so. I'd have to -- I could look

1 through the list again, but these AOCs are all
2 specific to other types of contaminants. Now,
3 could it be collocated with some soil that has
4 asbestos in it? That's entirely possible.

5 MR. REGAN: Ed, do you have the --
6 do you have the PA/SI in front of you?

7 THE WITNESS: I can take a look at
8 it.

9 MR. ARENTOWICZ: I don't want to
10 waste time. I'd like for the next time to
11 know how many of the 22 concern asbestos. If
12 you haven't looked at that, let's not waste
13 the time to do that.

14 We talked last meeting that these
15 common contaminants, and you said at the time
16 that asbestos isn't a common contaminant.

17 Is that still the case?

18 THE WITNESS: Yeah, not common as
19 far as site remediation sites in New Jersey,
20 no.

21 MR. ARENTOWICZ: So I don't want to
22 mislead the public and the people that are on
23 this call and that will listen to this call.
24 When we say that there are common contaminants
25 here, I agree that that are petroleum and

1 petroleum-related products, but I do not agree
2 that asbestos is a common contaminant.

3 THE WITNESS: We're -- we're in
4 agreement.

5 MR. ARENTOWICZ: All right. Let's
6 not mislead and say everything here is common.
7 Asbestos is not common. Agree?

8 THE WITNESS: And I thought we
9 agreed on that the last time. I don't believe
10 I said that tonight.

11 MR. ARENTOWICZ: I think the way you
12 described everything is everything here is
13 common contaminants and it's not.

14 THE WITNESS: Like I said, we went
15 over this last time and I thought --

16 MR. ARENTOWICZ: I know. I know.
17 We said tonight --

18 MR. FOURNIADIS: Aren't you agreeing
19 with him? I think he's agreeing with you.

20 MR. ARENTOWICZ: Thank you.

21 MR. REGAN: He agreed with you.

22 MR. ARENTOWICZ: Thank you. Here's
23 hoping that we have no more breaches of the
24 asbestos dump site and thank you for your time
25 tonight. And we don't have common

1 contaminants here. Thank you.

2 CHAIRMAN HANDS: Thank you, Church.

3 Who's up next?

4 COORDINATOR COONCE: Stella and Joe
5 Caprio.

6 MR. CAPRIO: Good evening. My
7 question is for Mr. Sullivan.

8 First, Mr. Sullivan, I want to thank
9 you for answering a bunch of my questions that
10 I had from the last time. But my one question
11 is, will you be directly developing the
12 protocol for the air monitoring plan, for the
13 community plan, as the LSRP?

14 THE WITNESS: That will be done by
15 most likely the specialty contractor that
16 we've been talking about. It is something
17 that I would review, but they would definitely
18 take the lead in developing the document.

19 MR. CAPRIO: Okay. Then my
20 question -- the only reason I'm asking this is
21 you had said a lot of it would be based on
22 systems like e-mails or some type of phone
23 notification if the levels were high.

24 And my question would be -- I heard
25 actually a good thing from Envirotectic --

1 -tactics, rather, it's a contractor that I use
2 that was on the Dunellen site and they were
3 physically manning those -- those monitors
4 daily. So someone from their group was there
5 monitoring those systems.

6 Just wanted to make sure that on
7 this site, they would be monitoring them
8 daily. Someone would be physically there as
9 opposed to e-mails or phone calls or things of
10 that nature, electronically.

11 THE WITNESS: Yeah, I think that's
12 usually part of the process, to have someone
13 on site during activities at least check the
14 equipment. It all works through telemetry
15 now, nowadays. So, you know, alerts and so
16 forth will go directly to people's phones, I
17 believe. But, yeah, part of the process will
18 be people there to inspect the equipment.

19 MR. CAPRIO: But I guess my thing
20 is, will there be someone from that monitoring
21 group there daily to -- you know, to monitor
22 it, to physically be there and monitor it to
23 make sure -- you know, because you could get
24 something on your phone, but if a foreman is
25 doing demo and he doesn't hear it, by the time

1 he lets the crane operator know there's a big
2 uncovering of dust or airborne contaminants,
3 hours have gone by. So I guess that was my
4 question.

5 MR. FOURNIADIS: You said -- you
6 said you did the -- you were on the Dunellen
7 site? That's my site.

8 MR. CAPRIO: No, I said there's a
9 company I used called Envirotactics.

10 MR. FOURNIADIS: Right. Yeah, they
11 did the environmental work on Dunellen. They
12 didn't have an Envirotactics employee on the
13 site every day. The Highground, the company
14 that we hired there, the one that I would use
15 here, too, had its people there monitoring the
16 site for that type of migration.

17 And when we talked about phone calls
18 before, that was phone calls to the Board of
19 Health or some other representative in the
20 event there was a breach and we needed to get
21 in touch with someone from the municipality to
22 let them know. That wasn't communication as
23 to the people on site doing monitoring.

24 MR. CAPRIO: Got it. But there
25 would be someone on site daily doing that, you

1 know, conducting that monitoring?

2 MR. FOURNIADIS: Absolutely.

3 MR. CAPRIO: Great.

4 THE WITNESS: Yeah, that will all be
5 in the health and safety plan.

6 MR. CAPRIO: Okay. Okay. And then
7 the other question I have, you had said
8 licensed contractors, demo contractors. I
9 guess those would be licensed abatement
10 contractors regarding asbestos specifically?

11 MR. FOURNIADIS: That's correct.
12 Absolutely.

13 MR. CAPRIO: Okay. Great. Great.
14 Thank you. That's all the questions I have.
15 I appreciate it.

16 MR. FOURNIADIS: You're welcome.

17 CHAIRMAN HANDS: Thank you.

18 Deb, I see Frank's there. Is he up
19 next?

20 COORDINATOR COONCE: Yes, I just put
21 him up. Frank. It's on mute.

22 MR. FOURNIADIS: Still muted.

23 CHAIRMAN HANDS: Yeah. Frank.

24 All right. Terry, I see you've got
25 your hand up again.

1 Can you switch to Terry for a moment
2 and come back to Frank?

3 MR. CARRUTHERS: Yes. Two follow-up
4 questions.

5 Has the Department of Health
6 received a copy of the PA/SI, do you know?
7 This question is for Mr. Sullivan or for
8 Mr. Fourniadis.

9 MR. FOURNIADIS: We gave it to the
10 Town. The Town can distribute it to whomever
11 they wish. We did not deliver it to the Board
12 of Health.

13 MR. CARRUTHERS: Mr. Chairman, do
14 you know, has the Board of Health received a
15 copy or --

16 COORDINATOR COONCE: No. I can
17 answer that. They have not.

18 MR. CARRUTHERS: They have not
19 received it. So are they even --

20 COORDINATOR COONCE: I don't know
21 that they require that. We -- the Board, nor
22 do I, as the Board secretary. That's handled
23 on the level with the construction official
24 and/or the township engineer. So I'm not
25 aware if there are requirements that we, as

1 the Township, have to give that report to the
2 Board of Health. That would be a question for
3 the construction official.

4 MR. CARRUTHERS: It would seem that
5 on such an important project for the town,
6 that the Board of Health should be aware.
7 They should be involved in this at the very
8 early stage, it seems to me anyway.

9 COORDINATOR COONCE: Well,
10 unfortunately, Terry, that's not the -- that's
11 not the jurisdiction of the Board.

12 MR. CARRUTHERS: Right.

13 COORDINATOR COONCE: So we don't get
14 involved in that. The Board doesn't -- the
15 Board is not involved in that. Again, the
16 applicant is going to provide a copy for the
17 public. But if you have any specific
18 questions with regards to the Board of Health,
19 you either need to address them directly to
20 the Board of Health or you should contact the
21 construction official.

22 MR. CARRUTHERS: Okay. My next
23 question would be back again to Mr. Sullivan.

24 Ed, on page 24 of the PA/SI, and
25 this is under the heading of "EDR Database

1 Review," Chapter 5 -- Chapter 5, paragraph 2
2 or Chapter 5.2, I believe it is.

3 THE WITNESS: Yes.

4 MR. CARRUTHERS: It says that
5 there's a company -- on page 24, it mentions a
6 company called Annis Fuel Oil Services. It's
7 listed as an EDR site. The DER filing was on
8 September 2009 and it's for the presence of
9 asbestos to a depth of 100 feet.

10 Is that a site that was within the
11 area we're talking about now or is it off the
12 actual site, do you know?

13 MR. FOURNIADIS: It's another site.

14 THE WITNESS: Yeah, I believe that's
15 got to be another site.

16 MR. CARRUTHERS: So is this a list
17 of companies within a range -- within a radius
18 of the project site then?

19 THE WITNESS: Yea. Yes, I'm sorry.
20 It does not say so in the document. There's a
21 specified distance, I think it's a quarter or
22 half a mile by different sites, so...

23 MR. CARRUTHERS: Okay. Okay.
24 That's the only question I have. Thank you,
25 again.

1 COORDINATOR COONCE: Okay. Frank
2 McGrath again.

3 MR. McGRATH: Do you hear me now?

4 COORDINATOR COONCE: Yes, we can
5 hear you.

6 MR. McGRATH: Oh, good. Thank you.
7 I'm sitting here with my wife and Bonnie has
8 some questions that she would like to pose.

9 CHAIRMAN HANDS: Before you do that,
10 Bonnie, can you just introduce yourself and
11 where you live for the --

12 MS. STOCKER-McGRATH: Yes, of
13 course. You can hear me?

14 CHAIRMAN HANDS: Yes, Bonnie. Thank
15 you.

16 MS. STOCKER-McGRATH: Okay. I am
17 Bonnie Stocker, S-T-O-C-K-E-R, McGrath,
18 M-c-G-R-A-T-H, and we reside at 21 Taft Drive
19 in Millington.

20 CHAIRMAN HANDS: Thank you, Bonnie.

21 MS. STOCKER-McGRATH: Okay. My
22 questions are, I believe, either addressed to
23 the gentleman from Prism because I'm not sure
24 that Mr. Sullivan has the purview over this
25 area of questioning.

1 So we've -- we've heard reference
2 this evening to the five-year monitoring plan
3 from the EPA for the asbestos Superfund site
4 that we referred earlier in this meeting as
5 the asbestos cap.

6 The last report was in 2015 and the
7 next one is scheduled for 2020. I believe the
8 report would be due in the fall of 2020.

9 If there are any additional
10 remediation or maintenance issues arising from
11 the new report issued this year, would Prism
12 be responsible for any follow-ups in carrying
13 out those remediations from that review? And
14 then for the ongoing maintenance?

15 MR. FOURNIADIS: It depends on what
16 it is. The administrative consent order that
17 we signed with the DEP, before we purchased
18 the property, which was an extension of the
19 old administrative consent order that Tifa
20 signed with the DEP, but it was augmented to
21 require greater financial contribution from
22 the new owner, us.

23 We're responsible for operation and
24 maintenance, which means taking care of the
25 grass, the weeds, any growth that may go up

1 the fences, may go over the retaining wall.
2 If there's any erosion, fixing it. If there's
3 any trees that grow on the property, cutting
4 them down. You may recall that there were
5 three trees in the middle of the cap that were
6 easily 12 to 15 years old. And the first
7 thing the EPA said to us the first time they
8 walked the property was, "How come you let
9 these trees grow?"

10 And I said, "Well, I've only owned
11 the property for two years. How come you let
12 these trees grow? But if your question is,
13 will I cut them down? Absolutely." And we
14 cut them down right away.

15 So that's our responsibility. If
16 there's a failure of the cap, if there's a
17 failure of the structure -- and I'm not going
18 to call it a Superfund site because it's not a
19 Superfund site anymore. It was delisted. The
20 DEP is still responsible if there's a failure
21 of the cap. We wouldn't take on that
22 responsibility. We didn't build it and no
23 sane person would take on the responsibility
24 of the failure of the cap.

25 We're responsible to do what's in

1 the administrative consent order: Keep the
2 grass mowed, keep the weeds down, take care of
3 erosion, keep the fence in good shape, keep
4 the fence locked.

5 And if the cap is leaking, if
6 there's erosion down at the riverbed and
7 asbestos and the clay has eroded and asbestos
8 is leaking into the river, that's the DEP's
9 responsibility. It's not our responsibility.
10 Our responsibility is to conduct the operation
11 and the maintenance.

12 So if there is a catastrophic
13 failure, which nobody's expecting one, as I
14 said, when they did the inspection in '15, the
15 last time they did the inspection, and I know
16 they tested the water recently, but the cap is
17 working fine.

18 CHAIRMAN HANDS: Do you mind if I
19 just interrupt there for a second? Because I
20 know we talked briefly about it last time.

21 On this consent order, I saw this in
22 the stipulation, if the cap was compromised,
23 then the responsibility actually defers to --

24 MR. FOURNIADIS: If the cap was
25 compromised by something we did --

1 CHAIRMAN HANDS: Exactly.

2 MR. FOURNIADIS: -- like we didn't
3 live up to our obligations to monitor it, to
4 maintain it, if we let trees grow, which, like
5 I said, the trees didn't grow on our watch.
6 We took them down as soon as the DEP mentioned
7 it to us. If we drive trucks out there, if we
8 allow people to go out there and hit golf
9 balls into the Passaic River and they
10 compromised the cap when they sent divots into
11 the air, yeah, then it's on us.

12 But I assure you we're not going to
13 do any of those things, even though on the one
14 hand, the DEP says that and on the other hand,
15 they said "You know, you can open it up for
16 passive recreation to the public. There's
17 nothing wrong with that."

18 And our response is, "No, thanks,
19 it's not going to happen."

20 And when we do develop the site, the
21 plan does call for the construction of a new
22 fence, which will be the type of fence, more
23 decorative and the type you put around a pool,
24 a fence that can't be scaled. It always kind
25 of amused me that the fence that's out there

1 now can easily be scaled by somebody. So that
2 won't be the case after the site's
3 redeveloped.

4 CHAIRMAN HANDS: If you're done, I
5 have a couple of questions.

6 MS. STOCKER-McGRATH: Okay. Thank
7 you very much.

8 MR. FOURNIADIS: You're very
9 welcome.

10 MS. STOCKER-McGRATH: I do have a
11 couple of follow-on questions. So there are
12 several -- I believe I've seen reference to
13 seven monitoring wells that are on the site
14 that the DEA -- DEP and the other officials
15 that are monitoring the site use to monitor
16 the water and the effectiveness of the remedy.

17 Who is responsible during the
18 construction of ensuring that those monitoring
19 wells are not impacted? And who would be
20 responsible for maintaining them going
21 forward?

22 MR. FOURNIADIS: The answer to both
23 of those questions would be the owner of the
24 property. We're going to make sure that
25 nothing happens to them and if they are

1 damaged, we'll repair them. I believe, and
2 the engineer will be able to speak to that,
3 the property's been designed so that all of
4 the monitoring wells that are there will
5 remain in place. There may be one that we
6 have to relocate.

7 And, again, that's very common.
8 I've done that many times on sites that we've
9 purchased with monitoring wells in existence.
10 You try to design around them, but if we have
11 to move them for the ongoing monitoring, we
12 move them. Again, under the guidance of the
13 LSRP and in accordance with all applicable DEP
14 regulations.

15 MS. STOCKER-McGRATH: Okay. Thank
16 you. And then my final question is around a
17 question that the EPA report mentions. They
18 observed that there were no changes in their
19 2015 report that occurred in the land use at
20 the site that would negatively affect the
21 protectiveness of the remedy. In this case,
22 it would be the cap that's over that asbestos.
23 And that it was not expected to change in the
24 future.

25 With the proposed change in the site

1 use -- and, again, I know that we're not
2 talking about the site use of the actual cap,
3 but something that's right next door to it,
4 how would the protectiveness of the remedy be
5 ensured? And if, in the next EPA report,
6 there was additional remediation that was
7 required, who would be responsible for
8 carrying that out?

9 MR. FOURNIADIS: Again, it depends
10 on who caused it. Why is additional
11 remediation required? Was it a failure of the
12 cap? In which case it's the DEP. Was it a
13 failure that was caused by something that we
14 did? In which case it would be our
15 responsibility.

16 MS. STOCKER-McGRATH: Well, I think
17 in reading the report, which is available
18 online, it does appear that they're talking
19 more generally about the land use or the
20 current land use does not offer any
21 opportunity for the cap to be disturbed. But
22 if the land use were to change, that may need
23 to -- the protectiveness of the remedy may
24 need to be investigated and perhaps changed.

25 Has any consideration been given of,

1 you know, large construction vehicles moving
2 out throughout here and the normal wear and
3 tear of having people live right next door to
4 it? Would that give cause to say that that
5 remedy may need to be rethought?

6 MR. FOURNIADIS: The construction
7 vehicles aren't going to be any larger than
8 the vehicles that come and go from the site
9 now and it will only be for a short period of
10 time. Probably a 16- to 18-month, 20-month
11 period while the site's being developed. And
12 after that, I just don't see how people living
13 there who can't climb the fence to go on to a
14 cap could be undertaking any activities in
15 their homes that would shatter the cap. I
16 just don't see that happening.

17 I know the language you're referring
18 to in the EPA's report. It's just stating a
19 fact, that the land use hasn't changed. And
20 maybe in 2015 they weren't aware it was going
21 to change. They are aware of it now. They
22 know about our plans. We've met with them
23 twice now. They know that the property's been
24 rezoned and we're coming in to redevelop it as
25 residential.

1 MS. STOCKER-McGRATH: And they had
2 no additional comments regarding that?

3 MR. FOURNIADIS: They just care
4 about the cap. I don't think they think that
5 having people living here is going to cause a
6 failure of the cap. It's going to cause a
7 failure of the cap if something catastrophic,
8 a flood, a hurricane or somebody doing
9 something negligent, like driving a truck on
10 it or crashing into the head wall. I just --
11 that thing's been there for almost 30 years
12 now. It's a thick clay core and it's passed
13 every test, every biannual and every five-year
14 test that it's gone through since it was put
15 in place.

16 For it to fail, something bad has to
17 happen to it and it's not going to be
18 somebody, you know, living in an apartment on
19 the outside part of the property. It's going
20 to be a truck crashing through the gate and
21 catching on fire and, you know, causing mayhem
22 like that. And, again, it hasn't happened yet
23 and I don't see it happening on our watch.

24 MS. STOCKER-McGRATH: Okay. Thank
25 you.

1 I have no further questions.

2 CHAIRMAN HANDS: Thank you, Bonnie.

3 COORDINATOR COONCE: Now we have Jon
4 Caputo.

5 MR. CAPUTO: Good evening. Hello.
6 Can you hear me?

7 COORDINATOR COONCE: Yes, we can
8 hear you.

9 MR. CAPUTO: Great. Thank you so
10 much. I spoke briefly last --

11 COORDINATOR COONCE: Jon? Are you
12 there? Jon?

13 MR. CAPUTO: The preliminary
14 remediation plan, the remedial action plan is
15 prepared, will consideration be given to the
16 eventual layout of the site to make decisions
17 on what the ultimate depth of soil will be --
18 excavation will be? Meaning that for --

19 CHAIRMAN HANDS: Jon, you keep
20 breaking up. Do you mind just repeating after
21 --

22 MR. CAPUTO: I'm going to try
23 relocating closer to the mic. Okay. Let me
24 try reasking that question.

25 Will there be -- Mr. Sullivan, will

1 there be coordination done between the soil
2 remediation contractor and the building
3 excavation contractor? In other words, will
4 consideration be given to the ultimate depth
5 of a -- there being a soil undercut needed or
6 any sort of elevator pit or anything of that
7 nature?

8 MR. FOURNIADIS: I can answer that.
9 Let me answer that real quick and then if Ed
10 wants to -- if you still want to hear from Ed.
11 These are slab-on-grade buildings, no
12 basements, no elevators, no elevator pits. So
13 we're not going to be -- we're just going to
14 be excavating down 4 feet to get below the
15 force line to put the footers in. That's it.
16 There's not going to be any deep excavation
17 here.

18 MR. CAPUTO: Okay. So when -- so
19 will the soil -- so since there are a number
20 of boring results to indicate there was loose
21 asbestos-containing material, at least in my
22 interpretation of the logs, up to about 5 feet
23 below the current grade, now that those areas
24 are known to the environmental professional
25 and to the developer, does that mean that

1 those areas will necessarily be excavated at
2 least that 5 foot of depth? Or, let's say
3 hypothetically, there is a parking lot or
4 asphalt intended to cover that area. Will the
5 soil in that certain location remain or will
6 it be taken out because it's a known
7 contaminant?

8 MR. FOURNIADIS: Ed, you can answer
9 that one.

10 THE WITNESS: Yeah. So there is no
11 regulatory driver or soil standard that would
12 require removal of any of the soil that has
13 asbestos in it. It's just -- it's just not
14 regulated in that fashion that would require
15 removal.

16 MR. FOURNIADIS: My experience has
17 been -- and it's consistent with all
18 applicable regulations, is that the best thing
19 you can do with asbestos after you care for it
20 in a building when you're demolishing a
21 building -- but if there's asbestos in the
22 ground, asbestos doesn't migrate like
23 petroleum and other volatile chemicals. The
24 best thing you can do with asbestos is to cap
25 it in the ground the way the cap is on the

1 landfill on the other side of the fence and it
2 doesn't go anywhere.

3 And since we're not going to have
4 basements here, people aren't going to be, you
5 know, digging gardens, we're not going to sink
6 wells for irrigation, the asbestos is going to
7 be capped and stay where it is, and that's the
8 best thing you can do with it instead of --
9 you would be foolish -- that's probably why
10 the regulations don't require it -- to take
11 out 5 feet of soil with asbestos in it and
12 have to truck several hundred truckloads of it
13 off site to some location, probably in
14 Pennsylvania or Ohio, and all the risks that
15 would go along with removing that much
16 asbestos and carrying it such a great
17 distance.

18 So capping the asbestos under an
19 impervious coverage -- sidewalk, a foundation,
20 asphalt -- is an acceptable method and, in my
21 opinion, all the years I've been doing this,
22 is probably the best method.

23 MR. CAPUTO: Mr. Fourniadis, okay,
24 thank you. That raises an interesting
25 question. What if there are also VOCs in that

1 same location, specifically VOC --

2 MR. FOURNIADIS: I know the answer
3 to that, but I'm going to let Ed answer that
4 since he's the LSRP.

5 MR. CAPUTO: Okay.

6 THE WITNESS: Yeah. Well, if
7 there's VOCs in the soil and it's going to be
8 removed because of those VOCs and there's also
9 asbestos in the soil, that's just something
10 that we would deal with the transportation and
11 disposal facility to make sure they can accept
12 that material and that it will be
13 appropriately transported.

14 CHAIRMAN HANDS: Jon, are you good
15 with all your questions? Jon?

16 COORDINATOR COONCE: We have
17 technical difficulties. Why don't we go to
18 Pam Ogens then.

19 Jon, if you can hear us and you have
20 some more questions, raise your hand again.
21 Okay?

22 MS. OGENS: Can you hear me?

23 COORDINATOR COONCE: Hi, Pam, we can
24 hear you.

25 MS. OGENS: Very good.

1 The question about the 5-foot
2 glitters (phonetic), but you'll be digging a
3 swimming pool. How does that factor in to the
4 --

5 MR. FOURNIADIS: Swimming pool is
6 only 4 feet deep.

7 MS. OGENS: Four? Wow. Okay.

8 In reading through the EWMA report,
9 they discuss that trichlorethylene was
10 discovered on the site back in 1996. And it
11 said that the NJDEP issued no further action.
12 This was at the underground storage tank. So
13 no further action for the underground storage
14 tank closures that were done in November of
15 '94. And they indicated that they, the NJDEP,
16 assumed that the TEC would be addressed as
17 part of the national priority list, the
18 Superfund work. We know that didn't happen.

19 Fast-forward 21 years. When a
20 groundwater study was done in April of 2015
21 and around Monitoring Well 1, it was
22 discovered that there was carbon
23 tetrachloride. That certainly doesn't scare
24 me. I grew up using carbona, so I've used a
25 lot of carbon TET in my day. But they also

1 discovered trichlorethylene. And it was at a
2 concentration of 207 with a reporting limit of
3 2.

4 That does concern me. A couple
5 things concern me. And I wonder what happens
6 now that we know by that monitoring well, if
7 I'm interpreting "MW" as monitoring well
8 correctly, that we had back in 2015 a level of
9 concentration that was almost 100 times above
10 for this VOC and that the same problem had
11 been identified back in '94, 21 years later --
12 earlier, rather. On my mind, of course, is
13 what's going on in Pompton Lakes now and have
14 the residents on an area where TCE is pluming
15 up through their homes, is causing high rates
16 of cancer and neuromuscular and central
17 nervous system problems.

18 So I guess my question is, what's
19 happened since this was discovered in 2015, if
20 you know? And, if not, when does this get
21 addressed if this level was so high? And has
22 it been remonitored since 2015? How do we
23 know the VOC of the "V" is acceptable?

24 THE WITNESS: Okay. Well, I can
25 answer generally that this issue, since it is

1 in the PA/SI, is an issue that is going to
2 need to be addressed. And as part of this
3 remedial investigation process that's going to
4 happen later in the year, there'll be more
5 assessment of the groundwater issue.

6 MS. OGENS: And we will see exactly
7 what that plan is when the so-called Phase 2
8 comes out this fall? Is that correct?

9 THE WITNESS: I'm not sure --

10 MR. FOURNIADIS: By Phase 2 you
11 mean -- she means the remedial investigation,
12 Ed. I think that's what she means by the
13 Phase 2.

14 THE WITNESS: Yeah. So, yeah,
15 that's when there'll be additional sampling
16 and, if necessary, investigation, additional
17 wells, et cetera, completed, will be later
18 this year.

19 MS. OGENS: Okay. I know this is
20 not a question. I do feel the need to make
21 the statement that what I see as an issue of
22 this magnitude, that there should be serious
23 consideration before proceeding, that we have
24 the results of the remedial investigation in
25 hand.

1 Thank you.

2 CHAIRMAN HANDS: Thank you, Pam.

3 COORDINATOR COONCE: Okay. It looks
4 like Mr. Jon Caputo is back. Let's try Jon
5 again.

6 MR. CAPUTO: Hi. Thank you for
7 hearing me again. I'm sorry for the technical
8 difficulties.

9 I was just curious if I could ask
10 Mr. Fourniadis if he has any initial estimates
11 on the amount of soil that might need to be
12 removed and processed on a site like this.

13 MR. FOURNIADIS: I do not. I do
14 not. That's what the RI will tell us, how
15 much can stay in place and be capped and how
16 much has to be removed. I mean, it's not
17 unusual -- on the past three sites that my
18 company has developed that you have to remove
19 about, you know, 2-, 3,000 cubic yards in some
20 areas, that we can't just leave it in place
21 and cap it. But most of what you find in the
22 ground -- and, again, I'm generalizing and the
23 RI will flush it all out -- can usually be
24 left in place subject to engineering and
25 institutional controls depending on what level

1 that they're at.

2 And, again, that's not unique to
3 this site. Pretty much every site developed
4 north of the Raritan River and even one big
5 one just south of the Raritan River in
6 Sayreville and east of 287, having these
7 compounds in the ground. Sometimes some of
8 the soil could be taken out, but most of the
9 time it's left in place and capped with
10 engineering and institutional controls,
11 otherwise known as a "DEP" notice.

12 MR. CAPUTO: So if there are --

13 MR. FOURNIADIS: The RI will tell us
14 what can stay and what has to go.

15 MR. CAPUTO: So by "institutional
16 controls," are you referring to the soil caps
17 over -- under grassy areas, asphalt and deed
18 restrictions?

19 MR. FOURNIADIS: Exactly. That's
20 the institution -- the engineering controls is
21 the first part of what you said: The cap, the
22 impervious, the deed restriction and the
23 responsibility of the property owner to
24 inspect every two years and things of that
25 nature, those are the institutional controls.

1 MR. CAPUTO: Okay. As a follow-up,
2 do you expect to pursue any subsidy or enter
3 into any brownfield program with the State,
4 like a tax credit program?

5 MR. FOURNIADIS: No.

6 MR. CAPUTO: No. Okay. I have one
7 final question. The environmental --
8 environmental impact statement, which I know
9 wasn't prepared by a professional here right
10 now, but it mentions a community air
11 monitoring plan, a CAMP.

12 At what point will that be prepared?

13 MR. FOURNIADIS: Before the first
14 wrecking ball is swung. It will be prepared
15 before we come in and apply for our demolition
16 permit.

17 MR. CAPUTO: Is there a standard
18 plan that you use? Will third-party
19 consultants be engaged?

20 MR. FOURNIADIS: Licensed
21 third-party consultants. It won't be
22 Mr. Regan and me. It will be a company that
23 specializes in this. And as I said, we'll run
24 the names by your township engineer and if
25 they have any issues, you know, sometimes

1 somebody will say, oh, I worked with that guy
2 in another town and he did this, this and
3 that. Well, then we won't use him.

4 So we're going to be -- we're going
5 to be transparent about this. We want to get
6 this done. We want to get it done right.
7 We're not going to hide anything from anybody.
8 We don't operate that way.

9 MR. CAPUTO: I do understand -- I
10 understand that the plan may include things
11 like -- may include items that will protect
12 workers such that excavators may be required
13 to wear respirators. You mentioned in
14 previous meetings wheel washing, hosing down
15 dry areas.

16 What -- is there anything -- is
17 there anything that you expect to occur here?
18 And this is also for Mr. Sullivan. Is there
19 anything that you would add here that would be
20 required because of the mixture of asbestos
21 with other contaminants given that some
22 contaminants, like asbestos, can get airborne
23 and that's when they are more dangerous, but
24 other VOCs generally don't, but are subject
25 to, like he's mentioned, soil contact

1 standards?

2 So I guess to wrap this up, I'm just
3 wondering if the air monitoring plan will take
4 all that into account or do you expect it to
5 be simply a cut-and-paste from another
6 project?

7 MR. FOURNIADIS: I assume you we're
8 not going to cut any corners. Even though all
9 these sites for the most part are the same in
10 that they're problematic, each one is
11 different. And whatever we do here will be
12 tailored for specific issues relating to this
13 site. We don't want anybody to get sick. My
14 father died from mesothelioma, so I'm very,
15 very sensitive to the dangers of asbestos. So
16 you can rest assured that we'll make sure
17 nobody gets sick from this site.

18 MR. CAPUTO: Okay. And then a final
19 question for -- if I could ask the Chair.
20 If -- the EIS that was submitted doesn't seem
21 to have a construction sequencing statement
22 included. It may be early, but that's
23 required by our zoning.

24 Is that something that should be
25 required of the applicant at this point?

1 CHAIRMAN HANDS: Yeah. Yeah.

2 COORDINATOR COONCE: What do you
3 mean by a sequence? I don't understand the --

4 MR. CAPUTO: It's a -- it's
5 referenced in the zoning ordinance. It's a
6 construction statement.

7 COORDINATOR COONCE: The
8 construction phasing? The construction
9 phasing?

10 MR. CAPUTO: Yes.

11 COORDINATOR COONCE: No, that
12 happens when they submit for permits.

13 CHAIRMAN HANDS: Thank you, Deb.

14 COORDINATOR COONCE: That doesn't
15 happen at this point. The Board has no
16 jurisdiction over the process or the -- I mean
17 as far as the phasing of the construction.
18 That happens during construction submittal.

19 MR. CAPUTO: Well, the Board is
20 supposed to rely on the EIS at this point.
21 And if the EIS isn't complete -- that's the
22 only point I'm bringing up. If the EIS isn't
23 complete, it should --

24 CHAIRMAN HANDS: We'll take a look.
25 We'll take a look and maybe that's a question

1 we can ask the board engineer.

2 MR. FOURNIADIS: And I'll have our
3 engineer take a look, too. By the time they,
4 you know, testify, hopefully at the next
5 meeting, we'll address that.

6 CHAIRMAN HANDS: And, Mike, or
7 someone from Casey & Keller, do you mind just
8 taking a look as well to that point in case it
9 wasn't covered?

10 COORDINATOR COONCE: You're muted,
11 Mike.

12 CHAIRMAN HANDS: Where is Mike?
13 Thank you for pointing that out. We'll take a
14 look.

15 MR. CAPUTO: Okay. I imagine others
16 would like to ask questions, so I'll cede the
17 floor. Thank you.

18 CHAIRMAN HANDS: Thank you.

19 We'll go a couple more. I know
20 Terry is there. I see Christina. Just be
21 conscious of, you know, trying to get a break
22 in.

23 Terry, can we -- we have two people,
24 Terry and Christina. Maybe after Christina,
25 we can take a break.

1 MR. CARRUTHERS: Okay. Thank you.
2 A quick question following up on a previous
3 comment.

4 Does the DEP sampling in 2010 and
5 2015 and one in June 2020, do they take
6 samples of the groundwater downstream of the
7 site, do we know?

8 THE WITNESS: You said the DEP
9 sampling?

10 MR. CARRUTHERS: Uh-huh.

11 MR. FOURNIADIS: Just the EPA does
12 it. The DEP doesn't.

13 MR. CARRUTHERS: Sorry. Okay.

14 MR. FOURNIADIS: I'm not sure. The
15 report states where they took the samples
16 from. They take it from the surface, they
17 take it from a little deeper and they take it
18 from the silt on the bottom. But as far as
19 the actual locations of where they took it, I
20 don't remember. I'm sure it's in the report.

21 MR. CARRUTHERS: So my concern would
22 be about the presence of TECs, the
23 trichlorethylene in the groundwater, that it
24 may be migrating off the property as it did in
25 the Pompton Lakes concern.

1 And I'm wondering, have any of the
2 wells -- or is anybody on a well downstream
3 out there? Have they ever tested their water?
4 And does anyone know, is there anything
5 present in the water down -- in the
6 groundwater downstream of the Tifa site that
7 will be of concern? And is this something
8 that the Town -- should the Town be insisting
9 on broadening the investigation of groundwater
10 contamination?

11 MR. FOURNIADIS: It's not the Town's
12 -- look, that's not the Town's jurisdiction.
13 That's what the DEP is there for. And I know
14 we have to do a receptor analysis for the
15 PA/SI.

16 And, Ed, I know you're relatively
17 new to this, but we've never had a hint of
18 anybody's wells being contaminated from
19 anything coming off of this site.

20 THE WITNESS: No. That's part of
21 the DEP process. Part of it's been done
22 already. There will be more groundwater
23 sampling during this remedial investigation.
24 So if there's any issues related to
25 groundwater, whether it's in the groundwater

1 itself or from vapor intrusion, all those will
2 be addressed.

3 MR. CARRUTHERS: I would suggest
4 that is something that the Town should either
5 offer to the residents who are living
6 downstream of the site, that they might want
7 to have their water tested before the project
8 begins so they have something to compare to.

9 That's my only question, David.
10 Thank you again.

11 CHAIRMAN HANDS: Thank you.

12 Christina.

13 COORDINATOR COONCE: All right.

14 Hold on. I don't know how that -- hold on a
15 minute. No. Video is not available because
16 Christina is using an older version of Zoom.
17 Choose promote to panelist -- okay. So I have
18 to promote her to panelist for the time being
19 so she can speak.

20 Okay. Christina.

21 CHAIRMAN HANDS: You're on video,
22 Christina, just so you know.

23 MS. BERQUIST: Oh, great.

24 CHAIRMAN HANDS: If you want to take
25 video off, that's fine.

1 MS. BERQUIST: Thank you. I
2 appreciate it. So I do have a few questions
3 to a bunch of different people on the Board.
4 I don't know if you'd prefer for me to ask
5 them after the break or --

6 CHAIRMAN HANDS: Do you have
7 anything specific for the LSRP?

8 MS. BERQUIST: Yes. I do. I have a
9 question for Mr. Fourniadis, for the LSRP, and
10 also for Mr. Regan.

11 CHAIRMAN HANDS: Okay. Why don't
12 you ask those few questions first and then
13 we'll see how the time is.

14 MS. BERQUIST: Okay. So,
15 Mr. Sullivan, I know you stated in the
16 beginning that you would be -- to your
17 knowledge, or it's your belief that, you know,
18 one of those contractors would be used.

19 Will you actually -- will you
20 actually recommend a contractor that's
21 specific for asbestos removal?

22 THE WITNESS: I'm sure
23 Mr. Fourniadis knows many more qualified
24 contractors than I do. So I don't think I'd
25 be weighing in on that recommendation.

1 MS. BERQUIST: I'm not so much
2 concerned about a specific contractor.
3 Rather, would you be -- are you recommending
4 that a contractor specific to asbestos removal
5 would be used? Because, I mean, you're -- I
6 mean, I was under the impression that your
7 role was to oversee the -- you know, the
8 safety of this whole operation.

9 THE WITNESS: Yeah. I mean, not
10 over everything related to the -- to
11 everything that's going to happen out there.
12 Some of the more construction-related issues,
13 I'll either -- have lesser involvement in.
14 But, yeah, I think it's the intent to hire a
15 demolition contractor who's experienced with
16 asbestos.

17 MS. BERQUIST: Okay. So what
18 about -- what about the health --

19 MR. FOURNIADIS: It's not just
20 the -- it's not just the intent. It's what I
21 stated earlier that we are going to do. I
22 just did it on one site, a building three
23 times the size of this one, with great
24 results. No issues. Talk to the people in
25 Dunellen. Ask them how happy they are with

1 how we are redeveloping that site. And that
2 would be the same thing we would do here. We
3 don't cut corners when it comes to health and
4 safety.

5 MS. BERQUIST: Okay. So that's
6 great. So you'll definitely be
7 recommending -- like, you're definitely going
8 to be using a company specific for asbestos
9 removal?

10 MR. FOURNIADIS: Definitely.

11 MS. BERQUIST: And the same thing
12 for -- so I was wondering -- I mean, I guess
13 being that you're on -- I mean, so, again,
14 would you -- would you rather me do this after
15 a break? Because I have a few questions and I
16 see -- yeah, right, I see some people getting
17 really antsy.

18 CHAIRMAN HANDS: Christina, are they
19 all applicable to what's involved on this
20 conversation that we've had?

21 MS. BERQUIST: Yes, they're only
22 applicable to the environmental concerns and
23 consultation, yes.

24 CHAIRMAN HANDS: Okay. Would you
25 mind holding?

1 MS. BERQUIST: No, not at all.

2 CHAIRMAN HANDS: Is everybody good
3 for a ten-minute break or do we want to
4 continue with Christina?

5 THE REPORTER: I'd like a break.

6 COORDINATOR COONCE: Okay. Stopping
7 the recording now. We're on a break.

8 (Whereupon, a recess is taken.)

9 CHAIRMAN HANDS: I think where we
10 left off was with Christina.

11 COORDINATOR COONCE: Christina, are
12 you there?

13 MS. BERQUIST: Yes, I'm here.

14 CHAIRMAN HANDS: Are you a panelist?

15 MS. BERQUIST: Yeah. You know, I'm
16 sorry, I'm a little nervous here and
17 intimidated to ask my questions because I was
18 honestly -- and I know this is just a comment,
19 but I was really taken aback to, you know,
20 that the concerns from the public for health
21 and safety are, you know, just an annoyance.
22 I really hope that was just misconceived on my
23 end, but that was actually really sad to hear
24 because I really had hoped -- we love living
25 where we live. We love our township, our

1 neighbors. And the only reason I have
2 concerns is, you know, I live here and I'm
3 happy to live here and I would like to feel
4 that as a resident, health and safety of all
5 of the residents would be, you know, a
6 priority for our town representatives.

7 CHAIRMAN HANDS: Christina,
8 absolutely. I agree. I think you may have
9 heard Dennis mention a thing -- the only thing
10 I heard about something like that was Dennis
11 mentioned his computer crashed and I think
12 that's what I heard. Nothing --

13 VICE CHAIRMAN JONES: Yeah. Pardon,
14 Mr. Chair. I also heard the attorney say that
15 it's an annoyance when her phone goes into
16 drive mode. Nobody was talking about health
17 and safety.

18 MS. BERQUIST: Thank you. Thank
19 you. I really appreciate that.

20 VICE CHAIRMAN JONES: It's a
21 priority for us as well. The health and
22 safety is an absolute priority. And that's in
23 every question I've ever asked.

24 MS. BERQUIST: Thank you. I really
25 appreciate that because that's really at the

1 forefront of, you know, my --

2 VICE CHAIRMAN JONES: Totally agree.

3 BOARD MEMBER VERLEZZA: There's
4 nothing more important to us than health and
5 safety here.

6 CHAIRMAN HANDS: Right. And,
7 Christina, just to reiterate, the LSRP, this
8 discussion was brought up at the forefront to
9 this whole application because we know the
10 concerns everybody has around contamination,
11 health and safety. So, please, rest assured
12 your concerns are warranted and, therefore,
13 we'll take high priority in it.

14 MS. BERQUIST: Thank you. I really
15 appreciate that.

16 So, Mr. Sullivan, I just wanted to
17 continue on with my question. Will you be
18 actually recommending a health and safety
19 monitor? Like, I know you said you hope and I
20 just wanted to confirm that that actually is
21 being recommended.

22 THE WITNESS: Yes, and it -- and,
23 again, the recommendation may not necessarily
24 come from me. I mean, everyone involved in
25 the project has probably worked with people

1 who do that type of monitoring. So there will
2 probably be several names that will be
3 considered.

4 MS. BERQUIST: And what type of
5 qualifications does, like, a health and safety
6 monitor have to have? Like, is this somebody
7 that is just like, I don't know, like just a
8 construction worker who's being told, you
9 know, if the monitor shows this, is this what
10 you need to do, or is this like an expert in
11 this area just like you are?

12 THE WITNESS: Oh, if you're
13 referring to what's called the on-site health
14 and safety officer, yeah, that will be someone
15 who's trained in the various health and safety
16 issues. So it won't be a construction worker.

17 COORDINATOR COONCE: Christina,
18 you -- okay.

19 MS. BERQUIST: Yes, I'm sorry, you
20 know what, I don't know. I couldn't hear any
21 of your answer. It didn't come through on my
22 end at all.

23 THE WITNESS: Oh, I'm sorry.

24 MS. BERQUIST: Sorry.

25 THE WITNESS: I'll do my best to

1 repeat it. The health and safety officer at
2 the site, if that's who you were referring
3 to --

4 MS. BERQUIST: Yes.

5 THE WITNESS: -- would be someone
6 who has a background in health and safety
7 issues. It won't be a construction worker.
8 It will be someone who specializes in those
9 issues.

10 MR. FOURNIADIS: I'll give you an
11 example. Right now we have a gentleman who
12 monitors all of our OSHA compliance. Weekly
13 meetings with contractors, he goes from site
14 to site with employees. And then right now
15 he's also taken on the task of overseeing
16 compliance with the COVID social regulations:
17 Social distancing, no congregating, wearing
18 masks, not sharing of tools, no more common
19 water fountains or common coffee cups and
20 coffee pots and things like that.

21 So these are people who -- this
22 particular individual is an employee of our
23 company. That's not always the case, but
24 there will be somebody who knows what he's
25 doing. We're not going to take the guy

1 sweeping out the trailers and say, hey, go
2 over there and watch the monitor.

3 Again, I have to stress that safety
4 is as important to us as it is to you and the
5 residents of Millington and Long Hill
6 Township. We don't want our people getting
7 sick. We don't want the neighbors getting
8 sick. We don't want the people who move here
9 getting sick. So we're just as concerned
10 about it as you are.

11 MS. BERQUIST: So, I'm sorry, I'm a
12 little confused on that because I thought
13 Mr. Sullivan was overseeing, like, the health
14 and safety aspect of this, but the health and
15 safety --

16 MR. FOURNIADIS: Mr. Sullivan is
17 overseeing the environmental remediation to
18 comply with the DEP regulations, things that
19 fall within that scope. He's not going to be
20 there overseeing construction and demolition
21 and things like that, I mean unless he has a
22 company on the side that also does those
23 things. We're going to hire a company that
24 specializes in demolition, that specializes in
25 asbestos abatement, that specializes in the

1 transportation of hazardous materials from a
2 job site to the materials' final destination.

3 And, again, I'm not patting myself
4 on the back. Everybody does this. Everybody
5 who develops former industrial sites follows
6 these same protocols. It's just the way of
7 our industry these days because nobody
8 develops farmland anymore. These are the only
9 types of sites that are being developed in the
10 state right now. Drive through Jersey City
11 and Hoboken sometime, Weehawken, Edgewater.
12 It's all the same. They're all sites that
13 used to be something else: A factory, a
14 refinery. The old Hess tanks on River Road in
15 Edgewater are being redeveloped now. Hess,
16 the tanks, the tanks that used to hold oil.
17 And the person redeveloping those is going to
18 hire the right people, make sure when those
19 tanks come down -- they may have come down
20 already, it's been a while -- but that they're
21 done in the right way. We're no different.

22 MS. BERQUIST: But so who would
23 actually be that person then?

24 MR. FOURNIADIS: When we hire them,
25 you can come out to the site and meet them.

1 Right now the company I just used in the
2 project in Dunellen, in Middlesex County, was
3 a company called Higherground (sic) or
4 Highground. They specialize in this type of
5 work all over the tristate area. They're
6 already looking at the PA/SI that EWMA
7 prepared. They're getting ready to give us a
8 bid for the work. So -- and we'll probably go
9 out to bid to somebody else, too.

10 And there's a lot of companies out
11 there that specialize in this because this is
12 how 99 percent of construction in this state
13 is done. Something that has some sort of
14 environmental issue has to be demolished and
15 carted away. There's plenty of companies out
16 there that do that.

17 And as I said before, I'll share the
18 name with your engineer, and if he has an
19 issue with a particular contractor that we
20 want to use because of something he's seen in
21 another municipality or on another site, we'll
22 take that into account.

23 MS. BERQUIST: I wasn't so much
24 questioning the person's name rather than what
25 type of person that would be. Because just

1 before I thought you said it could be somebody
2 from within your company and just now --

3 MR. FOURNIADIS: No, no. That's --
4 you were asking about the person on site who
5 will be responsible to make sure that if an
6 alarm goes off, that the necessary people get
7 notified, that the work stops. If he sees
8 that they're excavating and it's a dry day and
9 it looks like dust is going to be there, he'll
10 make sure that they're watering everything
11 down. He'll make sure, when the trucks leave
12 the site, that they're properly covered and
13 sealed so nothing bounces out of the bed of
14 the truck, which is something that I have
15 every confidence the contractor is going to do
16 as well, because the contractor doesn't want
17 the liability of a chunk of asbestos bouncing
18 off his truck and landing in the middle of a
19 playground. But, you know, we don't take any
20 chances, just like we don't take any chances
21 with OSHA compliance that we will have
22 somebody on site to make sure that whatever
23 needs to be done is being done.

24 MS. BERQUIST: And then who's
25 responsible prior to the actual construction?

1 Because I know I've heard you a bunch of times
2 refer to the next phase of investigation. And
3 you said that there is -- you know, this is
4 like a very open relationship, which is great
5 --

6 MR. FOURNIADIS: The next -- the
7 next phase of investigation is the remedial
8 investigation, which is already underway. And
9 that's EWMA with Mr. Sullivan as the LSRP.

10 MS. BERQUIST: And would the Town
11 be, like, voting on, you know, moving forward
12 with your proposal before or after that second
13 phase of remediation?

14 MR. FOURNIADIS: Well, I would hope
15 so since the Town doesn't have jurisdiction
16 over the remedial investigation, but the
17 completion of the remedial investigation, I'm
18 sure, you know, they may want to make that a
19 condition of the approval, but that shouldn't
20 hold up the approval of this application. It
21 never has in any other situation because this
22 is something that's under the jurisdiction and
23 the control of the Department of Environmental
24 Protection.

25 MS. BERQUIST: So do you have --

1 MR. FOURNIADIS: We have sites
2 now -- we have sites now -- I just want you to
3 understand that sometimes the remediation
4 involves monitoring of wells for an extended
5 period of time. We have an apartment project
6 that we finished in 2014 on the Garden State
7 Parkway. It's right by Exit 148. You may
8 have driven by it. There's still ongoing
9 monitoring there because that was part of the
10 remediation, monitoring the groundwater to
11 make sure that the contamination that was
12 there attenuates over time.

13 It's not always just something that,
14 okay, it's done, we're wrapped up and it's
15 over. And I anticipate, and I think Ed will
16 agree, that there'll be ongoing monitoring on
17 this site as well because of the nature of
18 what's in the groundwater.

19 THE WITNESS: I agree, yeah.

20 MS. BERQUIST: Okay. Thank you.

21 I just -- Mr. Sullivan, I just
22 wanted to confirm with you, when you were
23 referring to the VOCs, are those -- are those,
24 like, all solid or can they also be gaseous or
25 vaporized?

1 THE WITNESS: These, the VOCs that
2 I'm referring to, are dissolved in the
3 groundwater, but they can become -- move into
4 a vapor phase. And that's -- earlier in the
5 meeting, we talked about that and the
6 precautions that would be taken, vapor with
7 the new construction. And then the
8 groundwater investigation will be part of this
9 remedial investigation.

10 MS. BERQUIST: So would it be
11 possible for those vapors to, you know, be
12 coming out during demolition?

13 THE WITNESS: No. No, that wouldn't
14 be possible. The only -- the only -- the only
15 issue DEP is concerned with with vapor is if
16 it can get into a building that's been
17 constructed on top of contaminated
18 groundwater. I don't think we're going to
19 have many vapor issues of concern here and
20 certainly not during demolition.

21 The groundwater is deeper in the
22 ground. The groundwater in the bedrock is
23 about 30 feet deep. So no demolition work is
24 going to have any impact on something that
25 deep.

1 MS. BERQUIST: Okay. Well, thank
2 you. And I have a question for Mr. Regan,
3 just finally.

4 Now, Mr. Regan, you said earlier
5 that the document that you're going to be
6 sharing for the Town to see on the website,
7 you said that's like a massive document,
8 right?

9 MR. REGAN: Yes. That's already
10 been provided to the Township and the Board,
11 but it is a document consisting of 2,000-plus
12 pages.

13 MS. BERQUIST: Oh, because I've been
14 asking for that and I haven't been able to get
15 it. I was told that it hadn't been provided.

16 COORDINATOR COONCE: We don't have a
17 2019 copy. We have the 2015 copy.

18 MR. FOURNIADIS: No, that's -- no,
19 we sent them the initial PA/SI for the DEP to
20 allow us to buy the property and then we had
21 to do the second one.

22 COORDINATOR COONCE: Right. We do
23 not have a hard copy of the second one.

24 MR. REGAN: Yeah, we sent it.

25 MR. FOURNIADIS: You don't have a

1 hard copy. We sent it to you electronically.

2 And I think you said --

3 COORDINATOR COONCE: If you sent it
4 electronically, I didn't get it because it was
5 too large.

6 MR. REGAN: Well, that was the
7 document you were referring to at the
8 beginning of the meeting that we sent last
9 week.

10 MR. FOURNIADIS: You said your
11 webmaster had to figure out a way for you to
12 be able to post it so people could get it.

13 COORDINATOR COONCE: Right, but I
14 received it from a member of the public, quite
15 frankly, which she received a link from the
16 DEP. I apologize. I don't remember receiving
17 anything from you guys.

18 MR. FOURNIADIS: Yeah, I have a copy
19 of the e-mail from EWMA to you. I'll send it
20 to you.

21 COORDINATOR COONCE: Yes, please do.

22 MR. FOURNIADIS: Because I made sure
23 that they got it. I guess it didn't make it
24 into your system.

25 COORDINATOR COONCE: It might not

1 have made it into the system. Now, as far as
2 the 2015 hard copy that we have that's in our
3 office that we'd had, I have not been able to
4 get into the office to -- there's no way to
5 copy it. We'd have to send it out. And if
6 Christina wanted a copy of that, I could go to
7 the office, but it would be rather costly
8 because you'd have to pay for it, Christina,
9 to get a copy of that.

10 CHAIRMAN HANDS: Is there any way
11 you can get a link to the 2015 as well if it's
12 important? You have the 2019. Is that
13 available online as well?

14 MR. FOURNIADIS: Ed, isn't all this
15 stuff available on the DEP's website?

16 COORDINATOR COONCE: It's all
17 available on the DEP's website, yes.

18 CHAIRMAN HANDS: Which one do we --
19 we know about the 2019 and we should have --

20 MR. FOURNIADIS: We'll resend the
21 link to the 2018 one. Or was it 2019?

22 COORDINATOR COONCE: 2019.

23 MR. FOURNIADIS: 2019.

24 MS. COONCE: Yeah, I would
25 appreciate that.

1 MR. FOURNIADIS: You got a -- and I
2 was copied on it. You got a Dropbox link.
3 And I was able to open it. It did come to
4 you, Debra, I was copied on the e-mail.

5 COORDINATOR COONCE: Normally
6 Dropboxes -- I apologize. I don't recall
7 seeing that link. Like I said, I had received
8 the link for the document from a member of the
9 public.

10 MR. FOURNIADIS: All right. Frank,
11 from now on, we've got to tell everybody,
12 whoever sends something to Debra, they've got
13 to call the next day to make sure they get it.
14 Obviously a document that's 2,000 pages long
15 might still be, you know, flying around in the
16 ethernet somewhere. Zoom --

17 COORDINATOR COONCE: Right. Because
18 the one link that I tried to open from the
19 member of the public that sent it to me, on my
20 computer here at home, it took over ten
21 minutes. I couldn't open it. It crashed my
22 system.

23 CHAIRMAN HANDS: Okay.

24 MR. FOURNIADIS: So I know everybody
25 wants the full PA/SI, but -- and we're happy

1 to send it to you. And if the members of the
2 public want to leaf through 2,000 pages where
3 approximately -- I don't know, what would you
4 say, Ed? 1900 pages are just graphs and
5 charts and soil borings and things like that?

6 THE WITNESS: Yeah.

7 MR. FOURNIADIS: You can read the
8 introduction and the conclusion and the
9 summary and that's going to give it to you.
10 Nobody -- look, if you want all 2,000 pages,
11 we're happy to give it to you. I don't want
12 anybody to accuse of us holding back. But you
13 really just need to read the text, the
14 introduction, the summary and the conclusion.
15 That's where all the meat is. And then if
16 somebody really wants to leaf through 2,000
17 pages of soil borings and graphs and things
18 like that, they are welcome to it.

19 CHAIRMAN HANDS: Okay.

20 MR. FOURNIADIS: I've never looked
21 at them. I just look at the summary and the
22 conclusion.

23 COORDINATOR COONCE: Right. And
24 members of the public are happy -- they can go
25 to the NJDEP and submit an OPRA request and

1 get this information if they like, too.

2 MR. FOURNIADIS: Yes, they
3 absolutely can. They can crash the DEP's
4 server.

5 CHAIRMAN HANDS: The 2019 will be
6 up, Deb? You'll check that?

7 COORDINATOR COONCE: Well, I can't
8 say if it will or will not. I have sent a
9 link that the member of the public sent to me,
10 I forwarded it to our webmaster and I have not
11 heard back from them in the last 24 hours yet
12 to see what they can do.

13 Now, I will take another look once
14 Bob sends me the Dropbox link that I don't
15 recall seeing with all the documents. I'll
16 see if that's any easier, but --

17 CHAIRMAN HANDS: At the very least,
18 Deb, maybe just a document that you can write
19 the web link on it and if people want to, they
20 can copy and paste and put it in their
21 browsers and get it themselves.

22 MS. MAZIARZ: Right. That was what
23 I suggested earlier, that we take the URL and
24 --

25 MR. FOURNIADIS: We'll do it --

1 we'll do it again tomorrow and then this time
2 I'll make sure, I will request that after they
3 send it -- can they call you, Deb?

4 COORDINATOR COONCE: Absolutely.

5 MR. FOURNIADIS: Okay. Do we have
6 your number?

7 COORDINATOR COONCE: I hope so.

8 MR. FOURNIADIS: Frank, do you have
9 it?

10 MR. REGAN: Yes, I do.

11 MR. FOURNIADIS: Okay. All right.
12 We'll send it again tomorrow and we'll make
13 sure you get called to confirm that you got
14 it.

15 COORDINATOR COONCE: Okay. Great.

16 MR. FOURNIADIS: Happy reading.

17 COORDINATOR COONCE: Christina, did
18 you have any further questions on that matter?

19 MS. BERQUIST: Well, actually, I
20 guess you answered my questions because I was
21 wondering if the Board actually saw that.
22 And, I mean, clearly the answer is no. But
23 the reason I was wondering and more interested
24 is not because I want to comb through 1800
25 graphs, because I clearly don't understand

1 them, but I read in your areas of concerns
2 summarized things like, you know, several
3 contaminants in addition to asbestos were
4 above current remediation standards.

5 So I don't know what to make of
6 that. I don't know what that means unless I
7 have something else to go by.

8 MR. FOURNIADIS: What it means is --

9 MS. BERQUIST: And this is --

10 MR. FOURNIADIS: -- what it means is

11 --

12 (Indiscernible crosstalk; reporter
13 requests one speaker.)

14 MR. FOURNIADIS: I'm sorry.

15 CHAIRMAN HANDS: Yeah, let her
16 speak.

17 MS. BERQUIST: But this is the
18 language. I mean, I got this clearly from
19 your summary that you're referring to. And
20 I'm just concerned. I don't know what the
21 remediation standards are supposed to be. I
22 don't know how much higher they are because
23 that doesn't -- it doesn't show out of your
24 summary. So -- and there's a couple of areas
25 like this.

1 So I think it would be a wise thing
2 for the Board members making the decisions and
3 also for other people who might be interested
4 to see what's actually there. I mean, you
5 know, like reading, like, oh, some of them
6 were above the current remediation standards,
7 but, you know, not -- I mean, there's all
8 these, like, maybes that I'm not sure what to
9 go on.

10 COORDINATOR COONCE: Christina, I
11 feel like I should mention, I believe you were
12 the one that I responded to in an e-mail the
13 other day with regard to the Board's
14 jurisdiction. And Attorney Maziarz can opine
15 on this as well.

16 This document, again, is not the
17 Board's jurisdiction. The Board has
18 jurisdiction over the land use. Anything
19 below the soil or what's going on with the
20 NJDEP. Now, the applicant is providing this
21 information, just to offer to the public, to
22 help your concerns because they're very --
23 they obviously are concerned about safety.
24 Any reports with regard to the NJDEP as far as
25 the PA/SI or any requirements of the state and

1 the NJDEP are reviewed by our construction
2 official and our Township engineer at such
3 time that the applicant goes for permitting on
4 the application. This is not the time. The
5 Board has no jurisdiction with this document
6 and should not be considering it for their --
7 for their decisions on land use that will be
8 on this site.

9 And, Attorney Maziarz, if you would
10 like to opine any further on that.

11 MS. MAZIARZ: Yes, absolutely. What
12 the law says is that the Planning Board is
13 empowered by the Municipal Land Use Law. The
14 Municipal Land Use Law is a grant by the New
15 Jersey state legislature to municipalities to
16 enable them to zone. And part of their power
17 to zone also allows them to regulate site
18 usage, site planning, subdivisions and things
19 of that nature.

20 The law regarding site remediation
21 belongs to the Department of Environmental
22 Protection, which is a state agency. So lower
23 agencies, such as local planning boards, don't
24 have the power to regulate what the State has
25 reserved for regulation by the Department of

1 Environmental Protection.

2 So ultimately the people who are
3 responsible for remediating this site and for
4 ensuring its safety are, first, the property
5 owner. The property owner is being held to
6 this standard by a state agency and the state
7 agency has also passed -- well, the
8 legislature has passed a law allowing for
9 proxies known as LSRPs to also regulate and
10 ensure that remediation is occurring in
11 accordance with DEP regulations. So all of
12 this occurs on a level that is beyond what a
13 local Planning Board is allowed to consider
14 when it is looking at a site plan application.

15 When a Planning Board is looking at
16 a site plan application, it's looking at
17 things like layout of the site. It's looking
18 at things like traffic, like parking. It's
19 looking at the use of the land, and that does
20 not include site remediation because, as I
21 said and as Debra said a moment ago, that --
22 that jurisdiction, that job, belongs to
23 somebody else.

24 There are also other safeguards that
25 are put in place such as the county Board of

1 Health and the local Board of Health's
2 oversight of anything that could go wrong.
3 They may be the enforcing arm of any type of
4 enforcement that may need to happen. And
5 there's also oversight by the code officials
6 in that the code officials cannot issue
7 permits, building permits, unless all of the
8 documentation that needs to be submitted
9 regarding the remediation and regarding any
10 safety plan that needs to be put into place
11 and regarding any type of demolition that is
12 going to happen, until those things are put
13 into place and until those things are
14 completed, then building permits will not
15 issue.

16 In other words, you can't build on a
17 site that hasn't been remediated appropriately
18 in accordance with what the state regulations
19 are.

20 So, there are safeguards, however,
21 they are not the local Planning Board's to
22 enforce. So that is -- that's the way this
23 works.

24 MS. BERQUIST: Well, that's good to
25 know. So I'm assuming at some point there is

1 going to be another, I guess, layer of that
2 where this -- where this would be communicated
3 to the public as far as the remediation?
4 Like, later in the process when this goes to
5 permits or...

6 COORDINATOR COONCE: No. Unless you
7 specifically request the documents in OPRA or
8 any of the submission items that go to the
9 construction official, it does not get
10 communicated -- there's no other meeting or
11 anything that's held to communicate this
12 information to the public.

13 Let me make certain. It's
14 definitely available to the public, but --

15 MS. BERQUIST: I wasn't aware of --
16 I'm sorry, I'm not aware of that OPRA thing.

17 COORDINATOR COONCE: I apologize.
18 OPRA is short for Open Public Records Act.
19 It's basically a form in which any documents,
20 such as these from the Planning Board,
21 anything for construction permitting,
22 anything -- almost everything in the Township
23 is available to the public at any time. You
24 just simply -- you just simply fill out a
25 form, the OPRA request itself, and then we can

1 provide that to you.

2 MS. BERQUIST: Okay.

3 COORDINATOR COONCE: So absolutely
4 at such time that the applicant is ready to go
5 to permitting, you can request copies of those
6 documents at any time.

7 MS. BERQUIST: Okay. Thank you.

8 And so, Ms. Maziarz, you said that
9 the county Board of Health would be overseeing
10 that as well. So at what point, then, would
11 this be notified --

12 MS. MAZIARZ: Well, the County Board
13 of Health, we can't say that they are
14 overseeing, but if something should happen,
15 they are an enforcer. They're an enforcement
16 agency that may be called in if something
17 happens.

18 I will let Mr. Regan speak to this
19 and also Mr. Sullivan about the process
20 because there are notifications that have to
21 be sent out. There is something that is
22 attached to the deed once that final report, I
23 believe it's called an RAO, is provided. That
24 is a public document. It's public record.
25 Once the remediation has been completed or

1 everyone knows what engineering controls there
2 are going to be required on a property, that
3 becomes part of the chain of title. So
4 anybody reading a deed is going to be able to
5 see exactly what this property owner is
6 supposed to be doing.

7 Now, this property owner is also
8 supposed to be setting up a fund for
9 remediation. I'm sure Mr. Fourniadis can
10 speak to this. There's a requirement, I
11 believe, in the remediation act for insurance
12 after the fact. Ultimately the property
13 owner, the responsible property owner, is the
14 responsible party for this remediation. It's
15 only when something goes wrong when another
16 enforcement agency becomes involved, whether
17 that be the DEP, the LSRP or the County Board
18 of Health. But they aren't there to
19 necessarily oversee. So I will leave it you
20 to --

21 MS. BERQUIST: Okay. And so,
22 Mr. Sullivan, you would be that person, right?

23 THE WITNESS: The person? I think I
24 lost track of what the original question was.
25 The person for what?

1 MR. REGAN: You're the person over
2 -- Ed, you're the person overseeing the
3 remediation on behalf of the property owner?

4 THE WITNESS: Yes, on behalf of the
5 property owner and also independently on
6 behalf of --

7 MR. FOURNIADIS: On behalf of the
8 DEP.

9 THE WITNESS: -- the public, the
10 DEP. Exactly.

11 MR. REGAN: As you indicated
12 earlier, Ed, once the remediation is complete,
13 you will issue a remedial action outcome
14 letter, which is provided to not only the
15 property owner, but to DEP, the municipality
16 and others, correct?

17 THE WITNESS: And the local health
18 departments, yes. They all get copies of this
19 document.

20 MS. BERQUIST: But I thought you
21 said that's after. But you are the person
22 responsible for doing this also before, right?
23 Like before construction starts and during
24 construction?

25 THE WITNESS: Yeah, for the overall

1 environmental work, yes, I am sort of the
2 person who oversees and approves everything.

3 MS. BERQUIST: Okay. Thank you.

4 I don't have any further questions
5 at this point. Thank you.

6 COORDINATOR COONCE: Thank you,
7 Christina.

8 Hold on. I have to move her out of
9 the -- give me a second. Hold on. Because
10 she had an older version, so I've got to
11 change her back to --

12 CHAIRMAN HANDS: Well, while you're
13 doing that, maybe I could just clarify.
14 Again, on the -- any documents to the -- on
15 the health and safety plan, that will go to
16 the board -- the township Board of Health and
17 Safety -- Health Department, correct?

18 THE WITNESS: Yeah, it certainly can
19 go. This goes to the New Jersey DEP per, you
20 know, what's required. But, yeah, there's no
21 reason why it can't go to the local Health
22 Department.

23 CHAIRMAN HANDS: Because you
24 mentioned that final report goes to the
25 Department of Health.

1 THE WITNESS: Yes, I'm sorry if I
2 misunderstood. Yes, that final -- and
3 actually, it's not a report. It's really just
4 a letter. It's like a two-page letter and
5 that goes to the Department of Health.

6 CHAIRMAN HANDS: Right. So the
7 right way is you send one, the final one, and
8 it's a different thing, but could I just ask
9 that your health and safety plan also gets
10 sent to the Department of Health?

11 THE WITNESS: Yes. Yes, it will.

12 CHAIRMAN HANDS: Thank you.

13 COORDINATOR COONCE: Ready for the
14 next question? Ms. Kathy O'Leary. Kathy, you
15 can unmute. Oh, there we go.

16 MS. O'LEARY: Can you hear me?

17 COORDINATOR COONCE: Can you hear
18 us?

19 MS. O'LEARY: I can hear you. Can
20 you hear me?

21 COORDINATOR COONCE: Yep.

22 MS. O'LEARY: Okay. All right. So,
23 I mean, there's a lot of discussion just now
24 about OPRA and that we could get the documents
25 from OPRA. So I'm just wondering if

1 Ms. Maziarz would comment on the status of
2 OPRA under the current state of emergency.

3 MR. REGAN: Mr. Chairman, you know,
4 aren't we questioning the witness --

5 MS. MAZIARZ: We're questioning the
6 LSRP at this time.

7 MS. O'LEARY: Well, you just -- you
8 just commented on -- you just were telling us
9 that we could get these documents from OPRA.

10 COORDINATOR COONCE: Yes. But, Mrs.
11 O'Leary, any questions regarding the OPRA
12 process should be directed to the clerk's
13 office. This is not a time to answer them.

14 MS. MAZIARZ: Right.

15 MS. O'LEARY: Okay. I think there's
16 outstanding OPRA's for documents that --

17 COORDINATOR COONCE: Again, you can
18 talk to me about that afterwards or the clerk.

19 MS. O'LEARY: -- that relate to the
20 questions that people might want to ask of the
21 LSRP tonight. So would you hold over -- so
22 will we call back the LSRP when those OPRA's
23 are satisfied?

24 COORDINATOR COONCE: You can ask
25 questions of the -- you know, in the future if

1 you think that OPRAs haven't been satisfied.
2 But do you have any questions for the LSRP
3 right now?

4 MS. O'LEARY: I do. I do.

5 So, Mr. Sullivan, you testified at
6 the last meeting that the property was divided
7 into two different parts.

8 Do you know how the property is
9 treated on the tax map?

10 THE WITNESS: I don't.

11 MR. FOURNIADIS: I can answer that.
12 It's one lot. It hasn't been subdivided.

13 MS. O'LEARY: Okay. So when you
14 were talking about it being divided into two
15 parts, that was really just to illustrate a
16 point about the -- about the restricted area,
17 is that correct?

18 THE WITNESS: Yeah, restricted area
19 and the areas that would be developed.
20 They're two separate areas.

21 MR. REGAN: Well, it wasn't to just
22 demonstrate a point, Ed. There's a specific
23 determination made on the property, right,
24 that one side can be developed and the other
25 side can't.

1 THE WITNESS: Correct.

2 MR. FOURNIADIS: The landfill is
3 restricted from development.

4 MR. REGAN: Yeah. And that's a
5 determination by who? DEP or EPA or both?

6 MR. FOURNIADIS: It's both.

7 MS. O'LEARY: But you weren't trying
8 to say that that was -- that the restricted
9 area was a Superfund site and the balance of
10 the property was not, is that correct?

11 MR. FOURNIADIS: The restricted area
12 is not a Superfund site and the balance of the
13 property was never a Superfund site. I think
14 we've testified to that.

15 MS. O'LEARY: Okay.

16 MR. FOURNIADIS: It used to be a
17 Superfund site. It's not a Superfund site
18 anymore. It was delisted.

19 MS. O'LEARY: Well, delisted and
20 Superfund are two different things, is that
21 correct? Removed from the national priorities
22 list, but it's still a Superfund site.

23 MR. FOURNIADIS: Okay. You win.

24 MS. O'LEARY: Okay. Yeah. So the
25 entire site, according to the EPA, is a

1 Superfund site, is that correct, Mr. Sullivan?

2 THE WITNESS: I'm not --

3 MR. FOURNIADIS: It's not correct.

4 It's not correct. And I don't see where it's
5 relevant to this proceeding. If you have a
6 question for Mr. Sullivan, why don't you ask
7 it, or of me. And if you want to find out
8 whether it's on the Superfund site, call the
9 EPA. He said he doesn't know.

10 MS. O'LEARY: Well, I mean, we're
11 supposed to be asking questions of the LSRP
12 about the site.

13 MR. REGAN: And he said he doesn't
14 know.

15 MR. FOURNIADIS: He said he doesn't
16 know.

17 MR. REGAN: The answer to the
18 question is he doesn't know.

19 MS. O'LEARY: Okay. And the EPA
20 refers to it as the Millington asbestos site
21 if we were trying to look this up on the EPA
22 site, is that correct?

23 MR. FOURNIADIS: If you say so.

24 MR. REGAN: Again, we're not --
25 Mr. Sullivan, as he indicated at the outset of

1 his testimony, and I made the point, he has no
2 role over the landfill portion of the site, so
3 he is not qualified to answer any of those
4 questions.

5 MS. O'LEARY: Well, the Millington
6 asbestos dump is actually the property at 50
7 Division Avenue plus three other satellites.
8 So it's more than just the Division Avenue
9 site, if anybody was looking at the EPA
10 website for this.

11 And, Mr. Sullivan, did you look at
12 the EPA website for this site prior to coming
13 here to testify?

14 THE WITNESS: Again, it's not -- the
15 landfill site is not under my purview.

16 MR. REGAN: Did you look at the
17 website, Ed?

18 THE WITNESS: No.

19 MR. REGAN: Okay. Thank you.

20 MS. O'LEARY: So -- so I guess
21 you'll take my word for this. It's referred
22 to as the Millington asbestos dump, but
23 there's more than asbestos on the site in
24 terms of contaminants are concerned, is that
25 correct?

1 THE WITNESS: If you're talking
2 about the developable -- developable area,
3 yes. Asbestos has been found in some of the
4 shallow soil.

5 MS. O'LEARY: I'm sorry, what was
6 found in the shallow soil?

7 THE WITNESS: Asbestos.

8 MS. O'LEARY: And nothing but
9 asbestos?

10 THE WITNESS: I'm sorry, I don't
11 understand.

12 MR. FOURNIADIS: She blanked out.
13 She's trying to ask you, is there other stuff
14 that was found on the property? And I think
15 you've testified there were 22 areas of
16 concern, which I'm sure she heard.

17 MS. O'LEARY: There were 22 areas of
18 concern. I was actually asking about
19 contaminants. And those are two different
20 things, correct, Mr. Sullivan?

21 THE WITNESS: Correct. There were
22 other contaminants detected. I gave a general
23 summary of that during the first meeting and
24 everything is summarized in the PA/SI report.

25 MS. O'LEARY: So would you -- would

1 you list those contaminants for us?

2 MR. REGAN: He's not prepared to
3 list the contaminants. As he indicated,
4 they're in the reports. He didn't come here
5 to testify as to the -- identifying all of the
6 contaminants on the site.

7 MS. O'LEARY: So are we going to --
8 is the purview of your -- of your
9 investigation and work simply the asbestos or
10 is it the other contaminants as well?

11 THE WITNESS: No, it's the other
12 contaminants as well.

13 MS. O'LEARY: But you're not
14 prepared to talk about what those other
15 contaminants are?

16 MR. REGAN: He already testified to
17 that, that he was dealing with all of the
18 contamination on the site other than the
19 asbestos-containing materials in the building.

20 MS. O'LEARY: Yes, I'm aware of
21 that, but I'm asking him what those other
22 contaminants are.

23 THE WITNESS: Well, I provided a
24 summary. And I think it would just -- you
25 know, to list every individual thing that was

1 detected --

2 CHAIRMAN HANDS: Kathy, do you have
3 a particular concern here so we can just get
4 to the point or --

5 MS. O'LEARY: I really would like
6 for people to be able to understand what's at
7 the site. I don't think it's outside of -- I
8 don't think it's unreasonable to be asking the
9 person who's going to be in charge of
10 remediation on the site what the contaminants
11 are on the site.

12 THE WITNESS: But it's in the report
13 and I did do a general summary of the types of
14 contaminants that are present at the site. So
15 it's all in the PA/SI report.

16 CHAIRMAN HANDS: Kathy, we talked
17 about asbestos a lot. Is there any particular
18 one or two contaminants that are really ones
19 that raises a question?

20 MS. O'LEARY: Well, I believe
21 there's asbestos, mercury, TCE, arsenic, is
22 that correct? Do I have those correct?

23 THE WITNESS: Those are correct,
24 yes.

25 MR. FOURNIADIS: Anything that can't

1 be remediated to DEP residential standards,
2 which I think is the real question here?

3 THE WITNESS: Yeah.

4 MS. O'LEARY: I would appreciate you
5 not asking my questions.

6 MR. FOURNIADIS: Well, he's answered
7 this question about 30 times. The site's
8 going to be remediated under the jurisdiction
9 of the DEP.

10 MS. O'LEARY: That's not my
11 question.

12 MR. FOURNIADIS: Your question is
13 you want him to list all the contaminants.
14 Read the report. And if you don't understand
15 it, come back and send him a letter and ask
16 him to explain it to you.

17 MS. O'LEARY: I don't think that's
18 the purpose of the hearing. I think the
19 purpose of the hearing is --

20 MR. FOURNIADIS: Well, I disagree.
21 That is the purpose of the hearing --

22 (Indiscernible crosstalk; reporter
23 requests one speaker.)

24 MR. REGAN: With all due respect,
25 the applicant brought their environmental

1 consultant to the Planning Board because the
2 public had expressed interest in the
3 environmental condition of the property and
4 the remediation. Mr. Sullivan has now been
5 before the Board for almost six hours trying
6 to answer the questions of the public and the
7 Board. And I think we've indicated that the
8 applicant, you know, needs to take every step
9 that's required in accordance with applicable
10 law at the state level, the federal level
11 that's necessary, to undertake the remediation
12 of the property.

13 They can't develop the property, as
14 has been said numerous times, unless they
15 remediate the site. If they can't remediate
16 the site, then they can't develop the site.
17 And the Township's construction official can
18 ask for all of the approvals that the
19 applicant has obtained with regards to every
20 aspect of the remediation of the site as part
21 of his review before he issues the
22 construction permit.

23 So all the steps will be taken,
24 necessary steps will be taken, to protect the
25 public and ensure that the site is remediated.

1 MS. O'LEARY: So is it your
2 position, Mr. Regan, that you would like to
3 cut off any more questions from the public
4 because you've answered all the questions that
5 you feel are important to be answered?

6 MR. REGAN: No, but if you had
7 listened to the six hours, maybe you would
8 have heard a number of the answers to your
9 questions have already been addressed. We're
10 repeating many of them.

11 CHAIRMAN HANDS: Can you just
12 summarize where you want to go with your
13 questions, please?

14 MS. O'LEARY: Mr. Hands, are you now
15 asking me to limit my questions?

16 CHAIRMAN HANDS: No, I just want to
17 see where you're heading towards, that's all.
18 I don't want to go through a list of
19 contaminants. If there's one or two you're
20 particularly concerned about, fine. And then,
21 you know, what's the additional comments?
22 Kathy, you must be concerned about one or two
23 things. Otherwise, you -- we're not going to
24 go through a whole --

25 MS. O'LEARY: I'm concerned about a

1 number of things, David. I'm concerned about
2 the fact that we have never talked about the
3 fact that there was an open paint pit on the
4 site. I'm concerned about --

5 CHAIRMAN HANDS: Kathy.

6 MAYOR RAE: Chairman --

7 COORDINATOR COONCE: It's not the
8 Board's jurisdiction.

9 BOARD MEMBER FALVEY: Mr. Chairman,
10 motion to adjourn this evening.

11 MS. O'LEARY: The conditions on the
12 site -- there's conditions on the site that
13 I'd like to ask questions about.

14 COORDINATOR COONCE: Kathy, you can
15 ask questions of the DEP or the LSRP. This is
16 not the Board's jurisdiction. And as the
17 applicant has said --

18 MS. O'LEARY: I am aware --

19 (Indiscernible crosstalk; reporter
20 requests one speaker.)

21 COORDINATOR COONCE: Thank you. As
22 the applicant has stated, they have answered
23 the questions. If you need to go back and
24 look at the -- I can provide you with the
25 transcripts and the videos will be online. If

1 you have specific questions regarding the
2 NJDEP that these gentlemen are not -- they
3 don't have to answer them because it doesn't
4 have any jurisdiction for the Planning Board.
5 So they have provided you with the answers
6 they're willing to provide you. Your next
7 step would be to take your questions directly
8 to the NJDEP or contact Mr. Sullivan on a
9 separate basis to ask questions.

10 MS. O'LEARY: Mr. Sullivan, who do I
11 speak to at the NJDEP who has jurisdiction
12 over this site who I can direct my questions
13 to?

14 THE WITNESS: There isn't an
15 individual -- with the LSRP program, there's
16 not an individual person at the State who's
17 responsible for this site.

18 MS. O'LEARY: Okay. So what
19 Ms. Coonce just said was incorrect? Is
20 that -- is that true or --

21 THE WITNESS: No, it's not true.
22 You can contact the DEP and they will be able
23 to find someone who can address your question.
24 I'm just telling you there's not a specific
25 person at DEP who oversees this site.

1 MR. REGAN: There's a case manager,
2 correct, Ed?

3 THE WITNESS: Yeah.

4 MS. O'LEARY: And who -- so there's
5 no one in particular. Where should I call at
6 the DEP?

7 THE WITNESS: There's -- there's a
8 list of phone numbers on the DEP website. I
9 mean, maybe on the side, I can provide you,
10 you know, better information, but tonight,
11 sitting here tonight, I can't give you a name
12 of a contact.

13 MS. O'LEARY: And who would I
14 contact at the EPA?

15 MR. FOURNIADIS: He doesn't know.
16 He said he doesn't work on the EPA side of the
17 property. He said that six times tonight.

18 CHAIRMAN HANDS: Kathy, what's next?

19 MS. O'LEARY: So, Mr. Sullivan,
20 could you -- you can explain what an intended
21 future use is under CERCLA?

22 THE WITNESS: Again, that's the
23 Superfund issue that you're talking about.
24 CERCLA is Superfund. That's the --

25 MS. O'LEARY: Right.

1 THE WITNESS: That's not under my
2 purview.

3 MR. REGAN: It's not his
4 responsibility. He's not overseeing any
5 activities related to the landfill.

6 MS. O'LEARY: The site, the entire
7 site, is a Superfund site.

8 COORDINATOR COONCE: No, it's not.

9 MR. REGAN: It's -- the balance of
10 the site that is proposed for development
11 which is the subject of this application is
12 subject to the jurisdiction of the New Jersey
13 Department of Environmental Protection. And
14 Mr. Sullivan, as a licensed site remediation
15 professional, is responsible for overseeing
16 the remediation of that portion of the
17 property.

18 MS. O'LEARY: So, Mr. Sullivan, did
19 you discuss the paint pit, the open paint pit,
20 that was on the site in your previous
21 testimony?

22 THE WITNESS: I don't think there's
23 an area called the paint pit. There was a --
24 there was the paint booth, I believe, and then
25 there was what was called an oil pit, I

1 believe, at the northern end of the site.

2 Yes, I did discuss that.

3 MS. O'LEARY: Okay. And would you
4 explain what the paint pit -- did you explain
5 what the paint pit was?

6 THE WITNESS: No, because the paint
7 pit -- I called it the paint pit. There's
8 no -- there's no area called the paint pit on
9 the site. What painting occurred was not an
10 area of concern that's going to require any
11 remediation. It was just a painting
12 operation.

13 MS. O'LEARY: Uh-huh. There's an
14 area on the site --

15 MR. FOURNIADIS: Is she testifying?
16 Can you swear her in if she's testifying?

17 BOARD MEMBER FALVEY: Mr. Chairman,
18 it's 10:30. Can we adjourn, please?

19 CHAIRMAN HANDS: I agree.

20 MR. FOURNIADIS: I'd like to finish
21 up with our professional tonight so he doesn't
22 have to come back for a third hearing. I
23 think he's answered all the questions, you
24 know, fully and honestly and professionally.
25 And at some point, I'd like to bring an

1 engineer and architect in here to start
2 talking about site plan.

3 CHAIRMAN HANDS: Right. Do we have
4 a motion to extend to 11 o'clock?

5 BOARD MEMBER FALVEY: I'll move it.

6 MAYOR RAE: Second.

7 CHAIRMAN HANDS: Carry on.

8 MS. O'LEARY: Mr. Sullivan, you
9 testified previously that all of the
10 contaminants of concern on the site are
11 common, is that correct?

12 THE WITNESS: Common to remediation
13 sites, yes.

14 MS. O'LEARY: By "common," is common
15 synonymous with safe or nontoxic?

16 THE WITNESS: No, of course not.

17 MS. O'LEARY: Thank you.

18 Do you know if any asbestos was
19 removed by the EPA or the DEP from the site at
20 50 Division Avenue other than as part of core
21 sampling or for testing purposes?

22 THE WITNESS: I'm not aware of any
23 on the part of the site that's under my
24 purview.

25 MS. O'LEARY: Okay. Was there any

1 remediation of any contamination that you're
2 aware of on the site that's under your
3 purview, on the part of the site that's under
4 your purview?

5 THE WITNESS: I don't believe any
6 remediation has been done yet, no.

7 MS. O'LEARY: Okay. So no
8 contamination's been removed?

9 THE WITNESS: No.

10 MS. O'LEARY: So you talked about
11 the preliminary assessment site investigation
12 report that's 2,777 pages, is that correct?

13 THE WITNESS: Yes.

14 MS. O'LEARY: And you said that the
15 tables -- that the appendices contain largely
16 tables. But there were other things in those
17 appendices, too, correct? Was there a listing
18 of the -- of all the businesses that have
19 operated on that site over the years? Is that
20 correct?

21 THE WITNESS: That's a part of the
22 preliminary assessment, yes.

23 MS. O'LEARY: Okay. So you
24 testified that there was an asbestos
25 manufacturing plant, and after it was an

1 asbestos manufacturing plant, did you testify
2 that it was also a pesticide manufacturing
3 plant?

4 THE WITNESS: I don't believe I
5 testified to that.

6 MS. O'LEARY: Okay. Did you testify
7 that it has been in continuous industrial
8 operation since the time that the pesticide
9 plant shut down?

10 THE WITNESS: Well, first of all, I
11 didn't say there was a pesticide plant.
12 That's number one.

13 Number two, I don't think I
14 testified as to all that detail in the
15 history.

16 MS. O'LEARY: So what did you say it
17 was after it was an asbestos plant?

18 THE WITNESS: I think I said it was
19 used -- and this is in the preliminary
20 assessment report -- as a multitenant
21 industrial usage. Commercial industrial
22 usage.

23 MS. O'LEARY: Okay. So you skipped
24 over when it was Tifa Ltd.?

25 THE WITNESS: Well, I'm not familiar

1 with that name.

2 MS. O'LEARY: Okay. It's an
3 international corporation that manufactured
4 aquacides, herbicides, including DDT.

5 THE WITNESS: Okay.

6 MS. O'LEARY: Are you familiar with
7 that?

8 THE WITNESS: Well, soil sampling at
9 the site would include those types of things.
10 So if there was anything present at the site
11 of that type of material, it would have been
12 detected.

13 MS. O'LEARY: Are you familiar with
14 the portion of the site the deed refers to as
15 the upland area?

16 THE WITNESS: Is this another site
17 you're referring to?

18 MS. O'LEARY: No. It's on the site
19 that you have -- that you have jurisdiction
20 over, not everyone's site.

21 THE WITNESS: Yeah, no, I do believe
22 I've seen that term, yes.

23 MS. O'LEARY: Okay. Do you recall
24 reading any of the documents that the paving
25 of the upland area and the buildings are

1 acting as a cap for the site?

2 THE WITNESS: They may be. I'm not
3 sure if they're in areas where there's
4 contamination, but --

5 MR. REGAN: Did you read that
6 anywhere, Ed?

7 THE WITNESS: No, that doesn't --
8 that doesn't --

9 MR. FOURNIADIS: Then that's your
10 answer.

11 THE WITNESS: Yeah, I'm not sure it
12 would be a cap for anything.

13 MR. REGAN: Well, the question was,
14 did you read it somewhere? And --

15 THE WITNESS: No.

16 MR. REGAN: Okay. Thank you.

17 THE WITNESS: No.

18 MS. O'LEARY: And you don't recall
19 reading in any of the five-year reviews about
20 the upland area and that parking lot being a
21 cap for what was suspected as a -- suspected
22 asbestos-containing material?

23 THE WITNESS: If you're talking
24 about the five-year review for the cap area,
25 again, I haven't read any documents related to

1 that because it's not -- you know, not in my
2 responsibility.

3 MS. O'LEARY: Well, the five-year
4 reviews cover more than just the capped area.
5 They cover -- so you're familiar with the
6 site. You're familiar with the monitoring
7 wells at the site, correct, or where they're
8 located?

9 THE WITNESS: In general, yes.

10 MR. FOURNIADIS: I don't think
11 anybody's made a secret that there's asbestos
12 underneath the parking lot. Is that what
13 you're trying to get to? We know there's
14 asbestos underneath the parking lot. I don't
15 understand what these questions are for. We
16 know it's there and we're going to take care
17 of it. We testified.

18 MS. O'LEARY: There's seven
19 monitoring wells on the site, is that about
20 right, other than the ones that you've
21 drilled, that EWMA has drilled?

22 THE WITNESS: I don't know the -- I
23 believe that's the number, but I'm not --

24 MS. O'LEARY: Now, they're not all
25 in the mound, is that correct?

1 THE WITNESS: No.

2 MS. O'LEARY: Okay. So they're
3 testing for something, right, in those
4 monitoring wells other than just -- other than
5 asbestos, correct?

6 THE WITNESS: I don't think -- well,
7 they are being tested for other things, I
8 believe. But if you're talking about wells
9 related to the former Superfund site, then,
10 again, that's another thing I'm not familiar
11 with then.

12 MS. O'LEARY: But there are at least
13 two wells that are related to the Superfund
14 site that are not in the capped area. Are you
15 familiar with those?

16 THE WITNESS: Yeah, there are --
17 there are monitoring wells in the part of the
18 site that's being developed, yes.

19 MS. O'LEARY: Okay. And those are
20 drilled by the EPA, is that correct?

21 THE WITNESS: I don't -- I don't
22 know exactly who drilled them.

23 MS. O'LEARY: Okay. And I think you
24 testified before that those have to stay
25 there.

1 THE WITNESS: Or suitable
2 replacement. Sometimes you lose wells during
3 construction that can't be avoided. So
4 suitable replacement wells would be put in.

5 MS. O'LEARY: Okay. Now, when
6 the -- so you had never looked at the
7 five-year reports, is that true?

8 THE WITNESS: No, I haven't.

9 MS. O'LEARY: Okay. So you don't
10 know what they're testing for in those wells?

11 THE WITNESS: No.

12 MS. O'LEARY: And you don't know
13 what the results are of the tests of those
14 wells?

15 MR. REGAN: If he hasn't read it, he
16 wouldn't know the results, correct.

17 MS. O'LEARY: So -- so the EPA
18 monitoring of the site includes inspecting the
19 cap and the retaining wall, unrestricted area
20 and checking all the monitoring wells and
21 taking samplings of sediments at designated
22 points along the river.

23 Did I miss anything? Is there
24 anything else they're responsible for?

25 MR. FOURNIADIS: Who, the developer?

1 THE WITNESS: You're talking about
2 the landfill.

3 MR. REGAN: That was what you
4 testified to, Bob. Yes, that's correct.

5 MR. FOURNIADIS: It's not Prism that
6 tested the water and the wells. It's the EPA.
7 We just mow the grass and seed the bare spots
8 and make sure the fence stays up.

9 MS. O'LEARY: Okay. Can you tell me
10 what an EWMA truck was doing on the mound this
11 past winter?

12 MR. FOURNIADIS: Yeah. We had to
13 cut trees down that somebody had let grow for
14 15 years and we wanted to make sure it was
15 done in a way that we didn't disturb the cap.

16 MS. O'LEARY: So EWMA --

17 MR. FOURNIADIS: So EWMA has been
18 retained to conduct our operation and
19 maintenance obligations under the
20 administrative consent order, and sometimes to
21 discharge those obligations, they may have to
22 drive onto the site. There's no prohibition
23 against driving onto the site. Call the EPA
24 and they will tell you that.

25 MS. O'LEARY: Well, Mr. Fourniadis,

1 you testified several times tonight about how
2 driving a truck on the site would -- driving a
3 truck on the mound would damage the site and
4 you wouldn't allow anybody to drive a truck on
5 the mound.

6 MR. FOURNIADIS: I said if a truck
7 crashed through the fence, fell over and
8 caught fire, it would damage the mound. That
9 was my testimony.

10 MS. O'LEARY: That was one of the
11 things that you said. That was one of the
12 things that you said after you said several
13 times before that -- that you would not allow
14 anybody to drive a truck on the mound.

15 MR. FOURNIADIS: It's not going to
16 be done on a regular basis. But as part of
17 the O and M activities, there's no prohibition
18 for vehicles going onto the landfill. Call
19 the EPA and report me if you want to. They
20 will tell you the same thing.

21 MS. O'LEARY: So, Mr. Fourniadis, do
22 you have a copy of the latest five-year report
23 from the EPA? Because I haven't been able to
24 get a copy of it.

25 MR. FOURNIADIS: No, it's not ready

1 yet. It should be out any day now.

2 MS. O'LEARY: Okay. And,
3 Mr. Fourniadis, you testified that none of the
4 VOCs were leaching into the river, but you
5 haven't seen a draft of the report. So --

6 MR. FOURNIADIS: What I said, in the
7 last report that was issued, there was no
8 mention of any type of contamination coming
9 from the site into the water. That was five
10 years ago. We'll see what this one says.

11 MS. O'LEARY: And does anyone have
12 any testing of the air quality at the site?

13 MR. FOURNIADIS: Do you mean inside
14 the buildings? outside the buildings? The
15 answer is no to both. The answer is no.

16 MS. O'LEARY: So asbestos is largely
17 a problem when it becomes airborne and the
18 EPA, in their documents, have said that the --
19 particularly in the upland area, which is the
20 back parking lot, that the parking lot is
21 acting as a cap and so are the buildings. And
22 that parking lot is deteriorating at this
23 point.

24 Is there any plan to do any air
25 testing?

1 MR. FOURNIADIS: No. And as you've
2 done in the past, if you see any sections of
3 the parking lot that you think are broken up
4 and need to be patched, feel free to call us
5 again. We inspect on a regular basis, but I
6 know you come out there from time to time and
7 inspect the parking lot for us.

8 MS. O'LEARY: Well, have you been
9 there lately, Mr. Fourniadis?

10 MR. FOURNIADIS: Yes, I was. I was
11 there two weeks ago.

12 MS. O'LEARY: Okay. So you would
13 notice that behind Building Number 4, there's
14 the hole in the parking lot the size of at
15 least a pickup truck?

16 MR. FOURNIADIS: I didn't go behind
17 Building Number 4, but I will tell the
18 property manager to go out there tomorrow and
19 look at it, see if it's really there.

20 CHAIRMAN HANDS: Kathy, can we just
21 focus on -- because obviously we want to focus
22 on the LSRP's testimony. Can we just keep on
23 that for now? We've got a couple more people
24 before 11 o'clock, just so the LSRP can finish
25 the testimony hopefully tonight.

1 MS. O'LEARY: Well, so,
2 Mr. Sullivan, you testified that it was highly
3 unlikely -- or actually, would you tell me
4 what it was that you testified to exactly in
5 terms of the contamination underneath the
6 buildings? Because I believe you testified to
7 one thing two weeks ago and you seem to have
8 adjusted that tonight. So would you clarify
9 what your testimony is with regard to
10 contamination or the potential for
11 contamination underneath the buildings?

12 THE WITNESS: Are you referring to
13 the asbestos or to the other contamination?

14 MS. O'LEARY: Any contamination.

15 THE WITNESS: That's all going to be
16 determined during our remedial investigation.

17 MS. O'LEARY: So you intend to
18 drill -- during your remedial investigation,
19 you intend to drill through the foundations of
20 these buildings?

21 THE WITNESS: It's -- it's -- it's a
22 possibility. I'm not sure what the work scope
23 is going to be yet, but if there's
24 contamination that starts outside the building
25 and could be partially under the building,

1 that would have to be investigated.

2 Now, what I did testify to before is
3 that we don't expect to find any new
4 contamination under the building because we've
5 already done the PA/SI, but it is possible
6 that some known contamination could be under
7 the building.

8 MS. O'LEARY: So -- but the PA/SI
9 did not do any testing of the -- they didn't
10 do any soil borings through the foundations or
11 underneath the buildings, did they?

12 THE WITNESS: I'm not sure. I don't
13 think they did, but that would have been only
14 because there were no areas of concern
15 identified inside the building.

16 MS. O'LEARY: So are you familiar
17 with the history of the site in terms of the
18 dates that those buildings were constructed?

19 THE WITNESS: Not specifically, no.

20 MS. O'LEARY: Okay. So you're not
21 aware, then, that those buildings were built
22 over time? That the first --

23 MR. FOURNIADIS: I think he answered
24 that. Didn't he answer that, Frank? He
25 doesn't know when the buildings were built.

1 MS. O'LEARY: So Building Number 4,
2 you're not aware that Building Number 4 was
3 built in 1953, I guess.

4 MR. REGAN: He indicated that he
5 doesn't know when the buildings were built, so
6 he doesn't know when it was built.

7 MS. O'LEARY: So if the buildings
8 were built over time and we had an asbestos
9 manufacturing plant that was in operation
10 prior to there being air conditioning, with
11 large windows, we can expect that there would
12 be -- there would at least be asbestos
13 underneath those buildings that were built
14 after the original building?

15 MR. REGAN: Ed, don't answer that
16 question. You know...

17 THE WITNESS: I have no way to
18 answer that.

19 MR. REGAN: Yeah. It's...

20 MR. FOURNIADIS: Frank, didn't we
21 already acknowledge that there's asbestos
22 underneath the parking lot and that we're
23 going to take care of it?

24 MR. REGAN: Correct.

25 MR. FOURNIADIS: Many, many, many

1 times and we're going to comply with every law
2 and regulation. We're going to keep the
3 township engineer in the loop, the Board of
4 Health in the loop. We're going to hire
5 licensed contractors who do this type of work
6 to do asbestos mitigation. Nobody's
7 pretending there's no asbestos under the
8 parking lot, Mrs. O'Leary. I'm really not
9 sure why you keep implying that we are.

10 MS. O'LEARY: Right. There seems to
11 be -- there seems to be a dismissal of the
12 other contaminants that might be under the
13 parking lot as well.

14 MR. FOURNIADIS: No, there isn't.

15 MR. REGAN: No, no, no. His
16 testimony --

17 MR. FOURNIADIS: He testified until
18 he was blue in the face that everything will
19 be remediated in accordance with all
20 applicable DEP regulations.

21 MR. REGAN: He made no --

22 MR. FOURNIADIS: You just don't like
23 that answer because you want this Planning
24 Board to have jurisdiction over the PA/SI and
25 the remedial investigation and it's not going

1 to happen.

2 MS. O'LEARY: Yeah, I think that
3 you're putting words into my mouth and I would
4 appreciate it if you didn't do that.

5 MR. REGAN: As you have been through
6 our -- for Mr. Fourniadis and Mr. Sullivan.
7 So it goes both ways.

8 MS. O'LEARY: So there is potential
9 for other contamination other than asbestos
10 underneath the buildings?

11 MR. REGAN: He's answered that
12 question probably 50 times in the last two
13 nights.

14 MS. O'LEARY: I don't -- I don't
15 think he did, but that's okay. If you think
16 he answered affirmatively, I'll accept that.

17 MR. REGAN: He answered
18 affirmatively. He said yes.

19 MS. O'LEARY: Thank you.

20 MR. REGAN: We understand there are
21 other contaminants. We've indicated that they
22 will be addressed in accordance with
23 applicable DEP regulations.

24 MR. FOURNIADIS: We might even find
25 root beer and birch beer under the building

1 because of the soda guy who was in our
2 building. Be ready for that, Ed.

3 MS. O'LEARY: And you might find
4 PCB's because of the electroplating company
5 that's still operating there, correct?

6 MR. FOURNIADIS: Nothing that can't
7 be dealt with. You know that.

8 MS. O'LEARY: I do know that.

9 Is this process about informing the
10 residents about what is there or is it not?

11 MR. REGAN: Not necessarily. We
12 came before the Board because the Board --
13 there's obviously an application that the
14 applicant is proposing for the redevelopment
15 of the site, a portion of the site. There's
16 obvious concerns with respect to the
17 environmental condition of the property. And
18 we came before the Board with our LSRP, a
19 representative of the property owner, to
20 answer as many questions as we could from the
21 public and emphasize, as it's been emphasized
22 numerous times, that the applicant is
23 obligated by law to address any contamination
24 on the site in whatever manner is dictated by
25 law before he can develop the site. That's

1 it. And this is not an unusual process
2 anywhere in New Jersey, as has also been
3 testified to.

4 MS. O'LEARY: So, Mr. Sullivan, is
5 there anything in the law or the regulations
6 governing LSRPs and the LSRP process that
7 requires the DEP to do anything more than
8 verify that you have filed the required
9 reports?

10 THE WITNESS: No. The DEP can do
11 varying degrees of review of reports that an
12 LSRP submits.

13 MS. O'LEARY: They can, but are they
14 required to?

15 THE WITNESS: They're required to do
16 a certain percentage of submittals from the
17 regulated community, but not specific
18 documents, no.

19 MS. O'LEARY: So -- and "the
20 regulated community," you mean all of the
21 LSRPs in New Jersey?

22 THE WITNESS: Right, and the
23 responsible parties that are submitting the
24 reports.

25 MS. O'LEARY: Okay. Is there any

1 point in the remediation process that require
2 either the EPA or the DEP to be on site?

3 THE WITNESS: Require them to be on
4 the site? No.

5 MS. O'LEARY: Yes.

6 Do you anticipate them being on the
7 site for any part of the remediation process?

8 THE WITNESS: No, quite frankly, I
9 don't. No.

10 MS. O'LEARY: So there was some
11 discussion about no one ever digging up
12 anything on the site. So, Mr. Fourniadis, can
13 you -- how will you guarantee that no one will
14 ever put a shovel in the ground?

15 MR. FOURNIADIS: Where?

16 MS. O'LEARY: In -- on the site.
17 There's going to be grassy areas there. Will
18 you ban gardening?

19 MR. FOURNIADIS: No. Gardening on
20 the landfill? I don't think so.

21 MS. O'LEARY: No, on the -- on the
22 rest of the site.

23 MR. FOURNIADIS: The rest of the
24 site, there'll be landscaping, but people
25 won't be able to plant their own gardens.

1 We're going to plant trees and shrubs. Your
2 engineer and landscape architect insisted, so
3 we definitely will be planting those and some
4 grass.

5 MS. O'LEARY: And will you inform
6 the residents, the future residents, about the
7 history of the contamination of the site.

8 CHAIRMAN HANDS: Kathy, can you just
9 hold that? I want to finish up the LSRP
10 tonight. We have a few more people before 11.

11 MR. FOURNIADIS: Let's finish up
12 with the LSRP. We can talk about my marketing
13 program at a later date. I will do whatever
14 the law requires me to do, Mrs. O'Leary.

15 MS. O'LEARY: The law does not
16 require you to inform the residents, future
17 residents --

18 MR. FOURNIADIS: I didn't say that.
19 I didn't say that. I answered your question.

20 CHAIRMAN HANDS: Kathy, any more
21 questions for Ed?

22 MS. O'LEARY: So the remedial
23 investigation was originally due prior to, if
24 I read the DEP site correctly, prior to now,
25 but the DEP granted an extension, is that

1 correct?

2 MR. FOURNIADIS: Yes, that's
3 correct.

4 MS. O'LEARY: Okay. So when is the
5 remedial investigation now due?

6 MR. FOURNIADIS: I'm not sure. I
7 think it might be November.

8 MS. O'LEARY: So -- and is the
9 remedial investigation synonymous with the
10 Phase 2?

11 MR. FOURNIADIS: No. I don't think
12 so. Is it?

13 THE WITNESS: I've never viewed that
14 Phase 2.

15 MS. O'LEARY: Okay. So is there a
16 reason -- if the remedial investigation is due
17 in November, is there a reason why we are not
18 waiting for the remedial investigation to hear
19 this application?

20 MR. REGAN: We're not required by
21 law. We can seek approvals on development of
22 a property any time the property owner
23 desires. They can't --

24 MS. O'LEARY: So --

25 MR. REGAN: -- build on it until

1 they remediate it, but they can get approvals
2 on a piece of property any time they choose,
3 or at least pursue approvals.

4 MS. O'LEARY: So do I understand
5 correctly that the demolition require that the
6 buildings and the site be wet down?

7 MR. FOURNIADIS: You were listening.
8 That's correct. As necessary to control dust,
9 that's right.

10 MS. O'LEARY: Okay. And they'll be
11 tented?

12 MR. FOURNIADIS: Tented? No,
13 nothing's going to be tented.

14 MS. O'LEARY: Okay. So how is the
15 water -- is that a large volume of water that
16 you're going to be using?

17 MR. FOURNIADIS: I don't know. Come
18 out when we get started and witness it for
19 yourself. I don't know what a large volume of
20 water is. A quart, a gallon, a truckload. It
21 will be whatever is necessary to control dust.

22 MR. REGAN: It's premature to make
23 that determination as to -- with regards to
24 the demolition.

25 MS. O'LEARY: So how will that water

1 be contained during that process?

2 MR. REGAN: Whatever the law
3 requires --

4 MR. FOURNIADIS: Yeah. Whatever the
5 law requires us to do. If they require us to
6 trap it in a tank and cart it off site, that's
7 what we'll do. That's what we have an LSRP
8 for.

9 MS. O'LEARY: Okay. Well,
10 Mr. Sullivan, what does the law require?

11 THE WITNESS: I don't think there's
12 any -- related to asbestos, I don't think
13 there's any state regulations that would say
14 that you have to contain the water. I'm not
15 as familiar with federal regulations, but
16 nothing related to the state regulations.

17 MR. FOURNIADIS: But whatever we
18 have to do, we'll do.

19 MS. O'LEARY: So the preliminary
20 assessment site investigation mentioned the
21 proximity to the Passaic River as some kind of
22 challenge. I forget exactly what it said,
23 what the exact wording was, but it also
24 indicated that the site slopes towards the
25 river.

1 So what precautions are we taking to
2 make sure that there's no one off during the
3 remediation into the river?

4 MR. FOURNIADIS: There's an agency
5 called the Soil Conservation District which is
6 about as tough an agency as exists in this
7 state and we will have to submit a soil
8 erosion control plan and it will be monitored
9 constantly by the Soil Conservation District
10 to prevent any type of erosion of anything.
11 And that's another approval that will be a
12 condition of our site plan approval, that we
13 need Soil Conservation District approval.

14 MR. REGAN: And our engineer can
15 testify further to that at the appropriate
16 time.

17 VICE CHAIRMAN JONES: Mr. Chair, we
18 have three minutes left to the 11 o'clock. I
19 don't think that we're going to get through
20 all of the questions that Ms. O'Leary has.

21 MR. FOURNIADIS: I would like to
22 make a request, Chairman, that the people who
23 didn't get a chance to speak tonight, that
24 they submit questions. And if they're of the
25 nature that haven't already been addressed by

1 Mr. Sullivan in his six hours of testimony,
2 then we'll bring him back at some time in the
3 future to answer those questions.

4 But I don't know how many times he
5 can say we're going to remediate the site in
6 accordance with all applicable state and
7 federal regulations and ensure the safety of
8 the public. And if he came back again for
9 another three hours, he would just say those
10 same things again to the same rounds of
11 questions.

12 I would make a request that we move
13 on from Mr. Sullivan and if the two or three
14 people unfortunately couldn't ask their
15 questions, present them and he will answer
16 them. And if necessary, we'll bring them back
17 after the engineer and the architect and the
18 landscape and the traffic consultants have
19 testified. That's my request.

20 CHAIRMAN HANDS: And that's fair.
21 Kathy, can you just hold a second. There's
22 one person I see with their hand up that we
23 have not heard from before. Do you mind if we
24 just listen --

25 MR. FOURNIADIS: I don't mind. No,

1 not at all. I'll keep going. I don't have to
2 drive home.

3 MS. O'LEARY: I just would like to
4 object to that process that was just raised.
5 This is supposed to be a hearing of the public
6 and if the public has questions, and we're not
7 supposed to be limited on the questions that
8 we have.

9 And I have to say that I do
10 apologize for asking questions over again,
11 but, you know, this is an imperfect process
12 and we're all trying to deal with the fact
13 that we're on Zoom.

14 And I have to say that we also had a
15 delay. I was not able to be on the last
16 meeting and there was a delay, a significant
17 delay, of posting the video from this -- the
18 previous meeting. And my schedule did not
19 permit me to spend three hours watching it
20 this particular week after it was posted.

21 So I apologize if --

22 VICE CHAIRMAN JONES: May I have a
23 motion for adjournment?

24 CHAIRMAN HANDS: I'm sorry, say that
25 again.

1 VICE CHAIRMAN JONES: May I have a
2 motion to -- for an adjournment.

3 MS. O'LEARY: Thank you for cutting
4 me off, Mr. Jones.

5 CHAIRMAN HANDS: I would like to --
6 if you don't mind, I'd like to do 15 more
7 minutes. Kathy, if you could please complete
8 within five, I would like to get at least to
9 Larry and then we'll think about what we do
10 next.

11 BOARD MEMBER FALVEY: Mr. Chairman,
12 I'll second Mr. Jones's motion to adjourn.
13 Can we have a vote, please?

14 COORDINATOR COONCE: We have a vote
15 to adjourn. All in favor?

16 (Whereupon, a voice vote was taken;
17 chorus of "ayes" heard.)

18 COORDINATOR COONCE: Three.

19 BOARD MEMBER FALVEY: Aye.

20 COORDINATOR COONCE: Four, five.

21 You approved the motion. The motion is
22 approved. It's five members.

23 BOARD MEMBER FALVEY: Meeting is
24 adjourned.

25 CHAIRMAN HANDS: Hold on a second.

1 For the next meeting, we're carrying it over
2 to the next meeting?

3 COORDINATOR COONCE: Yes. The next
4 meeting is July 14th.

5 CHAIRMAN HANDS: And the LSRP will
6 come back. Ed, you'll be back -- Barbara,
7 you'll be back for the conversation just to
8 finish it off.

9 COORDINATOR COONCE: Ms. Maziarz,
10 can the public submit questions and we can
11 send them?

12 MS. MAZIARZ: It's a perfectly
13 reasonable process if that's the way the Board
14 would like to proceed. I'd also like to
15 mention that, yes, the Board can cut off
16 redundant questions. It's up to the members
17 of the public to educate themselves -- not
18 educate themselves, but to listen to the
19 hearing or appear at the hearing and not have
20 to have the applicant regurgitate everything
21 that already happened at a previous hearing.
22 So for anyone who wants to ask a question --

23 VICE CHAIRMAN JONES: Can we close
24 the meeting? We have a motion to close.

25 MS. MAZIARZ: I understand that,

1 Mr. Jones, but we really do have to carry this
2 application without further notice to a date
3 certain. So I think that we should reopen
4 this meeting and do that so the applicant
5 won't have to re-notice. And if there is any
6 issue with the time of decision, then we
7 should have the applicant give us an extension
8 on the record. I believe that we extended to
9 July 31st.

10 Mr. Regan, am I correct?

11 MR. REGAN: That's correct.

12 MS. MAZIARZ: Thank you. So we
13 don't need that. But I suggest that we reopen
14 the hear -- the meeting, please, and carry
15 this applicant to a date certain.

16 MAYOR RAE: So you want -- it's a
17 matter of a motion to reopen?

18 MS. MAZIARZ: Thank you.

19 COORDINATOR COONCE: Second?

20 BOARD MEMBER VERLEZZA: Second.

21 CHAIRMAN HANDS: All in favor, raise
22 your hands.

23 (Whereupon, a voice vote was taken;
24 chorus of "ayes" heard.)

25 COORDINATOR COONCE: Thank you. So

1 the meeting will be carried to July 14th. So
2 now we have the matter, so the LSRP does not
3 have to return, do we allow the public to
4 e-mail questions to me to be forwarded to the
5 applicant to respond?

6 CHAIRMAN HANDS: I'd appreciate
7 that, yes. And if we could, after we do
8 that -- I hope the video goes up quicker this
9 time, so, you know, 24, 48 hours. It will
10 give the public a week just to look at the
11 video, but we'd like to give at least, you
12 know, a week for Ed to receive questions and
13 be able to present any answers.

14 COORDINATOR COONCE: Jolanta, do we
15 need a motion and a second to have the public
16 submit questions?

17 MS. MAZIARZ: No, because
18 Mr. Fourniadis already offered to bring
19 Mr. Sullivan back at the very end if there are
20 any further questions that the public may have
21 of Mr. Sullivan. So this is simply -- what
22 we're doing is reordering the professionals
23 that are going to be testifying in the
24 hearing. It's not that Mr. Sullivan is going
25 away forever. He will be back if there are

1 any further questions that are not redundant
2 and repetitive of what has already been asked
3 and answered.

4 CHAIRMAN HANDS: I see three people.
5 There's Larry, Pam and Christina. If you
6 could submit your questions.

7 COORDINATOR COONCE: Okay. So to
8 carry the applicant, we need a motion and a
9 second.

10 MS. MAZIARZ: Yes.

11 MAYOR RAE: So moved.

12 VICE CHAIRMAN JONES: Second.

13 MS. MAZIARZ: And that motion and
14 second is to carry to July 14th without
15 further notice.

16 COORDINATOR COONCE: Correct. All
17 in favor, raise your hands.

18 (Whereupon, a voice vote was taken;
19 chorus of "ayes" heard.)

20 COORDINATOR COONCE: Okay. Covered
21 by the Board. Now if you'd like to make
22 another motion to adjourn.

23 CHAIRMAN HANDS: Please.

24 VICE CHAIRMAN JONES: So moved.

25 MAYOR RAE: Second.

1 COORDINATOR COONCE: All in favor?

2 (Whereupon, a voice vote was taken;

3 chorus of "ayes" heard.)

4 COORDINATOR COONCE: Good night,

5 all.

6 MR. FOURNIADIS: Good night,

7 everybody.

8 (Whereupon, the hearing on this

9 application adjourned at 11:03 p.m. to

10 Tuesday, July 14, 2020, at 7:30 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, BRIDGET LOMBARDOZZI, Notary Public
and Certified Shorthand Reporter of the State
of New Jersey, do hereby certify that the
foregoing is a true and accurate transcript of
the testimony as taken stenographically by and
before me at the time, place and the date
hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither
a relative nor employee nor attorney nor
counsel of any of the parties to this action,
and that I am neither a relative nor employee
of such attorney or counsel, and that I am not
financially interested in the action.

BRIDGET LOMBARDOZZI,
Certified Shorthand Reporter
C.S.R. License No. XI01201