

Minutes of the Special Meeting of the Borough Council held May 14th 2015, at 7:30 p.m. in the Council Chambers, Borough Hall, 531 Speedwell Avenue, Morris Plains, New Jersey.

PLEDGE OF ALLEGIANCE AND PRAYER

Mayor Frank J. Druetzler called the meeting to order and read the following notice:

I HEREBY ANNOUNCE AND STATE THAT ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED BY THE CLERK OF THIS BOROUGH BY PREPARING A NOTICE DATED APRIL 24TH 2015 SPECIFYING THE TIME, DATE AND PLACE OF THIS MEETING; POSTING SUCH NOTICE ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING; FORWARDING THE NOTICE MORRIS COUNTY'S *DAILY RECORD* AND THE *MORRIS NEWS BEE*; AND FORWARDING, BY MAIL, THE SAID NOTICE TO ALL PERSONS ON THE REQUEST LIST; AND I HEREBY HAND A COPY OF SUCH NOTICE TO THE CLERK OF THE BOROUGH OF MORRIS PLAINS FOR INCLUSION IN THE MINUTES OF THIS MEETING, ALL OF THE ABOVE ACTIONS BEING IN ACCORDANCE WITH N.J.S.A. 10:4-6, *ET SEQ.*

Present on Roll Call:

Mayor Frank J. Druetzler
Councilmembers: Jason C. Karr
Joseph Cecala, Jr.
Salvatore Cortese
John Doherty
Laurie J. Fu
Suzanne B. McCluskey

Absent: None

Present: Gail H. Fraser, Esq., Borough Attorney
Leon Hall, Borough Engineer

APPROVAL OF MINUTES

None

APPROVAL OF CONSENT CALENDAR

Councilmember Karr moved:

BE IT RESOLVED by the Mayor and Council of the Borough of Morris Plains, that the attached reports be accepted and that said reports be kept on file in the Clerk's Office:

REPORTS

Borough Clerk, April 2015
Animal Licensing, April 2015
Sanitarian, April 2015
Municipal Court, April 2015

THAT the Resolution No. 2015-68 entitled, "2015 BUDGET EXAMINATION PROGRAM," be adopted as attached.

THAT Ptl Thomas Keane receive donated sick time from the following:

T. Beer, PD 80/hrs

THAT the resignation of Tom Jones, Clean Communities Coordinator, be accepted, effective May 13th 2015.

THAT John Claffey, be hired as part-time Community Center staff member at an hourly rate of \$14.86 per hour effective May 15, 2015.

Seconded by Councilmember Cortese.

Yeas: Councilmembers Karr, Cecala, Cortese, Doherty, Fu, McCluskey
Nays: None
Absent: None
Abstain: None

GREETINGS OF PUBLIC AND INVITATION FOR DISCUSSION

Mayor Druetzler opened this portion of the meeting to comments from the public.

PUBLIC HEARING

Soil Disturbance Application

Mayor Druetzler advised this is a continuation of this hearing that began at a previous Council meeting.

Mr. Douglas Henshaw introduced himself to the Council and the public. He provided a brief update as to what actions have occurred since the last meeting on April 16th 2015 and advised experts for the Applicant who are present at this meeting.

Ms. Fraser swore in Mr. Facchino.

Mr. Vincent Facchino stated he is employed by M & M, 70 Grand Avenue, River Edge, New Jersey 07661. He is the Director of Engineering and Planning for the company. He has been employed by M & M since 2005. He provided information on his background and credentials. He is responsible for site planning for residential and commercial projects. He stated he has also done consulting and inspection work.

Mayor Druetzler asked Mr. Facchino if he had ever been here before.

Mr. Facchino stated he has not appeared before this body, but he has been sworn in with other Boards in Morris County.

Ms. Fraser stated Mr. Facchino is testifying as an employee of M & M – the Director of Engineering and Planning.

Mr. Hall introduced himself as the Borough Engineer.

Mr. Joe Norton introduced himself as a soils consultant on behalf of the Borough and also the Borough's LSRP.

Ms. Joanne Vos from Maraziti Falcon, LLC introduced herself as the Special Environmental Counsel on behalf of the Borough.

It was confirmed that Messrs. Hall and Norton were sworn in at the Council meeting held on April 16th 2015.

Mr. Henshaw asked Mr. Larkin to provide an update as to what has been submitted to the Council and the Borough Professionals since the April 16th 2015 meeting. This update also included updating of tests.

Mr. Larkin of RTP Environmental Associates, Inc. stated they have prepared a site specific Health and Safety Plan to conduct environmental remediation services at the site. Comments made by Mr. Norton and Ms. Vos have been made a part of this Plan. The finalized document is now available.

Brief cross discussion about this Plan. It was decided to mark one copy as an Exhibit.

Mayor Druetzler asked Mr. Norton about his thoughts on this Plan.

Mr. Norton replied the final Health and Safety Plan was sent to him late today by Mr. Larkin. He stated he had provided comments and that Mr. Larkin assured him they would be include in the final version of the Plan.

Mr. Larkin advised that one of the additions to the First Draft of the Plan was a specific requirement that tires will be washed before leaving the site. He also commented on their Action Levels, which are the lowest levels permitted by OSHA. Their Action Level will be 0.2 micrograms per cubic meter (no visible dust during any activities at the site). A wind sock will be installed at the site to accurately monitor wind direction.

Mayor Druetzler asked about a Health and Safety Plan for the first soil removal.

Mr. Larkin stated there was such a plan, but it was prepared by Edgewood Properties, M & M's parent company. Under this plan, the contractors on site were responsible for all monitoring. He provided additional information on several others who also were implementing the Health and Safety Plan and performing monitoring.

A second item was marked as an Exhibit, Exhibit A-2 (surface soils samples).

Brief commentary on the Health and Safety Plan.

Ms. Fraser asked for clarification as to who the parties are.

Mr. Henshaw stated the parties are M & M at Morris Plains is the property owner. M & M has several different members/entities holding membership certificates. This application was filed by the property owner. M & M is a joint venture between two different groups.

Mr. Facchino stated he is an employee of JMP Management which is an affiliate of M & M. He said that "M & M does not have any physical employees; all are part of the same company in separate entities". He advised his boss is the principal of M & M. All are in house engineers, planners, and architects. They all work as one.

Ms. Fraser asked Mr. Facchino to confirm that as an employee of JMP Management that he will be testifying under oath that he has the authority to bind M & M at Morris Plains, the property owner.

Mr. Facchino stated yes.

Mr. Larkin stated M & M at Morris Plains, LLC is the responsible party on record with the New Jersey Department of Environmental Protection (NJDEP).

A question was raised about the name of the Applicant on the application being Morris Plains Contracting. Is this an actual entity?

Cross discussion about Morris Plains Contracting being the Applicant and letters sent to this entity, an address of 1260 Stelton Road, Piscataway (Edgewood Property), use of M & M at Morris Plains and amending all file documentation to reflect this.

Ms. Fraser stated she is satisfied with the explanation thus far – to make sure everyone is under the umbrella of any approval – it can be addressed in a resolution. She added that Morris Plains Contracting appears to be an affiliated entity under the umbrella of Edgewood Properties. Many of the affiliated entities appear to be involved in the development being processed by M & M at Morris Plains, the owner of the property.

Mr. Larkin commented on highlights of the report. RTP Environmental will be in charge of health and safety, how the Health and Safety Plan is implemented. RTP will also make any needed in-field adjustments relating to monitoring, dust mitigation and any other issue in connection with human health and environment protection. This person will be his right-hand person; she will be at the site every day. Her name is Barbara Koszalka. If she is not at the site for any reason, no work will be done.

Councilmember McCluskey asked if someone will be responsible for inspecting the site each day.

Mr. Larkin stated someone will check each day – the two site safety officers will have this responsibility. These officers are Gary Honikel and Nathan McMillan. The officers work for M & M. He provided information that he knows about these two officers.

Mr. Henshaw asked Mr. Larkin to provide information on testing protocols that are contemplated and other tests that have been done since the April 16th 2015 meeting.

Mr. Larkin advised that a Surface Soils Sampling Plan has been implemented, and they have collected sediment samples.

“Figure 1 – Stream and Soil and Stream Sediment Sample Locations, 182 Tabor Road – M & M at Morris Plains, LLC – May 2015” was marked as Exhibit A-3.

“Table 1 – Surface Soil and Sediment Sample Summary, April 2015” was marked as Exhibit A-4.

“Table 2 – Analytical Data Results Summary of the Surface Samples, April 2015” was marked as Exhibit A-5.

Table 2 – Analytical Data Results Summary – Sediment Samples – April 2015” was marked as Exhibit A-6.

Mr. Larkin stated approximately 60 surface soil samples were collected across the site and are shown on a map he displayed (the southern portion of the site, closest to Morris Plains). After consultation with Borough Professionals, it was determined it would be best to collect samples from 0 to 1 inch. He explained why this was a better evaluation criterion and the areas from where samples were collected which

included the western end of the rail line, along each of the residential properties (not on, but as close to the property as possible) bordering the railroad tracks, and throughout the site. He explained these samples were checked for asbestos, PCBs, metals, and other substances, such as PAHs. When the results were returned, the only substance above the soil remediation standards were the PAHs – 26 out of the 60 surface soil samples were above the soil remediation standards.

Continuing, Mr. Larkin stated these results mean more evaluation must be done. PAHs are petroleum products and typically come from coal dust, asphalt, and combustion type materials such as heavier fuel oils. The source in this specific instance is undetermined at this time. Thirteen of the samples near the residential areas tested above the remediation standards. He used the term Residential Direct Contact. The State requires that more evaluation be done on the residential properties; they will need to gain access to these properties. He also advised he would like to meet with Mr. Norton to discuss the next steps so that all will be satisfied. NJDEP will need to be notified of the test results, but this will not be done until after further evaluation. There is an area of concern on the property that is historic fill. The sample results may be a result of this historic fill versus the dust. He pointed out where the historic fill area(s) is. This type of contaminant is frequently found along railroads and might be from the railroad operation.

Mr. Larkin advised that deeper samples will be collected to see if the same contaminants are found at depth, then it wasn't from the dust.

Cross discussion about the depth at which samples should be taken (must be taken), including an explanation of why it was initially done at the depth it was done, and that Mr. Norton agreed with the initial 1" depth, dust deposits.

Ms. Fraser asked the 26 samples that exceed the Residential Direct Contact standards and that 13 of these are along the western boundary near the residential properties. Are the other 13 samples in the area along Tabor Road?

Mr. Larkin responded that the majority are, except for a few located on the eastern side of the railroad tracks, west of the development area that formerly was Pfizer. Previous samples were taken on concrete areas and evaluated several years ago. Prior to remediation the Applicant will meet with Mr. Norton to develop a "game plan" to mitigate the potential for any dust migration during the demolition as well address other related issues, including concrete removal/disposal. The results of the concrete area tests showed some elevated levels of PCBs.

Additional cross discussion about contaminants and a drainage area on the site.

Mr. Larkin provided commentary regarding what is shown on Exhibit A-5 and on Exhibit A-6. He advised these exhibits were prepared by Accredited Analytical Resources, a New Jersey certified laboratory located in Carteret, New Jersey. These results were just received this past Tuesday and must still be further evaluated, but they wanted to be able to present something that could show more than they had available at the last meeting. He provided more detailed information as questions were asked about these two exhibits. He commented on the detection of mercury levels, but these are not above the standards. However, they do require further evaluation to see what if any impact there may be on the site. He does not know where mercury would have come from, although

Pfizer did use mercury. He pointed out the area(s) where mercury was detected. He provided information on possible additional sampling that will be done regarding the fence boundary area, edge of the curb, and historic fill area(s). If it is determined to be an historic fill, NJDEP only requires the responsible party to delineate that to the property line; there is no requirement to go off the property to further delineate.

Continuing, Mr. Larkin explained about photographs that will be taken and the logging of them into a form and made a part of their reports to the NJDEP.

Mayor Druetzler asked why they would not go across the street to do additional sampling. He asked about the samples taken in the stream.

Mr. Larkin replied they are doing their work in accordance with the requirements. The stream samples are migrating, but still not conclusive and additional sampling must be done. He provided details of the sampling done in the stream. He referred to the NJDEP's Freshwater Lowest Effects Levels and the Freshwater Severe Effects Levels. One compound was detected that was above the Freshwater Severe Effects Levels (manganese, a metal that is naturally occurring in New Jersey), but a number of compounds are above the Lowest Effects Levels. This still must be further evaluated. Aluminum and manganese are treated differently than other compounds. On this site, manganese would be classified as naturally occurring. These levels will be double checked.

Mr. Larkin advised the State would like to see a manganese level of 630 micrograms part per million.

Mr. Larkin pointed out the location where samples were taken and that exceed the criteria that was just discussed. He referred to a stormwater detention basin that was created and that further evaluation in this area will be needed. At this point and based on the results of various tests, it is hard to draw absolute conclusions. He also referred to the conservation area and "16 and 17" were clean", but that 18 "way up here" was still contaminated.

Mr. Larkin stated he will be talking with Mr. Matt Turner from NJDEP and giving him the results and to acquire his input on what they need to do because at this time, he is uncertain of what the next steps should be. There are so many different factors and so many different sources, and this is why NJDEP provides consultants who are able to give guidance and help out with measures.

Mayor Druetzler asked Mr. Norton if he had any specific thoughts on the results as presented and what he has heard and seen as provided by the Applicant.

Mr. Norton did not add any specific conclusions in connection with what Mr. Larkin presented.

Mr. Henshaw discussed the suggestion that had been at the earlier meeting of possibly amending the application to increase the amount of topsoil the Applicant wishes to bring onto the site to permit stabilization of pre-existing areas that have been excavated. He asked Mr. Larkin to speak about this.

Mr. Larkin used one of the exhibits to point out the areas the need backfilling and seeding. He also commented on the areas associated with the Notice of Violation in terms of the soil erosion control plan.

Mr. Henshaw mentioned areas near S-24 and then one near S-23.

Mr. Larkin replied by pointing out the correct location between S-23 and S-15.

Ms. Fraser raised the topic of the 4,000 cubic yards of topsoil versus the 1,300 cubic yards to bring the “ballfield” area up to its former grade.

Mr. Hall stated he is uncertain as to whether the 4,000 cubic yards will be sufficient to accomplish this goal.

Mr. Larkin stated it is his understanding that the 4,000 cubic yards amount was calculated by M & M staff. It was not Mr. Facchino.

Mr. Facchino added that he believes it was not meant to completely fill that area is other than to stabilize the area. He believes the preference is to use the higher number so that there will not be a need to come back before the Council.

Ms. Fraser advised she is attempting to have someone identify the quantity of soil that would be imported to the site and to what areas on the site it will go to and will it fully address that particular area. In the past several different areas were discussed: the “ballfield” area, the area between the stockpile and Route 53, and the flood hazard area. Her recollection is that it did not relate to the wastewater treatment area.

Mr. Larkin stated it is his understanding that the 4,000 cubic yards is more than sufficient based on calculations made by others that it will fill in this area of the northeast portion of the site (the “ballfield”), the disturbed area created at the former wastewater treatment plant during demolition, and the two remediation excavation activities that are on the western side of Building 182. The latter three relate to the Notice of Violation. He is uncertain as to the exact status of this with regard to NJDEP.

Cross discussion about these activities; when restoration work is supposed to be done as on NJDEP’s schedule (June 1, 2015); importing of topsoil and permit needed to do so; evaluation(s) that need to be conducted (surface and stream sampling); timeframe for conducting the evaluations needed; placement of the new soil; how much filling will be done (filled completely or not completely); the need to take advantage of the growing season; and that there will probably be extra soil remaining for additional uses.

Mr. Hall reviewed the time line of various activities that occurred over time. He referred to over-excavation. He stated he needs additional calculations to convince him that 4,000 cubic yards of topsoil will backfill the “ballfield” and stabilize other areas. He also needs drawings from the Applicant. He thinks 6,000 to 8,000 cubic yards is “ballpark”.

Mr. Facchino added that he met with Soil Conservation and done site walks four or five times on the site in an effort to ensure proper sediment control measures and other matters. The bare areas need to be stabilized with topsoil; this could not be done in the winter. Appropriate fencing is installed, but they need to get the topsoil in to stabilize the bare areas. The approval is needed to import the soil to the site. The intention at this point is to stabilize the area(s) with topsoil and get grass growing on it, not to completely fill and level areas. It is two different things to bring up to grade and to have leveling where grass can be planted. His intention is to stabilize the bare areas on the site. His definition of stabilizing is 5” of topsoil to stabilize bare areas – this is per

State standards. He also stated there would be no ponding in the area that was excavated – it is not a pool, not a depressed area – it does have positive slope and does not pond any longer.

Ms. Fraser asked if the ultimate intention is to bring the ballfield area up to the prior grade. This will be a condition of any approval.

Mr. Henshaw and Mr. Facchino responded that this is in the ultimate intention.

Mr. Larkin stated the topsoil is linked to the removal of the contaminant material. Once this contaminant material is removed and is off site, there will still be areas of concern. But, as an LSRP he will be able to provide unrestricted response action outcomes to. The Applicant wants to get these areas of concern marked off. He referred to various documents that have been by M & M and authorizations that the Applicant will need to obtain from the Borough's Professionals. It is difficult to locate certified clean topsoil in New Jersey; however, Mr. Norton recommended a source that hopefully will work out.

Mr. Norton provided brief comments on the matter of sources of certified clean topsoil in New Jersey.

Mr. Facchino advised the 4,000 cubic yards of topsoil will be brought to the site as needed, not all at one time. There should be no need for stockpiling. He anticipates the topsoil can be installed relatively quickly, not as long as several months. Also, in the end, an amount less than 4,000 cubic yards may be needed. Only the amount needed will be brought to the site.

Cross discussion relating to delivery tickets and how they need to be handled; who must be aware of what the deliveries are/receive copies of the tickets; any need for re-certifications by the Morris County Soil Conservation District (MCSCD); and regular meetings with Joe McAvoy from the MCSCD.

Mayor Druetzler asked about the results of the air testing.

Mr. Henshaw stated he does not have the results yet. There is a lawsuit.

Mr. Facchino added that one reason they do not have it is because of the dispute with the demo contractor. He does not know many details of this situation other than that these test results will not be released to the Applicant.

Ms. Fraser stated the air testing results was a condition of the first soil disturbance permit, and this remains an open item. And, as a result, this earlier permit will not be able to be closed out. What will be done about this?

Mr. Henshaw responded that he does not know what the Court may order in this situation. He will continue to try to obtain these test results. He would not object to this be made part of the new permit.

Ms. Voss asked if the Applicant could make a motion to explain to the Court why the Borough needs this test data.

Mr. Henshaw stated he would be open to trying this recommendation.

Mr. Norton commented on what the test results in question are actually measuring – it does not quantify contaminants nor does it name specific

chemicals. He explained the function of the dust monitor and what it does. He believes certain conditions could be applied to a new permit that would prevent these kinds of problems happening again.

Ms. Voss stated she believes the Applicant should be required to do everything they can to obtain these test results.

Mayor Druetzler commented and shared his thoughts concerning the consistent diligence of conducting air monitoring and questioned the actual extent to which this testing was really performed. Could this be why diligent ground testing is being done now? He wants to see the earlier results.

Cross discussion about the prior testing and test results; stockpiled dirt not being consistently covered; dust in the air; the dust monitoring process; probable/possible lack of dust monitoring control; health and safety issues; who was actually conducting this monitoring; contaminated material; and the original health and safety plan.

Ms. Fraser asked precisely what Barbara Koszalka, who will be on site and who reports directly to Mr. Larkin, be responsible for and will she be responsible for tracking the amount of soil that is exported?

Mr. Larkin replied she will track the amount of soil being exported. At the soil disposal facility the trucks will be weighed, and the facility will provide weight tickets back RTP. He stated Mr. Hall requested that the Applicant survey the pile for this application; the Applicant did not do this on this first application – it was “guesstimate”. The pile in question was surveyed, and he believes the number is roughly exact, but they still want to receive the receipts to be certain of what was removed.

Ms. Fraser asked if the amount of soil being authorized for export is 5,258 cubic yards plus or minus 5%. Do the Borough Professionals agree with this statement? On the topsoil, will it indeed be 4,000 cubic yards plus or minus 5%?

Mr. Hall stated it must be verified by the trucking receipts. Once the amount trucked exceeds 5,258 cubic yards plus 5%, all work stops. The topsoil amount will be 4,000 cubic yards, no plus or minus 5%. The amount of 4,000 cubic yards of topsoil will be adequate to stabilize the identified areas. He stated he is comfortable with this.

Brief cross discussion about tonnage amounts versus other calculations and the need to discuss with consultants/experts and use topsoil conversation tables.

Ms. Fraser asked Mr. Hall if he is saying one cubic yard equals 1.5 tons.

Mr. Hall stated yes. He provided additional comments regarding various types of materials (topsoil, concrete aggregate, gravel, etc.). He is satisfied with equation. There will need to be conversation of the trucking receipts.

Ms. Fraser asked about the topsoil needed to stabilize the three areas of the Notice of Violation. Is there any additional work that needs to be done to deal with this Notice?

Mr. Hall commented concerning what must be done – it cannot be just randomly done – the topsoil must be at the original existing grade. He stated the subsoil will adjust the areas up or down, but that the finished topsoil line must be at the original existing grade.

Ms. Voss mentioned a letter that was received from George Brock. A copy of that letter was not given to the Borough directly by M & M for input. She recommended that when M & M documents their compliance that the Borough be copied.

Mr. Henshaw stated that whenever someone from the Borough contacts NJDEP regarding their site that the Applicant be copied.

Councilmember Cortese asked about contaminants being blown about in the wind and wondered if the Applicant knows how far they may have traveled in the wind.

Mr. Larkin stated he did not know with any absolute certainty. He stated that if exportation operations are planned for a specific day, but at the site it is too windy, if the monitoring equipment indicates a too high level, they may not be able to proceed with removing the dirt. The decision would be based on both what the dust monitors are showing and on professional experience. Their intent is to try not to get any dirt on the truck tires, but if this occurs the tires will be rinsed off in a contained manner before the trucks leave the site. A containment unit will be used and the water will be removed from the site for off-site disposal by a contractor. Documentation can be provided.

Ms. Fraser asked about contaminated soil to be exported. Is any other soil disturbance anticipated at this site and if so, is the timeline known.

Mr. Larkin stated they quantify based on surveyor's measuring of stockpiles that are required to be removed. There is a smaller stockpile that must be transported to a special facility in upstate New York. The smaller pile is about 95 cubic yards. There is no timeframe yet, but he estimated that within two weeks of receiving approval, they will be starting to remove the material from the site. He is uncertain as to whether there will be a third soil disturbance application because of the uncertainty concerning the area at Building 182 with the remaining concrete slab. The duration of the soil exportation is expected to be two months and this is what is indicated in the application that was filed in October 2014.

A question was asked as to who would be doing the trucking, where will the material be taken to, how much material will be accepted on a daily basis.

Mr. Larkin stated the material will go to either Edgeboro Landfill or to the Coplay Quarry, Stroudsburg, Pennsylvania. He is not able to answer the other questions tonight to some degree because these decisions have not yet been made by M & M's construction division. He will need to know that the trucking company selected has the proper credentials to do the work. He provided additional information as to how he thinks this overall process will be done, including the possibility of trucks being lined.

Cross discussion about the number of trucks, including a number of 352 trucks with approximately 15 cubic yards.

Ms. Fraser stated she had no further questions.

Members of the Council were given an opportunity to ask questions. A question was asked again about appropriate staff being at the site as needed.

Ms. Fraser talked about conditions that she believes must be included with any approval that will prevent the problems that happened previously from happening again and also to allow the Borough more control over what happens at the property.

Mr. Hall advised that the first soil disturbance permit since two conditions have not been complied with: (1) air monitoring and (2) and the extra soil that was removed that exceeded the application's stated cubic yards to be exported. This is a violation of the permit, but it has already happened.

The question was asked as to whether it makes sense to approve a second permit when the first permit is still open.

Mr. Hall stated that he does not know how to resolve that excessive soil was removed under the first permit; perhaps it would result in the Borough taking additional monies or some other solution unique to this matter. He commented on additional fees which will mean an amendment to the fee calculation. "The damage is done, the violation has occurred."

Ms. Fraser recommended not holding up the removal of the current soil; not holding up the pending soil disturbance permit. Make sure conditions are chosen to prevent these problems from happening a second time. She stated she has 26 conditions.

Cross discussion about what happened or did not happen in the past or with the first application and also that residents can call any time they believe something might be a problem. There was discussion about signage to be at the site, and being able to visit at any time to do inspections (Mr. Hall).

Mr. Facchino advised he reports directly to his principals at M & M who are Joe Marino and Jack Morris. He will be in contact with Mr. Hall as appropriate. He will also be in contact with Mr. Larkin. Mark Mauriello is one of their in-house environmental consultants. He will be in contact with Mr. Mauriello.

Mr. Henshaw raised the possibility of establishing an e-mail protocol since Mr. Facchino will not necessarily be able to talk with his principals each and every day.

Ms. Fraser asked for confirmation that there will be a one-point-of-contact person in regard to this project, and she asked if that person would be Mr. Facchino.

Mr. Facchino stated that would be correct. He would not always have the authority to provide an answer; it would depend on what the precise issue is. If he cannot provide an answer, he would need to contact an appropriate person. It could be his principals or it might be Mr. Larkin or someone else.

Mayor Druetzler opened the meeting to questions from the public.

Mr. Peter Van Eeuwen, 4 Thompson Way, Morris Plains, asked about previous monitoring activity. Will the future monitoring be for the content of the dust? He is concerned about substances that may be airborne.

Mr. Larkin advised this is not an industry practice. He provided specific details of how the monitoring will be done in the future.

Mayor Druetzler stated that watering will be done and the material will be moist and there should not be the dust of the past.

Mr. Facchino referred to the Health and Safety Plan and explained how the dust monitor alarm can be set to go off at a specific threshold and how this would work.

Mr. Len Del Gaudio, 6 Thompson Way, Morris Plains, commented about disruption to his enjoyment of his property and quality of life issues. He is concerned about health and safety matters. He asked what the qualifications are of Barbara Koszalka. How many years of experience in the field does she have. Has she had similar monitoring experience? He asked what M & M's experience is with development and remediation.

Mr. Larkin provided Ms. Koszalka's qualifications. She has had three years of in-field experience and experience similar to this project.

Mr. Facchino stated that M & M has extensive experience with both development and remediation throughout the State of New Jersey and out of state.

Mr. Del Gaudio commented that he does not believe M & M and its consultants have been as careful as they should have been and should be. He asked what time of day work typically begins at the site.

Mr. Facchino stated work generally begins some time between 7:00 a.m. and 8:00 a.m. There was agreement that an 8:00 a.m. to 5:00 p.m. weekday work schedule is good. No weekend or holiday work will be done.

Gerald Sittmann, One Thompson Way, Morris Plains, advised he leaves for work quite early and he has seen trucks parked outside the site in the timeframe between 4:30 a.m. and 5:30 a.m. Could this practice be eliminated? He also asked about air quality testing issues. He commented on personally observed occurrences on his property.

Mr. Facchino stated he believed this practice can be stopped and provided reasons why in the past this may have happened due to the distance of the trip involved with the removal of certain contaminated soils. There are government standards in connection with the air quality testing. When setting the alarms, they will be set to the lowest level.

Ms. Kelly Gleason, 123 Sun Valley Way, Morris Plains, stated she hears trucks early in the morning; she said she also hears trucks on the weekends. Her quality of life has diminished. She advised there is significant dust in the air when soil is being removed as well as residual sediment. Does anyone else test the soil and the air or only M & M and its representatives? Is it double tested? Would the Borough consider doing second-party back-up testing?

Mayor Druetzler advised that the Borough has its own LSRP to double check and monitor the work involving the soil and the air.

Ms. Fraser additionally commented on the Borough's LSRP.

Ms. Voss stated that Mr. Larkin is paid by the developer, but he is not permitted to serve as an advocate.

Cross discussion about various questions asked and viewing of various exhibits displayed, including reference to specific lots/properties and the amount of dust blowing in the air at different times in the past.

Mayor Druetzler asked if there were any additional questions. Hearing none, he closed this public portion of the meeting. He recommended to the Council that it request the Borough Professionals and Ms. Fraser to prepare documentation for the removal of the dirt with many conditions. He cautioned that they should take time and care in doing this.

The Council agreed with this.

Ms. Fraser asked for confirmation that what is being requested is that she prepare a draft Resolution with conditions recommended by the Professionals approving the soil disturbance permit be prepared.

Mayor Druetzler confirmed this is what is being requested. He reminded that he does not expect this Resolution to be finalized by the next Council meeting on Thursday, May 21, 2015, but rather for the June Council meeting.

Ms. Fraser advised that once a draft Resolution has been circulated to the Council and if the Council is satisfied with it, she will share it with Mr. Henshaw. He can decide if he prefers to be present when it is on the agenda or if he decides he does not need to be present.

Mr. Henshaw replied he has a concern in connection with a certain deadline regarding the soil and there may be complications if work does not begin in a timely manner. This would create a situation of being in further violation. He thought the Court might provide an Order allowing the work to be started before the Resolution is approved. An extension may also be possible.

Cross discussion about timing issues, including that there will be a Special Meeting in June (Thursday, June 11th 2015). Action on this matter could be taken at this Meeting.

Ms. Fraser stated she believes anticipating this Resolution could be placed on the agenda for the June 11 Council meeting is reasonable.

Mayor Druetzler reminded the Applicant's representatives that the Borough still wants to be able to review the earlier air testing report.

Additional cross discussion concerning the initial soil disturbance permit that remains open and rolling its outstanding condition over into the this new permit. The new permit will not be closed until all conditions are addressed and other related issues.

Mr. Hall asked about the concrete materials – crushed piles and miscellaneous chunks removed from the site in the past – where did it go?

Mr. Larkin stated this material was transported to Edgeboro. He will provide weight tickets issued at the time of delivery(ies) as proof of acceptance.

Cross discussion about the process and procedures involved with the transport of the concrete and what will be needed to obtain written approval.

Mayor Druetzler thanked everyone and stated there will be a short break.

REPORTS OF COMMITTEES AND/OR DEPARTMENT HEADS

Finance

Councilmember Karr stated he had no report.

Public Safety

Councilmember McCluskey reported that an Eagle Scout will be installing three bicycle racks at Community Park, Simons Park , and Watnong Park this weekend as his Scout project.

Public Works

Councilmember Cecala reported there was discussion with the sprinkler company about sprinklers at the gazebo at Route 53 and Route 202. This should be done by the end of this week.

Public Buildings & Grounds

Councilmember Fu stated she had no report.

Public Welfare, Sanitation & Sewers

Councilmember Doherty stated he had no report.

Ordinance & Public Utilities

Councilmember Cortese stated he had no report, but commented briefly on a certain work project.

PRESENTATION OF COMMUNICATION, PETITIONS, ETC.

Mayor Druetzler opened the meeting to the public. Seeing none, Mayor Druetzler closed the meeting to the public.

INTRODUCTION OF ORDINANCES

None.

ORDINANCES ON SECOND READING

None.

RESOLUTIONS

Appointment

Councilmember McCluskey moved that Resolution No. 2015-69 entitled,

“RESOLUTION AUTHORIZING THE ACQUISITION OF THE SERVICES OF JOSEPH C. MELLONE AS SUBSTITUTE CONSTRUCTION CODE OFFICIAL AND BUILDING SUBCODE OFFICIAL FOR PLAN REVIEW OF AN APPLICATION FOR DEVELOPMENT OF PROPERTY LOCATED AT 260 TABOR ROAD, MORRIS PLAINS,” be adopted as attached.

Seconded by Councilmember Karr.

Yeas: Councilmembers Karr, Cecala, Cortese, Doherty, Fu,
McCluskey

Nays: None

Absent: None

Abstain: None

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

VOUCHERS

None.

EXECUTIVE SESSION

None.

ADJOURNMENT

Councilmember Cortese moved that the Regular Meeting be adjourned at 10:15 PM

Seconded by Councilmember McCluskey.

Frank J. Druetzler, Mayor

June Uhrin, Borough Clerk