

Cleaning firm may sue Edgewater for firing

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EDGEWATER — Two months after getting booted from the Veterans Field remediation and renovation project it was in charge of supervising, the firm TERMS Environmental Services Inc. informed Edgewater that it has grounds to sue for wrongful termination.

In a tort claim notice sent to borough officials last month, TERMS and its founder, Ronald Dooney, allege that the borough fired the firm at the bidding of local developer Fred Daibes, whose company Waterside Construction was hired to clean up the field but ended up reintroducing contaminants last October by importing PCB-laced crushed concrete from the former site of the Alcoa aluminum plant.

TERMS alerted the borough to the mishap, saying Waterside had failed to submit the material for mandatory testing before trucking it in. Waterside said it assumed the concrete was clean because the state Department of Environmental Protection (DEP) had allowed recycling from the site. It also suggested TERMS had given its approval.

TERMS challenged that position in the tort claim notice and argued that Daibes forced the Mayor and Council to fire the company in retaliation for Dooney's "insistence on disclosing the contamination, recommending suspension of the project, advising that contaminated material should be removed" and otherwise adhering to professional conduct and duties.

"Mr. Daibes unsubstantiated allegations were used as a pretext to retaliate against Mr. Dooney," reads the notice.

The borough has called the charges "without merit" and "simply not true," insisting that it severed ties with TERMS because the company did not meet the town's performance standards.

"They were hired to protect the interests of the borough and during their job performance, the field became contaminated," said Borough Attorney Philip Boggia. "So questions have come up about whether they did their job properly."

When the borough asked TERMS to prepare a new cleanup action plan for the DEP to approve, the company produced "unusable" soil samples, he said, by improperly placing markers and not adhering to a set sampling system.

"We need to get the field remediated and we weren't able to do that with TERMS involved," said Boggia.

The new consultant, First Environmental Inc., collected almost 1,000 soil samples last month and has enabled the borough to move forward "much quicker," he said.

"We're ready to go out to bid," he said.

As the borough begins the search for a new contractor, it remains in negotiations with the insurance company of the old one in an effort to access \$7 million it's holding in performance bonds.

Officials hope to use the money to pay for Veterans Field's latest cleanup. The park has been closed since 2011.

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