

Firm fired in cleanup flap intends to sue Edgewater

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BY LINH TAT
STAFF WRITER
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EDGEWATER — An environmental firm that oversaw the Veterans Field cleanup project — until officials questioned how it allowed a contractor to import contaminated material to the site and fired the company — has notified the borough of its intent to sue for wrongful termination.

The tort claim notice, sent by the attorney for TERMS Environmental Services Inc. and its founder and president, Ronald Dooney, claims the company was retaliated against simply for living up to its professional obligations.

The firm was hired to oversee the remediation of Veterans Field, which closed in 2011 because of contaminated soil. Last fall, TERMS reported that the contractor, Waterside Construction, ignored a mandate to test materials before putting them on the field. The contractor brought in crushed concrete from a former aluminum factory which later tested positive for polychlorinated biphenyl, a cancer-causing chemical.

Representatives for Waterside have said the state Department of Environmental Protection previously allowed contractors to use material from the old Alcoa site and assumed it was clean. It also reported that TERMS approved the material, borough officials said.

TERMS denied it gave approval and stated in the tort claim notice that developer Fred Daibes, who owns Waterside, demanded the council remove TERMS from the project as retaliation for reporting his company's actions. The borough is in negotiations with Waterside's insurance company over the cleanup that's now required.

David Pierce, attorney for TERMS and for its president, said his clients "did their job and did it properly. They brought a serious contamination issue to light." But, he said, officials bowed to pressure from Daibes.

Borough Attorney Philip Boggia insisted Wednesday that the mayor and council did not succumb to pressure. Instead, he said, officials replaced TERMS so that work on Veterans Field could proceed without further delay. Activity at the site has been suspended since October.

The debate between Waterside and TERMS "creates an unworkable environment for the borough," Boggia said. "We cannot have a situation where our own [licensed site remediation professional] is implicated in this problem. It's in the best interest of this borough to retain an independent consultant who is not involved in this dispute."

"Our No. 1 concern right now is getting the field remediated and completed," Boggia said. "And that only can be done with a new consultant."

The new consultant, First Environment Inc., a Boonton-based company, was hired in May, based on an initial cost of service estimated at \$46,950. This week, the council amended the contract and authorized \$131,347.50 for additional soil sampling that was done and subsequent work the company is expected to perform.

Council members this week also amended a contract with Connell Foley, the special counsel retained to deal with issues related to Veterans Field. They increased the contract amount from \$25,000 to \$50,000.