

Edgewater hires law firm for mediation

APRIL 11, 2014 LAST UPDATED: FRIDAY, APRIL 11, 2014, 12:31 AM

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EDGEWATER VIEW

EDGEWATER — The governing body hired one of the largest and oldest law firms in the state to represent the borough during mediation talks with Waterside Construction, the contractor responsible for reintroducing contaminants to Veterans Field.

The Roseland-based Connell Foley LLP firm will be paid up to \$25,000 for dedicating a team of lawyers who specialize in dealing with similar situations, according to Borough Attorney Philip Boggia.

In February, the council declared Waterside in default of its contract for trucking in crushed concrete laced with polychlorinated biphenyls (PCBs) onto the field without getting the material tested first.

Waterside was hired to clean up and renovate Veterans Field following the discovery of cancer-inducing toxins in its soil in 2011.

Work came to a halt in October when the borough's remediation consultant, TERMS Environmental Services, found new traces of contaminants and determined that Waterside had transported material from the old Alcoa aluminum plant on River Road.

The company said it was unaware that the crushed concrete could be unclean because the state Department of Environmental Protection (DEP) had allowed contractors to reuse materials from the site.

It is now up to Waterside's insurer, Liberty Mutual, to decide whether the company should be forced to finish the job or be let go and replaced with a different company.

The borough has expressed a preference for the second option. Officials are also hoping to access the \$7 million Liberty Mutual is holding in performance bonds to help pay for the removal of the new contaminants.

"It's a heartache for everybody," said Boggia, responding to a resident's concerns about ongoing delays with the project. "As you can imagine, people are pointing fingers at one

another, nobody has really stepped up to take full responsibility so it's our job... to deal with this situation as best we can and get [the field] open."

To speed up the process, the borough is considering using the \$4 million it had yet to pay Waterside to fund a more immediate cleanup, he said.

"We'll go out and do it ourselves and we'll fight in court afterwards," said Mayor James Delaney. "We're trying to be as aggressive as possible and it's just a very touchy situation. We're walking on eggshells."

Borough officials are aiming to reopen Veterans Field by spring 2015.

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