

## **FORT MONMOUTH ECONOMIC REVITALIZATION PLANNING AUTHORITY**

Minutes filed by Jeanne Gannon on behalf of the Authority Members of actions taken at the Open Session of the Fort Monmouth Economic Revitalization Planning Authority, held at the Maple Place School, 2 Maple Place, Oceanport, New Jersey 07757 at 7:00 p.m. on Wednesday, January 21, 2009.

### **Present:**

Chairperson and Public Member Dr. Robert Lucky  
Monmouth County Freeholder Lillian Burry  
Public Member Laurie Cannon  
Public Member Rosemarie Estephan  
Oceanport Mayor Michael Mahon  
Tinton Falls Mayor Peter Maclearie  
Eatontown Mayor Gerald Tarantolo  
Garrison Commander COL Stephen Christian

Absent: Vice Chairperson and Public Member Virginia Bauer had previously advised the Board.

The meeting was called to order by Chair Lucky who led the meeting in the Pledge of Allegiance. The Open Session was convened at 7:05 p.m. in accordance with the Open Public Meetings Act.

Chair Lucky presented the Agenda for approval. Mayor Maclearie moved for the approval of the agenda, Mayor Mahon seconded the motion and the agenda was unanimously approved.

### **Elected Officials Comments:**

Chair Lucky asked for remarks from U.S. Senator Frank Lautenberg or U.S. Senator Robert Menendez, U.S. Representative Frank Pallone or U.S. Representative Rush Holt or other Members of the Congressional Delegation or their staff members. A staff member from U.S. Senator Menendez's office was present. No remarks were offered.

### **Approval of Minutes:**

The Minutes of the December 3, 2008 Open Session were moved by Freeholder Burry, seconded by Mayor Maclearie, and unanimously approved.

### **Public Comments on Agenda Items:**

1. Tom Mahedy, Wall, asked if Item 0901-02 was for the continuation of the contract of the same BRAC counsel, and he was told yes. He was also told that the contract is not necessarily renewed each year and that this resolution is for work that has already been done. Mr. Mahedy also asked if Item 0901-01 was for the same independent auditor consultant previously used. ED Cosentino replied yes.

Mayor Tarantolo arrived at this time.

Mr. Mahedy distributed an analysis titled “Fort Monmouth Environmental Condition of Property Assessment, 2005 BRAC, Phase II Site Investigation Results, August 13, 2008” (Exhibit A). He expressed his concern regarding underground storage tanks and his opposition to not using clay liners in dumps on the base. He added that he was concerned that no advisory committee meetings have been scheduled for a while and that this limits public participation.

2. Phil Welch, Lincroft, questioned if there have been substantive changes to the early December draft of the Memorandum of Understanding (MOU) between the Council on Affordable Housing (COAH) and FMERPA; ED Cosentino replied no. Mr. Welch also proposed that if there are credits for jobs lost, there should be offsetting debits for housing that has been already demolished on the base. There could be debits for 1000 to 2000 units.

Mr. Welch asked what legislator is working on the enabling legislation to establish the implementation authority. He observed that the success of other implementation authorities can be directly correlated with the level of community participation. ED Cosentino said that the implementation legislation is being handled by the Governor’s Office, not by a legislator. ED Cosentino further stated that a number of existing Implementation LRAs have been studied for makeup and functionality. Some of these clearly experienced the difference between widespread participation and functionality. Careful consideration is being given to the makeup of the Board.

### **Chair’s Report**

Chair Lucky deferred to ED Cosentino to give an update on FMERPA activities.

### **Executive Director’s Report**

ED Cosentino began by wishing everyone a Happy New Year.

#### December 2008

- 10 - BRAC Liaison Meeting
- 11 - Brookdale Economic Development Discussion
  - Visited Building 199 and 210-Function & Future Use
- 17 - County Inter-Agency Team Meeting @ Freehold
- 18 - Hosted Prospective Business Tenant
- 22 - Met with the Prospective Business Tenant
- 24 - BRAC Liaison Meeting

#### January 2009

- 6 - Regional Wastewater Management Meeting – Monmouth County
  - Freeholder Reorganization Public Meeting
- 7 - Toured six (6) buildings on Fort
- 9 - Toured six (6) buildings on Fort
- 10 - Attended RAB Open House – Diane Canterbury & Laurie Cannon
- 16 - Participated in job development discussion with WIB
- 21 - BRAC Liaison Meeting

Future Events: Advisory Committee meetings being scheduled  
Public Presentation requests received: Rotary Clubs in Region  
ADC Winter Forum  
Selection of Sewer System Contractor

Studies planned:

- Sewer I&I: RFP issued; Bidders conference held; bids received (9); evaluation team formed and evaluation process underway; anticipate completion/selection early February.
- Additional Infrastructure studies on water, electric, fiber optic, geothermal systems; all to be incorporated into an operations plan
- Marketing and Business Plans to be formulated in conjunction with the appropriate State agencies, etc.

Recent accomplishments/actions

- Successfully completed and submitted independent audits of FY07 and 08; audit of FY09 is scheduled for this Fall.
- Authorized and submitted Annual Report for 2007 and 2008, a copy of which has been distributed to the Board.
- Met with newly appointed OEA Project Manager – Frank Barton

**Advisory Committee Chair Reports**

Regarding the Patterson Army Health Clinic, Freeholder Lillian Burry stated that an understanding has been reached between the Veterans Administration (VA) and the insurance company TriCare, as well as with private providers. No further action has been taken, as they are awaiting the disposition of the Master Plan. She is looking forward to a resolution.

Public Member Laurie Cannon attended the very informative RAB Open House with FMERPA Project Manager Diane Canterbury on January 10, 2009. There was a presentation on the completion of Phase II of the cleanup, as well as new information on recapping the landfills. She scheduled the next Environmental Advisory Committee meeting on February 3, 2009, at 3 p.m., at the FMERPA Offices.

Public Member Rosemarie Estephan stated that the Social Services Advisory Committee (SSAC) has not met since the Master Plan has been submitted. They will meet as needed. ED Cosentino added the SSAC hasn't met primarily because nothing has been heard from HUD since September 5, 2008.

Eatontown Mayor Gerald Tarantolo reported that the Emergency Services Advisory Committee will resume January 29 at 3 p.m. at the Eatontown Municipal Building, and the public is invited. A document summarizing the recommendations in the Emergency Services Report, prepared by Jersey Professional Management, will be available. This final recommendation will be the subject of discussion at the January 29 meeting.

Oceanport Mayor Michael Mahon stated that the tentative schedule for the Historical Advisory Committee meetings throughout the year will be on the second Tuesday of the month at 4 p.m., beginning with February 10 and running through December 8. DD Harrison had previously advised the Mayor that further information regarding the status of certain structures under Section 106 will be forthcoming.

In December Mayor Mahon participated in a site visit to the Garrison Department of Public Works (DPW) and will be scheduling a follow-up visit with Oceanport officials to determine if the reuse for municipal purposes is possible. Regarding the Shared Services Study for Emergency Services, Oceanport continues to research opportunities with jurisdictions involved in the study. Mayor Mahon stated that since the host community mayors were asked to appoint a representative to the Environmental Advisory Committee, he will ask Mr. Frank Barricelli to continue to serve on this committee.

Mayor Mahon then asked Mr. Welch, regarding his debits for demolition proposal, if he was suggesting that the host communities be debited for demolitions prior to August 2005. Mr. Welch responded that this was a possibility. Mayor Mahon then asked if that would follow for jobs that existed at a higher number (20,000) being credited, and Mr. Welch responded that both jobs and housing should be considered.

On the same point, Mayor Tarantolo observed that the housing in the Charles Wood Area was demolished prior to BRAC, so it does not make sense to look at that housing.

Mayor Mahon said that he always reads the information handed out by Mr. Mahedy and suspects that many of the questions in the material unfortunately go unanswered. ED Cosentino added that FMERPA staff always reads the material and that P.M. Canterbury has been in contact with Stephen Lester, science director for the Center for Health, Environment and Justice. She has done a thorough review of Mr. Lester's comments and passed his questions along to the Matrix Design Group. Mr. Lester is aware that he does not have all the information. ED Cosentino stressed that this material does not wind up in the "circular file." Mr. Mahedy expressed his concerns that the municipalities and counties end up with the bills from Super Fund sites. Mayor Mahon shares those same concerns.

Mayor Maclearie reported that the Infrastructure Advisory Committee is resuming its regular monthly meetings the first Monday of each month for the remainder of the year, the next one scheduled for February 2, 7:30 p.m. at the Tinton Falls Borough Hall.

COL Christian publicly thanked Wanda Green and the DPW Environmental Team for their hard work and efforts on the Restoration Advisory Board (RAB) Open House. He noted that much time and energy went into the coordination and synchronization of the January 10 event.

**Item 0901-01 Authorization for Expenditure for Independent Auditor Consultant**

This item is to authorize the expenditure of funds to pay invoices submitted by Leonard G. Birnbaum and Company, LLP, the Independent Auditor, for accounting services provided in providing the Independent Auditors' Report for the following fiscal years: \$14,580.00 for Fiscal Year 2007, \$13,572.00 for Fiscal Year 2008 and \$13,950.00 for Fiscal Year 2009.

ED Cosentino praised FMERPA Accountant/Treasurer Beverlee Akerblom for her work, particularly for how she was able to get costs down by almost 20%. He also thanked Mayor Maclearie for his contributions and support of FMERPA's efforts. Freeholder Burry moved the resolution, Mayor Maclearie seconded it, and it was unanimously approved.

**Item 0901-02 Authorization for Expenditure for BRAC Special Counsel**

This item is to authorize the expenditure of funds to pay invoices submitted by BRAC Special Counsel for services provided for the months of March/April 2008 to McManimon & Scotland, L.L.C. in the amount of \$5,637.50, for October 2008 to McManimon & Scotland L.L.C. in the amount of \$2,829.00, for November 2008 to McManimon & Scotland L.L.C. in the amount of \$284.45, and for October 2008 to Garrity & Kniseley in the amount of \$2,255.00, upon the approval for payment of such invoices by the Office of the Attorney General of the State of New Jersey.

ED Cosentino stated that he is very satisfied with the advice provided by David Kniseley, Esq., of Garrity and Kniseley and Wanda Chin Monahan, Esq., of McManimon & Scotland, LLC. Chair Lucky noted that he was very impressed with Mr. Kniseley's work. In response to Freeholder Burry's question regarding their fees, ED Cosentino replied they charge \$205 per hour, which was negotiated through the Attorney General's office. Freeholder Burry moved the resolution, Mayor Mahon seconded it, and it was unanimously approved.

Mayor Tarantolo asked ED Cosentino what services BRAC counsel has performed for FMERPA. In response, ED Cosentino noted that Mr. Kniseley, who is very familiar with HUD requirements, helped FMERPA to frame the Legally Binding Agreements (LBA). McManimon & Scotland worked with FMERPA on environmental issues, and they will be very helpful in our interactions with the Dept. of Environmental Protection (DEP).

Mayor Mahon observed that in the December minutes a payment was approved in August/September 2008 for \$4100. This specific dollar amount does not show on the schedule distributed at the board meeting. Ms. Akerblom said that the figure is for the combined bills for September services, one for \$2365 and the other for \$1767.60.

**Public Comments Not on Agenda:**

1. Linda Zucaro, Tinton Falls, added her voice to Mr. Welch's Debits for Demolition proposal, saying that this would be a parallel track in that whatever date is used for one should be used for the other. On a second point, she recalled that when FMERPA legislation was passed, an Economic Revitalization Study was to be prepared in conjunction with the Master Plan. ED Cosentino replied that the Study has been received and reviewed. The Study will be made

available to the public, probably in March. On a final point, Ms. Zucaro noted that the Monmouth County Point-in-Time survey will be done on Wednesday, January 28, and that volunteers to conduct the survey are being sought.

2. Tom Mahedy, Wall Township, is in favor of the Patterson Army Health Clinic continuing to service veterans and is against the privatization of the facility. He asked if the business prospects given tours could be identified; he was told no. He asked COL Christian if renovations to buildings in Ft. Monmouth are being done; again, the response was no. COL Christian did say that some offices may be getting a fresh coat of paint, but that would be the extent of the renovations.

Since there was no further comment or business, a motion to adjourn was made by Mayor Tarantolo, seconded by Mayor Mahon and unanimously adopted at 8:06 p.m.

Fort Monmouth Environmental Condition of Property Assessment  
2005 BRAC  
Phase II Site Investigation Results  
August 13, 2008

Comments prepared by

Stephen Lester  
Science Director  
Center for Health, Environment and Justice  
January 8, 2009

Observations:

- 1) Some areas have very high levels of contamination; lead in soil at Parcel 83; lead in groundwater at Parcel 57; chromium high in sediments at Parcel 39; PCE, TCE at Parcels 43, 50, and 52.
- 2) The level of Volatile Organic compounds (VOCs) found in soil gas samples taken at several sites is troubling and likely poses the greatest public health threat of all the test results included in this report. It is very important to determine the source of these VOCs and to determine the extent of the VOCs in both soil and in the groundwater. I strongly suggest that you get the DOD to do additional soil gas testing in order to define the extent of the soil gas contamination in the various areas where these test samples were taken. The VOCs in soil gas were found at Parcels 34, 43, 50, and 52.
- 3) I am surprised that no VOCs were found in any of the groundwater testing that was done. It is not clear why they would VOC would not be present in groundwater unless the DOD did not look for VOCs in the samples they took or if the samples that were taken were collected away from where the VOCs were found in soil gas. I strongly suggest that get DOD to do additional groundwater testing in order to define the extent of the VOC groundwater plume.
- 4) For most parcels, only a few samples (2 to 4) were collected from an environmental medium to evaluate the extent of contamination at the site. In most instances, this sampling is insufficient.
- 5) In many instances, no samples were collected from some media.

## Questions to Consider:

- 1) For each parcel, what environmental media were sampled and analyzed? What was the rationale behind testing the media that was selected?
- 2) What criteria/standards did DOD use to determine when a contaminated area requires “further evaluation”? What was the rationale for choosing the criteria/standards that were used?
- 3) Provide a complete list of the criteria/standards for each environmental medium sampled that was used by DOD to determine whether “further evaluation” was needed. i.e, a complete list of the substances analyzed in each medium for each sample.
- 4) What does “further evaluation mean? Clarify what additional testing would be done.
- 5) Non-residential criteria/standards were used in several instances. Shouldn't residential criteria/standards be used to provide for unrestricted future land-use?
- 6) Why are different criteria/standards used at different sites to evaluate the same environmental medium? For example,

P. 27, 39

sediment

LEL/SEL

P. 43, 49. 61

sediment

ER-L/ER-M

- 7) What specific substances were analyzed for each environmental medium sampled at each parcel? i.e., what specific substances were analyzed in soil (surface and subsurface), sediment, soil gas, groundwater and indoor air samples collected at each parcel?
- 8) At each parcel, only select media were sampled. Why was sampling limited to these media at each parcel? What were all media not sampled at every parcel?
- 9) Provide a description of the sampling methods and procedures used to collect samples from each environmental medium that was sampled? i.e., soil sediment, groundwater, soil gas, and indoor air.
- 10) What detection limits were used for each environmental medium?
  - i i) What sampling was conducted in the sanitary lines and at the electrical substations? i.e., what substances were analyzed and in what environmental medium?
- 12) In several instances, “no further action” was recommended by DOD

despite the fact that testing identified concentrations of substance that exceeded the criteria/standards used to evaluate the results. Why did this occur?

P. 34 – soil/gas/benzene > non-residential criteria

P. 43 – soil/gas/benzene/DCM > non-residential criteria

P. 50 – soil/gas/PCE > non-residential criteria

10) For soil samples, at what depth were soil samples taken? Were soil samples taken at different depth for the same sample location? If so, how often was this done?

Summary Sampling media and criteria

27	SD	sediment	2	LEL/SEL	FE
		Soil	2	non given	NFA
34	SG	soil gas	3	SG non-residential	NFA/FE IA
38		soil	24	non given	NFA
39	SD	sediment	2	LEL/SEL	FE
		soil	1	non given	NFA
43	SD	sediment	3	ER-L/ER-M	FE
	SG	soil-gas	4	SG non-residential	NFA
	IA	indoor air	2	IA non-residential	FE
49	SD	sediment	3	ER-L/ER-M	FE
	SS	ssoil 0-0.5d	6	NRDCSCC	FE
	SB	ssoil 0-0.5d	1	NRDCSCC	FE
	GW	groundwater	3	NJ GWQC	FE
50	SG	soil gas	5	SG non-residential	NFA
		indoor air	9	non given	FE/no found
52	SG	soil gas	4	SG non-residential	NFA/FE IA
57	SS	ssoil .5-1.0d	10	NRDCSCC	FE
	GW	groundwater	5	NJ GWQC	FE
61	SD	sediment	2	ER-L/ER-M	FE
	SB	ssoil 1.5-2.0d	7	NRDCSCC	FE
69	SD	sediment	2	ER-L/ER-M	FE
	GW	groundwater	2	NJ GWQC	FE
		soil	2	non given	NFA

70		soil	3	non given	NFA
80	GW	groundwater	2	NJ GWQC	FE
		soil	2	non given	NFA
83	SS	ssoil 0-0.5d	6 ?	NRDCSCC	FE
	SS	ssoil .5-1.0d	6 ?	NRDCSCC	FE
	SS	ssoil 1-1.5d	2 ?	NRDCSCC	FE
		groundwater	12 ?	non given	NFA

LEL/SEL – Lowest Effect Level/Serious Effect Level

ER-L/ER-M- Effects Range - Lower/Effects Range – Median from NOAA

NRDSCC – Non residential direct-contact soil cleanup criteria

NJGWQC – New Jersey Groundwater Quality Criteria

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PUBLIC MEETING  
NOVEMBER 3, 2007  
FORT MONMOUTH ENVIRONMENTAL RESTORATION

QUESTIONS:

1. What table/display contains the public health study and assessment for Fort Monmouth base workers, military, and local residents who may have been exposed or contaminated by pollution, hazards and toxins in the air, water, soil on the base?
2. If there is no study, why has it not been done?
3. Are base workers, military and local residents aware of unusual illnesses or sickness for themselves or others.
4. Is the base really as clean as is being presented?
5. What are the costs for proper cleanup? Is there an economic interest in under reporting existing conditions?
6. What has been the record in toxic base cleanups around the country and world?
7. Why has the pentagon been seeking exemptions from US public health and environmental laws?
8. Have you researched the Fort Monmouth environmental documents at the Monmouth County library's reference desk in Shrewsbury?
9. Why are these documents not available more easily on a Fort Monmouth , RAB or FMERPA website?
10. Why has the RAB- remediation advisory board been in existence for about a year, but the public has not been allowed to attend environmental briefing meetings? Why does the RAB report to the army, but not to FMERPA? Why is it called remediation, not clean up?
11. Why does FMERPA have a separate environmental subcommittee that has not been included on the year of environmental meetings?
12. How can the subcommittee determine how suitable something is for redevelopment when they have been excluded?
13. Who is liable if new occupants of the base get sick or find contamination (DOD, army, RAB, FMERPA environmental subcommittee, FMERPA, Eatontown, Tinton Falls, Oceanport taxpayers)?
14. Why does MATRIX want to privatize the remediation/ clean up?
15. Does this allow a bypass of regulations, laws and liability? Would Matrix also get the contract to oversee this? Is this a conflict of interest?
16. Does a nfa- no further action ruling by the nj dep a mean that the site is clean or is it linguistic detoxification?
17. Does fencing off a contaminated area the best thing for future generations?
18. What is the condition of streams, ponds and bay areas at Fort Monmouth?
19. What effect has the pouring toxic things into the drains and sewage system had humans and on the ecosystem?
20. What effect have broken tanks and pipes carrying these things had on underground soils and water?
21. What is the status of the ash and toxic landfills? Is there a proper liner at every site?
22. What is the status of the toxic pit outside the Myer blg. that was covered with lime? Has it moved toward the blg.?
23. What about the radiation, PCB, asbestos contaminated sites?
24. How are sensitive native american sites being protected?
25. When will life support systems of air, water, earth protection be understood as important to survival?

For more information  
Military Toxics Project [www.miltoxproj.org](http://www.miltoxproj.org)  
Stop Military Toxics [www.stopmilitarytoxics.org](http://www.stopmilitarytoxics.org)  
Fort Monmouth Earth Renaissance Peace Alliance [www.fmerpa.us](http://www.fmerpa.us)  
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