

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S :

THOMAS MOLICA, ESQUIRE
Counsel for the Land Use Board

ROGER W. THOMAS, ESQUIRE
DOLAN & DOLAN, P.A.
53 Spring Street
Newton, New Jersey 07860
Counsel to the Applicant

ELIZABETH M. DURKIN, ESQUIRE
THE DURKIN FIRM, LLC
354 Eisenhower Parkway
Plaza II, Suite 2550
Livingston, New Jersey 07039
Counsel for the Interested Party

A L S O P R E S E N T :

STEPHANIE PIZZULO, LAND USE ADMINISTRATOR

MATTHEW MORRIS, P.P., BOARD PLANNER

CORY STONER, P.E., BOARD ENGINEER

I N D E X

W I T N E S S	<u>SWORN</u>	<u>PAGE</u>
MARIELLE SAINZ	11	
Direct Examination by Mr. Thomas		11
Cross Examination by Ms. Durkin		27
Board/Professional Questions		
Chairman Messerschmidt		15
Mr. Olsen		21, 131
Mr. Ordile		21, 130, 165
Mr. Tolerico		23
Mr. Karr		129
Mr. Stoner		132
Mr. O'Connell		134
Mr. Molica		135
Direct Examination by Mr. Thomas		161
<u>PUBLIC QUESTIONS/COMMENTS</u>		<u>PAGE</u>
ELLEN METZGAR		142
11 Arthur Avenue		
Newton, New Jersey		
AL BILLS		144
15 Springdale Garden Road		
GREGORY MEDVIDICK		147, 157
6 Howard Drive		
MIKE REED		148
6 Howard Drive		
RAY WEXLER		149
121 Andover Sparta Road		
KRISTINA RAMANAUSKAS		152
7 Tally Ho Lane		
AL GALONSKI		158
6 Valleyfield Road		
ANN REED		159
2 Howard Drive		

10:26PM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVID</u>
O-1	Photograph	45	
O-2	Photograph	45	
O-3	Photograph	45	
O-4	Photograph	62	
O-5	Photograph	62	
O-6	Photograph	93	
O-7	Photograph	93	
O-8	Photograph	93	

07:34PM 1 CHAIRMAN MESSERSCHMIDT: Next item on
07:34PM 2 the agenda is hearings and we have the BHT Properties
07:34PM 3 Group, Block 151, Lot 21, File A21-2, and if you
07:34PM 4 would, Mr. Thomas, just before you get started, one
07:34PM 5 housekeeping item for everybody in attendance -- two
07:34PM 6 things under housekeeping; first, we're going to try
07:34PM 7 and stick to testimony ending approximately 10:30
07:34PM 8 this evening, because then we would like to get into
07:34PM 9 a discussion regarding the environmental report that
07:34PM 10 the -- both the applicant -- I'm sorry, the
07:34PM 11 objector's attorney and the environmental commission
07:34PM 12 had asked this board to determine if they were going
07:34PM 13 to hire an environmental expert. So we will have a
07:34PM 14 discussion about that this evening after we stop the
07:34PM 15 testimony.

07:34PM 16 The second Item is an item regarding
07:34PM 17 the venue where we're having this public hearing.
07:35PM 18 There's been -- there was attempts to seek another
07:35PM 19 more accommodating venue for this hearing. Obviously
07:35PM 20 the township building wasn't large enough at the time
07:35PM 21 because of COVID restrictions and we did a pretty
07:35PM 22 extensive search for various places within Sussex
07:35PM 23 County trying to keep this in Sussex County.

07:35PM 24 At this point, because of the COVID
07:35PM 25 restrictions that have been lifted and hopefully stay

07:35PM 1 that way considering the new variant that's now come
07:35PM 2 out, but we are going to try and see. The applicant
07:35PM 3 has asked if they could seek out another location
07:35PM 4 within Sussex County and if we're able to do that,
07:35PM 5 they would like to do that.

07:35PM 6 So there will be discussion at the end
07:35PM 7 of tonight's hearing in regards to the notice for
07:35PM 8 that hearing and that's the second item that we will
07:35PM 9 discuss once we end testimony at or about 10:30.

07:35PM 10 Thank you.

07:35PM 11 MR. THOMAS: Thank you, Mr. Chairman.
07:35PM 12 Did you want just in terms of the last item, I am
07:36PM 13 always concerned about the notice and I wanted to
07:36PM 14 discuss that for a minute. If we could agree that we
07:36PM 15 will work with your secretary to see if we can find
07:36PM 16 another alternative place, which we already talked
07:36PM 17 about earlier before the meeting started and what we
07:36PM 18 would like to do is be able to carry this meeting for
07:36PM 19 notice purposes to your next regular meeting, which I
07:36PM 20 understand is next week.

07:36PM 21 CHAIRMAN MESSERSCHMIDT: Correct.

07:36PM 22 MR. THOMAS: And then try to at that
07:36PM 23 point indicate that we had been successful and then
07:36PM 24 what would happen is that we would then have that
07:36PM 25 meeting location available for the members of the

07:36PM 1 public to understand that it would be carried to a
07:36PM 2 date certain and the location would be announced at
07:36PM 3 that meeting.

07:36PM 4 I know you have something else on the
07:37PM 5 agenda for that meeting. The announcement would only
07:37PM 6 take less than three minutes. So I'd like to try to
07:37PM 7 do that and I just wanted everybody in the audience
07:37PM 8 to be aware that that's the process that I think I
07:37PM 9 would like very much to be able to follow so that
07:37PM 10 everybody has a clear understanding at least in my
07:37PM 11 mind I would like to be in a position to carry this
07:37PM 12 meeting, because I'm sure we're not going to be
07:37PM 13 finished, to your next regular meeting, which is next
07:37PM 14 Tuesday for purposes of notice so we can figure out
07:37PM 15 whether or not we're going to have an alternative
07:37PM 16 location.

07:37PM 17 That's all.

07:37PM 18 CHAIRMAN MESSERSCHMIDT: Okay. So if
07:37PM 19 you would allow the board members to give it some
07:37PM 20 thought while we're going through with the hearing
07:37PM 21 and the testimony tonight and then at the end, we can
07:37PM 22 then bring this back up for discussion and see if we
07:37PM 23 can work this out, but just for clarification
07:37PM 24 purposes, when you say the notice -- we're talking
07:37PM 25 just this is mainly for the board members and for the

07:37PM 1 public, we're talking about that the applicant is
07:37PM 2 asking that we have another meet -- we have our
07:38PM 3 regular meeting next week anyway. They would
07:38PM 4 normally be scheduled --

07:38PM 5 (Whereupon, cellphone ringing.)

07:38PM 6 CHAIRMAN MESSERSCHMIDT: And I would
07:38PM 7 ask, please, that everybody mute your phones if you
07:38PM 8 haven't so we don't have that problem here.

07:38PM 9 So the applicant is asking, they
07:38PM 10 normally would be -- we would have the next hearing
07:38PM 11 on the 21st of December and it would normally be here
07:38PM 12 if we continued the way we were going.

07:38PM 13 For the applicant to change the venue
07:38PM 14 for December 21st, rather than have to give notice to
07:38PM 15 all of the surrounding property members, which is a
07:38PM 16 pretty significant cost, if they come to the meeting
07:38PM 17 just for administrative purposes, which means that
07:38PM 18 there would be no testimony next week. They would
07:38PM 19 come to this meeting, to our meeting at the Andover
07:38PM 20 Township building, we would just have that on the
07:38PM 21 agenda to then ask to then carry it to the 21st, so
07:38PM 22 that otherwise they have to send out the notice if we
07:39PM 23 change the location from here to some other place on
07:39PM 24 the 21st.

07:39PM 25 So it's strictly an administrative

07:39PM 1 process that we're putting it on for next week's
07:39PM 2 meeting so that the 21st, if we can find a better
07:39PM 3 venue for this, they can do that without having to
07:39PM 4 send out notice again to all of the surrounding
07:39PM 5 property members.

07:39PM 6 MR. THOMAS: Correct, that's exactly
07:39PM 7 right.

07:39PM 8 CHAIRMAN MESSERSCHMIDT: Thank you.

07:39PM 9 MR. THOMAS: And with that, I believe
07:39PM 10 where we were at the last meeting was that we -- that
07:39PM 11 I concluded what I thought was mostly the direct
07:39PM 12 testimony of Ms. Sainz, who is from BHT.

07:39PM 13 There was, however, some questions that
07:39PM 14 were raised and one in particular. I thought if with
07:39PM 15 the indulgence of Ms. Durkin, before she starts cross
07:39PM 16 examining, it might be helpful to try to get that
07:39PM 17 testimony on and it really has to do with a question
07:39PM 18 that I believe was raised by one of the board members
07:39PM 19 and that was why did this application not come first
07:40PM 20 and why did the Copart application come first.

07:40PM 21 There's a fairly simple answer for that and we have
07:40PM 22 that and I'd like to at least take a few minutes to
07:40PM 23 be able to explore that with Ms. Sainz so that we can
07:40PM 24 get that on the record and then, unless there's
07:40PM 25 additional questions by the board of Ms. Sainz, I

07:40PM 1 would assume that Ms. Durkin is ready to go.

07:40PM 2 CHAIRMAN MESSERSCHMIDT: So, actually,
07:40PM 3 there's another question that was raised by
07:40PM 4 Mr. Molica as I listened to the recording of the
07:40PM 5 meeting, because I wasn't here. That -- I would also
07:40PM 6 like to bring that up to see if there's a response to
07:40PM 7 that question that he raised at the last hearing.

07:40PM 8 MR. THOMAS: Which is what?

07:40PM 9 CHAIRMAN MESSERSCHMIDT: Which was:
07:40PM 10 Who owns the construction equipment and materials
07:40PM 11 that would be on this site?

07:40PM 12 MR. THOMAS: Okay. I thought that was
07:40PM 13 answered, but I'm perfectly happy to have that
07:40PM 14 answered again.

07:40PM 15 CHAIRMAN MESSERSCHMIDT: Okay.

07:40PM 16 MR. THOMAS: All right.

07:40PM 17 Can I call my witness?

07:40PM 18 CHAIRMAN MESSERSCHMIDT: Please.

07:41PM 19 MR. THOMAS: Ms. Sainz.

07:41PM 20 CHAIRMAN MESSERSCHMIDT: Sorry,
07:41PM 21 Mr. Thomas, just for purposes of the record, that
07:41PM 22 Janis McGovern is leaving the dais, recusing herself
07:41PM 23 from the hearing.

07:41PM 24 MR. THOMAS: Understood.

07:41PM 25 (Whereupon, Ms. Janis has recused

07:41PM 1 herself and stepped off the dais.)

07:41PM 2 MR. THOMAS: All right.

07:41PM 3 We're going to try to do this, I guess,

07:41PM 4 with one mic, which is fine with me.

07:41PM 5 Ms. Sainz, if you'll state your name

07:41PM 6 again for the record, please.

07:41PM 7 MS. SAINZ: Yes, Marielle Sainz.

07:41PM 8 MR. THOMAS: Spell your last name.

07:41PM 9 MS. SAINZ: S-A-I-N-Z.

07:41PM 10 MR. THOMAS: Okay.

07:41PM 11 MR. MOLICA: Ms. Sainz, I just want to

07:41PM 12 remind you that you were sworn in at the last

07:41PM 13 meeting, you remain under oath.

07:41PM 14 MS. SAINZ: Yes.

15 M A R I E L L E S A I N Z ,

16 5081 SW 48th Street, Davie, Florida, having been

17 previously sworn, continues to testify as

18 follows:

19 DIRECT EXAMINATION

07:41PM 20 BY MR. THOMAS:

07:41PM 21 Q. As you had heard, there was actually

07:41PM 22 two questions now. The one that I picked up was the

07:41PM 23 question as to why this application didn't come

07:41PM 24 before this board, whatever it was a year-and-a-half

07:41PM 25 ago and why Copart came.

07:41PM 1 At the time you were not sure. You've
07:41PM 2 been able to get information about that.

07:41PM 3 Is that correct?

07:41PM 4 A. Yes.

07:41PM 5 Q. And can you tell us what you understand
07:41PM 6 was the mechanism of moving this overall process
07:42PM 7 forward in terms of Copart first and then this
07:42PM 8 application second?

07:42PM 9 A. Yes.

07:42PM 10 So Copart is actually one of our
07:42PM 11 tenants at another location that we have and they
07:42PM 12 came to us with the location here, wanting to build
07:42PM 13 their Copart facility.

07:42PM 14 We submitted the application, got a
07:42PM 15 little pushback and decided to withdraw the
07:42PM 16 application. And while we were doing that, we had --
07:42PM 17 what we're proposing in this application, we had
07:42PM 18 already been looking for other places and when we saw
07:42PM 19 this location, we were like this is perfect, it's
07:42PM 20 centrally located between all of our properties in
07:42PM 21 the northeast and one --

07:42PM 22 MALE AUDIENCE MEMBER: We can't hear
07:42PM 23 her back here.

07:42PM 24 THE WITNESS: I'm sorry.

07:42PM 25

07:42PM 1 BY MR. THOMAS:

07:42PM 2 Q. I'm going to step away.

07:42PM 3 A. Is this better?

07:43PM 4 Q. Don't get too close.

07:43PM 5 A. I would just say after we withdrew the
07:43PM 6 application, we were like that's just a perfect
07:43PM 7 location for us, BHT Construction as we had been
07:43PM 8 looking for something that we could build and have
07:43PM 9 our construction materials stored on. So it just
07:43PM 10 happened to work out that way.

07:43PM 11 When we withdrew the original
07:43PM 12 application with Copart, we realized that it was
07:43PM 13 special to us and centrally located and it would just
07:43PM 14 work out, you know.

07:43PM 15 Q. And when you say it's centrally
07:43PM 16 located, centrally located to what in terms of what
07:43PM 17 area?

07:43PM 18 A. To the northeast, to our locations in
07:44PM 19 the northeast.

07:44PM 20 Q. And you currently --

07:44PM 21 MR. THOMAS: By the way, can you hear
07:44PM 22 me in the back if I don't get too close to the mic?

07:44PM 23 WOMAN AUDIENCE MEMBER: Yes.

07:44PM 24 MR. THOMAS: Okay. I'll keep my voice
07:44PM 25 up for as long as it lasts.

07:44PM 1 BY MR. THOMAS:

07:44PM 2 Q. And it's my understanding, do you have
07:44PM 3 projects in the northeast that are currently --
07:44PM 4 currently in existence or in anticipation over the
07:44PM 5 next year or two or three?

07:44PM 6 A. Yes, we have several.

07:44PM 7 Q. And how does this site fit into the
07:44PM 8 overall plan?

07:44PM 9 A. This site is between all of them. So
07:44PM 10 it makes it basically, you know, north, south, east,
07:45PM 11 west, centrally located.

07:45PM 12 So for us to -- to ship out material
07:45PM 13 from here, it works for all the properties.

07:45PM 14 Q. And the fact is you're acquiring
07:45PM 15 material and that material is used in what process?

07:45PM 16 A. For us building the support in the
07:45PM 17 buildings.

07:45PM 18 Q. So all of the material that's on this
07:45PM 19 site is in furtherance of the construction process
07:45PM 20 that your company, BHT Construction, is involved in.

07:45PM 21 Is that correct?

07:45PM 22 A. Yes, yes.

07:45PM 23 Q. Okay. And that's -- is the storage of
07:45PM 24 that material beneficial as far as you know to the --
07:45PM 25 to the construction process?

07:45PM 1 A. Yes, it is.

07:45PM 2 Q. How?

07:45PM 3 A. Well, right now, I think I mentioned
07:45PM 4 this last time, we're experiencing long wait times
07:45PM 5 with a lot of material on our current projects and if
07:45PM 6 we could -- not only longer wait times, but also
07:45PM 7 25 percent increase sometimes in the cost.

07:46PM 8 So if we could store it all here at
07:46PM 9 this location in advance, a year or two and be ready
07:46PM 10 for when we need it, it works out scheduling-wise
07:46PM 11 that will put us back behind schedule and also to
07:46PM 12 save on cost.

07:46PM 13 Q. And how does that affect your ability
07:46PM 14 to price out projects that might come in the future?

07:46PM 15 A. Well, when we bid projects, you know,
07:46PM 16 sometimes we bid them and we don't build them until a
07:46PM 17 year later. If we're going -- in a place that we're
07:46PM 18 in right now when we actually build the project and
07:46PM 19 have to order material, we lose out on a lot of money
07:46PM 20 from whatever it was originally.

07:46PM 21 Q. And if you store the material here, how
07:46PM 22 does that affect your ability to bid?

07:46PM 23 A. It keeps our cost down.

07:46PM 24 MR. THOMAS: I have no other questions
07:46PM 25 in regard to that.

07:46PM 1 Mr. Chairman, you ended up having a
07:46PM 2 question. If you --

07:46PM 3 CHAIRMAN MESSERSCHMIDT: Actually, I
07:46PM 4 was just -- I just mentioned a question that
07:46PM 5 Mr. Molica asked at the last meeting and that was who
07:47PM 6 was the actual owner, registered owner or title owner
07:47PM 7 of the construction equipment and materials.

07:47PM 8 Obviously the materials wouldn't be
07:47PM 9 tiled, but the construction equipment that would be
07:47PM 10 on this site.

07:47PM 11 THE WITNESS: It would be BHT
07:47PM 12 Construction.

07:47PM 13 CHAIRMAN MESSERSCHMIDT: Okay. And if
07:47PM 14 you don't mind, I have a few questions of my own
07:47PM 15 after listening to the hearing from last month.

07:47PM 16 THE WITNESS: Sure.

07:47PM 17 CHAIRMAN MESSERSCHMIDT: So first, can
07:47PM 18 you tell me -- I understand that you oversee several
07:47PM 19 locations of the company throughout the United
07:47PM 20 States.

07:47PM 21 THE WITNESS: Yes.

07:47PM 22 CHAIRMAN MESSERSCHMIDT: And do you
07:47PM 23 know or can you tell us how many inspections or
07:47PM 24 visits all of those sites or each of those sites has
07:47PM 25 had by the state DEP or the EPA in the last five

07:47PM 1 years?

07:47PM 2 THE WITNESS: No, not off the top of my
07:47PM 3 head.

07:47PM 4 CHAIRMAN MESSERSCHMIDT: Can you tell
07:47PM 5 us how many or of any that have occurred in the last
07:48PM 6 five years?

07:48PM 7 THE WITNESS: We have one project in
07:48PM 8 New York that was visited by the DEC.

07:48PM 9 CHAIRMAN MESSERSCHMIDT: And do you
07:48PM 10 know the reason for their visit?

07:48PM 11 THE WITNESS: They were visiting for
07:48PM 12 erosion control.

07:48PM 13 CHAIRMAN MESSERSCHMIDT: Okay.

07:48PM 14 MS. DURKIN: I'm sorry, I didn't
07:48PM 15 hear --

07:48PM 16 MR. THOMAS: Erosion control.

07:48PM 17 CHAIRMAN MESSERSCHMIDT: Erosion
07:48PM 18 control.

07:48PM 19 MS. DURKIN: Oh, erosion.

07:48PM 20 CHAIRMAN MESSERSCHMIDT: Right.

07:48PM 21 Do you know if any of these sites in
07:48PM 22 the last five years have been cited by the local DEP
07:48PM 23 or the EPA.

07:48PM 24 THE WITNESS: No.

07:48PM 25

07:48PM 1 BY MR. THOMAS:

07:48PM 2 Q. No, what? They have not been cited or

07:48PM 3 --

07:48PM 4 A. No, I don't know, I do not know.

07:48PM 5 CHAIRMAN MESSERSCHMIDT: Oh, you don't
07:48PM 6 know, okay.

07:48PM 7 But you are responsible for these
07:48PM 8 sites.

07:48PM 9 THE WITNESS: Yes. I've been -- I'm
07:48PM 10 sorry, I've been in my position -- I've been with the
07:48PM 11 company for a year-and-a-half. So anything that
07:48PM 12 happened prior to that, I --

07:48PM 13 CHAIRMAN MESSERSCHMIDT: So have you
07:48PM 14 had access to those records?

07:48PM 15 THE WITNESS: I would, I have never
07:48PM 16 looked into it, though.

07:48PM 17 BY MR. THOMAS:

07:48PM 18 Q. Have you had -- I guess the question
07:49PM 19 is: Have you had any violations while you have been
07:49PM 20 in charge?

07:49PM 21 A. We've had one, which is the erosion
07:49PM 22 control issue, which is --

07:49PM 23 CHAIRMAN MESSERSCHMIDT: I'm sorry, say
07:49PM 24 that again.

07:49PM 25 THE WITNESS: We had one, which is the

07:49PM 1 one I had mentioned.

07:49PM 2 CHAIRMAN MESSERSCHMIDT: Oh, the
07:49PM 3 erosion control?

07:49PM 4 THE WITNESS: Yes, and we're
07:49PM 5 remediating right now.

07:49PM 6 CHAIRMAN MESSERSCHMIDT: And you
07:49PM 7 mentioned that it was in New York. Is that the
07:49PM 8 Montgomery, New York or the Monticello, New York
07:49PM 9 site?

07:49PM 10 THE WITNESS: Monticello.

07:49PM 11 CHAIRMAN MESSERSCHMIDT: So let's talk
07:49PM 12 for a second about the building that is being
07:49PM 13 proposed for this site here in Andover.

07:49PM 14 Do you know what percentage of the
07:49PM 15 building will be used for storage of materials.

07:49PM 16 THE WITNESS: I would say roughly
07:49PM 17 two-thirds.

07:49PM 18 CHAIRMAN MESSERSCHMIDT: Two thirds, so
07:49PM 19 one-third would be for office staff?

07:49PM 20 THE WITNESS: Yes.

07:49PM 21 CHAIRMAN MESSERSCHMIDT: Would this
07:49PM 22 property here in Andover Township be the only
07:49PM 23 property for as a storage facility in the northeast?

07:49PM 24 THE WITNESS: Yes.

07:49PM 25 CHAIRMAN MESSERSCHMIDT: So would you

07:49PM 1 give us an idea of what the properties in Monticello
07:50PM 2 and Montgomery, New York consist of?

07:50PM 3 THE WITNESS: Well, Montgomery, I'm not
07:50PM 4 familiar with, but Monticello, we are building to for
07:50PM 5 our tenants and it is about 30 acres of like a
07:50PM 6 parking lot, auto auction facility and then we have a
07:50PM 7 10,000-square-foot building on the property, which
07:50PM 8 is, I would say, about one-third storage, two-thirds
07:50PM 9 office.

07:50PM 10 CHAIRMAN MESSERSCHMIDT: So Monticello
07:50PM 11 is essentially like a Copart facility?

07:50PM 12 THE WITNESS: Yes, but a different
07:50PM 13 tenant.

07:50PM 14 CHAIRMAN MESSERSCHMIDT: Different
07:50PM 15 tenant, okay, but similar where --

07:50PM 16 THE WITNESS: Yes.

07:50PM 17 CHAIRMAN MESSERSCHMIDT: Okay. When
07:50PM 18 you say that there will be materials stored inside
07:50PM 19 the building, correct.

07:50PM 20 THE WITNESS: Uh-huh.

07:50PM 21 CHAIRMAN MESSERSCHMIDT: What type of
07:50PM 22 material are you talking about that would be stored
07:50PM 23 inside the building?

07:50PM 24 THE WITNESS: More valuable material,
07:50PM 25 copper pipe, electrical wire, which is very

07:51PM 1 expensive, fiber optic wire, things that cost a lot
07:51PM 2 more and don't want to have in a storage container.

07:51PM 3 CHAIRMAN MESSERSCHMIDT: Any chemicals
07:51PM 4 or fuels?

07:51PM 5 THE WITNESS: No.

07:51PM 6 CHAIRMAN MESSERSCHMIDT: Is there any
07:51PM 7 plan to have other storage facilities such as this
07:51PM 8 one in the northeast in the future?

07:51PM 9 THE WITNESS: In the northeast? No. I
07:51PM 10 should say not at this point, no.

07:51PM 11 CHAIRMAN MESSERSCHMIDT: Thank you.
07:51PM 12 That's all the questions I have.

07:51PM 13 Before we open it up to Ms. Durkin, is
07:51PM 14 there any other board members that have any further
07:51PM 15 questions?

07:51PM 16 Mr. Olsen?

07:51PM 17 MR. OLSEN: Yes. Thank you,
07:51PM 18 Mr. Chairman.

07:51PM 19 Are there construction workers
07:51PM 20 currently employed by BHT?

07:51PM 21 THE WITNESS: Yes.

07:51PM 22 MR. OLSEN: Where are they located?

07:51PM 23 THE WITNESS: We have a project in
07:52PM 24 Minnesota, one in New York, one in California and one
07:52PM 25 in Maryland and one in Florida.

07:52PM 1 MR. OLSEN: Will there be any located
07:52PM 2 at this facility, any construction workers?

07:52PM 3 THE WITNESS: No, this is going to be
07:52PM 4 more hourly and salary employees for the operations.

07:52PM 5 MR. OLSEN: I think last meeting you
07:52PM 6 described them as logistics and site management,
07:52PM 7 right?

07:52PM 8 THE WITNESS: Yeah.

07:52PM 9 MR. OLSEN: Okay.

07:52PM 10 That's it.

07:52PM 11 CHAIRMAN MESSERSCHMIDT: Any other
07:52PM 12 board members?

07:52PM 13 Mr. Ordile?

07:52PM 14 MR. ORDILE: Yeah, I do have several
07:52PM 15 questions, but I'd rather -- I think it's more
07:52PM 16 important to get to Ms. Durkin and the public. I
07:52PM 17 would just ask that we come back to the board after
07:52PM 18 they've had their opportunity to ask their questions.

07:52PM 19 CHAIRMAN MESSERSCHMIDT: That would be
07:52PM 20 done anyway.

07:52PM 21 Mr. O'Connell?

07:52PM 22 MR. O'CONNELL: During the last meeting
07:52PM 23 we came to the conclusion that the parking area for
07:52PM 24 the 50 construction machinery was approximately three
07:53PM 25 vehicles per acre. I was wondering, you put all your

07:53PM 1 construction parking in the first area behind the
07:53PM 2 building, the other area that had been designated for
07:53PM 3 parking, you think you'd be able to move all your
07:53PM 4 bins for the aggregate and sands and stuff up there?
07:53PM 5 Which would minimize any noise close to the residents
07:53PM 6 along Stickles Pond Road.

07:53PM 7 MR. THOMAS: Mr. O'Connell, we have
07:53PM 8 Mr. Nussar who's here, the engineer, as you've met
07:53PM 9 already. He has some information with regard to the
07:53PM 10 location and the need for the location of the
07:54PM 11 construction vehicles and why that's set up that way.

07:54PM 12 So I think that that would be a better
07:54PM 13 question, because we don't want to avoid the
07:54PM 14 question, but we have a better witness to be able to
07:54PM 15 answer that question.

07:54PM 16 So if you will reserve that question
07:54PM 17 and I'll remember it as well, because I plan on -- I
07:54PM 18 planned on asking that, because that was a question I
07:54PM 19 believe that Cory had asked the last time. So I'll
07:54PM 20 inquire of that and we'll have an answer.

07:54PM 21 MR. O'CONNELL: Okay. Thank you.

07:54PM 22 CHAIRMAN MESSERSCHMIDT: Mr. Tolerico?

07:54PM 23 MR. TOLERICO: Yes. If I recall
07:54PM 24 correctly, Ms. Sainz said that they were going to do
07:54PM 25 oil changes there on the equipment.

07:54PM 1 THE WITNESS: Yes.

07:54PM 2 MR. TOLERICO: Because I'm looking at
07:54PM 3 this report, it's an environmental report that was
07:54PM 4 submitted on your behalf and it says here, the
07:54PM 5 proposed construction office with construction
07:54PM 6 equipment and material storage areas do not involve
07:54PM 7 the dismantling of the construction equipment. No
07:55PM 8 parts are removed from the construction equipment and
07:55PM 9 no maintenance is performed on the site. No
07:55PM 10 flammable -- bah, bah, bah, but anyway, it says, no
07:55PM 11 maintenance is performed on the site.

07:55PM 12 So what is correct, what this says or
07:55PM 13 what you were saying.

07:55PM 14 THE WITNESS: Well, I said we had
07:55PM 15 planned to do the small fixes on-site and any larger
07:55PM 16 items will be -- if we need to do the oil changes
07:55PM 17 off-site and that's going to be a condition, then
07:55PM 18 we'll abide by that.

07:55PM 19 MALE AUDIENCE MEMBER: Speak up,
07:55PM 20 please.

07:55PM 21 THE WITNESS: I just said if the oil
07:55PM 22 changes need to be done off-site, then that can be a
07:55PM 23 condition that we do, do the oil changes off-site.

07:55PM 24 MR. TOLERICO: So are they going to be
07:55PM 25 done on the site or off the site?

07:55PM 1 THE WITNESS: Right now I was told they
07:55PM 2 were going to be done on the site.

07:55PM 3 MR. TOLERICO: Because this says that
07:55PM 4 there would be no maintenance will be performed on
07:55PM 5 the site. This is the environmental brochure that
07:55PM 6 you put out.

07:55PM 7 THE WITNESS: We do currently do small
07:56PM 8 maintenance repairs on-site.

07:56PM 9 So that's something we do now with our
07:56PM 10 properties and we've never had any spills or --

07:56PM 11 MR. TOLERICO: No, but I'm just saying
07:56PM 12 you're conflicting what it says in this environmental
07:56PM 13 report that says you're not going to do it.

07:56PM 14 MR. THOMAS: I think she's attempting,
07:56PM 15 Mr. Tolerico, to clarify that, but as she's
07:56PM 16 indicated, if, in fact, the board feels as though
07:56PM 17 even these minor kinds of repairs, such as an oil
07:56PM 18 change, I mean, they're not going to do brake jobs,
07:56PM 19 they're not going to do engine repairs, not going to
07:56PM 20 do any of that stuff. Even if the board is concerned
07:56PM 21 about having an oil change done, then if a condition
07:56PM 22 is imposed that says, no maintenance whatsoever of
07:56PM 23 these vehicles, then that's what the applicant will
07:56PM 24 abide by.

07:56PM 25 MR. TOLERICO: Okay.

07:56PM 1 No further questions on that.

07:56PM 2 CHAIRMAN MESSERSCHMIDT: All right. At
07:56PM 3 this point, Mr. Thomas, I'll turn this over to
07:56PM 4 Ms. Durkin for asking her questions.

07:56PM 5 MS. DURKIN: Thank you very much,
07:56PM 6 Mr. Chairman. I just want to hand over to you some
07:57PM 7 exhibits. I downloaded them, just so that the
07:57PM 8 witness has them available.

07:57PM 9 MR. THOMAS: Yeah, and do you have them
07:57PM 10 marked appropriately?

07:57PM 11 MS. DURKIN: They were marked. I can
07:57PM 12 represent to you I downloaded them right off the
07:57PM 13 website. These were marked in by you in July.

07:57PM 14 MR. THOMAS: Right.

07:57PM 15 CHAIRMAN MESSERSCHMIDT: These items,
07:57PM 16 have these been provided to the board?

07:57PM 17 MS. DURKIN: Yes, sir, and I'll go
07:57PM 18 through them. They would have been marked as
07:57PM 19 exhibits.

07:57PM 20 MR. THOMAS: She's giving us -- she's
07:57PM 21 giving her -- our exhibits.

07:57PM 22 MS. DURKIN: I'm just trying to make --

07:57PM 23 CHAIRMAN MESSERSCHMIDT: I'm just
07:57PM 24 checking to make sure there's no additional ones.

07:57PM 25 MS. DURKIN: If I have additional

07:57PM 1 exhibits, we'll mark those in and we'll start with
07:57PM 2 0-1 for objector exhibit, 0-1.

07:57PM 3 And when I refer to these exhibits, I
07:57PM 4 would just like them in front of the witness, I'll
07:57PM 5 refer to -- they've already been marked in and as I
07:57PM 6 said, I downloaded them from your website.

07:57PM 7 CHAIRMAN MESSERSCHMIDT: Understood.

07:57PM 8 MS. DURKIN: Thank you.

07:57PM 9 CROSS EXAMINATION

07:57PM 10 BY MS. DURKIN:

07:57PM 11 Q. Ms. Sainz, my name is Liz Durkin. I'm
07:57PM 12 an attorney here in New Jersey. I represent a group
07:58PM 13 of objectors to this application and I've been here,
07:58PM 14 I've heard your testimony at the last meeting, as
07:58PM 15 well as now and I'm just going to start with some
07:58PM 16 initial questions regarding your background, because
07:58PM 17 I'm a little confused on some things and I'm just
07:58PM 18 hoping that you can, perhaps, give me some clarity on
07:58PM 19 that. I believe you testified you're employed by BHT
07:58PM 20 Properties?

07:58PM 21 A. I work for BHT Properties. I'm
07:58PM 22 actually paid by BHT Construction.

07:58PM 23 Q. And you testified that BHT
07:58PM 24 Constructions is a subsidiary of BHT Properties.

07:58PM 25 Is that correct?

07:58PM 1 A. Yes.

07:58PM 2 Q. Okay. And that you've been employed in
07:58PM 3 that position for about a year-and-a-half?

07:58PM 4 A. Yes.

07:58PM 5 Q. And your roll there is your chief
07:58PM 6 operating officer?

07:58PM 7 A. Chief of operations for BHT.

07:58PM 8 Q. Chief of operations.

07:58PM 9 A. For BHT Construction.

07:58PM 10 Q. And could you just briefly tell me what
07:58PM 11 does that entail?

07:58PM 12 A. So I oversee the operations, our
07:58PM 13 ongoing projects and the ones that are -- I travel,
07:58PM 14 you know, almost on a weekly basis --

07:58PM 15 THE COURT REPORTER: I'm sorry, please
07:58PM 16 speak up. I can't hear you.

07:59PM 17 THE WITNESS: Oh, I'm sorry. I travel
07:59PM 18 to visit all the sites, since they're not all --
07:59PM 19 we're located in Florida. So I travel to California,
07:59PM 20 Minnesota, New York, South Carolina, Maryland about
07:59PM 21 every week or so.

07:59PM 22 BY MS. DURKIN:

07:59PM 23 Q. So as a part of your job you oversee
07:59PM 24 all of the BHT Construction job sites?

07:59PM 25 A. Yes.

07:59PM 1 Q. Okay. And as we sit here today, how
07:59PM 2 many job sites are there for BHT Construction in the
07:59PM 3 United States?

07:59PM 4 A. That are currently active?

07:59PM 5 Q. Well, let's just start with how many
07:59PM 6 there are.

07:59PM 7 A. We have four that ongoing construction.

07:59PM 8 Q. So there are four ongoing sites and
07:59PM 9 where are those sites located?

07:59PM 10 A. Minnesota, New York, California and
07:59PM 11 Florida.

07:59PM 12 Q. So the Minnesota site, what is that to
07:59PM 13 be constructed for?

07:59PM 14 A. For a tenant.

08:00PM 15 Q. And what's the use?

08:00PM 16 (Whereupon, Audio interruption
08:00PM 17 microphone.)

08:00PM 18 MR. THOMAS: Hold on, hold on.

08:00PM 19 BY MS. DURKIN:

08:00PM 20 Q. And I'm sorry, just going back to the
08:00PM 21 Minnesota site, so you said you're constructing that
08:00PM 22 for the tenant.

08:00PM 23 Who is the end user on that?

08:00PM 24 A. An auto auction facility.

08:00PM 25 Q. What is the use?

08:00PM 1 A. It's being used -- a commercial use. I
08:00PM 2 don't quite understand.

08:00PM 3 Q. I'm sorry, I don't mean it as a trick
08:00PM 4 question at all. You're the chief of operations.

08:00PM 5 A. So an auto auction facility. It's
08:00PM 6 going to be a parking lot and a warehouse.

08:00PM 7 Q. So auto auction. The facility in New
08:00PM 8 York, I believe you just testified that that's also
08:00PM 9 an auto auction site, correct?

08:00PM 10 A. Yes.

08:00PM 11 Q. Okay. The facility in California?

08:00PM 12 A. Same.

08:00PM 13 Q. An auto auction site.

08:00PM 14 And the facility in Florida?

08:00PM 15 A. Similar. It won't have a building
08:00PM 16 element.

08:00PM 17 Q. But the end user is an auto auction
08:00PM 18 site?

08:00PM 19 A. Yes.

08:00PM 20 Q. Is there any facility that you are
08:01PM 21 overseeing on behalf of BHT Properties or BHT
08:01PM 22 Construction that the end user is not something
08:01PM 23 related to an auto auction?

08:01PM 24 A. At the moment, no.

08:01PM 25 Q. Okay. And how many other facilities

08:01PM 1 other than these four do you oversee?

08:01PM 2 A. Just those four at the moment.

08:01PM 3 Q. Okay. And with respect to this site
08:01PM 4 here in Andover Township, you are aware that there
08:01PM 5 was a prior application pending before this board by
08:01PM 6 BHT Properties for Copart?

08:01PM 7 A. Yes.

08:01PM 8 Q. You're familiar with that, correct?

08:01PM 9 A. Yes.

08:01PM 10 Q. Okay.

08:01PM 11 And did you review that application?

08:01PM 12 A. No, I did not.

08:01PM 13 Q. Okay.

08:01PM 14 What familiarity do you have with that
08:01PM 15 application?

08:01PM 16 A. I was not with the company when that
08:01PM 17 was submitted.

08:01PM 18 Q. So part of going to the beginning of
08:01PM 19 your job at BHT -- and I'm just going to generically
08:01PM 20 use BH, and you can clarify the properties or
08:01PM 21 construction, by all means, you know, please add that
08:01PM 22 clarity to it, but since it's a subsidiary, just for
08:01PM 23 ease we'll just say BHT.

08:01PM 24 What was your job experience
08:01PM 25 immediately prior to being employed by BHT.

08:02PM 1 A. I worked for a real estate developer in
08:02PM 2 Miami as a development manager.

08:02PM 3 Q. As a development manager. And how many
08:02PM 4 years were you in that role?

08:02PM 5 A. Two.

08:02PM 6 Q. Two years. And generally speaking,
08:02PM 7 what type of development were you overseeing?

08:02PM 8 A. Multifamily, boutique hotels,
08:02PM 9 single-family homes.

10 FEMALE AUDIENCE MEMBER: Can we have
11 her speak into the microphone, please.

12 THE WITNESS: I'm sorry.

13 BY MS. DURKIN:

08:02PM 14 Q. You might have to move a little closer.

08:02PM 15 MR. THOMAS: You can maybe move the
08:02PM 16 mic.

08:02PM 17 THE WITNESS: I'm afraid to move it.

08:02PM 18 MR. THOMAS: I hear you.

08:02PM 19 THE WITNESS: I'll just move closer.

08:02PM 20 BY MS. DURKIN:

08:02PM 21 Q. So you approximately have two years of
08:02PM 22 experience in real estate development for multifamily
08:02PM 23 and boutique hotels, correct?

08:02PM 24 A. And single-family homes.

08:02PM 25 Q. And single-family homes, okay.

08:02PM 1 And as part of that job, did you
08:02PM 2 oversee the construction development of the sites?

08:02PM 3 A. To a point. I was more a development
08:02PM 4 manager, so I oversaw the permitting, the
08:03PM 5 construction, make sure things were being delivered
08:03PM 6 on time.

08:03PM 7 Q. So part of your job with your prior
08:03PM 8 employer before coming to BHT, were you responsible
08:03PM 9 for ordering any of the construction materials?

08:03PM 10 A. No.

08:03PM 11 Q. Were you responsible for organizing
08:03PM 12 what types of construction materials would be
08:03PM 13 required for that job?

08:03PM 14 A. No.

08:03PM 15 Q. Okay.

08:03PM 16 Were you responsible for organizing any
08:03PM 17 type of the construction yard for any of those site?

08:03PM 18 A. I was in charge of overseeing the
08:03PM 19 construction to make sure things were on the timeline
08:03PM 20 and being followed.

08:03PM 21 Q. But were you -- my question was: Were
08:03PM 22 you responsible for overseeing any construction yard
08:03PM 23 --

08:03PM 24 A. No.

08:03PM 25 Q. -- on any of those sites?

08:03PM 1 Did you dispatch any of the equipment
08:03PM 2 for any of those sites?

08:03PM 3 A. No.

08:03PM 4 Q. Did you handle any of the materials?
08:03PM 5 And what I mean, not physically handling them, but
08:03PM 6 did you instruct anyone on where to load or unload
08:03PM 7 any of those materials?

08:03PM 8 A. No.

08:03PM 9 Q. Did you do any of the planning as to
08:04PM 10 any of where the drainage should go or any pipes to
08:04PM 11 be laid or where the rebar would be needed or
08:04PM 12 anything like that?

08:04PM 13 A. I mean, in this role, I don't --

08:04PM 14 THE COURT REPORTER: I'm sorry, I can't
08:04PM 15 hear you.

08:04PM 16 THE WITNESS: It would be for the head
08:04PM 17 of construction to determine where the pipe is going
08:04PM 18 to go and the rebar and that sort of thing. I don't
08:04PM 19 determine where things are being put in the ground.

08:04PM 20 BY MS. DURKIN:

08:04PM 21 Q. So is it fair enough to say that in
08:04PM 22 that development, real estate development position
08:04PM 23 that you held before coming to BHT, you didn't handle
08:04PM 24 the on-site, you handled more of the paperwork, the
08:04PM 25 permitting and making sure that everything was

08:04PM 1 handled in the -- in that aspect?

08:04PM 2 A. I guess to a point yes.

08:04PM 3 Q. Okay. And how many years were you in
08:04PM 4 that position?

08:04PM 5 A. Two years.

08:04PM 6 Q. Two years. And prior to that was your
08:04PM 7 job?

08:04PM 8 A. Prior to that, not in real estate
08:04PM 9 development.

08:04PM 10 (Whereupon, Audio interruption
08:05PM 11 microphone.)

08:05PM 12 MALE AUDIENCE MEMBER: If you can turn
08:05PM 13 the mic and just maybe move the base of the mic to
08:05PM 14 where the water bottles are so --

08:05PM 15 THE WITNESS: Commercial real estate.

08:05PM 16 (Whereupon, Audio interruption
08:05PM 17 microphone.)

08:05PM 18 MALE AUDIENCE MEMBER: This way,
08:05PM 19 perhaps, to might be better.

08:05PM 20 MR. THOMAS: Say something, anything.

08:05PM 21 THE WITNESS: I worked in commercial
08:05PM 22 real estate.

08:05PM 23 BY MS. DURKIN:

08:05PM 24 Q. In what capacity were you working in
08:05PM 25 commercial real estate?

08:05PM 1 A. I worked with leasing.

08:05PM 2 Q. I'm sorry?

08:05PM 3 A. With leasing.

08:05PM 4 Q. You were in leasing?

08:05PM 5 A. Yes.

08:05PM 6 Q. Commercial or residential?

08:05PM 7 A. Commercial.

08:05PM 8 Q. How many years were you in that

08:05PM 9 position?

08:05PM 10 A. Three.

08:05PM 11 Q. And at any time in that position did

08:05PM 12 you handle any construction jobs?

08:05PM 13 A. No.

08:05PM 14 Q. Did you handle any construction yards?

08:05PM 15 A. No.

08:05PM 16 Q. Did you dispatch any types of

08:05PM 17 construction materials?

08:05PM 18 A. No.

08:05PM 19 Q. And prior to that position, what job

08:06PM 20 did you hold?

08:06PM 21 A. I'm sorry, I don't see how that's

08:06PM 22 relevant, seven years ago the job that I had.

08:06PM 23 Q. Okay.

08:06PM 24 Can you answer the question?

08:06PM 25 MR. MOLICA: Please answer the

08:06PM 1 question. Your objection is noted, but please answer
08:06PM 2 the question.

08:06PM 3 THE WITNESS: I worked as a waitress.

08:06PM 4 BY MS. DURKIN:

08:06PM 5 Q. Okay. We've all done that.

08:06PM 6 So is it fair enough to say that prior
08:06PM 7 to your current position, you're being put forth by
08:06PM 8 the applicant as the person on behalf of the
08:06PM 9 applicant who is handling the proposed construction
08:06PM 10 yard that is the subject of this application; you
08:06PM 11 understand that, correct?

08:06PM 12 A. Yes.

08:06PM 13 Q. Okay. So that's why it's important for
08:06PM 14 me to understand what is your background in
08:06PM 15 construction. This is a pretty large site, almost
08:06PM 16 100 acres, correct?

08:06PM 17 A. Yes.

08:06PM 18 Q. Okay.

08:06PM 19 And based on your own testimony, absent
08:06PM 20 the limit work that you somewhat testified to on the
08:07PM 21 four sites with BHT, anything prior you have no
08:07PM 22 background in construction?

08:07PM 23 A. No.

08:07PM 24 Q. Okay.

08:07PM 25 So I'm going to show you what's been

08:07PM 1 marked in front of you as A-1, A-3, A-4, A-5 and A-6.

08:07PM 2 Do you have those documents in front of you?

08:07PM 3 A. Yes.

08:07PM 4 Q. Thank you.

08:07PM 5 MR. MOLICA: Counsel, this is your

08:07PM 6 package that you are referring to with the

08:07PM 7 applicant's exhibits set forth therein, right?

08:07PM 8 MS. DURKIN: No, these are exhibits

08:07PM 9 that were marked in by the applicant at the July

08:07PM 10 meeting.

08:07PM 11 MR. MOLICA: Okay.

08:07PM 12 But when you said you downloaded them,

08:07PM 13 I just want to make sure we're all looking at the

08:07PM 14 same thing.

08:07PM 15 MS. DURKIN: Correct.

08:07PM 16 So these are the exhibits that the

08:07PM 17 applicant marked in.

08:07PM 18 MR. MOLICA: These are all applicant

08:07PM 19 exhibits?

08:07PM 20 MS. DURKIN: Right.

08:08PM 21 MR. MOLICA: Okay. Thank you.

08:08PM 22 MS. DURKIN: They are -- Mr. Nussar,

08:08PM 23 the applicant's engineer, the applicant put these

08:08PM 24 forth.

08:08PM 25

08:08PM 1 BY MS. DURKIN:

08:08PM 2 Q. Ms. Sainz, have you had a chance just
08:08PM 3 to look at those documents that I placed in front of
08:08PM 4 you?

08:08PM 5 A. Yes.

08:08PM 6 Q. Okay, thank you.

08:08PM 7 Prior to this now, have you ever seen
08:08PM 8 those documents before?

08:08PM 9 A. Yes.

08:08PM 10 Q. Okay.

08:08PM 11 So let's look at what's been marked for
08:08PM 12 ID by the applicant as A-1. That's the overall view
08:08PM 13 of the site that's the subject of this application,
08:08PM 14 correct?

08:08PM 15 A. Yes.

08:08PM 16 Q. Okay.

08:08PM 17 And then let's look at what's been
08:08PM 18 marked as A-3. That's the overall view of the site
08:08PM 19 of the subject application

08:08PM 20 You don't disagree that the engineer
08:08PM 21 testified that those are examples of the storage
08:08PM 22 containers that you are proposing to put on the site?

08:08PM 23 A. Yes.

08:08PM 24 Q. So you're not -- you don't disagree
08:08PM 25 with the testimony of your -- the applicant's

08:09PM 1 engineer that the containers are going to be placed
08:09PM 2 on the site roughly 40 feet in length, 8-foot wide
08:09PM 3 and 8 feet 6 inches in height, do you?

08:09PM 4 A. No, that's correct.

08:09PM 5 Q. So, and you're familiar with these
08:09PM 6 types of shipping containers?

08:09PM 7 A. Yes.

08:09PM 8 Q. How did you become familiar with these
08:09PM 9 types of shipping containers in your job?

08:09PM 10 A. These are very much the same size as
08:09PM 11 our office -- I'm sorry, our construction trailers
08:09PM 12 and storage containers that we have on-site.

08:09PM 13 Q. I'm sorry, you use these types of
08:09PM 14 containers on existing sites?

08:09PM 15 A. We have about one or two to store
08:09PM 16 material in.

08:09PM 17 Q. So that's important for me to
08:09PM 18 understand. So on existing, one of the four existing
08:09PM 19 sites that you testified that you're working on right
08:09PM 20 now, you have one or two of these construction --
08:09PM 21 these storage containers there?

08:09PM 22 A. We have three in total on two of the
08:09PM 23 sites.

08:09PM 24 Q. So the maximum amount that you have on
08:10PM 25 one site is how much, three?

08:10PM 1 A. No, we have two on one site and one on
08:10PM 2 the other.

08:10PM 3 Q. Okay.

08:10PM 4 So the maximum amount of containers
08:10PM 5 overall on the four projects is three?

08:10PM 6 A. Uh-huh.

08:10PM 7 Q. Do you recall at the last meeting you
08:10PM 8 testified that on the proposed site that there will
08:10PM 9 be approximately 500 to 1,000 of these containers,
08:10PM 10 you recall that testimony, correct?

08:10PM 11 A. Yes.

08:10PM 12 Q. Okay.

08:10PM 13 How did you come to the determination
08:10PM 14 that this site would require somewhere around 500 to
08:10PM 15 1,000 shipping containers?

08:10PM 16 A. For the projects that we will have in
08:10PM 17 the pipeline and so some of these, some of the
08:10PM 18 stormwater pipe that we may need, it's 60 inches and
08:10PM 19 it will be just a couple of those to fill one. So we
08:10PM 20 have a project that's going to require 60-inch
08:10PM 21 stormwater pipe that's, you know, 20-feet long, it's
08:11PM 22 going to take several containers.

08:11PM 23 Q. So let me -- let's just stay on that
08:11PM 24 for a moment. So it's your testimony that you will
08:11PM 25 have stormwater pipes stored in how many of these --

08:11PM 1 approximately how many of these containers?

08:11PM 2 A. I can't say off the top of my head, but
08:11PM 3 a majority of these containers are going to be stored
08:11PM 4 with stormwater pipe and material.

08:11PM 5 Q. Let's just stay with the stormwater
08:11PM 6 pipe for a second. If you look at what's been marked
08:11PM 7 as A-6 -- correct?

08:11PM 8 A. Uh-huh.

08:11PM 9 Q. Do you understand that the applicant's
08:11PM 10 put forth that that is a sample of some of the
08:11PM 11 materials that would be stored at this facility.

08:12PM 12 Is that correct?

08:12PM 13 A. Yes.

08:12PM 14 Q. Okay.

08:12PM 15 So in any of these pictures do you have
08:12PM 16 the stormwater pipes that you're testifying to?

08:12PM 17 A. The first picture top left.

08:12PM 18 MS. DURKIN: Okay, great. I am going
08:12PM 19 to mark in -- I'm happy -- I have a fair amount of
08:12PM 20 exhibits, so if I do them in a group, would that be
08:12PM 21 easier, mark them O-1, O-2, O-3, is that okay with
08:12PM 22 the board?

08:12PM 23 MR. MOLICA: I think it's okay with the
08:12PM 24 board. They're your exhibits. How do you prefer to
08:12PM 25 submit them?

08:12PM 1 MS. DURKIN: I'm going to submit them
08:12PM 2 each as a separate picture and then I'm going to mark
08:12PM 3 them in a group. So right now these all refer to
08:12PM 4 drainage pipe. I have enough copies for everybody.

08:12PM 5 MR. MOLICA: Do you have copies for the
08:12PM 6 applicant?

08:12PM 7 MS. DURKIN: I have copies. I made
08:12PM 8 sure I had copies. I have enough for everybody.

08:13PM 9 MS. DURKIN: I marked these in, Roger,
08:13PM 10 as O-1.

08:13PM 11 MR. THOMAS: What is that one?

08:13PM 12 MS. DURKIN: You'll see, they're all
08:13PM 13 drainage pipes. I download pictures off the site.

08:13PM 14 MR. THOMAS: These are all the same.

08:13PM 15 MS. DURKIN: Correct. And O-2 and O-2.

08:13PM 16 MR. THOMAS: Do you have an extra copy,
08:13PM 17 one for her and one for me? And, again, you're
08:14PM 18 representing both of these as being drainage pipes.

08:14PM 19 MS. DURKIN: Yes, and there are
08:14PM 20 fittings, O-3.

08:14PM 21 MR. THOMAS: The fittings are.

08:14PM 22 MS. DURKIN: O-3.

08:14PM 23 For the record what's been identified
08:14PM 24 as O-1 are drainage pipes, the way they're stored. I
08:15PM 25 downloaded these pictures from a construction site.

08:15PM 1 O-2, another sample of the drainage
08:15PM 2 pipe storage outside and then O-3 are the fittings
08:15PM 3 for drainage pipes.

08:15PM 4 BY MS. DURKIN:

08:15PM 5 Q. Ms. Sainz --

08:15PM 6 MS. DURKIN: Does the board have
08:15PM 7 anything? Are you okay for me to proceed?

08:15PM 8 MR. MOLICA: Let us get caught up.
08:15PM 9 We're distributing the objector exhibits.

08:15PM 10 MR. THOMAS: They have not yet been
08:15PM 11 offered, correct.

08:15PM 12 MS. DURKIN: Yeah, I marked them in. I
08:15PM 13 just --

08:15PM 14 MR. THOMAS: No, no, I understand, but
08:15PM 15 you have not offered them.

08:15PM 16 MS. DURKIN: We will.

08:15PM 17 MR. THOMAS: Well, we'll talk about it
08:15PM 18 when we do that.

08:15PM 19 CHAIRMAN MESSERSCHMIDT: Well,
08:15PM 20 Mr. Thomas, just give the board a couple of minutes
08:16PM 21 so we can distribute the pictures so that the board
08:16PM 22 members can look at what has been presented by the
08:16PM 23 objector.

08:16PM 24 MR. THOMAS: Well, while you're doing
08:16PM 25 that, Mr. Chairman, let me just note, you know, I can

08:16PM 1 stipulate that these are pictures of pipe. If they
08:16PM 2 are being suggested in some way, I guess that's what
08:16PM 3 I'm going to have to find out, that these are the
08:16PM 4 only way that pipe are being stored, then obviously I
08:16PM 5 would have an objection to that, but we'll find out
08:16PM 6 whether or not that's where Ms. Durkin is going.

08:16PM 7 MR. ORDILE: Cory, did you get O-1?
08:16PM 8 Did O-1 make it down there?

08:16PM 9 MR. STONER: Yes.

08:17PM 10 MR. MOLICA: I'm just going to suggest
08:17PM 11 that these will be Exhibit's O-1, O-2 and O-3 and we
08:17PM 12 should write today's date on them.

13 (Whereupon, Photograph is received and
14 marked as Exhibit O-1 for identification.)

15 (Whereupon, Photograph is received and
16 marked as Exhibit O-2 for identification.)

17 (Whereupon, Photograph is received and
18 marked as Exhibit O-3 for identification.)

19 CHAIRMAN MESSERSCHMIDT: Ms. Durkin,
20 did I also hear you say that there would be an O-4?

21 MS. DURKIN: There is, but I'll hold
08:18PM 22 off on that. I'll go through this one real quickly.
08:18PM 23 I have my assistant here.

08:18PM 24 CHAIRMAN MESSERSCHMIDT: Are there any
08:18PM 25 board members that have not received copies of O-1

08:18PM 1 through 0-3?

08:18PM 2 (No response.)

08:18PM 3 CHAIRMAN MESSERSCHMIDT: Ms. Durkin,
08:18PM 4 whenever you're ready to proceed.

08:18PM 5 MS. DURKIN: Thank you very much,
08:18PM 6 Mr. Chairman.

08:18PM 7 BY MS. DURKIN:

08:18PM 8 Q. So Ms. Sainz, see what has been placed
08:18PM 9 in front of you and marked as 0-1, 0-2 and 0-3?

08:18PM 10 A. Yes.

08:18PM 11 Q. And I'll represent to you that those
08:18PM 12 are pictures that I downloaded from a construction
08:18PM 13 site.

08:18PM 14 Are you familiar with the type of
08:18PM 15 piping that is shown in 0-1?

08:19PM 16 A. Yes.

08:19PM 17 Q. And what kind of piping do you
08:19PM 18 recognize that to be?

08:19PM 19 A. It's HTP stormwater pipe.

08:19PM 20 Q. I'm sorry?

08:19PM 21 A. HTP stormwater pipe.

08:19PM 22 Q. And so that's a drainage pipe?

08:19PM 23 A. Yes.

08:19PM 24 Q. And the same with what's been marked as
08:19PM 25 0-2?

08:19PM 1 A. Yes.

08:19PM 2 Q. And then you recognize the objects in
08:19PM 3 the document, the picture that's been marked O-3?

08:19PM 4 A. The fittings, yes.

08:19PM 5 Q. The fittings for those types -- for
08:19PM 6 that type of piping, correct?

08:19PM 7 A. Some, yes.

08:19PM 8 Some we'll save for next year, but,
08:19PM 9 yes.

08:19PM 10 Q. So in your previous testimony you
08:19PM 11 testified that one of the storage -- the construction
08:19PM 12 material that would be stored at the site is drainage
08:19PM 13 pipe, correct?

08:19PM 14 A. Yes.

08:19PM 15 Q. And you testified that that is going to
08:19PM 16 be stored in containers that have been marked in, you
08:19PM 17 know, similar shipping containers in size as what has
08:19PM 18 been marked and shown on A-3, correct?

08:19PM 19 A. Yes.

08:19PM 20 Q. Okay. Can you tell me, generally
08:20PM 21 speaking, what is the length of this type of drainage
08:20PM 22 pipe?

08:20PM 23 A. Usually 20 feet.

08:20PM 24 Q. Twenty feet, okay. So can you just
08:20PM 25 tell me, walk me through so I can understand the

08:20PM 1 mechanics of how you're going to get this 20-foot
08:20PM 2 drainage pipe in and out of those shipping
08:20PM 3 containers?

08:20PM 4 A. Well, we're going to have people on
08:20PM 5 site to put them in the shipping containers.

08:20PM 6 Q. I'm sorry, you said --

08:20PM 7 A. Sometimes what we do is when we have
08:20PM 8 certain sizes, you can store them inside and you can
08:20PM 9 slide them into the container.

08:20PM 10 Q. I just want to understand. Your
08:20PM 11 testimony and the applicant is that this material
08:20PM 12 will not be stored outside, but it will be stored
08:20PM 13 inside one of the 500 to 1,000 shipping containers
08:20PM 14 that you're proposing on the site, correct?

08:20PM 15 A. Yes.

08:20PM 16 Q. Okay.

08:20PM 17 So I'm going to guess that the pipe
08:20PM 18 will come from the manufacturer to the site --

08:20PM 19 A. Yes.

08:21PM 20 Q. -- in a truck?

08:21PM 21 A. Yes.

08:21PM 22 Q. So then you're going to unload that
08:21PM 23 pipe somehow and it's going to get off that truck. I
08:21PM 24 should say, and I don't mean this facetiously, we can
08:21PM 25 agree that the truck isn't going to drive into the

08:21PM 1 shipping container, right?

08:21PM 2 A. Right.

08:21PM 3 Q. So somehow that pipe is going to be
08:21PM 4 offloaded from that truck into the shipping
08:21PM 5 container.

08:21PM 6 Isn't that correct?

08:21PM 7 A. Yes.

08:21PM 8 Q. That's your testimony. So could you
08:21PM 9 just be so kind as to explain to me the mechanics
08:21PM 10 involved with unloading that drainage pipe, how much
08:21PM 11 would go into the shipping container and then when
08:21PM 12 you need to remove the pipe for a site, what's the
08:21PM 13 mechanics for that?

08:21PM 14 MR. THOMAS: I object. She has not
08:21PM 15 been presented as an expert in that area. She can
08:21PM 16 testify fine, but quite frankly that is a matter of
08:21PM 17 construction that is part of a team with I'll get
08:21PM 18 into in a little bit.

08:21PM 19 The fact of the matter is that she may
08:21PM 20 or may not have knowledge with regard to the actual
08:22PM 21 mechanics of putting it into, but that's really not
08:22PM 22 relevant in terms of her testimony.

08:22PM 23 Her testimony has been presented in
08:22PM 24 terms of the overall operation. How a particular
08:22PM 25 pipe is being put into a particular container, that

08:22PM 1 is not her function, it is rather the function of the
08:22PM 2 team that will be there on-site and, therefore,
08:22PM 3 potentially beyond her expertise. So I don't think,
08:22PM 4 therefore, the question is a fair question.

08:22PM 5 MR. MOLICA: Your objection is noted.
08:22PM 6 I'm going to encourage the applicant -- the witness,
08:22PM 7 if she knows the answer to the question and answer
08:22PM 8 it, to do so.

08:22PM 9 MS. DURKIN: And I'm going to place an
08:22PM 10 objection, because I would like Mr. Thomas that just
08:22PM 11 gave a speaking objection, so he just let that
08:22PM 12 witness know what objections that he should have and
08:22PM 13 he guided her accordingly.

08:22PM 14 MR. MOLICA: Your objection is noted,
08:22PM 15 Counsel.

08:22PM 16 MS. DURKIN: I didn't put the witness
08:22PM 17 here, the applicant did.

08:22PM 18 MR. MOLICA: Your objection is noted.
08:22PM 19 The applicant's witness can simply answer the
08:22PM 20 question as originally posed by Ms. Durkin.

08:23PM 21 THE WITNESS: I cannot say for sure,
08:23PM 22 but I know in the past we have used a forklift, put
08:23PM 23 the forklift into the pipe and can place it in the
08:23PM 24 container, that's the best I can say.

08:23PM 25

08:23PM 1 BY MS. DURKIN:

08:23PM 2 Q. So your testimony is that you'll be
08:23PM 3 using a forklift to load this --

08:23PM 4 A. No, I don't want to say that. I'm
08:23PM 5 saying in the past I know we have done something like
08:23PM 6 that. I cannot say for sure how they're going to
08:23PM 7 load these.

08:23PM 8 Q. But you're the operations manager,
08:23PM 9 correct?

08:23PM 10 A. Yes.

08:23PM 11 Q. Are you the one who came up with the
08:23PM 12 design of this construction yard with the 500 to
08:23PM 13 1,000 proposed shipping containers?

08:23PM 14 A. No, I'm not.

08:23PM 15 Q. Who is the person who designed this
08:23PM 16 yard?

08:23PM 17 A. It would be the principal of the
08:23PM 18 company.

08:23PM 19 Q. I'm sorry?

08:23PM 20 A. The principal of the company.

08:23PM 21 Q. And who is that?

08:23PM 22 A. I think it's Ram Adar.

08:23PM 23 Q. I'm sorry?

08:23PM 24 A. Ram Adar.

08:23PM 25 Q. And have you had -- so is it your

08:23PM 1 testimony -- I don't want to put words in your mouth,
08:23PM 2 I just want to make sure that I understand, because
08:24PM 3 as I said, I did not have you here, you're not my
08:24PM 4 witness, you're the applicant's witness, your the
08:24PM 5 operations facility manager -- that you have no
08:24PM 6 understanding, real understanding of how these
08:24PM 7 drainage pipes are going to get from a truck into the
08:24PM 8 shipping container and then out of that shipping
08:24PM 9 container?

08:24PM 10 MR. THOMAS: Same objection, already
08:24PM 11 had stated that, in fact, that is not her
08:24PM 12 responsibility. The responsibility is that of the
08:24PM 13 people onsite.

08:24PM 14 MR. MOLICA: Your objection is noted,
08:24PM 15 Counsel.

08:24PM 16 Again, I'm going to encourage the
08:24PM 17 applicant, if she -- the applicant's witness if she
08:24PM 18 can, to answer the question.

08:24PM 19 THE WITNESS: No, I can't answer.

08:24PM 20 BY MS. DURKIN:

08:24PM 21 Q. So I'm going to go back and if we need
08:24PM 22 the question reread, we'll gladly do that. My
08:24PM 23 question was very simple. It's my -- so this witness
08:24PM 24 testimony is that you have no understanding of the
08:24PM 25 mechanics of unloading this construction equipment,

08:24PM 1 the drainage pipes from the truck into the shipping
08:24PM 2 container?

08:25PM 3 MR. THOMAS: I object, because --

08:25PM 4 MS. DURKIN: We heard your objection.

08:25PM 5 MR. THOMAS: -- she mischaracterized the
08:25PM 6 testimony that's already been given. She's indicated
08:25PM 7 that --

08:25PM 8 MR. MOLICA: Counsel, I --

08:25PM 9 MR. THOMAS: Let me finish. In the
08:25PM 10 past she's indicated that what they have done is they
08:25PM 11 use a forklift to be able to lift off the pipe and
08:25PM 12 put into the containers. There may be other methods
08:25PM 13 that other people will --

08:25PM 14 MR. MOLICA: Counsel, we don't need you
08:25PM 15 to testify.

08:25PM 16 MR. THOMAS: I'm not.

08:25PM 17 MR. MOLICA: I understand your
08:25PM 18 objection.

08:25PM 19 MR. THOMAS: But she testified --

20 MR. MOLICA: Ms. Durkin can ask the
21 question and your witness can answer it.

22 Ms. Durkin, why don't you rephrase your
23 question so it's an actual question and ask it.

24 If the applicant's witness knows or can
25 answer it, she will do so. If she cannot, so be it.

08:25PM 1 BY MS. DURKIN:

08:25PM 2 Q. Ms. Sainz, you are the operations
08:25PM 3 manager, correct?

08:25PM 4 A. Yes.

08:25PM 5 Q. So as such, is it your testimony in
08:25PM 6 your capacity as the operations manager for this 100
08:25PM 7 -- proposed 100-acre storage site, the construction
08:26PM 8 site, that you have no understanding of how the
08:26PM 9 drainage pipe that's shown in pictures marked O-1 and
08:26PM 10 O-2 will be offloaded from the truck that brings it
08:26PM 11 to the site into the shipping containers that are
08:26PM 12 marked, that are shown on A-3; is that your
08:26PM 13 testimony?

08:26PM 14 MR. THOMAS: Same question that was
08:26PM 15 asked and the same objection. It is
08:26PM 16 mischaracterizing the testimony.

08:26PM 17 MR. MOLICA: Your objection is noted,
08:26PM 18 Counsel.

08:26PM 19 Ms. Sainz, can you answer the question?

08:26PM 20 THE WITNESS: No.

08:26PM 21 BY MS. DURKIN:

08:26PM 22 Q. You do not understand?

08:26PM 23 A. No, I do not understand the question.

08:26PM 24 Q. Once the equipment or the construction
08:26PM 25 materials are inside the shipping container, can you

08:26PM 1 just briefly describe from an operational standpoint,
08:26PM 2 how would you understand what materials are in which
08:26PM 3 shipping container?

08:26PM 4 A. We would have everything labeled in the
08:26PM 5 system as to the containers will be numbered and will
08:27PM 6 have our inventory of what's in the containers.

08:27PM 7 Q. And then how from an operational
08:27PM 8 standpoint would the drainage pipe -- let me ask you
08:27PM 9 this: Do you know approximately how many drainage
08:27PM 10 pipe -- you testified are about 20 feet long -- would
08:27PM 11 fit in each shipping container?

08:27PM 12 A. It would depend on the size. So ranges
08:27PM 13 from as small as four inches, two inches, all the way
08:27PM 14 up, to my knowledge, 60 inches.

08:27PM 15 Q. So you don't disagree that the shipping
08:27PM 16 container is 40 feet in length, correct?

08:27PM 17 A. Yes.

08:27PM 18 Q. And it's your testimony that the
08:27PM 19 drainage pipe is usually about 20 feet in length?

08:27PM 20 A. The two lengths.

08:27PM 21 Q. So is it your understanding from an
08:27PM 22 operational standpoint that there would be on each
08:27PM 23 level two pieces of pipe, so 20 foot would go in and
08:27PM 24 then 20 foot, so that there would be two pieces of
08:27PM 25 pipe length?

08:27PM 1 A. Yes, if we're at capacity with our
08:28PM 2 containers we would take advantage and put two in
08:28PM 3 each one.

08:28PM 4 Q. Do you from an operational standpoint
08:28PM 5 anticipate that a forklift might be going inside that
08:28PM 6 container?

08:28PM 7 A. They would push in.

08:28PM 8 Q. Pardon?

08:28PM 9 MR. MOLICA: I'm sorry, I couldn't hear
08:28PM 10 that.

08:28PM 11 A. You would have to have manpower to push
08:28PM 12 it in.

08:28PM 13 BY MS. DURKIN:

08:28PM 14 Q. So from an operational standpoint, you
08:28PM 15 would have manpower --

08:28PM 16 A. If we were to use a double length in
08:28PM 17 each one. If we were at capacity, we would have to
08:28PM 18 use all -- you know, all the containers for our
08:28PM 19 stormwater pipe and fill it to capacity, yes.

08:28PM 20 Q. So --

08:28PM 21 A. But more than likely we would have one
08:28PM 22 length in each one, it would be fine.

08:28PM 23 Q. And then from an operational
08:28PM 24 standpoint, if you were removing that piping, how
08:28PM 25 would you remove that piping?

08:28PM 1 A. The one that's the double or --

08:28PM 2 Q. Any of it. I mean, your testimony is
08:29PM 3 that you if you could, you would put two double
08:29PM 4 layers?

08:29PM 5 A. If we had to, not if we could, if we
08:29PM 6 had to.

08:29PM 7 Q. If you had to?

08:29PM 8 A. If we had to. If all of our containers
08:29PM 9 are full and we had to maximize our space, put two
08:29PM 10 lengths in each one if we had to.

08:29PM 11 Q. Okay.

08:29PM 12 And then how would you remove that pipe
08:29PM 13 from the shipping container?

08:29PM 14 A. The same way it's put in.

08:29PM 15 Q. So would there be a forklift going into
08:29PM 16 that shipping container?

08:29PM 17 A. No.

08:29PM 18 Q. Then how would you get the pipe that's
08:29PM 19 in the rear, how would that get moved out?

08:29PM 20 A. Pull it out.

08:29PM 21 Q. A man would go in there, a person?

08:29PM 22 A. Somebody will push it in, somebody will
08:29PM 23 pull it out.

08:29PM 24 Q. So I understand from your testimony
08:29PM 25 today that the main reason why that BHT is looking to

08:29PM 1 create this storage yard facility for the BHT project
08:29PM 2 is for cost effectiveness; isn't that correct, that
08:29PM 3 was your testimony?

08:29PM 4 A. Cost effectiveness and scheduling our
08:30PM 5 projects.

08:30PM 6 Q. In any of the sites that you handle now
08:30PM 7 or in your previous employment, are you familiar with
08:30PM 8 any kind of OSHA guidelines or any kind of hazards
08:30PM 9 that might be with a construction site?

08:30PM 10 A. Yes.

08:30PM 11 Q. Do you have familiarity with that?

08:30PM 12 A. Yes. I'm not OSHA certified.

08:30PM 13 THE COURT REPORTER: I'm sorry, please
08:30PM 14 repeat that.

08:30PM 15 THE WITNESS: I'm not OSHA certified.

08:30PM 16 BY MS. DURKIN:

08:30PM 17 Q. Could you then explain to me from an
08:30PM 18 operational standpoint and a safety standpoint how
08:30PM 19 you would have a person in that shipping container
08:30PM 20 moving 20 foot length of drainage pipe from the rear
08:30PM 21 of that shipping container to the front? How does
08:30PM 22 that happen? Logistically how does that happen?

08:30PM 23 A. I don't know.

08:31PM 24 I mean, you would pull it out. Like I
08:31PM 25 said, I don't anticipate having to put two lengths in

08:31PM 1 each one. I said if we had to, we would have enough
08:31PM 2 space. Do I think we'll need to? No.

08:31PM 3 Q. So is it your testimony that you're
08:31PM 4 only going to put 20-foot length pipe in here even
08:31PM 5 though a shipping container is 40 length?

08:31PM 6 A. I don't want to say 100 percent
08:31PM 7 certainty, but more than likely we'll only put one
08:31PM 8 length in each one, but to maximize the space, we can
08:31PM 9 put two lengths.

08:31PM 10 Q. In any of the four sites that you're
08:31PM 11 overseeing right now, is safety of a concern to you
08:31PM 12 on those sites?

08:31PM 13 A. No. Well, we follow the safety
08:31PM 14 guidelines, so I'm not concerned. The superintendent
08:31PM 15 is on-site and they make sure everyone is.

08:31PM 16 Q. But as you sit here this evening and
08:31PM 17 you're reviewing the, you know, answers to the
08:31PM 18 questions that I'm posing to you with respect to the
08:31PM 19 storage containers being used to store drainage
08:32PM 20 piping and the potential hazards in that, would that
08:32PM 21 give you cause from an operational standpoint to
08:32PM 22 maybe rethink using the storage containers?

08:32PM 23 A. No, I think we want to use the storage
08:32PM 24 containers, you know, for theft reasons. We want to
08:32PM 25 be able to lock up what we're using.

08:32PM 1 Q. So is it your understanding the storage
08:32PM 2 containers are being used from a safety so the pipe
08:32PM 3 wouldn't be stolen perspective?

08:32PM 4 A. I mean, it's -- yeah, that's one of the
08:32PM 5 things. I think that, you know, everything in
08:32PM 6 storage containers would be nice than having things
08:32PM 7 out in the yard, especially like this Exhibit O-3, I
08:32PM 8 think that looks like a mess and I wouldn't want our
08:32PM 9 site to look like that. If it were stored in storage
08:32PM 10 containers, it looks cleaner, neater and it's also
08:33PM 11 safely kept.

08:33PM 12 Q. Is the idea from an operational
08:33PM 13 standpoint to make it clean and neat, to use your
08:33PM 14 words, or to be functional as a construction site?

08:33PM 15 A. Both. I think you would have to make
08:33PM 16 it look clean and neat, too, but --

08:33PM 17 Q. So if I were --

08:33PM 18 MR. THOMAS: Let her finish the answer.

08:33PM 19 BY MS. DURKIN:

08:33PM 20 Q. I'm sorry, go ahead.

08:33PM 21 A. I think we need to, you know, take into
08:33PM 22 what it would be. We don't want to have what's here
08:33PM 23 in O-3, like that in the yard. We need to -- with
08:33PM 24 the containers everything is nice and neat, it looks
08:33PM 25 good, it will function and it stores our stuff nice

08:33PM 1 and safe.

08:33PM 2 BY MS. DURKIN:

08:33PM 3 Q. So you say it will function. Yet,
08:33PM 4 you're not able to answer any of the basic questions
08:33PM 5 on functionality, how is that?

08:33PM 6 A. With regards to storing the pipe in
08:33PM 7 containers, I will speak to my construction crew and
08:33PM 8 ask them how they would like to -- they would be the
08:33PM 9 ones who would have the knowledge on how to load and
08:33PM 10 unload that into a container.

08:33PM 11 Q. And I --

08:33PM 12 A. They are the ones daily on-site and
08:34PM 13 I'll speak with them and I can get an answer for you.

08:34PM 14 Q. I just want to make sure I understand,
08:34PM 15 you are the operations manager, correct?

08:34PM 16 A. Yeah, and I also have a head of
08:34PM 17 construction too.

08:34PM 18 Q. Pardon?

08:34PM 19 A. I have a head of construction as well
08:34PM 20 who I speak with on a daily basis.

08:34PM 21 Q. Okay.

08:34PM 22 But you are the operations, you're the
08:34PM 23 person that's handling the logistics, the operations
08:34PM 24 of the site, correct?

08:34PM 25 A. Yes, but the head of construction does

08:34PM 1 the unloading and the loading of materials on the
08:34PM 2 site, the construction crew does, so I'll speak with
08:34PM 3 them and I'll get an answer for you.

08:34PM 4 Q. And you testified just now that
08:34PM 5 functionality is important, correct?

08:34PM 6 A. Yes.

08:34PM 7 Q. Okay.

08:34PM 8 But, yet, you can't testify or give the
08:34PM 9 board how the actual function of the site would be?

08:34PM 10 A. In regards to this at this moment, no.

08:35PM 11 MS. DURKIN: So what are we up to, O-4?

08:35PM 12 MR. THOMAS: O-4 is next.

08:35PM 13 MS. DURKIN: O-4 and O-5.

08:35PM 14 (Whereupon, Photograph is received and
08:35PM 15 marked as Exhibit O-4 for identification.)

08:35PM 16 (Whereupon, Photograph is received and
08:35PM 17 marked as Exhibit O-5 for identification.)

08:35PM 18 MR. MOLICA: For the record, the board
08:37PM 19 has been presented with further Objector Exhibits O-4
08:37PM 20 and O-5, both which bear a date of 11/30/21.

21 CHAIRMAN MESSERSCHMIDT: Ms. Durkin,
22 when you're ready.

23 MS. DURKIN: Thank you very much,
24 Mr. Chairman.

25

1 BY MS. DURKIN:

08:38PM 2 Q. Ms. Sainz, you have been shown what's
08:38PM 3 been marked in as O-4 and O-5. Again, I'll represent
08:38PM 4 to you these are pictures that were downloaded from
5 --

6 MR. MOLICA: Counsel, can you just give
7 us a minute?

8 MS. DURKIN: Oh, I'm sorry.

9 MR. MOLICA: The secretary has left the
08:38PM 10 dais and is coming back now, just bear with us.

08:38PM 11 Please continue, Counsel Durkin.

08:38PM 12 BY MS. DURKIN:

08:38PM 13 Q. All right. Ms. Sainz, if you look at
08:39PM 14 what's been marked as O-4 and O-5, the pictures in
08:39PM 15 front of you, you recognize those construction
08:39PM 16 materials, correct?

08:39PM 17 A. Yes.

08:39PM 18 Q. And you recognize those to be rebar?

08:39PM 19 A. Yes.

08:39PM 20 Q. Okay.

08:39PM 21 And then also I draw your attention to
08:39PM 22 Applicant's Exhibit A-6, which is also one of the
08:39PM 23 photos that shows rebar, correct?

08:39PM 24 A. Yes.

08:39PM 25 Q. And you previously testified that some

08:39PM 1 of the construction materials that would be stored in
08:39PM 2 the containers, the shipping containers would be
08:39PM 3 rebar, correct?

08:39PM 4 A. Yes.

08:39PM 5 Q. What is your general understanding of
08:39PM 6 the use of rebar on a construction site?

08:39PM 7 MR. THOMAS: I'm going to objection
08:39PM 8 unless -- first of all, I think that's beyond the
08:39PM 9 expertise of this witness. That's not her job to
08:39PM 10 determine what the use of the material is on the
08:39PM 11 construction site. She's not a construction person.
08:39PM 12 She is a -- she's the one that's the operations
08:39PM 13 manager of the facility that is --

08:39PM 14 MR. MOLICA: Your objection is noted,
08:39PM 15 Counsel.

08:40PM 16 Again, as we've had in prior
08:40PM 17 questioning, if the applicant can answer the
08:40PM 18 question, she should endeavor to do so.

08:40PM 19 A. For our projects we use the rebar for
08:40PM 20 our foundation.

08:40PM 21 Q. Okay. And do you order the rebar, is
08:40PM 22 that part of your job?

08:40PM 23 A. I have someone order it. I don't order
08:40PM 24 it myself.

08:40PM 25 Q. And is it your understanding that most

08:40PM 1 rebar, if not all, is custom and is delivered bent
08:40PM 2 and ready for the job site?

08:40PM 3 A. Yes.

08:40PM 4 Q. So if you can be so kind just from an
08:40PM 5 operations perspective since you testified that rebar
08:40PM 6 will be one of the construction materials that's
08:40PM 7 stored in one of those 500 or 1,000 shipping
08:40PM 8 containers how -- will that rebar come in the bundles
08:40PM 9 or as it's shown on what's marked in O-4 or O-5 or
08:40PM 10 will it be custom to the job?

08:40PM 11 A. No, it will come in the bundles and
08:40PM 12 when it gets to the job site, you can cut it and bend
08:40PM 13 it on the site.

08:40PM 14 Q. Okay.

08:40PM 15 So what is your understanding of
08:40PM 16 cutting and bending rebar for construction sites?

08:41PM 17 A. Well, we have a team who's ever doing
08:41PM 18 our foundation and our footings and they will cut and
08:41PM 19 bend rebar for the plan and specs.

08:41PM 20 Q. So it's not BHT Construction's policy
08:41PM 21 to have the manufacturer do that, the rebar, it's
08:41PM 22 their policy that they do it?

08:41PM 23 A. It doesn't have to be. We have one
08:41PM 24 project where we had a company do it for us and then
08:41PM 25 another project where we had a contractor on-site do

08:41PM 1 it for us.

08:41PM 2 Q. Okay.

08:41PM 3 And approximately, again, the same
08:41PM 4 question I asked before regarding the drainage pipe,
08:41PM 5 what is the mechanics for loading and unloading the
08:41PM 6 rebar from the truck that delivers it on your
08:41PM 7 construction yard site and storing it into the
08:41PM 8 shipping containers?

08:41PM 9 A. I'm going to stay the same thing I said
08:41PM 10 with the stormwater pipe, that I'm going to get with
08:41PM 11 my construction team since they're the ones that do
08:42PM 12 the loading and unloading of material and get an
08:42PM 13 answer for you at a later time.

08:42PM 14 Q. Okay.

08:42PM 15 So I just want to understand your
08:42PM 16 testimony, because if you look at, for instance,
08:42PM 17 pictures of 0-4 and 0-5, you wouldn't disagree that
08:42PM 18 those are bundles of rebar, correct?

08:42PM 19 A. Correct.

08:42PM 20 Q. And that the typical length of rebar is
08:42PM 21 rather long, it's not short?

08:42PM 22 MR. THOMAS: Objection as to what the
08:42PM 23 typical length is. I'm sure that's a question that
08:42PM 24 can't be answered. There is no typical length.
08:42PM 25 Counsel herself said that it's custom.

08:42PM 1 So, therefore, it's obviously not
08:42PM 2 typical, it's custom.

08:42PM 3 MR. MOLICA: Objection noted. If the
08:42PM 4 applicant can answer the question, the applicant's
08:42PM 5 witness can endeavor to do so.

08:42PM 6 A. As of right now with the foundation
08:42PM 7 that we use the rebar for, we haven't had any lengths
08:42PM 8 exceed 20 feet.

08:42PM 9 BY MS. DURKIN:

08:42PM 10 Q. So the rebar -- I just want to
08:42PM 11 understand, the rebar that you're proposing to put in
08:42PM 12 the shipping containers doesn't come to you custom,
08:42PM 13 it comes to you from the manufacturer in the standard
08:43PM 14 length; is that correct?

08:43PM 15 A. We could probably order it and I mean,
08:43PM 16 I don't see -- probably we can order it any length
08:43PM 17 that we see fit, same as fence poles and, you know,
08:43PM 18 the rebar, you can order it in different lengths. So
08:43PM 19 we order from the manufacturer in that 20-foot
08:43PM 20 length.

08:43PM 21 Q. Do you have any idea about the weight
08:43PM 22 of rebar?

08:43PM 23 A. It's not light.

08:43PM 24 Q. So if I said to you just looking at one
08:43PM 25 of the bundles on rebar on what's been marked as 0-4,

08:43PM 1 that if we just guesstimate that there's about 300
08:43PM 2 pieces in a bundle, right?

08:43PM 3 A. In that picture it looks like it could
08:43PM 4 be that amount.

08:43PM 5 MR. MOLICA: That was Exhibit O-4,
08:43PM 6 Counsel, that you're referring to?

08:43PM 7 MS. DURKIN: Yeah, O-4.

08:43PM 8 A. I think bundles can come in different
08:43PM 9 sizes.

08:43PM 10 MR. THOMAS: I'm going to object. Just
08:43PM 11 hold on, I'm objecting. The bundle in O-4, it looks
08:43PM 12 like it's got a large number. The bundle in O-5
08:43PM 13 looks like it's a much smaller number.

08:44PM 14 So I don't think that it's fair to say
08:44PM 15 that typically they are going to be in these large
08:44PM 16 bundles. It seems very clear from your own exhibit
08:44PM 17 that they come in different sizes, different lengths,
08:44PM 18 different quantities.

08:44PM 19 So, therefore, I think the question is
08:44PM 20 unanswerable and, therefore, objectionable.

08:44PM 21 MR. MOLICA: Objection noted and then
08:44PM 22 perhaps the question can be rephrased to ascertain
08:44PM 23 what the applicant proposes it rebar and bundles will
08:44PM 24 look like on-site.

08:44PM 25

08:44PM 1 BY MS. DURKIN:

08:44PM 2 Q. Well, if you look at what's been marked
08:44PM 3 as O-4, those larger bundles, if I said to you there
08:44PM 4 are about 300 pieces in that bundle and that a bundle
08:44PM 5 could weigh approximately 8,000 pounds, would you be
08:44PM 6 surprised by that?

08:44PM 7 MR. THOMAS: Objection, there's no
08:44PM 8 foundation for that --

08:44PM 9 MS. DURKIN: You got to stop
08:44PM 10 testifying.

08:44PM 11 MR. THOMAS: You're the one that's
08:44PM 12 asking these questions.

08:44PM 13 MR. MOLICA: Counsel, objection noted.

08:44PM 14 MS. DURKIN: Well, it's clear that he
08:44PM 15 doesn't want the witness to answer.

16 MR. THOMAS: Where do you come up with
17 --

18 MR. MOLICA: Counsel, Counsel.

19 MR. THOMAS: -- 8,000 pounds, did you
20 pull it out to the air?

21 MR. MOLICA: Counsel.

22 CHAIRMAN MESSERSCHMIDT: We're not
08:45PM 23 going to have this back and forth. Okay? If she
08:45PM 24 can't answer the question, she's not going to answer
08:45PM 25 the question.

08:45PM 1 MS. DURKIN: Mr. Chairman, it's not a
08:45PM 2 question of whether or not she can answer the
08:45PM 3 question or not. I have a right to ask this witness
08:45PM 4 questions.

08:45PM 5 CHAIRMAN MESSERSCHMIDT: You have the
08:45PM 6 right to ask her the question. You can't force her
08:45PM 7 to answer it if she can't answer it.

08:45PM 8 MS. DURKIN: I'm not forcing anyone to
08:45PM 9 do anything, but --

08:45PM 10 MR. MOLICA: So as we've said before --

08:45PM 11 MS. DURKIN: -- what we can't do --

08:45PM 12 MR. MOLICA: Liz, let me finish.

08:45PM 13 MS. DURKIN: Why don't you let me
08:45PM 14 finish my sentence.

08:45PM 15 MR. MOLICA: Let me finish, because I'm
08:45PM 16 expounding upon the chairman's instruction.

08:45PM 17 As we've heard before, an objection is
08:45PM 18 made by counsel for the applicant, we will note that
08:45PM 19 for the record and if the applicant can -- if the
08:45PM 20 applicant's witness can answer the question, she will
08:45PM 21 endeavor to do so. Okay? That is the process we're
08:45PM 22 following.

08:45PM 23 MS. DURKIN: The process is one that if
08:45PM 24 the applicant -- if the witness can't answer the
08:45PM 25 question, applicant's counsel may place an objection.

08:45PM 1 What applicant's counsel is consistently doing is
08:45PM 2 that any time a basic question regarding operations
08:46PM 3 is asked, this -- the attorney is doing what we call
08:46PM 4 a speaking objection and putting words out there and
08:46PM 5 tainting the witness's testimony and that's an
08:46PM 6 objection, with all due respect, Mr. Chairman.

08:46PM 7 MR. MOLICA: You have noted that
08:46PM 8 previously. So the board will deal with that when
08:46PM 9 the time comes and the appropriate weight will be
08:46PM 10 given to this witness's testimony as it will be for
08:46PM 11 all witness testimony.

08:46PM 12 MS. DURKIN: That's a different issue,
08:46PM 13 that's a credibility issue. Right now I'm just
08:46PM 14 trying to ask basic questions of operations from the
08:46PM 15 person --

08:46PM 16 MR. MOLICA: So ask your question.

08:46PM 17 MS. DURKIN: I did not call this
08:46PM 18 witness as the operations facility manager for BHT
08:46PM 19 Construction, the applicant chose to put this person
08:46PM 20 here.

08:46PM 21 So if the -- and quite frankly, this
08:46PM 22 board should be dismayed that basic questions on
08:46PM 23 operations can't be answered.

08:46PM 24 MR. THOMAS: I'm objecting to that
08:46PM 25 characterization.

08:46PM 1 MR. MOLICA: Objection noted. Can we
08:46PM 2 continue the cross examination, please?

08:46PM 3 BY MS. DURKIN:

08:47PM 4 Q. Okay. So with respect to what has been
08:47PM 5 marked, it's showing pictures of rebar, your
08:47PM 6 testimony that rebar is going to be stored in the
08:47PM 7 shipping containers, correct?

08:47PM 8 A. Yes.

08:47PM 9 Q. Okay.

08:47PM 10 So explain to me from an operational
08:47PM 11 standpoint how is the rebar going to be unloaded and
08:47PM 12 put into shipping containers?

08:47PM 13 A. I already answered that question.

08:47PM 14 Q. No, you didn't answer the question,
08:47PM 15 ma'am.

08:47PM 16 MR. THOMAS: Answer it again.

08:47PM 17 MS. DURKIN: And Mr. Thomas, please
08:47PM 18 stop answering questions.

08:47PM 19 MR. MOLICA: He instructed his witness
08:47PM 20 to answer the question.

08:47PM 21 THE WITNESS: My same response as with
08:47PM 22 the stormwater pipe, I'm going to speak with my
08:47PM 23 construction crew on how they would load it and
08:47PM 24 unload that into the container.

08:47PM 25

08:47PM 1 BY MS. DURKIN:

08:47PM 2 Q. I want to make sure I understand your
08:47PM 3 testimony as we sit here this evening, Ms. Sainz.
08:47PM 4 You as the operations manager for BHT construction
08:47PM 5 cannot answer any basic operational question
08:47PM 6 regarding the loading and unloading of construction
08:48PM 7 materials from the truck that ships it onto the site
08:48PM 8 into those shipping containers and out.

08:48PM 9 Is that correct?

08:48PM 10 A. Into containers, no. Normally when we
08:48PM 11 get these on-site, we unload it off the truck and we
08:48PM 12 use it right away on-site at our properties.

08:48PM 13 Q. You just said one very important thing,
08:48PM 14 okay. What you're proposing here, and you're the one
08:48PM 15 with construction expertise, it's not me, okay, what
08:48PM 16 you're proposing with this construction yard solely
08:48PM 17 for BHT Construction is what would be called double
08:48PM 18 handling of construction materials, correct?

08:48PM 19 A. I don't understand.

08:48PM 20 Q. Okay.

08:48PM 21 So let me just walk you through that.
08:48PM 22 What you just testified to relative to the other
08:48PM 23 sites that you have, your testimony was that you're
08:48PM 24 used to the materials being delivered --

08:48PM 25 A. Me, personally in the projects that

08:48PM 1 I've been involved with.

08:48PM 2 THE COURT REPORTER: I'm sorry, "Me,
08:48PM 3 personally," what?

08:48PM 4 THE WITNESS: In the projects that I've
08:48PM 5 been involved with.

08:48PM 6 BY MS. DURKIN:

08:48PM 7 Q. They're being delivered to the site by
08:49PM 8 the manufacturer, correct?

08:49PM 9 A. Yes.

08:49PM 10 Q. Okay. So there's -- so that just goes
08:49PM 11 from manufacturer to the construction site, that's
08:49PM 12 one handler, right?

08:49PM 13 A. Yes.

08:49PM 14 Q. What you're proposing here and your
08:49PM 15 testimony is that BHT Construction is going to have a
08:49PM 16 construction yard solely for BHT sites in the
08:49PM 17 northeast, correct?

08:49PM 18 A. Yes.

08:49PM 19 Q. Okay. Sites that you've not identified
08:49PM 20 yet and that what you're proposing is that the
08:49PM 21 manufacturer will deliver the drainage pipe, the
08:49PM 22 rebar, the fittings, whatever you may need or may not
08:49PM 23 need and that will be offloaded from the
08:49PM 24 manufacturer's trucks into the shipping containers,
08:49PM 25 correct?

08:49PM 1 A. Yes.

08:49PM 2 Q. And then when you need them for BHT's
08:49PM 3 site, those materials are somehow going to be removed
08:49PM 4 from the shipping container to your site, correct?

08:49PM 5 A. Yes.

08:49PM 6 Q. So that's a double handler, correct?

08:50PM 7 It's an added handling of the process of those
08:50PM 8 materials, correct?

08:50PM 9 A. I suppose

08:50PM 10 Q. Not suppose, I want to make sure you
08:50PM 11 understand what I'm asking.

08:50PM 12 A. They will be delivered by the
08:50PM 13 manufacturer to this facility and then from this
08:50PM 14 facility, bring it to our projects.

08:50PM 15 Q. So that would be called double
08:50PM 16 handling. So for instance, as an example, let's say
08:50PM 17 you need this bundle of this rebar, your testimony is
08:50PM 18 this rebar, you won't have to call up the
08:50PM 19 manufacturer and say, hey, we have a site in New York
08:50PM 20 and we need rebar for it, you're just going to go to
08:50PM 21 one of your 500 to 1,000 shipping containers that are
08:50PM 22 neatly stacked and figure out which one has the rebar
08:50PM 23 in it and you're going to pull that rebar out and
08:50PM 24 take it from your site in Andover, New Jersey to
08:50PM 25 whatever site you have in New York?

08:50PM 1 A. Yes.

08:50PM 2 Q. So that's double handling that
08:50PM 3 material, correct?

08:50PM 4 A. I guess, yes, it's double handling.

08:51PM 5 Q. Based on your expertise in operations,
08:51PM 6 are you familiar with any other site double handling
08:51PM 7 construction material like that?

08:51PM 8 A. No, this would be our first site.

08:51PM 9 Q. Have you done any analysis as to the
08:51PM 10 cost effectiveness of double handling those
08:51PM 11 materials?

08:51PM 12 A. Actually, we've done a cost analysis of
08:51PM 13 this and as I mentioned previously, just from
08:51PM 14 material in August until now price has gone up more
08:51PM 15 than 25 percent for certain materials. So we want to
08:51PM 16 have everything on-site years in advance when we need
08:51PM 17 them for other projects to be cost effective.

08:51PM 18 Q. So --

08:51PM 19 A. Not just a three-month or six-month
08:51PM 20 storage. We plan to have this material for long term
08:51PM 21 when we need it for other projects.

08:51PM 22 Q. So without addressing the effectiveness
08:51PM 23 of the storage containers, because that would be a
08:52PM 24 different issue, let's just hone in on what you're
08:52PM 25 talking about regarding the use of the facility for

08:52PM 1 BHT Construction, okay?

08:52PM 2 Is it your testimony that you
08:52PM 3 anticipate filling all of the 500 to 1,000 containers
08:52PM 4 to the max with whatever construction materials and
08:52PM 5 whatever you think you may need for future jobs?

08:52PM 6 A. I think eventually, well, down the line
08:52PM 7 we will use the containers. In the beginning, no, we
08:52PM 8 won't be using the containers. We don't have enough
08:52PM 9 projects to use them all in the very beginning, but
08:52PM 10 something in the future.

08:52PM 11 Q. I just want to make sure I understand,
08:52PM 12 because I'm just being honest with you, because I'm
08:52PM 13 very confused. Okay? Your testimony is as we sit
08:52PM 14 here tonight, you manage four sites for BHT
08:52PM 15 Construction, correct?

08:52PM 16 A. At this very moment, yes.

08:52PM 17 Q. Are there any -- and not all four of
08:52PM 18 them are in what we would call the northeast,
08:52PM 19 correct?

08:52PM 20 A. No.

08:53PM 21 Q. As a matter of fact two of them are
08:53PM 22 not?

08:53PM 23 A. Correct.

08:53PM 24 Q. Only one is here, Minnesota is not the
08:53PM 25 northeast.

08:53PM 1 A. Yes.

08:53PM 2 Q. All right. And then the other --
08:53PM 3 you're in the four possible furthest distances,
08:53PM 4 right, Florida, Minnesota, New York and California,
08:53PM 5 correct?

08:53PM 6 A. Yes.

08:53PM 7 Q. Okay. So I'm just trying to understand
08:53PM 8 the logistics, so -- and it's not lost on me either
08:53PM 9 that all four of those sites are auto auction sites
08:53PM 10 of some sort, okay.

08:53PM 11 Do you have an understanding as to the
08:53PM 12 other proposed construction sites for BHT
08:53PM 13 Construction in the northeast?

08:53PM 14 A. I know a few. I do not know of them
08:53PM 15 all. They are still, you know, being worked out, but
08:53PM 16 there are a few that we have coming up.

08:53PM 17 Q. And what states would they be located?

08:53PM 18 A. Another one in New York, New Jersey,
08:53PM 19 Maryland, and Virginia.

08:54PM 20 Q. Okay.

08:54PM 21 And those four sites, are they owned by
08:54PM 22 BHT now?

08:54PM 23 A. I can't state that they are owned,
08:54PM 24 they're in negotiations.

08:54PM 25 Q. To acquire those four sites?

08:54PM 1 A. Yes.

08:54PM 2 Q. So if those --

08:54PM 3 A. But I don't get involved with that
08:54PM 4 stuff anyway from an operation standpoint. So I
08:54PM 5 can't say for sure if they're owned, which ones have
08:54PM 6 options to buy or anything like that.

08:54PM 7 Q. But so as the operations manager for
08:54PM 8 BHT Construction just like any other construction
08:54PM 9 company, you would have some sort of a forecast, you
08:54PM 10 know, some --

08:54PM 11 A. Depends on whether or not --

08:54PM 12 THE COURT REPORTER: I'm sorry,
08:54PM 13 "Depends whether or not"?

08:54PM 14 THE WITNESS: Where they're at in the
08:54PM 15 process before I'm brought into the picture.

08:54PM 16 BY MS. DURKIN:

08:54PM 17 Q. Again, I'm just a little confused, so
08:54PM 18 just help me out with clarity here.

08:54PM 19 There are four existing sites for BHT
08:54PM 20 Construction and you testified there may be four
08:55PM 21 additional sites; New York, New Jersey, Maryland,
08:55PM 22 Virginia. Okay?

08:55PM 23 But you don't know whether or not those
08:55PM 24 sites have been secured yet?

08:55PM 25 A. Correct.

08:55PM 1 Q. So could you -- do you have any idea --

08:55PM 2 A. I'm sorry, two have been secured.

08:55PM 3 We're actually starting one next month.

08:55PM 4 Q. And what state is that?

08:55PM 5 A. Maryland.

08:55PM 6 Q. I'm sorry, Maryland?

08:55PM 7 A. Maryland.

08:55PM 8 Q. And is that for an enduser?

08:55PM 9 A. Yes.

08:55PM 10 Q. And what's the use on the enduser?

08:55PM 11 A. Auto auction facility.

08:55PM 12 Q. Is it fair enough to say that all BHT

08:55PM 13 Construction sites are auto auction?

08:55PM 14 A. That I am in control of, yes.

08:55PM 15 Q. And you're the operations manager for

08:55PM 16 BHT construction?

08:55PM 17 A. Yes.

08:55PM 18 Q. So all the sites that you are in

08:55PM 19 control of are auto auction?

08:55PM 20 A. For BHT Construction.

08:55PM 21 Q. Okay, got you, got you.

08:55PM 22 But as we sit here today, you can't say

08:55PM 23 just on a forecast for BHT Construction if in the

08:55PM 24 next year they might be doing that site in New York?

08:56PM 25 A. Towards the end of the year that's when

08:56PM 1 we have it on our schedule to start, but it would be
08:56PM 2 contingent on money.

08:56PM 3 Q. And do you know where in New York that
08:56PM 4 proposed site is?

08:56PM 5 A. Yes.

08:56PM 6 Q. And where would --

08:56PM 7 A. Basically close to our one in
08:56PM 8 Monticello.

08:56PM 9 Q. Okay. What is the distance between
08:56PM 10 that site and Andover?

08:56PM 11 A. It's about an hour.

08:56PM 12 Q. An hour?

08:56PM 13 A. Uh-huh.

08:56PM 14 Q. And have you done any investigations of
08:56PM 15 any of the construction facilities, manufacturers,
08:56PM 16 quarries that might be closer to the site in New
08:56PM 17 York?

08:56PM 18 MR. THOMAS: Your Honor -- sorry about
08:56PM 19 that. Well, maybe I can do that. I object. What
08:56PM 20 we're dealing with now is the viability of the
08:56PM 21 business model. That is not really something that
08:57PM 22 this board has jurisdiction over.

08:57PM 23 MR. MOLICA: We don't want to get off
08:57PM 24 track, Counsel. Your objection is noted, but again,
08:57PM 25 the applicant can -- the applicant's witnesses can

08:57PM 1 answer the question if she can.

08:57PM 2 MR. THOMAS: Well, the point that I'm
08:57PM 3 making is that and we talked about this the last time
08:57PM 4 around, that one of the board members indicated that
08:57PM 5 there was a question as to whether or not the site is
08:57PM 6 a viable business model.

08:57PM 7 Well, whether it is or not is really
08:57PM 8 not relevant to the issues of whether this is an
08:57PM 9 approvable site pursuant to the Municipal Land Use
08:57PM 10 Law and this is where I'm finding that this line of
08:57PM 11 questioning is totally irrelevant and --

08:57PM 12 MR. MOLICA: I don't think that what
08:57PM 13 Ms. Durkin was asking was exactly the same as what
08:57PM 14 was asked per your example.

08:57PM 15 MR. THOMAS: I think it's
08:57PM 16 extraordinarily close and for that reason I would
08:57PM 17 object.

08:57PM 18 MR. MOLICA: Your objection is noted.

08:57PM 19 Ms. Durkin, can you ask the question
08:57PM 20 again so that the applicant's witness can try to
08:57PM 21 answer it?

08:58PM 22 BY MS. DURKIN:

08:58PM 23 Q. I'm just looking for clarity and
08:58PM 24 understanding on the operations.

08:58PM 25 I understand, Ms. Sainz, what you said,

08:58PM 1 you testified is that the Andover site would be the
08:58PM 2 area where all the construction materials that BHT
08:58PM 3 Construction would need for its to-be-yet-named
08:58PM 4 sites, one of which might be in the New York,
08:58PM 5 correct?

08:58PM 6 A. Yes.

08:58PM 7 Q. Okay.

08:58PM 8 And the question I have for you, you
08:58PM 9 also testified that cost is one of the main concerns,
08:58PM 10 which it would be for any business, in terms of why
08:58PM 11 you need this construction yard, this construction
08:58PM 12 facility, correct?

08:58PM 13 A. Yes.

08:58PM 14 Q. Okay.

08:58PM 15 And what I'm asking is you identified
08:58PM 16 one of the four potential properties in New York and
08:58PM 17 as the operations manager, I'm just asking you
08:58PM 18 whether or not you have done any research to see what
08:58PM 19 construction manufacturers or quarries might be
08:58PM 20 closer to the New York site than Andover?

08:59PM 21 MR. THOMAS: I'm going to object only
08:59PM 22 in the sense that I don't know whether or not this
08:59PM 23 witness is in a position to be doing that kind of
08:59PM 24 work or if that's something that's done by --

08:59PM 25 MR. MOLICA: Your objection is noted,

08:59PM 1 Counsel. I think she can simply answer the question.

08:59PM 2 I'm going to encourage the witness to
08:59PM 3 simply answer the question if she can.

08:59PM 4 THE WITNESS: We have looked at
08:59PM 5 quarries and other manufacturers and vendors in the
08:59PM 6 area, yes. If we don't start the project -- let's
08:59PM 7 say, we start the project in two years and we take
08:59PM 8 the material now or something, then we would still be
08:59PM 9 saving money.

08:59PM 10 CHAIRMAN MESSERSCHMIDT: Ms. Durkin, I
11 would like to take a five-minute break, if we can.

12 MS. DURKIN: You're the chairman, of
13 course.

14 MR. MOLICA: Well, we had talked about
15 stopping an hour-and-a-half in. We're now at that
16 point. That was a request originally made by the
08:59PM 17 court reporter. So we're going to go off the record
09:00PM 18 and return in at least five minutes.

09:00PM 19 CHAIRMAN MESSERSCHMIDT: It's 9:00 now.
09:00PM 20 So let's try and get back to get started at 9:05 or
09:00PM 21 thereabouts.

09:00PM 22 MS. DURKIN: Okay. Thank you very
09:00PM 23 much.

09:00PM 24 (Whereupon, a short recess is held.)

09:11PM 25 CHAIRMAN MESSERSCHMIDT: All right.

09:11PM 1 We're back on the record.

09:11PM 2 Excuse me.

09:11PM 3 MR. THOMAS: Ladies and gentlemen,
09:11PM 4 we're back on the record.

09:11PM 5 CHAIRMAN MESSERSCHMIDT: Thank you.

09:11PM 6 MS. DURKIN: Thank you, Mr. Chairman.

09:11PM 7 BY MS. DURKIN:

09:11PM 8 Q. Ms. Sainz, before the break I believe
09:11PM 9 the outstanding question that I had was relative to
09:11PM 10 an understanding of the operations of BHT for storing
09:11PM 11 a massive amount of construction materials on an
09:11PM 12 Andover side that you may or may not need for a
09:11PM 13 project that have yet to be identified.

09:11PM 14 I don't want to put words in your
09:11PM 15 mouth. I'm just trying to understand, you know, your
09:12PM 16 operations, BHT Construction's operations?

09:12PM 17 MR. THOMAS: I'm going to object to
09:12PM 18 that question and the entire line of questioning.
09:12PM 19 The fact of the matter is, this is all going to
09:12PM 20 whether or not this is a viable operation. That is
09:12PM 21 not the responsibility of this board.

09:12PM 22 This board took a lot of time and
09:12PM 23 effort to approve a site known -- an application
09:12PM 24 known as Pace Glass. Pace Glass is an 85-acre site,
09:12PM 25 which is going to end up providing for something like

09:12PM 1 400 tons of recyclable glass.

09:12PM 2 As you all know, that got approved and
09:12PM 3 that was the basis for one of my arguments that says
09:12PM 4 this is a C variance and not a D variance.

09:12PM 5 Notwithstanding, though, I'm not
09:12PM 6 getting into that issue, the fact of the matter is
09:12PM 7 that, you know, you didn't seem to be terribly
09:12PM 8 concerned about that and by the way, as you all know,
09:12PM 9 because you all read The New Jersey Herald, that
09:12PM 10 project just went belly-up.

09:12PM 11 So the issue is not whether or not this
09:12PM 12 is a viable project. These questions are all dealing
09:12PM 13 with the viability of the project. It has nothing to
09:12PM 14 do with the zoning of the project. We've already
09:13PM 15 indicated that, in fact, if we are not able to end up
09:13PM 16 having this material in the containers and have it
09:13PM 17 similar to what these misleading photos show that
09:13PM 18 Ms. Durkin has provided, that they're all outside and
09:13PM 19 that that's what's going to end up happening at the
09:13PM 20 Andover site, you're going to put in a condition,
09:13PM 21 because I'm sure that your attorney is going to tell
09:13PM 22 you to put in a condition that says the operation is
09:13PM 23 going to require that all this material has to be in
09:13PM 24 the containers. We understand that. We're the ones
09:13PM 25 that proposed that. We're not proposing this. It

09:13PM 1 seems like Ms. Durkin would want to propose this.

09:13PM 2 We're not proposing this.

09:13PM 3 MR. MOLICA: Counsel, your objection is
09:13PM 4 noted. I feel like Ms. Durkin is trying to focus on
09:13PM 5 operational issues and I think that that's
09:13PM 6 appropriate.

09:13PM 7 MR. THOMAS: I don't think it's
09:13PM 8 appropriate at all.

09:13PM 9 MR. MOLICA: The focus is on
09:13PM 10 operational issues for this site.

09:13PM 11 MR. THOMAS: Operational issues are not
09:13PM 12 the focus of this application. The focus of this
09:13PM 13 application is -- because the operational issues of
09:13PM 14 whether or not, you know, she knows particularly how
09:13PM 15 you end up taking pipe, putting pipe in and putting
09:13PM 16 pipe out is irrelevant to the issue of zoning.

09:14PM 17 It's a question of whether or not there
09:14PM 18 is a determination that the pipe is going to be or
09:14PM 19 any other material is going to be in the containers,
09:14PM 20 that's the fundamental issue.

09:14PM 21 MR. MOLICA: Counsel, you've made your
09:14PM 22 objection, it is noted.

09:14PM 23 MR. THOMAS: I want the objection on
09:14PM 24 the record of a continuing basis for all of these
09:14PM 25 questions.

09:14PM 1 MR. MOLICA: You brought this witness
09:14PM 2 here.

09:14PM 3 MR. THOMAS: I understand that.

09:14PM 4 MR. MOLICA: She is giving the board
09:14PM 5 and the record testimony about the proposed operation
09:14PM 6 of the site. So Ms. Durkin is within her right to
09:14PM 7 question in that regard.

09:14PM 8 MR. THOMAS: My continued objection
09:14PM 9 should be noted on the record.

09:14PM 10 MS. DURKIN: And just for the record,
09:14PM 11 I'll just also note, Mr. Chairman and Members of the
09:14PM 12 Board, what Mr. Thomas just reminded us to anything
09:14PM 13 that I might be going to is just not accurate
09:14PM 14 relative to an outside storage.

09:14PM 15 MR. MOLICA: Let's focus on questioning
09:14PM 16 this witness, please.

09:14PM 17 MS. DURKIN: That's been my focus.

09:14PM 18 BY MS. DURKIN:

09:14PM 19 Q. I'm sorry, Ms. Sainz, do you need to
09:15PM 20 ask the question again?

09:15PM 21 A. Yes, I do, I'm sorry.

09:15PM 22 MR. THOMAS: I'm not surprised.

09:15PM 23 BY MS. DURKIN:

09:15PM 24 Q. I just want to understand from an
09:15PM 25 operational standpoint, okay, it's your testimony

09:15PM 1 that BHT is going to use this 100-acre site as a
09:15PM 2 construction storage facility just for BHT projects,
09:15PM 3 correct?

09:15PM 4 A. Yes.

09:15PM 5 Q. And it's my understanding from your
09:15PM 6 testimony that there are no active construction sites
09:15PM 7 as you sit here today, correct?

09:15PM 8 A. We do have active construction sites.

09:15PM 9 Q. There's just the one in New York,
09:15PM 10 Monticello?

09:15PM 11 A. You mean, you're referring to the
09:15PM 12 northeast?

09:15PM 13 Q. That you would be using for the
09:15PM 14 construction materials that are to be stored at the
09:15PM 15 site.

09:15PM 16 A. That's correct.

09:15PM 17 Q. There's not?

09:15PM 18 A. Just the one in New York.

09:15PM 19 Q. So I just --

09:15PM 20 A. I also want to say that this project
09:15PM 21 isn't done. I mean, we haven't even -- the New York
09:15PM 22 project will be complete by the time any of this ever
09:16PM 23 comes to fruition.

09:16PM 24 Q. Okay.

09:16PM 25 So I just want to understand from an

09:16PM 1 operational standpoint is it that BHT Construction,
09:16PM 2 the goal is to have all of this construction material
09:16PM 3 at this site for future projects?

09:16PM 4 A. Correct.

09:16PM 5 Q. How do you come from a determination
09:16PM 6 operationally to have a storage yard with 500 to
09:16PM 7 1,000 storage containers? How did you arrive at that
09:16PM 8 number?

09:16PM 9 A. So that was actually a number from the
09:16PM 10 principal of our company. He deals with several
09:16PM 11 properties that I am not actually aware of at this
09:16PM 12 moment. I just know of the ones that I mentioned
09:16PM 13 that are in the pipeline and he -- when those are
09:16PM 14 ready, he puts a number together on how much we're
09:16PM 15 going to use. We know how much stormwater pipe we
09:16PM 16 need on average for our projects right now. It
09:16PM 17 varies, but it's relatively, you know, the same, we
09:17PM 18 have an afternoon. So he figured that we would need
09:17PM 19 this many containers.

09:17PM 20 Q. So, again, I'm just trying to figure
09:17PM 21 out, in what year, you said, you know, is it the goal
09:17PM 22 that there would be all of these containers would be
09:17PM 23 complete -- just filled with whatever construction
09:17PM 24 materials you may need?

09:17PM 25 MR. THOMAS: Objection, this has been

09:17PM 1 asked and answered at least five times. Same
09:17PM 2 question over and over again.

09:17PM 3 MR. MOLICA: The applicant can endeavor
09:17PM 4 to answer the question if they can. Your objection
09:17PM 5 is noted, Counsel.

09:17PM 6 Again, I think that this doesn't
09:17PM 7 concern an operational issue and when the site -- the
09:17PM 8 containers can be filled. So let's just --

09:17PM 9 MR. THOMAS: I understand that, but
09:17PM 10 she's asking --

09:17PM 11 MR. MOLICA: Well, we're spending more
09:17PM 12 time going back and forth with evidentiary
09:17PM 13 objections. Technical rules of evidence do not apply
09:17PM 14 to this type of proceeding.

09:17PM 15 THE WITNESS: I think it's hard to
09:17PM 16 answer that question, because we don't know when we
09:17PM 17 will be able to start this project, no idea when
09:18PM 18 we'll get past it, when we'll be able to actually
09:18PM 19 start the construction and when it will be complete.

09:18PM 20 So I can't give you a timeframe of when
09:18PM 21 we expect to have all the containers full.

09:18PM 22 BY MS. DURKIN:

09:18PM 23 Q. And your testimony was that at your
09:18PM 24 other four sites that you have two containers on one
09:18PM 25 site and another on another. So you have four sites

09:18PM 1 that you're utilizing three shipping containers at,
09:18PM 2 correct?

09:18PM 3 A. Yes, for those sites we don't store the
09:18PM 4 stormwater pipe or the fencing material in the
09:18PM 5 containers.

09:18PM 6 Q. And is it your understanding that BHT
09:18PM 7 will be purchasing these shipping containers?

09:18PM 8 A. Yes.

09:18PM 9 Q. Do you know approximately the cost of a
09:18PM 10 shipping container?

09:18PM 11 A. No.

09:18PM 12 Q. If I told you the cost of a shipping
09:18PM 13 container was \$4 million, would that surprise you?

09:18PM 14 A. Yes.

09:18PM 15 Q. Excuse me, \$4,000.00, would that
09:18PM 16 surprise you that it's \$4,000.00?

09:18PM 17 A. No.

09:18PM 18 MR. THOMAS: I was going to say
09:18PM 19 \$4 million, that's one hell of a container.

09:18PM 20 MR. MOLICA: That's a big difference.
09:18PM 21 Counsel, it's \$4,000.00, is that what your
09:18PM 22 hypothetical contemplates?

09:18PM 23 MS. DURKIN: Yes, \$4,000.00.

09:18PM 24 BY MS. DURKIN:

09:18PM 25 Q. That would not surprise you?

09:19PM 1 A. No.

09:19PM 2 Q. Okay.

09:19PM 3 I'm going to show you -- I think we're

09:19PM 4 at O-6?

09:19PM 5 MR. MOLICA: Yes, O-6.

09:19PM 6 (Whereupon, Photograph is received and

09:19PM 7 marked as Exhibit O-6 for identification.)

09:19PM 8 (Whereupon, Photograph is received and

09:19PM 9 marked as Exhibit O-7 for identification.)

09:19PM 10 (Whereupon, Photograph is received and

09:20PM 11 marked as Exhibit O-8 for identification.)

09:20PM 12 MR. THOMAS: What do we have, three?

09:20PM 13 MS. DURKIN: Yup, three.

09:20PM 14 MR. MOLICA: This is all O-6?

09:20PM 15 MS. DURKIN: O-6, O-7, O-8.

09:20PM 16 MR. THOMAS: It's only O-6 and O-7?

09:20PM 17 MS. DURKIN: And O-8. O-6, O-7, O-8.

09:20PM 18 MR. THOMAS: Got it.

09:21PM 19 MR. MOLICA: We have now, for the

09:21PM 20 record, Objector Exhibits O-6, O-7 and O-8. They

09:21PM 21 will all bear today's November 30, 2021 date.

09:23PM 22 CHAIRMAN MESSERSCHMIDT: Mr. Karr, you

09:23PM 23 have O-6, O-7, O-8?

09:23PM 24 MR. KARR: I have them, we're good,

09:23PM 25 yup.

09:23PM 1 CHAIRMAN MESSERSCHMIDT: Counselor?

09:23PM 2 MS. DURKIN: Are you ready? Oh, thank
09:23PM 3 you very much, Mr. Chairman.

09:23PM 4 BY MS. DURKIN:

09:23PM 5 Q. Ms. Sainz, have you had an opportunity
09:23PM 6 to review the pictures that have been marked O-6, O-7
09:23PM 7 and O-8?

09:23PM 8 A. Yes.

09:23PM 9 Q. Okay.

09:24PM 10 And are you familiar with those -- with
09:24PM 11 these construction materials?

09:24PM 12 A. Yes.

09:24PM 13 Q. So if you'd just go to O-6 and I'll
09:24PM 14 represent, again, I downloaded these picture from a
09:24PM 15 construction site.

09:24PM 16 O-6, that's reinforced concrete pipe,
09:24PM 17 correct?

09:24PM 18 A. Yes.

09:24PM 19 Q. Okay.

09:24PM 20 And O-7, you understand those to be
09:24PM 21 reinforced concrete risers?

09:24PM 22 A. Yes.

09:24PM 23 Q. And then O-8, a manhole base?

09:24PM 24 A. Yes.

09:24PM 25 Q. Precast structure, correct?

09:24PM 1 A. Yes.

09:24PM 2 Q. So if we look at what's been marked as
09:24PM 3 O-6, that pipe, you understand that the pipe has two
09:24PM 4 ends, obviously, because they're connectors, right?

09:24PM 5 A. Yes.

09:24PM 6 Q. And the one side is referred to as the
09:24PM 7 bell and the other is the spigot?

09:24PM 8 Are you familiar with those terms?

09:24PM 9 A. Yes.

09:24PM 10 Q. You are familiar?

09:24PM 11 A. Yes.

09:24PM 12 Q. Okay.

09:24PM 13 And then you see in picture O-6 there's
09:24PM 14 some holes on the top of those pipes, do you see
09:24PM 15 those?

09:24PM 16 A. Yes.

09:24PM 17 Q. Do you know what those holes are for?

09:25PM 18 A. No. I've never actually ordered pipe
09:25PM 19 that has the hole in it like that.

09:25PM 20 Q. Do you understand, have you ever worked
09:25PM 21 with reinforced concrete pipe in any of your jobs?

09:25PM 22 A. Yes, they use it on-site.

09:25PM 23 Q. And do you understand reinforced
09:25PM 24 concrete to be fragile type of materials?

09:25PM 25 A. Yes.

09:25PM 1 I just want to say, I don't plan on
09:25PM 2 storing this pipe in the containers.

09:25PM 3 MR. THOMAS: I understand that you're
09:25PM 4 talking about these various pipes, but the question
09:25PM 5 really becomes are any of these pipes going to be
09:25PM 6 stored on-site and if they are, I guess you have the
09:25PM 7 right to ask those questions. If they're not going
09:25PM 8 to be stored on-site, then they're irrelevant and
09:25PM 9 they shouldn't be considered even, you know, in any
09:25PM 10 questions whatsoever.

09:25PM 11 So I think the question really becomes
09:25PM 12 will any of these be stored on-site, because if
09:25PM 13 they're not, then I'm going to be seeking to have
09:25PM 14 these withdrawn from the board's provision and
09:25PM 15 observation and we'll move on.

09:25PM 16 MR. MOLICA: Your objection is noted,
09:25PM 17 Counsel.

09:25PM 18 MR. THOMAS: Well, let's get the answer
09:25PM 19 to the question, because it's fundamental to these
09:25PM 20 pictures.

09:25PM 21 MR. MOLICA: Counsel --

09:25PM 22 BY MS. DURKIN:

09:26PM 23 Q. I just want to make sure I understand
09:26PM 24 then, Ms. Sainz, you understand the materials here to
09:26PM 25 be reinforced concrete, correct?

09:26PM 1 A. Yes.

09:26PM 2 Q. In all three of these photos, O-6, O-7
09:26PM 3 and O-8, correct?

09:26PM 4 A. Yes.

09:26PM 5 Q. And we got the pipe, the riser and the
09:26PM 6 manhole, correct?

09:26PM 7 A. Yes.

09:26PM 8 Q. Is it your testimony that none of the
09:26PM 9 construction materials that would be stored at the
09:26PM 10 site will be reinforced concrete pipe, the risers or
09:26PM 11 manholes?

09:26PM 12 A. That's correct, it will not be stored
09:26PM 13 on the site.

09:26PM 14 Q. There will be --

09:26PM 15 MR. THOMAS: Therefore, the question
09:26PM 16 has been answered.

09:26PM 17 MS. DURKIN: Let me just finish my
09:26PM 18 question.

09:26PM 19 MR. THOMAS: No.

09:26PM 20 MR. MOLICA: It's a two-part question.

09:26PM 21 MR. THOMAS: Wait a minute now. She
09:26PM 22 asked a question, she got an answer. Now she wants
09:26PM 23 to rephrase the same damn question.

09:26PM 24 MR. MOLICA: No, she --

09:26PM 25 MR. THOMAS: That is inappropriate.

09:26PM 1 MR. MOLICA: It was a two-part
09:26PM 2 question.

09:26PM 3 MR. THOMAS: That is inappropriate.

09:26PM 4 MR. MOLICA: Roger, again, we are not
09:26PM 5 bound by formal rules of evidence and I don't think
09:26PM 6 that what she was asking was the same question, it
09:26PM 7 was a two-part question.

09:26PM 8 MR. THOMAS: I am going to be seeking
09:27PM 9 to have these pictures removed from the board's
09:27PM 10 consideration, because they are -- she's testified
09:27PM 11 that none of these -- none of these concrete pipes
09:27PM 12 that are shown in six, seven and eight are going to
09:27PM 13 be stored on-site, so therefore, they are totally
09:27PM 14 irrelevant.

09:27PM 15 MR. MOLICA: For the record, Ms. Sainz,
09:27PM 16 are the materials depicted on Exhibits O-6, O-7 and
09:27PM 17 O-8 representative of any materials the applicant
09:27PM 18 contemplates storing at the property?

09:27PM 19 THE WITNESS: No.

09:27PM 20 MR. MOLICA: Thank you.

09:27PM 21 Ms. Durkin, move on.

09:27PM 22 BY MS. DURKIN:

09:27PM 23 Q. I just want to understand that there's
09:27PM 24 -- is it your testimony that no reinforced concrete
09:27PM 25 construction materials of any nature are intended to

09:27PM 1 be stored at the site?

09:27PM 2 A. What's in these pictures, no. There
09:27PM 3 will be no precast structures and no reinforced
09:27PM 4 concrete pipe, no. The answer is no.

09:27PM 5 MR. THOMAS: I would, therefore, seek
09:27PM 6 to have those pictures withdrawn from consideration
09:27PM 7 from the board.

09:27PM 8 MS. DURKIN: Respectfully,
09:27PM 9 Mr. Chairman, I'm trying to lay a foundation.

09:27PM 10 MR. MOLICA: They will be part of the
09:27PM 11 record, but the testimony is that they are not
09:27PM 12 materials that will be stored on the property.

09:28PM 13 MS. DURKIN: And my follow-up question
09:28PM 14 the this witness, it's for the witness, not Mr.
09:28PM 15 Thomas to answer is whether or not there's any
09:28PM 16 intention for there to be any kind of precast
09:28PM 17 concrete structures to be stored at the site.

09:28PM 18 A. No.

09:28PM 19 BY MS. DURKIN:

09:28PM 20 Q. Okay.

09:28PM 21 MR. THOMAS: I renew my statement that
09:28PM 22 the pictures are irrelevant.

09:28PM 23 MS. DURKIN: Okay. I'm going to ask
09:28PM 24 this question and maybe you're going to withdraw
09:28PM 25 that. Okay?

09:28PM 1 BY MS. DURKIN:

09:28PM 2 Q. If I told you, Ms. Sainz, that as part
09:28PM 3 of the Environmental Impact Statement that was
09:28PM 4 submitted by your client as part of this application,
09:28PM 5 on page three it clearly states, and I'm going to
09:28PM 6 quote from it in paragraph two:

09:28PM 7 "The materials to be stored on site are
09:28PM 8 stone, aggregate, precast concrete structures
09:28PM 9 and other typical natural construction
09:28PM 10 materials."

09:28PM 11 So I just want to make sure that I have
09:28PM 12 complete clarity relative to the testimony that's
09:29PM 13 being offered by this witness this evening, because
09:29PM 14 it's in direct contrast to the EIS statement
09:29PM 15 submitted by the same applicant before this board.

09:29PM 16 A. I was never aware that any precast
09:29PM 17 structures would be stored on the property.

09:29PM 18 MR. MOLICA: Would the applicant agree
09:29PM 19 to a condition that they will not store precast
09:29PM 20 concrete structures on the property?

09:29PM 21 THE WITNESS: Yes.

09:29PM 22 MR. MOLICA: Let's move on.

09:29PM 23 BY MS. DURKIN:

09:29PM 24 Q. And following up on that question,
09:29PM 25 Ms. Sainz, in the Environmental Impact Statement that

09:29PM 1 I just quoted to, I'm just going to say the sentence
09:29PM 2 again. I'm happy to show you a copy of it if you
09:29PM 3 need it.

09:29PM 4 "The materials to be stored on site are
09:29PM 5 stone, aggregate, precast concrete structures
09:29PM 6 and other typical natural construction
09:29PM 7 materials."

09:29PM 8 MR. THOMAS: You just asked that
09:29PM 9 question and she's answered it.

09:29PM 10 CHAIRMAN MESSERSCHMIDT: Let her finish
09:29PM 11 where she's going with this for a second.

09:30PM 12 Please proceed, proceed.

09:30PM 13 MS. DURKIN: Let me make sure that I
09:30PM 14 understand the testimony that is being given by this
09:30PM 15 witness this evening.

09:30PM 16 BY MS. DURKIN:

09:30PM 17 Q. You as an operational person have
09:30PM 18 testified this evening to the other materials that
09:30PM 19 will be stored on this site, correct?

09:30PM 20 A. Yes.

09:30PM 21 Q. The drainage pipe, the rebar --

09:30PM 22 A. Yes.

09:30PM 23 Q. -- correct?

09:30PM 24 None of those materials are natural,
09:30PM 25 are they?

09:30PM 1 A. No. I want to say that what you're
09:30PM 2 referring to is what should be stored in the storage
09:30PM 3 bins.

09:30PM 4 Q. No, ma'am.

09:30PM 5 Again, I'm just going based on what the
09:30PM 6 applicant has submitted to this board, okay, and as
09:30PM 7 part of the package that the applicant is required to
09:30PM 8 submit to the board is an Environmental Impact
09:30PM 9 Statement and there is one here that is prepared by
09:30PM 10 E&LK (phonetic). Okay?

09:30PM 11 MR. MOLICA: Does the applicant's
09:31PM 12 witness have a copy of the Environmental Impact
09:31PM 13 Statement that objector's counsel is referring to?

09:31PM 14 MR. THOMAS: What page?

09:31PM 15 MS. DURKIN: On page 3, the
09:31PM 16 introduction, second paragraph.

09:31PM 17 Do you have a copy of it?

09:31PM 18 CHAIRMAN MESSERSCHMIDT: The last
09:31PM 19 sentence of the second paragraph.

09:31PM 20 BY MS. DURKIN:

09:31PM 21 Q. Do you have a copy in front of you?

09:31PM 22 A. Yes.

09:31PM 23 Q. Okay. So if you go to page 3 --

09:31PM 24 A. Uh-huh.

09:31PM 25 Q. -- you see the second paragraph?

09:31PM 1 A. Yes.

09:31PM 2 Q. You see the last full sentence?

09:32PM 3 A. Yes.

09:32PM 4 Q. Okay. That's the sentence, it says:

09:32PM 5 "The materials to be stored on site are

09:32PM 6 stone, aggregate, precast concrete structures

09:32PM 7 and other typical natural construction

09:32PM 8 materials."

09:32PM 9 Do you see that sentence?

09:32PM 10 A. Yeah. I don't know how they would use

09:32PM 11 the word "natural." I mean, to me, it depends how

09:32PM 12 you want to see the word natural. To me this stuff

09:32PM 13 is natural to a construction site. You have to have

09:32PM 14 stormwater pipe, you have to have rebar, fencing

09:32PM 15 material, I mean, how they used the word natural.

09:32PM 16 MR. MOLICA: So natural in your opinion

09:32PM 17 --

09:32PM 18 THE WITNESS: I don't know how they --

09:32PM 19 MR. MOLICA: -- is referring to what's

09:32PM 20 used in connection with construction sites or

09:32PM 21 construction storage facilities, not natural as like

09:32PM 22 biologically natural?

09:32PM 23 THE WITNESS: Correct.

09:32PM 24 BY MS. DURKIN:

09:32PM 25 Q. How did you -- how did you come to that

09:32PM 1 conclusion?

09:32PM 2 A. That's just how I would read that
09:32PM 3 sentence.

09:32PM 4 Q. So that's just your -- you come to a
09:32PM 5 different conclusion of the word "natural" than
09:33PM 6 anybody else would?

09:33PM 7 A. I mean, those are natural to a
09:33PM 8 construction site.

09:33PM 9 Q. So --

09:33PM 10 A. Natural as environmental --

09:33PM 11 Q. Do you really mean the word "typical"
09:33PM 12 and not "natural"?

09:33PM 13 A. Maybe they misused the word, could be.

09:33PM 14 Q. Would you say rebar is natural
09:33PM 15 material, yes or no?

09:33PM 16 A. As environmentally, no.

09:33PM 17 Q. Just like today, you know, what day of
09:33PM 18 the week is today, I'm asking just a very basic
09:33PM 19 question. Is rebar a natural --

09:33PM 20 MR. THOMAS: She just answered the
09:33PM 21 question. She just answered the question, she said
09:33PM 22 no.

09:33PM 23 BY MS. DURKIN:

09:33PM 24 Q. Is rebar a typical construction
09:33PM 25 material?

09:33PM 1 A. Yes.

09:33PM 2 Q. Okay. And you testified that there
09:33PM 3 would be rebar stored at the site, correct?

09:33PM 4 A. Yes.

09:33PM 5 Q. The proposed fencing materials, are
09:34PM 6 portions of the proposed fencing materials natural?

09:34PM 7 A. No, but typically yes.

09:34PM 8 Q. Excuse me?

09:34PM 9 A. No, but typically yes.

09:34PM 10 Q. But not all of the fencing materials
09:34PM 11 that you would anticipate being stored at the site
09:34PM 12 would be natural?

09:34PM 13 A. No.

09:34PM 14 Q. Not -- is that correct, not all would
09:34PM 15 be natural?

09:34PM 16 A. Correct.

09:34PM 17 Q. Okay.

09:34PM 18 And with respect to the drainage piping
09:34PM 19 that we showed in what was marked in as O-1 and O-2,
09:34PM 20 those iron pipes, you wouldn't disagree that those
09:34PM 21 are not natural?

09:34PM 22 A. Iron pipes?

09:34PM 23 Q. I mean, excuse me, the ABS pipe, PVC
09:34PM 24 pipe.

09:34PM 25 A. Oh, yes.

09:34PM 1 Q. So they would not be natural, correct?

09:34PM 2 A. No.

09:34PM 3 Q. Okay.

09:34PM 4 A. Environmentally, no.

09:34PM 5 Q. Pardon?

09:34PM 6 A. Environmentally, no.

09:34PM 7 Q. Okay.

09:34PM 8 So, you can understand, again, the
09:35PM 9 confusion that I'm having and respectfully asking for
09:35PM 10 some clarification relative to where's the disconnect
09:35PM 11 in your testimony as the operational manager for this
09:35PM 12 site and for BHT Construction and the Environmental
09:35PM 13 Impact Statement that discusses the materials to be
09:35PM 14 proposed to be stored on the site? Why is there a
09:35PM 15 disconnect?

09:35PM 16 A. I can't answer that question.

09:35PM 17 Q. Did you review this EIS statement
09:35PM 18 before it was submitted to the board?

09:35PM 19 A. No, I did not.

09:35PM 20 Q. Prior to seeing it this evening, did
09:35PM 21 you review the Environmental Impact Statement?

09:35PM 22 A. No, I did not.

09:35PM 23 Q. Are there any -- did you review the
09:35PM 24 application or any other --

09:35PM 25 A. Yes.

09:35PM 1 Q. Pardon?

09:35PM 2 A. Yes, I did review the application.

09:35PM 3 Q. You reviewed the application. Did you
09:35PM 4 review any of the other reports that were submitted
09:35PM 5 by the applicant to this board?

09:35PM 6 A. Yes, I read other reports.

09:35PM 7 Q. Which reports did you review?

09:35PM 8 THE WITNESS: There was a report that
09:35PM 9 you sent to me.

09:35PM 10 Q. I'm sorry?

09:36PM 11 A. I can't give you the name off the top
09:36PM 12 of my head.

09:36PM 13 Q. You can't recall which reports?

09:36PM 14 A. No.

09:36PM 15 Q. Okay.

09:36PM 16 Do you recall whether or not you
09:36PM 17 reviewed any of the board's professional reports?

09:36PM 18 A. No.

09:36PM 19 Q. Okay.

09:36PM 20 You are aware that all of those reports
09:36PM 21 are online on the municipal website?

09:36PM 22 A. Actually, no, I was not aware.

09:36PM 23 Q. Okay.

09:36PM 24 So they're readily available for
09:36PM 25 anybody that might want to access them and read them?

09:36PM 1 So I just go back to the question,
09:36PM 2 again, operational, is it your testimony that the
09:36PM 3 proposed construction materials that would be stored
09:36PM 4 at this site would be limited to the materials that
09:36PM 5 are set forth in the sentence on page 3 of the
09:36PM 6 Environmental Impact Statement?

09:36PM 7 A. I don't know who proposed that material
09:36PM 8 in the environmental statement. So from my knowledge
09:36PM 9 from what I know is what we propose here, the
09:37PM 10 materials to be stored.

09:37PM 11 Q. I'm sorry, when you showed that
09:37PM 12 document --

09:37PM 13 A. A-6.

09:37PM 14 Q. A-6?

09:37PM 15 A. Uh-huh.

09:37PM 16 Q. So in the 500 to 1,000 storage bins,
09:37PM 17 it's only going to be those --

09:37PM 18 A. No, no, no, this is -- I'm just saying
09:37PM 19 --

09:37PM 20 Q. I'm just trying to get an
09:37PM 21 understanding.

09:37PM 22 MR. MOLICA: One at a time.

09:37PM 23 THE WITNESS: Go ahead.

09:37PM 24 BY MS. DURKIN:

09:37PM 25 Q. I'm sorry. I'm just trying to get

09:37PM 1 clarity to understand why there's some confusion.

09:37PM 2 Correct?

09:37PM 3 A. Yes.

09:37PM 4 But I feel like I've made it very clear
09:37PM 5 with my testimony on what we plan on storing in these
09:37PM 6 storage containers.

09:37PM 7 Q. Okay.

09:37PM 8 So if you look at what's been marked in
09:37PM 9 as A-6, you testified to the drainage pipe and those
09:37PM 10 were shown in the exhibits that I've shown, correct?
09:37PM 11 That's in -- there's four pictures, right? You don't
09:37PM 12 disagree, right?

09:37PM 13 A. Yes.

09:37PM 14 Q. So one picture shows drainage pipes and
09:37PM 15 connectors, right?

09:37PM 16 A. Yes.

09:37PM 17 Q. Okay.

09:37PM 18 And then below that is rebar, correct?

09:38PM 19 A. Yes.

09:38PM 20 Q. Are either one of those products
09:38PM 21 natural?

09:38PM 22 A. No.

09:38PM 23 Q. Okay.

09:38PM 24 And then to the picture in the top
09:38PM 25 right, what is that a picture of?

09:38PM 1 A. It's like a geofabric.

09:38PM 2 Q. A steel fabric?

09:38PM 3 A. A geo, geofabric.

09:38PM 4 Q. Is that natural?

09:38PM 5 A. No.

09:38PM 6 Q. Okay.

09:38PM 7 And what does that involve?

09:38PM 8 A. Fence.

09:38PM 9 Q. A fencing material?

09:38PM 10 A. No.

09:38PM 11 Q. Is that the natural?

09:38PM 12 A. No.

09:38PM 13 Q. Now that you had an opportunity to

09:38PM 14 familiarize yourself with the Environmental Impact

09:38PM 15 Statement submitted by the applicant relative to the

09:38PM 16 materials to be stored, is it your testimony that

09:38PM 17 none of those products that are set forth on A-6

09:38PM 18 would fall within that classification of stone? None

09:38PM 19 of them are stone, correct?

09:38PM 20 A. No. Stone would be with the aggregate

09:38PM 21 material we plan on storing in storage bins.

09:38PM 22 Q. Pardon?

09:38PM 23 A. We have also other storage bins,

09:38PM 24 20 percent of the storage will be aggregate material.

09:38PM 25 Q. Well, we're not even talking of where

09:38PM 1 they're going to be stored in a bin --

09:38PM 2 A. I'm just saying that --

09:39PM 3 Q. I'm just talking about the --

09:39PM 4 MR. THOMAS: She's answering your
09:39PM 5 question.

09:39PM 6 MR. MOLICA: One at a time.

09:39PM 7 Let the applicant's witness answer the
09:39PM 8 question. If she's asked the questions, she should
09:39PM 9 be able to answer them.

09:39PM 10 BY MS. DURKIN:

09:39PM 11 Q. Shall I ask the question again?

09:39PM 12 A. Yes.

09:39PM 13 Q. What I'm saying to you is the four
09:39PM 14 materials that are set forth on Exhibit A-6, correct?

09:39PM 15 A. Yes.

09:39PM 16 Q. So if you look at the sentence in the
09:39PM 17 EIS, where it says the materials are to be stored on
09:39PM 18 site are stone. Let's make it easy. So you would
09:39PM 19 agree that none of those four materials that are on
09:39PM 20 A-6 are stone, correct?

09:39PM 21 A. Correct.

09:39PM 22 Q. The next word "aggregate," you would
09:39PM 23 agree that none of the four materials there on A-6
09:39PM 24 are aggregate, correct?

09:39PM 25 A. Correct.

09:39PM 1 Q. You would agree that the next where it
09:39PM 2 says, "precast concrete structure," you would agree
09:39PM 3 that none of the four items on A-6 are precast
09:39PM 4 structures, correct?

09:39PM 5 A. Correct.

09:39PM 6 Q. And then it says in other typical
09:39PM 7 natural construction materials. You wouldn't
09:40PM 8 disagree that none of these are natural construction
09:40PM 9 materials?

09:40PM 10 A. Again, it depends how you want to use
09:40PM 11 the word "natural." To me it's natural to a
09:40PM 12 construction site. If you want to use it
09:40PM 13 environmentally, then no, they are not natural.

09:40PM 14 Q. And I'm sorry, I just didn't
09:40PM 15 understand. You would agree that none of those are
09:40PM 16 natural, correct?

09:40PM 17 A. Correct.

09:40PM 18 Q. Okay.

09:40PM 19 So you can see where, again, I'm having
09:40PM 20 difficulty because of the lack of connection between
09:40PM 21 your testimony and the Environmental Impact
09:40PM 22 Statement, correct?

09:40PM 23 A. Yes, but we do plan on having natural
09:40PM 24 materials stored on site.

09:40PM 25 Q. Well, we're getting there.

09:40PM 1 MR. THOMAS: Well, let her answer the
09:40PM 2 question.

09:40PM 3 MS. DURKIN: But I didn't even ask that
09:40PM 4 question yet.

09:40PM 5 MR. THOMAS: No, you've been asking a
09:40PM 6 whole series of questions regarding natural. She's
09:40PM 7 in the process of telling you what the natural
09:40PM 8 material is.

09:40PM 9 MS. DURKIN: No, no.

09:40PM 10 MR. THOMAS: Yes, yes.

09:40PM 11 MS. DURKIN: I haven't gotten to the
09:40PM 12 aggregates yet.

09:40PM 13 That's my next group.

09:40PM 14 MR. THOMAS: Well, you're segregating
09:40PM 15 it in a way that says there's no natural materials,
09:41PM 16 Liz, and now you're saying, well, that takes care of
09:41PM 17 that.

09:41PM 18 MR. MOLICA: We heard the witness's
09:41PM 19 statement that there are natural materials. We just
09:41PM 20 haven't been fully informed as to what they are and
09:41PM 21 counsel for the objector does have the right to
09:41PM 22 question as she sees appropriate as far as the order
09:41PM 23 of her questions.

09:41PM 24 But, again, we are running out of time
09:41PM 25 here and I want to move things along --

09:41PM 1 MS. DURKIN: Yeah, I agree, so --

09:41PM 2 MR. MOLICA: -- as much as possible.

09:41PM 3 MR. THOMAS: The reason why it's taking

09:41PM 4 so long is because we're getting into a series of

09:41PM 5 irrelevant questions in terms of operations.

09:41PM 6 FEMALE AUDIENCE MEMBER: You keep

09:41PM 7 interrupting.

09:41PM 8 MR. MOLICA: Counsel, please continue,

09:41PM 9 Ms. Durkin, please continue with your questions.

09:41PM 10 BY MS. DURKIN:

09:41PM 11 Q. The question, I just want to make sure

09:41PM 12 that there's total clarity in my line of questioning

09:41PM 13 and my understanding that relative to the testimony

09:41PM 14 of this witness, that in A-6, the four materials

09:41PM 15 here, none fall within the classification of the EIS,

09:41PM 16 right, correct?

09:41PM 17 MR. THOMAS: We've had that question

09:41PM 18 answered a few times already.

09:42PM 19 THE WITNESS: Correct.

09:42PM 20 MR. THOMAS: Let's move on, as directed

09:42PM 21 by the counsel.

09:42PM 22 BY MS. DURKIN:

09:42PM 23 Q. I'm going to ask you to look at what's

09:42PM 24 been marked in as A-5.

09:42PM 25 A. Yes.

09:42PM 1 Q. Okay.

09:42PM 2 Do you have a copy of that in front of

09:42PM 3 you?

09:42PM 4 A. Yes.

09:42PM 5 Q. Okay.

09:42PM 6 What do you understand that to be a

09:42PM 7 photo of?

09:42PM 8 A. This is our aggregate material that we

09:42PM 9 plan on storing on-site.

09:42PM 10 Q. Okay.

09:42PM 11 So let's understand the aggregate

09:42PM 12 materials that you're planning to store on-site. Why

09:42PM 13 don't you describe to me what types of aggregates

09:42PM 14 that you anticipate storing on-site?

09:42PM 15 A. Stone, crushed stone, riprap, gravel.

09:42PM 16 Q. I'm sorry, stone?

09:42PM 17 A. Uh-huh.

09:42PM 18 Q. Crushed stone?

09:42PM 19 A. Yes.

09:42PM 20 Q. What else?

09:43PM 21 A. Riprap, gravel, millings.

09:43PM 22 Q. Okay.

09:43PM 23 And is it your understanding that those

09:43PM 24 aggregates will be all a natural material?

09:43PM 25 A. Yes.

09:43PM 1 Q. And that they will be stored in similar
09:43PM 2 ways that's shown in A-5?

09:43PM 3 A. Yes.

09:43PM 4 Q. That none of the aggregates will be
09:43PM 5 stored in the 500 to 1,000 shipping containers?

09:43PM 6 A. No.

09:43PM 7 Q. Okay.

09:43PM 8 So, again, logistically, have you --
09:43PM 9 let me just ask you, on the construction site that
09:43PM 10 you are managing now, do you handle aggregates? Not
09:43PM 11 personally, I mean, in your business as the
09:43PM 12 operations manager?

09:43PM 13 A. They're brought in from a quarry.

09:43PM 14 Q. But do you order the aggregates?

09:43PM 15 A. I have someone order them. I don't
09:43PM 16 order them myself. I have someone order them.

09:43PM 17 Q. But somebody under you in your team
09:43PM 18 would order it. So you would say we need X loads or
09:44PM 19 whatever, is that -- are you the person to determine
09:44PM 20 that?

09:44PM 21 A. No, my head of construction tells me
09:44PM 22 how much we need and I look for somebody to do it.

09:44PM 23 Q. Again, I'm not asking a trick question,
09:44PM 24 I'm just trying to get an understanding of your
09:44PM 25 familiarity with aggregate construction materials.

09:44PM 1 A. Uh-huh.

09:44PM 2 Q. So is it your testimony that you are
09:44PM 3 familiar with aggregate construction materials?

09:44PM 4 A. Yes.

09:44PM 5 Q. Okay.

09:44PM 6 And the amount that a site might need
09:44PM 7 or not need?

09:44PM 8 A. Yes.

09:44PM 9 Q. Okay.

09:44PM 10 And typically on the sites that you
09:44PM 11 have now, how are those aggregate materials delivered
09:44PM 12 to the site?

09:44PM 13 A. They are delivered by trucks.

09:44PM 14 Q. A BHT Construction --

09:44PM 15 A. No.

09:44PM 16 Q. Okay.

09:44PM 17 A. It's from the quarry.

09:44PM 18 Q. From the quarry directly?

09:44PM 19 A. Quarry directly or a trucking company.

09:44PM 20 Q. Okay.

09:44PM 21 So, again, remember when we did that
09:44PM 22 double handling, this would be a single handle of the
09:44PM 23 construction material, correct?

09:44PM 24 MR. THOMAS: Again, we're talking about
09:44PM 25 operations that are beyond -- continuing objection.

09:44PM 1 Go ahead.

09:44PM 2 MR. MOLICA: Witness please try to
09:44PM 3 answer the question.

09:44PM 4 MS. DURKIN: Every single question that
09:45PM 5 I'm going to ask Mr. Thomas is going to object to, I
09:45PM 6 will just stipulate to it so we can kind of move
09:45PM 7 along.

09:45PM 8 MR. MOLICA: Let's move along.

09:45PM 9 BY MS. DURKIN:

09:45PM 10 Q. So that's a single handle, correct?

09:45PM 11 A. Yes.

09:45PM 12 Q. To get the aggregate -- and do you --
09:45PM 13 what's your understanding of the size of a typical
09:45PM 14 load for that truck, the aggregate?

09:45PM 15 A. It varies.

09:45PM 16 I mean, it depends upon how many loads
09:45PM 17 and if we're doing cubic yards or I mean it varies on
09:45PM 18 the material that we're ordering.

09:45PM 19 Q. So you don't have an understanding of a
09:45PM 20 typical load?

09:45PM 21 A. It's depends on the material.

09:45PM 22 Q. So in these proposed storage --
09:45PM 23 exterior storage bins for the aggregates that are
09:45PM 24 shown in A-5, what is about the size of each -- you
09:45PM 25 know, capacity for each bin?

09:45PM 1 A. I actually don't know how much it would
09:45PM 2 be in each one. I know -- I know they could be
09:45PM 3 5-feet tall, the bins and and not to -- I mean they
09:46PM 4 won't go over 7-feet tall. I would have to measure
09:46PM 5 it out --

09:46PM 6 Q. Do you know --

09:46PM 7 MR. MOLICA: One at a time.

09:46PM 8 THE WITNESS: I can have my engineer
09:46PM 9 measure the bins.

09:46PM 10 BY MS. DURKIN:

09:46PM 11 Q. Do you know what the size of those
09:46PM 12 proposed bins are?

09:46PM 13 A. No.

09:46PM 14 Q. Okay.

09:46PM 15 And what is the proposed maximum height
09:46PM 16 of the aggregates for the bins, do you know?

09:46PM 17 A. Yeah, we're not to go over 7 to 8 feet.

09:46PM 18 Q. I'm sorry?

09:46PM 19 A. We're not to go over 7 to 8 feet.

09:46PM 20 Q. And so let me just understand
09:46PM 21 logistically, is it -- how would these aggregates
09:46PM 22 work? Meaning, you would order them from a quarry or
09:46PM 23 whomever and they would put them in the bin and you
09:46PM 24 would store them there?

09:46PM 25 A. No, not necessarily. So sometimes on

09:46PM 1 our sites when we're doing our excavating, we come
09:47PM 2 into material, you know, or we may come across a good
09:47PM 3 deal and we would take that and store it here until
09:47PM 4 we need it for a project.

09:47PM 5 Q. So let me understand that again.
09:47PM 6 Import from where?

09:47PM 7 A. So for example, our -- one of our sites
09:47PM 8 in New York we have a lot of rock. We are actually
09:47PM 9 crushing it on-site and using it for material. We
09:47PM 10 would have excess material and we would take that
09:47PM 11 instead of trying to get rid of it or sell it to
09:47PM 12 someone else, we could bring it here and use it for
09:47PM 13 other projects.

09:47PM 14 Q. So part and parcel of the business
09:47PM 15 model for this site would be that you're crushing
09:47PM 16 stone on a site in New York and that you would be
09:47PM 17 bringing that stone --

09:47PM 18 A. That's just a potential, yeah.

09:47PM 19 Q. That's a potential?

09:47PM 20 A. Example of how we would get some of the
09:47PM 21 material, yes.

09:47PM 22 Q. Okay.

09:47PM 23 And do you know approximately -- but
09:47PM 24 again, I'm just trying to understand logistically how
09:48PM 25 long do you anticipate the storage of that aggregate

09:48PM 1 on average to be?

09:48PM 2 A. It depends on what we need on our
09:48PM 3 projects. I can't say for certain.

09:48PM 4 Q. Again, I'm just struggling because I
09:48PM 5 just want you to help me out here, because your
09:48PM 6 testimony has been you don't really have any real
09:48PM 7 projects in the pipeline. You got four that you're
09:48PM 8 --

09:48PM 9 A. We do have projects in the pipeline.

09:48PM 10 Q. Okay.

09:48PM 11 Again, I'm not putting words in your
09:48PM 12 mouth, ma'am. I'm just asking the questions and
09:48PM 13 trying to get straightforward answers from you?

09:48PM 14 I understand your testimony regarding
09:48PM 15 potential projects are there's four sites that you've
09:48PM 16 identified, none of which you believe you own yet,
09:48PM 17 one you may; am I wrong on that?

09:48PM 18 A. No, but I don't see what that would
09:48PM 19 have -- our business model, how that would have to do
09:48PM 20 with this and whether or not we own them or how the
09:48PM 21 whole transaction acquisition effects this.

09:48PM 22 Q. Fair enough.

09:48PM 23 But the applicant is proposing a
09:49PM 24 construction storage yard solely for the applicant,
09:49PM 25 right?

09:49PM 1 A. Uh-huh.

09:49PM 2 Q. You testified to that?

09:49PM 3 A. Yes.

09:49PM 4 Q. I'm not putting words in your mouth,
09:49PM 5 that's your testimony.

09:49PM 6 A. For our projects, yes.

09:49PM 7 Q. Yeah, for BHT Construction, correct?

09:49PM 8 A. Yes.

09:49PM 9 Q. And you're the operations manager for
09:49PM 10 BHT Construction?

09:49PM 11 A. Yes.

09:49PM 12 Q. Okay.

09:49PM 13 So you wouldn't disagree that this is
09:49PM 14 an extremely large site for a construction yard,
09:49PM 15 correct?

09:49PM 16 A. Yes.

09:49PM 17 Q. Okay.

09:49PM 18 And you wouldn't disagree that the
09:49PM 19 business model that you're putting forth is contrary
09:49PM 20 to the basic construction, handling of construction
09:49PM 21 material business model, correct?

09:49PM 22 A. I'm sorry, the question?

09:49PM 23 Q. You wouldn't disagree that what you're
09:49PM 24 proposing here is contrary to a basic construction
09:49PM 25 yard business model in terms of handling construction

09:49PM 1 materials?

09:49PM 2 A. I don't know what a basic construction
09:49PM 3 yard -- what do you mean by "basic"?

09:49PM 4 Q. Have you ever been to a construction
09:49PM 5 yard?

09:49PM 6 A. Yes.

09:49PM 7 Q. I thought you testified you have.

09:49PM 8 A. Yes.

09:49PM 9 Q. And I believe your testimony --

09:50PM 10 A. What determines basic, I guess?

09:50PM 11 Q. Okay. Well, yeah, okay, a fair enough
09:50PM 12 question. So things that I grapple with is the 500
09:50PM 13 the 1,000 shipping containers that you as the
09:50PM 14 operations manager can't even tell us.

09:50PM 15 A. So by "basic," you mean size?

09:50PM 16 Q. Well --

09:50PM 17 A. Not basic because of the size?

09:50PM 18 Q. Well, let me -- fair enough question.
09:50PM 19 So let's just take your Monticello, New York site.
09:50PM 20 What is size of that site just basically?

09:50PM 21 A. Over 100 acres.

09:50PM 22 Q. Over 100 acres, okay.

09:50PM 23 Do you have an off-site construction
09:50PM 24 yard?

09:50PM 25 A. No.

09:50PM 1 Q. Okay.

09:50PM 2 Do you have an on-site construction
09:50PM 3 yard?

09:50PM 4 A. No.

09:50PM 5 Q. Okay.

09:50PM 6 So where do you handle the staging of
09:50PM 7 any of the construction materials for that site?

09:50PM 8 A. We order the material. As it comes in,
09:50PM 9 we have to schedule it out. So we get delayed
09:50PM 10 because we don't get the material on time.

09:50PM 11 Q. Okay.

09:50PM 12 But that's true no matter what. That's
09:50PM 13 just part and parcel doing business, correct?

09:50PM 14 MR. MOLICA: Want to stay focused here,
09:50PM 15 Counsel.

09:50PM 16 MS. DURKIN: That is focused.

09:51PM 17 MR. THOMAS: It's focused on the
09:51PM 18 operations.

09:51PM 19 MS. DURKIN: That's her job,
09:51PM 20 operational manager.

09:51PM 21 MR. MOLICA: I mean, the inquiry
09:51PM 22 started with how long the aggregate will stay in the
09:51PM 23 bins. The witness answered she didn't know and now
09:51PM 24 we're kind of off onto a different subject. So
09:51PM 25 again, let's just try to keep it focused.

09:51PM 1 MS. DURKIN: Extremely focused and to
09:51PM 2 suggest otherwise is just false.

09:51PM 3 MR. MOLICA: I'm not suggesting
09:51PM 4 otherwise, Counsel. I'm just reminding everyone
09:51PM 5 there are other parties that need to be questioning
09:51PM 6 this witness at some point, too, so we need to keep
09:51PM 7 moving forward.

09:51PM 8 MS. DURKIN: We are moving forward.

09:51PM 9 BY MS. DURKIN:

09:51PM 10 Q. I want to understand from you that on
09:51PM 11 your existing construction sites, you don't use an
09:51PM 12 off-site staging facility for aggregate.

09:51PM 13 Is that correct?

09:51PM 14 A. Actually, we do have piles set aside as
09:51PM 15 the material comes in and we use it as we need it,
09:51PM 16 but it does not sit there for a long time. We, as I
09:51PM 17 said, order it as we need it.

09:51PM 18 Q. Perfect.

09:52PM 19 And that makes perfect sense to me, you
09:52PM 20 order it as you need it. So now just take me from an
09:52PM 21 operations perspective and walk me through to an
09:52PM 22 understanding on this proposed site that you're going
09:52PM 23 to have all of these bins for aggregate, what is the
09:52PM 24 proposal for those aggregates? How long do you
09:52PM 25 intend for them to be? How do you know what

09:52PM 1 aggregates --

09:52PM 2 A. I've already said I don't know how long
09:52PM 3 we intend to have the material there. It will be on
09:52PM 4 an as-needed basis.

09:52PM 5 Q. An as-needed basis?

09:52PM 6 A. As we need the material on our other
09:52PM 7 projects, then we'll pull material from this site.

09:52PM 8 Q. So a component of this site
09:52PM 9 construction for the aggregates in the storage
09:52PM 10 facility, as you sit here right now you have no idea
09:52PM 11 what project they would be for, you have no idea what
09:52PM 12 future projects they would be --

09:52PM 13 A. No, because this isn't even built yet,
09:52PM 14 so I can't even say what -- you know, I can't plan
09:52PM 15 out a timeline right now when I don't know when this
09:53PM 16 will be ready for us to use.

09:53PM 17 Q. Right. And again, going to this
09:53PM 18 proposed construction site, say it might be a year or
09:53PM 19 two years out, correct?

09:53PM 20 A. Uh-huh.

09:53PM 21 Q. There is none that are in the pipeline
09:53PM 22 that you know of right now?

09:53PM 23 A. There is one in Maryland we're starting
09:53PM 24 next month.

09:53PM 25 Q. Okay.

09:53PM 1 So explain to me, because you're
09:53PM 2 familiar with the aggregates that are to your site,
09:53PM 3 the efficiency and the cost effectiveness that you
09:53PM 4 testified to as to what's the reasoning for this
09:53PM 5 construction yard and having aggregates stored on the
09:53PM 6 a site in New Jersey? So the truck would come --

09:53PM 7 A. Well, we would do it when it makes
09:53PM 8 sense to use it, like cost effectively, yes, we're
09:53PM 9 going to use it.

09:53PM 10 Q. And then how are these aggregates going
09:53PM 11 to be removed from this site?

09:53PM 12 A. With a loader.

09:53PM 13 Q. BHT Construction is going to remove it
09:53PM 14 or would you have the manufacturer or somebody else
09:53PM 15 come in or quarry come in?

09:53PM 16 A. No, we won't have someone from the
09:53PM 17 quarry come in. We would have BHT Construction.

09:54PM 18 Q. That would handle those materials?

09:54PM 19 A. Yes.

09:54PM 20 Q. So again, in your -- it would be more
09:54PM 21 cost effective to you to have the materials drop
09:54PM 22 shipped to this site and then you at some point in
09:54PM 23 the future, whatever BHT Construction equipment and
09:54PM 24 employees would then load those materials back up and
09:54PM 25 then go drive an hour, two hours or how many hours to

09:54PM 1 whatever site you might have?

09:54PM 2 A. That's the plan, yes.

09:54PM 3 Q. And I just want to understand from an
09:54PM 4 operations perspective, it's your testimony that that
09:54PM 5 is an efficient cost effective way to operate a
09:54PM 6 construction site?

09:54PM 7 MR. THOMAS: It's an irrelevant
09:54PM 8 question, but go ahead and answer it.

09:54PM 9 THE WITNESS: Yes.

09:54PM 10 MR. MOLICA: Counsel for the objectors,
09:54PM 11 can the board get an idea of how much longer your
09:54PM 12 cross examination will take? Because, again, there
09:55PM 13 are other members of the public who are not
09:55PM 14 represented by you that have the right to ask their
09:55PM 15 own questions, the board has additional questions
09:55PM 16 that it would like to ask and we are now approaching
09:55PM 17 10 p.m. We also have the two housekeeping items that
09:55PM 18 the board chair indicated need to be addressed.

09:55PM 19 So we'd like an idea of how much longer
09:55PM 20 you contemplate your examination.

09:55PM 21 MS. DURKIN: I'm finishing up.

09:55PM 22 CHAIRMAN MESSERSCHMIDT: How long is
09:55PM 23 that?

09:55PM 24 MS. DURKIN: Five minutes.

09:55PM 25 CHAIRMAN MESSERSCHMIDT: Five minutes?

09:55PM 1 MS. DURKIN: Yes.

09:55PM 2 CHAIRMAN MESSERSCHMIDT: All right.

09:55PM 3 Please proceed.

09:55PM 4 MS. DURKIN: Because I actually have a
09:55PM 5 plan.

09:55PM 6 BY MS. DURKIN:

09:55PM 7 Q. So I just want to understand,
09:55PM 8 Ms. Sainz, from your previous testimony you testified
09:55PM 9 that there would be approximately 10 to 20 employees
09:55PM 10 on-site?

09:55PM 11 A. Yes.

09:55PM 12 Q. Okay.

09:55PM 13 Can you just basically describe what
09:55PM 14 would their functions be?

09:55PM 15 A. Yes. I went over this last time, a
09:55PM 16 couple times, I remember. We would have --

09:56PM 17 Q. You just --

09:56PM 18 A. -- someone overlooking operations, like
09:56PM 19 a manager of the property will be salary; and we'll
09:56PM 20 have a dispatch; we'll have the people handling the
09:56PM 21 scheduling, logistics of the trucking and also
09:56PM 22 directing when those trucks come in, the storage bins
09:56PM 23 that they're going to go to.

09:56PM 24 MS. DURKIN: Okay. I don't -- I don't
09:56PM 25 have any further questions of this witness at this

09:56PM 1 time.

09:56PM 2 CHAIRMAN MESSERSCHMIDT: Thank you.

09:56PM 3 MS. DURKIN: You're so welcome,

09:56PM 4 Mr. Chairman.

09:56PM 5 CHAIRMAN MESSERSCHMIDT: Before we open

09:56PM 6 it up to the public, I just want to go back to the

09:56PM 7 board one last time. Any of the board members have

09:56PM 8 any questions.

09:56PM 9 Mr. Karr?

09:56PM 10 MR. THOMAS: Mr. Chairman, before you

09:56PM 11 do that, I made a request and I think it's

09:56PM 12 appropriate at this time that the concrete items that

09:57PM 13 were referred to by Ms. Durkin, which are Items 6, 7,

09:57PM 14 8 be removed from the board's consideration. I would

09:57PM 15 like to have them returned back to Ms. Durkin,

09:57PM 16 because they're no longer relevant as per the

09:57PM 17 testimony of the applicant.

09:57PM 18 MS. DURKIN: I'm going to object to

09:57PM 19 that. I'm going to object to that and request --

09:57PM 20 MR. MOLICA: I think that because the

09:57PM 21 technical rules of evidence don't apply, that we're

09:57PM 22 going to keep them, but they are noted as the witness

09:57PM 23 testified that they have absolutely no relevance to

09:57PM 24 the property at question and this application. So

09:57PM 25 they're part of the record, but have nothing to do

09:57PM 1 with the application, because the applicant has
09:57PM 2 testified and has agreed to a condition of any
09:57PM 3 approval this board may grant that these types of
09:57PM 4 materials as depicted on O-6 through O-8 will not be
09:57PM 5 stored on-site.

09:57PM 6 MS. DURKIN: Okay.

09:57PM 7 But I'm going to just place my
09:57PM 8 objection to that on the record, because as I clearly
09:58PM 9 walked this witness through and the board has noted,
09:58PM 10 this applicant's Environmental Impact Statement
09:58PM 11 pending before this board specifically sets forth
09:58PM 12 those materials are going to be the ones that are
09:58PM 13 stored on the site.

09:58PM 14 MR. MOLICA: But Counsel, they agreed
09:58PM 15 to any conditions stating that they would not be
09:58PM 16 stored on-site.

09:58PM 17 MR. THOMAS: And that's really the --

09:58PM 18 MS. DURKIN: That's why they need to be
09:58PM 19 part and parcel of the application and there should
09:58PM 20 be no withdrawal.

09:58PM 21 MR. MOLICA: We are agreeing. We're no
09:58PM 22 returning the exhibits. We're noting that the
09:58PM 23 applicant has agreed not to store these types of
09:58PM 24 materials on-site.

09:58PM 25 MR. THOMAS: Last question I have of

09:58PM 1 Ms. Durkin, is she offering those pictures other than
09:58PM 2 the ones I object to, six, seven, and eight, in
09:58PM 3 evidence?

09:58PM 4 MR. MOLICA: Counsel, are you moving
09:58PM 5 them -- all of the other exhibits, all of the
09:58PM 6 exhibits you presented tonight, O-1 through O-8 into
09:58PM 7 evidence at this time?

09:58PM 8 MS. DURKIN: Typically we wait until
09:58PM 9 the end of the hearing before we move any exhibits
09:58PM 10 into evidence.

09:58PM 11 MR. THOMAS: Well, that's not
09:58PM 12 necessarily -- as a matter of fact, that's not
09:58PM 13 typical.

09:58PM 14 MS. DURKIN: I'm going to reserve on
09:58PM 15 that.

09:58PM 16 MR. THOMAS: Not typical to the 10
09:58PM 17 boards that I've represented, but go ahead.

09:58PM 18 MS. DURKIN: Pardon?

09:59PM 19 MR. THOMAS: Not typical to the 10
09:59PM 20 boards I represented.

09:59PM 21 CHAIRMAN MESSERSCHMIDT: That's okay.
09:59PM 22 Let's --

09:59PM 23 MS. DURKIN: So I just -- the applicant
09:59PM 24 -- the application is still pending. I think we get
09:59PM 25 to mark exhibits and then we get to discuss with the

09:59PM 1 board what will be moved in and what won't be moved
09:59PM 2 in.

09:59PM 3 CHAIRMAN MESSERSCHMIDT: So you're
09:59PM 4 going to reserved on that?

09:59PM 5 MS. DURKIN: Absolutely.

09:59PM 6 CHAIRMAN MESSERSCHMIDT: Fine.

09:59PM 7 MR. THOMAS: So be it.

09:59PM 8 CHAIRMAN MESSERSCHMIDT: Okay. It's
09:59PM 9 that point now, Mr. Karr, would you like to proceed
09:59PM 10 with any questions?

09:59PM 11 MR. KARR: Yes. In Exhibits O-1 and
09:59PM 12 O-2 that we discussed tonight -- and hopefully
09:59PM 13 everybody in the back can hear me -- you referred to
09:59PM 14 that, I believe, as HDPE pipe?

09:59PM 15 THE WITNESS: ABS pipe.

09:59PM 16 MR. KARR: Is it plastic pipe
09:59PM 17 essentially?

09:59PM 18 THE WITNESS: Yes.

09:59PM 19 MR. KARR: So it's not a heavy, you
09:59PM 20 know --

09:59PM 21 THE WITNESS: There's different levels
09:59PM 22 to the pipe, light, heavy -- light, heavy duty
09:59PM 23 depending on the roads that it's going to be -- you
10:00PM 24 know, it's going to be under, I guess.

10:00PM 25 MR. KARR: Well, it's hard to tell from

1 the pictures how much this would weigh, but it's
2 essentially plastic, right?

3 THE WITNESS: Yup.

4 MR. KARR: All right. No further
5 questions.

10:00PM 6 CHAIRMAN MESSERSCHMIDT: Let's go down
10:00PM 7 the list.

10:00PM 8 Mr. Tolerico?

10:00PM 9 MR. TOLERICO: I'm okay.

10:00PM 10 CHAIRMAN MESSERSCHMIDT: I'm sorry?

10:00PM 11 MR. TOLERICO: I'm fine.

10:00PM 12 CHAIRMAN MESSERSCHMIDT: Mr. Ordile?

10:00PM 13 MR. ORDILE: Sure. Just one question.

10:00PM 14 You're saying this particular project -- you said you
10:00PM 15 have four projects that are currently active and
10:00PM 16 there's probably some others in the pipeline and
10:00PM 17 probably there's probably a 5-, 10-year plan as well.

10:00PM 18 As of today, would you consider this
10:00PM 19 particular project the number one focus project for
10:00PM 20 BHT Construction?

10:00PM 21 THE WITNESS: We don't know. I
10:00PM 22 wouldn't put emphasis on any of them, any of our
10:00PM 23 projects that are in the pipeline.

10:00PM 24 MR. ORDILE: Considering this is the
10:00PM 25 first of its kind for BHT, would that not be the

10:00PM 1 primary focus of BHT Construction and BHT Properties
10:00PM 2 for that matter?

10:00PM 3 THE WITNESS: I think, yes, it will be
10:01PM 4 once we can get past a certain point with this.

10:01PM 5 MR. ORDILE: Okay. So this is a very
10:01PM 6 important project to you?

10:01PM 7 THE WITNESS: Yes.

10:01PM 8 MR. ORDILE: Thank you.

10:01PM 9 CHAIRMAN MESSERSCHMIDT: Ms. Howell?

10:01PM 10 MS. HOWELL: No questions.

10:01PM 11 CHAIRMAN MESSERSCHMIDT: Mr. O'Connell?

10:01PM 12 MR. O'CONNELL: I think most of my
10:01PM 13 stuff is going to be for the engineer.

10:01PM 14 CHAIRMAN MESSERSCHMIDT: All right.
10:01PM 15 Mr. Olsen?

10:01PM 16 MR. OLSEN: Excuse me. You mentioned
10:01PM 17 millings will be stored on-site; is that correct?

10:01PM 18 THE WITNESS: Yes.

10:01PM 19 MR. OLSEN: Can you describe or I don't
10:01PM 20 know if you've ever quantified the amount of millings
10:01PM 21 that will be stored on-site, but can you testify to
10:01PM 22 the amount that will be stored?

10:01PM 23 THE WITNESS: No, I can't.

10:01PM 24 MR. OLSEN: And so millings are
10:01PM 25 essentially chopped up asphalt, right, that you're

10:01PM 1 taking from other sites?

10:01PM 2 THE WITNESS: Yes.

10:01PM 3 MR. OLSEN: And will you be taking
10:01PM 4 precaution from -- to avoid the millings from moving
10:02PM 5 off-site to contaminate water supply?

10:02PM 6 THE WITNESS: Yes.

10:02PM 7 MR. OLSEN: Okay. That's all.

10:02PM 8 CHAIRMAN MESSERSCHMIDT: Mr. Skewes, no
10:02PM 9 do you have any questions?

10:02PM 10 MR. SKEWES: No questions.

10:02PM 11 CHAIRMAN MESSERSCHMIDT: All right.

10:02PM 12 Mr. Stoner?

10:02PM 13 MR. STONER: I necessarily don't have
10:02PM 14 any questions. I do have comments on some of the
10:02PM 15 comments that just came down to the board here
10:02PM 16 regarding quantity. At the -- I think the October
10:02PM 17 meeting I did, you know, give my comments about the
10:02PM 18 fact that we have a lot of space for equipment, 12
10:02PM 19 acres of space for equipment and having 30, you know,
10:02PM 20 40 pieces of equipment seems -- I haven't seen --
10:02PM 21 that might be an engineering item.

10:02PM 22 MR. THOMAS: It is.

10:02PM 23 MR. STONER: Okay.

10:02PM 24 Then my comment would be belated to
10:02PM 25 whenever the next meeting is with the engineer. I

10:02PM 1 would expect to see some displays to show how that
10:02PM 2 space is being utilized.

10:02PM 3 MR. THOMAS: Well, we can certainly do
10:02PM 4 that, Cory. My sense was that you wanted to get a
10:03PM 5 response. We have a response from the engineer. I
10:03PM 6 thought we were going to get into that tonight, looks
10:03PM 7 like we're not, but we can coordinate and see what
10:03PM 8 you're looking for in particular.

10:03PM 9 MR. STONER: I think it would be
10:03PM 10 valuable for the board to be able to see how the
10:03PM 11 space -- you need that much. You have 12 acres --

10:03PM 12 MR. THOMAS: Well, yeah, and reasons
10:03PM 13 why we'll be happy to share them with you between now
10:03PM 14 and the next meeting.

10:03PM 15 MR. STONER: Material and storage, how
10:03PM 16 much is going to be, the question from Eric of the
10:03PM 17 millings, we expect to see a milling pipe that's 30
10:03PM 18 feet high, 100 by 100.

10:03PM 19 MR. THOMAS: No, there's never been any
10:03PM 20 statement to that effect.

10:03PM 21 MR. STONER: I didn't mean for a
10:03PM 22 statement, just speculative. I'd like to see what
10:03PM 23 kind of, you know, size, size area is being utilized.
10:03PM 24 There was a lot of comments that, you know, the
10:03PM 25 materials that you typically would like to utilize

10:03PM 1 for construction, a lot of -- for instance, the
10:03PM 2 gravel storage, you're going to have some piles
10:04PM 3 there, but most of your storage is -- gravel is going
10:04PM 4 to come directly from the quarry.

10:04PM 5 MR. THOMAS: I'm sorry, from what?

10:04PM 6 MR. STONER: From a quarry.

10:04PM 7 MR. THOMAS: Yeah, okay.

10:04PM 8 MR. STONER: Okay. So I assume, you
10:04PM 9 know, being able to truck this material from this
10:04PM 10 site an hour, two hours away, I question whether or
10:04PM 11 not that's -- is that practical or do you get that
10:04PM 12 right from the quarry?

10:04PM 13 I think it comes back to I'd like to
10:04PM 14 see how this area is being utilized, rather than just
10:04PM 15 a big section of land. So I believe your testimony
10:04PM 16 states the type of materials you're going to need.
10:04PM 17 I'd like to see how much.

10:04PM 18 CHAIRMAN MESSERSCHMIDT: And
10:04PM 19 Mr. Morris, do you have any questions?

10:04PM 20 MR. MORRIS: No, I do not have any
10:04PM 21 questions.

10:04PM 22 CHAIRMAN MESSERSCHMIDT: Mr. O'Connell
10:04PM 23 is indicating he has one or more questions.

10:04PM 24 MR. O'CONNELL: Actually I said most of
10:04PM 25 my stuff was for the engineer and perhaps for the

10:04PM 1 next meeting, can you take one of the maps, because
10:04PM 2 I'm having trouble quantifying, I don't see any bins
10:05PM 3 in the area, I don't see --

10:05PM 4 MR. THOMAS: Mr. O'Connell, you're
10:05PM 5 absolutely right and what we have done in
10:05PM 6 anticipation of tonight is have an exhibit. It looks
10:05PM 7 like we're not getting to it. So we'll be happy to
10:05PM 8 provide that information.

10:05PM 9 MR. O'CONNELL: It will also show the
10:05PM 10 1,000 containers in the container area? Because I'm
10:05PM 11 having trouble visualizing how that looks like, if
10:05PM 12 you have area that's just containers.

10:05PM 13 MR. THOMAS: I'll be happy to try to
10:05PM 14 work with Mr. Stoner on that, on that issue.

10:05PM 15 MR. O'CONNELL: Again, with the
10:05PM 16 construction vehicle parking also, I'd like to --

10:05PM 17 MR. THOMAS: Mr. Stoner raised that as
10:05PM 18 well. We'll try to do something in that regard.

10:05PM 19 MR. O'CONNELL: If we could just
10:05PM 20 visualize and see. Thank you.

10:05PM 21 CHAIRMAN MESSERSCHMIDT: And,
10:05PM 22 Mr. Molica?

10:05PM 23 MR. MOLICA: Just I think we confirmed
10:06PM 24 this at the last meeting, Ms. Sainz, but BHT isn't
10:06PM 25 proposing to lease any space at the site for other

10:06PM 1 companies to store materials or equipment.

10:06PM 2 Is that correct?

10:06PM 3 THE WITNESS: No.

10:06PM 4 Yeah, we don't plan on leasing.

10:06PM 5 MR. MOLICA: And the applicant would
10:06PM 6 agree to a condition to that effect?

10:06PM 7 THE WITNESS: Yes.

10:06PM 8 MR. MOLICA: I thought that -- so I
10:06PM 9 thought that there were other BHT sites in other
10:06PM 10 parts of the country maybe that were very similar to
10:06PM 11 this and that there was construction materials
10:06PM 12 proposed that would be sent out to job sites that BHT
10:06PM 13 had in those areas.

10:06PM 14 MR. THOMAS: If I can just chime in
10:06PM 15 real quickly, try to get to the answer real quickly.
10:06PM 16 When she answered that she misunderstood the
10:06PM 17 question. She clarified at the last meeting --

10:06PM 18 MR. MOLICA: Let the witness answer it
10:06PM 19 then.

10:06PM 20 MR. THOMAS: When the question was
10:06PM 21 asked, she thought that you were talking about sites
10:06PM 22 generally, not specifically this kind of a site.

10:06PM 23 This is the first one as has been
10:06PM 24 suggested I think by Mr. Ordile.

10:07PM 25 MR. MOLICA: So the prior question that

10:07PM 1 Mr. Ordile asked.

10:07PM 2 Does BHT own this property?

10:07PM 3 THE WITNESS: That I don't know. I
10:07PM 4 don't know if it's --

10:07PM 5 MR. THOMAS: They're under contract. I
10:07PM 6 don't believe the closing has taken place yet, but it
10:07PM 7 is close.

10:07PM 8 MR. MOLICA: I have nothing further at
10:07PM 9 this time, Mr. Chairman.

10:07PM 10 CHAIRMAN MESSERSCHMIDT: All right.
10:07PM 11 Thank you.

10:07PM 12 All right. At this point we're going
10:07PM 13 to open it up to the other members of the public if
10:07PM 14 they have any questions, but before we do that, I
10:07PM 15 would just like to give you some instruction on that.
10:07PM 16 Meaning that we'll move this microphone from
10:07PM 17 Counselor Durkin's table to the pedestal in the
10:07PM 18 middle.

10:07PM 19 If anybody would like to come up, and
10:07PM 20 at this point we're not looking for your opinion
10:07PM 21 about this application. This is only for questions
10:07PM 22 for this witness, if you have any questions and we
10:07PM 23 would only also ask that you not ask the same
10:07PM 24 questions that somebody already has asked and it's
10:08PM 25 been answered.

10:08PM 1 So with that instruction, we have until
10:08PM 2 -- we have approximately 20 to 22 minutes before
10:08PM 3 we're going to stop the testimony for tonight.

10:08PM 4 So if anybody from the public would
10:08PM 5 like to come forward, please come forward, provide
10:08PM 6 your name, spell your last name, give us your address
10:08PM 7 and then proceed with your questions.

10:08PM 8 MS. METZGAR: Ellen Metzgar,
10:08PM 9 M-E-T-Z-G-A-R, Ellen Metzgar 11 Arthur Avenue,
10:08PM 10 Newton, New Jersey.

10:08PM 11 I have a couple of questions for you.
10:08PM 12 Hours of operation, please, the time of each day and
10:08PM 13 the days per week.

10:08PM 14 THE WITNESS: Yes, 8 to 5, Monday
10:08PM 15 through -- Monday through Friday.

10:08PM 16 MS. METZGAR: So if there was a
10:08PM 17 delivery that was to be made and they were delayed in
10:08PM 18 traffic or whatever, it could go longer than --

10:08PM 19 THE WITNESS: They would have to -- I'm
10:09PM 20 sorry, no, they would have to wait to come back the
10:09PM 21 next day during operation hours.

10:09PM 22 MS. METZGAR: Okay. If there is some
10:09PM 23 kind of contamination, all of the residents in the
10:09PM 24 area have wells that supply their homes. We do not
10:09PM 25 have town water. So if there were contamination from

10:09PM 1 that, what would the remediation be?

10:09PM 2 THE WITNESS: So we do have a spill
10:09PM 3 protection plan that we are putting into place.

10:09PM 4 Also, any spills I'm going to refer to Mr. Nussar our
10:09PM 5 engineer, because he can answer those questions.

10:09PM 6 MS. METZGAR: Okay. And the number of
10:09PM 7 trucks per day that may be coming in and out of that
10:09PM 8 area?

10:09PM 9 THE WITNESS: So that will vary. I
10:09PM 10 think I said that last meeting. So on average I
10:09PM 11 would say no more than 10 trucks per day. There will
10:09PM 12 be times, four times per month where we get to our
10:09PM 13 maximum amount, of 70 trucks -- 75 trucks. You know,
10:09PM 14 not in and out, but 75 trucks in total in one day
10:10PM 15 four times a month.

10:10PM 16 MS. METZGAR: And those -- what are the
10:10PM 17 types of trucks that they would be?

10:10PM 18 THE WITNESS: Tractor trailers, 18
10:10PM 19 wheelers.

10:10PM 20 MS. METZGAR: And so if they're
10:10PM 21 bringing in or picking up aggregate or something, it
10:10PM 22 would be a tandem dump truck?

10:10PM 23 THE WITNESS: Yes, it would be.

10:10PM 24 MS. METZGAR: Okay, thank you.

10:10PM 25 THE WITNESS: You're welcome.

1 MR. BILLS: Hello, my name is Al Bills
2 from Andover Township, 15 Springdale Garden Road.

3 MR. THOMAS: Can you spell your last
4 name, please?

5 MR. BILLS: Bills, B-I-L-L-S.

10:10PM 6 Most of my questions have been
10:10PM 7 answered, but I still have a few.

10:10PM 8 On the aggregate section, will you be
10:10PM 9 having a machine there dedicated to loading and move
10:10PM 10 the aggregate around, will that be there like all the
10:10PM 11 time?

10:10PM 12 THE WITNESS: No, not all the time,
10:10PM 13 only when it's needed.

10:10PM 14 MR. BILLS: Only when it's needed. So,
10:10PM 15 okay, and what about unloading the trucks, will you
10:10PM 16 have a forklift on-site at all times?

10:11PM 17 THE WITNESS: Yes.

10:11PM 18 MR. BILLS: And I believe that you
10:11PM 19 stated that you weren't going to store any fuel on
10:11PM 20 the site, so how would you fuel that forklift? What
10:11PM 21 type of fuel would it use, propane, diesel?

10:11PM 22 THE WITNESS: We would have a diesel
10:11PM 23 delivery truck come into to -- yes.

10:11PM 24 MR. BILLS: Okay.

10:11PM 25 As far as the containers go, I believe

10:11PM 1 at the previous meeting you testified that you would
10:11PM 2 possibly be buying used containers. Just wondering
10:11PM 3 if you're intentions are to rehab those containers,
10:11PM 4 because you said that they were all going to be the
10:11PM 5 same color.

10:11PM 6 THE WITNESS: Yes.

10:11PM 7 MR. BILLS: How are they going to get
10:11PM 8 that way? Are you going to rehab them on the site or
10:11PM 9 how is that going to happen?

10:11PM 10 THE WITNESS: I also want to say maybe
10:11PM 11 two colors.

10:11PM 12 MR. BILLS: Okay. Well, you said they
10:11PM 13 were going to all be all the same color.

10:11PM 14 THE WITNESS: Yeah, it will all be nice
10:11PM 15 and that is a good question. They are -- need to be
10:12PM 16 rehabbed or change in color, I would have to
10:12PM 17 determine when and where that would happen, whether
10:12PM 18 it would be on-site or off-site.

10:12PM 19 MR. BILLS: Well, obviously my concern
10:12PM 20 would be, again, with the water table and paint and
10:12PM 21 things like that.

10:12PM 22 THE WITNESS: Yeah, no, I understand
10:12PM 23 your concern and we also may make it two. You know,
10:12PM 24 it's just -- that was just an option.

10:12PM 25 MR. BILLS: Understood.

10:12PM 1 THE WITNESS: But we'll take that into
10:12PM 2 consideration.

10:12PM 3 MR. BILLS: I lost my train of thought,
10:12PM 4 okay.

10:12PM 5 MR. THOMAS: While you're finding your
10:12PM 6 train of thought, you said you have two colors, what
10:12PM 7 are the two colors?

10:12PM 8 THE WITNESS. For me?

10:12PM 9 MR. THOMAS: Yeah, for you, not for me.

10:12PM 10 THE WITNESS: Well, we actually don't
10:12PM 11 know the colors yet, but we want to make them like
10:12PM 12 subtle colors, nothing bright. So it would be like a
10:12PM 13 gray or maybe a blue or black, something that's not
10:12PM 14 --

10:12PM 15 MR. THOMAS: Similar to what's next
10:12PM 16 door?

10:12PM 17 THE WITNESS: Yes, nothing that is
10:12PM 18 going to stand out.

10:12PM 19 MR. BILLS: And another question about
10:12PM 20 the construction equipment itself, will you be doing
10:12PM 21 any kind of pressure washing to the machinery on the
10:13PM 22 site?

10:13PM 23 THE WITNESS: No, I don't anticipate
10:13PM 24 doing that.

10:13PM 25 MR. BILLS: Okay.

10:13PM 1 And, again, with the equipment, I just
10:13PM 2 had a scenario, you know, a truck driver is taking a
10:13PM 3 large excavator off the lowboy trailer and the
10:13PM 4 machine blows a hydraulic line 10, 20 gallons of
10:13PM 5 hydraulic load coming out of this thing before he
10:13PM 6 even knows it, because that can happen, what do you
10:13PM 7 do.

10:13PM 8 THE WITNESS: We would activate our
10:13PM 9 spill protection plan and there -- in the spill
10:13PM 10 protection plan there's an emergency procedure.

10:13PM 11 MR. BILLS: Okay. Thank you.

10:13PM 12 MR. MEDVIDICK: My name is Greg
10:13PM 13 Medvidick, M-E-D-V-I-D-I-C-K, 6 Howard Drive.

10:13PM 14 And I have questions about the road,
15 Stickles Pond Road, but also --

16 MR. THOMAS: I apologize, I'm sorry,
17 you said Stickles Pond Road?

18 MR. MEDVIDICK: Yes.

19 MR. THOMAS: Thank you.

10:14PM 20 MR. MEDVIDICK: You mentioned a diesel
10:14PM 21 fuel supply of sorts. So will that be stored on the
10:14PM 22 site?

10:14PM 23 THE WITNESS: No.

10:14PM 24 MR. MEDVIDICK: Fuel storage?

10:14PM 25 THE WITNESS: No, we would have a

10:14PM 1 diesel truck come.

10:14PM 2 MR. MEDVIDICK: So on the road over by
10:14PM 3 206 it's more than a 90-degree turn. Do we pay for
10:14PM 4 the widening of that intersection to make it
10:14PM 5 compatible with long trucks? And right after the
10:14PM 6 intersection on Stickles Pond Road is a river going
10:14PM 7 onto it. If that breaks with this heavy equipment
10:14PM 8 traffic, do we pay for that?

10:14PM 9 THE WITNESS: I can't answer those
10:14PM 10 questions. I don't --

10:14PM 11 MR. MEDVIDICK: I don't know who that
10:14PM 12 question should go to. Who pays for that? And I
10:14PM 13 don't know if it's a rumor that there can't be any
10:15PM 14 traffic going out to Newton Sparta Road.

10:15PM 15 MR. THOMAS: That's not a rumor, we
10:15PM 16 stipulated to that. We said that the trucks will be
10:15PM 17 coming -- and that was at the last meeting, she
10:15PM 18 stipulated to that and I've indicated the trucks will
10:15PM 19 be coming off from 206, they will go approximately a
10:15PM 20 third of a mile into the site. They will not be
10:15PM 21 allowed to park if they're a little early, not to be
10:15PM 22 able to park on Stickles Pond Road or on any
10:15PM 23 residential streets off of Stickles Pond Road.

10:15PM 24 MR. MEDVIDICK: Okay.

10:15PM 25 MR. REED: Mike Reed, R-E-E-D,

10:15PM 1 2 Howard Drive.

10:15PM 2 My question is in regard to millings.
10:15PM 3 Millings are known to contain heavy metals. Heavy
10:15PM 4 metals are known to leach to get into groundwater.
10:15PM 5 What do you propose to protect our groundwater from
10:15PM 6 leaching heavy metals?

10:16PM 7 THE WITNESS: I'm going to, again,
10:16PM 8 refer that question to Mr. Nussar, the engineer.
10:16PM 9 He'll be able to better answer that.

10:16PM 10 MR. THOMAS: But unfortunately we're
10:16PM 11 not going to get to him today. So keep that
10:16PM 12 question, we'll get an answer for you.

10:16PM 13 MR. REED: You guys are wearing us out
10:16PM 14 by lengthening this out, just so you know. This used
10:16PM 15 to be packed.

10:16PM 16 MR. THOMAS: Well, I'm not wearing
10:16PM 17 anybody out.

10:16PM 18 FEMALE AUDIENCE MEMBER: Yeah, that's
10:16PM 19 their plan.

10:16PM 20 MR. THOMAS: I'm more than happy to
10:16PM 21 have Mr. Nussar here, he's been here each time.

10:16PM 22 MR. WEXLER: Ray Wexler, 121 Andover
10:16PM 23 Sparta Road, Andover Township, W-E-X-L-E-R.

10:16PM 24 You had stated that the aggregate
10:16PM 25 storage bins are roughly 8-feet high or 5-foot high

10:16PM 1 or something like that?

10:16PM 2 THE WITNESS: Five foot.

10:16PM 3 MR. WEXLER: Five foot, and about how
10:16PM 4 wide?

10:16PM 5 THE WITNESS: I don't think we ever
10:16PM 6 determined how wide they are.

10:16PM 7 MR. THOMAS: I think that Mr. -- again,
10:17PM 8 Mr. Nussar has got a description of those and we'll
10:17PM 9 be happy to -- we were happy to present it today, but
10:17PM 10 unfortunately we're not going to.

10:17PM 11 MR. WEXLER: Do have you any idea of --
10:17PM 12 I mean, this is -- you got, say, an average of 750
10:17PM 13 shipping containers storing a lot of material for,
10:17PM 14 you stated the site in Monticello is like a 100
10:17PM 15 acres, so the site work for that would require tens
10:17PM 16 of thousands of yards of crushed stone, aggregate,
10:17PM 17 whatever you want to call it. I just, I wonder where
10:17PM 18 you're going to put all of that in 5-foot wide --
10:17PM 19 5-foot-high bins. I mean to me that would require --

10:17PM 20 THE WITNESS: For the actual
10:17PM 21 construction of the property you mean?

10:17PM 22 MR. WEXLER: Not for that property, but
10:17PM 23 for your four projects or whatever projects are going
10:17PM 24 to be going on that this material is going to be
10:17PM 25 shipped out to.

10:17PM 1 So it just -- you know, I question how
10:17PM 2 you're going to store that much material in small
10:18PM 3 bins like that. To me, you wouldn't require
10:18PM 4 something in the order of the size of the DOT salt
10:18PM 5 bins or something like that, so.

10:18PM 6 Excuse me.

10:18PM 7 And then also going back to the
10:18PM 8 millings, yes, I mean, they would have to be stored
10:18PM 9 under cover, I would imagine, to prevent the
10:18PM 10 rainwater from leaching out.

10:18PM 11 THE WITNESS: Yeah, we actually, we
10:18PM 12 discussed covering some of the bins. I know there
10:18PM 13 were some concern about dust and stuff like that. So
10:18PM 14 we're willing to cover it.

10:18PM 15 MR. WEXLER: Okay. I'm not so much
10:18PM 16 concerned about dust as whatever material is in those
10:18PM 17 millings leaching into what is really a highly
10:18PM 18 sensitive area as far as high water table.

10:18PM 19 THE WITNESS: Yeah, we definitely can
10:18PM 20 -- we can provide a cover.

10:18PM 21 MR. WEXLER: So just so you understand,
10:18PM 22 I think that is one of major concerns of everybody in
10:18PM 23 this room, especially the people that live in that
10:18PM 24 area, it's a highly sensitive area.

10:18PM 25 THE WITNESS: No, I understand.

10:18PM 1 MR. WEXLER: There is -- I mean, have
10:18PM 2 you been to the site?

10:18PM 3 THE WITNESS: Yes, yes.

10:18PM 4 MR. WEXLER: So you've seen, you know,
10:19PM 5 the waterways around it and it's the headquarters of
10:19PM 6 Pequest River in addition to being the source,
10:19PM 7 probably partially the source of all these people's
10:19PM 8 well water.

10:19PM 9 THE WITNESS: Yeah, we take that very
10:19PM 10 seriously.

10:19PM 11 MR. WEXLER: Okay. I hope so.

10:19PM 12 THE WITNESS: To provide any coverage
10:19PM 13 or whatever we have to do, we'll do.

10:19PM 14 MR. WEXLER: Okay. I'll have more
10:19PM 15 questions for the engineer.

10:19PM 16 Thank you.

10:19PM 17 MR. THOMAS: Thank you very much.

10:19PM 18 MS. RAMANAUSKAS: Hello, Kristina
10:19PM 19 Ramanauskas, R-A-M-A-N-A-U-S-K-A-S, 7 --

10:19PM 20 CHAIRMAN MESSERSCHMIDT: I'm sorry, we
10:19PM 21 can't hear you.

10:19PM 22 Can you come closer to the microphone,
23 please.

24 MS. RAMANAUSKAS: Kristina Ramanauskas,
25 R-A-M-A-N-A-U-S-K-A-S, 7 Tally Ho Lane.

1 THE COURT REPORTER: Your first name
2 again?

3 MR. MOLICA: Can you spell your name a
4 little slower.

5 MS. RAMANAUSKAS: It's K-R-I-S-T-I-N-A.
10:20PM 6 I can just shout.

10:20PM 7 MS. HOWELL: Why don't you pull the mic
10:20PM 8 down in front of your face?

10:20PM 9 MS. RAMANAUSKAS: I can shout.

10:20PM 10 MS. HOWELL: Thank you.

10:20PM 11 MS. RAMANAUSKAS: Thank you. Is that
10:20PM 12 better? Okay.

10:20PM 13 MS. HOWELL: Speak into it, yes.

10:20PM 14 MS. RAMANAUSKAS: I'll just try to
10:20PM 15 shout.

10:20PM 16 So besides the fact that there's no
10:20PM 17 concern being taken for the loss of property value
10:20PM 18 for all of the neighborhood, all the residents.

10:20PM 19 CHAIRMAN MESSERSCHMIDT: Ma'am, Ma'am,
10:20PM 20 excuse me, please don't testify about anything, just
10:20PM 21 ask the question.

10:20PM 22 MS. RAMANAUSKAS: I am. So I know that
10:20PM 23 a permit was recently denied due to millings and
10:20PM 24 contaminants leaking from your site of asphalt,
10:20PM 25 pavement, leaching of heavy metals and polycyclic

10:20PM 1 hydrocarbons and that permit was denied by BHT and
10:20PM 2 this would be the first -- this is what you're trying
10:20PM 3 to put here. So those are the permits that have been
10:20PM 4 denied in other places, but you're trying to put that
10:21PM 5 here.

10:21PM 6 Now, I'm curious, tell me about your
10:21PM 7 spillage cleanup company again.

10:21PM 8 THE WITNESS: Environmental -- ECS.

10:21PM 9 MS. RAMANAUSKAS: Correct, and they're
10:21PM 10 based in Pennsylvania?

10:21PM 11 THE WITNESS: I actually don't know
10:21PM 12 where they are based.

10:21PM 13 MS. RAMANAUSKAS: They are based in
10:21PM 14 Pennsylvania and they specialize in carpet cleaning,
10:21PM 15 window cleaning, pressure washing, floor maintenance.
10:21PM 16 Is this the company that you have secured to clean up
10:21PM 17 a major environmental disaster that's almost
10:21PM 18 inevitable? There are four known aquifers underneath
10:21PM 19 that 100-acre site. There are wetlands. There are
10:21PM 20 -- ECS, correct, I read it.

10:21PM 21 THE WITNESS: You read it? So it's --
10:21PM 22 they have --

10:21PM 23 MS. RAMANAUSKAS: I'm looking at it
10:21PM 24 right now.

10:22PM 25 CHAIRMAN MESSERSCHMIDT: Ma'am, you

10:22PM 1 have to ask a question. You can't --

10:22PM 2 MS. RAMANAUSKAS: The question is --

10:22PM 3 CHAIRMAN MESSERSCHMIDT: Ma'am, excuse
10:22PM 4 me. You cannot testify. When you start talking
10:22PM 5 about that company, you are making testimony. You
10:22PM 6 can't do that. You can only ask the question,
10:22PM 7 please.

10:22PM 8 MS. RAMANAUSKAS: I'm just trying to
10:22PM 9 give everyone a little background.

10:22PM 10 CHAIRMAN MESSERSCHMIDT: That's giving
10:22PM 11 testimony, giving people backgrounds.

10:22PM 12 MS. RAMANAUSKAS: Do you have another
10:22PM 13 company?

10:22PM 14 THE WITNESS: No, this is the one we
10:22PM 15 were using, we use on our other projects.

10:22PM 16 MS. RAMANAUSKAS: Okay. For a major
10:22PM 17 environmental disaster?

10:22PM 18 THE WITNESS: Well, we've never had a
10:22PM 19 major environmental disaster.

10:22PM 20 MS. RAMANAUSKAS: But you've also never
10:22PM 21 had a type of facility like this before? I just want
10:22PM 22 to clarify.

10:22PM 23 THE WITNESS: No, we've used -- this is
10:22PM 24 for any spills of our equipment or anything like
10:22PM 25 that, that's what this is for. So if our excavator,

10:22PM 1 you know, has an oil leak, then we would use this
10:22PM 2 remediation plan, that's what this is for.

10:22PM 3 MS. RAMANAUSKAS: What about aquifers?

10:22PM 4 THE WITNESS: Anything bigger than
10:22PM 5 that, again, I'm going to defer to Mr. Nussar, the
10:23PM 6 engineer. I'm not an environmental specialist.

10:23PM 7 MS. RAMANAUSKAS: Okay. But do you
10:23PM 8 have any other companies that you're looking into
10:23PM 9 hiring or just this one, the carpet cleaner?

10:23PM 10 THE WITNESS: This is the only one that
10:23PM 11 -- well, this is not a carpet cleaner. It doesn't
10:23PM 12 say carpet cleaner on here. This is the plan that
10:23PM 13 we're using.

10:23PM 14 MS. RAMANAUSKAS: Okay. I just wanted
10:23PM 15 to clarify that in case there's an environmental
10:23PM 16 disaster, that's who you have?

10:23PM 17 THE WITNESS: We're using it for our
10:23PM 18 spill protection plan in case any of our equipment
10:23PM 19 were to break down.

10:23PM 20 MS. RAMANAUSKAS: But it's more than
10:23PM 21 just equipment that you're going to be storing here,
10:23PM 22 like millings, things that need to be covered because
10:23PM 23 of the dust?

10:23PM 24 THE WITNESS: Again, any of that
10:23PM 25 information is going to be addressed -- -

10:23PM 1 MS. RAMANAUSKAS: Okay. I look forward
10:23PM 2 to that. Thank you.

10:23PM 3 MR. MEDVIDICK: Greg Medvidick again.
10:23PM 4 I have an envisioning problem here.

10:23PM 5 When I think of containers of any kind
10:24PM 6 of quantity like you're speaking of, all I can see is
10:24PM 7 the ships sitting outside of ports. I have no idea
10:24PM 8 how many containers are on a containership.

10:24PM 9 Do you have any scale of the footprint
10:24PM 10 that a 1,000 shipping containers would -- two Walmart
10:24PM 11 stores or something we can relate to.

10:24PM 12 THE WITNESS: No, but I can tell you
10:24PM 13 that each one is going to be 8-feet wide.

10:24PM 14 MR. MEDVIDICK: Right.

10:24PM 15 And 4-feet long. I can't imagine 1,000
10:24PM 16 of that with the space to maneuver.

10:24PM 17 THE WITNESS: I think --

10:24PM 18 MR. THOMAS: The engineer's got plans
10:24PM 19 to show that.

10:24PM 20 CHAIRMAN MESSERSCHMIDT: I would just
10:24PM 21 also want to remind the public again, we're trying to
10:24PM 22 avoid people asking the same questions over and over
10:24PM 23 again, because we're trying to move this along as
10:24PM 24 fast as we can.

10:24PM 25 Thank you.

10:24PM 1 MR. GALONSKI: Al Galonski, 6

10:24PM 2 Valleyfield Road, Andover.

10:24PM 3 MR. THOMAS: Spell your last name,

10:24PM 4 please.

10:25PM 5 MR. GALONSKI: G-A-L-O-N-S-K-I.

10:25PM 6 Going back to the question about the
10:25PM 7 environmental impact. Essentially with the knowledge
10:25PM 8 of the aquifer and all of that stuff underneath that
10:25PM 9 property, is the company putting up some sort of an
10:25PM 10 environmental bond in the case there's a big spill
10:25PM 11 that Andover Township doesn't get stuck with the cost
10:25PM 12 of that cleanup or we have to turn it into a super
10:25PM 13 fund site?

10:25PM 14 THE WITNESS: Not that I'm aware of,
10:25PM 15 there's no bond.

10:25PM 16 MR. GALONSKI: Should that be required
10:25PM 17 by the environmental committee?

10:25PM 18 CHAIRMAN MESSERSCHMIDT: Sir, you have
10:25PM 19 to ask questions of the witness.

10:25PM 20 MR. GALONSKI: Well, do you think that
10:25PM 21 would be prudent as a good neighbor to these folks?

10:25PM 22 THE WITNESS: I can't answer that.

10:25PM 23 MR. GALONSKI: Okay. I understand.

10:25PM 24 MR. MOLICA: Would the applicant be
10:25PM 25 willing to post performance guarantees pursuant to

10:25PM 1 any approval and subsequent developer's agreement
10:26PM 2 that may be required pursuant to any approval?

10:26PM 3 MR. THOMAS: I don't know and I'm not
10:26PM 4 going to give an answer to that question tonight.

10:26PM 5 CHAIRMAN MESSERSCHMIDT: Thank you.

10:26PM 6 MS. REED: Hello, Ann Reed, 2 Howard
10:26PM 7 Drive, R-E-E-D.

10:26PM 8 I just have a follow-up question about
10:26PM 9 the environmental issue. If there were something
10:26PM 10 that happened at the facility, if your company that
10:26PM 11 remedies the situation is in Pennsylvania, is that
10:26PM 12 what you said?

10:26PM 13 THE WITNESS: I actually am not aware
10:26PM 14 of that.

10:26PM 15 MS. REED: Okay. I was just wondering
10:26PM 16 like the response time that would be necessary for a
10:26PM 17 remediation team to get to a site or spill, whatever.

10:26PM 18 THE WITNESS: So this is our spill kit
10:26PM 19 that we have. It would be on-site. We would have
10:26PM 20 this on-site, yeah, and we would enact the spill --
10:26PM 21 the plan and all of our employees will be trained on
10:27PM 22 how to use it and how to deal with the spill.

10:27PM 23 MS. REED: Thank you.

10:27PM 24 CHAIRMAN MESSERSCHMIDT: So if there's
10:27PM 25 no more members of the public that wish to come

10:27PM 1 forward tonight to ask any questions of this witness,
10:27PM 2 we're going to conclude the testimony for tonight.

10:27PM 3 MR. THOMAS: Mr. Chairman, in light of
10:27PM 4 the questions, I'd like to have an opportunity very
10:27PM 5 briefly, not more than five minutes to just do some
10:27PM 6 redirect.

10:27PM 7 CHAIRMAN MESSERSCHMIDT: I think that's
10:27PM 8 acceptable.

10:27PM 9 MR. MOLICA: Yeah, I mean, I'll defer
10:27PM 10 to the board's wishes.

10:27PM 11 Counsel, let me ask you a question.
10:27PM 12 There were various things that you indicated --

10:27PM 13 MR. THOMAS: You're taking my five
10:27PM 14 minutes, but go ahead.

10:27PM 15 MR. MOLICA: You indicated that you
10:27PM 16 could provide follow-up answers or that this witness
10:27PM 17 may be able to provide some follow-up answers to
10:27PM 18 questions that were asked this evening.

10:27PM 19 Is it your intention to bring Ms. Sainz
10:27PM 20 back at the next meeting? I know she's out of state.

10:28PM 21 MR. THOMAS: Not necessarily. I think
10:28PM 22 the answers can be answered, the ones that I've
10:28PM 23 gotten down, written down, are the ones that can be
10:28PM 24 answered by the engineer. Eventually we'll get to
10:28PM 25 the engineer.

10:28PM 1 CHAIRMAN MESSERSCHMIDT: Please
10:28PM 2 proceed.

10:28PM 3 MR. THOMAS: Thank you.

10:28PM 4 REDIRECT EXAMINATION

10:28PM 5 BY MR. THOMAS:

10:28PM 6 Q. With regard to, you know, your
10:28PM 7 responsibility, are you the only one responsible or
10:28PM 8 do you have other people working for you and can you
10:28PM 9 explain that?

10:28PM 10 Is there a team operation?

10:28PM 11 A. Yeah, no, there's definitely a team
10:28PM 12 operation.

10:28PM 13 Q. Well, explain it.

10:28PM 14 A. Especially with our construction team.

10:28PM 15 Q. Tell us what that means.

10:28PM 16 A. So we have a head of construction, we
10:28PM 17 have superintendents on every site and they are the
10:28PM 18 ones who -- I can't be at the site every day. It's
10:28PM 19 not like it's in Florida where I can just drive to it
10:28PM 20 and see the operations.

10:28PM 21 So they're the ones that tell me what's
10:28PM 22 going on and what they need.

10:28PM 23 Q. Okay.

10:28PM 24 And when you were asked by Ms. Durkin
10:28PM 25 about your knowledge of how things are going to go

10:28PM 1 into and out of these containers, do you have people
10:28PM 2 that you ask those questions to and have some
10:28PM 3 responsibility for that?

10:28PM 4 A. Yes.

10:28PM 5 Q. Is that part of the team?

10:28PM 6 A. Yes.

10:28PM 7 Q. You indicated also that you do have
10:29PM 8 projects that are in the pipeline. Some of them,
10:29PM 9 excuse me, I think you said one in Maryland.

10:29PM 10 Is that right?

10:29PM 11 A. Yes.

10:29PM 12 Q. Are there other -- and there are
10:29PM 13 others, but is this -- is this project designed for
10:29PM 14 the immediacy of what's going on now or is it
10:29PM 15 designed for something in the future?

10:29PM 16 A. Definitely in the future.

10:29PM 17 Q. Well, explain that a little bit more.
10:29PM 18 How is this going to operate as part of the overall
10:29PM 19 operation of BHT Construction and BHT Properties?
10:29PM 20 How is this going to function in the next 10 years,
10:29PM 21 assuming that this board gives approval?

10:29PM 22 A. Well, in the next 10 years we plan to
10:29PM 23 have several more properties in the construction
10:29PM 24 period in the northeast. Just in the
10:29PM 25 year-and-a-half, almost two years I've been with the

10:29PM 1 company, we've already went from one to four and now
10:29PM 2 we have more coming.

10:29PM 3 So it's growing and it's growing fast.
10:29PM 4 That's why we want to have this in place for when we
10:30PM 5 do have 20, 30 projects going in the northeast, we'll
10:30PM 6 have the material ready to go.

10:30PM 7 Q. Have you experienced in the work that
10:30PM 8 you've done on the project in the year-and-a-half
10:30PM 9 that you've been with the company, have you
10:30PM 10 experienced delays in obtaining material, such as
10:30PM 11 pipe, aggregate, things that are going to be stored
10:30PM 12 on the site?

10:30PM 13 A. Yes, every project.

10:30PM 14 Q. Okay.

10:30PM 15 Notwithstanding the fact that I don't
10:30PM 16 think this is terribly relevant, since Ms. Durkin
10:30PM 17 spent most of her time dealing with that issue of
10:30PM 18 operations, is it your opinion and the company's
10:30PM 19 opinion that by having this site, this gives you a
10:30PM 20 competitive advantage and if so, explain how?

10:30PM 21 A. I guess it's a competitive advantage
10:30PM 22 when we're bidding for these other projects and we're,
10:30PM 23 you know, building to suit for these other tenants
10:30PM 24 and submit a bid. We don't necessarily have the job
10:30PM 25 right away and when we do that bid, we need to have

10:30PM 1 those numbers make sense and by knowing we already
10:30PM 2 have this material on-site and knowing what it's
10:30PM 3 going to cost us, we're able to provide a more
10:30PM 4 appropriate bid.

10:30PM 5 Q. Last question: It wasn't asked today,
10:31PM 6 but it was asked by one of the gentleman on the board
10:31PM 7 last time saying that, well, prices are high now, but
10:31PM 8 they eventually go low. If you're going to have this
10:31PM 9 project and this approval, how do you plan on taking
10:31PM 10 advantage of the high and lows by having this storage
10:31PM 11 facility?

10:31PM 12 A. Well, right now we've only experienced
10:31PM 13 highs.

10:31PM 14 Q. I understand that, but you're talking
10:31PM 15 about a 10- or 20-year project, correct?

10:31PM 16 A. Yes.

10:31PM 17 Q. So tell us about that.

10:31PM 18 A. In 10 to 20 years I don't anticipate
10:31PM 19 prices going down on this stuff and if they do have a
10:31PM 20 low period, then that's when we'll buy a majority of
10:31PM 21 the material.

10:31PM 22 Q. So that's part of the company business
10:31PM 23 model, even though this is not about a business
10:31PM 24 model, but since there's been an awful lot of
10:31PM 25 questions, that's part of your business model to try

10:31PM 1 to make it more efficient?

10:31PM 2 A. When we can find it cheap, we buy in
10:31PM 3 bulk.

10:31PM 4 MR. THOMAS: No further questions.
10:31PM 5 Thank you very much, Mr. Chairman.

10:31PM 6 CHAIRMAN MESSERSCHMIDT: All right.
10:31PM 7 With that, we're going to --

10:31PM 8 MR. ORDILE: I'm sorry, before we do
10:31PM 9 close it, can we have an opportunity to address the
10:31PM 10 facility operator's program manual since it has come
10:31PM 11 up multiple times?

10:31PM 12 FEMALE AUDIENCE MEMBER: We can't hear
10:31PM 13 you.

10:32PM 14 CHAIRMAN MESSERSCHMIDT: I don't
10:32PM 15 understand, Mr. Ordile. It sounds like you want to
10:32PM 16 testify about something.

10:32PM 17 MR. ORDILE: No, I have questions
10:32PM 18 regarding the facility operator's program manual.
10:32PM 19 It's been brought up a couple of times.

10:32PM 20 MR. THOMAS: I think that -- I'm sorry.

10:32PM 21 MR. ORDILE: It's not questions that
10:32PM 22 have been asked.

10:32PM 23 MR. THOMAS: No, no, I'm no suggesting
10:32PM 24 that.

10:32PM 25 MR. ORDILE: So I will not be repeating

10:32PM 1 any questions.

10:32PM 2 MR. THOMAS: I'm not suggesting that.
10:32PM 3 I think that the better person to be asking, however,
10:32PM 4 is the engineer who has some more expertise in that
10:32PM 5 area than Ms. Sainz, that's all I'm suggesting.

10:32PM 6 MR. ORDILE: And I'm fine with that.
10:32PM 7 The first question was who is the appropriate person,
10:32PM 8 so...

10:32PM 9 MR. THOMAS: The engineer.

10:32PM 10 MR. ORDILE: I'll hold for the
10:32PM 11 engineer.

10:32PM 12 MR. THOMAS: Thank you.

10:32PM 13 MR. ORDILE: Thank you.

10:32PM 14 CHAIRMAN MESSERSCHMIDT: So we're
10:32PM 15 concluding the testimony for this evening, hopefully.
10:32PM 16 We do have two items, as I mentioned at
10:32PM 17 the beginning of the meeting, two housekeeping items
10:32PM 18 relative to this application.

10:32PM 19 Let's take the easiest one first, that
10:32PM 20 is what we -- I previously talked about earlier,
10:33PM 21 which was a possible change of venue for this
10:33PM 22 hearing. You may be aware that initially the board
10:33PM 23 secretary, administrator did a lot of work trying to
10:33PM 24 find another facility that was more accommodating
10:33PM 25 than this for this application and due to COVID

10:33PM 1 restrictions, none of the places that -- almost all
10:33PM 2 of the places that we reached out to would not allow
10:33PM 3 us to come there.

10:33PM 4 The applicant has asked and I think the
10:33PM 5 board would be willing to do so, to see if they can
10:33PM 6 find now another venue for this application or for
10:33PM 7 the public hearing.

10:33PM 8 So what the plan is is that we are
10:33PM 9 talking about next week we have our regular meeting
10:33PM 10 for this board. We will include on there, if the
10:34PM 11 board is in agreement, we will include on that agenda
10:34PM 12 for next week that meeting will be at the township
10:34PM 13 building, the municipal building. There will be a
10:34PM 14 part on the agenda for this application, but it will
10:34PM 15 only be for administrative purposes and, again, that
10:34PM 16 means that there will be no testimony taken by any
10:34PM 17 witnesses. That is merely for the applicant to come
10:34PM 18 before the board and say, and ask to be carried to
10:34PM 19 the December 21st meeting.

10:34PM 20 MR. THOMAS: Or whenever we can
10:34PM 21 accommodate the new site.

10:34PM 22 MS. DURKIN: I'm sorry, the date of
10:34PM 23 that first meeting, Chairman?

10:34PM 24 MR. MOLICA: So the idea is --

10:34PM 25 CHAIRMAN MESSERSCHMIDT: The meeting

10:34PM 1 will be December 7th.

10:34PM 2 MR. MOLICA: The idea is that we're
10:34PM 3 going to carry the public hearing without further
10:34PM 4 notice to Tuesday, December 7th, 2021 at 7:30 p.m.
10:34PM 5 It will be held at the township municipal building.

10:34PM 6 Stephanie, address?

10:35PM 7 MS. PIZZULO: 134 Newton Sparta Road.

10:35PM 8 CHAIRMAN MESSERSCHMIDT: 134 Newton
10:35PM 9 Sparta Road.

10:35PM 10 MR. MOLICA: Andover.

10:35PM 11 MS. PIZZULO: Yes.

10:35PM 12 MR. MOLICA: No substantive proceeding
10:35PM 13 will take place at that December 7th meeting, no
10:35PM 14 testimony will be heard, rather the applicant and the
10:35PM 15 board will determine when the next hearing date will
10:35PM 16 be and where it will be.

10:35PM 17 MR. THOMAS: And no further notice will
10:35PM 18 be required as of this time, correct?

10:35PM 19 MR. MOLICA: As of this time, correct,
10:35PM 20 but an announcement --

10:35PM 21 CHAIRMAN MESSERSCHMIDT: No further
10:35PM 22 notice to the surrounding property owners.

10:35PM 23 MR. MOLICA: No further notice to the
10:35PM 24 surrounding property owners, but an announcement will
10:35PM 25 be made at the December 7th meeting about the next

10:35PM 1 meeting night after that meeting.

10:35PM 2 MR. THOMAS: Right.

10:35PM 3 CHAIRMAN MESSERSCHMIDT: Mr. Tolerico,
10:35PM 4 you had a question?

10:35PM 5 MR. TOLERICO: Yes, I just have a
10:35PM 6 question, what's the purpose of moving the venue? I
10:35PM 7 mean this --

10:35PM 8 MR. THOMAS: Well, this is such a -- if
10:35PM 9 I can just interrupt. This is such a lovely venue
10:35PM 10 with all the lighting and everything else.

10:35PM 11 MR. TOLERICO: But it's convenient for
10:36PM 12 all the residents, because they live nearby.

10:36PM 13 MR. THOMAS: Joe, I'm not going to end
10:36PM 14 up looking around to see if I can find something in
10:36PM 15 Sussex Borough or in Newton or in Sparta. I want to
10:36PM 16 find something that's going to be either directly in
10:36PM 17 Andover Township or immediately adjacent thereto.

10:36PM 18 So I mean, somebody had suggested, you
10:36PM 19 know, maybe the fairgrounds. Well, I don't think
10:36PM 20 that that's terribly convenient for me. Well, it
10:36PM 21 doesn't really matter to me, but for the members of
10:36PM 22 the public and I just don't think that's a good
10:36PM 23 option personally. I'm not even going to check into
10:36PM 24 it, but there are some options potentially in
10:36PM 25 Andover. So that's the only reason.

10:36PM 1 Maybe we'll actually get some good
10:36PM 2 acoustics and maybe we'll actually get some good
10:36PM 3 lighting so we can actually see what we're doing.

10:36PM 4 MR. KARR: Yeah, the risk of -- the
10:36PM 5 danger of this being misconstrued as an attempt to
10:36PM 6 delay these proceeding or to subvert the public
10:36PM 7 notice I think exactly what you just mentioned, the
10:37PM 8 better acoustics, which we've struggled through for
10:37PM 9 months now, I think everybody in this room can agree
10:37PM 10 that that would be preferable if we can hear everyone
10:37PM 11 and we'd speed this up just in that fact alone. I
10:37PM 12 thing it's a great idea and I think we should pursue
10:37PM 13 it. I'll make a -- I don't know if we need a motion
10:37PM 14 for that.

10:37PM 15 CHAIRMAN MESSERSCHMIDT: No, hold on a
10:37PM 16 second.

10:37PM 17 MR. MOLICA: Before we do --

10:37PM 18 CHAIRMAN MESSERSCHMIDT: Hold on. Is
10:37PM 19 there any other board members that have any questions
10:37PM 20 about this or comments?

10:37PM 21 MR. TOLERICO: I just want to say one
10:37PM 22 thing. Would it be best, could we do a poll of the
10:37PM 23 people here that are -- the residents?

10:37PM 24 CHAIRMAN MESSERSCHMIDT: That's not
10:37PM 25 really what comes into play here.

10:37PM 1 Mr. TOLERICO: Okay.

10:37PM 2 CHAIRMAN MESSERSCHMIDT: But I would
10:37PM 3 like to ask the objectors' attorney if she has any
10:37PM 4 comments about this.

10:37PM 5 MS. DURKIN: No, I wholeheartedly
10:37PM 6 support --

10:37PM 7 MR. THOMAS: I want the record to
10:37PM 8 reflect that Ms. Durkin agrees with me 100 percent on
10:37PM 9 this matter.

10:37PM 10 (Laughter.)

10:37PM 11 CHAIRMAN MESSERSCHMIDT: Well, I would
10:37PM 12 actually put on the record that you agree with
10:37PM 13 Ms. Durkin.

10:37PM 14 MR. THOMAS: No, no, it was my idea.

10:37PM 15 (Laughter.)

10:37PM 16 MS. DURKIN: But nothing makes me
10:37PM 17 happier than when Mr. Thomas on redirect asked
10:38PM 18 questions that he had objected when I asked the very
10:38PM 19 same question.

10:38PM 20 But, no, Mr. Thomas and I spoke about
10:38PM 21 this earlier. I do think it would be far better for
10:38PM 22 the board and for the public if we had a facility
10:38PM 23 that's more conducive.

10:38PM 24 FEMALE AUDIENCE MEMBER: Excuse me, I
25 just have a question about that. If you do move the

1 venue --

2 CHAIRMAN MESSERSCHMIDT: You cannot ask
3 a question about this at the moment, I'm sorry. It's
4 not open to public comment.

5 FEMALE AUDIENCE MEMBER: I'm asking a
10:38PM 6 question. If you move the venue, I think that we
10:38PM 7 need to let people know. You're saying there's no
10:38PM 8 further notice.

10:38PM 9 CHAIRMAN MESSERSCHMIDT: Okay. That's
10:38PM 10 what I tried to explain earlier and Mr. Thomas tried
10:38PM 11 to also clarify.

10:38PM 12 When we say "no further notice," that
10:38PM 13 means that they don't have to send in writing, which
10:38PM 14 they are required by law, a notice to each of the
10:38PM 15 surrounding property owners to that property. That
10:38PM 16 doesn't mean that we're not going to say where it's
10:38PM 17 going to be.

10:38PM 18 At the December 7th meeting, we will
10:38PM 19 say to everybody that's in attendance and on the
10:38PM 20 record where the next public hearing for this
10:38PM 21 application will be heard.

10:39PM 22 FEMALE AUDIENCE MEMBER: And it will be
10:39PM 23 on the website and everything else.

10:39PM 24 CHAIRMAN MESSERSCHMIDT: Correct.

10:39PM 25 FEMALE AUDIENCE MEMBER: Perfect, thank

10:39PM 1 you.

10:39PM 2 CHAIRMAN MESSERSCHMIDT: You're
10:39PM 3 welcome.

10:39PM 4 All right. With that, I think we've
10:39PM 5 concluded and I think we're all in favor of doing
10:39PM 6 that. I don't think the board needs to vote on that.
10:39PM 7 We're just noticing now that the next meeting for
10:39PM 8 this hearing will be next week, next Tuesday at the
10:39PM 9 municipal building strictly for administrative
10:39PM 10 purpose to decide when the actual next public hearing
10:39PM 11 with testimony will take place and where.

10:39PM 12 MR. MOLICA: At 7:30 p.m. at the
10:39PM 13 township regular municipal building, 134 Newton
10:39PM 14 Sparta Road. No further notice to be provided by the
10:39PM 15 applicant.

10:39PM 16 CHAIRMAN MESSERSCHMIDT: Now onto the
10:39PM 17 second item and that's regarding the recommendation
10:39PM 18 by the Andover Township Environmental Commission to
10:39PM 19 this board suggesting that we should hire an
10:39PM 20 environmental expert on behalf of the board to
10:40PM 21 provide us with guidance from an environmental
10:40PM 22 standpoint. We've also heard from the objectors'
10:40PM 23 attorney, I believe, also recommending that this
10:40PM 24 board hire an environmental expert.

10:40PM 25 So at this point, we're going to bring

10:40PM 1 this up for discussion amongst the board members with
10:40PM 2 input from our professionals that are here tonight to
10:40PM 3 make that decision as to whether we're going to have
10:40PM 4 an environmental expert hired by this board,
10:40PM 5 understanding that this environmental expert will be
10:40PM 6 paid out of the escrow account not by township money
10:40PM 7 in case anybody is questioning that.

10:40PM 8 With that, I will open it up to the
10:40PM 9 board if anybody has any questions about the
10:40PM 10 environmental expert that could be hired.

10:40PM 11 MR. MOLICA: The board should all --
10:40PM 12 all board members should have received the July 19,
10:40PM 13 2021 memorandum from the environmental commission to
10:40PM 14 the board about this subject.

10:41PM 15 MR. OLSEN: I believe there was a
10:41PM 16 specific request from the environmental commission
10:41PM 17 related to groundwater, not an overall environmental
10:41PM 18 assessment of the property. It was very specific to
10:41PM 19 potential groundwater contamination from this
10:41PM 20 project. I just wanted to clarify that. That is the
10:41PM 21 recommendation from the environmental commission.

10:41PM 22 CHAIRMAN MESSERSCHMIDT: Well, and that
10:41PM 23 doesn't -- and I agree with you, but that doesn't
10:41PM 24 mean we have to limit it to that, because I actually
10:41PM 25 have other items that I believe should be

10:41PM 1 investigated as to this property from an
10:41PM 2 environmental standpoint.

10:41PM 3 MR. OLSEN: That's fair enough.

10:41PM 4 MS. DURKIN: And I don't mean to
10:41PM 5 interrupt, but they actually expanded on that, if you
10:41PM 6 would like to see a copy of the recommendation, it
10:41PM 7 wasn't just groundwater.

10:41PM 8 CHAIRMAN MESSERSCHMIDT: Right.

10:41PM 9 MR. MOLICA: July 19, 2021
10:41PM 10 environmental commission recommendation letter speaks
10:41PM 11 for itself. It's with the board for discussion.

10:41PM 12 CHAIRMAN MESSERSCHMIDT: Mr. Stoner, do
10:41PM 13 you have something that you want to add?

10:42PM 14 MR. STONER: Yes, the letter of July 19
10:42PM 15 -- I did go over a couple of items. The letter
10:42PM 16 discussed endangered species, vernal pond damage,
10:42PM 17 damage to Category One waterways and then they went
10:42PM 18 into groundwater contamination and quality of life
10:42PM 19 issues. Quality of life issues is really related to
10:42PM 20 traffic and they have provided a traffic report. I
10:42PM 21 have commented on it, they have provided testimony on
10:42PM 22 that.

10:42PM 23 The endangered species, vernal pool and
10:42PM 24 Category One waterway are all -- I'm sure they are
10:42PM 25 concerns from the board. They all kind of relate

10:42PM 1 back to the DEP permits that they're going to obtain.
10:42PM 2 So just keep that in mind, that they are -- that
10:42PM 3 those are all DEP regulated issues.

10:42PM 4 The groundwater contamination is the
10:43PM 5 one that sticks out to me. That is not going to be
10:43PM 6 reviewed in great detail by the DEP during their
10:43PM 7 review and there's been a lot of talk about
10:43PM 8 contamination, potential of contamination and whether
10:43PM 9 guards can be put in place to protect the groundwater
10:43PM 10 situation.

10:43PM 11 So in my opinion, that's my biggest
10:43PM 12 concern regarding what was provided from the
10:43PM 13 environmental advisory committee. That would be more
10:43PM 14 of a -- I'm not sure if it's -- normally it's an
10:43PM 15 environmental consultant, but might be more in the
10:43PM 16 line of a hydro-geologist to review the aquifers
10:43PM 17 under the project and the impact of whatever is going
10:43PM 18 to be placed on the 100-acre site, what impact that
10:43PM 19 would have on the groundwater and I'm not sure, I
10:43PM 20 haven't seen any -- they provided an EIS, which was
10:43PM 21 pretty basic, so I haven't seen anything on the
10:43PM 22 applicant's side regarding the aquifers protection.

10:43PM 23 CHAIRMAN MESSERSCHMIDT: Any other
10:44PM 24 questions from any of the board members?

10:44PM 25 (No response.)

10:44PM 1 CHAIRMAN MESSERSCHMIDT: If not, I will
10:44PM 2 entertain a motion to accept the recommendation from
10:44PM 3 the environmental commission and for this board to
10:44PM 4 hire an environmental expert for this application to
10:44PM 5 provide professional guidance to this board.

10:44PM 6 MR. KARR: I'll make that motion.

10:44PM 7 MR. TOLERICO: I'll second.

10:44PM 8 CHAIRMAN MESSERSCHMIDT: Mr. Karr,
10:44PM 9 second by Mr. Tolerico.

10:44PM 10 Roll call, please?

10:44PM 11 MR. THOMAS: Mr. Chairman, if I can
10:44PM 12 just get -- can I get a quick clarification?

10:44PM 13 Mr. Stoner indicated that the focus
10:44PM 14 might be appropriate for groundwater and I just
10:44PM 15 wanted to find out if that's what this is going to be
10:44PM 16 or if it's going to be more extensive so that we can
10:44PM 17 prepare for what's going to be happening.

10:44PM 18 MS. DURKIN: There's been a motion and
19 a second.

20 CHAIRMAN MESSERSCHMIDT: I understand.
21 Mr. Thomas is just asking for clarification of the
22 motion and that is up to the board, I believe, to
23 decide.

10:45PM 24 MR. THOMAS: Yeah, that's what I'm just
10:45PM 25 trying to understand.

10:45PM 1 CHAIRMAN MESSERSCHMIDT: So the board
10:45PM 2 will ask -- present to the environmental expert what
10:45PM 3 they feel their needs are from the environmental
10:45PM 4 expert and the environmental expert will then also
10:45PM 5 advise the board as to maybe any other items that the
10:45PM 6 board didn't think about as to whether that should be
10:45PM 7 included in the report from the environmental expert.

10:45PM 8 MR. THOMAS: And of course the
10:45PM 9 environmental expert will be made aware of all the
10:45PM 10 DEP -- the jurisdiction involved --

10:45PM 11 MR. MOLICA: The environmental expert
10:45PM 12 will have to be given all filed materials and
10:45PM 13 everything it requires to perform its duties as
10:45PM 14 retained or as sought by the board.

10:45PM 15 CHAIRMAN MESSERSCHMIDT: And I don't
10:45PM 16 know about the rest of the board, but I can tell you
10:45PM 17 from my perspective, the DEP is going to take care of
10:45PM 18 the items that they have guidance or they had
10:45PM 19 jurisdiction over. I'm more concerned about the
10:45PM 20 areas that they don't have jurisdiction over. To me,
10:45PM 21 that's more important, because the DEP is taking care
10:45PM 22 of the other part of it.

10:45PM 23 MR. THOMAS: And that's all I'm asking,
10:46PM 24 that's what I'm trying to understand.

10:46PM 25 CHAIRMAN MESSERSCHMIDT: Okay. So

10:46PM 1 there's a motion on the table, there's a second and
10:46PM 2 we need a roll call, please.

10:46PM 3 MS. PIZZULO: Mr. Olsen?

10:46PM 4 MR. OLSEN: Yes.

10:46PM 5 MS. PIZZULO: Ms. Howell?

10:46PM 6 MS. HOWELL: Yes.

10:46PM 7 MS. PIZZULO: Mr. O'Connell?

10:46PM 8 MR. O'CONNELL: Yes.

10:46PM 9 MS. PIZZULO: Mr. Skewes?

10:46PM 10 MR. SKEWES: Yes.

10:46PM 11 MS. PIZZULO: Mr. Ordile?

10:46PM 12 MR. ORDILE: Yes.

10:46PM 13 MS. PIZZULO: Mr. Tolerico?

10:46PM 14 MR. TOLERICO: Yes.

10:46PM 15 MS. PIZZULO: Mr. Karr?

10:46PM 16 MR. KARR: Yes.

10:46PM 17 Ms. PIZZULO: Mr. Messerschmidt?

10:46PM 18 CHAIRMAN MESSERSCHMIDT: Yes, motion
10:46PM 19 carried.

10:46PM 20 MR. THOMAS: And that's fine, thank
10:46PM 21 you.

10:46PM 22 Can I request that there would be
10:46PM 23 whenever you contact this environmental, you're going
10:46PM 24 to be giving them sort of a scope of duty, if I can
10:46PM 25 get a copy of that so I have a better understanding

10:46PM 1 of what we're going to end up dealing with, that's
10:46PM 2 all.

10:46PM 3 MR. MOLICA: We'll take the request
10:46PM 4 under consideration.

10:46PM 5 Thank you.

10:46PM 6 CHAIRMAN MESSERSCHMIDT: So that will
10:46PM 7 conclude tonight's public hearing for the BHT
10:46PM 8 application. We would ask as people if you're
10:46PM 9 planning on leaving, we still have other regular
10:46PM 10 board items on our agenda that we have to distinguish
10:46PM 11 and handle.

10:46PM 12 So just, please, if you are going to
10:47PM 13 have any conversations, please take them outside so
10:47PM 14 that we can continue with our business.

15 MS. DURKIN: Thank you very much,
16 Mr. Chairman.

17 CHAIRMAN MESSERSCHMIDT: Thank you.

18 (Whereupon, this matter will be
19 continuing at a future date. Time noted:
20 10:47 p.m.)
21
22
23
24
25

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.

LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2023

Dated: _____