

**MINUTES OF THE MEETING WITH TOLL BROTHERS
BOROUGH OF UPPER SADDLE RIVER
JULY 24, 2019 1:00 p.m.**

ATTENDEES:

USR Mayor Joanne Minichetti
Ramsey Mayor John Roth
James Dougherty, USR Building Official
Robert Regan, USR Borough Attorney
Joy Convertini, USR Deputy Municipal Clerk
Bobby Fleshman, USR Public Works
Kevin Boswell, Borough Engineer
Frank Rossi, Boswell Engineering

Craig Cherry, Toll Brothers Div. President
John Peck, Toll Brothers, Div. Sr. VP
Rick Hoff, Toll Brothers, Attorney
David Fultz, Toll Brothers
Carmine Merlucci, Toll Brothers
John Lehane, Toll Brothers
Quentin Weist, Ramsey BA
Jay Kruse, ESE Consultants
Mark Mayhew, SVP, ESE Consultants

All attendees introduced themselves.

Borough Engineer Kevin Boswell stated that there have been three rainstorms and the response to the storms on both July 12, 2019 and July 22, 2019 were inadequate. On July 12, 2019, the storm resulted in the discharge of water over the existing berm onto Carlough Road. He further stated that he wrote an assessment of the issues on site at that time; there were no representatives from Toll Brothers present when Borough officials were on the site.

Straw and debris clogged the inlets on the south side of the subdivision, resulting in the water going over the berm onto Carlough Road and down resident's driveways.

The following week, there was a meeting with Toll Brothers representatives and the Borough was assured that this situation would be rectified permanently. On July 22, 2019 there was another storm producing approximately three inches of rain and the same situation occurred once again. Mr. Boswell stated that this is completely unacceptable and not compliant with the Developers Agreement. Measures were not taken as promised and two Stop Work Orders were issued on July 23, 2019 for both the Mahwah and Upper Saddle River portions of the project. Videos have been posted and the press has reported on this issue.

The purpose of this meeting is to address these issues, review the requirements of the Stop Work Order, see what measures Toll Brothers will immediately implement and set up a schedule for same.

Mr. Craig Cherry, Division President for Toll Brothers, stated that the storm was significant and they felt that they had taken all necessary measures in order to prevent further flooding. He asked John Peck, Division Vice President for Toll Brothers to outline these measures in detail at this time.

Mr. John Peck, Sr. Vice President for Toll Brothers stated that Toll Brothers' personnel was on site making preparations before and during the storm. He reiterated that the storm on July 22, 2019 was significant. He further stated that after the last meeting, he outlined with the

Borough measures that were going to be taken to prevent a recurrence of this flooding and has met with residents in order to address the influx of muddy water into private ponds.

Mr. Boswell stated that three inches of rain should not be unmanageable and should be accommodated with storm water measures that are supposed to be in place. The detention basin is currently full and, should there be another significant rain event, the same flooding will occur again.

Mr. Peck explained that some modifications were discussed in order to allow a freer flow of water into the storm water management system on site. Holes have been cut into the concrete adjacent to the basin and it will be filled with stone so the basin will fill more rapidly and prevent the roadway from flooding.

James Dougherty, USR Building Official presented photos of the existing conditions on the site.

The installation of utilities was discussed; there is currently a 1000-foot open trench dug by Orange and Rockland Utilities for gas, electric, cable and telephone lines that has filled with water on site. The utilities cannot be installed at this time due to the water, which is currently being pumped out. Mr. Peck stated that they will cut holes into the trench in order for the water to be reduced. Mr. Boswell stated that four gravel check dams should be installed immediately.

The berm will be heightened approximately two and a half feet in order to create a clean profile and it will be jute matted. Building Official Jim Dougherty stated that the straw that is being used on site is causing significant drain clogging during storms and this must be rectified. All were in agreement that jute matting will be used rather than straw moving forward.

Mr. Boswell asked about additional measures that would be taken on site and Mr. Peck outlined these measures. There will be regrading necessary and the addition of new inlets to remediate ponding. Yard drains will be installed to direct water into the inlet as an extra level of protection.

Mr. Peck stated that a plan will be submitted shortly addressing the capacity of the detention basin. During the active development stage of this project, the basin is responsible for retaining all of the water on site. Two, three-inch pumps will be installed adjacent to the basin to diffuse water over a washboard system in order to allow clear water to flow into the Pleasant Brook and create capacity in the basin.

Mr. Boswell stated that Toll Brothers must ensure that water will flow out of the detention basin in a timely matter, within 72 hours, and a system must be devised immediately. He further stated that the diameter of the pipe that is tied into the floating orifice should be increased from three inches to six inches but it is the responsibility of Toll Brothers to propose an immediate solution.

Mr. Cherry asked if, while a plan is being developed to implement the washboard system, Toll Brothers may be granted permission to install a larger orifice immediately.

Mr. Boswell stated that Toll Brothers must contact Bergen County Soil Conservation District immediately in order to rectify the capacity of the basin.

Mr. Cherry stated that he would like to implement the same procedures on the Mahwah side of the development and will be submitting a request to perform same.

Mr. Boswell stated that there is a list of all of the private ponds and spillways being compiled that have been negatively impacted by the flow of brown water, which will be Toll Brothers' responsibility to remediate.

Mayor Minichetti stated that these private ponds must be cleaned immediately so people can enjoy their property. Mr. Dougherty stated that the muddy water flow can be seen as far south as Paramus.

Mr. Boswell outlined the preliminary measures as follows:

- Install punch holes in basin (USR) July 25, 2019
- Install check dams in utility pipe July 26, 2019
- grading west side of roadway to pitch
- Waterflow toward manhole B3 Within one week
- Heighten berm Within one week

He reiterated that a time frame must be agreed upon so the Stop Work Order may be lifted.

Mr. Dougherty stated that the Sewer Pump Station inspection should be permitted to take place in order to move forward as it is very difficult to reschedule. All were in agreement that this will not have any impact on the flooding issues.

Mr. Boswell also stated that only jute matting may be used moving forward and drill seed must be implemented with the installation of top soil; these stabilization measures are permitted during the Stop Work Order.

He further stated that a written response on all of the remediation measures discussed as well as all of the accounting issues must be submitted.

Additional escrow was addressed and Mr. Cherry asked for an accounting of same.

The One Lake Street project was also addressed as water is flowing onto Lake Street during significant rainfall. Mr. Boswell stated that this must be rectified as well.

All were in agreement that Mr. Boswell would respond to any requests by the media.

Both municipalities were in agreement that there were violations of the Developer's Agreement that warranted the issuance of a Stop Work Order in order to get the soil erosion issues under control. The Borough officials met with Toll Brothers' representatives to arrive at a corrective action plan and provide a schedule to implement same. Once these issues have been brought to an acceptable level, the Stop Work Order will be lifted.

The meeting concluded at 2:10 p.m.

Respectfully submitted,

Joy C. Convertini, RMC
Deputy Municipal Clerk