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and the Township Committee of the Township of Bernards

TILCON NEW YORK INC.,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: SOMERSET COUNTY
	:	
Plaintiff,	:	DOCKET No. SOM-L-476-08
v.	:	
	:	CIVIL ACTION
TOWNSHIP OF BERNARDS, and	:	
TOWNSHIP COMMITTEE OF THE	:	
TOWNSHIP OF BERNARDS,	:	CERTIFICATION OF BRUCE McARTHUR,
	:	TOWNSHIP ADMINISTRATOR AND
Defendants.	:	CHIEF FINANCIAL OFFICER
	:	

I, Bruce McArthur, certify:

1. I have been employed by Bernards Township since 1986. I served as Treasurer from 1990 to 2004. I have been the Chief Financial Officer for Bernards Township from 2004 to present, and I have been the Township Administrator for Bernards Township (the "Township") from 2007 to present.

2. Annexed as **Exhibit 1** is the Transtech Industries Inc. November 30, 2000, filing with the US Securities and Exchange

Commission (the "SEC"), indicating, in part, the stockholders of record, include Roger Mahan [11.5%] and Gary Mahan (President of Millington Quarry, Inc.) [11.0%], among others, and setting forth Related Party Transactions involving Kin-Buc, Inc., Inmar Associates, Inc., Tang Realty, Inc. and environmentally contaminated sites in Edison (Kin-Buc Landfill), Carlstadt and Piscataway (Chemsol Superfund Site), New Jersey. (See pp. 5, 10-12)

3. Attached as **Exhibit 2** is the Transtech Industries Inc. April 22, 2004, filing with the SEC, including the Consent Decree from the US District Court consolidated matter of United States of America v. Marvin Mahan and Tang Realty, Inc., and United States of America v. Transtech Inc. The filing indicates, in part, that Marvin Mahan was the Founder and President of Chemsol, Inc, and President of Tang Realty, Inc., and that title to the property identified as the Chemsol Inc. Superfund Site in Piscataway, New Jersey was transferred to Tang Realty, Inc. on November 20, 1978. (See p.3)

4. Attached as **Exhibit 3** is the first page of the deed that transferred, for \$1.00, title to the Quarry Property from Tang Realty, Inc. to Millington Quarry, Inc. on November 20, 1978, the very same day Tang Realty, Inc. acquired the Chemsol site.

5. Attached as **Exhibit 4** is an article dated December 12, 1988, "Real Life Horror Story", from *Forbes Magazine*, authored by Jason Zweig. (The Table at p. 40 entitled *Mahan Mayhem* details ten sites where the author indicates "Marvin Mahan bears much of the responsibility for polluting New Jersey with poisonous waste.") Attached as **Exhibit 5** is a News Release dated August 19, 1999, from the US Environmental Protection Agency, "Responsible Parties Agree to Clean Up Contaminated Soil and Groundwater at the Chemsol, Inc. Superfund Site in Piscataway, New Jersey", listing Tang Realty Inc. as a responsible party.

6. Attached as **Exhibit 6** is correspondence to Bernards Township Tax Assessor Marcia Sudano, dated August 1, 2005, from Robert Goldstein, Treasurer for Millington Quarry, Inc., filing and enclosing a completed Chapter 91 form for triple net lease for the Quarry Property. The form submitted by MQI stated under "lease or rent amount" that the annual rent was "\$326,100".

7. The lease (attached to the Selman Cert., Ex. A) between Millington Quarry, Inc. and Tilcon New York Inc., indicating a base rent of \$326,000 and a fixed annual rent of \$1,500,000 was **NOT** provided to the Tax Assessor. Attached as **Exhibit 7** is a copy of the Memorandum of Lease between Millington Quarry, Inc. and Tilcon New York Inc., dated July 1, 1999, recorded with the Somerset County Clerk's Office on July 6, 1999, in Book 2243, Page 054. Attached as **Exhibit 8** is the

property tax record for the Quarry Property. Bernards is considering filing a tax appeal against MQI by May 1 unless MQI satisfactorily explains its substantial underreporting of rental incomes which has resulted in the residents of Bernards having to make up for MQI's shortfall in tax payments.

8. Upon information and belief, Tilcon New York Inc. ("Tilcon") is a business unit/subsidiary owned **100%** by international Irish building materials group CRH, one of the largest global corporations in existence with 92,000 employees and holdings and subsidiaries in 32 countries worldwide. Attached as **Exhibit 9** is an excerpt from the CRH 2006 Annual Report, pp. 128-132, listing Tilcon as one of approximately 42 wholly-owned subsidiaries just in the United States, and p. 24, indicating:

"The Americas Materials Division operates in 42 states in the United States through five regional business units. CRH is the third largest aggregates producer, the largest asphalt producer and a top 10 readymixed concrete producer in the United States. It owns integrated throughout the United States with strategically located long-term aggregates reserves.

The full annual report is accessible on-line at **www.crh.ie**; by clicking on the CRH 2006 form 20-F (excerpts, pp. 15, 42-43, attached), which does not, for federal securities filing purposes, call out Tilcon as a separate corporation. Attached as **Exhibit 10** is Marketwatch January, 2008, report indicating

anticipated CRH 2007 pretax profit of \$2.8 billion; WrightReport CRH 2007 sales of \$28 billion.

9. Attached as **Exhibit 11** is *New York Times* article dated July 6, 1999, "Metro Business; Irish Company Expands", and CRH Press Release dated April 30, 2001. ("Two New Jersey companies, Millington Quarry, Inc. and Dell Contractors, Inc. of Paterson have been bought by CRH P.L.C. of Dublin, Europe's third-largest building materials company. CRH paid \$123 million in cash for the companies, extending its push into the United States Market.") The annual report, information and numbers published demonstrate that Tilcon's suggestion that the nine-month moratorium on fill importation to the Quarry Property will destroy its entire business is quite an exaggeration, given Tilcon alone is shown to be just a minor business unit division in the worldwide Ireland-based CRH aggregates empire.

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I hereby certify the foregoing statements made by me are true. I am aware if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Bruce McArthur

Dated: April 7, 2008