

New Jersey Freshwater Wetlands Mitigation Council Meeting

July 18, 2019

A regular meeting of the Wetlands Mitigation Council was held on July 18, 2019, at the NJDEP Offices located at 501 East State Street in Trenton, NJ.

COUNCIL MEMBERS PRESENT: Dr. Lenore Tedesco (Chair/by phone), Mark Renna, Dr. Philip Orton (by phone), Bryon DuBois (by phone), Susan Lockwood, Claudia Rocca

STAFF MEMBERS PRESENT: DAG Kristina Miles, Jill Aspinwall, Kim Springer

Dr. Tedesco called the meeting to order at 9:30 am and stated that public notice for this meeting was given to the Secretary of State's office and written notice was sent to the following newspapers: The Newark Star Ledger/Trenton Times, The Camden Courier Post, and the Atlantic City Press on June 27, 2019.

A roll call attendance was taken:

Dr. Tedesco- present- via phone

Ms. Rocca- present

Mr. Renna- present

Mr. Orton- present- via phone

Mr. DuBois- present- via phone

Ms. Lockwood- present

Review and decision of the May 16, 2019 Council meeting minutes

Ms. Lockwood moved to amend the previous meeting minutes on Page 5 in the final paragraph. Ms. Lockwood proposed to change the text from "The value of the land would be determined using a tax assessment and an estimate of the cost of ISS construction" to "The value of the land would be determined using a tax assessment and the cost to perform ISS would be approximated by determining the cost to do excavation on the property in question."

Ms. Lockwood made a motion to approve the May 16, 2019 Council meeting minutes with the recommended changes.

Mr. DuBois seconded the motion to approve the May 16, 2019 Council meeting minutes with the recommended changes.

Mr. Renna- No

Ms. Lockwood- Yes

Ms. Rocca- Abstain

Mr. DuBois- Yes

Dr. Orton- Yes

Dr. Tedesco- Yes

All Council members voted, majority in favor of approving the May 16, 2019 meeting minutes.

Ms. Aspinwall stated that she would amend the meeting minutes from May 16, 2019 meeting.

Update on the Mitigation Fund

Ms. Aspinwall stated that as of June 19, 2019, the Mitigation Fund balance is \$3,966,321.86. There were five expenditures during this reporting period: \$34,990.59 for Deep Run; \$68,183.06 for Pin Oak; \$26,492.79 for Thompson Park; \$94,156.53 for Bloomfield; and \$38,215.13 for Bloomfield.

Ms. Aspinwall provided an update for each of the approved projects that are still ongoing. A total of \$2,963,754.97 has been allocated to approved projects, leaving a balance of \$1,002,566.89 of non-allocated funds. The total interest earned on the account is \$216,697.89

Ms. Aspinwall stated what Cadwalader Park is working to finalize their project. There were a few items left out of Cadwalader Park's final draft documentation that are being waited on to close out the project.

Mr. Renna asked for the percent of interest rate on the Council's bank account.

Ms. Aspinwall stated that she did not recall the interest rate off the top of her head at the time.

Mr. Renna requested a briefing from the Army Corps of Engineers NY District in regard to Liberty State Park on the interest and the status of the project.

Ms. Rocca asked where the money went for Liberty State Park.

Ms. Aspinwall explained how Liberty State park project was approved and they were funded the money at the beginning of the project. Since this project was passed the Council has revised their procedures. Current Council procedures specify advance payments for specific tasks, rather than full funding upfront. In addition, expiration dates and project schedules are required to ensure that projects move forward on a steady trajectory.

Dr. Tedesco asked Ms. Aspinwall to invite the NJ Department of Environmental Protection and the Army Corps of Engineers to the next Council meeting for an update on the project.

Ms. Aspinwall told the Council that the RFP deadline for projects in the Raritan Region is the end of August.

New Business

Review and decision regarding a monetary contribution from Eldad Shaulov, NJDEP File #0243-13-0001.1 (APL 140001), Old Tappan Borough Township, Bergen County

Mr. Renna recused himself from the discussion and left the space.

Ms. Aspinwall stated that the monetary contribution was in the amount of \$30,000 for 0.1 acre of impact which was under an individual permit not a single-family permit. The applicant sought a Freshwater Wetlands permit which the Department originally denied. The Department's decision was appealed on an inverse condemnation theory and the Department issued an Amelioration Authorization which included the \$30,000 monetary contribution to mitigate for the freshwater wetlands impacts. The applicant therefore asked that the council accepts the \$30,000 monetary contribution pursuant to the terms of the Amelioration Authorization. Mr. and Ms. Shaulov were at the meeting to address the Council and answer any questions that the Council may have.

Mr. Eldad Shaulov wished all a good morning and stated that they want to give the monetary contribution with respect and hope that the council accept it and then thanked the Council.

Ms. Lockwood asked which bank was in the service area. Ms. Aspinwall stated the MRI3 bank is in the service area. Ms. Lockwood explained that she is a program manager and has advised the Department of Environmental Protection staff regarding amelioration and the rules and processes.

Ms. Lockwood moved to approve the monetary contribution in the amount of \$30,000.00

DAG Miles suggest modifying the motion because the Council also has a resolution in front of them.

Ms. Lockwood moved to approve the resolution and to accept the monetary contribution of \$30,000 for the 0.1 acre of impact.

Ms. Rocca seconded the motion to approve the resolution and to accept the monetary contribution of \$30,000 for the 0.1 acre impact.

A role call vote was taken:

Mr. Renna- Recused

Ms. Lockwood-Yes

Ms. Rocca- Yes

Dr. Tedesco- Yes

Mr. DuBois- Yes

Dr. Orton- Yes

The resolution accepting the monetary contribution from Eldad Shaulov passed.

Ms. Aspinwall stated that she would be in contact with Mr. and Ms. Shaulov to go over the next steps with them in the following days.

Mr. Renna rejoined the meeting.

Council Comment

Mr. Renna stated that he received a letter from the Governor in regard to his seat on the board which says his term would be expiring August 8, 2019.

DAG Miles stated that the statute is set up so members are appointed for the length of their term or until the member is reappointed or replaced.

Public Comment

No Public Comment

ADJOURNMENT:

Ms. Rocca moved to adjourn the meeting.

Mr. Renna seconded the motion to adjourn the meeting.

A roll call vote was taken:

Mr. Renna: Yes

Ms. Lockwood: Yes

Ms. Rocca- Yes

Dr. Tedesco: Yes

Dr. Orton: Yes

Mr. DuBois: Yes

Meeting was adjourned at 9:59

The next Wetland Mitigation Council meeting has been tentatively scheduled for September 19, 2019.