Lenore Tedesco X
Peter Ritchings
Susan Lockwood X
Albert Del Prete
Philip Orton X
Tejal Kuray
Jill Aspinwall
Kristina Miles
Alisson Ferrante
Sarah McCabe
Brian DuBois X
Kelly Hanna
Marcus Mitchell
Claudia Rocco X
Denis Bell
Matthew

Lenore Tedesco Opens – Sunshine Law

Review and discussion of council meeting minutes from February 18<sup>th</sup>

- Sue moves the minutes as proposed
- Lenore seconds
- Lenore, Claudia, Susan, Brian, Philip – yes – motion passed and minutes approved

Update on the mitigation funds

- Jill – the fund is updated as of April 6<sup>th</sup>, _______ , 3 deposits from monetary contributions, ISS contributions,
- All projects are ... (listed) are all in monitoring – two are in their fifth year, bloomfield finished construction last spring, liberty park is still in design, one more
- Fund update, lots of numbers
- No questions

Potential council action on a proposed monetary contribution

- Sue moved potential action
- Claudia seconds
- Brian Dubois – recuses himself – left the call
o The council member was told to recuse because of prior information of this project
- Feb 16th – proposed a project
- Received approval from the mit unit that a contribution was appropriate
- Jill – gives information on the proposal
- Lenore – presentation prepared by applicant
- Pete Ritchings – no presentation – made clear that the applicant applied for a GP 6 first
- Lenore – Questions
- Mr. Del Prete – shows map though camera
- Jill – the council has received all the information/application
- Philip – this is very close to salt water even though it’s a FWW – salinity probably varies – not sure it impacts our decision making but its interesting
- Lenore – public comment
- Jill – no public comment – no body came off mute – no hands raised
- Lenore – I recognize that the charge of this council is to ensure that we can restore the wetlands that are impacted and will we be able to resotre this type of wetland impact with the said monetary contribution amount
- Mr. Del Prete – if you were to look at the project and property – this is in the middle of the 3 homes – to the west they were given a GP 6 and to the right, they were given a GP 6 to build a house – meanwhile I’ve been denied a GP 6
- Jill – the council made a motion to consider the application and a yes vote means you are accepting the GP rate monetary contribution, no means no we do not approve that
- Lenore – no, Claudia - yes, Philip – yes, Susan – yes
- The motion did not pass, the vote does not pass because you need 4 to pass
- Mr. Del Prete – confused why Brian recused, and why my GP 6 was denied
- Lenore – the council cannot speak on these topics. We will look at the application and not the events leading up to it
- Mr. Del Prete - …
- Kristina Miles – please contact the state ethics committee which is a separate entity

Allison Ferrante – municipal engineer in rockoway township in morris county
- Denis bell – hailey and audrich
- The mayor was also invited who appreciates the grant
- Lake hudsonia dam removal and wetland restoration
- 350,000
- Finally went ot construction rewarded to river logics solution in the amount of 1,025,000
- Princeton hydro also involved
Lake Hudsonia Dam Removal
Rockaway, New Jersey
19 August 2020
for
Rockaway Township, New Jersey
NID: NJ00753

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[Map content]
- The dam was created in about 1920 to create a pool but not much wildlife present anymore

- How we will breach the dam
- Engineered breach
- Sediment control
- Geometry is very specific to this dam
- Reconstruction of the stream – Princeton hydros work
- During construction we will create a temporary road and reconstruct the stream and restore the uplands with some earth work

- Exactly what the contractor is going to do
- Planting plan
- Over 3,000 new plantings after the stream is restored
- Contracted in Jan and removed some trees in March and the contractor has only just started in June

- Lake ice covered in March
- Looking upstream from the dam
- This was last week and the dam itself
- Installed a pump to lower the level a little
- Here will also be the dam breach
Photo yesterday with it pumped down 3-4 ft

- Installation of a cougher dam which will be temporary diversion pipes and another one of these will be installed later in the project
- Summer will dry out the lake bed a little
- Fish have been relocated to a watershed down south a bit
- Lenore – are you going to allow natural recruitment or is there plan for restocking?
- Bell – there is no plan for restocking
- Lenore – any other questions

Any public comment
- Lenore – closes public comment period

Comments from the council
- Susan – concern with how small the contribution number was but we’ve come up with a way to review the ISS stuff – its not a flat fee – it depends on the property value – maybe its time for us to think about changing this from a flat fee
  - Lenore – is this a rule making thing? It seems that the property was valued low due to the wetlands present on the property. Is this a council thing? We have to consider the fund and if we can fund enough project to maintain wetland restoration. The council is here to uphold the laws and we can’t do our job if we don’t receive enough funds
  - Susan – we have to give them some use of the property – maybe there’s a better or newer way to do the calculations
  - Bryon – back in the day we had a lot of permits that were not GP permits, they were IP permits but met the hardship waiver because they were bought prior to 88. A lot of them did have an honest story, a lot were in ocean county. Initially, we did cover some of these folks. Today people should know about wetlands. He bought this property in 2006. And I worked on the property a long time ago.
  - Kristin – we can have a general discussion but Bryon because you are recused we cannot discuss the actual application
  - Bryon – the reason we have this type of number because it is a hardship. When people buy properties after 88. He tells them they bought a bad property
  - Susan – this goes back to DEP and them valuing the use of property. We kind of say there’s a use for all property but idk how those calls are made and then the council feels like they get dumped with these tough properties/projects
  - Bryon – cant we make some type of rule
  - Claudia – it’s also not right that a single family home has to pay hundreds of thousands of dollars like a bank – they shouldn’t issue the permit
  - The dep has to review the permit without the mitigation
  - Sue – if we go through the rule, the council are the only ones that can accept a monetary contribution
  - Kristin – move to a closed session or address this next meeting
  - Discussion of closed session

Kristin – resolution into a closes session
- Privileged client/attorney advice in relation to FWW
- Sue moves and Claudia seconds
- Everyone votes yes
- Inverse condemnation issues – grandfathering issues – 1988 stuff
- Permitting process also discussed
- Grandfathering
  - Usually if a new statute or reg came into place and it affected a property owner after the fact then it was
  - Basically it doesn’t matter when a property owner purchased the property
  - Were talking about equity and that all property value wasn’t sucked out due to a new statute or reg
  - Something about palezolo
  - Road island passes a coastal/land restriction statue and these two folks kept passing the property between two companies and brought it to supreme court
  - Because were dealing with smaller groups its not the same thing
  - Inverse condemnation we are looking at what the reasonable expectations are for the property owner
  - Sue – all of a sudden it just no longer mattered when a property was purchased
  - Kristin – its fuzzy – I thought it could happen for flood hazard – we haven’t seen a good test case for this – cape may associates relatable to palezolo
  - Bryon – this is common ownership
  - Kristin – im using palezolo as ... flesh and blood individuals... they should have been more careful of true arms length transactions
  - Bryon – I still belong to the builders association and we still stick to that 1988 guideline and we feel bad when we see these situations – if you don’t hire the right individual then you get bad property – we need to put a caveat on there saying if you truly meet the hardship waiver then fine – the few we get now don’t fit the hardship waiver
  - Kristin – I can look into why the 88 thing has become more nebulous. Claudia, I can tell you.. dep vs greg – you have to apply your statutes and regulation across the board. The council is the last step of mitigation contributions so we are part of the process and regulation – some come straight from adr and amelioration authorization and then wanna sue DEP. In the end result they may look the same to the council but they’re very different. The steps are in the rules. Adr is a little different. But that’s why the council gets them because they have to follow the rules.
  - Lenore – there isn’t really a role for the council unless it comes from ameliorization authorization
  - Jill – the reason the council sees these is because the statutes. The council must accept or deny the contribution. If they were IP, these would be much simpler.
  - ... 
  - Sue – I voted yes because I knew what DEP wanted me to do to clear these out of DEP. But you bought a piece of property, you knew it was wet, you shouldn’t have bought it
  - Kristin – if you guys are going to discuss policy we can end this. Any more legal policy questions?
- Motion to end closed session
  - Sue motions, Claudia seconds – all in favor (everyone)

Kristina – the council met in closed session to receive legal advice
Susan – if we think, if we’re not happy, lets just say across the board, if we’re not happy with the single family number, so that was a policy call that we put into the rule, and jill has the ability that the number can be adjusted based on consumer price index, but if conceptually that maybe the circumstances are not the same so maybe there’s a better way to do a contribution.

Claudia – why cant we consider revising (or rule making) and have a few different levels? Like level one GP single family home, then single family home that was issued from and IP where you own the property before 88, and then the last would be IP single family home purchased after 88.

Kristin – I don’t know the answers and can look into those

Jill – will add to the agenda for next meeting

Lenore – close the meeting

Tentative date of aug 18th

Motion to close – sue, second bryon

Everyone in favor