

New Jersey Freshwater Wetlands Mitigation Council Meeting
September 19, 2019

A regular meeting of the Wetlands Mitigation Council was held on September 19, 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 (by phone), Dr. Philip Orton (by phone), Susan Lockwood, Claudia Rocca

STAFF MEMBERS PRESENT: DAG Kristina Miles (by phone), Jill Aspinwall, Devon Blair

Dr. Tedesco called the meeting to order at 9:32 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 August 29, 2019.

Review and decision of the July 18, 2019 Council meeting minutes

Ms. Lockwood made a motion to approve the July 18, 2019 Council meeting minutes with recommended changes.

Ms. Lockwood recommended two changes to the minutes. First, on page three, the sentence should read that the permit is an individual permit and not a general permit for single family homes. Second, the second paragraph on page three "council" should be capitalized.

Mr. Renna raised questions regarding the status of the invitation to the Corps of Engineers relating to Liberty State Park, as described on the second page of the minutes. Specifically, Mr. Renna asked whether the minutes were accurate that the Corps had been invited to the next Council meeting. Mr. Renna then additionally had a question related to the advice that was given to the Council during the discussion on the monetary contribution and what banks were available.

Ms. Rocca stated that the issue at hand is whether or not the minutes are accurate as written and noted that other questions or concerns need to be addressed later.

DAG Miles provided an overview of parliamentary procedure, noting that a motion without a second was on the table and was what was up for discussion. DAG Miles advised that if the Council wished to discuss the recusal questions, that implicated potential litigation concerns that would require attorney-client advice and therefore, the Council should go into closed session to receive the advice.

Ms. Rocca seconded the motion to approve the July 18, 2019 Council meeting minutes with the recommended changes.

A roll call vote was taken:
Mr. Renna- No

Ms. Lockwood- Yes
Ms. Rocca- Yes
Mr. DuBois- absent
Dr. Orton- Yes
Dr. Tedesco- Yes

All Council members present voted, majority in favor of approving the July 18, 2019 meeting minutes.

Council Comment

In response to a question from the chair as to the next steps in the meeting, DAG Miles restated that if the Council sought advice is related to recusal then the Council should enter into closed/executive session. Otherwise, the Council could address Liberty State Park matter to the extent it wished during Council comments.

Ms. Tedesco stated that we should discuss the Liberty State Park issue first as that is less of a risk to the Council.

Mr. Renna requested that staff ask the Corps of Engineers to attend the meeting in December directly. Ms. Aspinwall stated that she has already asked NJDEP, Office of Natural Resources Damages to attend the meeting and requested that they invite the Corps of Engineers to the December meeting since the Council has the contract with NJDEP, Office of Natural Resources Damages and NJDEP, Office of Natural Resources Damages in turn has a direct contract with the Army Corps of Engineers. NJDEP, Office of Natural Resource Damages is confirmed to attend the December meeting, but the Corps of Engineers is not currently confirmed to attend the meeting. Ms. Aspinwall as a matter of preparation for the December meeting will follow up with the NJDEP, Office of Natural Resource Damages to determine if the Corps of Engineers is attending. In addition, Ms. Aspinwall will once again express the Council's desire for the Corps of Engineers to be in attendance at the December meeting.

Dr. Tedesco stated that if there is another issue to discuss, then the question needs to be clearly stated so that the Council can decide if they need to go into closed/executive session.

There were no additional comments or questions raised.

Public Comment

No Public Comment

ADJOURNMENT:

Ms. Rocca moved to adjourn the meeting at 9:48.

Ms. Lockwood 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: absent

Meeting was adjourned at 9:49 am.

The next Wetland Mitigation Council meeting has been tentatively scheduled for December 5, 2019.