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STATE OF NEW JERSEY
WATERSHED PROPERTY REVIEW BOARD
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Commissioner
Department of Environmental Protection

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President
Board of Public Utilities

JACQUELYN A. SUAREZ
Commissioner
Department of Community Affairs

MINUTES OF REGULAR MEETING OF WATERSHED PROPERTY REVIEW BOARD

A virtual meeting of the Watershed Property Review Board ("WPRB" or "Board") was held on May 1, 2024 pursuant to the Board's public notice and posted agenda.

Public notice was given pursuant to the Open Public Meetings Act ("OPMA") at N.J.S.A. 10:4-18 by posting notice of the meeting on the WPRB, Department of Environmental Protection ("DEP") Office of Transactions and Public Land Administration, Department of Community Affairs ("DCA") and Board of Public Utilities ("BPU") websites as well as the DEP Calendar. Notice was also delivered to the Secretary of State and the following newspapers circulated in the State of New Jersey:

The Bergen Record
The Star Ledger

The following members of the Board were present:

Assistant Director Judeth Yeany, DEP
Chief Regulatory Officer Donald Palombi, DCA

Deputy Attorney General ("DAG") Gersten opened the meeting with a call to order at 11:00 AM and a reading of the OPMA statement indicating that adequate public notice of the meeting was given including posting notice on the WPRB, DEP Office of Transactions and Public Land Administration, DCA and BPU websites. Notice was also delivered to the Secretary of State, the Bergen Record and the Star Ledger.

DAG Gersten took roll call and welcomed the members of the Board. DAG Gersten asked for opening comments. Hearing no opening comments from the members of the Board, DAG Gersten began with the first item on the agenda.

II. Request for an Exemption from the Watershed Protection and Moratorium Act by the City of Salem in Order to Sell New Jersey American Water Company, Inc. the City's Water and Wastewater System Assets, Which Includes Real Property Interests in the Following Locations: Township of Alloway, Township of Quinton and City of Salem

The City of Salem seeks to sell its assets, including certain property containing its water and wastewater systems located in the Township of Alloway, Township of Quinton and the City of Salem, Salem County, to New Jersey American Water Company, Inc. ("NJAWC"). Without the exemption, conveyance of the property may be prohibited by the Watershed Protection and Moratorium Act, P.L. 1988, c. 163, as amended by P.L. 1990, c. 19 ("Act"). There are 20 parcels included in this sale which will be transferred in fee. In addition to these properties, the City's utility rights within certain road rights-of-way ("ROW") and 22 utility easements across public and private properties will also be transferred to NJAWC.

The City is seeking an exemption which will allow it to convey its interest in these properties, ROWs and easements to NJAWC on the basis that the sale is consistent with the purposes of the Act. Board Staff concurs that the properties and easement interests will continue to be subject to the Act since they will be transferred from one regulated entity to another. The sale would further allow NJAWC to improve the system to meet current NJDEP standards.

If in the future NJAWC decides to convey any interest in the properties or easements included in this application to a third party, NJAWC has committed to contact the Board for a jurisdictional determination on each property interest proposed for sale. To the extent that the City and NJAWC identify additional property interests that will transfer to NJAWC at closing, the City must report these properties to Board Staff within 30 days of closing.

During Staff review of this request, a National Park Service encumbrance was identified on one of the properties proposed for subdivision and sale. The City must continue discussions with the NJDEP's Office of Transactions and Public Land Administration, Public Land Compliance section regarding the transfer of any interest in this property.

A 30-day written public comment period was held on this matter. Board Staff did not receive any public comment.

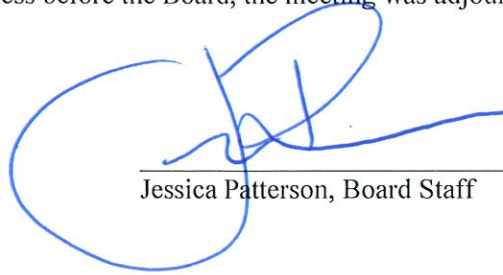
DAG Gersten asked if there were any comments. Both Board members indicated that they agreed with Staff's recommendation to grant an exemption in this matter. Hearing no further comments, DAG Gersten asked for a motion on this item. Chief Regulatory Officer Palombi moved to approve this request and Assistant Director Yeany seconded. Both members of the Board voted to approve the exemption request.

III. Update on the Activities of the WPRB Staff Since the Previous Board Meeting in March 2024

DAG Gersten provided an update on Board Staff activities since the previous Board meeting in March 2024. NJAWC recently approached Staff regarding a possible sale of property to the New Jersey Conservation Foundation in the Township of Clinton, Hunterdon County. Veolia recently notified Staff of a possible permanent easement conveyance to Bergen County to improve drainage facilities in the Borough of Woodcliff Lake, Bergen County. DAG Gersten also indicated that Staff received and responded to an OPRA request and is consulting with DEP's Office of Record Access on the handling of any future requests. There were no comments from the members of the Board on this agenda item.

DAG Gersten asked if there were any final comments or questions for Staff, hearing none, asked for a motion to adjourn the meeting. Chief Regulatory Officer Palombi moved, and Assistant Director Yeany seconded. The Board unanimously voted to adjourn the meeting.

There being no further business before the Board, the meeting was adjourned at 11:09 AM.



Jessica Patterson, Board Staff

Dated: May 23, 2024