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

CHRISTINE GUHL-SADOVY
President
Board of Public Utilities

JACQUELYN A. SUAREZ
Commissioner
Department of Community Affairs

MINUTES OF REGULAR MEETING OF WATERSHED PROPERTY REVIEW BOARD

A meeting of the Watershed Property Review Board ("WPRB" or "Board") was held on May 20, 2025 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 Community Affairs ("DCA") and Board of Public Utilities ("BPU") websites as well as the Department of Environmental Protection ("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:

President Christine Guhl-Sadovy, BPU
Regulatory Officer Judeth Yeany, DEP
Chief Regulatory Officer Donald Palombi, DCA

Deputy Attorney General ("DAG") Geoffrey Gersten opened the meeting with a call to order at 11:04 AM and a reading of the OPMA statement indicating that adequate public notice of the meeting was given including posting notice on the WPRB, DCA and BPU websites as well as the DEP Calendar. 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 by Co-Applicants: Township of Manalapan and Veolia Water New Jersey, Inc. for the Sale of the Township's Water System Assets, Township of Manalapan, Monmouth County

The Township of Manalapan ("Township") filed an application with the Board for an exemption from the Watershed Protection and Moratorium Act, P.L. 1988, c. 163, as amended by P.L. 1990, c.19 (the "Act"). The Township seeks to sell certain assets, including property containing its water system located in the Township of Manalapan, Monmouth County, to Veolia Water New Jersey, Inc. ("Veolia"). Without the exemption, conveyance of the property may be prohibited by the Act.

The Township decided it was in the public interest to privatize its water system due to the mounting operation and capital improvement costs, which would create a substantial increase in water rates and create additional debt obligation for the Township. The Township held a referendum on whether to approve the acquisition of the water system by Veolia, which was approved by voters. There are three fee parcels included in this sale. In addition to these properties, the Township's utility rights within certain road rights-of-way and six utility easements across public property will also be transferred to Veolia.

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

Board Staff concurred 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. Therefore, since the proposed conveyance is consistent with the Act, Board Staff recommended that the Board approve the request for an exemption subject to several conditions, including: if in the future Veolia decides to convey any interest in the properties or easements included in this application to a third party, Veolia has committed to contact the Board for a jurisdictional determination on each property interest proposed for sale; and to the extent that the Township and Veolia identify additional property interests that will transfer to Veolia at closing, the Township must report these properties to Board Staff within 30 days of closing, via an updated inventory.

DAG Gersten asked if there were any comments. Hearing no comments, DAG Gersten asked for a motion on this item. Chief Regulatory Officer Palombi moved to grant this exemption and Regulatory Officer Yeany seconded. All members of the Board voted to approve the exemption request.

III. Request by Veolia Water New Jersey, Inc. o/b/o the County of Bergen for Approval of Moratorium Exemption for Schraalenburgh Road over Dwars Kill Brook Bridge Replacement Project, Boroughs of Closter and Harrington Park Bergen County

Veolia Water New Jersey, Inc. ("Veolia"), on behalf of the County of Bergen ("County"), filed an application with the Board for an exemption from the Watershed Protection and Moratorium Act, P.L. 1988, c. 163, as amended by P.L. 1990, c.19 (the "Act"). Specifically, Veolia seeks an exemption to convey permanent easements to the County, Public Service Electric and Gas Company ("PSE&G") and Orange & Rockland Utilities, Inc. ("O&R") on portions of its watershed properties located in the Boroughs of Closter and Harrington Park, Bergen County to facilitate the County's Schraalenburgh Road over Dwars Kill Brook Bridge Replacement Project ("Project"). Without the exemption, the conveyance of any permanent easement interest is prohibited by the Act.

The Project involves an in-kind replacement of the existing bridge carrying Schraalenburgh Road over the Oradell Reservoir/Dwars Kill Brook. According to Bridge Re-evaluation Survey Reports, the bridge structure is classified as functionally obsolete and was recommended for replacement. Veolia and the County assert that this Project is imperative for public and environmental safety and presents a compelling public need.

The proposed bridge will be constructed within the existing road right-of-way and, therefore, no roadway widening will be required. A construction and maintenance easement will be required, however, to allow

for the construction and future access and maintenance of the bridge. Further, as a result of the bridge replacement, the existing gas, water and utility poles with aerial facilities in the vicinity will need to be relocated off of the bridge onto Veolia watershed property.

The Project will require the removal of 42 trees. To compensate for the removal of these 42 trees, Veolia proposes to plant 94 trees at an offsite location on Columbus Avenue (Block 1404, Lot 1 – 1.42 acres) in the Borough of Harrington Park. This parcel is currently an open maintained lawn area adjacent to the Oradell Reservoir/Dwars Kill Brook.

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

Board Staff concurred that there is a compelling public need for the Project and recommends that the Board approve the request for an exemption subject to several conditions including but not limited to: the County providing notice to Veolia prior to any construction activities taking place so Veolia representatives can be present; and Veolia and the County must obtain approval from NJDEP's Office of Transactions and Public Land Administration regarding the DEP-held conservation easement covering the properties included in the Project.

DAG Gersten asked if there were any comments. President Guhl-Sadovy asked whether tree mitigation needed to be carried out within the same municipality as the tree removal. DAG Gersten clarified that Board Staff guidance is that tree mitigation/planting be within the same watershed as the tree removal. Hearing no further questions, DAG Gersten asked for a motion on this item. Chief Regulatory Officer Palombi moved to approve this request and Regulatory Officer Yeany seconded. All members of the Board voted to approve the exemption request.

IV. Continuation of Board Staff Jurisdictional Determinations

DAG Gersten indicated that from time-to-time Board Staff is asked to make jurisdictional determinations whether certain property is subject to Act. Typical course of action is for Staff to review the request, conduct a site inspection and to discuss its findings with BPU and DEP staff prior to sending a letter to the requestor indicating whether the Board has jurisdiction over a certain property. DAG Gersten indicated that Board Staff would continue to do so unless there were any concerns by the Board.

DAG Gersten asked if there were any comments. Hearing none, DAG Gersten asked for a motion on this item. Regulatory Officer Yeany moved to approve this request stating that she has no issue with the judgement of Staff to make these determinations and Chief Regulatory Officer Palombi seconded. All members of the Board voted to allow Board Staff to continue to conduct jurisdictional determinations on behalf of the Board.

V. Board Staff Guidance Document for Jurisdictional Determinations and Applications for Exemption from the Watershed Protection and Moratorium Act

DAG Gersten indicated that Board Staff often educate applicants about the jurisdictional determination and exemption process. In many cases, timing of application submissions leads to short Staff review times. Therefore, Board Staff is seeking to issue a guidance document so applicants are aware, ahead of time, of the applicant requirements. DAG Gersten pressed that Board Staff are not seeking regulations and are only seeking a vote to provide written guidance to applicants through the Board's website.

DAG Gersten asked if there were any comments. Regulatory Officer Yeany stated that she thinks a guidance

document is a good idea but that a 60-day application deadline seems like too tight of a deadline for Staff to conduct their review and site visit, hold a public comment period, and brief the Board. Regulatory Officer Yeany instead recommended the deadline be extended to 90 days. President Guhl-Sadovy generally agrees with giving Staff more time to process requests before the Board. DAG Gersten asked for a motion on this item. Regulatory Officer Yeany moved to approve this request and Chief Regulatory Officer Palombi seconded, subject to the 90-day revision. All members of the Board voted to issue this guidance document to potential applicants and to post it on the Board's website.

VI. Update on the Activities of the WPRB Staff Since the Previous Board Meeting in October 2024

DAG Gersten provided an update on Board Staff activities since the previous Board meeting in October 2024. Staff completed a jurisdictional determination for a whole system sale in the Village of South Orange, Essex County finding that the Board did not have jurisdiction over the system. Staff have been working with the NJ Department of Transportation and the City of Newark to determine jurisdiction for various road improvement projects along Route 23 in the Township of West Milford, Passaic County. The Borough of Hopewell recently reached out to Board Staff regarding a future sale of its water system to NJAW which will include real property interests in the Borough of Hopewell, Mercer County. DAG Gersten also mentioned that Staff continues to meet with Veolia on a quarterly basis to discuss projects as a condition of a past Settlement Agreement. There were no comments from the members of the Board on this agenda item. DAG Gersten welcomed new Board Staff members John Masiello and Nisa Rizvi, both from BPU.

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 to approve this request and Regulatory Officer Yeany seconded. The Board unanimously voted to adjourn the meeting.

There being no further business before the Board, the meeting was adjourned at 11:24AM.



Jessica Patterson, Board Staff

Dated: June 5, 2025