



PHILIP D. MURPHY
Governor

STATE OF NEW JERSEY
WATERSHED PROPERTY REVIEW BOARD

JOSEPH L. FIORDALISO
President, Board of Public Utilities

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
*Commissioner
Department of
Environmental Protection*

SHEILA Y. OLIVER
*Commissioner
Department of Community
Affairs*

MINUTES OF REGULAR MEETING OF WATERSHED PROPERTY REVIEW BOARD

A regular meeting of the Watershed Property Review Board (WPRB or Board) was held on April 2, 2019, at the New Jersey Board of Public Utilities (BPU), Conference Room 2W, 44 South Clinton Avenue, Trenton, New Jersey 08625.

Public notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting at the Department of Environmental Protection's (DEP) main office, on the DEP public participation calendar, in the DEP Bulletin and on the WPRB, Green Acres, Department of Community Affairs (DCA) and BPU websites. Notice was also delivered to the Department of State and the following newspapers circulated in the State of New Jersey:

The Bergen Herald
The Star Ledger

The following members of the Board were present:

President Joseph Fiordaliso, BPU
Chief Regulatory Officer, Donald Palombi, DCA

Deputy Attorney General (DAG) Gersten opened the meeting with a reading of the Open Public Meetings Act (OPMA) statement indicating that adequate public notice of the meeting was given including posting notice at the DEP's main office, on the DEP public participation calendar, in the DEP Bulletin and on the WPRB, Green Acres and BPU websites. Notice was also delivered to the Department of State, the Bergen Herald and the Star Ledger.

DAG Gersten welcomed the members of the Board and indicated that while DEP Assistant Commissioner Ray Bukowski was not able to attend the meeting, two Board members represents a quorum and the meeting could proceed. Since Chief Regulatory Officer Palombi was not at the November 30, 2018 Board meeting, Staff will need to call Assistant Commissioner Bukowski to

approve the minutes. Therefore, this agenda item was moved to the end of the meeting to accommodate Assistant Commissioner Bukowski's schedule.

Watershed Property Review Board Request o/b/o Boroughs of Woodcliff Lake, Park Ridge and Hillsdale for Approval of License Agreement for Inter-Municipal Trail - SUEZ Water New Jersey Inc. seeks approval to enter into a License Agreement for the construction and maintenance of a walking trail to be constructed on watershed property located in the Boroughs of Woodcliff Lake, Park Ridge and Hillsdale, Bergen County

SUEZ Water New Jersey, Inc. ("SUEZ") submitted a request to the Board for the review of a two-year License Agreement between SUEZ and the Boroughs of Woodcliff Lake, Hillsdale and Park Ridge for the construction and maintenance of a nature trail around the Woodcliff Lake Reservoir.

In accordance with the settlement agreement approved by the Board on March 26, 2009 in I/M/O of the Requests by Bergen Swan, the Hackensack Riverkeeper, and the Rutgers Environmental Law Clinic for Investigation of the Legality under the Watershed Moratorium Act of Detention Basis Located or to be Located on Property Owned by United Water New Jersey, Inc., the proposed nature trail was first discussed at a regularly scheduled quarterly meeting, followed by a site visit. Board Staff reviewed the License Agreement and determined that the proposed nature trail is a use which is consistent with the purposes of the Act. The 2009 Settlement Agreement identifies acceptable uses of watershed property and includes such uses as nature trails and walks.

DAG Gersten provided Board members a map of the trail route as well as photos of the typical trail sections. DAG Gersten stated that SUEZ has an established fishing program on site and the purpose of the License Agreement is to provide increased public access.

President Fiordaliso asked if the trail will be a uniform width once complete. DAG Gersten stated that it would not be uniform, and approval is conditioned on the nature trail being contained to the existing limits of the gravel access drive and the already established unimproved trail through the woods on the east side of the reservoir. Any expansion of the trail will require further Board review.

DAG Gersten stated that the term is an initial two-year pilot project with the option to renew for three additional one-year extensions. Chief Regulatory Officer Palombi asked if the Board will need to approve each extension. DAG Gersten clarified that the current request is for the total five years.

President Fiordaliso stated that with the increased public access there will be more litter. DAG Gersten provided details of the License Agreement which require the three municipalities maintain and secure the trail from dawn to dusk. SUEZ will have the right to close the trail to public access for if it deems necessary for the protection of the public water supply.

President Fiordaliso asked trails around public water supplies is a common practice. Staff mentioned several examples including: Brick Reservoir in Ocean County, Manasquan Reservoir in Monmouth County and a proposal at the Boonton Reservoir.

DAG Gersten asked if there were any final comments and asked for a motion on this item. DAG Gersten indicated that the Board members were not voting on a Board order but a letter from Staff to SUEZ determining that the License Agreement is consistent with the Act. President Fiordaliso and Chief Regulatory Officer Palombi voted to approve the request.

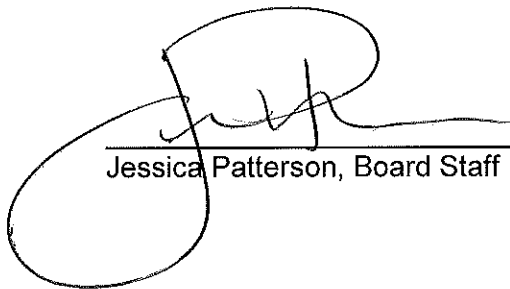
Update on the activities of the WPRB staff since previous Board meeting in November 2018

DAG Gersten provided an update on Board Staff activities since the previous Board meeting in November 2018. Updates included a discussion of Staff meeting with DOT regarding a discuss an intersection improvement project in Hardyston Township, Sussex County which will require a total of 0.6 acres of ROW takings from five Newark City-owned watershed properties. Board Staff is reviewing a preliminary plan set and will conduct a field visit this month. DOT will work with the City of Newark to submit an exemption request to Board Staff for review. Board Staff anticipates that this request will be on the Board's October meeting agenda.

DAG Gersten also mentioned that Staff will attend a quarterly meeting with SUEZ on May 21st at their headquarters in Paramus.

DAG Gersten called Assistant Commissioner Bukowski and motioned to approve the November 30, 2018 meeting minutes. President Fiordaliso and Assistant Commissioner Bukowski both approved the minutes and stated that they had no additional remarks. Chief Regulatory Officer Palombi abstained from this vote.

There being no further business before the Board, the meeting was adjourned at 1:25 pm.



Jessica Patterson, Board Staff

Dated: October 15, 2019