

A special meeting of the Townships of Liberty and Independence was held in the Independence Municipal Building, 286B Route 46, Great Meadows on 12 November 2014. The meeting was opened by Mayor Robert Giordano with Adequate Notice of Meeting and the Pledge of Allegiance at 7:00 p.m.

Present: Mayor John Inscho; Carl Cummins; and, Ronald Petersen

Absent: Deputy Mayor Dan Grover; and Peter Karcher

Also, Present: Diane M Pflugfelder, Municipal Clerk/Administrator

ROES ISLAND WETLAND MITIGATION AND RIPARIAN COMPENSATION PROJECT

Representatives presenting the project were;

Crain Metzgar, Project Manager for Amy S Greene Environmental Consultants

Douglas Freese, Senior Project Manager for Amy S Greene Environmental Consultants

David Grossmueller, Senior Permitting Specialist for PSE&G

Mr. Metzgar began his presentation clarifying that this project was based upon sound science and engineering following the State guidelines. He presented a time line to date with conceptual filings at New Jersey Department of Environmental Protection; preparation of plans as per Fresh Water, Flood Land Regulations as well as sediment control and Fresh Water Disturbance Plan #16 "Wetlands"; and, introduction to both Liberty and Independence Townships.

Mr. Metzgar stated that this project was going before the Independence Township LandUse Board on Monday, 17 November for determination if it is a change of use. He is awaiting response from Eric Snyder, Liberty Township Zoning Official, before proceeding in Liberty Township.

Mr. Freese addressed technical designs of the project and major concerns that had been brought to the attention of Roes Island LLC.

- This property currently has a three (3) acre vernal pond and a 6-8 acre forested area. This area is currently treated by the Warren County Mosquito Control Commission for mosquito breeding.
- This property lies within the Highlands Planning Area not Preservation. There is no mandatory buffer requirement around the vernal pond. The vernal pond has a depth of approximately one (1) foot.
- This property has been actively farmed since the 1970's. The project does not modify the existing ditches around the perimeter of the project site. It does modify the ditches contained within the project site. This modification will reduce flooding within the area by retaining water upon this project site.
- Trees and shrubs shall be planted within this project site to retain water upon the site

At this time Mayor Robert Giordano opened the floor to questions from the Governing Body members of Liberty and Independence Township Committee members.

- Discussion ensued that the property currently produces hay and this practice would continue on a portion of the site.
- The Zoning Application before the Independence LandUse Board is for interpretational consideration
- The definition of Right to Farm was brought to the floor. It was stated that the property would be restored to pre-existing wetlands with the planting of trees and shrubs. It would be deed restricted to prohibit the harvesting of trees. The property could be used for a bee habitat or some

nursery products. No mature timbers are on the property. A NRCS permanent easement would be placed upon the mitigation portion of the property to preserve the restored wetlands.

- It was explained that this project was generated by PSE&G in response to Federal Regulations to maintain the full width of the Right-of-Way who had historically maintained a portion of the Right-of-Way. With this expansion of maintenance area, PSE&G is required to return equal acreages into natural habitat within the same Watershed in which lands had been altered.
- It was explained that temporary six-foot (6") high deer fencing would be installed. PSE&G would be responsible to maintain the fencing for a period of five (5) years and remove it as per NJDEP approval that the planting are established.
- On this property there is fifty-two (52) acres and a three (3) acre vernal pond. The vernal pond would be expanded with an additional two (2) acres
- It was stated that Roes Island LLC is looking for USDA funding to clean the neighboring functioning ditches. Phrasing could be included in the Project Agreement that no restrictive setbacks were placed upon boarding ditches of the neighboring property owners
- Roes Island is not aware of any easements upon the property and the pre-existing farm road from Hope Road to Island Road shall remain un-impeded.
- There are no future activities planned for this property
- There is no buffer area requirement around the vernal pond. NJDEP has established a transitional buffer area and there is nothing changing with the width of that buffer.
- The road easement on the North side of the property is forty-foot (40'). The South side is adjacent to Hammel property
- The property shall be maintained by PSE&G for five (5) years to maintain that no invasive species are established. As per standard NJDEP management any invasive species can be cut out.
- NJDEP permits are pending
- The primary ditches that run along the North and South borders of the property shall remain undisturbed and shared by both property owners. The vernal pond is established to catch water on the property
- The ditch plugs are necessary so that internal ditches will be able to retain rain water within the property
- During a major storm the soil erosion and sediment control plan is designed to allow internal ditches to fill with water and any overflow would go into the primary ditches along the common borders
- No top soil shall be removed from the property. Top soil shall be stripped and replaced on site.
- It was requested that Independence Township consider a soil removal permit this evening. The Township Committee stated that no consideration would be given to their request until the LandUse Board had addressed the application brought before them at the 17 November 2014 meeting.
- Roes Island LLC has both Federal and State entities imposing a time schedule on them.
- Any applications before the Liberty and Independence Township LandUse Boards must be addressed individually by each municipality.
- It was stated that this property was chosen because the land was available and it was an easy site to restore to wetland enhancement.

At 7:45 pm, Mayor Robert Giordano opened the floor to questions from the public.

- Question arose on maintenance of Island Dragway Road in response to the heavy truck traffic. Roes Island stated that they would not run equipment on days they are made aware of operational constraints. Roes Island anticipates two (2) weeks of truck traffic and claimed that if they damage the road they would repair it at that time. No response was made in regard to bridge maintenance upon said road.

- Questions arose if Roes Island had gone before Warren County Agricultural Development Board to be declared a commercial farm for Right-to-Farm conformance. It was stated that a portion of the property shall continue to be used for hay production.
- Warren County Mosquito Commission stated that the expansion of the project would incur additional expenses for the Mosquito Commission to spray for mosquito control through April, May, June and July. The property would have to be monitored for control of adult mosquitos to protect the neighboring property owners, farmers and public at Island Dragway. The Commission reported that the intention to collect/ distribute leaf debris and store it on site will increase the habitat for mosquito breeding that carry West Niles virus.
- Neighboring property owners asked for language that the farm road easements would remain in place. Roes Island stated that they would not hinder the crossing of farm machinery
- Questions were brought to the floor if any pre-existing Agreements were made between PSE&G and Roes Island LLC before the purchase of said property? Why isn't Roes Island LLC making the application in lieu of PSE&G? What happened to the land maintenance upon completion of the project? Confirmation was asked on the date of purchase as May 2013 and the conceptual application made to NJDEP in December 2013 for this project. Ownership of Roes Island LLC was also presented. It was publicly stated that there is a thirty (30) day period of written public comment period on this project at NJDEP. That thirty (30) day window is 5 November to 4 December 2014.
- A resident reported that the vernal pond on this property was created when hummus was removed from the property years ago. He continued that the property does contain ash, oak and maple hard woods.
- Another resident inquired if a traffic study would be conducted on Isaldn Road before and after the project?

At 8:05 pm, a motion by Mayor Robert Giordano closed discussion of this topic and take a five minutes recess carried.

ADJOURNMENT - There being no further business, a motion by Mayor Inscho to adjourn the Liberty Township meeting carried.

Meeting adjourned at 8:05 p.m.

Diane M Pflugfelder RMC/MMC
Municipal Clerk/Administrator
Minutes Approved XXXX