

## **New Jersey Freshwater Wetlands Mitigation Council Meeting**

October 13, 2015

9:30 a.m.

A regular meeting of the Wetlands Mitigation Council was held on June 9, 2015 at the New Jersey Department of Environmental Protection, Hudson Room, 501 East State Street, 2<sup>nd</sup> floor, Trenton New Jersey at 9:30 am.

**COUNCIL MEMBERS PRESENT:** Claudia Rocca, Patricia Burns, Robert Tucker, David Roth and Susan Lockwood.

**STAFF MEMBERS PRESENT:** Jill Aspinwall, Regina L. Kukola and Ana Incollingo.

### **Meeting called to order**

Claudia Rocca called the meeting to order, read the Sunshine Law statement and stated that public notice for this meeting was given on September 25, 2015 to the Secretary of the 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.

### **Review and approval of the June 9, 2015 Council meeting minutes.**

Ms. Susan Lockwood commented that there was a minor mistake on page two under the public comment paragraph 1 of the June meeting minutes.

Mr. Robert Tucker motioned to approve the June meetings.

Ms. Claudia Rocca seconded the motion to approve meetings

All present voted in favor.

### **Update on the Mitigation Fund.**

Ms. Jill Aspinwall stated that as of August 31, 2015 the Mitigation Fund balance is \$7,940,797.73. During this time period there were three expenditures; Thompson Park \$88,443.06 and \$6,850.00 and Lenape \$1,040.00. Outstanding approved projects with remaining balance are \$6,185,051.06, leaving the mitigation fund with \$1,755,746.67. There is one full proposal before the Council today, Bloomfield Township, with a requested project in the amount of \$2,129,340.00.

Mr. Mark Renna from Evergreen Environmental stated that the fund had had 11 million and now had 8 million, and asked how the 3 million had been spent? Mr. Renna requested an update on the progress that resulted from the expenditure for the \$3,000,000 over the last three years.

Ms. Jill Aspinwall stated that the list of projects on the Update to the fund is the current projects. Once the projects are complete they will not show up on the update.

Ms. Susan Lockwood suggested reviewing the previous updates, which will show you how the money was spent.

Ms. Patricia Burns suggested a spread sheet itemizing the spending of the fund.

Mr. David Roth agreed on the spread sheet to show step by step where the money goes.

Ms. Claudia Rocca suggested a list of total approved amount.

Ms. Jill Aspinwall stated that she would revised the update on the fund to include the original funding amount, the current balance and a sentence or two regarding the status of the project.

Mr. Mark Renna requested that the list of approved projects be given to the public.

Mr. Mark Gallagher stated that it is worth the Council's time to see completed projects.

Mr. Andy Strauss asked for the exact amount of the fund.

Ms. Jill Aspinwall stated \$1,755,746.67.

### **Update on the In Lieu Fee Document**

Ms. Jill Aspinwall stated that the In Lieu Fee document was approved by the USEPA and has been signed by the Assistant Commissioner of Land Use and the Ms. Claudia Rocca on behalf of the Council.

Mr. Mark Renna stated that he and others submitted comments to EPA and inquired as to the status of those comments.

Ms. Jill Aspinwall stated that that question should be asked of EPA.

### **Presentation by Princeton Hydro, LLC requesting final approval on a project known as the Third River Floodplain Wetland Enhancement Project, Bloomfield Township, Essex County, NJ.**

Mr. Nick Janow, stated that he appreciated that opportunity to present this important project to the Council.

Mr. Mark Gallagher presented the project known as the Third River Floodplain Wetland Enhancement Project, in Bloomfield Township, Essex County. The Township of Bloomfield is seeking final approval for \$2,129,340.00 from the Council to create and enhance wetlands and floodplain associated with the Third River. The proposal is to create 2.19 acres of wetlands, enhance 3 acres of wetlands as well as some transition area enhancement. They understand that the cost of the project is high and that they used conservative estimates when calculating the budget. For example, disposal costs will be reduced by bringing fill material to a recycling facility. Also, excavation may be less than originally thought, as Bloomfield Township believes that the ground water is higher than what they have budgeted for, based on the water elevation of the wetlands and adjacent river. There was a discussion about the 2 feet of fill and the ground water levels as there

was a concern that if you excavate the fill you would be in the ground water. It was suggested that it would be appropriate to take the time to take probe samples to get a full understanding of the groundwater. The project is being conducted to meet site remediation standards.

The town will be contributing \$500,000 to match the project and will do some of the construction work, which will help to reduce costs.

There was further discussion on the pipe connections to the river as well as the enhancement area. There are deer issues at the site, and therefore everything will be enclosed.

Mr. Mark Renna, Evergreen Environmental, stated that there is not a lot of information on defining success. Typically its 85% survival, 85% coverage, what are the success criteria?

Ms. Susan Lockwood stated that DEP is developing monitoring standards and that they would be incorporated into the project.

Mr. Mark Renna stated that there needed to be equitable treatment of banks and mitigation projects, and that \$2,000/year for monitoring seemed very low.

Mr. Andy Strauss stated that the town understands that monitoring is a valuable component and that Rutgers, as a partner, may undertake some of the monitoring.

Mr. David Roth asked for Task 6, Wetland Planting and establishment, how much of the \$105,000 was for plant stock.

Mr. Mark Gallagher stated that they use a 2.5 multiplier for stock and installation, and they are budgeting 10 foot on center so it is about \$35,000 for plant material.

The Council expressed that there were insufficient funds to cover the whole amount to finish this project.

Mr. Mark Gallagher stated that they are hoping to find other sources of funds. . Also, he stated that the Town will do the actual construction which will relieve some of the costs and that the town is hoping they can track other funding sources.

Mr. Andy Straus commented that they understand that the Town has an important component and that they can adjust the budget so that monitoring goes to the Township. In addition, Dr. Beth Ravitt, Rutgers University and her colleagues will be partnering with the Town on this project and will be providing design and science input. In addition, they can assist with the development and implementation of a monitoring program, and by using students can reduce the costs.

There was a discussion on how to fund the project since the amount requested is more than the Council has. The Council discussed funding the project in phases or committing future funds to the project. However, the Council cannot contract with anyone for more than the amount in the Wetlands Fund. In addition, the Council should not rely on future monetary contributions since there is no guarantee when a monetary contribution will come in and in what area it will come in, since now all monetary contributions will be tracked using the ILF document. The Council can either deny the project or can fund the project in the amount that they have in the fund, with the applicant making up the difference in the project amount.

Ms. Claudia Rocca motioned to approve the project on the amount of \$1,755,746.67 with the condition that applicant provide a revised proposal to Council staff to reflect the approved budget of \$1,755,746.67. The applicant will have to make up for the any budget deficiency.

Mr. David Roth seconded the motion to approve.

A Roll call vote was taken

Mr. Robert Tucker    yes

Ms. Sue Lockwood    yes

Ms. Claudia Rocca    yes

Ms. Patti Burns       yes

Mr. Dave Roth         yes

The motion passed.

Mr. Nick Janow thanked the Council for their level of commitment. This is the first step of many for this project and he whole heartedly thanked the Council.

Public Comment:

Mr. Mark Renna stated that he will be watching the ILF to ensure its compliance with the 2008 Federal Rules and remarked that the Council has committed all of its funds. Mr. Renna inquired on the status of the motion to increase the single family homeowner monetary contribution amount passed by the Council. Ms. Aspinwall stated that the increase, while approved by the Council is required to be changed by rule making.

Mr. Renna further stated that \$400-500,000 per wetland credit reflects the actual cost of mitigation. He said that the Council charges \$300,000, which does not accurately depict true mitigation costs, which has really skewed things, and that the economics are artificially skewed based on the actions taken by the Council. Mr. Renna further stated that the Council should be charging more money. In addition, he said, the Council should be meeting 6 times per year, but with the lack of a quorum or nothing to discuss, the Council realistically is meeting 4 times per year. Mr. Renna, stated that the Council has lost its effectiveness, terms have or will expire and there is no money.

**ADJOURNMENT:** Ms. Claudia Rocca motioned to adjourn the meeting. Mr. Robert Tucker seconded the motion. All present voted in favor of adjourning the meeting.

The next meeting date has tentatively scheduled for December 8, 2015.

New Jersey Freshwater Wetlands Mitigation Council  
Minutes of June 9, 2015 Meeting  
9:30 a.m.

A regular meeting of the Wetlands Mitigation Council was held on June 9, 2015 at the New Jersey Department of Environmental Protection, Hudson Room, 501 East State Street, 2<sup>nd</sup> floor, Trenton New Jersey at 9:30 am.

**COUNCIL MEMBERS PRESENT:** Claudia Rocca, Patricia Burns, Robert Tucker, David Roth (via phone), and Susan Lockwood (via phone)

**STAFF MEMBERS PRESENT:** DAG Jill Denyes, Jill Aspinwall, Natalie Young and Ana Incollingo.

**Meeting called to order**

Claudia Rocca called the meeting to order, read the Sunshine Law statement and stated that public notice for this meeting was given on May 26, 2015 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.

**Review and approval of the April 14, 2015 Council meeting minutes.**

Ms. Sue Lockwood commented by telephone that there was a minor mistake on page three, in paragraph 6 of the April meeting minutes.

Mr. Robert Tucker motioned to approve the minutes with the change.

Ms. Claudia Rocca seconded the motion.

All voted in favor.

**Update on the Mitigation Fund.**

Ms. Natalie Young stated that as of April 30, 2015 the Mitigation Fund balance is \$8,131,258.54. There were expenditures in the amount of \$117,675.41 during the months of March and April. The total amount of remaining committed funds for approved projects is \$6,281,384.12.

Subtracting the remaining committed funds from the actual fund balance leaves a new fund balance of \$1,849,384.12 on April 30, 2015.

**Old Business**

**Review and approval of a resolution memorializing the Council's decision to conditionally reinstate the Council's conceptual approval of Bloomfield Township's Conceptual Proposal to create and enhance wetlands and floodplain associated with the Third River.**

Ms. Sue Lockwood via telephone motioned to approve the resolution.

Mr. Robert Tucker seconded the motion.

All voted in favor.

**New Business**

No new business

**Public comment**

Mr. Andy Strauss, consultant for Bloomfield Twp. stated that on behalf of the Mayor of Bloomfield Township and Councilman Joanow, he wanted to thank the Council for approving the resolution and supporting them this far and they are looking forward to answering questions and working with staff on the Bloomfield project.

Mr. Robert Tucker stated that his recollection is that they will be ready do the proposal by August.

Mr. Strauss stated that Mr. Mark Gallagher will work with staff on evaluation of the project and the timing on the proposal to be placed on the Council's agenda. They want to move as quickly as possible. If they can do it in August they will do it. They are currently working on cost evaluations at the site.

Mr. Strauss stated that they are faced with very high unit cost on this project and their goal is to do it within the unit cost for urban projects.

**ADJOURNMENT:** Ms. Claudia Rocca motioned to adjourn the meeting. Mr. Robert Tucker seconded the motion. All present voted in favor of adjourning the meeting.

The next meeting date has been tentatively scheduled for August 11, 2015.

**New Jersey Freshwater Wetlands Mitigation Council  
Minutes of April 14, 2015 Meeting**

A regular meeting of the Wetlands Mitigation Council was held on April 14, 2015 at The New Jersey Department of Environmental Protection, Hudson Room, 501 East State Street, 2nd floor, Trenton, New Jersey at 9:30 a.m.

COUNCIL MEMBERS PRESENT: Claudia Rocca, Patricia Burns, David Roth, Robert Tucker, and Sue Lockwood.

STAFF MEMBERS PRESENT: DAG Jill Denyes, Diane Dow, Natalie Young and Ana Incollingo.

**Meeting called to order.**

Ms. Claudia Rocca called the meeting to order, read the Sunshine Law statement and stated that public notice for this meeting was provided on March 26, 2015 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.

**Review and approval of the February 10, 2015, 2014 Council meeting summary.**

Ms. Sue Lockwood motioned to approve the summary with a noted correction on page 5.

Mr. David Roth seconded the motion.

All present voted in favor.

**Review and approval of the February 10, 2015 executive session summary.**

Ms. Sue Lockwood mentioned that there was a typo on the first page.

Ms. Claudia Rocca motioned to approve the executive session summary with a correction on the first page.

Ms. Patricia Burns seconded the motion.

All present voted in favor.

**Update on the Mitigation Fund.**

Ms. Natalie Young stated that as of February 28, 2015 the balance of the wetland mitigation fund was \$8,232,451.53. There were no expenditures during the months of January and February. The total amount of remaining committed funds for approved projects was \$6,399,059.53. The new fund balance was \$1,833,392.00 as of February 28, 2015.

**Discussion on the review process for the conceptual projects that have been approved by the Council to submit final grant proposals.**

Summarizing the discussion of the last meeting, Diane Dow stated that the Township of Bloomfield inquired about the conceptual approval they received in April, 2014. The Township asked the Council to allow them to present their final proposal. The Township and their design

team met with Assistant Commissioner Ginger Kop'Kash and Ms. Diane Dow two weeks prior to the Council meeting to discuss their project. They anticipated that their final proposal would be ready by the end of May and that they would like to present their final proposal at the August meeting. Ms. Diane Dow stated that there would not be enough time to review the application for the June meeting.

Ms. Diane Dow asked if the Council wanted to discuss this further or vote on a decision.

Ms. Claudia Rocca summarized the history of the project by explaining that a letter was sent out to the three conceptually approved projects. The letter explained that the new ILF program required resubmittal for conceptual proposals. Bloomfield requested that the Council honor the conceptual approval for their project. The Council went into executive session to discuss the matter.

Ms. Diane Dow recommended that the Council review Bloomfield Township's final proposal during the August meeting, as long as the Township submits their final complete application to DEP by May 28, 2015.

Mr. David Roth asked if the 75- day review period was standard.

Ms. Dow stated it was a requirement in the existing grant guidelines in order to provide staff enough time to review the application.

Mr. Bob Tucker motioned to allow Bloomfield Township to present their final project to the Council at the August, 2015 meeting as long as the complete final proposal is submitted to the Department no later than May 28, 2015.

Ms. Sue Lockwood seconded the motion.

Ms. Patricia Burns asked if it would be an issue if the ILF document was not signed by the deadline.

Ms. Diane Dow stated that the signed ILF document has not yet been received by the Department. She stated that the grant guidelines in the ILF document are identical to the existing guidelines except that the ILF document requires the Council to put forth a RFP and to send a copy of all grant applications to the EPA to provide them an opportunity to comment.

Mr. Andy Strauss stated that they did present their project to the EPA.

Ms. Claudia Rocca suggested revising the motion to allow Bloomfield Township to submit their full proposal by May 28<sup>th</sup> or upon the effective date of the ILF program, whichever is later.

Ms. Sue Lockwood suggested that the Council keep the May 28<sup>th</sup> deadline and if the deadline is missed that the Council could discuss it further and decide whether to set another deadline.

Mr. David Roth agreed with Ms. Sue Lockwood.

Ms. Patricia Burns asked if the Council would see the signed ILF document by the next meeting.

Ms. Diane Dow stated that she periodically checks with the EPA regarding status of the document, but was unsure if the Council would see it by the next meeting.

Mr. Bob Tucker restated the motion to allow Bloomfield Township to present their final proposal to the Council at the August meeting in accordance with the existing grant guidelines provided the complete final proposal is submitted to the Department no later than May 28, 2015.

Ms. Sue Lockwood seconded the motion.

All present voted in favor.

Mr. Andy Strauss asked if the Mitigation Fund balance that was included in the update would decrease by August.

Ms. Diane Dow stated that the existing fund balance that was reported today is the balance assuming all existing approved grants were fully funded. Therefore, the available funds should not decrease prior to the August meeting.

Mr. David Roth requested that Bloomfield Township provide the Council with periodic updates on the status of the project after the August meeting if the Council approves the final proposal

Ms. Patricia Burns stated that she believes it is important to document the successes and failures of the project as it is constructed so that we can all learn what works and what doesn't. She stated that gorilla research may be an essential tool in circumstances where there is not a lot of funding. It is important to hear about these processes at professional conferences in order to continue to improve the process of restoration.

Mr. Andy Strauss stated that Rutgers has volunteered to assist the professional design team, and hopefully others will also get involved.

Ms. Beth Ravit stated that it would be very interesting for Rutgers students and the general public if students create a documentary on the project as it unfolds.

Mr. Mark Renna inquired about the status of the new Council member appointments.

Ms. Diane Dow stated that the recommendation letter for new Council members has been submitted to the Governor's office but that the Department has not received a response.

**ADJOURNMENT:** Ms. Claudia Rocca motioned to adjourn the meeting. Mr. Dave Roth seconded the motion. All voted in favor of adjourning the meeting.

**The next meeting date has been tentatively scheduled for June 9, 2015**

**New Jersey Wetlands Mitigation Council  
Summary of February 10, 2015 Meeting**

A regular meeting of the Wetlands Mitigation Council was held on February 10, 2015 at The New Jersey Department of Environmental Protection, Hudson Room, 501 East State Street, 2<sup>nd</sup> floor, Trenton, New Jersey at 9:30 a.m.

COUNCIL MEMBERS PRESENT: Claudia Rocca, David Roth, Patricia Burns and Susan Lockwood

COUNCIL MEMBER ABSENT: Dr. Robert Tucker

STAFF MEMBERS PRESENT: DAG Jill Denyes, Diane Dow, Natalie Young and Ana Incollingo

**Meeting called to order**

Claudia Rocca called the meeting to order, read the Sunshine Law statement and stated that public notice for this meeting was provided on January 23, 2015 to the Secretary of the 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.

**Review and approval of the December 8, 2014 Council meeting summary.**

Ms. Susan Lockwood motioned to approve the minutes.

Ms. Patricia Burns seconded the motion.

All present voted in favor.

**Update on the Mitigation Fund.**

Ms. Natalie Young stated that as of December 31, 2014 the balance of the fund is \$8,215,451.70. The total amount of funds outstanding in approved projects is \$6,399,059.53. There were two expenditures in the months of November and December including \$126,000.00 to the Kittatinny Kenco project and \$930.00 to the Quakertown Preserve Project. The resulting new balance of the Wetland Mitigation Fund is \$1,816,392.17. This update does not subtract funds that may be allocated to projects that have received conceptual approval, but that have not submitted final proposal's for review.

**Review and approval of a resolution memorializing the Council's decision to not approve a proposed monetary contribution from Francisco Salas in the amount of \$3,534.00 for impacts to 0.093 acres of freshwater and coastal wetland impacts as a condition of a stipulation of settlement.**

Ms. Susan Lockwood motioned to approve the resolution.

Mr. David Roth seconded the motion.

All present voted in favor.

**Review and approval of a resolution memorializing the Council's decision to approve the In-Lieu Fee Instrument for the State of New Jersey.**

Ms. Susan Lockwood motioned to approve the resolution.

Ms. Claudia Rocca seconded the motion.

All present voted in favor.

### **Discussion of the change in the balance of the mitigation fund**

Ms. Susan Lockwood discussed the change in the mitigation fund from a negative balance to a positive amount.

Diane Dow explained that the reason for the positive amount in the fund is because in the past the amount of funding for conceptual approvals has been subtracted from the balance. Even though conceptual approvals are not commitments for funding, the projected amount subtracted as a way to keep track of these conceptual projects that may be presented to the council in the future for final approval.

### **Public Comment**

Mr. Andy Strauss, Bloomfield Township Planning Consultant, asked to discuss the In-Lieu Fee document and the new process in regards to the Bloomfield Township creation and enhancement project. He presented a letter to the Council that he received on January 21, 2015 from Ms. Jill Aspinwall, NJDEP.

The letter to Mr. Strauss stated that the Council approved the ILF document at the December 8<sup>th</sup>, 2014 meeting and that in accordance with the ILF document that the Council's procedures for reviewing grant proposals had changed. Specifically the letter explained that the Council would put forth a RFP on an annual basis.

Mr. Andy Strauss stated that the Township paid a lot of money to keep this project going and to get the property for this project.

Mr. Nick Joanow, Bloomfield Councilman, stated that he was concerned that this decision would cause a hardship for the township. He explained that they put a lot of time, money, and effort into the project including spending \$10 million on the property. He believes that stalling the project any further will cause a negative view from the community and asked the council to reconsider hearing the final proposal.

Mr. Ted Ehrenburg, Bloomfield Township Administrator, stated that this property is the last piece of open space in the township and that the township spent 10 million on the property. He asked that the Council put the project back in place.

Ms. Jill Denyes asked Mr. Ehrenburg if the township would have purchased the property without the conceptual approval.

Mr. Ehrenburg said that he didn't get a copy of Jill's letter but did not say whether or not the township would have purchased the property without conceptual approval from the Council.

Mr. Andy Strauss stated that he did not attend the December Council meeting when the Council approved the ILF document and said that he did not see anything in the meeting minutes about removing conceptual approvals from the fund update.

Ms. Susan Lockwood explained that the Council's intent all along was to operate in accordance with the ILF document once it was approved by the Council. She also explained that the ILF document is required by EPA in order to maintain assumption and that EPA has been pressuring the Department to get this document completed for years. She explained that if the Council doesn't operate in accordance with the document that the Council approved, EPA may have concerns. Ms. Lockwood also stated that the Council never had enough money in the fund to completely fund this project.

Mr. Ted Ehrenburg stated that they would take any amount that was available in the fund, as it became available.

Ms. Claudia Rocca stated that she did not know that the letter Andy Strauss presented was sent and that she favored this project.

Mr. David Roth stated that conceptual approval is not enough to release funds; there is still another step after conceptual approval that must take place. He also stated major decisions should not be made based on a conceptual approval. Mr. Roth asked Andy Strauss when they plan on coming in with their final proposal.

Andy Strauss stated that they do not yet have their permits to construct the property. He also stated that they have not yet had a pre-application meeting with the Division of Land Use Regulation or Site Remediation but are anxious to do so.

Mr. Mark Gallagher stated that they still need to conduct surveys on the property and prepare plans but if they had a 45-day notice to come back to the council, they would have. He also stated that time and effort had been put into this project.

Ms. Patricia Burns agreed with Ms. Claudia Rocca and Mr. David Roth that conceptual is not approval, but the Council was in favor of this project.

Ms. Susan Lockwood stated that if the project meets the requirements of the ILF document, then it can still go through and suggested that the applicant could demonstrate that their conceptual approval was prepared in accordance with the ILF document when the RFP goes out instead of being required to get another conceptual approval.

Ms. Claudia Rocca states that she is in favor of negating the letter and reinstating the project.

Ms. Jill Denyes suggested that the Council go into Executive Session to discuss the issue and then open the meeting up to the public and the end of the Executive Session.

Ms. Diane Dow apologized for the letter that was sent out. She stated that they had hoped the EPA would have signed the document by now but that it was the Department's understanding that once the Council approved the ILF document that they would operate in accordance with the document.

Ms. Patricia Burns inquired if a resubmission of a conceptual approval would solve the problem.

Ms. Claudia Rocca suggested that they do not need to resubmit a conceptual approval because they submitted their conceptual approval under the old procedure.

Ms. Susan Lockwood suggested that the Council should not push the EPA because the Department spent a lot of time working closely with the EPA on developing this document.

Ms. Claudia Rocca stated that the EPA never explained what to do if a situation like this arose and that she believes EPA would not have an is Susan with reinstating the conceptual approval in this case.

Mr. David Roth suggested tabling the discussion and decision and spending the remainder of the time in Executive Session.

Mr. Mark Renna stated that he was late to the meeting but that the minutes that were approved included a statement that there were no substantive comments received on the ILF document and that there were comments made at the meeting that should have been included in the minutes. Mr. Renna said that he spoke to the EPA on the confusion of the In-Lieu Fee document. He further stated that the EPA told him that the EPA plans on signing the document but has not yet and that he asked EPA when the comments on the ILF document will be responded to. Mr. Renna said that EPA informed him that DEP will respond to comments during rule making. Mr. Renna also stated that the EPA informed him that the EPA and the Department had a meeting to discuss the ILF document and assumption. Mr. Renna asked that the Department explain the rule process.

Ms. Diane Dow explained to Mr. Renna that the purpose of the meeting between the Department and the EPA was to discuss potential changes to the Freshwater Wetland rules (FWW rules), including draft ILF rule language. She also explained that the meeting had nothing to do with the Council. Ms. Dow explained that the Department is currently working on changes to the FWW rules and that once the amendments are formally proposed, there will be a public comment period for the public to comment on the changes proposed.

Ms. Beth Ravit asked the Council if it has the power to grandfather a conceptual approval. Ms. Ravit stated that the Council should not operate partially under the ILF document and that it should follow the document completely or not at all. She stated that she sent comments to the EPA and it is not clear to her if the document is in place.

Ms. Claudia Rocca motioned for the council to go into Executive Session and then reopen the meeting to the public.

Mr. Dave Roth seconded.

All present voted in favor.

### **Council members went into Executive Session**

During the executive session, Ms. Patricia Burns left. Upon return to open session, the council could not take formal action because it did not have a quorum of members present.

Ms. Claudia Rocca stated that an official vote could not be made, but that the Council is leaning towards reinstating conceptual approval of this project.

Ms. Diane Dow stated that the question will be voted on during the April 14th meeting.

Ms. Susan Lockwood stated that she was leaning towards voting for conceptual approval.

Mr. David Roth stated that he was also leaning towards voting for conceptual approval.

Ms. Claudia Rocca stated that she was similarly leaning towards voting for conceptual approval and stated that Ms. Burns was as well.

Andy Strauss requested a letter recanting the letter stating that the conceptual approval was removed.

Ms. Claudia Rocca stated that the document stating the decision of the Council from the next meeting will resolve the letter.

Andy Strauss inquired on the amount of money to budget for.

Ms. Claudia Rocca stated that the budget would depend on the project, and a large part of the final proposal is the budget.

**The next meeting date has been tentatively scheduled for April 14, 2015.**