



State of New Jersey
DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
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PHILIP D. MURPHY
Governor

LT. GOVERNOR TAHESHA L. WAY
SECRETARY OF STATE

THOMAS K. WRIGHT
CHAIRMAN

DONNA A. RENDEIRO
Executive Director/Secretary

**New Jersey State Planning Commission
Minutes of the Meeting Held on January 3, 2024
Zoom Video Conference**

CALL TO ORDER

Chairman Wright called the January 3, 2024 video conference of the New Jersey State Planning Commission (SPC) to order at 10:01 a.m.

OPEN PUBLIC MEETINGS ACT

It was announced that notice of the date, time, and place of the meeting had been given in accordance with the Open Public Meetings Act.

ROLL CALL

Members Present

Danielle Esser, Director of Governance, NJ Economic Development Authority
Henry Gajda, Designee for President Christine Guhl-Sadovy, Board of Public Utilities
Susan Weber, Designee for Diane Gutierrez-Scaccetti, Commissioner, Department of Transportation
Nick Angarone, Designee for Shawn LaTourette, Commissioner, Department of Environmental Protection
Keith Henderson, Designee for Jacquelyn Suarez, Acting Commissioner, Department of Community Affairs
Melanie Willoughby, Designee for Lt. Governor Tahesha Way, Secretary of State, Department of State
Bruce Harris, Municipal Member
Elizabeth Terenik, Public Member, joined at 10:13
County Commissioner Director Shanel Robinson, County Member
Stephen Santola, Public Member
Julia Somers, Public Member
Jeffrey Oakman, Senior Policy Advisor, Office of the Governor
Thomas Wright, Chairman

Others Present through Video conference

See Attachment A

PLEDGE OF ALLEGIANCE

Chairman Wright asked everyone to stand for the Pledge of Allegiance.

APPROVAL OF MINUTES

Chairman Wright asked for a motion to approve the minutes of December 6, 2023 with non-substantive changes. Danielle Esser made the motion, and Bruce Harris seconded it. With no further discussion or questions, Chairman Wright asked for a roll call vote: Ayes: (12) Danielle Esser, Henry Gajda, Susan Weber, Bruce Harris, Nick Angarone, Keith Henderson, Shanel Robinson, Melanie Willoughby, Stephen Santola, Julia Somers, Jeffrey Oakman, and Thomas Wright. Nays: (0). Abstains: (0). The December 6, 2023 minutes were approved.

CHAIRMAN'S COMMENTS

Chairman Wright thanked members of the Commission, staff, and the public for participating. He stated that it's going to be an exciting year of updating and revising the New Jersey State Development and Redevelopment Plan. New Jersey has a proud tradition of being a state that invests in communities and explores public policies to try and move ahead in environmental community development, and social justice issues. The State Plan ties all those things together. He thanked everyone for participating in the process.

EXECUTIVE DIRECTOR'S REPORT

Director Rendeiro announced that one new planner (Felix Zamora) and five interns (Saul Ruddick-Schulman, Brooke Schwartzman, Adriana Zarza-Farina, Alissa Grove, and Melanie Rodrigo) have been hired (one intern starts in January). A second new planner is scheduled to start on January 16 (Myles Elgart). All are on-boarding and learning their areas of focus. The office is in discussions with a third candidate.

Since the December 6 SPC meeting:

- The Red Bank prepetition meeting was held and an initial map was created as a basis for discussion with DEP. The Vice-Chair will be recusing himself from Red Bank matters that come in front of the Board.
- A meeting is scheduled for January 12 with Little Egg Harbor representatives on the Plan Endorsement status.
- The Office received the bi-annual report from Brick; a review is underway.
- Staff is working with Dover, Burlington Township, Seaside Heights, Little Egg Harbor, Ocean Township, Little Egg Harbor Ocean City, Barnegat, Sparta, Dennis, Berkeley, and Red Bank on mapping and other requirements toward Plan Endorsement.

I have begun to develop the annual report; I should have that in a couple of weeks for you to look at. I am hopeful to have it on the agenda for approval in February. One of the highlights is that we have reached over 1,100 people for the State Plan update.

Staff attended a meeting hosted by the Atlantic County Economic Development Alliance along with a representative of the BAC's business advocates. The alliance briefed us on some of their upcoming projects. They are having issues with T&E, wetlands, and financing. They asked us to consider these hardships as we update the State Plan and how we update policies. They stressed that including the aviation technology industry as a critical industry segment would add valuable jobs and economic activity to the South Jersey area.

The final version of the Rule update was published in the January 2 NJ Public Register. Staff completed and submitted the certificate for the December 7 deadline. The Rules will be effective on the date of publication.

Staff completed the revision of the model warehouse ordinance based on comments received at the December 6 State Planning Commission meeting. The “track changes” version will be available to the public for about 30 days before asking for Commission approval. Later in today’s agenda, Lisa will present the changes completed by Colleen before her retirement last week.

The Office met with HMFA regarding warehouse considerations for the update to their Qualified Allocation Plan for the Low Income Tax Credit Program.

Staff participated in the NJ Interagency Council on Climate Resilience Agency Head meeting. The meeting brought together agency heads to bring them up to speed on the 2023 activities of the IAC and the status of the Extreme Heat Resilience Action Plan; received a presentation on recent, significant climate topics, and forthcoming NJ PACT REAL Rules.

Staff participated in the first South Jersey Transportation Organization scenario planning workshop. The workshop is part of the scenario planning project which will be incorporated into the long-range Regional Transportation Plan for the South Jersey region.

The Office participated in meetings related to

- NJTPA, DVRPC, SJTPO
- County Planners Association
- Coastal Coalition
- NJDOT’s Transit Village Task Force
- IAC

We have reviewed the initial content of the new website and will be meeting with OIT on January 4 to review the next steps toward making the new site live. It is a vast improvement of the existing site.

Bills under consideration are S-3467 (Identical Bill A-5027) - “Requires basic course in land use law and planning offered to certain officials to include a module on warehouse development and high-density development.” Both Bills are in Committee. The Office supports the Bill. A-5802 (Identical S-4245)-Establishes a pilot program in Office of Planning Advocacy to reimburse municipalities for certain expenditures concerning warehouse development; appropriates \$1 million. Both Bills are in Committee. The Office supports the Bill.

Commissioner Somers inquired about Dover and Sparta. She stated Dover is a planning area community in its entirety and she understands they are choosing to go through endorsement rather than conformance for the Highlands Council. She stated that Sparta is more complicated because it's split between the preservation area and the planning area. She asked what kind of coordination is going on with the Highlands Council for those Highlands communities.

Director Rendeiro responded that both communities have Highlands’s participation. The Office is more along in the timeline with Dover than with Sparta. Dover has specifically said that they prefer to do the State Plan process and not the Highlands process, but the office is continuing to keep the Highlands Council involved. Dover did have a change in administration. It is the office’s understanding that they still want to move forward as they are further along. Director Rendeiro stated the office will report to the Commission if there are any changes.

Commissioner Santola stated that Director Rendeiro mentioned the educational component for multifamily and warehouses. He asked if it is in the standard required education for planning and zoning board members.

Director Rendeiro confirmed that it is and that it's in committee.

There was discussion brief discussion on the five-hour course that planning and zoning board officials need to attend. The course is pressing in a lot of information in those five hours. The Director's opinion is that five hours is not enough training for a position that can affect the long-term land use of a community. Commissioner Santola agreed.

Commissioner Santola commented that relating that to the model ordinance, the importance is, that it teaches the questions to ask. The concern is that the model ordinance, it was answering the questions instead of teaching people what to ask. The education component is key so that they can adapt it to their municipality's zoning/planning board.

Director Rendeiro stated the ordinance is the next step. The guidance would give them factors to consider. Not every factor is going to be relevant to your community, so you need to look at it and see what is relevant, keeping in mind that you don't arbitrarily pick something to justify a yes or a no. You need to look at all of this comprehensively, whether it's warehouse development or residential. There needs to be a comprehensive approach to all of the land use decisions.

Commissioner Harris asked if the State Plan documents and public input portal be integrated into the new website. Director Rendeiro stated the office is currently working with OIT to have the public input portal linked to the website.

OLD BUSINESS

State Plan Update

Director Rendeiro reported the office received comments from the PDC which were shared with the Commission on the goals and strategies. The only Interagency Work Group comments were received from Nick Angarone, NJDEP. They were substantial but were received late last week, so they are still being reviewed. Once the office has thoroughly reviewed the comments and meets with NJDEP, those changes will be added with "track changes" and provided to the PDC and commission for review so the office can finalize a draft of the preliminary goals and strategies.

Director Rendeiro stated that later in the agenda there will be a discussion on the timeline and the resolution to approve the timeline that will be included in the Cross-Acceptance manual. The PDC has reviewed the timeline and although there is some wiggle room, it is anticipated that the schedule will get through the negotiations and Cross-Acceptance process.

At the request of the counties, the office is developing an instructional memo that will be distributed to the counties which details the deliverables to adhere to the deadlines. The Office is anticipating having a preliminary plan approved at the April meeting of the Preliminary Plan.

Director Rendeiro stated the office will send out approximately 3,500 notices on or around January 12th. The notice letter will be distributed to county commissioners, planning boards, county clerks, municipal and senior elected officials, municipal planning boards, municipal clerks, interested parties, and appropriate state agencies and federal agencies. The one-page letter will be a notification that we're starting the formal process.

Director Rendeiro stated the office has had conversations with DVRPC, SJTPO, and NJTPA to discuss potential funding to assist counties in the Cross-Acceptance process. DVRPC is further along in the process. NJTPA and SJTPO are looking for funding and will follow up with the office.

Director Rendeiro announced that she will be presenting to the NJTPA Board on Monday and she presented to Somerset County Planning partnership on the State Plan update. Her presentation to the Monmouth County Transportation Council was rescheduled from December to January. The office is also scheduled to meet with representatives from the NJ Board of Public Utilities on January 11 to discuss their role in the State Plan update.

Director Rendeiro recalled the meeting the office had with senior management at DEP. She stated a similar meeting with DOT senior management is currently being scheduled. The office will also be meeting with the Highlands and Morris County and some of their municipalities to discuss how conforming municipalities in the update process will be handled. The office is scheduled to meet NAIOP on January 18 to discuss the updated process. Director Rendeiro was invited to speak at the Climate Change Alliance meeting on January 10 to discuss opportunities to integrate climate change into the update of the state plan. Director Rendeiro will be moderating and Commissioner Santola and Vice-Chair McKenna will be a panelist at the Annual State Bar Association Continuing Education event to discuss why it's important for not only attorneys but officials at the local level to rely on the state plan for land use decisions.

Director Rendeiro reported that the office will be meeting with local community organizations that were identified by the Office of Faith-Based Initiatives to discuss the second outreach efforts to underrepresented and underserved communities. The meeting will be a planning session to help develop the structure of the outreach. OPA staff planner, Felix Zamora is currently working on how to structure those outreach meetings. The office is looking to hold the meetings towards the end of January or early February.

Director Rendeiro indicated the office held two consultant meetings on December 14 and 15 to discuss approaches to vulnerability factors and center designation. She provided an update on the public input survey responses. To date, 102 resident participants with 95 comments, and 10 business participants with 9 comments. We received input from 274 respondents, of which 88% were residents and we have 278 subscribed to receive periodic email updates. The next step is to analyze those results to see if there's a pattern and how we can incorporate some of those comments.

Director Rendeiro recalled that the Commission approved the Cross-Acceptance Manual on November 1st with the proviso that the office would come back to the Commission with an anticipated scheduled timeline to be included the Cross-Acceptance Manual. While the Cross-Acceptance Manual does say it's an anticipated schedule, we do have wiggle room to meet trigger dates.

Director Rendeiro provided the commission details of the Cross-Acceptance timeline.

The timeline can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/ca-timeline.pdf>

Director Rendeiro stated that the PDC has reviewed the detailed timeline that will be incorporated into the cross-acceptance manual. The office would like to propose that the SPC approve a Preliminary Plan document at the April 3rd meeting for publication on April 8th. To meet that timeframe, the office would like to have the document to the Commission no later than 30 days before the Preliminary Plan is scheduled to be approved. The PDC discussed whether the full commission wanted to receive the document in piecemeal or wait for the full document. The Chairman expressed he would like to see each section as we get them done. The office has developed a template where the document will be placed within the sections as they are completed.

Director Rendeiro said if the office anticipates the publication on April 8th, the office will need to send out the notices on or around January 12th. The notice is to inform that the process is beginning but because it goes to

such a large audience, the office is working on the logistics. Jackie has already developed the database which we are currently updating based on the elections from November.

Commissioner Somers stated that she sits on the PDC and has heard Director Rendeiro provide the specific details and is impressed with all the information received.

Commissioner Oakman said there is a lot of work ahead of us, but the timeline gives us a really helpful roadmap looking ahead. It's noted that it is a draft timeline. He asked if there is a process for changing it once it goes into the Cross-Acceptance Manual, and if so, what that process is, or is it just guidelines that we can try to meet? Also if we don't meet them, is it automatically pushed back?

Director Rendeiro responded that the language in the cross-acceptance manual says anticipated timeline. If it slips by anything more than a few days here or there, we'd have to come back to the Commission with an updated timeline for their approval. The office will know in, 30 to 60 days whether that has to change but it does refer in the Cross-Acceptance Manual as anticipated. It leaves the office with some wiggle room. If there's anything substantive, we will come back to both the PDC and the commission.

Commissioner Angarone asked if we are required to include dates in the Manual. If we start missing dates, are we going to have to come back every time pass a resolution to modify the Manual? Can we just include the process or do we have to have dates?

Director Rendeiro responded that the Rules do require dates, however, the only dates that are specified get us through June 11th because everything else is dependent on when that first public hearing is. If a county has its public hearing on June 11th or June 12th, they're going to have a very different timeline than someone planning on having their public hearing until July 15th. It will all be triggered on whether or not the April 3rd approval happens.

Director Rendeiro asked Chairman Wright to confer whether the Commission members want to receive the documents as sections are completed or wait for a complete document.

Chairman Wright responded to Commissioner Angarone that the Cross-Acceptance Manual that we are going to be sending to our partners is to explain to them the process that we're going through. The more specificity and detail in providing dates that we can at least early on, the better because we want to try and answer as many of their anticipated questions as we can. These are targets and not firm. He hopes the Commission doesn't have to come back every month and pass a new resolution amending one date as it will not be a good use of their time and meeting the target date would avoid that.

Commissioner Angarone suggested not including dates and including a cover letter stating the dates are tentative to avoid coming back to the commission to amend the timeline.

Director Rendeiro responded that the only date that we must address in this meeting would be the publication of the Preliminary Plan. Everything else is driven by the Rules from that. At most, we'd only have to come back once. If the notice is sent out on January 12th and we have to slip the preliminary date, that would be okay. Every other date is driven by the publication of the Preliminary Plan. There's only one date we have to be concerned with and that's the Preliminary Plan publication.

Director Rendeiro responded that the resolution states that the Commission authorizes the Executive Director to take all actions necessary to implement the proposed process with regular updates at each Commission meeting which is non-substantive. That allows for some wiggle room to not have to come back to the Commission. The office will keep the Commission, PDC, and the public informed at every meeting. The

counties are very integral in the process but the only date that is not driven by the Rules is the date the Preliminary Plan is issued.

Commissioner Angarone expressed concern about the amount of time that it is going to take DEP to go through the draft document and provide substantive comments. He recalled the amount of time it took DEP to do the goals they had a significant number of comments. They have every program in the department reviewing them so he is concerned about our ability to meet these targets.

Director Rendeiro acknowledged the concern and responded that it supports sending out the document as the sections are completed and not waiting for the full plan.

Commissioner Angarone recalled when DEP was reviewing the goals and strategies. Since there is so much overlap between the goals and strategies logically, it will be difficult to review them independently. He understands it from a timing perspective but he's not sure that that allows do the kind of comprehensive review they want to do.

Director Rendeiro acknowledged the concern and stated the office will be having a strategy meeting with staff this afternoon and also meeting with all the consultants and they would look at how best they can address it.

Chairman Wright suggested a strategy of trying to combine sections so that you would understand how they would connect and prioritize distribution along those lines.

RESOLUTION 2024-01- Resolution of Approval of Cross-Acceptance Manual Update-Inclusion of Timeline

Director Rendeiro read the resolution.

The Resolution can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/resolutions/certified-resolution-2024-01.pdf>

With no further discussion or questions, Chairman Wright asked for a motion to approve Resolution 2024-01. The motion was made by Bruce Harris and seconded by Jeffrey Oakman. Chairman Wright asked for a roll call vote. Ayes: (12) Danielle Esser, Henry Gajda, Susan Weber, Bruce Harris, Nick Angarone, Keith Henderson, Shanel Robinson, Melanie Willoughby, Stephen Santola, Julia Somers, Jeffrey Oakman, and Chairman Wright. Nays: (0). Abstains: (0) Resolution 2024-01 was approved.

Director Rendeiro stated to counties that were on the call that the office will make sure we get the specific dates and the how-to memo out to the counties within the next couple of days. Further details will be discussed at the statewide planning county plan association meeting tomorrow.

Warehouse Ordinance Discussion

Director Rendeiro referred to Lisa Avichal to provide a top-line summary.

Lisa provided explanations for the comments in the document.

The Warehouse Ordinance with track changes can be found at:

<https://nj.gov/state/planning/assets/docs/meeting-materials/spc/warehouse-ordinance.pdf>

Director Rendeiro stated there was a lot of discussion on having not one size fits all in terms of what the standards are going to look like. The office addressed it by addressing the requirements based on surrounding uses. For example, if it's surrounded by residential, it may be a little bit stricter than if it was surrounded by

industrial. She asked everyone to review the document and let the office know if it meets the goal. The document will be available on our website. We'll ask for comments back, by the January 31st. If more time is needed, she asked to the office know and we will further defer it. If the office receives any comments by the end of January, they can address them.

Commissioner Somers thanked the office for including the reference to the Highlands Regional Master Plan. She stated that the Highlands Regional Master Plan does include language about decommissioning sites should the use change and was wondering if there may be value in incorporating similar language into this model ordinance, not specific to the Highlands.

Director Rendeiro took note of the suggestion for consideration.

Chairman Wright asked the Commission if they had an opportunity to review the document.

Commissioner Santola said he had not read the full document in detail but the rubber meets the road in a few spots, including the idea of what should be a conditional use with relatively strict conditions, which almost guarantees a zoning board application. The one point about the zoning board having a little more leverage to control offsite improvements has some validity to it although that can be handled through redevelopment designations and other mechanisms. If we're picking square footage that could be 200 or it could be 500, which triggers the conditional use and it also takes a specific use, there's no such thing as an office building that's more than 10 stories has to be a conditional use or a church or, any other type of use. We've sort of just singled out warehouses because of some applications around the state that were very politically hot. He is continuing to worry that we're killing a fly with a sledgehammer. The proliferation isn't going to be worth the panic.

The market's going to dictate the proliferation, not everybody wants to build more warehouses. He does think that they are very specifically cited and he appreciates Director Rendeiro's point about the surrounding uses. All of our towns in the post-World War II era made decisions on how they were going diversify their economic base for their tax ratable. Some chose malls and downtown retail, some chose industrial areas and those industrial areas need to be able to evolve and thrive into what they should be used for today. An example was used that the idea that a town selected an industrial area that is somewhat reasonably situated and it was near the edge of town and wasn't near a lot of residences. He doesn't want to see the Commission stifle the ability to remake those parks. The greatest example is the Meadowlands, but in all of our towns, we have these particular areas, and that gives him some concern, but he will review the document in more detail. He appreciates Lisa and Colleen's attempts to address the regulated community's comments.

Commissioner Harris said he has gone through each draft, and a lot of his comments are reflected. He is quite impressed with it and thinks that the model language will provide great guidance to planning boards and developing an ordinance. To Steve's concern, the planning boards are going to be working with a planner and they're going to be figuring out which of these provisions works well for their community. He thinks some communities may say they don't need to have this max size above which the application must go to the zoning board because they can handle it and they're comfortable with a larger facility and other towns, might go with the guidance. Concerning the electric vehicles, California is now imposing regulations on vehicles that leave the ports so they're doing a transition so that only electric vehicles are going to be allowed to carry materials from the ports.

Commissioner Santola said Commissioner Harris's point is a great one. As long as municipalities take this with their planner, with their governing body, and review it in some level of detail, this is an excellent tool. He is sure communities like Chatham are going to approach it that way. The guidance was an amazing document that brought light to this burgeoning boom but it was used as a club and not with the level of detail and insight that it provided. It was just like, look, the State Planning Commission thinks this is a bad idea without parsing

why and how and applying it to the specific facts. The concern that NAIOP raised about this being put on like a glove around the state is a real one and he doesn't know how the Commission addresses it. It can be a very good document if it's modeled and, reviewed carefully but at 19 pages, he's concerned that's going to happen.

Director Rendeiro said the vast majority of municipalities want to do the right thing, but they need help and guidance in doing so. Some of that guidance is in this type of information and they want to do the right thing with some guidance and the right thing is defined differently for every community. Whether you are a farming community, an urban community, or whether you are suburban, you have concerns with large-size projects, warehouses, or otherwise.

She agreed with Commissioner Harris' comment and believes it gives them the ability to pick, as long as they're not being arbitrary in what they pick, to use it as a hammer for either a yes or a no vote. It could go either way as long as a municipality or a community isn't arbitrary in what they pick, and they go back to that comprehensive look and this gives them the tool to do that. The communities that do it well, do it comprehensively and do it in a way that they can support with good land use practices and updating their ordinances and master plans. This provides a tool for that and hopefully, the municipalities that are going to abuse this information are few and far between.

Commissioner Santola said it's simply trying to get a fair resolution where this document isn't read to say preventing or discouraging the use, but rather encouraging enlightened locations and enactment of the use.

Dan Kennedy, CEO of NAIOP NJ introduced himself. He is the current chair of his local planning board and a former member of the SPC as an ex officio and among various roles. His comments are intended to try to help the SPC. He focused on two areas that he heard from the presentation today. First, as most of this is being driven by the suburban rural context of municipalities that are facing growth in areas that weren't expecting it, a possible way out of this is limiting this ordinance, to PA 5, 4, and maybe 3 could be a way to deal with this because that's the heart of the matter. Are there more rural municipalities, that haven't updated their zoning consistently, which he provided in his written comments to the office? Second, he disagrees with the staff's EJ definition. The legislature was clear that warehouses and large developments are not trigger points for EJ reviews. He will continue to disagree with the staff, and it's going to take more than just to say we don't agree; they will continue to push on that. He thinks it's well intended, but it takes the EJ law to the local government in a way that the legislature didn't intend. They'll continue to work with the Commission and appreciate Director Rendeiro coming and, meeting with them later in the month to continue the conversation. This is working as intended and he's looking forward to helping the SPC get to a good final product.

Chairman Wright thanked Mr. Kennedy for his comments.

Director Rendeiro stated that by the end of the day, the office will get the document to Mr. Kennedy and others who have commented that are outside of the Commission. The office is hoping to get comments by the end of January and if it's ready for approval by the February meeting, the office we'll put it on as a resolution, and if not, the March meeting.

Commissioner Santola commended Director Rendeiro and the staff for working with the regulated community. It is vital for good government and good planning.

Grant Lucking, NJ Builders Association agreed with Chairman Wright's comments about releasing state planning elements piecemeal when they're done. He's hoping the regulated community gets a chance to look at everything as it comes out. He appreciates Director Rendeiro's aggressive timeline, but to keep with it, it'll behoove everyone to see everything as soon as possible as comments may arise and how long it'll take to get through everything. He thanked the commission for keeping them informed.

ADJOURNMENT

With no further comments from the Committee or the public, Chairman Wright asked for a motion to adjourn. The motion was made by Stephen Santola and seconded by Julia Somers. All were in favor. The meeting was adjourned at 11:27 a.m.

ATTACHMENT A
NEW JERSEY STATE PLANNING COMMISSION ATTENDEES
DATE: JANUARY 3, 2024, TIME: 10:01 AM

Adam Marshall, DAG
Adam Nolan, NJLCV
Anthony Soriano, Morris County
Barbara Woolley-Dillon, DEP
C. Helms
Dan Kennedy, NAIOP NJ
Dave Dumont
Ranae Fehr
Frances Brown
Grant Lucking, NJBA
Jason Kasler, NJPO
Jelena Lasko
Kathryn Balitsos
Larisa Paxton, OCPD
M. Gross
Margaret Illis
Matt Baumgardner, NJDEP
Matt Pisarski, Cumberland County
Megan Fackler, NJDOT
Myles Elgart
Terry
Tom Collins
Walter Lane, Somerset County