

NEW JERSEY BROWNFIELD REDEVELOPMENT TASK FORCE

**POLICY & LEGISLATIVE COMMITTEE**

MINUTES OF MEETING HELD TUESDAY, JANUARY 25, 2005

10:00 P.M. – 12:00 P.M

DEPARTMENT OF COMMUNITY AFFAIRS  
101 SOUTH BROAD STREET  
TRENTON, NEW JERSEY  
OFFICE OF SMART GROWTH LIBRARY - 7TH FLOOR

**Committee Members Present—**

Leah Healey - Public Member – Committee Chairman  
Sally Dudley, Public Member – Environmental  
Richard Gimello – New Jersey Department of Transportation  
Rose Smith – New Jersey Economic Development Authority  
Frances E. Hoffman – Office of Smart Growth, New Jersey Department of Community Affairs  
Colleen Kokas – Site Remediation Program, NJ Department of Environmental Protection

**Other Task Force Members Present—**

Lauri Sheppard – New Jersey Redevelopment Authority

**Committee Members Not Present—**

Dennis Toft, Public Member – Task Force Chairperson  
Monique Purcell – NJ Department of Agriculture  
William Mullen, Public Member – Labor & Trade

**Other Attendees—**

Phyllis Bross – Deputy Attorney General, Counsel for the Task Force  
Cynthia Weiser, Brownfields Program Assistant

**I. CALL TO ORDER & WELCOME—**

Leah Healey, Chairperson of the Policy and Legislative Committee of the NJ Brownfields Redevelopment Task Force, made the welcoming remarks and called the meeting to order at 10:18 a.m.

**II. ANNOUNCEMENT OF ADHERENCE TO OPEN PUBLIC RECORDS ACT—**

Phyllis E. Bross, Esq., the Committee's legal counsel, read the Announcement of Adherence to Open Public Records Act

**III. ROLL CALL—**Cynthia Weiser, Brownfield Program Assistant, called roll.

**IV. APPROVAL OF MINUTES—**Richard Gimello made a motion to approve the minutes from the November 30, 2005 meeting; Sally Dudley seconded, and the minutes were approved.

**V. COMMITTEE BUSINESS—**

*UEZ Incentives:* Leah Healey suggested holding the UEZ discussion of incentives until the next Policy & Legislative meeting.

*Brownfields Redevelopment Task Force Report to the Governor and Legislature:* The Committee arrived at three messages or categories of information for inclusion in the report: 1) what we have been doing; 2) what has happened because of our recommendations, and 3) what we have learned. The report should also emphasize the positive impact of brownfields redevelopment on public health,

mental health, the vitality of Smart Growth areas, etc. Leah will provide an outline for the Policy & Legislative Committee section to circulate among the members for their input.

**Legislation:**

- **S682/S1866: Provides exemption from cleanup liability at Superfund sites to certain persons**  
Leah Healey asked if the Committee ought to take a position on this bill, and if so, what it might be. In effect, this bill would bring New Jersey's approach to de minimus liability closer to that of the federal statutes. The Committee opted to gather more information on the bill from the sponsors and discuss it at the next Committee meeting.
- **S277: Revises laws concerning financial assistance for contaminated site remediation**  
This bill has not moved. It was suggested that the Task Force's earlier support for the bill be reinforced by the Secretary.
- **A3650/S2157: Repeals law expediting certain State permits**  
The Committee will monitor the progress of this bill and related bills.
- **A2277: Requires Port Authority of New York and New Jersey to take action concerning brownfield sites and other underutilized sites in New Jersey for warehousing and other facilities in port district.**  
Many state agencies are already involved in supporting redevelopment in the port areas. However, the State's remediation reimbursement program does not substantially keep these projects because most taxes generated by these businesses are not eligible under the existing remediation reimbursement program. The Committee needs to know further the intent of the sponsors of this bill in order to effectively support it.
- **A1633: Requires inventory of brownfields in the State and annual progress reports by the Brownfields Redevelopment Task Force; appropriates \$285,000**  
The Committee will continue to actively support this bill. Leah Healey suggested that the Committee send a letter to the Senate Sponsor clarifying Task Force Support, following the progress of the bill.
- **A2444/S1374: Provides liability protection for natural resource damages, natural resource restoration, and offsite contamination to certain persons; makes certain changes concerning the statute of limitations for certain causes of action.**  
The bill was enacted into law on January 19, 2005. The Task Force was instrumental in modifying original wording for the benefit of innocent landowners interested in redeveloping brownfields. The Task Force will continue to pursue the issue of how Department of Environmental Protection will implement this new law, with particular attention to the granting of a comfort letter or similar measure to innocent parties.

**VI. REPORTS—**

**Brownfields Program Report**

*Frances Hoffman, Brownfields Program Director, Office of Smart Growth, DCA*

- Administrative Consent Order/Memorandum of Agreement—Leah Healey asked what kind of oversight agreement a developer needed to sign with DEP when they assume some aspect of cleanup on a contaminated site that has heretofore been cleaned up with private dollars.

*Community Affairs*

- Alternatives for innocent parties
  - The Site Mart
  - Community Involvement Piece
  - BRIT—A lot of small communities are represented.
  - League of Municipalities

**VII. COMMENTS FROM COMMITTEE MEMBERS—**

None

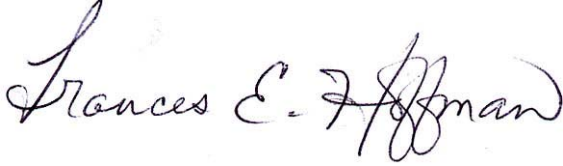
**VIII. PUBLIC COMMENTS—**

None

**IX. ADJOURNMENT—**

Sally Dudley moved that the meeting be adjourned at 12:21 p.m., and Richard Gimello seconded.

Respectfully submitted,

A handwritten signature in cursive script that reads "Frances E. Hoffman". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Frances E. Hoffman  
Secretary, New Jersey Brownfields Redevelopment Task Force

Prepared by Cynthia Weiser  
03/01/05