



May 10, 2017

via regular mail and email, john.dillon@suez-na.com

John T. Dillon
Suez Water New Jersey, Inc.
461 From Road, Suite 400
Paramus, NJ 07652

Dear Mr. Dillon,

I am writing on behalf of Bergen SWAN to follow up on our ongoing discussions regarding the Harrington Park property.

Suez proposes to sell a 9.2-acre portion of the Harrington Park property to the Allegro Management Company, who will convert the existing building into a residential community for seniors. The Watershed Protection and Moratorium Act requires that the Watershed Property Review Board (“WPRB”) approve this sale.

In a letter dated March 8th, SWAN proposed several additional environmental protections. In a meeting on March 21st, Suez agreed to incorporate several of these proposals. We also discussed preparing a Supplemental Conservation Easement for the property.

Again, we appreciate the time and effort that Suez and Allegro have put into maintaining an open dialogue with all parties, including SWAN and the Hackensack Riverkeeper, regarding this sale. We also appreciate the efforts by both companies to minimize the environmental impacts on the Harrington Park property, and incorporate our proposals.

Bergen SWAN will not object to the proposed sale of the Harrington Park property, if Suez executes a Supplemental Conservation Easement for this property prior to sale, with the following environmental protections detailed further below:

- The North Easement Area will be preserved and maintained in a manner consistent with its open space character.
- No walkway will be installed in the North Easement Area.
- Allegro will take steps to minimize the disturbance of vegetation in the utility easement areas located in the North Easement Area.

The Supplemental Conservation Easement must be recorded and indexed in the Bergen County Clerk's Office, in accordance with the Conservation Easement and New Jersey Conservation Restriction and Historic Preservation Restriction Act, N.J.S.A. 13-8b-1 et seq.

SWAN will support the sale, if Allegro agrees to implement an Organic Land Care Program for the property.

I. Items to be Included in the Supplemental Conservation Easement

1. North Easement Area

The North Easement Area, comprised of 81,519 square feet, is depicted in the attached drawing titled "Additional Easement Land."

As we discussed, the North Easement Area will be preserved and maintained in a manner consistent with its open space character.

No walkway will be installed in the North Easement Area.

As discussed, Suez and Allegro agree that these commitments will be reflected in the Supplemental Conservation Easement.

2. Utility Easements

Several utility companies hold easements on this property. As discussed and agreed, Allegro will take steps to minimize the disturbance of vegetation in the utility easement areas located in the North Easement Area.

II. Additional Items Not Included in the Supplemental Conservation Easement

1. Southern Buffer Zone

All parties agree that moving the service road northwards, to expand the buffer zone, would be environmentally beneficial and provide further protection for the Reservoir. We will continue to urge Allegro to seek NJDEP approval for that move.

Suez maintains a buffer zone between the south side of the main service road for the Harrington Park property, and the Reservoir. For the sake of clarity, this property is and shall remain owned by Suez and is subject to the 2009 Settlement Agreement and Conservation Easement.

As we discussed and agreed, Suez will put in additional native non-invasive plantings in this area. As also discussed and agreed, Suez agrees to consult with Bergen SWAN and Hackensack Riverkeeper on the plantings, but reserves the right to make the ultimate decisions regarding scope and timing.

2. Land Care Program

Synthetic pesticides, herbicides, and fertilizers applied to the Harrington Park grounds can easily leach into the Reservoir. These synthetic chemicals are also harmful to those living or working on the Harrington Park property.¹ In the long term, a landscape chemically dependent on synthetics is more expensive to maintain than a landscape maintained through an organic care program.

For all of these reasons, Suez has stopped using synthetic pesticides and herbicides on this property.

We urge Allegro to avoid synthetics, both for the health of the Oradell Reservoir, and for the health of those living and working the residential community Allegro will set up on the Harrington Park property.

In place of synthetic and harmful chemicals, Allegro can maintain the Harrington Park property's landscape by implementing an organic land care program that: prioritizes the use of natural, slow-release fertilizers; allows no use of synthetic herbicides or pesticides; places a high priority on water conservation and careful stewarding of on-site run-off into vegetated areas; severely limits the use of plastics in the landscape; and showcases more native plantings and less lawn.

The experts with the Rutgers New Jersey Agricultural Experiment Station Cooperative Extension recently published an excellent Organic Land Care Best

¹ <http://organiclandcare.net/green-room/health-studies>

Management Practices Manual on this topic.² The Northeast Organic Farming Association has also published a comprehensive guide of practices for landscape design and maintenance, titled “NOFA Standards for Organic Land Care.”³

Allegro can use these resources to implement an organic land care program to maintain a healthy and beautiful landscape at the Harrington Park property, without putting the Reservoir or Allegro’s residents at risk.

SWAN will support the proposed sale of the Harrington Park property, if Allegro can commit to implementation of an Organic Care program. As discussed, Allegro agrees to take this request under consideration.

3. Site Visits

Suez will continue to conduct periodic site visits to inspect the remainder of the Harrington Park property that it stills owns consist with the 2009 Settlement Agreement. Suez will provide periodic opportunities for Bergen SWAN and Hackensack Riverkeeper to visit these sites accompanied by Company Personnel. Suez will provide two opportunities per year, between May and September. Suez will continue to work in good faith with Bergen SWAN and Hackensack Riverkeeper on scheduling.

² <http://njaes.rutgers.edu/pubs/publication.asp?pid=E357>

³ <http://organiclandcare.net/sites/default/files/upload/standards2011.pdf>

In sum, Bergen SWAN will not object to the sale of the Harrington Park property, if prior to sale, Suez executes a Supplemental Conservation Easement with the NJDEP that incorporates the environmental protections delineated in Section I above. SWAN will support the sale, if Allegro agrees to implement an Organic Land Care Program for the property.

Again, we appreciate the opportunity to address the parties through the open dialogue that Suez has maintained. Please feel free to call or email me anytime to discuss further.

Sincerely,

/s/ Raghu Murthy
Raghu Murthy

c: **via** regular mail:

Charles A. Richman, Commissioner
New Jersey Department of Community Affairs
101 South Broad Street
Box 800
Trenton, NJ 08625-0800

via email:

Bergen SWAN, bergenswan@sprynet.com

Captain Bill Sheehan, Hackensack Riverkeeper,
captain@hackensackriverkeeper.org

Nilufer DeScherer, Esq., Archer & Greiner, ndescherer@archerlaw.com

Michael Heenahan, mheenehan@gmail.com

Raymond J. Cywinski, ray.cywinski@suez-na.com

Jessica Patterson, NJDEP Green Acres Program, Jessica.Patterson@dep.nj.gov

Mona Mosser, BPU, Mona.Mosser@bpu.nj.gov

Yanina Lepore, BPU, Yanina.Lepore@bpu.nj.gov

Geoffrey Gersten, DAG, Geoffrey.Gersten@dol.lps.state.nj.us