

EXHIBIT L1
SUMMARY OF SCOPING HEARING COMMENTS AND RESPONSES

The scoping hearing for Stafford Township's Application for the Department's approval of a major diversion of parkland to authorize the lease of the Stafford Township Landfill for the development of renewable energy facilities occurred on September 27, 2010 at the municipal building at 260 East Bay Avenue in Manahawkin, New Jersey. The hearing began at 6:00 p.m. and was conducted by Kevin Starkey, the Township's attorney and Jennifer Beahm, the Township's designated planner for this project. A transcript of the proceedings is included at Exhibit K. The following presents a summary of the public comments presented at the hearing followed by the Township's responses.

Summary of Public Comments

Ten members of the public spoke at the hearing. They are identified below, followed by a summary of their comments,

1. Sal Sorce - Mr. Sorce complained that the process of permitting the Redeveloper to construct renewable energy facilities on the Township's Landfill was not sufficiently transparent and the public has not been sufficiently involved. Mr. Sorce was concerned about the proposed compensation proposed as rent. He calculated what he perceived to be the agreed upon rent on a square foot basis and concluded the rent was below fair market value. Mr. Sorce asserted that the solar panels are comprised of materials that are hazardous or toxic and will pose a health and safety risk at Stafford Park. Mr. Sorce asserted that energy generated from renewable energy facilities at Stafford Park should be provided to the residents of Stafford who reside outside Stafford Park.

2. Louis Castelli - Mr. Castelli favors the Township's plan to lease the Landfill lot to the Redeveloper for renewable energy facilities but he believes the rent should be as high as possible. Mr. Castelli stressed that the Township should take no risk in this venture but should share in the profits based on escalation clauses and profit sharing provisions in the lease agreement. Mr. Castelli noted that the mayor of Waretown recently spoke at a Township Council meeting. According to Mr. Castelli, Waretown's mayor asserted that for a solar project at the landfill in Waretown, which is of comparable size to the Stafford Township landfill, Waretown would realize between \$400,000 and \$600,000 in rent annually. Mr. Castelli felt these figures should be used as a benchmark by the Township. Mr. Castelli submitted written comments and they are attached as part of Exhibit L2.

3. Jeremy Alsobrooks - Mr. Alsobrooks agreed with placing renewable energy facilities on the landfill. He stressed that properly trained and properly compensated workers should be hired to install the renewable energy facilities.

4. Teresa Lettman, a representative of the Pinelands Preservation Alliance – Ms. Lettman asserted that the obligation to install a sign in accordance with Green Acres regulations was not met. She further asserted that the obligation to publish a "display advertisement" in accordance

with Green Acres regulations was not satisfied. Ms. Lettman also claimed that she has been unable to obtain “the file” associated with this project from Township officials. She asserted that the deed restriction on the landfill was intended to be permanent. Ms. Lettman submitted written comments and they are attached as part of Exhibit L2.

5. Emile DeVito, a representative of the New Jersey Conservation Foundation - Mr. DeVito acknowledged that no public funds were used to acquire the Landfill lot or to close and cap the Landfill. He asserted, however, that the capped Landfill is “parkland” and is equal in all respects under the law to all other parkland in New Jersey. He claimed that the circumstances of creating the parkland or the value of the constructed parkland are irrelevant. He noted that a public utility paid \$13 million to the Pinelands Commission for parkland adjacent to the Garden State Parkway and claimed that should be the basis for determining compensation for the diversion of this parkland. He proposed that the Landfill lot should be valued on a square foot basis and echoed Mr. Sorce’s comments (but noted that Mr. Sorce made an error in his calculations). He stated that the use of solar panels on the Landfill will result in a loss of habitat. Mr. DeVito asserted that the closed and capped Landfill was always intended to serve as critical habitat for northern pine snake and other plant and animal species. Mr. DeVito also suggested that solar arrays be placed on retail rooftops and in the parking areas of the retail shopping center instead of on the capped Landfill. He cited Stockton State College as an example of solar arrays being utilized in a parking area.

6. Jean Vogrin - Ms. Vogrin stressed the value of preserving the Pinelands ecosystem.

7. John Newcombe - Mr. Newcombe stressed the need to carefully study the proposal before making a decision.

8. Judy Carrara, a representative of ANJEC – Ms. Carrara asserted that she was unable to obtain suitable documentation about the project.

9. Peter Ferwerda – Mr. Ferwerda - proposed that the solar arrays could be installed at “the Meadowlands” on “Dock Road” and that windmills could be placed on the new buildings in Stafford Park. He was concerned about the safety of installing solar panels on a landfill where there could be methane gas.

10. Joanne Rist - Ms. Rist indicated that placing solar panels on street lights and in the parking lots (as they have done at Stockton) would be suitable alternatives to placing the renewable energy facilities on the Landfill lot.

Township’s Response to Public Comments

The public raised concerns in the following categories: (1) the public’s ability to participate in the process; (2) health and safety issues; (3) the adequacy of the compensation being proposed; (4) the Township’s compliance with Green Acres regulations; (5) alternative locations for the renewable energy facilities; and, (6) loss of habitat. The Township has carefully considered each of these concerns and its responses are below.

1. Public Participation

The Township welcomes the public's input. There have been and will be numerous public meetings where the public can express its opinions on this project. They include the following hearings at the Pinelands Commission: (1) August 23, 2010, the Public and Government Affairs Committee hearing; (2) September 27, 2010, the P&G Committee hearing; (3) mid October, the public hearing on the amendment of the Memorandum of Agreement and the DCR; (4) November 12, 2010, the full Pinelands Commission hearing when the amendment to the MOA and the DCR are expected to be considered. The public hearings also include the following at the Township: (1) March 2, 2010, the public hearing when the Fifth Amendment to Redevelopment Agreement was adopted; (2) September 27, 2010 scoping hearing; (3) October 6, 2010, the planning board hearing on the site plan for the solar arrays proposed for the Landfill; (4) October 14, 2010, the second hearing on the proposed diversion of the Landfill lot; (5) late October, Township Council hearing to act on a fully negotiated lease agreement. Finally, if the Department and Pinelands Commission approve this Application and the amendment to the MOA, there will be a State House Commission hearing to consider the diversion of the Landfill lot. In total, there will be at least ten public hearings with opportunities for the public to comment on this project.

In addition to the scheduled public hearings the Township has regularly taken public comment on the proposed use of the Landfill for renewable energy facilities and all issues associated with that at recent Township Council and Planning Board hearings. Further, this application, all formal submissions to the Planning Board and Council are and will be available for public inspection during normal business hours. The public also has the right to submit written comments to the Township and the Department of Environmental Protection in accordance with the diversion process. The Township supports the public's right to provide input both in person and in writing and believes that sufficient opportunity has and will be provided so that all points of view are fully considered in this process.

2. Health and Safety Issues

The Township has considered the health and safety concerns raised by the public. The solar panels proposed will consist primarily of crystalline silicon material, tempered glass and aluminum frames. No cadmium or other hazardous materials are used in manufacturing the solar arrays. The solar modules do not contain combustible materials and are not likely to cause a fire. The electrical current poses the same fire risk associated with all electric transmission facilities. Methane gas emissions are very limited at Stafford Park and pose no material threat of fire. In connection with the land use process the Township will assure that all fire safety risks will be even more fully addressed. Further, this project was fully considered by the Department's landfill staff when it approved the Closure Plan Amendment for the Landfill (See Exhibits F4 and P to the Application). Finally, solar arrays have been successfully located on rooftops and grassland fields throughout New Jersey, the United States and in Europe. The risk of fire is considered to be minimal and controllable.

3. Compensation

The adequacy of the compensation is more fully discussed in Section 1 of this Application. The Township has engaged independent third parties to study the fair and reasonable value of leasing the closed and capped Landfill for renewable energy. Considering all the relevant circumstances, the Township believes that it is receiving fair and adequate compensation. The public's reference to other methodologies and projects does not consider all the relevant circumstances. For example the Township has determined that Waretown will not receive \$400,000 to \$600,000 per year in rent for a similar landfill. In response to an RFP an offer of \$400,000 per year was made. However, that offer was made in March 2009 and was conditioned on a number of outcomes that have not materialized. The offer is no longer valid and the Township has determined that Waretown has no present opportunity to use that landfill for renewable energy facilities. The costs associated with developing solar arrays on that landfill have increased and it appears unlikely that even if Waretown were ready to develop the landfill it is unrealistic to expect such a return under present circumstances. Similarly, what a utility company paid to acquire land that is not part of a landfill is not relevant to the lease value of this Landfill considering all the relevant facts and circumstances as set forth in our Application. Finally, the square footage lease value of commercial building space is not comparable to the lease value of a capped landfill in this redevelopment project.

The Township agrees that it should achieve the highest possible reasonable compensation for its lease of the Landfill while subjecting the taxpayers to no risk associated with this project. However, the Township must consider all of the relevant facts and circumstances associated with the Redeveloper's proposal (including those as set forth in our Application) and the Township has determined that the economic terms being proposed are very favorable.

4. Compliance with Green Acres Regulations

The Township is confident that it has complied with all relevant laws and regulations associated with the administrative process for noticing and holding public hearings under the Green Acres regulations. The comment that an appropriate sign was not placed at the site is inaccurate. The Township obtained concurrence for the location of the signage from the Green Acres staff and photographs of the sign have been provided with this Application. That sign was erected more than 30 days prior to the hearing on September 27, 2010 and has remained in place through the hearing. Similarly the legal notice and display advertisement were published and proof of that publication has been provided with the Application. The Township, with the assistance of its designated Redeveloper, has carefully followed all Green Acres and other requirements associated with this process.

5. Alternative Locations

Alternative locations for the renewable energy facilities is more fully discussed in Section 2 of this Application. For the reasons noted in Section 2, logistical and safety issues, costs, limits on energy production, and other practical problems make it infeasible and unreasonable for the Redeveloper to locate the renewable energy facilities in the parking areas and a substantial portion of those areas are owned by third parties and are unavailable. Furthermore,

the Township believes, for the reasons set forth in this Application, that the most appropriate location for renewable energy facilities is the top of the closed and capped Landfill. It is also infeasible to locate solar arrays off site at the “Meadowlands” or at any other off-site location because such a project is not permitted to provide energy to Stafford Park from off site under the public utilities laws. Even if it were, the cost to extend the infrastructure is prohibitive and the loss of electricity during its conveyance from the point of generation to the point of delivery, known as “line loss”, would reduce the power at the point of delivery to unacceptable levels. Also, the available rooftops of the retail facilities and the affordable apartments have already been equipped with solar arrays and putting solar panels on street lights yields no energy that can be used for other than lighting the street lamp.

6. Loss of Habitat

The Township does not agree that the proposed project will lead to a loss of habitat. The environmental reports submitted with this Application confirm that the Landfill has little value as habitat and that neither plant nor animal species will be negatively affected. Further, the claim that the Landfill cap was always intended to serve as valuable habitat for northern pine snake and other rare plants or animals is not consistent with the record. While the Pinelands Commission MOA does require the DCR and does impose restrictions on the use of the Landfill, neither the MOA nor the DCR states or implies that the Landfill will ever be transformed into valuable habitat. At its Public and Governmental Programs (P&G) Committee meeting on September 27, 2010 the Executive Director, John Stokes, confirmed to committee members that the Commission had readily agreed to permit a compost facility on 20 acres of the capped Landfill and would also have agreed to allow the entire capped Landfill to be used as a compost facility had the County asked. Further, he indicated that the Commission would have permitted the use of renewable energy facilities on the Landfill by the Township and its Redeveloper as an exception in the DCR had the Commission been asked. Also, in a settlement agreement with the Township NJCF confirmed in language that it inserted into the settlement agreement that any “habitat” for rare plants and animals on the Landfill was “destroyed” when the Landfill was capped and closed. For all these reasons the Township is convinced that there will be no loss of habitat on the Landfill.