
Commission Meeting

of

STATE HOUSE COMMISSION

LOCATION: Committee Room 14
State House Annex
Trenton, New Jersey

DATE: January 5, 2006
9:30 a.m.

MEMBERS OF COMMITTEE PRESENT:

Mark Fleming
(Representing Acting Governor Richard J. Codey)
Senator Walter J. Kavanaugh, Chair
Senator Bob Smith
Assemblyman John S. Wisniewski
Assemblyman Peter J. Biondi
Gary Brune
Robert L. Smartt



ALSO PRESENT:

Samuel Crane
Secretary

Robert J. Shaughnessy, Esq.
Counsel

Meeting Recorded and Transcribed by
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SENATOR WALTER J. KAVANAUGH (Chair): Well, let's just get started. It's the State House Commission being held, the first one of the year 2006. It's met the Public Meetings Act.

And we have the minutes from the meeting of December 28 (*sic*) at this time, if you'd call the roll.

MR. CRANE (Secretary): Is this on the minutes? All right. Let's call the roll -- for Mr. Fleming?

MR. FLEMING: Here.

MR. CRANE: Mr. Smartt?

DEPUTY TREASURER SMARTT: Here.

MR. CRANE: Mr. Brune?

MR. BRUNE: Here.

MR. CRANE: Senator Smith?

SENATOR SMITH: Here.

MR. CRANE: Assemblyman Biondi?

ASSEMBLYMAN BIONDI: Here.

MR. CRANE: And Senator Kavanaugh?

SENATOR KAVANAUGH: Here.

MR. CRANE: You have a quorum.

SENATOR KAVANAUGH: The minutes of the previous meeting, the 28th (*sic*) of December, have been given to you. Do we have a motion?

DEPUTY TREASURER SMARTT: Moved.

SENATOR SMITH: Second.

SENATOR KAVANAUGH: Moved and seconded.

Roll call.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response) None.

Approved.

SENATOR KAVANAUGH: What's the first item on our agenda?

MR. CRANE: Senator Kavanaugh, the first item is a policy proposal, that had been distributed in mid-December to members of the State House Commission, for a procedure for the disposition of large or complex State asset sales. This merely changes the way in which it will be offered to the public. All of the existing State laws and procedures continue into place, and the State House Commission has the final review, prior to the Legislature, after such a bidding process is undertaken. And so, in short, that is the item before you.

SENATOR KAVANAUGH: Is there anyone here to comment?
(no response)

If not, could we have a motion?

DEPUTY TREASURER SMARTT: So moved.

SENATOR SMITH: Second.

SENATOR KAVANAUGH: Moved and seconded.

MR. CRANE: All in favor? (ayes respond)

Opposed? (no response)

So ordered.

SENATOR KAVANAUGH: So ordered.

Next, Item 2.

MR. CRANE: This is an item that the members of the State House Commission will be familiar with. This has been a project

surrounding the disposition of the North Princeton Developmental Center. It's been worked on for, I think -- correct me if I'm wrong -- six years.

UNIDENTIFIED PERSON FROM AUDIENCE: Actually 10.

MR. CRANE: Ten years, I stand corrected. Ten years, this project has been worked on. It's back here for its final approval. My understanding, from the back-up material, is that both the municipality, the political representation of that area, etc., are comfortable with this particular transaction.

SENATOR KAVANAUGH: Is there anyone here from NPI?
(no response)

This is something that we've offered. This initially was going to be sold to Montgomery for a dollar, and then we finally -- to sneeze -- now we're asking for close to \$6 million. (laughter)

Any motion?

SENATOR SMITH: Move it.

ASSEMBLYMAN BIONDI: Second.

SENATOR KAVANAUGH: Moved and seconded.

MR. CRANE: All in favor? (ayes respond)

Opposed? (No response)

So ordered.

SENATOR KAVANAUGH: So ordered.

That was Item No. 2, by the way; Nos. 2 and 3.

MR. CRANE: Okay.

SENATOR KAVANAUGH: No. 4.

MR. CRANE: No. 4 is a request from the Department of Treasury. This is for a transaction with the city of Trenton about the

disposal of property -- the Mill Hill Processing Center -- which has been declared surplus for departmental needs. It would be sold to the city of Trenton based on the fair market value, so that is the proposal.

SENATOR SMITH: Mr. Chairman, I have a number of questions about this application.

SENATOR KAVANAUGH: All right, sir.

SENATOR SMITH: First of all, why is the property being sold? What's the base of reason for it? What's the hurry? Why this particular piece?

DEPUTY TREASURER SMARTT: There are two reasons, Senator. The first is that all the way back to the Whitman administration there has been a desire to find a better facility for the Division of Revenue, which now is in an old furniture building in Trenton. In addition, the city of Trenton is expressing interest in the property for economic development purposes. So this, in essence, is a win-win for both -- for the Department of Treasury, in terms of providing their facility for the processing of revenue, and for the city to be able to get this property for development purposes.

SENATOR SMITH: All right.

DEPUTY TREASURER SMARTT: In discussions with legislative staff, we are prepared to offer a change, as it is now, so that if within -- basically to adopt a provision, identical to that that was just adopted with respect to Montgomery. That if, within a 10-year period, if the city does sell it for more than the price that was paid, is that we would share 50 percent of the proceeds. That was a suggestion made by the Senate staff, which we think is a good suggestion.

SENATOR SMITH: I personally think there is a difference. The difference being, in Montgomery you have the local officials basically representing to the public that they're basic plan for that property is open space. All right? In this case, I think we're almost certain that we're talking about redevelopment in the Trenton area, which is a very good thing, but there probably is a significant chance that we're not talking about \$7.5 million, or whatever the asset value is that's currently appraised there. In a redevelopment context, it could be significantly higher. And I don't know if I'm particularly thrilled about the idea of a 50/50 share. I mean, I'm here for the taxpayers of all the state. I'd like to see the State get all of the benefit.

But that being said, seeing that this was kind of rushed as a process, compared to Montgomery that's been around for a while, why is it that we waived the real property review process on this?

DEPUTY TREASURER SMARTT: The purpose of the real property review process is an internal process within the administration to determine if there are any alternative uses for the property. In this case, there's a determination that this was the best use for it.

SENATOR SMITH: Is there a plan for relocating employees and functions that are currently in that building?

DEPUTY TREASURER SMARTT: We would work with the city in terms of the timing of when the property would become available, and also in a manner not to interfere with the processing season and timetable. So we would develop a timetable that would both accommodate the city and also accommodate the employees. We would find an alternative location through the normal competitive process.

SENATOR SMITH: All right. But the moral of that story is there isn't a plan yet. You're saying that the State is willing to work with the city to develop a plan, but there isn't, currently, a finite plan for this?

DEPUTY TREASURER SMARTT: Right. But I'd assure you that because of the importance of the revenue processing, we'd make sure that is was done in a way that wouldn't affect State revenue.

SENATOR SMITH: Well, the reason I ask that is that relocation costs are one thing that the city should be -- should know what it's getting into, and it would be nice if we knew what it was, as well. Is there any anticipated value put on the relocation costs to relocate those employees and functions?

DEPUTY TREASURER SMARTT: At this point, no, Senator. That would be part of the process by which we'd identify a property through a competitive process, then once we knew what that property was, we would address that.

SENATOR SMITH: All right. Now, our book says that there's a fair market value on this of \$7.5 million. How extensive has the appraisal process been on this? Do we have appraisals in the file saying 7.5 million is the right number?

DEPUTY TREASURER SMARTT: Yes, Senator, we do.

SENATOR SMITH: Okay.

DEPUTY TREASURER SMARTT: We'd be glad to make those available.

SENATOR SMITH: All right. And that's where the minimum price was established, based on those appraisals?

DEPUTY TREASURER SMARTT: Yes.

SENATOR SMITH: All right. Why are we selling this property directly to the city rather than an auction process?

DEPUTY TREASURER SMARTT: Well, number one, the city has expressed an interest for (indiscernible) development purposes, and there is precedent for us being able to deal directly with local government entities for the sale of the property.

SENATOR SMITH: All right. In your discussions with the city of Trenton, have they specified or delineated what that intended use is? When you say redevelopment, that could be redevelopment into condominiums, into mixed use, into commercial, can be office space. Do we know what the redevelopment project is? Do we know the details of it?

DEPUTY TREASURER SMARTT: I don't, Senator.

SENATOR SMITH: Okay. All right.

Well, let me just conclude that -- I have a little concern about the sharing of the sale proceeds. Because I think in a redevelopment context, it's a lot different than the Montgomery context, where we're almost pretty much assured there's not going to be a resale. If there's a resale, it would be a tiny piece of it. So I have some misgivings about this. Not that necessarily that I would ultimately vote "no" on it, but I think it requires a little more study and a little more details. And I would suggest and I'd like to move that we hold this until the next meeting so we can get some more information.

SENATOR KAVANAUGH: To that point, Bob, I've been victimized, as a member of this Commission. The thing that always comes to mind is up in Vernon Valley. We sold about 1,300 acres to Vernon Valley. And it was like rum-runners who (indiscernible). They bought it.

The guy who bought it was a convicted felon. Got the property and they -- \$800,000, I think, for everything. They turned and sold it multiple times for -- in the millions. So if it's repented leisure, instead of doing this in haste, I--

Is there anyone from the State -- know as far as how this is -- as far as expediting? Would it hurt if it was held off, or is there-- Anybody?

Good morning, sir.

Who do we have in Property, no one here?

DEPUTY TREASURER SMARTT: What's the question, Senator, I'm sorry?

SENATOR KAVANAUGH: Is there a matter of urgency to get this off the books here, or, as Mr. Smith said, can we spend another week, two weeks, to start reviewing (indiscernible)?

DEPUTY TREASURER SMARTT: If it's the desire of the Commission to review it in greater detail--

SENATOR KAVANAUGH: Or are we just spinning our wheels for another couple of months?

DEPUTY TREASURER SMARTT: If that's the will of the Commission -- and it seems that that's the case -- is that we could defer until we have further discussion and bring it up at the next meeting.

SENATOR KAVANAUGH: Go ahead and make a motion.

SENATOR SMITH: I did.

ASSEMBLYMAN BIONDI: He did. I'll second it.

SENATOR KAVANAUGH: Second.

All in favor? (ayes respond)

Opposed? (no response)

So ordered.

Thank you.

A few words of wisdom this morning from the Highland Park--

Next item?

MR. CRANE: It's Item No. 5. This is a request from the Department of Environmental Protection -- request approval to allow the conveyance and fee of 35 acres of parkland to Monroe Township for the construction of a new high school. As compensation, the county will receive 151 plus-or-minus acres of replacement land from the township for inclusion in Thompson Park, and an additional \$1,125,000 in cash compensation to be used for park improvements. There were two public hearings held, and this has been forwarded to us by the Department of Environmental Protection.

SENATOR KAVANAUGH: Is there anyone here -- I've got a book. (laughter) First of all, is there anyone here from the governing body of Monroe?

MARQUERITE M. SCHAFFER, ESQ.: I'm counsel to Monroe Township, Mr. Chairman.

SENATOR KAVANAUGH: Would you like to come up, forward?

MS. SCHAFFER: Sure.

SENATOR KAVANAUGH: Anyone else that you recognize as being an elected or appointed official from Monroe?

MS. SCHAFFER: Mayor Pucci is here from Monroe Township.

SENATOR KAVANAUGH: Mayor, come forward.

MS. SCHAFFER: Eric Aronowitz is here from the county counsel's office.

SENATOR KAVANAUGH: All right.

MS. SCHAFFER: Members of the Board of Education are here from Monroe Township as well.

SENATOR KAVANAUGH: All right. Now, how many of you feel it necessary to speak? Do you have different positions you have to bring up, or are you together in this?

MS. SCHAFFER: Mr. Chairman, we're together on this. I think I can speak for all of the representatives of the township and the county. We've got a report from DEP with which we're very comfortable. So I think -- except to the extent the other representatives are here in the event that questions are raised by members of the Commission, or if any rebuttal testimony is necessary after we hear from the opponents.

SENATOR KAVANAUGH: All right. Well, if you'd assume that we have little or no knowledge, except for the few notes that we have. I've heard things that the land has use here for tennis, basketball, baseball, softball, and other recreation -- the high school, and all. So the possibility of a professional hardball, baseball--

MS. SCHAFFER: But the land that we're seeking to -- that the county is asking the Commission to permit the disposal of is used only for soccer fields. It's an open area and can be used for other sports, but it's set up-- It's six soccer fields that the township is relocating to another area in town, in the park.

SENATOR KAVANAUGH: All right, and that will come up.

Okay. Mayor, you as the particular head of your community, welcome. Good morning.

MAYOR RICHARD P U C C I: Pleasure to be here, Senator, Mr. Chairman.

SENATOR KAVANAUGH: Is your microphone on? (referring to PA microphone)

MAYOR P U C C I: No mike. I guess that's the way to shut me off. (laughter)

SENATOR KAVANAUGH: No, that's a mike.
Name?

MAYOR P U C C I: Name is Mayor Richard Pucci of Monroe Township. I certainly want to thank you for the opportunity to be with you this morning. This has been quite a long ordeal for us in Monroe Township. And from the outset, it's very few times -- I've been the Mayor of this township now for 18 years -- I believe that you have what is commonly known as a win-win for everyone. And by that I mean, certainly first and foremost, we pride ourselves in Monroe as very strict environmentalists. We've, in some cases, even went so far as Supreme Court decisions in challenging developers when it came to tree ordinances and protecting the environment.

This park here, Thompson Park, is currently a 1,600-acre park. Looking back five years ago, it was approximately half that size. By working in conjunction with the State of New Jersey, Department of Environmental Protection and the Green Acres Program, and the County of Middlesex in conjunction with us in Monroe Township, we literally have doubled the size of the park. And for most of you, I assure you, 1,600 acres

in some cases is larger than some communities in the State of New Jersey. So we pride ourselves on the fact of how we've expanded the park.

Now, I'm not a specialist on education policy, but I can only reiterate what's gone on for two years during numerous hearings. Our current high school is located right across the street from this 35-acre parcel of land. That high school will be converted to a middle school. We're in a growth pattern in Monroe. Our population has gone from literally, in the last two decades, the mid-teens to 25,000, and now approaching 35,000. The middle school will become an important, integral part for the Board of Education -- which is currently our high school. And on this 35 acres will be built, then, of course, the new high school.

Now, what that means to all of us when I say a win-win-- Of course, the only situation of activity being affected in the park on the 35 acres is merely six soccer fields that are utilized for the most part by our local leagues and also our high school. We have committed to relocate, within the park, those soccer fields, and we will expend the necessary funds to make them state-of-the-art. So we have the endorsement of the soccer community in Monroe and the county. We also have the endorsement of the Board of Education and, of course, anybody enthusiastic about sports activities. So that has been wholeheartedly endorsed.

Secondly, it's important from an educational standpoint that this complex that will be created -- it's been proven time and time again that by having the middle school and the high school at that location, we will save substantial dollars, not only on a year-to-year basis, but, of course, on initial investment -- there's over a \$20 million savings. So I think, from the standpoint of the local taxpayer, it's a tremendous savings for all of us.

Now, given that, when it comes to the county of Middlesex, the Board of Freeholders have unanimously supported this proposal at the county level. Because they feel, from their standpoint, not only are they helping the local taxpayer and our educational institution locally, but also that it's a tremendous aid to them as far as losing only a tiny bit of land in the park -- but at the same time gaining a relocation of the soccer fields, a substantial improvement for them on the county activity. And also, additionally, there's 151 acres or so being added to the park, at different locations, that we are going to contribute. So in lieu of the 35 acres that we're getting, 151 contiguous acres in other areas of the park will be added to it, and the soccer fields will be substantially improved at another location in the park.

So from the standpoint of the environment and from the standpoint of not having to eliminate thousands and thousands of trees at other locations; from the standpoint of the county taxpayer, the local taxpayer; and the improvements that will be made on the land, and most importantly to our children and the Board of Education, this proposal has been endorsed unanimously by our local governing body and myself, by our Board of Education, by the County of Middlesex, and the Board of Freeholders, by our two Assembly members -- Assemblyman Baroni and also Assemblywoman Greenstein -- and by our State Senator, Senator Inverso. And it also has been endorsed locally by numerous papers who at times take adverse positions, as we all know, in these kinds of things. But on this one, they even called it, in most cases, a win-win for everybody.

So we're here this morning. We've been on a long journey. The children are now waiting; and we're waiting in our community, as we

grow, to finally get to this stage where we could move ahead and -- hopefully for the long, long term in Monroe -- have what is second-to-none as an educational system and a park system within the central part of our community.

Thank you.

MS. SCHAFFER: Mr. Chairman, if I might add. What I think we have here is--

SENATOR KAVANAUGH: Your name?

MS. SCHAFFER: Oh, Marguerite Schaffer. I'm counsel for the Township of Monroe. What we have here is the township and the county proposing a very creative solution to a critical public need. By doing what they're asking permission to do, they're taking 35 acres and creating a facility that would otherwise have to be on a 100-acre parcel. The campus approach is something that we've detailed in our papers. The Board of Education has set forth a rationale for the way we're going to add, essentially, 1,400 seats to the school system. And there's been some suggestion that we're losing a park in Monroe Township. Essentially, what we're doing is we're adding a school to the park -- a school for 4,100 students in Monroe Township. We're netting 117 acres in parkland and additional dollars for a soccer complex. And for other park purposes, or other Green Acres purposes, we're giving money to the township -- an additional \$600,000.

And as the Mayor said, this is something that the county is comfortable with, the township is comfortable with, the soccer moms, the PTO, the children have testified. And I have prepared a summary of the public comments. There were -- 600 people came out to the first hearing in

Monroe Township. One hundred people came out to the hearing before the county. In the township, the predominant number of people were in favor of the application.

There is certainly opposition. The opposition is that we're taking away park. But frankly, we see this as a creative solution to saving 24,000 trees, creating more green space in Monroe Township, and-- Monroe Township is proud, as the Mayor alluded, to having been designated as a Tree City USA for the last seven years. Twenty-four thousand trees are saved by this procedure. If we have to take 100 acres and clear it, our engineer has calculated that we'd be cutting down some 300 trees per acre.

So in terms of the guidelines, Commissioner Campbell has made a recommendation. We have submitted all the documentation we've been asked to submit. And we believe that a compelling public need has been established. A significant public benefit will be reaped from this proposal. There are no feasible alternatives. There's not a no-build alternative. And we think we've offered, in terms of land, four-to-one, four times the amount of land that we're asking to take, and we're also offering significant dollars and a significantly improved lighted soccer facility on another section of Thompson Park.

And as the Mayor indicated already, everyone who has been required to endorse the proposal has done so, without reservation. We satisfied, I think, the concerns of DEP. And as I said at the beginning, we're certainly in a position to answer any other questions that might come up during the course of this hearing.

MR. FLEMING: Ms. Schaffer--

MS. SCHAFFER: Yes.

MR. FLEMING: --the members of the Commission received yesterday a legal submission from the Rutgers Environmental Law Clinic. Have you seen that?

MS. SCHAFFER: We have not.

MR. FLEMING: Okay. I would ask, if the Commission would permit, if I could share a copy with you. And when we hear -- after we hear from the other speakers, I would like to talk to you briefly about the submission.

MS. SCHAFFER: I'd be happy to, sure.

SENATOR KAVANAUGH: Do we have extra copies of that?

Is there any member of the Commission -- have any comment?

(no response)

No comments at this time.

Let's see, who do you have?

The Park Savers, Sierra, Conservation Fund--

Jennifer Dressel, come forward.

Jeff Tittel, are you here, Jeff?

And Emile DeVito.

If you'd all come forward.

When you're -- time to speak, you'll have to come forward and use these microphones.

R I C H A R D W E B S T E R, ESQ.: (speaking from audience) Senator, if I may, I'm Richard Webster. I'm from the Rutgers Environmental Law Clinic. I represent these parties. Would it be possible for me to also speak at this time?

SENATOR KAVANAUGH: That's speaking. (laughter)

J E F F T I T T E L: Do you want to go first, or do you want me to go first?

MR. WEBSTER: Go ahead.

MR. TITTEL: Hi. Jeff Tittel, Director, New Jersey Sierra Club.

SENATOR KAVANAUGH: Jeff, now, is he representing you also?

MR. TITTEL: Yes, he is.

SENATOR KAVANAUGH: Why don't you have the attorney, because they are liable to talk longer than you -- so we don't have a lot of cross talk here.

MR. TITTEL: Yes. I was going to do a quick overview, and then I'll have him do the more specific legal issues.

SENATOR KAVANAUGH: All right. Good.

MR. TITTEL: And I also have to get down to another hearing. There's another bill up that we support, down in a committee there today.

SENATOR SMITH: Tough day, today.

MR. TITTEL: I know. The water tax. Oh, I can't say that word.

Anyway, I'm Jeff Tittel, Director of the New Jersey Sierra Club. And I just wanted to start out by saying that the Sierra Club has been fighting to protect open space and natural resources since 1892. But as long as we've been fighting to preserve areas, we have spent as much time fighting to save areas that are already preserved. We have, over the years, fought battles in what we call the stewardship, which is when you have open space that was bought and protected in the public trust as open space,

there are -- always seems to be groups who come up with different ideas for that land. Sometimes they're good ideas, and sometimes they're not. But the point is that that land was bought as part of the public trust for public use as open space, and it undermines the whole concept of preservation.

We have been fighting everywhere from the Artic National Wildlife Refuge to Sandy Hook. We had three lawsuits over Hamburg Mountain, in Vernon, which I know Senator Kavanaugh is well aware of. And so, what we're here today -- to say that we are very concerned and oppose this diversion of this parkland; that we don't believe a proper alternative analysis was done. We believe there are other sites in town. We believe that the land is not of equal value, either financially or from a conservation or recreational standpoint. We believe that the cost in the -- are just not anywhere comparable. And the concern that we also have is that this is a typical example where we try to divide, instead of working together, where we have a school versus open space.

In other places, we had that down in Cape May with the Cape May County College, or in Princeton with a firehouse at one time, or senior housing. And the concern that we have is as towns come closer and closer to build out, or find that it's cheaper to take dedicated parkland for public uses, or even private uses, it's going to become a bigger and bigger problem in New Jersey. And that's really why we're here.

We believe that the lands that are being added are mostly wetlands. They do not have the same recreational value. That they are lands that are left over from a cluster subdivision or two cluster subdivisions. And those lands are open space. They cannot be built on. Otherwise, you can go build a high school there. But you can't, because

when you do clustering in New Jersey, under State law, that's the land that was supposed to be part of the subdivision that really belongs to the people who live in the cluster. Whether it's public or private open space, it's still open space. They're not protecting any new land. They're taking the cheapest alternative for the lands that they are wanting to build on.

So we believe that it's about not doing what's cheapest, it's about doing what's right. And we believe that this should be remanded back for numerous technical reasons. We also believe that it's not an equal value, and that there are a lot of other serious problems here. And I hope you would hold this up today and let this go forward, back to the DEP, and back to the town.

Thank you.

SENATOR KAVANAUGH: Okay.

Barrister, you're up.

MR. WEBSTER: Thank you.

I'm Richard Webster of the Rutgers Environmental Law Clinic. I'm here representing Park Savers, New Jersey Conservation Foundation, and the Sierra Club. As we can see from the number of people here today, this diversion has raised significant public concerns. The two lengthy and contentious public hearings show that.

No doubt that the township needs a high school. The question is whether the park is the right place for that high school. I've submitted, yesterday, a lengthy letter outlining the details of our many concerns with this proposal. These concerns center around three main areas. First, the replacement land is already protected. Second, even now, the application is incomplete in material respects. Most importantly, the alternative analysis

is incomplete and the environmental assessment has hardly been done. Third, the process adopted to get to this point has been irregular and improper.

To elucidate, the replacement land is protected for two reasons. First, it was given to the township as a result of residential clustering. So increased density was allowed on one side, in return for dedication of the other side for open space use.

State municipal land use law only permits a municipality to improve land that it receives from clustering in ways that are incidental to open space use. Clearly, a school is not incidental to open space use. The second reason it's protected is because this land was in use for conservation purposes when the township last took money from the Green Acres program. It is therefore protected as unfunded parkland. Because the land is already protected, contrary to the assertions of the township, this proposal will result in a net loss of open space, which is also contrary to the requirements of the Green Acres program.

The application is incomplete. State officials have effectively conceded the environmental assessment and the alternative analysis do not pass muster. Page 4 of your fact sheet states that an additional environmental assessment will be required after your decision is taken. If the environmental assessment that was required as part of the Green Acres program was complete, no further environmental assessment will be required. The lack of an adequate environmental assessment at this stage means this application cannot be approved at this time.

The reason for doing the environmental assessment is to allow decisions of municipalities and other state bodies to take account of

environmental impacts of projects and allow these impacts to be minimized. A post-decision environmental analysis cannot accomplish these goals.

Turning to the alternative analysis: Green Acres staff stated that this was inadequate on September 19, 2005. Since then, it has not been improved. The burden is on the applicant to demonstrate that no feasible alternatives exists. They have not met that burden. Various alternatives have been identified, including renovating and expanding the existing high school.

The final group of problems is with the process used to present this application. Most importantly, at the time of the public hearings on this matter, in late November and early December, the public were unaware of the 1.1 million evaluation gap between the replacement land and the land to be diverted; and had not seen the additional material submitted by the county on December 21, 2005; and could not know the full environmental impact of the project, because the environmental assessment was and still is inadequate. Without full knowledge of the proposed project, the public could not comment meaningfully on the diversion, and the hearings could not satisfy the requirement for a hearing on the completed application contained within the Green Acres regulations.

Other process problems abound. For example, according to the regulations, the attorney opinion must relate to the entire application for Commissioner and State House Commission approval. The attorney opinion on this application was dated December 15, 2005, one day prior to a letter from DEP asking for additional material to be submitted and one week before that additional material actually was submitted. Thus, it

appears that the attorney opinion related to only a portion of the application, not the complete application as required by the regulations.

Thus, we urge the State House Commission to reject this diversion application outright, because it does not conform to the Green Acres regulations. And the alternative -- to allow the incompleteness and the process issues to be resolved -- the Commission should remand this application back to the county so that it can be completed and a public hearing held on the completed application.

Thank you.

SENATOR KAVANAUGH: Thank you. Thank you, Mr. Webster.

MR. WEBSTER: Do you have any questions?

SENATOR KAVANAUGH: Did you send in written testimony?

MR. WEBSTER: I did not send in written testimony. I did submit a letter yesterday, which I would like to make my written testimony, if I may?

SENATOR KAVANAUGH: All right. Do you have it with you here?

MR. WEBSTER: Yes.

SENATOR KAVANAUGH: Would you give it to the stenographer, please?

MR. WEBSTER: Absolutely.

ASSEMBLYMAN BIONDI: Why did you wait until yesterday to submit this? Because I just got it this morning.

MR. WEBSTER: So that the -- the approval of the application was only--

MR. TITTEL: December 29.

MR. WEBSTER: --completed on December 29. The evaluation gaps only emerged between Christmas and New Year, thus we weren't able to submit our analysis of that approval until very late in the day.

SENATOR KAVANAUGH: It seems we were working on a close time line here. Is there anything in jeopardy if we don't take any action on this today?

MR. WEBSTER: Not as far as I know. I think that would be the appropriate course.

MR. TITTEL: I would also say that if they picked a more appropriate site they could probably be in construction right now. And that's always the problem that we get into.

MR. WEBSTER: Sometimes more haste can result in less speed, Senator. And I think that may be the case here.

SENATOR KAVANAUGH: Are you speaking as a backer to this or opposition?

MR. WEBSTER: We oppose this.

SENATOR KAVANAUGH: Yes, it sounded that way.
(laughter)

Jennifer Dressel and Emile DeVito.

SENATOR KAVANAUGH: Now, the two of you, is there anything that you want to add to what Mr. Webster--

EMILE DeVITO, Ph.D.: I'd just like to say one or two very brief things, in addition to what Mr. Webster said. I think he covered it.

My name is Emile DeVito. I'm Manager of Science and Stewardship, New Jersey Conservation Foundation. I'm also a resident of Middlesex County.

The Conservation Foundation tried to evaluate the appraisals that the county submitted to the Green Acres program. And it's really telling. A metes and bounds description of the property that is to be conveyed does not exist. The county could not give it to me. The engineer from Monroe Township could not give it to me over the phone. He said he had to go look it up in back files, and then he never gave it to me. Green Acres still does not have a metes and bounds description, nor a survey. And so our engineer could not evaluate the plot plan that Monroe Township used to determine the value of this parkland, as to whether or not you could fit more lots and the land would actually be worth even more than it's worth.

So it's impossible to know if the values here are fair and if the public trust is being upheld. We don't have the information. We don't even know the size and shape of the piece of property at this time. And so, not only is the land in the park that's to be swapped likely to be more valuable than the appraisal suggests, we also feel, as mentioned by Mr. Webster, that the replacement land has negligible value. And the appraisers were instructed to appraise it the wrong way by the township. It's been valued at about \$3 million, the replacement land. We think it's worth almost nothing. And so we think there is a multimillion dollar shortfall in what the public is being returned here.

And that's really all I have to say. And this needs to be looked at very carefully.

Thank you.

SENATOR KAVANAUGH: Thank you.

Yes.

JENNIFER DRESSEL: Jennifer Dressel, I'm a member of Park Savers. I question why we are even here today. The application is incomplete and lacks the information required by Green Acres' laws. We still don't even know exactly what land they are taking and what land we are receiving. There are no professional surveys, no title reports, no metes and bounds descriptions. Why are these items missing? Maybe they are taking more land than what they claim and maybe they are giving us less land than what they claimed. Maybe you would see the deed restrictions, because this swapland was the result of cluster zoning.

One thing that is for sure is that the replacement land has changed since Green Acres saw it and the appraisals were done. A sewage line runs above ground through the area they claim is 77 acres. Trees have been clear-cut. Huge retaining walls have been built. It doesn't look like the pristine forests they originally claimed it to be, even though it never was. We are not talking about the Sequoia National Forest. The replacement land is flood hazard conservation zone, and a developer wouldn't or couldn't build on it. This replacement land never was and never will be comparable to the land that they want to take from Thompson Park.

Ever since this plan was unveiled to the public, we have been told that this is a done deal and that Mayor Pucci is pulling strings. We

have been told that this one is a Democrat, that one is a Democrat, and so-and-so is a Democrat -- that they are going to support us. Is this the way the state government is run -- somebody decides they want something that they are not entitled to, and they get it?

In 1998, an application was made to take five acres of Thompson Park for a school, and that application was rightly rejected. Now, all of a sudden, seven times as much land is going to be taken and it is approved? This sends the message that something underhanded is going on. Maybe I'm silly, but I thought that the laws and regulations mattered, but apparently the laws and regulations only apply to the taxpayers and not the politicians.

The Commissioner of the DEP approved this incomplete application with rigged appraisals. The appraisals submitted show the replacement land being valued higher than the parkland to be taken. Now we have a shortfall of \$1.1 million. That information should have been available to the public before the public hearings. Green Acres has decided that the replacement land is worth \$15,000 an acre, as restricted land. I think that is extremely generous. How many people would be willing to lay out millions of dollars for land that you can't do anything with? The land that they want to take is valued at \$133,000 per three-quarter acre building lot. If that land were offered up at that price, there would be a deadly stampede of builders trying to get it -- developers who paid \$200,000 for a 50 by 100 lot with a house on it that needed to be demolished to construct new housing.

Thompson Park is premium land and would command a premium price if it were available. Parkland should not be viewed as cheap or free building lots.

In the summary of the hearings, it is stated that no one has given any alternatives. That is not true. Someone suggested that they build the new high school where the current stadium is and relocate the stadium. The list of eight alternative locations Park Savers submitted to the board of education were also submitted at the public hearings. The reasons that they give for not using those lands are just lame excuses. There are plenty of other alternative locations.

The board of education has documentation that they considered a site of over 140 acres on Union Valley Road. The (indiscernible) science documents show that that land had minimal wetlands of an ordinary value and that permits to build there would be easily obtained. I would love to give you a copy of that, but the board of education has to be sued to get them.

The current high school sits on 62 acres, and only 25 acres are being utilized. Perth Amboy is planning a 489,000-square-foot high school to be built on 15 acres of condemned housing. Monroe claims that they need over a hundred acres of land to build a new high school. That is false. Other towns get by on less, so can they.

When I commented at the November 21 public hearing, I submitted items to be reviewed concerning the Bethel mission settlement in Thompson Park. Those items did not make it to Green Acres before that application was approved. The location of the Bethel mission settlement was at the headwaters of the Wigwam Brook. The maps that they produced

showed that the Wigwam Brook is down the road and across the street from Thompson Park. The map I presented shows the headwaters to be in the corner of Thompson Park, where they want to build the school.

Furthermore, standing in the park, you can see the remnants of the dried up stream bank. I believe my eyes over their words. This should not be touched until a thorough archeological survey is completed. This issue should be resolved before a decision is made, not after. Quite frankly, I don't trust them to do the right thing. They were required to submit an updated environmental assessment, and they resubmitted the same documents with dozens of pages of dirt definitions. They cannot, or will not, do what is required of them.

Over the past two-and-a-half years, we have brought up the need for proper environmental assessments, traffic studies, and the need to follow Green Acres regulations. Yet, all that has happened is, we have been ignored by the board of education, Monroe Township, and Middlesex County. Despite being right, we are here today still waiting for all the information that should have been in the pre-application and the application for the public to view before the public hearings were held, and before we came here today.

They have to lie, cheat, and steal to get these 35 acres of Thompson Park. So far, nobody has done a thing to stop it. You can change that. Please restore the people's trust in government. Do the right thing, and reject this application.

Thank you.

ASSEMBLYMAN BIONDI: Question, Chairman.

MS. DRESSEL: Yes.

ASSEMBLYMAN BIONDI: It's twice, now, I've heard that there are no metes and bounds for the 77-acre and the 75-acre. But twice I've also heard that this was the result of a clustered development with this land being dedicated. Wouldn't there be metes and bounds on record?

MS. DRESSEL: You have to ask them.

MR. DeVITO: (speaking from audience) My comment on metes and bounds was regarding the acreage in the park that is requested to be transferred from the county.

UNIDENTIFIED SPEAKER FROM AUDIENCE: If you want to be on the official transcript, you have to come up here.

MR. DeVITO: I'm sorry.

ASSEMBLYMAN BIONDI: But I wasn't questioning your statement. I was questioning this young lady's statement -- that she said there are no metes and bounds on the 75 acres and the 77 acres.

MS. DRESSEL: I saw a letter from Marguerite Schaffer that said that it was their understanding that they would have to produce the metes and bounds descriptions and some other items if this application were to be approved. And as part of the application to the State House Commission, those items are supposed to be in before you have the hearing. And I don't understand why not.

ASSEMBLYMAN BIONDI: My question is, aren't there metes and bounds on record? If this was dedicated land, as part of a cluster development, there would have had to have been metes and bounds delineating the 77 acres and the 75 acres. So I think the statement was inaccurate that there are no metes and bounds on this property.

MS. DRESSEL: I'm not a member of the planning board. I don't work for the town. I'm sorry.

ASSEMBLYMAN BIONDI: But you made the statement that there are no metes and bounds.

MS. DRESSEL: They're not there.

ASSEMBLYMAN BIONDI: I'm just trying to find out where the truth is. There has to be metes and bounds if this was dedicated by a cluster development.

MR. WEBSTER: Senator, may I respond?

The metes and bounds descriptions are not included in the application. I don't know whether there are or there aren't those metes and bounds applications.

ASSEMBLYMAN BIONDI: My point is, they must be on record with the township. Has anybody asked for them?

MS. DRESSEL: Have I asked for them specifically?

ASSEMBLYMAN BIONDI: Has anyone in your group asked for the metes and bounds?

MS. DRESSEL: Emile did, I didn't. I don't know.

ASSEMBLYMAN BIONDI: May I ask the Mayor if he could clarify this?

Are there metes and bounds in the Township, recorded -- or the Counsel -- for the 77 and 75 acres that was dedicated as part of the cluster development? Do metes and bounds exist in your municipality?

MS. SCHAFFER: Yes, Assemblyman. And we've accepted deeds of dedication. The acceptance ordinance has metes and bounds descriptions attached to each of them.

ASSEMBLYMAN BIONDI: Thank you.

SENATOR KAVANAUGH: All right.

At this time, Assemblyman Baroni, who represents the district--
Assemblyman.

Always shake hands, Bill. (indiscernible)

A S S E M B L Y M A N B I L L B A R O N I: Sorry, Senator. Forgive me.

Members of the State House Commission, I will be very brief. I would like to reiterate the comments that Mayor Pucci made about the bipartisan nature of the support of this application, which was raised a second ago.

I, as my colleague Assemblyman Biondi -- and Assemblyman Wisniewski -- knows -- I am a Republican. But I can tell you, this is an extraordinarily difficult issue for the people of Monroe Township. It has divided the town very much. And as someone who has knocked on thousands of doors there, and heard all sides of it, there really are two pictures I'd like for you to think about.

One is the picture of a very beautiful park. It is a park that I've run in; as hundreds of my constituents have played soccer in, and walked in, and run in before. The other picture I'd like you to think about -- if you'd like, you can come visit with me, one day -- in the high school that's across the street from the park, where it becomes so crowded that the students have an extraordinarily difficult time getting just through the hallways. That situation does not get better over the next 10 years.

Balancing those two pictures is what the people of Monroe Township have had to do over the last three years. And they did it in a

referendum. They went to the polls. This issue was thoroughly discussed, debated, argued at town meetings, discussions, debates -- people on all sides of the issue. And the voters of one of my towns went to vote and they approved it. This is an issue that has divided the town, but it has brought together community leaders in both parties. It is very rare.

And, Assemblyman Wisniewski, I'm sure you can tell her that I will speak both on my behalf and my Democratic colleague and opponent in a recent campaign. We stand together, along with our Senator, Senator Inverso, in favor of this application. We strongly urge -- I strongly urge this State House Commission to approve this application today, to allow the people of Monroe Township to fulfill their referendum and put their kids first.

Thank you.

SENATOR KAVANAUGH: Thank you, Assemblyman.

Next is Michele--

MICHELE ARMINEO: Armineo.

SENATOR KAVANAUGH: You're on.

Mr. Smartt.

DEPUTY TREASURER SMARTT: Senator, I just wanted to note, for the record, I spoke to Assemblywoman Greenstein late yesterday. And she has a major Committee meeting on a very important policy issue. But she wanted it said, for the record, number one, that she strongly supports this proposal, as the Assemblyman said. She is going to try to get here. But she wanted it to be known that she was supportive.

Thank you.

MS. ARMINEO: My name is Michele Armineo.

ASSEMBLYMAN BIONDI: That's only a recording-- (referring to recording microphone)

MS. ARMINEO: Oh, okay. Sorry.

I speak today not only for the 35 acres of Thompson Park, in Middlesex County, but also for all the precious acres of parkland in the State of New Jersey.

This hearing-- Indeed, this application is about a fundamental issue of unchecked development. This land diversion application seeks to reward poor planning. A vote to allow Monroe and Middlesex County application to proceed degrades the intention of Open Space, Green Acres and preservation laws throughout the state.

I'd like to point out this is part of the diversion land that's being accepted by the township, via this application. And I would like to show you that the diversion parcels need to be addressed. There are many irregularities in this application, but one of the most egregious is the one evidenced by comparing this aerial photograph of the diversion parcel that includes Block 62.

Officials both in Middlesex County and Monroe submitted this picture in the application. The aerial view provided by the appraisers for the applicant depicts a wooded area. And by the way, just to make a statement about the other question, there are no surveys. The parcels, while they might have metes and bounds on them, via the appraiser, have no -- they're different parcels. They're broken up. This says parts of some parcels, parts of another. So there is no clear-cut examples of which actual lots are being swapped.

The photograph was conveniently taken before this above-ground pipe was constructed. The enormous, obtrusive pipe clear cuts through the area you will be accepting as parkland. This area, right here, goes somewhere -- because we don't have a survey, we can't be exact -- goes somewhere through here. This is the land that -- on Block 62 that you will be accepting. This is what happened since that aerial photo has been taken.

This is the structure, now, that is on supposed parkland with all these trees. This is a pipe. It's an above-ground pipe. It is not going to be underground. I believe it's a sewer pipe. I think there's-- This is on open space. This is the parkland replacement land that you would be accepting if you allow this application to proceed.

This initial 70 acres of land offered by the "We-want-to-save-the-trees" proponents of the swapland-- If this weren't so incredulous, I would weep at the deception. I cannot believe this butchered land is offered by Monroe Township, and accepted by the county, signed off by Bradley Campbell, and presented to you as pristine woodland, valuable equal to or better than the 35 acres in the heart of Thompson Park.

The State House Commission final application for this parcel implies that in Item 3, environmental impact, that the property is wooded, and that not developing this site would have no additional impact on these conditions. This is shameful that you would even consider accepting this application after this property here has been scared with this development. This is clear-cut through this land. And you only have this to look at.

I would also like to say that the votes were -- that the opposition to this was bipartisan, that anyone who spoke at the hearings-- There was no one out of Monroe -- no one living outside of Monroe

approved or was in favor of the swap. The speakers who did come from outside of Monroe, who lived in Middlesex County -- along with many speakers from Monroe -- were opposed to swapping this land.

I'd like to tell you about the November -- the Tuesday, December 9, ballot that everybody is talking about -- got overwhelming support. This ballot was a ballot for constructing a building. This ballot makes no mention of the land, makes no mention of the park. This was a ballot constructing a building.

And that is what everybody is talking about.

SENATOR KAVANAUGH: Okay. Could you kind of wrap it up, here?

MS. ARMINEO: Yes, sir.

But I would just like to say-- I mean, everybody talks about -- one final item. Everybody talks about the overwhelming support. The overwhelming support I have seen in my research is more for open space and trust fund bonds and issues. There are more people in Monroe that have voted for open space, and preserving open space, the promise of Green Acres, than there have been voting for the construction of a school.

Thank you very much.

SENATOR KAVANAUGH: Thank you.

ASSEMBLYMAN BIONDI: Chairman.

MS. ARMINEO: I have pictures for each of--

ASSEMBLYMAN BIONDI: You suggested that was a sewer line.

MS. ARMINEO: I don't really know what it is. I believe, yes, it is. I think there's--

ASSEMBLYMAN BIONDI: It looks rather small for a sewer line. Is it water or gas?

MS. ARMINEO: It's small for a sewer line?

ASSEMBLYMAN BIONDI: Yes, usually they--

MS. ARMINEO: This isn't very small. If you look at the people standing here, there's--

ASSEMBLYMAN BIONDI: The diameter of the piping--

MS. ARMINEO: I think it's a 36-inch pipe. But that's not the point. The point is, it's going through what's supposed to be--

ASSEMBLYMAN BIONDI: I appreciate that. I was just curious--

MS. ARMINEO: --parkland.

ASSEMBLYMAN BIONDI: --of what it was.

MS. ARMINEO: It's also above ground. It's destroyed what you were supposed to be--

ASSEMBLYMAN BIONDI: I appreciate that.

MS. ARMINEO: Okay.

ASSEMBLYMAN BIONDI: You didn't comment on the other 75-acre--

MS. ARMINEO: Well, but I'd be happy to comment on everything, but the gentleman asked me to wrap it up. I mean, I could go on. I would like to read my whole presentation. But if you want me to wrap it up--

ASSEMBLYMAN BIONDI: No, you can just verbalize. Is there construction on the other parcel of 75 acres, as well?

MS. ARMINEO: Not yet.

ASSEMBLYMAN BIONDI: So there is nothing here. But do you have that line on the (indiscernible)? I'm just trying to follow you.

MS. ARMINEO: Believe me, we have tried-- When we walked to this parcel-- If you can see-- It is approximately -- and I can only tell you from my walking the parcel -- it is approximately through here, because from this section, you could walk straight through this huge property here. And you may not be able to see how far it actually goes. It opens this entirely, and you can see the roof of this building here.

ASSEMBLYMAN BIONDI: I appreciate that.

They're looking to acquire 35 acres, so they're giving you a 77-acre -- which has that--

MS. ARMINEO: Well, we're not really sure, because we're not sure that it's actually a full 77-acre parcel.

ASSEMBLYMAN BIONDI: Would you settle for 75?

MS. ARMINEO: Well, no. I don't think that's the way it's supposed to be.

ASSEMBLYMAN BIONDI: Well, the Counsel from Monroe testified that the metes and bounds are on file.

But my point is, while you have some disturbance on the 77-acre track, you claim there is no disturbance on the 75-acre track at all.

MS. ARMINEO: No, I didn't say that, sir. I haven't walked that whole--

ASSEMBLYMAN BIONDI: You said there was no development yet.

MS. ARMINEO: As far as I know, correct.

I mean, there's already a million-dollar-plus gap in evaluations here. And I think this clearly devalues-- This construction clearly devalues this area already. I don't think anybody who has considered this application has actually looked at this change in the land. This is what it looked like when it was new.

SENATOR KAVANAUGH: Did you make the record show that Assemblyman Biondi brought these questions forward?

MS. ARMINEO: Thank you very much.

SENATOR KAVANAUGH: All right.

MR. FLEMING: Is anyone from DEP present that could answer some questions?

ASSEMBLYMAN BIONDI: That wants to? (laughter)

J U D E T H P I C C I N I N I Y E A N Y: There is a distinction there. (laughter)

I'm Judeth Yeany, from the Green Acres Program, Y-E-A-N-Y. I'm being joined by John Flynn, our Administrator.

MR. FLEMING: You've heard the testimony the Commission's heard, with the concerns that have been raised by some of the citizens. Do you have a position on what you've heard?

MS. PICCININI YEANY: Well, our position would be that we -- that the Commissioner has articulated the basis for his decision in what, for this Commission, is a pretty lengthy summary. And we've been aware of some of the citizens' concerns throughout this process, which has lasted approximately two years. And we did attempt to address them in the summary.

DEPUTY TREASURER SMARTT: Could you address, for the record, the procedural issues that they raised specifically?

MS. PICCININI YEANY: Yes.

Technically, the current version of the Green Acres rules -- actually, now, the former version of the Green Acres rules, because we adopted new rules just this past Tuesday. But the version of the rules that was in place while we were processing this application does not, technically, require the public hearing to be held on the basis of a complete application. And after the application was pending for such a lengthy period of time, our Commissioner felt it was appropriate to allow the county to conduct a public hearing to solicit public input at that point, in part to identify what the remaining issues might be with the application.

So we did receive, at that time, comments about the application being incomplete. But our position was that it wasn't inconsistent with the rules that were in place at the time.

Our position would be, now, that the application was completed by the county before the Commissioner made his decision.

MR. FLEMING: And the Department's approval was consistent with the regulations that applied to this application?

MS. PICCININI YEANY: Yes.

On the issue of the metes and bounds description: It does say in the summary that the Commissioner submitted, that because the surveys and the metes and bounds descriptions had yet to be submitted by the county -- whether they exist or not now, I don't know -- but we were allowing this case, which is not totally unusual for us -- those items to be completed after the application is approved. We did say that we were

relying on the depiction of the areas in the maps, that were submitted as part of the application, to delineate what was being exchanged. And that, certainly, if there was any shortfall in acreage or even slight increases in what was being taken, on the basis of the surveys in the metes and bounds, that we would adjust the dollar compensation appropriately.

MR. FLEMING: And at the time the appraisals were done, was that pipeline present on the property?

MS. PICCININI YEANY: I have reviewed the appraisals myself, and I don't recall it being discussed in the appraisals. So whether it existed or not at the time, I do not know. The appraisals were submitted in August of 2005. And I don't know if the previous testimony -- whether she knows when it was constructed, because I don't. If it had been constructed, our assumption would be that the appraiser concluded that it didn't affect the value of the property. But I don't recall seeing any pictures of the pipeline in the appraisal.

MS. SCHAFFER: Mr. Chairman, we have the engineer here -- the township engineer -- if there's a question about the location of that pipe or the easements. He'll be happy to respond to that question.

Do you want to hear from him now?

SENATOR KAVANAUGH: Just a second.

MR. FLEMING: The compensation that is being received from the county-- What is the purpose of that compensation, and how is that money used?

MS. PICCININI YEANY: The shortfall was 1.127 million. The county proposed to us, at the time that the shortfall was identified, to allow the town to put \$500,000 into creating a soccer complex in the

location that's identified on that map as the location to which the six soccer fields are going to be moved.

So it's still going to be a county facility. The county will control the scheduling. But Monroe proposed, and the county accepted, the proposal that roughly half of that money go into making it more of a soccer facility than it is currently. So you're talking about lights and facilities to go along with the soccer fields.

A use hasn't been identified for the other 627,000. So what we have proposed is to allow the county to put the money into a dedicated account and to identify a project, that we would have to approve, to be completed within two years of the approval. And, again, that's not unusual for us. It's not always possible to identify how the money is going to be used at the time of the approval.

MR. FLEMING: When you say a project, that's generally for a Green Acres project for parkland.

MS. PICCININI YEANY: A recreational development project that would occur on Green Acres encumbered parkland and not necessarily in Monroe. It could happen elsewhere on county parkland.

SENATOR KAVANAUGH: Thank you.

Bob.

DEPUTY TREASURER SMARTT: I just have one more procedural and process question for the record.

The material that the Rutgers Environmental Law Clinic submitted yesterday includes a memo dated September 19, from you to somebody from FICE Engineering, identifying outstanding issues. Just for the record, have those outstanding issues been addressed subsequently?

MS. PICCININI YEANY: There was no specific submission from the county or from the township, subsequent to those facts, that addressed those issues in detail.

SENATOR KAVANAUGH: Senator Smith, you had a comment.

SENATOR SMITH: Well, I have no questions for the DEP at this point. Maybe you want to finish with that, and then we can review the whole project.

SENATOR KAVANAUGH: Okay.

All right, ladies and gentlemen, at this time we will go into our Commission review.

Make a motion to release.

SENATOR SMITH: Mr. Chairman, a couple of comments, if I might.

SENATOR KAVANAUGH: Senator.

SENATOR SMITH: I happen to be the Senator from the home county in which this diversion is being proposed. And I will tell you that I've watched over the last two years, as this issue has developed a great deal of public interest in Middlesex County. We've probably had this as a debate every two or three weeks in the newspapers, letters to the editor, newspapers taking positions, reports of various groups' positions. And as the Assemblyman earlier discussed, this is a fairly controversial issue in Monroe Township.

But our job, of course, as members of the State House Commission is to do an objective and emotion-free evaluation of the facts that are before us. And I would say that, in coming to my conclusion as to

what's the appropriate decision, I've reviewed the DEP approval recommendation. And after having sat on this Commission for several years now, I have never seen one so extensive. This is a fairly, fairly lengthy evaluation. In addition to that, the Rutgers Environmental Law Clinic was kind enough to fax us a brief of their issues. And then, finally, we've looked at these DEP recommendations.

I start with the position that Monroe Township government is one of the most environmentally sensitive governments in the state. I've seen this government in action. They have an open space acquisition program that is second to none in the State of New Jersey -- literally banking, for the public good, thousands of acres for open space. So I don't start from the position that there's some nefarious agenda, that there are some public officials that are not trying to do their job, both either on the school side or the municipal side. So let me take that off the table.

When I do that evaluation, I also have to take into account the recommendations of the local governments, where they say they have a school problem. And I think even the opponents to the project would admit that there is a significant school problem in Monroe Township. One that was so serious, in fact, that the voters of Monroe Township approved the bonding referendum to build a new high school. And Monroe has been struggling to properly locate it.

So now I start to look at the pluses and minuses. When I listened to the objectors, there were a couple of objections that they brought forward that I thought needed to be evaluated. One of the objections was the question of evaluation. When I look at the DEP decisional recommendations on Page 7, it says -- there's a quote -- "The

DEP considered the properties as restricted to open space or public use when determining whether the proposed replacement lands were of equal or greater market value, and of reasonably equivalent size, quality, location, and usefulness for recreation as required by the New Jersey administrative code.” And then there’s the citation. So DEP is on record telling me that they did the evaluation properly.

In addition to that, it appears that besides getting the 151 acres for the 35 acres, they’ve extracted another \$1.127 million to make certain that the State was getting its proper compensation. And when I look at Page 7 -- and I hope everybody had a chance to read this, because the review by DEP is really very incisive -- it appears that when the DEP did this, they took a very conservative approach to it. They were not giving away anything. If anything, you were being very harsh in the way in which you evaluated. So on the evaluation issue, it appears that the State has done its job, maybe even gotten more than its pound of flesh.

With regard to the application being complete, there is another statement in here, on Page 5, which says -- and this is beside the fact that we’ve been following this in the newspapers for two years. It says, “Public hearings on the application were held on November 21, 2005; December 6, 2005. And on December 16, the NJDEP sent the county -- outlining any remaining, unsolved application requirements. And on December 22, the county submitted the remainder of the final application requirements,” which says to me, the application was complete. And there is a further comment above that, which says, “Although many comments of the opponents of the project objected to holding the hearing before the completion of the application process, the current Green Acre rules do not

require the application to be complete before the public hearing is held. And the Commissioner wished to solicit public testimony on the application.” So that appears, also, to have followed the review of the rules.

There was another objection mentioned in the Rutgers Environmental Law brief about the review process -- the environmental review process not being adequate. And I think Mr. Webster said -- I direct your attention to Page 4 of 9 -- with regard to there being a follow-up environmental review.

Well, when I read that, I made a -- I went to that page. When you look at it, it says, “Among other issues, opponents of the proposed disposal contend that the Thompson Park site should not be used for the new high school, because it is also the site of the historic Bethel mission settlement. The county and township believe, based on the opinion of the Monroe Township historian, that the proposed disposal site is not the site of the historic settlement. Because the high school project will be receiving substantial State funding, through the New Jersey Department of Education, a full analysis of this issue” -- the historic settlement issue -- “will be required as a part of the environmental assessment or environmental impact statement to be undertaken for this project under Executive Order 215.”

I thought that the earlier comment was a little disingenuous, because it sounded as though the environmental review hadn't been done properly. There is a historic site issue, wherein, at the end of the paragraph, they're also saying that the county and township advise that they intend to complete the Executive Order 215 process, regardless of whether or not it's required -- which I thought was the proper approach to that.

So I looked at those objections. And now I try to weigh the positive. The public need, here, for the use that we're talking about-- We're not talking about building new housing, we're not talking about building a chemical factory. We're talking about a high school. We're talking about the education of children.

The comment was made by the Mayor that there is a significant cost savings to the local property taxpayers, approximately \$20 million. There was also the comment that this is a centralized location for the high school with their other school facilities. And, in effect, that would allow them to deliver their educational services in the most efficient way.

I don't think that we should not consider the fact that there are substantial economic savings to the local property taxpayers when we make a decision like this, although, the environment and New Jersey's interest should come first.

Has there been an extensive review of the possible alternatives in the DEP's document? They've cited what I thought was a very lengthy process in the review of four alternative locations. And then I've seen in the newspaper, beside what we've reviewed before us in making this decision, this very, very extensive process.

And, finally, even though it means nothing -- or shouldn't mean anything for a decision -- I am very impressed by the fact that both of the representatives for this area, of opposite parties-- And there's always a chance, when you're--

UNIDENTIFIED SPEAKER FROM AUDIENCE: That's not true.

SENATOR SMITH: Both of the Assembly representatives, of opposite parties, who represent this district have indicated--

UNIDENTIFIED SPEAKER FROM AUDIENCE:
(indiscernible) (speaking from audience)

SENATOR SMITH: I'm sorry, Chairman. It's hard to speak.

They have indicated that, on a bipartisan basis -- those two Assembly representatives believe it's the right thing for the district that they represent. And that's impressive, because it's real easy, when there's two parties, for one party to take the ball and run with it, and make it a politically confrontational situation. So that's, kind of like, an extra.

So, bottom line is, I think the State of New Jersey is getting more than its pound of flesh -- that we are doing the right thing by the environment, that we are doing the right thing by the kids of Monroe Township. And common sense and the facts should prevail.

So I would move this application for approval.

ASSEMBLYMAN WISNIEWSKI: Second the motion.

SENATOR KAVANAUGH: The application has been moved by Senator Smith and seconded by--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Mr. Chairman, could we (indiscernible).

UNIDENTIFIED SPEAKER FROM AUDIENCE: I want to object to -- it's not bipartisan. I was Republican chair at the time the referendum went through. So let's discuss about bipartisan. I resigned as chair, because of his support.

SENATOR KAVANAUGH: You had your--

ASSEMBLYMAN BIONDI: Excuse me.

The Senator was referring to the two Assembly representatives of the district. One is a Republican, one is a Democrat.

UNIDENTIFIED SPEAKER FROM AUDIENCE: But I was Republican chair of Monroe.

ASSEMBLYMAN BIONDI: He was not referring to that. He was referring to your State representatives for your district.

SENATOR KAVANAUGH: State representatives.

Now, let's get back to the real things here.

It's been moved and seconded.

One final word, yes.

B O B M E R A S C O: My name is Bob Maresco, and I live in Monroe Township.

ASSEMBLYMAN BIONDI: You've got to get to the mike, so she can record you.

SENATOR KAVANAUGH: This is the last speaker, so hurry.

MR. MARESCO: I live in Monroe Township. And I really value what our Mayor has done for us. Okay? I value what our school board is trying to do.

Although, if you take it in a long-term picture about the savings and the win-win, we have -- as the Mayor and everybody in town says -- a 50 percent development, meaning we can do another 50. I feel-- I'm just a mud dog from West Virginia. But I feel that if they bought a hundred acres so that a developer could not build another 30 homes, or 60 homes, or whatever they can put on a hundred acres, that we would be in a win-win situation 10 years from now and not have to come back here and ask you for more land in the park to develop this high school bigger.

I feel that whichever way you vote, it would be-- Nothing is for free. Our Mayor has a very good, outstanding reputation with all our seniors, which I was told was over 50 percent of our votes. If he can persuade them to okay the money for a piece of land -- because he is very good at persuading -- I think we would be in a win-win right there.

SENATOR KAVANAUGH: Thank you.

It's been moved and seconded.

Roll call, please.

MR. CRANE: Mr. Fleming.

MR. FLEMING: Yes.

MR. CRANE: Mr. Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. CRANE: Mr. Brune.

MR. BRUNE: Yes.

MR. CRANE: Senator Smith.

SENATOR SMITH: Yes.

MR. CRANE: Assemblyman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. CRANE: Assemblyman Biondi.

ASSEMBLYMAN BIONDI: Yes.

MR. CRANE: Senator Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. CRANE: The motion passes.

Motion to adjourn?

SENATOR KAVANAUGH: Move to adjourn.

(MEETING CONCLUDED)