

# Public Hearing

before

ASSEMBLY ENVIRONMENT AND ENERGY COMMITTEE

ASSEMBLY BILL NO. 70

(The "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995"; authorizes issuance of \$350 million in bonds; appropriates \$5000)

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**LOCATION:** Ocean County Gov't Complex      **DATE:** March 20, 1995  
Freeholders Meeting Room  
Toms River, New Jersey      10:00 a.m.

**MEMBERS OF COMMITTEE PRESENT:**

Assemblywoman Maureen Ogden, Chair  
Assemblyman Steve Corodemus  
Assemblyman David W. Wolfe  
Assemblyman Tom Foley  
Assemblyman John C. Gibson



**ALSO PRESENT:**

Jeffrey T. Climpson  
Aide, Assembly Environment and Energy Committee  
Office of Legislative Services

New Jersey State Library

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***Hearing Recorded and Transcribed by***  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, CN 068, Trenton, New Jersey 08625

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MAUREEN OGDEN  
Chair

LEE SOLOMON  
Vice-Chair

STEVE CORODEMUS  
JOHN E. ROONEY  
BARBARA W. WRIGHT  
ANTHONY IMPREVEDUTO  
HARRY A. MCENROE

New Jersey State Legislature  
ASSEMBLY ENVIRONMENT AND ENERGY COMMITTEE  
LEGISLATIVE OFFICE BUILDING, CN-068  
TRENTON, NJ 08625-0068  
(609) 292-7676

R E V I S E D

P U B L I C   H E A R I N G   N O T I C E

TO: MEMBERS OF THE ASSEMBLY ENVIRONMENT & ENERGY  
COMMITTEE  
  
FROM: ASSEMBLYWOMAN MAUREEN OGDEN, CHAIR  
  
SUBJECT: PUBLIC HEARING - March 20, 1995

*The public may address comments and questions to Jeffrey T. Climpson or Lucinda Tiajoloff, Committee Aides, or make bill status and scheduling inquiries to Elva Thomas, secretary, at (609) 292-7676. Those persons presenting written testimony should provide 15 copies to the committee on the day of the hearing.*

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The Assembly Environment & Energy Committee will hold a public hearing on Monday, March 20, 1995 at \*10:00 AM in the Ocean County Government Complex, Administration Building, Freeholders Meeting Room (Room 119), 101 Hooper Ave., Toms River, NJ, on the following bill:

A-70 Ogden/Wolfe	The "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995"; authorizes issuance of \$350 million in bonds; appropriates \$5,000.
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Issued 03/13/95

\*Revised (time changed from 11:00 AM to 10:00 AM)

Assistive listening devices available upon 24 hours prior notice to the committee aide(s) listed above

(OVER)

Assembly Environment & Energy Committee

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March 20, 1995

**DIRECTIONS:**

**FROM THE NORTH USING THE GARDEN STATE PARKWAY**

Take the Garden State Parkway to Exit 82 (Route 37 East).

Go through the first traffic light (intersection with Route 166).

Turn right on Route 549 (Hooper Avenue South).

Turn left at the second traffic light (Madison Avenue).

The County parking garage is the five-level building on the right.

The County Administration Building is 101 Hooper Avenue, on the northeast corner of the Washington Street intersection.

**FROM THE SOUTH USING THE GARDEN STATE PARKWAY**

Take the Garden State Parkway to Exit 81 (Lakehurst Road/Toms River-Lakehurst).

Proceed straight (Water Street).

Turn left at the third traffic light (Route 549 - Hooper Avenue North).

Proceed through the next traffic light (intersection with Washington Street).

Turn right into the first one-way entrance driveway (just past the County Administration Building at 101 Hooper Avenue).

After "Stop" sign, turn left to enter County parking garage.

The County Administration Building is 101 Hooper Avenue, on the northeast corner of the Washington Street intersection.

ASSEMBLY, No. 70

STATE OF NEW JERSEY

INTRODUCED OCTOBER 6, 1994

By Assemblywoman OGDEN, Assemblymen WOLFE and Gibson

1     **AN ACT** authorizing the creation of a debt of the State of New  
2     Jersey by the issuance of bonds of the State in an aggregate  
3     principal amount of \$350,000,000 to provide moneys for  
4     acquisition and development of lands for public recreation and  
5     conservation purposes, for farmland development easement and  
6     fee simple acquisitions, for soil and water conservation  
7     projects, for historic preservation projects, and for coastal and  
8     inland Blue Acres projects; providing the ways and means to  
9     pay and discharge the principal of and interest on the bonds;  
10    providing for the submission of this act to the people at a  
11    general election; and making an appropriation therefor.  
12

13    BE IT ENACTED *by the Senate and General Assembly of the*  
14    *State of New Jersey:*

15    1. This act shall be known and may be cited as the "Green  
16    Acres, Farmland and Historic Preservation, and Blue Acres Bond  
17    Act of 1995."

18    2. The Legislature finds and declares that:  
19    a. The provision of lands for public recreation and the  
20    conservation of natural resources promote the public health,  
21    prosperity, and general welfare and are proper responsibilities of  
22    State government; that lands now dedicated to these purposes  
23    will not be adequate to meet the needs of an expanding  
24    population in years to come; that such lands as are available and  
25    appropriate for these purposes will gradually disappear as their  
26    cost correspondingly increases; that it is necessary and desirable  
27    to provide assistance in the form of grants and loans to local  
28    government units and matching grants to qualifying tax exempt  
29    nonprofit organizations to acquire lands that have significant  
30    recreation and conservation attributes; and that it is also  
31    necessary and desirable to provide funds to assure that lands that  
32    have been or may hereafter be acquired for recreation and  
33    conservation purposes are developed to provide public recreation,  
34    preserve historic resources, and provide conservation  
35    opportunities and to implement the New Jersey Statewide  
36    Comprehensive Outdoor Recreation Plan;

37    b. Agriculture plays an integral role in the prosperity and  
38    well-being of the State as well as providing a fresh and abundant  
39    supply of food and fiber for its citizens; that agricultural land  
40    resources face an imminent threat of permanent conversion to  
41    non-farm uses; that the retention and development of an  
42    economically viable agricultural industry is of high public priority  
43    for New Jersey; and that the issuance of bonds is necessary and  
44    desirable to provide funds to (1) acquire, in cooperation with  
45    counties and municipalities, development easements on farmland,  
46    (2) purchase fee simple titles to farmland for the purpose of  
47    offering the farmland for resale with agricultural deed  
48    restrictions, and (3) assist, through cost-sharing with landowners,

1 the long-term conservation and management of farmland and the  
2 State's natural resources through soil and water conservation  
3 projects and programs;

4 c. Throughout the State there are properties, structures,  
5 facilities, and sites of historic character and importance that are  
6 owned or leased on a long-term basis by the State, county or  
7 municipal governments, or tax exempt nonprofit organizations  
8 and that are in need of restoration and preservation; that unless  
9 this need is met, an important element of our historic heritage  
10 will be lost; that a significant number of these historic  
11 properties, structures, facilities, and sites are located in urban  
12 centers, where their restoration and preservation can play an  
13 important part in the overall strategy of the State and of local  
14 government to encourage urban revitalization; and that the  
15 issuance of bonds is necessary and desirable to provide funds for  
16 such historic preservation purposes;

17 d. The coastal area of New Jersey is a major natural and  
18 scenic resource providing innumerable recreational, cultural,  
19 economic, aesthetic, and environmental benefits important to the  
20 health, safety, and welfare of the citizens of, and visitors to, the  
21 State; that certain portions of the coastal area are occasionally  
22 subjected to major storms and resulting flooding that cause  
23 significant damage; that although it is the policy of the State to  
24 preserve and protect the entire coastline for the use and benefit  
25 of its citizens, and to promote private ownership of land, there  
26 are certain instances where it is in the public interest for  
27 municipalities and counties to acquire, from willing sellers and  
28 for recreation and conservation purposes, real property in the  
29 coastal area that has been damaged by, or may be prone to  
30 incurring damage caused by, storms or storm-related flooding, or  
31 that may buffer or protect other lands from such damage; and  
32 that the issuance of bonds is necessary and desirable to provide  
33 funds for such purposes; and

34 e. The Passaic river basin periodically has been subject to  
35 serious flooding over the years, causing on some occasions loss of  
36 life and significant property damage; that unwise land use  
37 decisions in the floodway of the Passaic river and its tributaries  
38 have contributed to the problem; that to best ensure the public  
39 health, safety, and welfare while also accomplishing the desired  
40 objectives of (1) restoring, enhancing, and preserving the water  
41 quality as well as the ecosystem of the Passaic river basin for the  
42 public benefit, and (2) utilizing public funds in the most  
43 economical manner, it behooves the State to establish a program  
44 to acquire from willing sellers those properties in the floodway of  
45 the Passaic river and its tributaries that are prone to flooding and  
46 to dedicate those lands that are purchased for recreation and  
47 conservation; and that the issuance of bonds is necessary and  
48 desirable to provide funds for such purposes.

49 3. As used in this act, unless the context indicates a different  
50 meaning or intent:

51 "Beach" means the same as that term is defined pursuant to  
52 section 3 of P.L.1973, c.185 (C.13:19-3).

53 "Bonds" mean the bonds authorized to be issued, or issued,  
54 under this act.

1        "Coastal area" means the area defined and delineated pursuant  
2 to section 4 of P.L.1973, c.185 (C.13:19-4).

3        "Coastal Blue Acres cost" means the expenses incurred in  
4 connection with: all things deemed necessary or useful and  
5 convenient in connection with the acquisition, by local  
6 government units with the assistance of the State and for  
7 recreation and conservation purposes, of lands in the coastal area  
8 that have been damaged by, or may be prone to incurring damage  
9 caused by, storms or storm-related flooding, or that may buffer  
10 or protect other lands from such damage; the execution of any  
11 agreements and franchises deemed by the Department of  
12 Environmental Protection to be necessary or useful and  
13 convenient in connection with any coastal Blue Acres project  
14 authorized by this act; the procurement or provision of  
15 engineering, inspection, relocation, legal, financial, planning,  
16 geological, hydrological, or other professional services,  
17 estimates, studies, reports, or advice, including the services of a  
18 bond registrar or an authenticating agent; feasibility studies; the  
19 demolition of structures, the removal of debris, and the  
20 restoration of lands to a natural state or to a state useful for  
21 recreation and conservation purposes; the issuance of bonds, or  
22 any interest or discount thereon; organizational, administrative  
23 and other work and services, including salaries, equipment and  
24 materials necessary to administer the applicable provisions of  
25 this act; the establishment of a reserve fund or funds for working  
26 capital, operating, maintenance, or replacement expenses and for  
27 the payment or security of principal or interest on bonds, as the  
28 Director of the Division of Budget and Accounting in the  
29 Department of the Treasury may determine; and reimbursement  
30 to any fund of the State of moneys which may have been  
31 transferred or advanced therefrom to any applicable fund created  
32 by this act, or any moneys which may have been expended  
33 therefrom for, or in connection with, this act.

34        "Coastal Blue Acres project" means any project to acquire, for  
35 recreation and conservation purposes, lands in the coastal area  
36 that have been damaged by, or may be prone to incurring damage  
37 caused by, storms or storm-related flooding, or that may buffer  
38 or protect other lands from such damage, and which is funded  
39 with monies made available pursuant to section 11 of this act.

40        "Commission" means the New Jersey Commission on Capital  
41 Budgeting and Planning.

42        "Commissioner" means the Commissioner of Environmental  
43 Protection.

44        "Cost" means the expenses incurred in connection with: all  
45 things deemed necessary or useful and convenient in connection  
46 with the acquisition and development of lands in New Jersey by  
47 or with the assistance of the State, for recreation and  
48 conservation purposes, the purchase and monitoring of  
49 development easements or fee simple titles to farmland, the  
50 monitoring of development easements or fee simple titles to  
51 farmland purchased with funds made available pursuant to  
52 P.L.1992, c.88, P.L.1989, c.183 or P.L.1981, c.276, or the funding  
53 of soil and water conservation projects; the execution of any  
54 agreements and franchises deemed by the Department of

1 Environmental Protection or the State Agriculture Development  
2 Committee, as the case may be, to be necessary or useful and  
3 convenient in connection with any project authorized by this act;  
4 the procurement or provision of engineering, inspection,  
5 relocation, legal, financial, planning, geological, hydrological, or  
6 other professional services, estimates, studies, reports, or advice,  
7 including the services of a bond registrar or an authenticating  
8 agent; feasibility studies; the issuance of bonds, or any interest or  
9 discount thereon; organizational, administrative and other work  
10 and services, including salaries, equipment and materials  
11 necessary to administer the applicable provisions of this act; the  
12 establishment of a reserve fund or funds for working capital,  
13 operating, maintenance, or replacement expenses and for the  
14 payment or security of principal or interest on bonds, as the  
15 Director of the Division of Budget and Accounting in the  
16 Department of the Treasury may determine; and reimbursement  
17 to any fund of the State of moneys which may have been  
18 transferred or advanced therefrom to any applicable fund created  
19 by this act, or any moneys which may have been expended  
20 therefrom for, or in connection with, this act.

21 "Development" means any improvement to land or water areas  
22 designed to expand and enhance their utilization for recreation  
23 and conservation purposes, including, but not limited to, site  
24 preparation, landscaping, and structures or facilities which are  
25 substantially consistent with the natural setting and  
26 topographical conditions. These structures and facilities may  
27 include, but are not limited to, access roads, interpretative  
28 facilities, parking areas, utilities, comfort facilities, and any  
29 ramps, structures, or facilities that would provide access to the  
30 land or water area for handicapped or disabled persons.  
31 "Development" also means any work relating to the stabilization,  
32 repair, rehabilitation, renovation, restoration, improvement,  
33 protection, or preservation of any historic property, structure,  
34 facility, or site acquired for recreation and conservation purposes.

35 "Development easement" means an interest in land, less than  
36 fee simple title thereto, which interest represents the right to  
37 develop such lands for all nonagricultural purposes and which  
38 interest may be transferred under laws authorizing the transfer  
39 of development potential; and shall include limited term  
40 development easements authorized pursuant to law.

41 "Dune" means the same as that term is defined pursuant to  
42 section 3 of P.L.1973, c.185 (C.13:19-3).

43 "Farmland" means land in New Jersey identified as prime,  
44 unique or of Statewide importance according to criteria adopted  
45 by the New Jersey State Soil Conservation Committee, and land  
46 of local importance as identified by local agricultural  
47 preservation agencies established by law in cooperation with local  
48 soil conservation districts, and which qualifies for lower property  
49 taxation pursuant to the "Farmland Assessment Act of 1964,"  
50 P.L.1964, c.48 (C.54:4-23.1 et seq.), and any other land on the  
51 farm which is necessary to accommodate farm practices as  
52 determined by the State Agriculture Development Committee.

53 "Farmland preservation program" means any program  
54 authorized by law which shall have as its principal purpose the

1 long-term preservation of significant masses of reasonably  
2 contiguous agricultural land and the maintenance and support of  
3 increased agricultural production as the first priority use of that  
4 land.

5 "Floodway" means the same as that term is defined pursuant to  
6 section 2 of P.L.1962, c.19 (C.58:16A-51).

7 "Government securities" means any bonds or other obligations  
8 which as to principal and interest constitute direct obligations of,  
9 or are unconditionally guaranteed by, the United States of  
10 America, including obligations of any federal agency, to the  
11 extent those obligations are unconditionally guaranteed by the  
12 United States of America, and any certificates or any other  
13 evidences of an ownership interest in those obligations of, or  
14 unconditionally guaranteed by, the United States of America or in  
15 specified portions which may consist of the principal of, or the  
16 interest on, those obligations.

17 "Historic" means, as applied to any property, structure,  
18 facility, or site, and except as used in this act in connection with  
19 the definition of "recreation and conservation purposes" as set  
20 forth in this act, any area, site, structure, or object approved for  
21 inclusion, or which meets the criteria for inclusion, in the New  
22 Jersey Register of Historic Places pursuant to P.L.1970, c.268  
23 (C.13:1B-15.128 et seq.).

24 "Historic preservation project" means any work relating to the  
25 stabilization, repair, rehabilitation, renovation, restoration,  
26 improvement, protection, or preservation of any historic  
27 property, structure, facility, or site, and shall include any work  
28 related to providing access thereto for handicapped or disabled  
29 persons.

30 "Historic preservation project cost" means the expenses  
31 incurred in connection with: all things deemed necessary or  
32 useful and convenient in connection with historic preservation  
33 projects; the execution of any agreements and franchises deemed  
34 by the Trustees of the New Jersey Historic Trust to be necessary  
35 or useful and convenient in connection with any historic  
36 preservation project; the procurement or provision of  
37 engineering, architectural, design, inspection, relocation, legal,  
38 financial, planning, archaeological, historic research, geological,  
39 hydrological, or other professional services, estimates, studies,  
40 reports, or advice, including the services of a bond registrar or an  
41 authenticating agent; feasibility studies; the issuance of bonds, or  
42 any interest or discount thereon; organizational, administrative  
43 and other work and services, including salaries, equipment and  
44 materials necessary to administer the applicable provisions of  
45 this act; the establishment of a reserve fund or funds for working  
46 capital, operating, maintenance, or replacement expenses and for  
47 the payment or security of principal or interest on bonds, as the  
48 Director of the Division of Budget and Accounting in the  
49 Department of the Treasury may determine; and reimbursement  
50 to any fund of the State of moneys which may have been  
51 transferred or advanced therefrom to any applicable fund created  
52 by this act, or any moneys which may have been expended  
53 therefrom for, or in connection with, this act.

54 "Inland Blue Acres cost" means the expenses incurred in

1 connection with: all things deemed necessary or useful and  
2 convenient in connection with the acquisition by the State for  
3 recreation and conservation purposes of lands in the floodway of  
4 the Passaic river and its tributaries that have been damaged by,  
5 or may be prone to incurring damage caused by, storms or  
6 storm-related flooding, or that may buffer or protect other lands  
7 from such damage; the execution of any agreements and  
8 franchises deemed by the Department of Environmental  
9 Protection to be necessary or useful and convenient in connection  
10 with any inland Blue Acres project authorized by this act; the  
11 procurement or provision of engineering, inspection, relocation,  
12 legal, financial, planning, geological, hydrological, or other  
13 professional services, estimates, studies, reports, or advice,  
14 including the services of a bond registrar or an authenticating  
15 agent; feasibility studies; the demolition of structures, the  
16 removal of debris, and the restoration of lands to a natural state  
17 or to a state useful for recreation and conservation purposes;  
18 financial and other relocation assistance for property owners  
19 whose lands have been acquired by the State as part of an inland  
20 Blue Acres project; the issuance of bonds, or any interest or  
21 discount thereon; organizational, administrative and other work  
22 and services, including salaries, equipment and materials  
23 necessary to administer the applicable provisions of this act; the  
24 establishment of a reserve fund or funds for working capital,  
25 operating, maintenance, or replacement expenses and for the  
26 payment or security of principal or interest on bonds, as the  
27 Director of the Division of Budget and Accounting in the  
28 Department of the Treasury may determine; and reimbursement  
29 to any fund of the State of moneys which may have been  
30 transferred or advanced therefrom to any applicable fund created  
31 by this act, or any moneys which may have been expended  
32 therefrom for, or in connection with, this act.

33 "Inland Blue Acres project" means any project of the State to  
34 acquire, for recreation and conservation purposes, lands in the  
35 floodway of the Passaic river and its tributaries that have been  
36 damaged by, or may be prone to incurring damage caused by,  
37 storms or storm-related flooding, or that may buffer or protect  
38 other lands from such damage, and which is funded with monies  
39 made available pursuant to section 13 of this act.

40 "Land" or "lands" means real property, including improvements  
41 thereof or thereon, rights-of-way, water, lakes, riparian and  
42 other rights, easements, privileges and all other rights or  
43 interests of any kind or description in, relating to or connected  
44 with real property.

45 "Local government unit" means: (1) a county, municipality or  
46 other political subdivision of this State authorized to administer,  
47 protect, develop and maintain lands for recreation and  
48 conservation purposes, or any agency thereof, the primary  
49 purpose of which is to administer, protect, develop and maintain  
50 lands for recreation and conservation purposes; (2) with respect  
51 to historic preservation projects, a county, municipality or other  
52 political subdivision of this State, or any agency thereof, that  
53 owns or leases on a long-term basis a historic property, structure,  
54 facility, or site; or (3) with respect to coastal Blue Acres

1 projects, a municipality or a county, or any agency thereof.

2 "Qualifying tax exempt nonprofit organization" means a tax  
3 exempt nonprofit organization that qualifies for a matching grant  
4 pursuant to subsection d. of section 7 of this act or, in the case of  
5 historic preservation projects, a matching grant pursuant to  
6 section 10 of this act.

7 "Recreation and conservation purposes" means the use of lands  
8 in New Jersey for parks, natural areas, ecological and biological  
9 study, historic areas, historic buildings or structures, forests,  
10 camping, fishing, water reserves, wildlife preserves, hunting,  
11 boating, winter sports and similar uses for either public outdoor  
12 recreation or conservation of natural resources, or both.

13 "Secretary" means the Secretary of Agriculture.

14 "Soil and water conservation project" means any project  
15 designed for the control and prevention of soil erosion and  
16 sediment damages, the control of nonpoint source pollution on  
17 agricultural lands, the impoundment, storage and management of  
18 water for agricultural purposes, or the improved management of  
19 land and soil to achieve maximum agricultural productivity.

20 4. a. The commissioner shall adopt, pursuant to the  
21 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
22 seq.), rules and regulations necessary to implement the provisions  
23 of this act, including rules and regulations governing the awarding  
24 and use of grants and loans including, but not limited to,  
25 eligibility requirements, procedures for the submission of  
26 applications, standards for the evaluation of applications,  
27 requirements for the reporting by the recipients of the  
28 expenditure of funds, and any limitations, restrictions or  
29 requirements concerning the use of a grant or loan as the  
30 commissioner may prescribe.

31 b. The secretary shall adopt, pursuant to the "Administrative  
32 Procedure Act," rules and regulations necessary to implement the  
33 provisions of this act.

34 c. The commissioner and the secretary shall review and  
35 consider the findings and recommendations of the commission in  
36 the administration of the provisions of this act.

37 5. Bonds of the State of New Jersey are authorized to be  
38 issued in the aggregate principal amount of \$200,000,000 for the  
39 purposes of: providing moneys to meet the cost of public  
40 acquisition and development of lands by the State for recreation  
41 and conservation purposes; providing State grants and loans to  
42 assist local government units to meet the cost of acquiring and  
43 developing lands for recreation and conservation purposes; and  
44 providing State matching grants to assist qualifying tax exempt  
45 nonprofit organizations to meet the cost of acquiring lands for  
46 recreation and conservation purposes, to be allocated as follows:

47 a. \$70,000,000 for the acquisition and development of lands by  
48 the State for recreation and conservation purposes, of which  
49 amount not more than \$17,500,000 shall be for the development  
50 of such lands, and a minimum of \$1,000,000 of those moneys  
51 allocated for development pursuant to this subsection shall be for  
52 the development of lands for recreation and conservation  
53 purposes in keeping with the requirements, standards, and policies  
54 of State and federal law concerning handicapped or disabled

1 persons, including, but not limited to, the provisions of the  
2 "Americans with Disabilities Act of 1990," 42 U.S.C. §12101 et al.;  
3 b. \$100,000,000 for State grants and loans to assist local  
4 government units to acquire and develop lands for recreation and  
5 conservation purposes, of which amount, \$15,000,000 shall be for  
6 grants for up to 50% of the cost of acquisition or development of  
7 lands by local government units eligible to receive State aid  
8 pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), and a minimum  
9 of \$1,250,000 of the moneys allocated for development pursuant  
10 to this subsection shall be for grants and loans to assist local  
11 government units to develop lands for recreation and  
12 conservation purposes in keeping with the requirements,  
13 standards, and policies of State and federal law concerning  
14 handicapped or disabled persons, including, but not limited to, the  
15 provisions of the "Americans with Disabilities Act of 1990," 42  
16 U.S.C. §12101 et al.; and

17 c. \$30,000,000 for State grants, on an up to 50% matching  
18 basis, to qualifying tax exempt nonprofit organizations to acquire  
19 lands for recreation and conservation purposes.

20 To the end that municipalities may not suffer a loss of taxes by  
21 reason of the acquisition and ownership by the State of New  
22 Jersey of property under the provisions of this section, the State  
23 shall pay annually on October 1 to each municipality in which  
24 property is so acquired, for a period of 13 years following an  
25 acquisition the following amounts: in the first year a sum of  
26 money equal to the tax last assessed and last paid by the taxpayer  
27 upon this land and the improvements thereon for the taxable year  
28 immediately prior to the time of its acquisition and thereafter  
29 the following percentages of the amount paid in the first year:  
30 second year, 92%; third year, 84%; fourth year, 76%; fifth year,  
31 68%; sixth year, 60%; seventh year, 52%; eighth year, 44%; ninth  
32 year, 36%; 10th year, 28%; 11th year, 20%; 12th year, 12%; 13th  
33 year, 4%. In the event that land acquired by the State pursuant  
34 to this act was assessed at an agricultural and horticultural use  
35 valuation in accordance with provisions of the "Farmland  
36 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), at  
37 the time of its acquisition by the State, no rollback tax pursuant  
38 to section 8 of P.L.1964, c.48 (C.54:4-23.8) shall be imposed as to  
39 this land nor shall this rollback tax be applicable in determining  
40 the annual payments to be made by the State to the municipality  
41 in which this land is located.

42 All sums of money received by the respective municipalities as  
43 compensation for loss of tax revenue pursuant to this section  
44 shall be applied to the same purposes as is the tax revenue from  
45 the assessment and collection of taxes on real property of these  
46 municipalities, and to accomplish this end the sums shall be  
47 apportioned in the same manner as the general tax rate of the  
48 municipality for the tax year preceding the year of receipt.

49 6. a. Moneys provided to the State for lands to be acquired or  
50 developed by the State for recreation and conservation purposes  
51 using the proceeds of bonds issued by the State under this act  
52 shall include 100% of the costs of acquisition or development of  
53 these lands, as the case may be.

54 b. The commissioner shall take into consideration the

1 requirements, standards, and policies of State and federal law  
2 concerning handicapped or disabled persons, including, but not  
3 limited to, the provisions of the "Americans with Disabilities Act  
4 of 1990," 42 U.S.C. §12101 et al., when expending moneys for the  
5 development of lands by the State for recreation and  
6 conservation purposes using the proceeds of bonds issued by the  
7 State under this act.

8 c. In making decisions concerning the acquisition or  
9 development of lands by the State for recreation and  
10 conservation purposes using the proceeds of bonds issued by the  
11 State under this act, the commissioner shall give special  
12 consideration to increasing public access to waterfront areas and  
13 to protecting stream corridors, water supplies, and water  
14 recharge areas.

15 d. Of the amount authorized pursuant to subsection a. of  
16 section 5 of this act, not more than 8% shall be utilized for  
17 organizational, administrative and other work and services,  
18 including salaries, equipment and materials necessary to  
19 administer the applicable provisions of this act.

20 7. a. Except for those grants to local government units  
21 eligible to receive State aid pursuant to P.L.1978, c.14  
22 (C.52:27D-178 et seq.) as provided for in subsection b. of section  
23 5 of this act, a grant by the State for lands acquired or developed  
24 by a local government unit for recreation and conservation  
25 purposes shall include up to 25% of the cost of acquisition or  
26 development of these lands by a local government unit; provided,  
27 however, that at such times as the balance of the "1995 New  
28 Jersey Green Trust Fund" established pursuant to section 23 of  
29 this act in combination with the balance of the "Green Trust  
30 Fund" established pursuant to P.L.1983, c.354 and P.L.1987,  
31 c.265, the "1989 New Jersey Green Trust Fund" established  
32 pursuant to P.L.1989, c.183, and the "1992 New Jersey Green  
33 Trust Fund" established pursuant to P.L.1992, c.88, exclusive of  
34 the moneys for grants to local government units eligible to  
35 receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et  
36 seq.), exceeds \$100,000,000, the commissioner, in consultation  
37 with the State Treasurer, may increase the State's share of the  
38 cost of acquisition to a maximum of 50%.

39 b. A loan by the State for lands to be acquired or developed by  
40 a local government unit shall include up to 100% of the cost of  
41 acquisition or development of these lands by a local government  
42 unit.

43 c. Loans made to local government units from the "1995 New  
44 Jersey Green Trust Fund" established pursuant to section 23 of  
45 this act shall bear interest of not more than 2% per year, and  
46 shall be for a term of not more than 20 years.

47 d. A grant by the State for lands to be acquired by a qualifying  
48 tax exempt nonprofit organization for recreation and  
49 conservation purposes shall include up to 50% of the cost of  
50 acquisition of these lands by a qualifying tax exempt nonprofit  
51 organization. To qualify to receive a matching grant, the board  
52 of directors or governing body of the applying tax exempt  
53 nonprofit organization shall:

54 (1) demonstrate to the commissioner that it qualifies as a

1       charitable conservancy for the purposes of P.L.1979, c.378  
2 (C.13:8B-1 et seq.);

3       (2) demonstrate that it has the resources to match the grant  
4 requested;

5       (3) agree to make and keep the lands accessible to the public,  
6 unless the commissioner determines that public accessibility  
7 would be detrimental to the lands or any natural resources  
8 associated therewith;

9       (4) agree not to sell, lease, exchange, or donate the lands  
10 except to the federal government, the State, a local government  
11 unit, or another qualifying tax exempt nonprofit organization for  
12 recreation and conservation purposes; and

13       (5) agree to execute and donate to the State at no charge a  
14 conservation restriction or historic preservation restriction, as  
15 the case may be, pursuant to P.L.1979, c.378 (C.13:8B-1 et seq.),  
16 on the lands to be acquired utilizing the matching grant.

17       e. The local government unit or qualifying tax exempt  
18 nonprofit organization share of the cost of an acquisition of  
19 lands, if any, may be reduced (1) by the fair market value, as  
20 determined by the commissioner, of any portion of the lands to be  
21 acquired which have been donated to, or otherwise received  
22 without cost by, any of the local government units or qualifying  
23 tax exempt nonprofit organizations concerned; or (2) in the case  
24 of a conveyance of the lands, or any portion thereof, to any of  
25 the local government units or qualifying tax exempt nonprofit  
26 organizations concerned at less than fair market value, by the  
27 difference between fair market value thereof at the time of the  
28 conveyance and the conveyance price thereof to the local  
29 government unit or units or to the qualifying tax exempt  
30 nonprofit organization or organizations.

31       f. The commissioner shall take into consideration the  
32 requirements, standards, and policies of State and federal law  
33 concerning handicapped or disabled persons, including, but not  
34 limited to, the provisions of the "Americans with Disabilities Act  
35 of 1990," 42 U.S.C. §12101 et al., when awarding grants or loans  
36 to local government units for the development of lands for  
37 recreation and conservation purposes using the proceeds of bonds  
38 issued by the State under this act.

39       g. (1) In making decisions concerning the awarding of grants  
40 or loans to assist local government units to meet the cost of  
41 acquisition or development of lands for recreation and  
42 conservation purposes, and concerning the awarding of grants to  
43 assist qualifying tax exempt nonprofit organizations to meet the  
44 cost of acquisition of lands for recreation and conservation  
45 purposes, using the proceeds of bonds issued by the State under  
46 this act, the commissioner shall give special consideration to  
47 increasing public access to waterfront areas and to protecting  
48 stream corridors, water supplies, and water recharge areas.

49       (2) In making decisions concerning the awarding of grants or  
50 loans to assist local government units to meet the cost of  
51 acquisition or development of lands for recreation and  
52 conservation purposes using the proceeds of bonds issued by the  
53 State under this act, the commissioner shall give special  
54 consideration to applications submitted by local government units

1   that have previously acquired or developed lands for recreation  
2   and conservation purposes without any financial assistance from  
3   the State.

4       h. Of the amount authorized pursuant to subsections b. and c.  
5   of section 5 of this act, not more than 8% shall be utilized for  
6   organizational, administrative and other work and services,  
7   including salaries, equipment and materials necessary to  
8   administer the applicable provisions of this act.

9       8. Bonds of the State of New Jersey are authorized to be  
10 issued in the aggregate principal amount of \$50,000,000 for the  
11 purpose of the preservation of farmland for agricultural use and  
12 production. The proceeds from the sale of the bonds shall be for  
13 appropriation to the State Agriculture Development Committee  
14 established pursuant to section 4 of P.L.1983, c.31 (C.4:1C-4):

15       a. to provide grants to counties and municipalities for up to  
16 80% of the cost of acquisition of development easements on  
17 farmland, provided that any funds received for the transfer of a  
18 development easement shall be dedicated to the future purchase  
19 of development easements;

20       b. for up to 100% of the cost of acquisition of development  
21 easements, under such emergency conditions as the State  
22 Agriculture Development Committee determines;

23       c. for the cost of acquisition of fee simple titles to farmland  
24 which shall be offered for resale with agricultural deed  
25 restrictions; and

26       d. to provide grants to landowners for up to 50% of the cost of  
27 soil and water conservation projects.

28       All acquisitions or grants made pursuant to this section shall be  
29 with respect to land devoted to farmland preservation under  
30 programs established by law.

31       Of the amount authorized pursuant to this section, not more  
32 than \$5,000,000 may be utilized for the purposes of subsection c.  
33 of this section, and not more than \$1,500,000 may be utilized for  
34 the purposes of subsection d. of this section.

35       Of the amount authorized pursuant to this section, not more  
36 than 8% shall be utilized for organizational, administrative and  
37 other work and services, including salaries, equipment and  
38 materials necessary to administer the applicable provisions of  
39 this act.

40       9. Bonds of the State of New Jersey are authorized to be  
41 issued in the aggregate principal amount of \$25,000,000 for the  
42 purpose of providing State matching grants to assist State  
43 agencies or entities, local government units, and qualifying tax  
44 exempt nonprofit organizations to meet the historic preservation  
45 project cost of historic preservation projects for historic  
46 properties, structures, facilities, or sites owned or leased on a  
47 long-term basis by those agencies, entities, units, or  
48 organizations.

49       Of the amount authorized pursuant to this section, not more  
50 than 8% shall be utilized for organizational, administrative and  
51 other work and services, including salaries, equipment and  
52 materials necessary to administer the applicable provisions of  
53 this act.

54       10. a. Historic preservation project matching grants shall be

1       awarded by the Trustees of the New Jersey Historic Trust in the  
2       Department of Environmental Protection on a competitive basis  
3       based upon the following criteria:

4           (1) Submission of specific plans for the preservation of the  
5       architectural and historical integrity of the structure;

6           (2) Demonstration by the applicant of administrative  
7       capabilities to carry out the preservation plans required pursuant  
8       to paragraph (1) of this subsection;

9           (3) Evidence of ability to meet the eligibility standards for  
10      historic preservation project matching grants set forth in  
11      subsection b. of this section;

12          (4) Submission of financial plans for the continued preservation  
13      of the historic property, structure, facility, or site after the  
14      expenditure of the grant moneys; and

15          (5) Evidence that the historic property, structure, facility, or  
16      site is and shall remain accessible to the public, or if it is not  
17      accessible to the public at the time of application, that it shall be  
18      made, and shall remain, accessible to the public.

19           b. To be eligible for a historic preservation project matching  
20      grant, the head official of an applying State agency or entity, the  
21      governing body of an applying local government unit, or the board  
22      of directors or governing body of an applying tax exempt  
23      nonprofit organization, as the case may be, shall:

24           (1) Certify that the property, structure, facility, or site is  
25      approved for, or meets the criteria for, inclusion in the New  
26      Jersey Register of Historic Places pursuant to P.L.1970, c.268  
27      (C.13:1B-15.128 et seq.); and

28           (2) Demonstrate the ability to match the grant applied for.

29           c. Moneys raised within two years prior to the enactment of  
30      this act for ongoing historic preservation projects may be utilized  
31      by an applicant to meet the matching requirements of this  
32      section, but moneys raised prior thereto may not be utilized for  
33      that purpose.

34           d. (1) Not more than 25% of the moneys made available for  
35      historic preservation projects pursuant to this act shall be  
36      awarded to State agencies or entities.

37           (2) Of the amount authorized pursuant to section 9 of this act,  
38      up to 10% may be awarded by the New Jersey Historic Trust to  
39      be utilized for historic preservation projects or programs that aid  
40      designated districts, municipalities, or geographic areas,  
41      including, but not limited to, certified local governments  
42      pursuant to 16 U.S.C. §470a et seq. and Main Street New Jersey  
43      communities. The New Jersey Historic Trust shall administer all  
44      such awards authorized pursuant to this paragraph.

45           e. No historic preservation project may receive a matching  
46      grant pursuant to this act that exceeds \$1,250,000.

47           f. Recipients of historic preservation project matching grants  
48      awarded pursuant to this act shall reflect the racial, ethnic and  
49      geographic diversity of the State.

50           g. The New Jersey Historic Trust shall establish an advisory  
51      committee composed of individuals with the requisite  
52      professional expertise to evaluate the historic preservation  
53      project matching grant applications submitted pursuant to this  
54      section and to advise the trustees on the merits of each

1 application received.

2 h. The New Jersey Historic Trust shall require as a condition  
3 of any historic preservation project matching grant awarded to a  
4 qualifying tax exempt nonprofit organization that the historic  
5 property, structure, facility, or site for which the grant was  
6 received shall not be sold, leased, or otherwise conveyed to an  
7 individual or organization that does not have tax exempt  
8 nonprofit or governmental status.

9 i. Any work on a historic preservation project funded with a  
10 historic preservation project matching grant awarded pursuant to  
11 this act shall commence within two years of the effective date of  
12 the appropriation by law of the funds for the grant, or the grant  
13 for that historic preservation project shall lapse into the "1995  
14 Historic Preservation Fund" established pursuant to section 26 of  
15 this act.

16 11. Bonds of the State of New Jersey are authorized to be  
17 issued in the aggregate principal amount of \$37,500,000 for the  
18 purposes of providing State grants and loans to assist local  
19 government units to meet the coastal Blue Acres cost of  
20 acquiring, for recreation and conservation purposes, lands in the  
21 coastal area that have been damaged by, or may be prone to  
22 incurring damage caused by, storms or storm-related flooding, or  
23 that may buffer or protect other lands from such damage, to be  
24 allocated as follows:

25 a. \$22,500,000 for State grants and loans to assist local  
26 government units to acquire, for recreation and conservation  
27 purposes, lands in the coastal area that have been damaged by  
28 storms or storm-related flooding; and

29 b. \$15,000,000 for State grants and loans to assist local  
30 government units to acquire, for recreation and conservation  
31 purposes, unimproved or largely unimproved lands in the coastal  
32 area that may be prone to incurring damage caused by storms or  
33 storm-related flooding, or that may buffer or protect other lands  
34 from such damage.

35 12. a. (1) For a coastal Blue Acres project funded pursuant to  
36 subsection a. of section 11 of this act, a local government unit  
37 shall receive a grant of 50% and a loan of 50% of the coastal Blue  
38 Acres cost of acquisition of the lands.

39 (2) For a coastal Blue Acres project funded pursuant to  
40 subsection b. of section 11 of this act, a local government unit  
41 shall receive a grant of 75% and a loan of 25% of the coastal Blue  
42 Acres cost of acquisition of the lands.

43 (3) Loans made to local government units for coastal Blue  
44 Acres projects from the "1995 New Jersey Coastal Blue Acres  
45 Trust Fund" established pursuant to section 27 of this act shall  
46 bear interest of not more than 2% per year, and shall be for a  
47 term of not more than 20 years.

48 (4) Local government units in the coastal area eligible to apply  
49 for, or that have received, funding pursuant to the coastal Blue  
50 Acres bond program shall remain eligible to apply, and shall be  
51 considered, for funding pursuant to the Green Acres bond  
52 program in the same manner and according to the same criteria  
53 as other local government units located outside of the coastal  
54 area. Participation of a local government unit in the coastal Blue

1      Acres bond program shall not be reason to deny funding to that  
2      local government unit under the Green Acres bond program.

3            b. The local government unit share of the coastal Blue Acres  
4      cost of an acquisition of lands may be reduced (1) by the fair  
5      market value, as determined by the commissioner, of any portion  
6      of the lands to be acquired which have been donated to, or  
7      otherwise received without cost by, the local government unit; or  
8      (2) in the case of a conveyance of the lands, or any portion  
9      thereof, to the local government unit at less than fair market  
10     value, by the difference between fair market value thereof at the  
11     time of the conveyance and the conveyance price thereof to the  
12     local government unit.

13            c. (1) Only the following lands in the coastal area shall be  
14     eligible for acquisition by a local government unit utilizing funds  
15     made available pursuant to the coastal Blue Acres bond program:  
16     lands anywhere on a coastal barrier island, or elsewhere any lands  
17     within 150 feet landward of the mean high water line of any tidal  
18     waters or the landward limit of a beach or dune, whichever is  
19     most landward. If only a portion of a parcel being considered for  
20     acquisition lies within the 150-foot boundary, the entire parcel,  
21     including that portion lying outside of the 150-foot boundary,  
22     shall be eligible for acquisition.

23            (2) No lands with improvements upon them shall be eligible to  
24     be acquired utilizing funds made available pursuant to subsection  
25     a. of section 11 of this act unless the value of the improvements  
26     thereon shall have been reduced by at least 50% due to damage  
27     caused by a storm or storm-related flooding.

28            d. (1) A local government unit shall not utilize the power of  
29     eminent domain in any manner to acquire lands utilizing funds  
30     made available pursuant to the coastal Blue Acres bond program;  
31     such lands shall be acquired only from willing sellers. A local  
32     government applying for funds made available pursuant to the  
33     coastal Blue Acres bond program shall provide written proof to  
34     the commissioner that the lands to be acquired are being offered  
35     willingly by the seller to the local government unit.

36            (2) The commissioner shall establish an expedited review  
37     procedure for applications for funds made available pursuant to  
38     subsection a. of section 11 of this act.

39            e. (1) Decisions concerning the awarding of grants or loans to  
40     assist local government units to meet the coastal Blue Acres cost  
41     of acquisition of lands using the proceeds of bonds issued by the  
42     State under this act shall be based upon priority ranking criteria  
43     to be established by the commissioner, including, but not limited  
44     to, the extent and feasibility of public access and parking, the  
45     extent of damage caused by a storm or storm-related flooding,  
46     proximity to other lands already protected or likely to be  
47     protected in the future for recreation and conservation purposes,  
48     proximity to other lands already acquired or under consideration  
49     for acquisition pursuant to the coastal Blue Acres bond program,  
50     ease of maintenance of the property, and the extent to which  
51     acquisition of the lands will likely help avoid future public costs  
52     resulting from storms and storm-related flooding.

53            (2) Expenditure of any funds made available pursuant to  
54     subsection a. of section 11 of this act for a particular coastal

1     Blue Acres project shall require the approval of the Joint Budget  
2     Oversight Committee or its successor.

3         f. Upon a finding by the Governor that a major catastrophic  
4     storm event has occurred, the Governor, with the approval of the  
5     Joint Budget Oversight Committee or its successor, may  
6     authorize use of any or all of the unexpended funds allocated  
7     pursuant to subsection b. of section 11 of this act for the  
8     purposes of subsection a. of section 11 of this act.

9         g. (1) The Office of Green Acres in the Department of  
10    Environmental Protection shall administer the coastal Blue Acres  
11    bond program.

12         (2) Except as otherwise provided pursuant to this act or any  
13    other law, or any rules or regulations adopted pursuant thereto,  
14    acquisitions of lands by local government units pursuant to the  
15    coastal Blue Acres bond program shall be regarded and regulated  
16    by the State in the same manner as lands acquired by local  
17    government units pursuant to the Green Acres bond program, and  
18    shall be subject to the provisions of P.L.1961, c.45 (C.13:8A-1 et  
19    seq.), P.L.1971, c.419 (C.13:8A-19 et seq.), and P.L.1975, c.155  
20    (C.13:8A-35 et seq.), and any rules or regulations adopted  
21    pursuant thereto.

22         (3) Of the amount authorized pursuant to section 11 of this  
23    act, not more than 8% shall be utilized for organizational,  
24    administrative and other work and services, including salaries,  
25    equipment and materials necessary to administer the applicable  
26    provisions of this act.

27         13. a. Bonds of the State of New Jersey are authorized to be  
28    issued in the aggregate principal amount of \$37,500,000 for the  
29    purposes of providing moneys to meet the inland Blue Acres cost  
30    of acquisition by the State, for recreation and conservation  
31    purposes, of lands in the floodway of the Passaic river and its  
32    tributaries that have been damaged by, or may be prone to  
33    incurring damage caused by, storms or storm-related flooding, or  
34    that may buffer or protect other lands from such damage.

35         b. To the end that municipalities may not suffer a loss of taxes  
36    by reason of the acquisition and ownership by the State of New  
37    Jersey of property under the provisions of this section, the State  
38    shall pay annually on October 1 to each municipality in which  
39    property is so acquired, for a period of 13 years following an  
40    acquisition the following amounts: in the first year a sum of  
41    money equal to the tax last assessed and last paid by the taxpayer  
42    upon this land and the improvements thereon for the taxable year  
43    immediately prior to the time of its acquisition and thereafter  
44    the following percentages of the amount paid in the first year:  
45    second year, 92%; third year, 84%; fourth year, 76%; fifth year,  
46    68%; sixth year, 60%; seventh year, 52%; eighth year, 44%; ninth  
47    year, 36%; 10th year, 28%; 11th year, 20%; 12th year, 12%; 13th  
48    year, 4%. In the event that land acquired by the State pursuant  
49    to this act was assessed at an agricultural and horticultural use  
50    valuation in accordance with provisions of the "Farmland  
51    Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), at  
52    the time of its acquisition by the State, no rollback tax pursuant  
53    to section 8 of P.L.1964, c.48 (C.54:4-23.8) shall be imposed as to  
54    this land nor shall this rollback tax be applicable in determining

1       the annual payments to be made by the State to the municipality  
2       in which this land is located.

3       All sums of money received by the respective municipalities as  
4       compensation for loss of tax revenue pursuant to this section  
5       shall be applied to the same purposes as is the tax revenue from  
6       the assessment and collection of taxes on real property of these  
7       municipalities, and to accomplish this end the sums shall be  
8       apportioned in the same manner as the general tax rate of the  
9       municipality for the tax year preceding the year of receipt.

10      c. Moneys provided to the State for lands to be acquired  
11     pursuant to this section using the proceeds of bonds issued by the  
12     State under this act shall include 100% of the inland Blue Acres  
13     costs of acquisition of these lands.

14      d. The State shall not utilize the power of eminent domain in  
15     any manner to acquire lands utilizing funds made available  
16     pursuant to the inland Blue Acres bond program; such lands shall  
17     be acquired only from willing sellers.

18      e. An advisory committee composed of experts and  
19     appropriate interested parties concerned with flood management  
20     in the floodway of the Passaic river and its tributaries through  
21     land acquisition and preservation efforts shall be established  
22     pursuant to law to advise the Department of Environmental  
23     Protection with respect to the acquisition of lands by the State  
24     utilizing funds made available pursuant to the inland Blue Acres  
25     bond program.

26      f. The Office of Green Acres in the Department of  
27     Environmental Protection shall administer the inland Blue Acres  
28     bond program.

29      g. Of the amount authorized pursuant to this section, not more  
30     than 8% shall be utilized for organizational, administrative and  
31     other work and services, including salaries, equipment and  
32     materials necessary to administer the applicable provisions of  
33     this act.

34      14. The bonds authorized under this act shall be serial bonds,  
35     term bonds, or a combination thereof, and shall be known as  
36     "1995 New Jersey Green Acres, Farmland and Historic  
37     Preservation, and Blue Acres Bonds." They shall be issued from  
38     time to time as the issuing officials herein named shall determine  
39     and may be issued in coupon form, fully-registered form or  
40     book-entry form. The bonds may be subject to redemption prior  
41     to maturity and shall mature and be paid not later than 35 years  
42     from the respective dates of their issuance.

43      15. The Governor, the State Treasurer and the Director of the  
44     Division of Budget and Accounting in the Department of the  
45     Treasury, or any two of these officials, herein referred to as "the  
46     issuing officials," are authorized to carry out the provisions of  
47     this act relating to the issuance of bonds, and shall determine all  
48     matters in connection therewith, subject to the provisions of this  
49     act. If an issuing official is absent from the State or incapable of  
50     acting for any reason, the powers and duties of that issuing  
51     official shall be exercised and performed by the person  
52     authorized by law to act in an official capacity in the place of  
53     that issuing official.

54      16. Bonds issued in accordance with the provisions of this act

1 shall be direct obligations of the State of New Jersey, and the  
2 faith and credit of the State are pledged for the payment of the  
3 interest and redemption premium thereon, if any, when due, and  
4 for the payment of the principal thereof at maturity or earlier  
5 redemption date. The principal of and interest on the bonds shall  
6 be exempt from taxation by the State or by any county,  
7 municipality or other taxing district of the State.

8       17. The bonds shall be signed in the name of the State by  
9 means of the manual or facsimile signature of the Governor under  
10 the Great Seal of the State, which seal may be by facsimile or by  
11 way of any other form of reproduction on the bonds, and attested  
12 by the manual or facsimile signature of the Secretary of State, or  
13 an Assistant Secretary of State, and shall be countersigned by the  
14 facsimile signature of the Director of the Division of Budget and  
15 Accounting in the Department of the Treasury and may be  
16 manually authenticated by an authenticating agent or bond  
17 registrar, as the issuing officials shall determine. Interest  
18 coupons, if any, attached to the bonds shall be signed by the  
19 facsimile signature of the Director of the Division of Budget and  
20 Accounting in the Department of the Treasury. The bonds may  
21 be issued notwithstanding that an official signing them or whose  
22 manual or facsimile signature appears on the bonds or coupons  
23 has ceased to hold office at the time of issuance, or at the time  
24 of the delivery of the bonds to the purchaser thereof.

25       18. a. The bonds shall recite that they are issued for the  
26 purposes set forth in sections 5, 8, 9, 11, or 13 of this act, that  
27 they are issued pursuant to this act, that this act was submitted  
28 to the people of the State at the general election held in the  
29 month of November, 1995, and that this act was approved by a  
30 majority of the legally qualified voters of the State voting  
31 thereon at the election. This recital shall be conclusive evidence  
32 of the authority of the State to issue the bonds and their  
33 validity. Any bonds containing this recital shall, in any suit,  
34 action or proceeding involving their validity, be conclusively  
35 deemed to be fully authorized by this act and to have been issued,  
36 sold, executed and delivered in conformity herewith and with all  
37 other provisions of law applicable hereto, and shall be  
38 incontestable for any cause.

39       b. The bonds shall be issued in those denominations and in the  
40 form or forms, whether coupon, fully-registered or book-entry,  
41 and with or without provisions for the interchangeability thereof,  
42 as may be determined by the issuing officials.

43       19. When the bonds are issued from time to time, the bonds of  
44 each issue shall constitute a separate series to be designated by  
45 the issuing officials. Each series of bonds shall bear such rate or  
46 rates of interest as may be determined by the issuing officials,  
47 which interest shall be payable semiannually; except that the  
48 first and last interest periods may be longer or shorter, in order  
49 that the intervening semiannual payments may be at convenient  
50 dates.

51       20. The bonds shall be issued and sold at the price or prices  
52 and under the terms, conditions and regulations as the issuing  
53 officials may prescribe, after notice of the sale, published at  
54 least once in at least three newspapers published in this State,

1       and at least once in a publication carrying municipal bond notices  
2       and devoted primarily to financial news, published in this State or  
3       in the city of New York, the first notice to appear at least five  
4       days prior to the day of bidding. The notice of sale may contain a  
5       provision to the effect that any bid in pursuance thereof may be  
6       rejected. In the event of rejection or failure to receive any  
7       acceptable bid, the issuing officials, at any time within 60 days  
8       from the date of the advertised sale, may sell the bonds at a  
9       private sale at such price or prices and under the terms and  
10      conditions as the issuing officials may prescribe. The issuing  
11      officials may sell all or part of the bonds of any series as issued  
12      to any State fund or to the federal government or any agency  
13      thereof, at a private sale, without advertisement.

14      21. Until permanent bonds are prepared, the issuing officials  
15      may issue temporary bonds in a form and with those privileges as  
16      to their registration and exchange for permanent bonds as may be  
17      determined by the issuing officials.

18      22. The State Treasurer shall establish a fund, to be known as  
19      the "1995 New Jersey Green Acres Fund," and the moneys  
20      therein are to be held in those depositories as the State Treasurer  
21      may select. The State Treasurer shall deposit into the fund all  
22      proceeds from the sale of the bonds issued by the State under this  
23      act for State acquisitions and developments as set forth in  
24      subsection a. of section 5 of this act. The moneys in the fund are  
25      specifically dedicated and shall be applied to the cost of the  
26      purposes set forth in subsection a. of section 5 of this act. Such  
27      grants, contributions, donations, and reimbursements from  
28      federal aid programs as may be lawfully used for the purposes set  
29      forth in subsection a. of section 5 of this act shall also be held in  
30      the "1995 New Jersey Green Acres Fund." Moneys in the fund  
31      shall not be expended except in accordance with appropriations  
32      from the fund made by law, but bonds may be issued as herein  
33      provided, notwithstanding that the Legislature shall not have then  
34      adopted an act making a specific appropriation of any of the  
35      moneys. Any act appropriating moneys from the "1995 New  
36      Jersey Green Acres Fund" shall identify the particular project or  
37      projects to be funded by the moneys.

38      23. The State Treasurer shall establish a revolving, nonlapsing  
39      fund to be known as the "1995 New Jersey Green Trust Fund,"  
40      and the moneys therein are to be held in those depositories as the  
41      State Treasurer may select. The State Treasurer shall deposit  
42      into the fund all proceeds from the sale of the bonds issued by the  
43      State under this act for grants and loans as set forth in  
44      subsections b. and c. of section 5 of this act. The moneys in the  
45      fund are specifically dedicated and shall be applied to the cost of  
46      the purposes set forth in subsections b. and c. of section 5 of this  
47      act. Moneys derived from the payment of interest and principal  
48      on the loans to local government units authorized in subsection b.  
49      of section 5 of this act, and such grants, contributions, donations,  
50      and reimbursements from federal aid programs as may lawfully  
51      be used for the purposes of making grants and loans to local  
52      government units or qualifying tax exempt nonprofit  
53      organizations for recreation and conservation purposes, shall also  
54      be held in the "1995 New Jersey Green Trust Fund." Moneys in

1       the fund shall not be expended except in accordance with  
2       appropriations from the fund made by law, but bonds may be  
3       issued as herein provided, notwithstanding that the Legislature  
4       shall not have then adopted an act making a specific  
5       appropriation of any of the moneys. Any act appropriating  
6       moneys from the "1995 New Jersey Green Trust Fund" shall  
7       identify the particular project or projects to be funded by the  
8       moneys.

9       24. Notwithstanding any law, rule, or regulation to the  
10      contrary:

11       a. any proceeds from the sale or conveyance of lands acquired  
12       or developed by the State for recreation and conservation  
13       purposes with funds made available pursuant to P.L.1961, c.46;  
14       P.L.1971, c.165; P.L.1974, c.102; P.L.1978, c.118; P.L.1983,  
15       c.354; P.L.1989, c.183; P.L.1992, c.88; or this act, shall be  
16       deposited in the "1995 New Jersey Green Acres Fund," or in any  
17       similar fund established in any subsequent bond act enacted for  
18       similar purposes;

19       b. any proceeds returned to the State from the sale or  
20       conveyance of lands acquired or developed by a local government  
21       unit or a qualifying tax exempt nonprofit organization for  
22       recreation and conservation purposes with funds made available  
23       pursuant to P.L.1961, c.46; P.L.1971, c.165; P.L.1974, c.102;  
24       P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265; P.L.1989,  
25       c.183; P.L.1992, c.88; or this act, shall be deposited in the "1995  
26       New Jersey Green Trust Fund," or in any similar fund established  
27       in any subsequent bond act enacted for similar purposes.

28       25. a. The State Treasurer shall establish a fund to be known  
29       as the "1995 Farmland Preservation Fund," and the moneys  
30       therein are to be held in those depositories as the State Treasurer  
31       may select. The State Treasurer shall deposit into the fund all  
32       proceeds from the sale of bonds issued by the State under this act  
33       for the acquisition of development easements or fee simple titles  
34       on farmland and for soil and water conservation projects, all as  
35       set forth in section 8 of this act. The moneys in the fund are  
36       specifically dedicated and shall be applied to the cost of the  
37       purposes set forth in section 8 of this act. Moneys in the fund  
38       shall not be expended except in accordance with appropriations  
39       from the fund made by law, but bonds may be issued as herein  
40       provided, notwithstanding that the Legislature shall not have then  
41       adopted an act making a specific appropriation of any of the  
42       moneys.

43       b. Any act appropriating moneys from the "1995 Farmland  
44       Preservation Fund" shall identify the particular project or  
45       projects to be funded with such moneys, except the provisions of  
46       this subsection shall not apply to any appropriation of moneys  
47       from the fund for the cost of acquisition of fee simple titles to  
48       farmland or for the cost of providing grants to landowners for up  
49       to 50% of the cost of soil and water conservation projects.

50       26. The State Treasurer shall establish a fund to be known as  
51       the "1995 Historic Preservation Fund," and the moneys therein  
52       are to be held in those depositories as the State Treasurer may  
53       select. The State Treasurer shall deposit into the fund all  
54       proceeds from the sale of bonds issued by the State under this act

1 for the funding of historic preservation projects as set forth in  
2 section 9 of this act. The moneys in the fund are specifically  
3 dedicated and shall be applied to the historic preservation project  
4 cost of the purposes set forth in section 9 of this act. Moneys in  
5 the fund shall not be expended except in accordance with  
6 appropriations from the fund made by law, but bonds may be  
7 issued as herein provided, notwithstanding that the Legislature  
8 shall not have then adopted an act making a specific  
9 appropriation of any of the moneys. Any act appropriating  
10 moneys from the "1995 Historic Preservation Fund" shall identify  
11 the particular project or projects to be funded by the moneys.

12 27. a. The State Treasurer shall establish a revolving,  
13 nonlapsing fund to be known as the "1995 New Jersey Coastal  
14 Blue Acres Trust Fund," and the moneys therein are to be held in  
15 those depositories as the State Treasurer may select. The State  
16 Treasurer shall deposit into the fund all proceeds from the sale of  
17 the bonds issued by the State under this act for grants and loans  
18 as set forth in section 11 of this act. The moneys in the fund are  
19 specifically dedicated and shall be applied to the cost of the  
20 purposes set forth in section 11 of this act. Moneys derived from  
21 the payment of interest and principal on the loans to local  
22 government units authorized in section 11 of this act, and such  
23 grants, contributions, donations, and reimbursements from  
24 federal aid programs as may lawfully be used for the purposes of  
25 making grants and loans to local government units for the  
26 purposes set forth in section 11 of this act, shall also be held in  
27 the "1995 New Jersey Coastal Blue Acres Trust Fund." Moneys  
28 in the fund shall not be expended except in accordance with  
29 appropriations from the fund made by law, but bonds may be  
30 issued as herein provided, notwithstanding that the Legislature  
31 shall not have then adopted an act making a specific  
32 appropriation of any of the moneys. Any act appropriating  
33 moneys from the "1995 New Jersey Coastal Blue Acres Trust  
34 Fund" for the purposes of subsection b. of section 11 of this act  
35 shall identify the particular project or projects to be funded by  
36 the moneys.

37 b. Notwithstanding any law, rule, or regulation to the  
38 contrary, any proceeds returned to the State from the sale or  
39 conveyance of lands acquired by a local government unit with  
40 funds made available pursuant to section 11 of this act, shall be  
41 deposited in the "1995 New Jersey Coastal Blue Acres Trust  
42 Fund," or in any similar fund established in any subsequent bond  
43 act enacted for similar purposes.

44 28. a. The State Treasurer shall establish a fund, to be known  
45 as the "1995 New Jersey Inland Blue Acres Fund," and the  
46 moneys therein are to be held in those depositories as the State  
47 Treasurer may select. The State Treasurer shall deposit into the  
48 fund all proceeds from the sale of the bonds issued by the State  
49 under this act for State acquisitions as set forth in section 13 of  
50 this act. The moneys in the fund are specifically dedicated and  
51 shall be applied to the cost of the purposes set forth in section 13  
52 of this act. Such grants, contributions, donations, and  
53 reimbursements from federal aid programs as may be lawfully  
54 used for the purposes set forth in section 13 of this act shall also

1       be held in the "1995 New Jersey Inland Blue Acres Fund."  
2       Moneys in the fund shall not be expended except in accordance  
3       with appropriations from the fund made by law, but bonds may be  
4       issued as herein provided, notwithstanding that the Legislature  
5       shall not have then adopted an act making a specific  
6       appropriation of any of the moneys. Any act appropriating  
7       moneys from the "1995 New Jersey Inland Blue Acres Fund" shall  
8       identify the particular project or projects to be funded by the  
9       moneys.

10      b. Notwithstanding any law, rule, or regulation to the  
11     contrary, any proceeds from the sale or conveyance of lands  
12     acquired by the State with funds made available pursuant to  
13     section 13 of this act, shall be deposited in the "1995 New Jersey  
14     Inland Blue Acres Fund," or in any similar fund established in any  
15     subsequent bond act enacted for similar purposes.

16      29. a. At any time prior to the issuance and sale of bonds  
17     under this act, the State Treasurer is authorized to transfer from  
18     any available moneys in any fund of the treasury of the State to  
19     the credit of the "1995 New Jersey Green Acres Fund," the "1995  
20     New Jersey Green Trust Fund," the "1995 Farmland Preservation  
21     Fund," the "1995 Historic Preservation Fund," the "1995 New  
22     Jersey Coastal Blue Acres Trust Fund," or the "1995 New Jersey  
23     Inland Blue Acres Fund," those sums as the State Treasurer may  
24     deem necessary. The sums so transferred shall be returned to the  
25     same fund of the treasury of the State by the State Treasurer  
26     from the proceeds of the sale of the first issue of bonds.

27      b. Pending their application to the purposes provided in the  
28     applicable provisions of this act, the moneys in the "1995 New  
29     Jersey Green Acres Fund," the "1995 New Jersey Green Trust  
30     Fund," the "1995 Farmland Preservation Fund," the "1995  
31     Historic Preservation Fund," the "1995 New Jersey Coastal Blue  
32     Acres Trust Fund," and the "1995 New Jersey Inland Blue Acres  
33     Fund," may be invested and reinvested as are other trust funds in  
34     the custody of the State Treasurer, in the manner provided by  
35     law. Net earnings received from the investment or deposit of  
36     moneys in these funds shall be redeposited therein and become  
37     part of the respective funds.

38      30. If any coupon bond, coupon or registered bond is lost,  
39     mutilated or destroyed, a new bond or coupon shall be executed  
40     and delivered of like tenor, in substitution for the lost, mutilated  
41     or destroyed bond or coupon, upon the owner furnishing to the  
42     issuing officials evidence satisfactory to them of the loss,  
43     mutilation or destruction of the bond or coupon, the ownership  
44     thereof, and security, indemnity and reimbursement for expenses  
45     connected therewith, as the issuing officials may require.

46      31. The accrued interest, if any, received upon the sale of the  
47     bonds shall be applied to the discharge of a like amount of  
48     interest upon the bonds when due. Any expense incurred by the  
49     issuing officials for advertising, engraving, printing, clerical,  
50     authenticating, registering, legal or other services necessary to  
51     carry out the duties imposed upon them by the provisions of this  
52     act shall be paid from the proceeds of the sale of the bonds by  
53     the State Treasurer, upon the warrant of the Director of the  
54     Division of Budget and Accounting in the Department of the

1      Treasury, in the same manner as other obligations of the State  
2      are paid.

3      32. Bonds of each series issued hereunder shall mature,  
4      including any sinking fund redemptions, not later than the 35th  
5      year from the date of issue of that series, and in amounts as shall  
6      be determined by the issuing officials. The issuing officials may  
7      reserve to the State by appropriate provision in the bonds of any  
8      series the power to redeem any of the bonds prior to maturity at  
9      such price or prices and upon such terms and conditions as may be  
10     provided in the bonds.

11     33. Any bond or bonds issued hereunder, which are subject to  
12     the "Refunding Bond Act of 1985," P.L.1985, c.74 as amended by  
13     P.L.1992, c.182 (C.49:2B-1 et seq.), shall no longer be deemed to  
14     be outstanding, shall no longer constitute a direct obligation of  
15     the State of New Jersey, and the faith and credit of the State  
16     shall no longer be pledged to the payment of the principal of,  
17     redemption premium, if any, and interest on the bonds, and the  
18     bonds shall be secured solely by and payable solely from moneys  
19     and government securities deposited in trust with one or more  
20     trustees or escrow agents, which trustees and escrow agents shall  
21     be trust companies or national or state banks having powers of a  
22     trust company, located either within or without the State, as  
23     provided herein, whenever there shall be deposited in trust with  
24     the trustees or escrow agents, as provided herein, either moneys  
25     or government securities, including government securities issued  
26     or held in book-entry form on the books of the Department of  
27     Treasury of the United States, the principal of and interest on  
28     which when due will provide money which, together with the  
29     moneys, if any, deposited with the trustees or escrow agents at  
30     the same time, shall be sufficient to pay when due the principal  
31     of, redemption premium, if any, and interest due and to become  
32     due on the bonds on or prior to the redemption date or maturity  
33     date thereof, as the case may be; provided the government  
34     securities shall not be subject to redemption prior to their  
35     maturity other than at the option of the holder thereof. The  
36     State of New Jersey hereby covenants with the holders of any  
37     bonds for which government securities or moneys shall have been  
38     deposited in trust with the trustees or escrow agents as provided  
39     in this section that, except as otherwise provided in this section,  
40     neither the government securities nor moneys so deposited with  
41     the trustees or escrow agents shall be withdrawn or used by the  
42     State for any purpose other than, and shall be held in trust for,  
43     the payment of the principal of, redemption premium, if any, and  
44     interest to become due on the bonds; provided that any cash  
45     received from the principal or interest payments on the  
46     government securities deposited with the trustees or escrow  
47     agents, to the extent the cash will not be required at any time for  
48     that purpose, shall be paid over to the State, as received by the  
49     trustees or escrow agents, free and clear of any trust, lien,  
50     pledge or assignment securing the bonds; and to the extent the  
51     cash will be required for that purpose at a later date, shall, to the  
52     extent practicable and legally permissible, be reinvested in  
53     government securities maturing at times and in amounts  
54     sufficient to pay when due the principal of, redemption premium,

1 if any, and interest to become due on the bonds on and prior to  
2 the redemption date or maturity date thereof, as the case may  
3 be, and interest earned from the reinvestments shall be paid over  
4 to the State, as received by the trustees or escrow agents, free  
5 and clear of any trust, lien or pledge securing the bonds.  
6 Notwithstanding anything to the contrary contained herein: a. the  
7 trustees or escrow agents shall, if so directed by the issuing  
8 officials, apply moneys on deposit with the trustees or escrow  
9 agents pursuant to the provisions of this section, and redeem or  
10 sell government securities so deposited with the trustees or  
11 escrow agents, and apply the proceeds thereof to (1) the purchase  
12 of the bonds which were refinanced by the deposit with the  
13 trustees or escrow agents of the moneys and government  
14 securities and immediately thereafter cancel all bonds so  
15 purchased, or (2) the purchase of different government securities;  
16 provided however, that the moneys and government securities on  
17 deposit with the trustees or escrow agents after the purchase and  
18 cancellation of the bonds or the purchase of different government  
19 securities shall be sufficient to pay when due the principal of,  
20 redemption premium, if any, and interest on all other bonds in  
21 respect of which the moneys and government securities were  
22 deposited with the trustees or escrow agents on or prior to the  
23 redemption date or maturity date thereof, as the case may be;  
24 and b. in the event that on any date, as a result of any purchases  
25 and cancellations of bonds or any purchases of different  
26 government securities, as provided in this sentence, the total  
27 amount of moneys and government securities remaining on  
28 deposit with the trustees or escrow agents is in excess of the  
29 total amount which would have been required to be deposited  
30 with the trustees or escrow agents on that date in respect of the  
31 remaining bonds for which the deposit was made in order to pay  
32 when due the principal of, redemption premium, if any, and  
33 interest on the remaining bonds, the trustees or escrow agents  
34 shall, if so directed by the issuing officials, pay the amount of the  
35 excess to the State, free and clear of any trust, lien, pledge or  
36 assignment securing the refunding bonds.

37       34. Refunding bonds issued pursuant to P.L.1985, c.74 as  
38 amended by P.L.1992, c.182 (C.49:2B-1 et seq.) may be  
39 consolidated with bonds issued pursuant to sections 5, 8, 9, 11, or  
40 13 of this act or with bonds issued pursuant to any other act for  
41 purposes of sale.

42       35. To provide funds to meet the interest and principal  
43 payment requirements for the bonds issued under this act and  
44 outstanding, there is appropriated in the order following:

45       a. Revenue derived from the collection of taxes under the  
46 "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), or  
47 so much thereof as may be required; and

48       b. If, at any time, funds necessary to meet the interest,  
49 redemption premium, if any, and principal payments on  
50 outstanding bonds issued under this act are insufficient or not  
51 available, there shall be assessed, levied and collected annually in  
52 each of the municipalities of the counties of this State, a tax on  
53 the real and personal property upon which municipal taxes are or  
54 shall be assessed, levied and collected, sufficient to meet the

1 interest on all outstanding bonds issued hereunder and on the  
2 bonds proposed to be issued under this act in the calendar year in  
3 which the tax is to be raised and for the payment of bonds falling  
4 due in the year following the year for which the tax is levied.  
5 The tax shall be assessed, levied and collected in the same  
6 manner and at the same time as other taxes upon real and  
7 personal property. The governing body of each municipality shall  
8 pay to the county treasurer of the county in which the  
9 municipality is located, on or before December 15 in each year,  
10 the amount of tax herein directed to be assessed and levied, and  
11 the county treasurer shall pay the amount of the tax to the State  
12 Treasurer on or before December 20 in each year.

13 If on or before December 31 in any year, the issuing officials,  
14 by resolution, determine that there are moneys in the General  
15 Fund beyond the needs of the State, sufficient to pay the  
16 principal of bonds falling due and all interest and redemption  
17 premium, if any, payable in the ensuing calendar year, the issuing  
18 officials shall file the resolution in the office of the State  
19 Treasurer, whereupon the State Treasurer shall transfer the  
20 moneys to a separate fund to be designated by the State  
21 Treasurer, and shall pay the principal, redemption premium, if  
22 any, and interest out of that fund as the same shall become due  
23 and payable, and the other sources of payment of the principal,  
24 redemption premium, if any, and interest provided for in this  
25 section shall not then be available, and the receipts for the year  
26 from the tax specified in subsection a. of this section shall be  
27 considered and treated as part of the General Fund, available for  
28 general purposes.

29 36. Should the State Treasurer, by December 31 of any year,  
30 deem it necessary, because of the insufficiency of funds collected  
31 from the sources of revenues as provided in this act, to meet the  
32 interest and principal payments for the year after the ensuing  
33 year, then the State Treasurer shall certify to the Director of the  
34 Division of Budget and Accounting in the Department of the  
35 Treasury the amount necessary to be raised by taxation for those  
36 purposes, the same to be assessed, levied and collected for and in  
37 the ensuing calendar year. The director shall, on or before March  
38 1 following, calculate the amount in dollars to be assessed, levied  
39 and collected in each county as herein set forth. This calculation  
40 shall be based upon the corrected assessed valuation of each  
41 county for the year preceding the year in which the tax is to be  
42 assessed, but the tax shall be assessed, levied and collected upon  
43 the assessed valuation of the year in which the tax is assessed and  
44 levied. The director shall certify the amount to the county board  
45 of taxation and the treasurer of each county. The county board  
46 of taxation shall include the proper amount in the current tax  
47 levy of the several taxing districts of the county in proportion to  
48 the ratables as ascertained for the current year.

49 37. For the purpose of complying with the provisions of the  
50 State Constitution, this act shall be submitted to the people at  
51 the general election to be held in the month of November, 1995.  
52 To inform the people of the contents of this act, it shall be the  
53 duty of the Secretary of State, after this section takes effect,  
54 and at least 60 days prior to the election, to cause this act to be

1       published at least once in one or more newspapers of each county,  
2       if any newspapers be published therein and to notify the clerk of  
3       each county of this State of the passage of this act; and the  
4       clerks respectively, in accordance with the instructions of the  
5       Secretary of State, shall have printed on each of the ballots the  
6       following:

7           If you approve of the act entitled below, make a cross (X), plus  
8       (+), or check (✓) mark in the square opposite the word "Yes."

9           If you disapprove of the act entitled below, make a cross (X),  
10       plus (+) or check (✓) mark in the square opposite the word "No."

11           If voting machines are used, a vote of "Yes" or "No" shall be  
12       equivalent to these markings respectively.

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2  
3                   **GREEN ACRES, FARMLAND AND HISTORIC**  
4                   **PRESERVATION, AND BLUE ACRES**  
5                   **BOND ISSUE**

6  
7                   YES. Shall the "Green Acres, Farmland and Historic  
8                   Preservation, and Blue Acres Bond Act of 1995,"  
9                   which authorizes the State to issue bonds in the  
10                  amount of \$350,000,000 to provide moneys for (1)  
11                  acquiring and developing lands for recreation and  
12                  conservation purposes, (2) acquiring farmland  
13                  development easements and funding farmland soil  
14                  and water conservation projects, (3) funding  
15                  historic preservation projects, (4) acquiring, for  
16                  recreation and conservation purposes, coastal  
17                  properties that are prone to or have incurred  
18                  flood or storm damage, and (5) acquiring, for  
19                  recreation and conservation purposes, properties  
20                  in the floodway of the Passaic river and its  
21                  tributaries that are prone to or have incurred  
22                  flood or storm damage; and providing the ways  
23                  and means to pay the interest on the debt and  
24                  also to pay and discharge the principal thereof,  
25                  be approved?  
26  
27  
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31                   INTERPRETIVE STATEMENT

32                   NO. Approval of this act will authorize the sale of  
33                  \$350 million in State general obligation bonds to  
34                  be used for acquiring and developing lands for  
35                  recreation and conservation purposes, purchasing  
36                  farmland development easements and funding  
37                  farmland soil and water conservation projects,  
38                  and funding historic preservation projects and  
39                  coastal and inland "Blue Acres" projects. Of the  
40                  total sum authorized: (1) \$200 million will be  
41                  used for acquiring and developing lands for public  
42                  recreation and conservation purposes; (2) \$50  
43                  million will be used for farmland preservation  
44                  purposes and for farmland soil and water  
45                  conservation projects; (3) \$25 million will be used  
46                  for historic preservation purposes; (4) \$37.5  
47                  million will be used to fund a new "coastal Blue  
48                  Acres" bond program that will provide grants and  
49                  low-interest loans to local governments to  
50                  purchase from willing sellers, for recreation and  
51                  conservation purposes, coastal properties that are  
52                  prone to or have incurred flood or storm damage;  
53                  and (5) \$37.5 million will be used to fund a new  
54                  "inland Blue Acres" bond program by which the  
55                  State may purchase from willing sellers, for  
56                  recreation and conservation purposes, properties  
57                  in the Passaic river basin floodway that are prone  
58                  to or have incurred flood or storm damage.  
59  
60

1       The fact and date of the approval or passage of this act, as the  
2 case may be, may be inserted in the appropriate place after the  
3 title in the ballot. No other requirements of law of any kind or  
4 character as to notice or procedure, except as herein provided,  
5 need be adhered to.

6       The votes cast for and against the approval of this act, by  
7 ballot or voting machine, shall be counted and the result thereof  
8 returned by the election officer, and a canvass of the election  
9 had in the same manner as is provided for by law in the case of  
10 the election of a Governor, and the approval or disapproval of  
11 this act so determined shall be declared in the same manner as  
12 the result of an election for a Governor, and if there is a majority  
13 of all votes cast for and against it at the election in favor of the  
14 approval of this act, then all the provisions of this act not made  
15 effective theretofore shall take effect forthwith.

16      38. There is appropriated the sum of \$5,000 to the Department  
17 of State for expenses in connection with the publication of notice  
18 pursuant to section 37 of this act.

19      39. The commissioner and the secretary, as appropriate, shall  
20 submit to the State Treasurer and the commission with the  
21 respective department's annual budget request a plan for the  
22 expenditure of funds from the "1995 New Jersey Green Acres  
23 Fund," the "1995 New Jersey Green Trust Fund," the "1995  
24 Farmland Preservation Fund," the "1995 Historic Preservation  
25 Fund," the "1995 New Jersey Coastal Blue Acres Trust Fund,"  
26 and the "1995 New Jersey Inland Blue Acres Fund" for the  
27 upcoming fiscal year. Each plan shall include the following  
28 information: a performance evaluation of the expenditures made  
29 from the particular fund to date; a description of programs  
30 planned during the upcoming fiscal year; a copy of the regulations  
31 in force governing the operation of programs that are financed, in  
32 part or in whole, by moneys from the particular fund; and an  
33 estimate of expenditures for the upcoming fiscal year.

34      40. Immediately following the submission to the Legislature of  
35 the Governor's annual budget message, the commissioner shall  
36 submit to the relevant standing committees of the Legislature, as  
37 designated by the President of the Senate and the Speaker of the  
38 General Assembly, and to the Joint Budget Oversight Committee,  
39 or its successor, a copy of each plan called for under section 39  
40 of this act, together with such changes therein as may have been  
41 required by the Governor's budget message.

42      41. Not less than 30 days prior to entering into any contract,  
43 lease, obligation, or agreement to effectuate the purposes of this  
44 act, the commissioner or the secretary, as appropriate, shall  
45 report to and consult with the Joint Budget Oversight  
46 Committee, or its successor.

47      42. Except as otherwise provided by this act, all appropriations  
48 from the bond funds established by this act shall be by specific  
49 allocation for each project, and any transfer of any funds so  
50 appropriated shall require the approval of the Joint Budget  
51 Oversight Committee, or its successor.

52      43. This section and sections 37 and 38 of this act shall take  
53 effect immediately and the remainder of this act shall take  
54 effect as and when provided in section 37.

1                   STATEMENT  
2

3         This bill, entitled the "Green Acres, Farmland and Historic  
4         Preservation, and Blue Acres Bond Act of 1995," would provide  
5         for the issuance of State general obligation bonds in the principal  
6         amount of \$350 million, to be allocated as follows: \$200 million  
7         for the Green Acres program, \$50 million for the State farmland  
8         preservation program, \$25 million for the State historic  
9         preservation program administered by the New Jersey Historic  
10         Trust, \$37.5 million for a newly established "coastal Blue Acres"  
11         bond program, and \$37.5 million for a newly established "inland  
12         Blue Acres" bond program.

13         Of the amount allocated for the Green Acres program:

14         (1) \$70 million would be utilized for the acquisition and  
15         development of lands by the State for recreation and  
16         conservation purposes, of which amount not more than \$17.5  
17         million could be utilized for development of such lands;

18         (2) \$100 million would be utilized for State grants and  
19         low-interest loans to assist local government units to acquire and  
20         develop lands for recreation and conservation purposes, of which  
21         amount, \$15 million would be for grants for up to 50% of the cost  
22         of acquisition or development of lands by local government units  
23         eligible to receive State aid pursuant to P.L.1978, c.14  
24         (C.52:27D-178 et seq.); and

25         (3) \$30 million would be utilized for State grants, on an up to  
26         50% matching basis, to qualifying tax exempt nonprofit  
27         organizations to acquire lands for recreation and conservation  
28         purposes, provided that the qualifying tax exempt nonprofit  
29         organization makes and keeps the lands accessible to the public in  
30         most cases.

31         The bill also requires the Commissioner of Environmental  
32         Protection to take into consideration the requirements,  
33         standards, and policies of State and federal law concerning  
34         handicapped or disabled persons, including, but not limited to, the  
35         provisions of the "Americans with Disabilities Act of 1990," 42  
36         U.S.C. §12101 et al., when expending moneys or awarding local  
37         government unit grants or loans for the development of lands for  
38         recreation and conservation purposes using the proceeds of bonds  
39         issued by the State under the bill. A minimum of \$1 million of  
40         the moneys allocated for State Green Acres development  
41         projects, and a minimum of \$1.25 million of the moneys allocated  
42         for local Green Acres development projects are allocated for  
43         projects providing access to handicapped or disabled persons.

44         The bond moneys allocated for the State farmland preservation  
45         program would be utilized:

46         (1) to provide grants to counties and municipalities for up to  
47         80% of the cost of acquisition of development easements on  
48         farmland;

49         (2) for up to 100% of the cost of acquisition of development  
50         easements, under such emergency conditions as the State  
51         Agriculture Development Committee determines;

52         (3) for the cost of acquisition of fee simple titles to farmland  
53         which shall be offered for resale with agricultural deed  
54         restrictions; and

1                   (4) to provide grants to landowners for up to 50% of the cost  
2 of soil and water conservation projects.

3                   With respect to the farmland preservation moneys, the bill  
4 requires that not more than \$5 million may be utilized for  
5 acquisition of fee simple titles to farmland, and not more than  
6 \$1.5 million may be utilized for grants to landowners for up to  
7 50% of the cost of soil and water conservation projects.

8                   The bond moneys allocated for the State historic preservation  
9 program would be utilized to provide matching grants to State  
10 agencies or entities, local government units, or qualifying tax  
11 exempt nonprofit organizations for historic preservation projects  
12 in connection with historic properties, structures, facilities, or  
13 sites owned or leased on a long-term basis by those agencies,  
14 entities, units, or organizations. The bill provides that not more  
15 than 25% of the moneys made available for historic preservation  
16 projects pursuant to the bill would be awarded to State agencies  
17 or entities. It also provides that of the moneys allocated for  
18 historic preservation projects, up to 10% may be awarded by the  
19 New Jersey Historic Trust to be utilized for historic preservation  
20 projects or programs that aid designated districts, municipalities,  
21 or geographic areas, including, but not limited to, "certified local  
22 governments" pursuant to 16 U.S.C. §470a et seq. and Main Street  
23 New Jersey communities.

24                  The bill also establishes a new "coastal Blue Acres" bond  
25 program, to be administered by the Office of Green Acres in the  
26 Department of Environmental Protection (DEP). Under this  
27 program, \$37.5 million would be allocated for the purposes of  
28 providing State grants and low-interest loans to assist  
29 municipalities and counties to acquire from willing sellers only,  
30 for recreation and conservation purposes, properties in the  
31 coastal area that have been damaged by, or may be prone to  
32 incurring damage caused by, storms or storm-related flooding, or  
33 that may buffer or protect other properties from such damage.

34                  Of the amount allocated for the coastal Blue Acres program:

35                  (1) \$22.5 million would be utilized for State grants and loans to  
36 assist municipalities and counties to acquire, for recreation and  
37 conservation purposes, properties in the coastal area that have  
38 been damaged by storms or storm-related flooding; and

39                  (2) \$15 million would be utilized for State grants and loans to  
40 assist municipalities and counties to acquire, for recreation and  
41 conservation purposes, unimproved or largely unimproved  
42 properties in the coastal area that may be prone to incurring  
43 damage caused by storms or storm-related flooding, or that may  
44 buffer or protect other properties from such damage.

45                  For a coastal Blue Acres project funded from the \$22.5 million  
46 allocation for post-storm acquisitions, a municipality or county  
47 would receive a grant of 50% and a loan of 50% of the cost of  
48 acquisition of the property. For a coastal Blue Acres project  
49 funded from the \$15 million allocation for pre-storm acquisitions,  
50 a municipality or county would receive a grant of 75% and a loan  
51 of 25% of the cost of acquisition of the property.

52                  Only the following properties in the coastal area, as defined by  
53 the "Coastal Area Facility Review Act," P.L.1973, c.185  
54 (C.13:19-1 et seq.), would be eligible for acquisition by a

1 municipality or county utilizing funds made available pursuant to  
2 the coastal Blue Acres bond program: property anywhere on a  
3 coastal barrier island, or elsewhere any property within 150 feet  
4 landward of the mean high water line of any tidal waters or the  
5 landward limit of a beach or dune, whichever is most landward.  
6 If only a portion of a parcel being considered for acquisition lies  
7 within the 150-foot boundary, the entire parcel, including that  
8 portion lying outside of the 150-foot boundary, would be eligible  
9 for acquisition.

10 No properties with improvements upon them would be eligible  
11 to be acquired utilizing funds made available for coastal Blue  
12 Acres projects funded from the \$22.5 million allocation for  
13 post-storm acquisitions unless the value of the improvements  
14 thereon was reduced by at least 50% due to damage caused by a  
15 storm or storm-related flooding.

16 Decisions concerning the awarding of grants or loans under the  
17 coastal Blue Acres bond program would be based upon priority  
18 ranking criteria to be established by the Commissioner of  
19 Environmental Protection, including, but not limited to, the  
20 extent and feasibility of public access and parking, the extent of  
21 damage caused by a storm or storm-related flooding, proximity  
22 to other properties already protected or likely to be protected in  
23 the future for recreation and conservation purposes, proximity to  
24 other properties already acquired or under consideration for  
25 acquisition pursuant to the coastal Blue Acres bond program, ease  
26 of maintenance of the property, and the extent to which  
27 acquisition of the property will likely help avoid future public  
28 costs resulting from storms and storm-related flooding.

29 Upon a finding by the Governor that a major catastrophic  
30 storm event has occurred, the Governor, with the approval of the  
31 Joint Budget Oversight Committee or its successor, could  
32 authorize the transfer of any or all of the unexpended funds  
33 allocated for pre-storm acquisitions for use toward post-storm  
34 acquisitions.

35 The bill also establishes a new "inland Blue Acres" bond  
36 program, to be administered by the Office of Green Acres in the  
37 DEP. Under this program, \$37.5 million would be allocated for  
38 the State to acquire from willing sellers only, for recreation and  
39 conservation purposes, properties in the floodway of the Passaic  
40 river and its tributaries that have been damaged by, or may be  
41 prone to incurring damage caused by, storms or storm-related  
42 flooding, or that may buffer or protect other property from such  
43 damage. The inland Blue Acres program would include a 13-year  
44 declining payment in lieu of property tax provision to ease the  
45 loss of property taxes paid to municipalities because of the  
46 State's acquisition of properties pursuant to the program.  
47 Property owners that agree to sell their property to the State  
48 would be eligible to receive financial and other assistance for  
49 relocation.

50 Finally, the bill provides that not more than 8% of the amounts  
51 authorized for the Green Acres, farmland preservation, historic  
52 preservation, and coastal and inland Blue Acres programs  
53 pursuant to this bill may be utilized for organizational,  
54 administrative and other work and services, including salaries,

1      equipment and materials necessary to administer the applicable  
2      provisions of the bill.

3

4

5

6

7      The "Green Acres, Farmland and Historic Preservation, and Blue  
8      Acres Bond Act of 1995"; authorizes issuance of \$350 million in  
9      bonds; appropriates \$5,000.

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hw: 1-58



**ASSEMBLYWOMAN MAUREEN OGDEN (Chair):** I'd like to call the meeting to order at this time.

Jeff, would you please call the roll?

**MR. CLIMPSON (Committee Aide):** Assemblyman McEnroe? (no response) Assemblyman Impreveduto? (no response) Assemblywoman Wright? (no response) Assemblyman Rooney (no response) Assemblyman Corodemus?

**ASSEMBLYMAN CORODEMUS:** Here.

**MR. CLIMPSON:** Assemblyman Solomon? (no response) Assemblywoman Ogden?

**ASSEMBLYWOMAN OGDEN:** Here.

**MR. CLIMPSON:** Assemblyman Wolfe?

**ASSEMBLYMAN WOLFE:** Here.

**MR. CLIMPSON:** Assemblyman Foley?

**ASSEMBLYMAN FOLEY:** Here.

**MR. CLIMPSON:** Assemblyman Gibson? (no response)

**ASSEMBLYWOMAN OGDEN:** I think he is coming.

A number of the regular members, with the exception of Assemblyman Corodemus, weren't able to come because this is not one of our regularly scheduled hearings. But I'm very pleased to have both Assemblyman Wolfe and Assemblyman Foley here with us today. I think Assemblyman Gibson is coming. Those who live closer to this area volunteered to come, and especially those who are interested in this particular issue -- and Assemblyman Wolfe, being the prime co-sponsor -- did want to be here. I'm particularly pleased that he is here.

Just briefly I'd like to say that this is another Green Acres bond issue. I guess this is the ninth Green Acres bond issue since 1961. This is proposing a total of \$350 million: \$200 million for Green Acres, \$50 million for farmland preservation, \$25 million for historic preservation, and \$75 million for the new Blue Acres Program.

After I just say a few words about the overall bond issue, I know that Assemblyman Wolfe wants to speak about this new Blue Acres Program, because part of it is his initiative.

What has really been amazing -- and probably not amazing to anyone who is here in this room today -- is the unprecedented popularity that Green Acres has had over more than a 30-year period. It received, the last time in 1992, an unprecedented 72 percent endorsement by the voters, and that was at a time when we were just coming out of the recession and everyone was very worried about expending State funds.

It has clearly played an invaluable role throughout our State, the most densely populated state in the nation. The need for open space is clearly an issue that we're all aware of, and while we keep passing these bond issues, it seems that it is more important than ever to continue to acquire more open space.

Our overall goal is to have one million acres of open space to balance out the development and to provide for the recreational needs for the eight million people. That million acres translates to roughly -- I think it's 20 percent of the State of New Jersey.

Clearly one of the areas that is not only open, but is also productive, is farmland. The Farmland Preservation Program is an extremely important one. Only a small fraction each year, when the review of applications takes place, is able to be funded. But in terms of the total program, while we wish we could do more than \$50 million, it seems as though this is about the right amount for this.

As I look at some of these figures here, I'm told that farmland now totals 880,000 acres, which makes me feel good, because at one point I thought we were almost going under the 800,000, and we know that we need an absolute minimum of 500,000, or else farming would no longer be part of the Garden

State. That would clearly be taking out the heart of the Garden State if we didn't have farming here.

A third component that was first put in, in 1987 is the historic preservation part of \$25 million. This is an issue that is increasingly becoming important for economic reasons. Ecotourism, as people are talking about -- tourism that involves both open spaces and lakes and the shore, as well as historic preservation. It not only helps in terms of bringing in tourism dollars, but it also helps in the important areas of revitalizing our downtowns and our neighborhood areas, and particularly our urban areas.

The Historic Trust has identified a need of more than \$400 million. We are giving them \$25 million in this bond issue, but the need out there is \$400 million. And the Historic Trust operates on a matching basis, so for every project that they are able to fund, they have at least five that apply.

Dave Wolfe will talk in just a minute about the Blue Acres concept for the coast, but I'd just like to touch on the inland Blue Acres concept, which is a buyout program for the Passaic basin. I think, maybe even down here in Ocean County, you've heard about the flooding problems that we have up in the Passaic basin that we have had for decades. Actually the storm of record was 1903, and ever since then the Army Corps has been trying to figure out how to solve the problem of the flooding. Their most recent solution has been a tunnel which would cost \$2.5 billion. What this bond issue would do is to start us on what I think is the most sensible and certainly the most economical way of solving the flooding problem, which is to start buying out the properties that are being flooded along the river.

Roughly 700 properties have been targeted as the ones that have been damaged the greatest when the Passaic River rises. This would have a price tag of, I think, about \$40 million. It's in that area.

So this is the inland portion of the Blue Acres Program. I would like to turn the microphone over to Assemblyman Dave Wolfe, who wants to talk about the Blue Acres part -- the coastal part.

ASSEMBLYMAN WOLFE: Thank you, Assemblywoman Ogden. I'd also like to welcome my fellow Committee members to the lower portion of the 10th legislative district. Thank you for coming to Toms River today.

I'd just like to say, very briefly, that when the State Beach Erosion Commission released its first annual report one year ago, they called for the creation of the State's Blue Acres Program. The purpose was to help municipalities purchase and preserve beachfront property that either had been damaged by storms or was susceptible to flooding.

The idea was basically very simple: It was to set up a State fund to help buy coastal property from willing sellers, restore it to its predevelopment condition, and preserve it as a natural buffer between ourselves and the ocean. Assembly Bill No. 70, the bill which Assemblywoman Ogden and I have introduced six months ago, is an effort to make this recommendation a reality. It represents a new direction in the way that we, as a State, seek to combat beach erosion and protect property owners living along our coast line.

I want to emphasize that we're talking about willing sellers. We're not talking about condemning property. We're not trying to deter anyone from developing along the coastline, but we want to give people options. If a home is destroyed and the owner decides not to rebuild, a municipality or county should have the option of purchasing that property not only to improve public access, but to fortify its beachfront and protect the remaining property owners.

Under our proposal, \$37.5 million will be set aside for grants and low-interest loans to buy beachfront property that either has been damaged by storms or is prone to flooding.

This figure can be broken down even further, where \$22.5 million is earmarked for poststorm purchases where property has been destroyed by at least 50 percent as the result of a storm. The remaining \$15 million will be set aside for prestorm purchases, the planned buying of lots that either are prone to storm damage, or that can buffer other properties from damage.

For poststorm purchases, funding will be available on a 50 percent grant/50 percent loan basis. And to expedite the process, these purchases will have to be approved by the Joint Budget Oversight Committees in the Legislature.

Prestorm purchases, on the other hand, are quite different. Funding would be allocated on a 75 percent grant/25 percent loan basis. Those purchases, like Green Acres, would have to be approved by the Legislature. Purchases would be limited only to those properties that fall within the coastal area as defined by the Coastal Area Facility Review Act, more commonly known as CAFRA. They would include any property on a coastal barrier island or any property within 150 feet of the mean high water of any tidal waters.

If any portion of a property falls within those boundaries, then the entire lot would be eligible. The program would be administered by the Office of Green Acres, which would be responsible for establishing a priority ranking for the purchases.

The ranking system is based on a number of criteria which include the level of public access, the extent of storm damage, the proximity to other protected lands, and the extent to which the property will protect other property owners and prevent future costs for the municipality or the county.

In the event of a major catastrophe, the Governor will be granted the option of transferring the entire fund -- \$37.5 million -- toward emergency poststorm purchases.

Again, I feel compelled to emphasize we're not advocating that people retreat from the beach. We are trying

to make a more comprehensive approach to development along our coastline.

Madame Chairman, these are my formal remarks. Again, I would like to thank you for having this hearing today, and thanks again.

ASSEMBLYWOMAN OGDEN: Thanks very much, Dave.

Steve, is there anything you would like to say before we begin?

ASSEMBLYMAN CORODEMUS: I would just like to thank you for holding the meeting here in this district and thank Dave for sponsoring this important legislation.

I think we still haven't felt the full effects from the December of '92 storm that wreaked havoc up and down the coast. I think this legislation is very much needed. I'm not wishing upon us another storm, but I have to tell you that that storm has left property owners betwixt and between a rock and a hard place when it comes to making that decision whether to walk away from a life investment or facing the prospects of not being able to get insurance.

It's just a matter of time before the Federal Flood Insurance Program will be in jeopardy, and I think this might be a very proactive opportunity to start toward making a reasonable reassessment of development along the shore and to make people whole so they don't suffer more than they have suffered already.

ASSEMBLYWOMAN OGDEN: Thank you.

Tom?

ASSEMBLYMAN FOLEY: Madame Chairman, thank you again for having the meeting here in Toms River. It makes it very convenient for us in Atlantic County to make the short drive up.

I would like to reserve any comment that I have until I hear from the general public on this very important piece of legislation.

ASSEMBLYWOMAN OGDEN: Thank you, Tom.

I'd like to start calling those who have signed up. If there is anyone here who would like to speak and is not signed up, we do have the forms right there. The procedure that the Committee always follows is to first call those who are here in an official capacity representing either the State, county, or local level, and then those representing organizations, and then individuals.

The first person I would like to call is Jim Hall, Assistant Commissioner of the DEP.

**A S S I S T A N T   C O M M .   J A M E S   F .   H A L L :** Good morning, it's a pleasure to be here.

On behalf of the Department and the administration, I wanted to let you know that we are in support of this legislation. I think your opening remarks and your leadership in the past regarding Green Acres have been well noted. There are clearly needs in all the programs noted within the bond issue, and the administration does support the bond issue.

We are having discussions about the relative amounts of components within the bill and have not come to a final conclusion on what amounts the administration is prepared to support, but I would like to suggest that those amounts would be fairly substantive and not that far off the mark from the direction you are going.

As you noted, the program has a long history -- Green Acres, in particular -- of over 32 years and has done tremendous work in New Jersey, and it is a program that we are very proud of. I hope it will have a much longer future, as well.

I think with those comments-- If there are any questions that any of the Committee members may have with regard to the components, I'll be glad to answer them. As I noted, each of the components, those particularly within DEP, have a clear need. We have reached the point in Green Acres where there are pending awards in the Governor's Office, at this point, for the last of the 1992 bond fund. Once those awards

are made at the State and local level, there will be no more funding available from the 1992 Green Acres bond. We have in hand, from 1994, grant applications from municipalities and counties of approximately \$65 million in requests, which would go unmet if not for this bond passing. So clearly there is a need there, and it's something that we would like to see move forward and be passed and get on this year's ballot.

ASSEMBLYWOMAN OGDEN: What's happening, Jim, with the Green Trust? You know, when that was set up in the middle '80s, the thought was that as the municipalities paid back their low-interest loans, which I think went over 20 years-- Is that correct?

ASSISTANT COMMISSIONER HALL: Correct.

ASSEMBLYWOMAN OGDEN: That that would be a revolving fund, and then we would have money constantly coming in. Where is it at this point, and do you ever see that it will fulfill the expectations that we had about 10 years ago?

ASSISTANT COMMISSIONER HALL: Well, I think it will fulfill those expectations. A couple of things have happened over the course of time which I think were a little bit different than originally envisioned when the Trust was established. Originally the Trust was established in the context that the bonds would be sold and put into an interest bearing fund, which would then be used, in combination with repayments, to generate a sustainable yield.

That's not how the fund has been administered over time, and the sole portions of the trust fund itself come only from repayments and the interest associated with those payments and the interest on the fund. It wasn't capitalized up front, so it has been slower to yield than might have been originally envisioned when it first started back in 1983.

But it is growing. As projects are now out there and are beginning repayments and moving forward, we're up to in the neighborhood of \$8 million to \$10 million a year, on which it's

generating interest and returns. With the amount of projects that are approved out there -- and counties and municipalities are moving forward in good faith, particularly in acquisition -- once those projects begin to close out, because they don't start repayments until they've actually made all their acquisitions and closed their project, once those payments begin, we see the fund capitalizing quite a bit more and producing more along the lines of what it was originally intended.

ASSEMBLYWOMAN OGDEN: Thank you.

Any questions by members of the Committee? (no response)

Thank you very much for coming down.

ASSISTANT COMMISSIONER HALL: Okay. Thank you.

ASSEMBLYMAN FOLEY: I'm sorry. I do have one question, if I can.

Jim, you said that the amounts that the administration supports are very similar to the amounts within the bill, yet you have no source of income or the amount of money that we're talking about. Are we that close to what we're supporting in the bill?

ASSISTANT COMMISSIONER HALL: I think in some components. There are components of the bill which we're looking at in terms of what the program needs are and what duration for which the bond should cover a time period. Obviously, when you're establishing programs and they are various categories, whether it's the Green Acres, farmland, historic, and the Blue Acres portion, you're looking to see how many years that funding will provide a sustained program. I don't think we've finished all of our conclusions about what that will be, as well as the Treasurer's Office wanted to look at what the bond cap level is as well, and the Governor's Office looking at what other program needs are.

As you may be aware, the Department is in need of some hazardous waste funding, which I'm not here to represent, but those are other needs out there that need to be addressed and looked at.

ASSEMBLYMAN FOLEY: How about the purchase for land acquisition of properties within the Pinelands. Have you come to any specific number?

ASSISTANT COMMISSIONER HALL: Those numbers are contained in what we would normally do as the Green Acres portion out of the State side for what is in the Green Acres Bond Act. This particular bond act has, I believe, \$70 million allocated for the State side, and it's not uncommon that, along with our matching of "502" money with the Federal government owned land and water, that we would do several million dollars worth of activity in the Pinelands area.

ASSEMBLYMAN FOLEY: You addressed the -- I believe it was some \$65 million that still remains within the bond act. Did I hear wrong?

ASSISTANT COMMISSIONER HALL: That's accurate.

ASSEMBLYMAN FOLEY: Is that inclusive of clean water bonding?

ASSISTANT COMMISSIONER HALL: The \$65 million is what is our application requests. We have them in now from municipalities that submitted their Green Acres application in November and December of '94, so that was about four or five months ago -- four months ago.

ASSEMBLYMAN FOLEY: Does the Department have any idea of what is left in any of the programs, such as the Clean Water Act, I believe, was \$68 million?

ASSISTANT COMMISSIONER HALL: From other bonds?

ASSEMBLYMAN FOLEY: Yes.

ASSISTANT COMMISSIONER HALL: I don't know those off the top of my head, but yes, we have trust fund statements that would indicate the kind of moneys available there. But as with

each of the bonds, those funds are restricted for the use detailed in those bonds. As a result of being passed by referendum, they can't be altered or changed, even with an act of the Legislature. It would have to go back on the ballot again.

So, if that's where you're looking to see what balances are there, whether they could be moved around, that's not really possible. From what I recall, I don't know how substantive those values -- the fund balances are in those other funds.

ASSEMBLYMAN FOLEY: Okay. There is another aspect of the bill that I saw. It is the 8 percent administrative cost. What is the current administrative cost of the previous Green Acres Bond Act that had been approved?

ASSISTANT COMMISSIONER HALL: It runs in the neighborhood of between 5 percent and 10 percent.

ASSEMBLYMAN FOLEY: So it's right in that same vicinity.

ASSISTANT COMMISSIONER HALL: Yes. The last bond act -- the 1992 bond act that passed -- had the 8 percent cap in it, as well.

ASSEMBLYMAN FOLEY: Okay.

Thank you, Madame Chair.

ASSEMBLYWOMAN OGDEN: Thank you very much, Jim.

ASSISTANT COMMISSIONER HALL: Thank you.

ASSEMBLYWOMAN OGDEN: Next I would like to call Don Applegate, from the Department of Agriculture. I'd also like to welcome Assemblyman Gibson, who has just joined us.

ASSEMBLYMAN GIBSON: Thank you, Chairwoman.

ASSEMBLYWOMAN OGDEN: Thanks for coming, John.

**D O N A L D   D .   A P P L E G A T E :** Good morning. Thank you for the opportunity of being here by virtue of the legislation that you propose. My comments would really closely echo those of Jim Hall in terms of indicating that we have programs,

particularly the farmland program in this instance, that is in as high demand. As Chairwoman Ogden so ably pointed out before, the competition for enrollment in this program from farmland owners is extraordinary. In some years it's 10-to-1 of the competition of people who would like to enroll their lands, who would like to permanently preserve their lands for a variety of reasons, as opposed to the moneys available through a combination of the State and the county, and even local contributions, where they occur.

ASSEMBLYWOMAN OGDEN: And that's for acquiring the development rights; they still farm the land, only it's preserved for agriculture?

MR. APPLEGATE: That's right. They farm the land. The taxes don't change on the property; it's maintained, and it's a very, very good approach. You'll hear, I think, from others who will point out that increasingly this program has forged these alliances not only with landowners and the local governments and the counties, but there are cross purpose projects which are almost a common thing anymore, where there is an element of a farm might be combined with a county park system, a greenways trail, or a local purpose besides. So we get more of that public bang for the buck that we're all looking for, and everything is starting to fit together at this point.

Certainly the Department and the State Agriculture Development Committee are at the point where we support and would need more funding, frankly. With the projects we have underway -- and I've given you some handouts up there -- you can see a timetable of how our projects work. You can see that with no new funding, the counties' abilities to seek the application and participation of farmland owners would be impacted by this time next year. This is the time next year they would be making decisions for farms that would not have future fundings for.

So, with that, I'll stop my comments and be glad to respond to any questions.

ASSEMBLYWOMAN OGDEN: Thank you very much, Don.

Are there any questions or comments from the Committee? (no response)

Thank you for being here.

William Harrison, from the New Jersey Pinelands Commission.

**WILLIAM F. HARRISON, ESQ.:** I'd like to join in with what Mr. Applegate and Mr. Hall said. The Commission is very supportive of this legislation. Past Green Acres Bond Acts are responsible for the purchase of approximately 65,000 acres in the Pinelands area to date. As was indicated, there is a need for continued funding for those programs.

The Commission would like to suggest two changes to the legislation. One relates to a study of the Kirkwood/Cohancy Aquifer that the Commission has been trying to obtain funding for, for approximately 10 years now. There has been another bond act that Assemblyman Gibson has sponsored -- the Pineland Infrastructure Bond Act -- that would provide money for this, but the study of the withdrawals and the impact of the withdrawals and how much can be safely withdrawn from the Kirkwood/Cohancy Aquifer is vital to protecting the region, and we would urge that \$5 million be allocated in this bond issue for that study.

The second change that the Commission would like to suggest would be to use this bond act as a source of funding for future acquisition under the Limited Practical Use Program. As members of this Committee are aware, the Legislature just approved, and the Governor signed into law in January, the \$1 million match for the money that Congress has appropriated for the Limited Practical Use Program. The Commission has estimated that with the \$2 million that is now available we'll be able to purchase most of the properties that are currently eligible, but that as future properties become eligible, there will be no funding.

Currently some of the property owners who were denied more than 10 years have had to wait that long to be acquired, and the Commission would like to use this bond act as a vehicle to set up a source of funding that could be used in the future, so when the currently available funding runs out, we are not put back in the position of telling people there is no money available for the purchase of your lot. We anticipate with the current appropriation that within a year that money will be gone.

The third thing, which is not a change but recognizing the likelihood that the dollar amount in this bond issue is likely to go down, the Commission is very strongly supportive of the amount that has been allocated to the Farmland Preservation Program. Currently farmers in the Pinelands area, based on how that program is set up, Pinelands farmers are discouraged from participating in the selling of development rights on their property.

Assemblyman Gibson has introduced a bill to rectify this situation. Commission staff met with Secretary Brown, Don Applegate, and others from the Department of Agriculture last week concerning Assemblyman Gibson's legislation. There have been concerns expressed by farmers located outside the Pinelands area that the bill goes too far in equalizing things for the farmers in the Pinelands area. We are working with the Department of Agriculture to come up with a bill that we can both support, maybe the current version.

We'll be talking with you, Assemblyman Gibson, as we develop if there are amendments that the Department of Agriculture would like. But we're very confident we'll be able to develop a program that will be attractive to farmers in the Pinelands area. As members of the Committee are aware, the Pinelands area is a fifth of the area of the State, and by making the program attractive to Pinelands farmers, makes it

more important that the maximum amount of money be available to that program.

That concludes my remarks.

ASSEMBLYWOMAN OGDEN: Thank you.

Any questions or comments?

ASSEMBLYMAN GIBSON: Just that statement, Madame Chairwoman. I agree with the speaker's testimony for the most part. These bills are scheduled in front of your Committee at whatever date you are able to hear them. If, in fact, you think any of the merits of the bills that I have introduced have anything to do with the legislation that we have today, at some future date, if you want to consider some sort of merge or some sort of incorporation of any of those provisions, I'd certainly appreciate you considering that, or move my pieces of legislation separately.

They do have a lot-- They are very similar to the legislation that we are speaking about today and accomplish the same goals. So I would ask you to give those remarks consideration.

Thank you.

ASSEMBLYWOMAN OGDEN: Tom?

ASSEMBLYMAN FOLEY: One question that you did answer for me, and that was the fact of the \$2 million that is now available, from what I'm hearing--

MR. HARRISON: Yes.

ASSEMBLYMAN FOLEY: --and you're going, I guess, down the list that you've had for the last 10 years for land applications-- Are those applications still in effect, or have some of the applications been withdrawn?

MR. HARRISON: The Commission has just proposed regulations to implement the program, which we couldn't do until the money was there. Under those proposed regulations, we would be proposing to buy properties in the order in which a denial occurred, going back to 1981 and going to the present.

We are doing newspaper advertisements. We are writing to all the property owners where we can ascertain an address to find out their interest in participating. Anyone who has continued in ownership of the property from that date will be eligible for the program, assuming they have not received a subsequent approval for development of the lot or the lot is not currently developable.

But we're in the process of contacting all of those property owners and seeing whether they are interested in selling their land.

ASSEMBLYMAN FOLEY: I see. And the other question is your second suggestion on the amount of money that could be available within this bond act for additional land purchases within the Pinelands, which all of us know saves water and causes the open space development: What would be your projected figure for that particular type of land acquisition?

MR. HARRISON: Well, for-- Under the Limited Practical Use Program, we're proposing \$5 million as providing a source that should cover us. Hopefully, with another Federal appropriation that would make it \$10 million, and if not, the Legislature would have to make a determination if whether it wanted to proceed on its own if there were not a Federal match.

ASSEMBLYMAN FOLEY: So this would be under the first portion of the Green Acres \$70 million for State acquisition projects? Is that what you are talking about, a set aside of \$5 million on that \$70 million.

MR. HARRISON: Correct, yes.

ASSEMBLYMAN FOLEY: Okay. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much.

MR. HARRISON: Thank you.

ASSEMBLYWOMAN OGDEN: Next I would like to call up three elected officials who have signed up to speak. The Mayor of Pine Beach, Mayor Corby; Councilwoman Patricia Moran, of Beachwood; and Councilman Roger Staib, of Millstone Township.

Mayor Corby.

**M A Y O R   R U S S E L L   C.   C O R B Y:** Thank you, Madame Chair. To the members, I appreciate you giving us this opportunity. A few of us have to run back to work, and we can say our piece.

Let me just say on our behalf that I believe that it is appropriate that we speak in favor of this reauthorization.

First, I think you've heard some historical perspective from the Chairman with respect to this program, Green Acres, being started in the 1960s. It has been, perhaps, one of the most successful public programs in the State of New Jersey for the purpose, I think, that we all share, and that's preserving open space and recreational area.

The second point that I personally would speak on for reauthorization is from the perspective of a local mayor and from a small town municipality. A town like ours and many others throughout the State would not even be able to consider opportunities that arise for the preservation of open spaces if it were not for Green Acres and the history of this program.

I'm here very specifically today because our community has a rare opportunity at the present time to fund, hopefully, a purchase -- an acquisition project -- on the south bank of the Toms River. It's a rare opportunity in the fact that we've recently had a large area become available with the closing of Admiral Farragut Academy. While our application is under consideration right now, it's obvious that we have one small town, Pine Beach-- It's very interesting that there will be a source of funding for this if we have the opportunity to acquire it.

I share, perhaps, with my neighboring community, Beachwood-- Councilwoman Moran can speak highly of the Green Acres projects and the accomplishments they have already been put into place in our neighboring town.

I believe that this reauthorization also meets the declaration of the Legislature, when it first began, and the public purpose involved in that.

So, as one small town mayor to members of the Legislature, I can certainly testify to the hope that people have -- residents have -- when there is available to the municipality or to the county, that opportunity to preserve a piece of open space that we may only have one chance to preserve. But for Green Acres -- the Green Acres Program -- we would not have it.

I'll defer to my colleagues in local government. And I want to thank you, Madame Chair, particularly.

ASSEMBLYWOMAN OGDEN: Thank you very much, Mayor Corby.

Councilwoman Moran, of Beachwood.

C O U N C I L W O M A N   P A T R I C I A   A .   M O R A N :  
Yes.

ASSEMBLYWOMAN OGDEN: If you would, speak into the microphone, because this is a public hearing and it is being recorded. (witness complies)

MS. MORAN: All right. In 1995 in Beachwood, we used a \$150,000 Green Acres, Green Trust low-interest loan to add approximately 800 feet to our already existing 880 feet of boardwalk along the Toms River. Now it connects our beachfront to our municipal owned marina area. The project is complete with the exception of the final macadam paving and the addition of picnic tables that all can enjoy after taking a stroll.

We wouldn't have been able to do this project either, without the Green Acres, Green Trust low-interest loan. In Beachwood we have brought back a piece of our history by the rebuilding of this boardwalk, which was originally constructed in the early 1920s/1930s for the enjoyment of the earlier residents. It was up for approximately 26 years and then was

torn down because of the decay and unsafe condition of the boardwalk.

We have now opened up more of our riverfront for public access and enjoyment for not only those who live on the beautiful Toms River, but for the enjoyment of all. We strongly endorse Assembly Bill No. 70 by Assembly members Ogden, Wolfe, and Gibson, which will provide the money for the continuation of acquiring and developing green spaces for all residents throughout the State to enjoy. Any program that will provide the acquisition, development, and preservation moneys should be approved by all, because at least now we get to see something for our tax dollars.

Our neighboring towns of Pine Beach -- and I'm glad Mayor Corby was able to make it -- and South Toms River both have areas along the river. With the acquisition of the Farragut property and just with the improvements in Toms River along the Mathis Plaza area would be worthwhile projects if they were able to be funded by the continuation of this project.

These projects would enhance the beauty of the areas and provide and preserve the quality of life which we in Ocean County in particular have come to enjoy. If approved, these moneys would be moneys well spent. We will request that our 9th District Assembly members endorse this program, and we invite all of you to take a stroll along the Toms River before you return to your own areas today.

Thank you for allowing us to testify.

ASSEMBLYWOMAN OGDEN: Thank you. That's a particularly good phrase, that you can actually see something for your dollars with the open space.

MS. MORAN: Well, in Beachwood, I never saw that old boardwalk. We moved here 25 years ago. It was torn down about 26 years ago. But just from people-- I've gotten letters this week, and we've received calls at Borough Hall from people who actually strolled along the boardwalk in earlier years. When

I came into the chambers today, I ran into Bob Gaffer, (phonetic spelling) our local lawyer who lived in our town that long ago, and he told me he can't wait to get back and take that stroll, because he-- It's been many years since we've had that situation.

Thank you.

**ASSEMBLYWOMAN OGDEN:** Thank you very much.

Committeeman Staib, from Millstone Township.

**COMMITTEEMAN ROGER STAIB:** Thank you. Good morning, Madame Chairman, distinguished members of the Assembly Environment and Energy Committee, its staff, and ladies and gentlemen in today's audience.

My official capacity is Township Committeeman from Millstone Township, Monmouth County. We also support Assembly Bill No. 70. We have been beneficiaries of Green Acre funding in the municipality and also through county planning. It benefits us as municipal residents, as well as the residents of Monmouth County.

But specifically I'm here to speak on behalf of the municipality with regard to farmland preservation. We have formed an Open Space Farmland Preservation Council approximately two years ago. It was the first of its kind in our municipality because of the need that we felt due to the growth patterns that were becoming quite obvious. We're the largest growing municipality in Monmouth County, some 22 percent within a three-year period of time. The next largest municipality in growth is Tinton Falls, which is 11 percent. We're mostly a very rural community, with wells and septic.

What has befallen us recently, again, is the heavy growth patterns that now exist. We've never had an application for farmland preservation in its history. We now, due to Don Applegate and the State, and Karen Fedosh in the county, have the opportunity of working with State and county, and the farmers of our municipality and to go forward in the Farmland

Preservation Program. They have been kind enough to come out and give us information, and again, we, in turn, through the Council and through the Township Committee and the farmers of our municipality, have had the opportunity to disseminate this information through the meeting program, and in turn, have now gotten some results. There is a great deal of interest involved here.

But I'm here just to read a small statement, if I may, which you have, and I apologize because it is handwritten. It was done this weekend, through the five members and myself, because I am the liaison to this council in regards to the concerns that we have to protect the Farmland Preservation Program.

We strongly urge that appropriations for the Farmland Preservation Program not be reduced below current levels or terminated entirely. The most important reason to do this is to preserve the unique individual resources of New Jersey. New Jersey's rich soils, long growing season, and abundant rainfall are exceptional for vegetable and fruit production.

Secondly, protecting farmland is an effort based on the fiscal benefits of protecting family farms and local farming economies. States with farmland preservation programs, programs that actually buy development rights from farmers, know the costs of sprawl and the perpetual value of retaining agriculture in metropolitan regions. But a very important aspect of protecting farmland for farming is that farmland provides open space and protects the rural character and way of life citizens so highly value.

Third: The facts are truly alarming. Approximately 1.4 million acres are lost to development, nationwide, every year. That's almost 4000 acres every single day or 3 acres every minute. And if uncontrollable suburban sprawl wasn't enough to worry about, the future of our farmland is also threatened by the devastation of soil erosion. One billion tons

of irreplaceable top soil, including nutrients and agricultural chemicals, wash into our waterways every day. Farmland preservation programs certainly can help to prevent further loses of farmland and of soil.

The farming industry in New Jersey is diverse. Not only does the State benefit from the fruits and vegetable grown, but the economic impact of the horse farms is enormous. Horse farms support hay and straw growers and distributors, veterinarians, feed stores, tack stores, farriers, grooms, and riders.

As farms disappear and houses replace them, the cost to taxpayers and the surviving farms increase. With the new homes come increased school enrollment, added road services and maintenance. These costs are passed on to the people of the community in the form of higher taxes. A farm in Millstone Township, for example, has seen its taxes rise 61 percent in the last five years, and this farm is 54 acres in size. Just imagine how financially devastating it would be for larger farms, farms of 75 acres, 100 acres, or 500 acres. The pressure to sell to developers increases.

New Jersey owes the farmers who want to stay in New Jersey for all they put back into the economy and into the physical landscape. They deserve your support. They deserve our support.

Farmland preservation programs enjoy voter support. The current funding does not meet the need, and reductions in funding would turn New Jersey into a concrete wasteland. Remember, farms have given New Jersey its motto, "The Garden State," and it's given New Jersey its State animal, the horse. At a time when other states are looking for ways to increase funding and support for farmland preservation, it would be ludicrous for New Jersey to even consider a cutback in farmland preservation.

Specifically, if I may, to Millstone Township: In Millstone Township alone, through the tax assessment, there were 27 farms that have recently been denied farmland assessment equaling some 653.3 acres of land. This is due, again, to the interpretation of the existing law. Presently, more than half of these farms are for sale, or the owners are considering selling specifically for this reason.

If we took round figures, Millstone would be looking at 660 acres which could be sold, let's say with our three-acre zoning, resulting in 220 homes having on the low side 1.5 children, at a minimum cost of \$8500 per child for education. With a \$6000 tax burden for homeowners, the result would be a \$1.485 million negative tax base, for a community of 6000 residents. Population would increase by over 10 percent alone, exceeding the county's average municipal growth figures.

Today, due to the individuals such as I mentioned -- again, Don Applegate and Karen Fedosh -- members of our community, the council and township committee, we do realize the need as to the importance of farmland preservation. This program is extremely important for Millstone, and as was already stated, to neighboring municipalities and municipalities throughout the State of New Jersey. Although we may be a microcosm of the Garden State, as a whole the importance is unquestioned.

We are involved with, again, the applications. We hope that this does continue so that Millstone Township can take its role among those municipalities that have already been given this particular program. We would urge you to support the Farmland Preservation Act, and we thank you very much for, again, our involvement in Green Acre funding.

Thank you.

ASSEMBLYWOMAN OGDEN: I thank all of you, all three elected officials, for being here. I understand that we have a fourth in the audience, Mayor Aldrich of Dover Township.

Mayor, did you wish to make a statement, too, or--

**M A Y O R   C L A R E N C E   E.   "B U D"   A L D R I C H:**  
(speaking from audience) Just a brief one.

ASSEMBLYWOMAN OGDEN: Pardon.

MR. ALDRICH: Just briefly.

ASSEMBLYWOMAN OGDEN: All right, certainly.

First, before you leave, are there any questions or comments by Committee members? (no response) No?

Thank you.

MR. ALDRICH: Good morning, or good afternoon. I'd like to thank you, first--

ASSEMBLYWOMAN OGDEN: Excuse me. Would you please state your name for the transcribers.

MR. ALDRICH: Yes. Bud Aldrich. I'm the mayor of Dover Township. I have laryngitis, so I'll do the best I can.

I'd like to thank you for having the hearing here this morning. It's particularly of interest to us because Dover Township is one of the largest communities in the State, and we have a lot of shore area that we have a definite interest in protecting. Throughout the past years, anyone who lives here knows, we've taken advantage of, in many instances and many places, the Green Acres funding. It has been very helpful for us because we've tried to maintain a good portion of conservation and recreation areas and Green Acres in our town.

So, speaking for myself and for Dover Township, I just want to thank you for the hearing and tell you that I believe that we and the other men and women on the committee will support this 100 percent.

So thank you again for having the hearing down here. I think it is very important to us from our standpoint.

ASSEMBLYWOMAN OGDEN: Thank you very much, Mayor.

I'd like to now call two county representatives: Karen Fedosh, from the Monmouth County Agriculture Development Board; and William Kruse, from Middlesex County.

**K A R E N F E D O S H:** Good morning, and thank you, again, Assemblywoman Ogden and members of the Assembly Environment and Energy Committee, for this opportunity to describe how important the Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995 is to Monmouth County.

My name is Karen Fedosh, and I am here today on behalf of the Monmouth County Agriculture Development Board and the farming communities in Monmouth County to encourage you to put this bond referendum to the voters this fall. Monmouth County, according to the 1992 Agriculture Census, is second in the State in number of farms countywide. These farms represent 20 percent of our total land area and are predominantly located in 10 of our 53 municipalities. Our farming industry has total sales, according to this same census, exceeding \$50 million annually.

Preservation of our farmlands is a priority in Monmouth County. To date, 2434 acres on 17 farms have been preserved through our Purchase of Development Easements Program. We are looking forward to purchasing another 850 acres on 7 farms within the next 4 to 6 weeks. Another seven farms, representing approximately 1350 acres, are under consideration for funding next year, 1996. These preservations are made possible by the cooperative funding efforts of the State, the county, and the municipalities involved.

Continued State funding is critical for the continued preservation of farmlands not only in Monmouth County, but throughout the State. Bond moneys are only available for the cycle of applications currently under preliminary review. In order for us to process applications next year in 1996, it is necessary to have the referendum on this year's ballot so that we know there is funding available to continue this program.

At present, there are 35 applications in my office for easement purchase consideration representing over 6000 acres in Monmouth County. The deadline for applications to be considered this year is the end of this month, March 31. Just last week

I attended a meeting, which I expect to generate another handful of applications by that deadline. This meeting was attended by representatives of two municipalities that are interested in beginning project areas for farmland preservation. It is crucial to have the continued State funding commitment to realize the establishment of critical mass in these proposed new project areas. The uncertainty of State cost share grant moneys will jeopardize the continuation of the Farmland Preservation Program.

Another point to keep in mind is the level of State funding to be included in the referendum. In the past, the Farmland Preservation Program has received approval on \$50 million. The State Agriculture Development Committee has been economical in their oversight of these grant funds provided by the bonds by allocating the moneys into three funding cycles, thereby reducing the frequency of referendum requests. While it would be easy to support the need for the entire \$350 million proposed by this referendum to be appropriated for the Farmland Preservation Programs, I would urge you to consider \$50 million as a minimum need. County farmland preservation program administrators, like myself and Bill, have been consistently aggressive in assuring that the taxpayers are getting the best easement values as a result of their investment and trust. We ask that you continue to support our efforts and put this referendum on the ballot this fall with no decrease in Farmland Preservation funding.

Thank you, again, for your time and consideration.

ASSEMBLYWOMAN OGDEN: Thank you very much. I'm certainly glad to hear it is working so well in Monmouth County, because it was when I -- oh, eight or ten years ago -- I went on a farm tour in Monmouth County and saw how the farmland was disappearing at an alarming rate. So that was when I came up with the idea of the right of first refusal and easement purchase. It has really taken off, so that's wonderful to hear.

MS. FEDOSH: Unfortunately, it is still disappearing at an alarming rate, depending on which roads you travel.

**W I L L I A M   K R U S E:** My name is William Kruse, and I am the Assistant Planning Director with the Middlesex County Planning Department. I'm here this morning to present a correspondence signed by the Chairman of the Middlesex County Agriculture Development Board, Peter A. Cantu, who is our Chairman. I'd like to read this into the record. The letter is addressed to the Chairperson, Assemblywoman Maureen Ogden.

"Dear Assemblywoman Ogden, The Middlesex County Agriculture Development Board -- CADB -- has been actively pursuing the permanent preservation of Middlesex County farmland since 1985. To date, the Middlesex County CADB has used the State's Agriculture Development Easement Purchase Program to secure the preservation of 700 acres of some of the most productive farmland in New Jersey, if not the entire nation. This preservation effort has helped Middlesex County to ensure that agriculture open space will remain to enhance the rural character of those municipalities who have chosen to support this program. The effort also makes it possible for farmers to continue farming in the face of increased pressures for residential and commercial development of the land that they farm.

"Middlesex County has invested over \$1.9 million in the acquisition of agriculture development easements, and the participating municipalities of Plainsboro, Cranbury, and South Brunswick have contributed over \$450,000. This total investment has been bolstered by \$5.9 million in State funding. It is imperative that State financial support continue for this important program.

"The Middlesex CADB has supported recent efforts by the Middlesex County Board of Chosen Freeholders to bring to the county voters a ballot question that, if approved in November of 1995, will establish an Open Space and Farmland

Preservation Trust Fund. This trust fund will enable the county to continue to fund the county's share of the easement purchase program. In addition, we have had recent discussions with another county municipality, Monroe Township, that is interested in participating in the program.

"The addition of Monroe farmland, coupled with the remaining farmland that is anticipated to qualify for easement purchase based on already approved 1993 farms, current 1994 applications, and expected 1995 applications, will represent at least 2000 additional acres of productive farmland eligible for preservation in Middlesex County.

"For this program to continue, we must be assured of State financial support. We urge the Assembly Environment and Energy Committee to release the Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995 for a vote in the Assembly. This bill should also be approved by the Legislature.

"The preservation of land for farming, environmental resource protection, and recreation is critical at this point in time in light of the continuing rate of growth and land use development in New Jersey.

"This investment of State funds will ensure that the quality of life of New Jersey's present and future residents will be protected. It will enhance the value of future residential and tourism related development. It will also enhance the economic value of private investment by making New Jersey a good place to live, work, and visit.

"Thank you for the opportunity to comment on this important legislation."

ASSEMBLYWOMAN OGDEN: Thank you very much.

Are there any questions or comments from Committee members? (no response)

Thank you.

MS. FEDOSH: Thank you.

**ASSEMBLYWOMAN OGDEN:** The last two representatives of towns are Joseph Verruni, from Wall Township -- the township administrator; and John Walsh, who is a municipal engineer for Colts Neck Township.

I certainly have appreciated all of the previous witnesses in terms of their being brief, because there are many people who wish to speak. So, if everyone can limit themselves to three to five minutes at the most, we'll be grateful.

**J O S E P H L. V E R R U N I:** I'll continue that tradition.

**ASSEMBLYWOMAN OGDEN:** Thank you.

**MR. VERRUNI:** I'm Joe Verruni, with Wall Township. Thanks for inviting us to be part of this.

Wall Township as a municipality, as some of the other elected officials have suggested, is developing rather quickly. Legislation such as this is extremely important to us as a vehicle to help preserve some of the character and maintain the historical nature that tends to take a side to development that takes place in our municipality.

We have a local commitment, but with Green Acres funding, we're able to enhance that local commitment and provide more open space for our residents. We've been able to do that with Green Acres in the past, and we would like to continue to do that in the future.

It is an organization that works extremely well. The ease to work with the Green Acres staff and organization is something that we all should be proud of, unlike some other organizations that we have difficulty with. They are eager to help you fill out your applications, and the program itself is one which benefits all residents and one we would recommend and highly support and look for your continued support in regards to this legislation.

**ASSEMBLYWOMAN OGDEN:** It's very nice to hear a branch of the DEP complimented publicly.

**ASSEMBLYMAN FOLEY:** Rare.

ASSEMBLYWOMAN OGDEN: Too often, DEP is being criticized. Thank you.

MR. VERRUNI: You're welcome.

JOHN E. WALSH: Thank you, Madame Chairman. My name is John Walsh, and I'm a municipal engineer. We represent a number of municipalities in both Ocean and Monmouth County, including Wall Township, Upper Freehold, Millstone Township, and Colts Neck in Monmouth County; Stafford Township, Jackson Township, the Boroughs of Point Pleasant Beach, Point Pleasant, Bay Head, and Seaside Park in Ocean County.

I can tell you that I have participated personally probably in over 40 Green Acres applications over the past 10 to 15 years and would echo Mr. Verruni's comments regarding the level of cooperation that we get from the Green Acres Bureau. They are certainly very eager and helpful to work with the professional staffs of the local municipalities.

One of the problems that local government is facing is that without programs such as Green Acres, there are no alternatives available to us. We simply rely on this program to provide for open space and recreational opportunities for our citizens. Municipalities without a program such as Green Acres will not be able to continue to purchase open space to preserve farmlands and to develop recreational sites for our citizens. We have no other alternatives.

The program also, in the past, has received overwhelming and unprecedeted public support. The public has gone to the polls and overwhelmingly supported the Green Acres Program. We are hopeful that that will continue, obviously, in the coming years.

In addition, I would just like to say that without this program, many of the properties that municipalities that I represent that were acquired with the assistance of the Green Acres Program would in all likelihood have fallen -- I don't want to use the word, "prey" -- to development pressures. These

municipalities are receiving intense development pressure. We are competing with those developers in an attempt to set aside open space for our citizens, and we obviously would like to see this program continue.

Thank you very much for coming to Ocean County today.

ASSEMBLYWOMAN OGDEN: Thank you.

Are there any questions or comments? (no response)

Thank you again.

MR. WALSH: Thank you.

ASSEMBLYWOMAN OGDEN: I'd like to call Michael Bruno, from Stevens Institute of Technology.

**M I C H A E L   B R U N O, S c.D., P.E.:** Madame Chair and members of the Committee, thank you for this opportunity to speak in favor of this bill and, in particular, the coastal Blue Acres aspect. Like many other speakers, I also have a problem today with my throat.

From the aspects of both fairness to the homeowner and coastal engineering shoreline preservation, the Blue Acres bill is a step, very much in the right direction. Reading the bill, one of the questions that will come up is how priorities will be set in the purchase of the various properties that are perhaps more than 50 percent destroyed in storms. Obviously, \$37.5 million, although it is quite a large sum of money, will not go far in the purchase of all of the structures that will be impacted by a storm such as a repeat of the December '92 storm.

I'd just like to say, on behalf of Stevens and in line with our services as the State's coastal protection technical assistance service, we would be pleased to offer our assistance to the DEP in providing technical guidance in prioritizing the purchase of these properties.

ASSEMBLYWOMAN OGDEN: Stevens, as I recall, is working with the DEP in terms of erosion control, aren't you?

DR. BRUNO: Yes, that's correct. The focus has been on the development of new technologies and new approaches in coastline engineering, but certainly technology can't do it all, can't possibly solve all of the problems along our entire shore front, and this, in our opinion, represents a valuable alternative tool -- a valuable additional tool, I should say -- to shoreline erosion control.

ASSEMBLYWOMAN OGDEN: Thank you.

Any questions by any Committee members?

ASSEMBLYMAN FOLEY: Madame Chair?

ASSEMBLYWOMAN OGDEN: Surely.

ASSEMBLYMAN FOLEY: Just out of curiosity, you offer your assistance to the State DEP to set up priorities. Is this basically after a storm, or currently, under your projection of a storm coming up, or the most valuable areas within our coastline? How would you do that? Would you proceed to do that now?

DR. BRUNO: In our view, it should be done as soon as possible. Certainly, one shouldn't wait for the storm to occur before setting the priorities. It would take, I imagine, quite a bit of time to implement these types of buyouts and to arrange for conversion to a natural state. So there should be a plan in place before such an occurrence, at least in terms of guidelines for setting priorities.

ASSEMBLYMAN FOLEY: Do you think that may be a good idea to amend the bill to call for that within it?

DR. BRUNO: No. I see, as I read the bill, the wordage is in there, that the DEP will establish priorities for such purchase.

ASSEMBLYMAN FOLEY: Yes. That's really kind of vague, what is in the bill itself. I think if you want to make it specific to Stevens Institute of Technology will provide-- You offered it.

DR. BRUNO: We would be willing to do that. We feel it is part of our service as the coastal protection assistance service.

ASSEMBLYMAN FOLEY: Okay, thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much.

Thomas Carroll, from the New Jersey Historic Trust.

**T H O M A S E. C A R R O L L:** Good morning. I, too, will try to be brief. I am Thomas E. Carroll. I am Chairman of the Board of the New Jersey Historic Trust, and I am definitely here to speak in favor of your bill, Assembly Bill No. 70, the Green Acres, Farmlands, Historic Preservation, and Blue Acres Bond Act.

As reported to the Legislature in our 1990 Historic Preservation Capital Needs Survey, throughout New Jersey there are hundreds of historic structures and properties in need of preservation and restoration. Our survey barely scratched the surface, and we found nearly \$400 million in capital needs. The \$25 million in this bond act will provide desperately needed funds for historic preservation and allow us to continue a bricks and mortar program which sets a national standard.

The New Jersey Historic Trust is a nonprofit, historic preservation organization created in 1967 by the Legislature to preserve and protect New Jersey's historic resources. The Trust is governed by an 11-member board of trustees and is affiliated with the New Jersey Department of Environmental Protection.

The Historic Preservation Bond Program administered by the New Jersey Historic Trust is, on a competitive basis, awarding grants for historic preservation projects for the improvement, restoration, stabilization, and rehabilitation of historic properties owned by the State, county, municipal governments, and by tax exempt organizations. The Trust has awarded over \$20 million in competitive matching grants to projects throughout New Jersey.

In my experience in Cape May, which is one of the largest historic districts in the U.S.-- It was a forgotten, forlorn resort when I first arrived in the '60s. I have witnessed Cape May transform through historic preservation into a thriving tourist and resort area. An excellent example of preservation's impact on tourism is the Cape May Lighthouse, operated by the Midatlantic Center for the Arts. This is the area's best known landmark. The Cape May Lighthouse attracts approximately 75,000 visitors annually. This is a Trust financed grant project that has now seen one-third increase in visitation since preservation work was completed in the spring of '94.

Many of the Trust bond projects have been integral to expanding cultural tourism. They target a growth area in the State's Economic Master Plan. For example, the New Jersey Coastal Heritage Trail, a recent Federal/State partnership that stretches from the Atlantic Highlands in the north to Cape May in the south and Deepwater in the west, contains 187 sites of both national and State significance. Both Fort Mott and the Cape May Point Lighthouse -- trust bond funded projects -- are two of those sites listed on the Coastal Heritage Trail. The Old Barracks, another trust bond funded project located in Trenton, is another example of a popular historic site that contributes to tourism and urban revitalization in our State capital.

Jobs creation is another important benefit of historic preservation activities. The Trust has compiled data on 20 of its completed bond funded projects and found that these projects generate full-time employment for 375 professionals and tradespeople.

Historic buildings have enormous potential but are largely untapped contributors to efforts to revitalize our State's urban areas. One prominent exception is the Loew's Jersey Theater, arguably one of the grandest movie palaces left

in America. Loew's is slowly coming back to life and will be a centerpiece for revitalization of Jersey City's Journal Square.

I would like to conclude my comments by thanking Assemblywoman Maureen Ogden for her unsurpassed leadership and vision in creating awareness of historic sites as a quality of life issue, which the New Jersey citizens strongly support. The Historic Preservation Bond Program sets a national standard that New Jersey should proudly continue.

Thank you, and I would be happy to answer any questions.

ASSEMBLYWOMAN OGDEN: Thank you.

Any questions by Committee members? (no response)

Thank you very much--

MR. CARROLL: Thank you so much.

ASSEMBLYWOMAN OGDEN: --coming from Cape May.

I would like to call Michael Henry, of Watson and Henry Associates. Is he still here? Maybe he had to leave.

Oh, there you are. I knew you had a deadline, another commitment.

**M I C H A E L   C .   H E N R Y ,   P.E.,   A.I.A.:** I am Michael Henry. I am a principal in the firm Watson and Henry Associates in Bridgeton, New Jersey. I am a Registered Architect and a Registered Professional Engineer. I also sit on the New Jersey Historic Sites Council and the Greenwich Township Planning Board.

I would like to thank you for the opportunity today to speak in favor of Assembly Bill No. 70. You have before you a copy of my prepared remarks.

I would like to thank Assemblywoman Ogden for her continued support of historic preservation in the State of New Jersey. Historic resources in New Jersey include not only traditional colonial and Revolutionary War period properties, but also 19th and 20th century buildings and sites of historic,

architectural, or cultural significance in the areas of agriculture, transportation, science, industry, recreation, and social change. Historic resources reflect physical evidence of the complete spectrum of New Jersey's history and are potent reminders of the human dreams, efforts, and labors that made New Jersey and its residents what we are today.

Three examples of bond fund projects are right here in Ocean County: the Barnegat Lighthouse, which has been renovated, and the Double Trouble sawmill and cranberry sorting and packing house, which are currently under renovation. These latter projects, which include the original operating equipment, will be exciting and instructive examples of early industry and agriculture in Ocean County.

It is appropriate and necessary that the State continue to enable the preservation of important resources through the matching funds of the highly successful Historic Preservation Bond Fund. While the preservation of historic resources is the primary outcome of the fund, there is a secondary benefit of the program, jobs and economic activity.

Historic preservation projects are highly efficient employment generators in terms of both professionals and building crafts. Historic preservation projects are generally more labor intensive than conventional construction projects, with a larger proportion of the project cost going to labor than to materials. For example, craft and professional labor may constitute only 33 percent to 38 percent of a new construction budget, but 50 percent to 75 percent of a restoration project budget.

The construction crafts require more skilled labor than conventional construction projects with a larger proportion of the work requiring skilled trades and building crafts. These high-skill crafts include all construction trade jurisdictions: carpenters, ironworkers, roofers, sheet metal workers, brick, stone and cement masons, electricians, plumbers, plasterers, and

painters, to name a few. They are more material efficient than new construction, since in essence a building is being recycled.

And historic preservation projects are consistent with the goals of land and natural resource conservation since the buildings are preserved in place requiring little or no development.

Interestingly enough, the interpretation of many historic sites here in New Jersey ties neatly into the development and use of our natural resources, and this element of the bill fits very nicely in with the other two elements.

The historic preservation projects enabled by the Historic Preservation Bond Fund also boost professional employment and economic activity. I'd like to, rather than quote employment statistics, just address two very personal examples. Within our office, we have two young women who are recent graduates, both of whom have earned considerable experience working on Historic Preservation Bond Fund projects. The skills that these two young women have picked up -- one is an architect and one is a structural engineer -- have enabled them to export their work through the firm to other states. So they are working on projects outside the State and bringing revenue into the State. And they have both gone on to buy and purchase their own homes on their own, which they are restoring. The trickle down effect is pretty clear.

That concludes my remarks. I would just like to say that historic preservation is more than bricks and mortar. It is preserving the story of the people of New Jersey who came before us and helps make opportunities for today's craftspeople and professionals to make their own contribution to New Jersey's history and its economy. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much.

Any comments or questions?

ASSEMBLYMAN FOLEY: Just a question, if I may.

Mr. Henry, just for the record, if you could. Could you tell us what is involved in making an application for a historic project by a municipality or by any historical agency?

MR. HENRY: There is-- There will be a round announced periodically. It ranges in intervals from 12 months to 18 months. The regulations affecting the regulation round are announced by the New Jersey Historic Trust. The application process does involve an extensive application. I think that while some might consider the application forbidding, it does provide a level of quality and consistency in the projects that, in the end, has benefitted the State greatly.

The application, itself, must substantiate the historic significance of the property, must show the ability of the organization -- whether it's a nonprofit or a municipality -- to sustain the project and carry it through, and give evidence that the project will be consistent with the standards of the Secretary of the Interior's standards for historic preservation, which are the standards that are written into the regulations for the use of this money.

ASSEMBLYMAN FOLEY: Thank you.

Thank you, Madame Chairman.

ASSEMBLYWOMAN OGDEN: Thank you very much.

MR. HENRY: Thank you.

ASSEMBLYWOMAN OGDEN: Next, I would like to call three representatives of Ocean County organizations: Pearl Schwartz, of the Nature and Conservation Society; Pauline Miller, of the Ocean County Cultural and Heritage Commission; and Virginia Merry, of the League of Women Voters of Ocean County.

**P E A R L S C H W A R T Z:** Thank you. I have distributed copies of my remarks.

ASSEMBLYWOMAN OGDEN: For the benefit of the transcribers, if you could just give your name, please, and your organization.

MS. SCHWARTZ: My name is Pearl Schwartz, and I reside in Dover Township. I am the Conservation and Legislation Chairperson for Ocean Nature and Conservation Society. I speak today representing this over 350-member organization, founded in 1966. Ocean Nature is dedicated to the renewal of our environment and conservation of our natural heritage. We frequently conduct field trips throughout the Pinelands to our diverse beaches and to other natural areas, and we strive to be an effective voice of the environmentally minded citizens of Ocean County.

We strongly supported and benefitted from previous Green Acres bond issues. Since the opening of the Garden State Parkway, Ocean County has been the fastest growing county in New Jersey. It is very desirable and necessary, therefore, to acquire and protect as much open space as possible. An increasing population brings with it air and water problems, destruction of wildlife habitat, more paved roads, and threats to the fragile ecosystems of our watersheds -- the streams, estuaries, Barnegat Bay, and our ocean shores.

Farmland is an important factor in the economy and quality of life in parts of our county. It is also significant for recharge of the aquifer, which supplies much of our drinking water. We must continue to preserve farms and avoid sprawl development in order that habitat will be provided for the greatest variety of species.

The need to take action to protect land as open space is particularly critical in New Jersey because of the limited amount of land relative to the State's present and projected future population. We are pleased, therefore, to add our support for A-70 and urge a favorable vote by the Environment and Energy Committee.

I would just like to add that I am sorry that Assemblyman Wolfe didn't schedule this meeting for Cattus Island Park, which was acquired with the help of Green Acres funds and

we consider the star attraction of our county park system. And we urge that after you finish walking along the river, that you go and see Cattus Island Park. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much.

Ms. Merry?

**VIRGINIA MERRY:** I am Virginia Merry of Pine Beach. I am the Secretary of the League of Women Voters of Ocean County and a member of its Natural Resources Committee.

The League is a national nonpartisan organization dedicated to the informed and active participation of citizens in government.

The League of Women Voters of Ocean County supports the preservation of the natural environment and the careful management of resources for the public interest.

New Jersey's Development Plan calls for protection of fragile ecosystems. The increasing encroachment of development -- housing, highways, shopping centers -- on the remaining open space makes the acquisition by the State of New Jersey of so-called green acres and blue acres a sensible means of protecting our remaining open space.

Therefore, we members of the League of Women Voters go on record to show support for A-70.

Thank you.

ASSEMBLYWOMAN OGDEN: Thank you.

Pauline?

**PAULINE S. MILLER:** I'm Pauline S. Miller, the Administrator of the Ocean County Cultural and Heritage Commission. I serve as the resource person in Ocean County to assist the public on historic preservation issues. I also serve as Chairman of the Dover Township Historic Preservation Commission. I formerly served, for 20 years, on the State Historic Sites Council, 13 years of which I chaired the Council.

In 1972, when I was appointed to the State Council, the historic preservation division for the State was a function

under the State Historic Council, so I have had hands-on experience with historical preservation issues throughout the State for the last 23 years and can speak of the worthiness of the bond issue as it affects the historic preservation of threatened historic sites in the State.

I am here to testify on behalf of the historic preservation section of this bond issue. It is the most useful tool for capital improvement funding for historic preservation in New Jersey, which was created when the bond act was created in 1987.

The Ocean County Cultural and Heritage Commission produced an inventory -- historic sites inventory -- in 1981 which provided the basis for our listing 2200 Ocean County sites on the State Register. Several of these sites have benefited from this preservation bond act by obtaining matching grants through the Historic Trust.

Some of the most benefited for Ocean County through the matching grants from the bond issue are the 1857 Barnegat Lighthouse, Ocean County's landmark symbol of the sentinel of the sea. The grant recipient, the New Jersey Division of Parks and Forestry, received a grant award of \$123,823 for this project, which has completely restored the lighthouse. This site brings thousands and thousands of tourists to Barnegat Light annually.

Georgian Court College in Lakewood, a turn of the century mansion designed by Bruce Price for George Jay Gould, received a restoration grant award in 1991. This former estate has been a college campus since 1924.

The most recent ongoing restoration and stabilization project funded through the Historic Trust Fund is the award to restore the Double Trouble sawmill that Michael Henry spoke about, in Double Trouble State Park, which will be completed in April. The cranberry sorting house at Double Trouble is undergoing a grant award also from the Historic Trust for

\$408,000. These restoration projects will make this 200-year-old mill site in the pine barrens a viable point along the New Jersey Coastal Heritage Trail.

The Historic Trust is working with the historic preservation group in Island Heights to restore and stabilize the old Wanamaker Hall, which served as a holiday camp for employees of the Wanamaker stores in New York and Philadelphia until 1922. During World War I, the hall served as a training camp for commissioned officers. The Island Heights Cultural and Heritage Association are the recipients of a Trust Grant award of \$150,000.

All of these sites are a vital representation in the fabric of a segment of preserving our State's heritage through its built environment, which would not be possible without the historic preservation section of this bond issue.

We need this bond issue to continue to preserve other sites before rust and decay destroy what is left of New Jersey's heritage.

Thank you for allowing me to speak.

ASSEMBLYWOMAN OGDEN: Thank you very much.

Any questions by members of the Committee?

ASSEMBLYMAN FOLEY: Just a comment. I guess I should have asked you that question instead of Mr. Henry. You've been very successful in the grants. Congratulations, Ms. Miller.

MS. MILLER: Thank you, thank you. We try hard here in Ocean County.

ASSEMBLYWOMAN OGDEN: Thank you for coming to the hearing.

I would like to call three spokesmen for environmental organizations: David Moore, of the New Jersey Conservation Foundation; Theresa Lettman, of the Pinelands Preservation Alliance; and Blanche Krubner, of ANJEC.

**B L A N C H E   K R U B N E R:** Good morning, Chairperson Ogden and Committee members. We express great gratitude that you came to Ocean County.

**ASSEMBLYWOMAN OGDEN:** Thank you. Would you give your name and association, for the benefit of the hearing record.

**MS. KRUBNER:** I am Blanche Krubner of Jackson Township. I am speaking on behalf of ANJEC, the Association of New Jersey Environmental Commissions. I have left copies of my prepared remarks for the members of the Committee.

The Association of New Jersey Environmental Commissions -- ANJEC -- supports a \$350 million 1995 Green Acres bond issue.

Green Acres is an investment in our future quality of life. It enables municipalities, counties, the State, and nonprofit organizations to purchase conservation and recreation lands that make New Jersey a place where people want to live and work. Our parks, forests, wildlife management areas and nature preserves are a tremendous economic asset. They provide people with places to swim, fish, hike, or just rest and relax close to home. They help protect our air and water quality, and they prevent flooding.

The voters recognize the value of the Green Acres investment in the future. They have approved eight Green Acres bond issues since 1961, always by overwhelming majorities, and by a three-to-one margin in 1992.

Municipalities recognize the value of the Green Acres investment in the future. Sixty communities purchased more than 2000 acres of land with loans from the 1992 bond issue. Those loans mean that Green Acres bond funds are recycled and used many times. Towns and counties can use those dollars again and again to protect vital floodways, special wetlands and forests, animal and plant habitat, streams and lakes. But the demand for Green Acres funds is greater than the supply, and the 1992 bond issue is almost exhausted.

On behalf of all the people of New Jersey, I urge the Committee to support a 1995 Green Acres \$350 million bond issue.

The Association of New Jersey Environmental Commissions -- ANJEC -- is a statewide nonprofit membership organization with offices in Mendham and Washington Crossing. Our mission is to promote the public interest and to provide the people who are interested in long-term natural resource protection and sustainable development by establishing and supporting local environmental commissions and by educating local officials and concerned citizens.

Thank you for your consideration.

ASSEMBLYWOMAN OGDEN: Thank you.

**T H E R E S A   L E T T M A N:** Theresa Lettman, with the Pinelands Preservation Alliance.

The Pinelands Preservation Alliance endorses and urges you to approve Assembly Bill No. 70. The following statistics support the need for the Legislature to supply funds for preserving open space in New Jersey:

- \* With an average of 1029 people per square mile, New Jersey is the most densely populated State in the union.
- \* New Jersey is the fifth smallest State, yet ranks seventh in the value of its gross state products.
- \* New Jersey has more miles of highways per square mile than any other state, and its transportation network carries the densest flow of traffic in the world.

Such facts cry out for a serious effort to preserve open space. In the Pinelands, this is particularly true. The Pinelands is the largest area of undeveloped land between Boston and Washington. In these times when the forces of economic exploitation of the landscape are particularly strong, it is even more important that New Jersey devote some of its financial resources to the purchase of land for open space.

At this time, when Federal and State legislators are considering weakening environmental regulations, it is vital

that these initiatives be counteracted by a willingness of the State to devote resources to the purchase of land.

To fail to act as good stewards will degrade the quality of our shared landscape, thereby lowering the quality of life in New Jersey for current residents and for those who one day inherit our State.

So, as a parent of a third grader, I urge support of A-70 to continue to save some of our open space for future generations. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much.

**D A V I D   M O O R E:** My name is Dave Moore. I direct the New Jersey Conservation Foundation and am representing them here today. We are a land trust and work for the acquisition of land -- open space land -- and over the 35 years of our history have had our hands on or had passed through our organization over 70,000 acres of what is now preserved, open space in New Jersey.

We have backed every Green Acres bond issue since 1961 and have contributed, in the process, at least through the private sector, literally millions of dollars to aid and augment the State effort.

I have the advantage now of looking back over the entire history of the program, inasmuch as I was hired by the State of New Jersey the day after the first Green Acres bond issue went into effect and in that process prepared applications for State government as part of the program. I've seen a lot happen during that period of time, including a vast improvement in the quality of life for New Jerseyans. I've seen this program shape the character of New Jersey. You can physically look back and see the changes that have been made over that period of time. I've seen industry advertise the Garden State's assets as a means of attracting new people and new business.

I have also seen the dramatic effect the Green Acres Program has had on the tourism business in New Jersey. It

supplies the infrastructure for the tourism business in the State.

I consider the Green Acres Program an investment. Parkland, it turns out, has an economic impact equal to no other. I can illustrate by taking some statistics -- which are hard to come by, I might add -- in the way of economic impact from the National Park Service.

Morristown National Historic Park, in 1993, recorded 142,000 visitors. Those visitors, in turn, generated almost \$11 million in direct sales, that is, the kind of things people buy -- the sandwiches, the staying overnight, and that kind of thing -- buying gas in gas stations.

There is a secondary economic impact to that kind of activity which doubles the amount derived, making Morristown National Historic Park worth \$22 million in auxiliary funding that occurs as a result of tourism for that one town.

That doesn't include all of the economic generators. It doesn't include job creation or direct sales or anything like that that add further to the economy of that particular place.

Now while we can't extrapolate those numbers to the State as a whole, my guess would be that the open space programs in New Jersey-- The business of tourism, with publicly owned facilities, generates somewhere in excess of \$100 million a year.

There is even more good economic news, for open space sends no children to school, and when it compares to other land uses, they are by far the best ratables we can get.

We have a long way to go to meet our open space needs in New Jersey. Even this amount of money that is scheduled now, this \$350 million, doesn't do the job that meets our needs. We have plenty of demonstrations of that with crowded beaches and crowded bikeways. Even in the town where I live, yesterday afternoon it was worth your life to travel on the bikeway there, there were so many people using it.

We've also advocated acquiring storm damaged beaches and flood plains. This legislation calls for that as well. Taking such places out of circulation from a development point of view and opening them to the public simply makes good economic sense.

We urge this Committee to release this bill and to work for its passage through the Legislature for a vote next November.

Thank you very much.

ASSEMBLYWOMAN OGDEN: Thank you.

Any questions or comments by Committee members? (no response)

I thank all three of you very much for being here and testifying on behalf of the legislation.

I have two individuals to speak about historic preservation: Ilona English, from Preservation New Jersey; and Lawrence Tormey, from Georgian Court College.

I don't know whether the other person is here or not.

Oh, would you like to come up right now?

**I L O N A S. E N G L I S H:** Good morning. My name is Ilona English. I'm a member of the board of Preservation New Jersey. I'm a resident of Hunterdon County. I am also a member of the East Amwell Township Historic Preservation Committee; a Trustee of the Amwell Heritage Society, and I serve on the New Jersey Historic Trust Revolving Loan Fund Finance Committee. I have previously served on local and county planning boards, as well as greenway committees. I also own a 200-year-old home, which speaks for itself.

I would like to preface my statement today by saying I'm somewhat of a hybrid in the historic preservation movement. I have a professional degree in finance and worked in real estate finance for about 15 years, as well as having a Masters Degree in Historic Preservation, which most people tell me is an impossibility to do both, but I'm here to say it can work.

The 1986 Federal Tax Act revisions clearly removed many of the economic incentives for real estate investment. While those involved in development have, since that time, made every effort to make clear their plight with respect to changes in depreciation and passive/active provisions, clearly the true victim in this industry was the area of historic preservation. Special requirements for historic preservation often make these projects, on a cost-comparative basis, less attractive to both lenders and investors. While projects had previously found a niche, often with those investors who had an interest in the aesthetics and quality of the projects, passive/active provisions have provided clear disincentives to this lender segment.

As the real estate industry adjusts to redefined lending practices and guidelines, historic preservation is held together by the various governmental and nonprofit efforts which this fund will assist. Projects, it should be noted, no longer reflect the pickling of homes of the wealthy often associated with historic preservation in the past. A list of New Jersey projects represents a true commitment to the populace at large and a focus on projects which provide viable rehabilitation and ultimately much needed vitality to many local communities, urban, suburban, and rural.

The impact is broad reaching as projects spread throughout the State and impact all areas from cities to older suburbs to towns and villages and rural settings. The grassroots involvement that these projects bring results in a multitude of benefits to the localities involved. Such intangibles as community pride and spirit, interaction and involvement of various social segments, as well as a guiding light for other privately funded projects reflect an economic return far beyond the initial bond investment.

Rehabilitation and community involvement provide economic stability and vitality. Clearly, this encourages a

growth which occurs within an existing built environment, rather than that which spirals away from existing built locations and forces an intrusion into those previously nonbuilt areas better preserved in open space or farmland. Certainly this investment in recycling at a major scale deserves recognition for its far-reaching benefits. This is truly a win/win situation. The investment on the part of the New Jersey taxpayers provides tactile results that most citizens realize in their daily lives and activities. These projects are visible, and because they remain within the existing fabric of the communities, they touch the lives of those burdened with the cost of supporting the debt.

Additionally, each dollar committed to historic preservation projects reflects a dollar, and probably many more, matched. These projects will succeed because many people want them to succeed. Few private real estate projects bring with them such a foundation of support. For that reason, bond act, A-70, should be supported. Not to diminish the importance of preservation of open space and farmland retention, they stand soundly on their own merits. It is appropriate that historic preservation shares equal footing with these other issues. Historic preservation is, in fact, a critical part of successful land planning and growth management, and its success relates to the issues of open space preservation and farmland retention.

The window of opportunity exists to bond at low rates and assist projects when real estate values are low and trade costs are extremely attractive. The investment is defensible and advisable and the return is unlimited in its scope.

I have copies of my comments for the board, and I would just like to add that I believe, clearly, the taxpayers in the State of New Jersey, as well as across the nation, have indicated that the need is ever present for private/public partnerships. Historic preservation is clearly that type of a private/public partnership which takes seed money from State

funds and serves to infuse private money. It keeps money within the State; it keeps vitality within neighborhoods, and I see clearly the need, within the State of New Jersey for this, not only within the urban core, but in our smaller towns, our older suburbs, and our rural locations.

I might add that I think the State of New Jersey should take advantage -- I'm perhaps prejudiced because I'm an alumna of the University of Pennsylvania -- but the University of Pennsylvania has not only a great historic preservation program, but also a real estate center. And I think there is real possibilities, not to take anything away from Columbia's historic preservation program, but I think there are opportunities within the State of New Jersey to utilize those resources which are available, specifically with respect to the rehabilitation of our urban cores.

ASSEMBLYWOMAN OGDEN: Do you mean using students and faculty from the colleges?

MS. ENGLISH: Yes. They are specifically graduate programs, and they are constantly looking for studio projects, specifically, the Real Estate Institute at Wharton. In their newsletters, they constantly talk about student projects, and they do have requirements with respect to independent study in both of those programs. I really think that there is an opportunity here to solicit this university's programs to aid New Jersey. The contiguousness of Camden to Philadelphia offers opportunities, and I think that whatever could work in Camden -- I think there has been some work there by the Real Estate Institute -- but I certainly think it could be expanded. And I really believe strongly that it is important for people in professional study programs within the university context to be involved in real life situations, and I think there is an opportunity here. It can aid and assist these locations which might be looking to have financial assistance to the bond act.

ASSEMBLYWOMAN OGDEN: A studio of students -- I guess graduate students in architecture from NJIT -- are working this spring on the building that has been given to the New Jersey Historical Society, the Essex Club, which is in downtown Newark just a couple of doors away from the new performing arts center. So that's an example of it actually occurring, but it probably needs to occur more, as you pointed out.

Any questions? (no response)

Mr. Tormey, from Georgian Court College?

LAWRENCE R. TORMEY: Yes, good morning, and thank you for the opportunity. I represent Georgian Court College this morning, specifically Sister Christina Geis, who is the Chair of the Art Department and who, at this moment, is giving exams to students, so she asked me to pinch hit.

There has been a prior reference this morning to the college having received support in the past. I speak specifically to the sunken garden and lagoon area of the Italian gardens, which was the project which was previously challenge funded by the State.

This is part of the original George Jay Gold estate built in 1897 and bought by the Sisters of Mercy in 1924, now Georgian Court College. The entire campus is listed on the New Jersey and National Registers, 1978 and 1979. The campus was also designated a national historic landmark in 1985.

During 1988-1989, it was apparent that the marble stones of a considerable portion of the balustrade of the retaining wall of the esplanade and staircase leading to the lagoon area was separating due to moisture seepage. Other features of the sunken garden were also in serious need of stabilization and restoration.

Thus, funds for a matching grant totalling \$64,675 were sought and received through the Historic Preservation Bond Program administered by the New Jersey Historic Trust.

From the spring of 1990 to the fall of 1991 the objectives accomplished were as follows:

1) The marble stones of the retaining wall and balustrade were removed and reset. On the upper level esplanade, in order to prevent future moisture damage, a section of the brick flooring was removed in order to install a concrete base. After waterproofing the base, the bricks were reset in the original pattern.

2) The marble staircases and marble areas on all levels were repointed and cleaned. The brick and marble retaining walls on the north and south sides of the lagoon were repainted and cleaned. The drainage system leading into the lagoon water was reestablished where needed. The lagoon was dredged of an accumulation of mud. The marble coping around the lagoon was removed and reset. Damaged brick paving was reset in the original pattern.

3) A new pedestal was cast for the dolphin fountain on the upper level; the drainage system was completely reestablished.

4) In the pump room under the esplanade where the pump for the Apollo and dolphin fountains is located, new electrical circuit breakers and wiring were installed.

5) A new copper sheathed door to the pump room was made.

Herbert J. Githens, restoration architect, Montclair, New Jersey was the architectural consultant for the project.

There are many more projects on the property which need matching grant assistance. The historic casino building is of high priority. Funds are needed to repair the original skylights of the roof in several places and to counteract the serious moisture seepage on the masonry walls.

On behalf of the college, we endorse, certainly, the bond, and thank you for the opportunity this morning to present this statement.

**ASSEMBLYWOMAN OGDEN:** Thank you very much, Mr. Tormey.

Are there any questions? (no response)

Thank you. Thank you, both.

Next, a representative of the New Jersey Farm Bureau, Warren Gaskill.

**W A R R E N   G A S K I L L:** Good morning. Warren Gaskill, from the New Jersey Farm Bureau. I'm speaking on behalf of Peter Fury, who was unable to make it here this morning.

Since our founding in 1919, we have been advocates for the ag industry, as many of you know, and we are thankful for the inclusion here of farmland preservation in this bond act as a way of continuing to keep the industry in the State. The Board of Directors does support the financial compensation for development rights, and again, we do believe the preservation of the ag industry is extremely important for the benefit of the State of New Jersey, and again, we believe this is an important part of it.

Thanks for including it in there.

**ASSEMBLYWOMAN OGDEN:** Thank you very much.

I have two more individuals who have signed up. Ken Smith, who is a coastal advocate.

**K E N N E T H   S M I T H:** Good morning, Madame Chair and members of the Committee. I'm Ken Smith, President of Coastal Advocate. I work with 14 coastal communities in New Jersey and over 1000 businesses, property owner associations, and taxpayer associations and residents on promoting shore protection and coastal management that balances economic realities with natural resource preservation needs.

Thank you very much for holding this hearing in Toms River. It's nice to finally get one that is two blocks from my office. I wanted to specifically thank the Beach Erosion Commission members for their diligence on this issue and for finding a need and responding to it through the Blue Acres fund.

Green Acres, of course, is a wonderful program. I'm from Stafford Township, an extremely ecologically sensitive community. We have relied extensively on Green Acres to help us further our goals.

I support A-70. Clearly there are areas, not many but some, where it makes very good sense to acquire properties, to put them in the public domain, particularly unimproved lots which have not been constructed on. In fact, if I had my druthers, I would rather see \$22.5 million go to that instead of \$15 million, but we're splitting hairs.

There are areas, also along the coast, where absolutely no development should be allowed, and I can think of areas even where there are pilings in, stuck right in the middle of the primary dune, and the locals don't have the moneys to acquire those properties, and they should be able to. Development there should be stopped in its tracks. Again, not in many areas, but there are some. These are even in areas where there is infill adjacent -- development adjacent to it.

The keys to the success of the Blue Acres fund, of course, are a willing seller, and also-- I wanted to expand just a little bit on what Mike Bruno talked about, under Section 12e, Paragraph 1, regarding the priorities and the ranking criteria.

I think the last one is probably the most important. It's on line 50 to 52 of that page. It says that it would be the extent to which acquisition of the land will likely help avoid future public costs resulting from storms and storm related flooding. I really think that this should be the first priority.

Let me give you a quick example. Suppose you have five ocean front houses. A storm hits and they all suffer severe damage. Four of them want to go right back where they were before and one doesn't. I think you need to look at that and decide, particularly in an area where it may cost you \$1

million to buy that property out, decide just what you are providing and how cost-effective that is. I think that's what Mike was getting to, that it may not be cost-effective to buy that property out and spend that kind of money. In fact, this is a fund that I almost hope that we're never going to use in that regard.

As you know, retreat is anathema to coastal residents and their officials. I support this bill with the caution that it not be seen as a turning point in coastal policy, but rather as a funding of a long standing need of coastal communities. Shore protection requires diverse strategies, but the primary goal should always be maintenance.

Beaches are habitat. They are recreational space. And they are also -- and I'll put it in capitals -- they are also the infrastructure that supports this \$10 billion tourist industry. I don't want to lose sight of that. We are embroiled in a battle now to keep the Federal program intact, for the Corps. We need the support, obviously, of everyone at our State and local levels on that.

So I thank you. I support the bill and its release from your Committee.

ASSEMBLYWOMAN OGDEN: Thank you very much, Ken.

MR. SMITH: Thank you very much.

ASSEMBLYWOMAN OGDEN: The last individual signed up is Ray Kalainikas.

**R A Y   K A L A I N I K A S:** Actually, Maureen, I wasn't the last to sign up, but I knew I would be last.

ASSEMBLYWOMAN OGDEN: Well, you're getting the last word. You're the only one opposed.

MR. KALAINIKAS: I guess I would like to talk about, essentially, just the issue of farmland preservation. I simply want to read this statement into the record.

Preserving farmland by paying farmers to keep their land in an agrarian state through deed restriction not only

creates a class of gentleman farmers at the expense of the taxpayer, but also prohibits the real preservation of farmland in the State of New Jersey due to a cost factor that is totally out of reach of the taxpayer. Not to mention the fact that taxation in and of itself is a form of theft engaged in by the machinery of government.

I would like to stop at that particular point. The whole issue of taxation-- This is very important. All political understanding is predicated on religious understanding. That's why the First Amendment is what it is. If we do not have religious freedom, we have no political freedom. False religious understanding produces false political understanding. Taxation is false political understanding due to false religious understanding.

Two thousand years ago a particular carpenter said no human being has the right to be master over any other human being. The only reason Romans 13 exists, along with Peter's comments, is because Paul and Peter were still adhering to Judaism. They had still not fully accepted that particular understanding that no human being has a right to be master over another human being, individually or collectively. We have yet to understand that.

If you want to go into that this morning, if you really want to discuss it in depth, I'm ready if you're ready. Otherwise, let me continue.

The practical and sound way to preserve farmland is not through bonding and taxation, but through elucidation of land use rights and zoning. Every human being has a right to live off the land. It is universally recognized that farmland assessment starts at five acres. It is understood that a family can survive on five acres. Add one acre for the home and home industry, and you have six contiguous acres. Allow the farmer to sell the land in six-acre tracts, with the understanding just mentioned for the use of such a tract. This would ensure the

farmer his or her retirement, while at the same time preserving the land at no expense to the citizen who is mugged by the government on a regular basis.

Finally, allow the farmer to sell a six-acre tract only to the people who will use and live on that tract 75 percent of the time. This ensures a decent cost of purchase and the absence of developers.

With this understanding, let Governor Whitman deny her signature to the legislation calling for the expenditure of millions in the name of farmland preservation. That's referring specifically to the current legislation that is on her desk. I don't know if she has signed it yet or-- I'm sure she's about to sign it, dealing with North Jersey, Central Jersey, and South Jersey.

This is the statement, essentially, I put forth as a letter to the editor, but I'm also putting it forth to you, because I think what I am saying has a good deal of merit. Maybe you do not.

I don't know if you have any questions, but I'm willing to sit and listen to any questions and perhaps answer any questions you may have.

ASSEMBLYWOMAN OGDEN: Any questions? (no response)

Ray, thank you for being here. You're certainly entitled to your viewpoint, and we appreciate your being here and expressing it.

MR. KALAINIKAS: Thank you.

ASSEMBLYWOMAN OGDEN: That concludes the number of people who have signed up. I would just like to announce that we are having a second hearing on A-70 on Wednesday, March 29, in the northern part of the State, at the Somerset County Environmental Education Center. I don't know whether any who are here in the audience will be coming up there as well, but I just would like to, for the record, state that we're having a second hearing at that time.

Being no further business to come before the Committee, we stand adjourned. Thank you.

(HEARING CONCLUDED)

## APPENDIX



SUMMARY of EASEMENTS PURCHASED and PENDING



Participating Counties	Permanently Preserved Farms *	Permanently Preserved Acres *	1992 Pending Farms**	1992 Pending Acres**	1994 Pending Farms**	1994 Pending Acres**	1995 Pending Farms***	1995 Pending Acres***	Potential Total Acres
Atlantic	1	190	0	0	0	0	0	0	190
Burlington	37	6,452	0	0	4	418	7	1,142	8,012
Camden	0	0	0	0	0	0	0	0	0
Cape May	2	179	0	0	3	221	4	397	797
Cumberland	6	764	0	0	7	1,303	7	1,387	3,454
Gloucester	3	548	0	0	2	328	7	594	1,470
Hunterdon	23	3,342	1	208	4	463	7	804	4,817
Mercer	7	680	0	0	1	55	6	589	1,324
Middlesex	7	708	0	0	4	551	5	669	1,928
Monmouth	17	2,407	0	0	7	869	7	1,337	4,613
Morris	13	986	0	0	2	153	3	445	1,584
Ocean	2	506	1	166	2	218	4	690	1,580
Salem	8	2,239	3	682	4	677	7	1,370	4,968
Somerset	10	1,242	0	0	0	0	7	627	1,869
Sussex	2	121	0	0	2	506	5	786	1,413
Warren	10	1,717	0	0	5	695	7	938	3,350
TOTALS	148	22,081	5	1,056	47	6,457	83	11,775	41,369

\* Includes permanent easements acquired directly by the SADC

\*\* Final CADB & SADC approvals

\*\*\* Preliminary CADB approvals

# EASEMENT PURCHASE CYCLES for FARMLAND PRESERVATION

New Jersey Fiscal Year.....>	<-----FY 1995----->						<-----FY 1996----->						<-----FY 1997----->																		
Calendar Year.....>	J '95	F '95	M '95	A '95	M '95	J '95	J '95	A '95	S '95	O '95	N '95	D '95	J '96	F '96	M '96	A '96	M '96	J '96	J '96	A '96	S '96	O '96	N '96	D '96	J '97	F '97	M '97	A '97	M '97	J '97	
Landowners apply to CADB	'96	'96	'96	'96	'96	'96																									
CADB review and preliminary approval							'96	'96	'96																						
CADB appraisals (two per farm)							'96	'96	'96	'96	'96	'96																			
CADB applications due to SADC (15th)	'95												'96																		
SADC determines Quality Score and Rank	'95												'96																		
SADC certifies appraised easement values	'95												'96																		
Landowner submits final per-acre offer bid							'95											'96													
SADC re-ranks farms based on bids							'95											'96													
CADB gives final approval and rank								'95											'96												
SADC gives final approval and rank								'95											'96												
SADC seeks legislative appropriation	'94								'95	'95	'95	'95							'96	'96	'96	'96									
Easement purchase closings	'92	'94	'94	'94	'94	'94							'95	'95	'95	'95	'95	'95													

Note: the 'years' indicated in the chart reflect the calendar year in which the CADB application is/was made to the SADC ('97 & '98 are not funded)

## N.J. Farmland Preservation Program Bond Fund Expenditures

3/6/95

Fiscal Year	Bond Fund	Easement Purchase Grants to Counties	Fee Simple Acquisitions & Resales Net	Soil & Water Conservation Project Grants	CADB Program Development Grants	Costs of Bond Grants Issuance	SADC Admin.	Totals
<b>Actual Expenditures</b>								
1983-95	'81	42,459,870.19	1,459,041.24	2,581,938.32	295,272.15	30,742.24	2,342,547.24	49,169,411.38
1989-95	'89	28,701,488.90	1,310,012.08	18,199.25	-	7,734.86	1,944,602.75	31,982,037.84
1992-95	'92							
1995	'81/'89						343,540.30	343,540.30
<b>Totals</b>		<b>71,161,359.09</b>	<b>2,769,053.32</b>	<b>2,600,137.57</b>	<b>295,272.15</b>	<b>38,477.10</b>	<b>4,630,690.29</b>	<b>81,494,989.52</b>
<b>Percent</b>		<b>87.32%</b>	<b>3.40%</b>	<b>3.19%</b>	<b>0.36%</b>	<b>0.05%</b>	<b>5.68%</b>	<b>100.00%</b>
<b>Estimated Future Expenditures</b>								
1995		19,300,000.00	4,115,000.00	395,000.00			556,000.00	24,366,000.00
1996		19,000,000.00	3,265,000.00	725,000.00			900,000.00	23,890,000.00
1997		17,000,000.00	2,300,000.00	300,000.00			1,000,000.00	20,600,000.00
<b>Totals</b>		<b>55,300,000.00</b>	<b>9,680,000.00</b>	<b>1,420,000.00</b>	-	-	<b>2,456,000.00</b>	<b>68,856,000.00</b>
<b>Combined Actual and Anticipated Expenditures</b>								
<b>Totals</b>		<b>126,461,359.09</b>	<b>12,449,053.32</b>	<b>4,020,137.57</b>	<b>295,272.15</b>	<b>38,477.10</b>	<b>7,086,690.29</b>	<b>150,350,989.52</b>
<b>Percent</b>		<b>84.11%</b>	<b>8.28%</b>	<b>2.67%</b>	<b>0.20%</b>	<b>0.03%</b>	<b>4.71%</b>	<b>100.00%</b>

## N.J. Farmland Preservation Program Bond Fund Appropriations

	<b>Appropriation Effective Date</b>	<b>Easement Purchase Grants to Counties</b>	<b>Fee Simple Acquisitions</b>	<b>Soil &amp; Water Conservation Project Grants</b>	<b>SADC</b>	<b>Totals</b>	<b>Legal Reference</b>
<b>Summary by Appropriations</b>							
<b>Approved Appropriations</b>							
1981	various		(These appropriations were not made by category)		50,000,000		various
1989	7/31/91	19,000,000			1,500,000	20,500,000	P.L. 1991, c.234
1989	11/21/91		1,040,000			1,040,000	P.L. 1991, c.321
1989	8/20/93	14,000,000			1,500,000	15,500,000	P.L. 1993, c.262
1989	8/20/93		4,000,000			4,000,000	P.L. 1993, c.263
1989	8/20/93			103,000		103,000	P.L. 1993, c.264
<b>Approved Subtotals</b>		<b>33,000,000</b>	<b>5,040,000</b>	<b>103,000</b>	<b>3,000,000</b>	<b>91,143,000</b>	
<b>Pending Appropriations</b>							
1989	pending	10,000,000	6,900		10,006,900	A-44 / S-1656	
1989	pending		55,700		55,700	A-45 / S-1657	
1989	pending		93,600		93,600	A-46 / S-1658	
1992	pending	7,675,000			7,675,000	A-44 / S-1656	
1992	pending		5,000,000		5,000,000	A-46 / S-1658	
<b>Pending Subtotals</b>		<b>17,675,000</b>	<b>5,000,000</b>	<b>156,200</b>	-	<b>22,831,200</b>	
<b>Projected Appropriations</b>							
1989	12/95 - 4/96	3,000,000	175,000		3,175,000		
1992	12/95 - 4/96	16,000,000	100,000	4,000,000	20,100,000		
1992	12/96 - 4/97	17,000,000			17,000,000		
<b>Projected Subtotals</b>		<b>36,000,000</b>	-	<b>275,000</b>	<b>4,000,000</b>	<b>40,275,000</b>	
<b>Grand Total ( Exceeds \$150 million due to rounding and estimations)</b>							
<b>Summary by Bond Fund</b>							
Bond Fund	Original Amount	Approved Approps.	Pending Approps.	Projected Approps.			
<b>"Farmland Preservation Bond Act of 1981"</b>							
1981	50,000,000	50,000,000					P.L. 1981, c.276
<b>"Open Space Preservation Bond Act of 1989"</b>							
1989	50,000,000	41,143,000	10,156,000	3,175,000			P.L. 1989, c.183
<b>"Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992"</b>							
1992	50,000,000		12,675,000	37,100,000			P.L. 1992, c. 88

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STATE AGRICULTURE DEVELOPMENT COMMITTEE  
Program Activity through January 1995

PCR-1

EASEMENTS PURCHASED

Bond Issue	Number of Easements Purchased	Number of Acres Covered	Total Easement Costs	Total State Costs (lease, only)	Total State Ancillary Costs	Avg. Total Easement Cost/ac.	Avg. State Cost per acre	Average State Cost share (lease, only)
1981	79	11,351.8	\$70,075,039.97	\$62,078,987.92	\$235,265.80	\$6,173.03	\$3,706.81	60.05%
1989	64	9,516.5	\$44,156,504.31	\$28,701,488.90	\$0.00	\$4,642.26	\$2,997.08	61.56%
	143	20,868.3	\$114,531,544.28	\$90,780,476.82	\$235,265.80	\$5,472.58	\$3,382.05	61.80%

EASEMENTS DONATED

Number of Easements Donated	Number of Acres	County
1981	1	141.7

PER SIMPLE PURCHASES

Number of Fee Simple Purchases	Number of Acres	Total Purchase Price	Total Ancillary Costs	Gross Purchase Cost	Resale Revenue	Resale Ancillary Revenue	Net Revenue	Net Cost to Acquire Easement	Cost /acre
1981	2	\$2,025,170.00	\$375,881.59	\$2,401,051.59	\$999,198.00	\$8,987.73	\$990,210.35	\$1,410,841.24	\$2,691.21
1989	2	\$1,566,843.25	\$31,107.85	\$1,597,951.10	\$215,346.00	\$16,991.42	\$198,354.58	\$1,399,596.52	\$2,847.72
	1	\$3,592,013.25	\$106,989.41	\$3,999,002.69	\$1,214,514.08	\$25,979.15	\$1,188,564.93	\$2,810,437.76	\$2,766.94

Total Number of Properties Covered by Permanent Deed Restrictions

1981/1989 118 22,085.69

EIGHT YEAR PROGRAMS/SOIL AND WATER STATUS

8 YR PROGRAMS ONLY	8-YR PROGRAM/EASEMENT PURCHASE	EASEMENT PURCHASE ONLY	EXPIRATIONS/WITHDRAWALS				TOTAL PARTICIPATION (Eligible)	
			Parcs	Acres	Funds	Expenditures		
Parcs	226	Parcs	75	Parcs	77	Expirations	50	4315.1
Acres	20489.57	Acres	8680.7	Acres	12507.2	Withdrawals	6	1046.6
1981 Funds	\$1,594,277.53	1981 Funds	\$197,216.48	1981 Funds	\$89,495.98	Expirations	0	\$0.00
1989 Funds	\$18,199.25	1989 Funds	\$0.00	1989 Funds	\$0.00	Withdrawals	0	\$0.00

(1) Subtotal of expend. by currently eligible participants.

(2) Total 1981 Bond Funds expended for Soil & Water projects.

(3) Total 1989 Bond Funds expended for Soil & Water projects.

(4) Total dollars of either funding source spent for Soil & Water projects.

Parcs 378

Acres 41677.5

\$1,594,277.53 1981

\$18,199.25 1989

\$1,594,277.53 1981

\$2,574,587.97

X5

A STATEMENT FROM THE OPEN SPACE  
AND FARMLAND PRESERVATION COUNCIL  
OF MILLSTONE TOWNSHIP

JUDY MAZZUCCO, CHAIRPERSON

JOHN ALLEN

MARK COCCIA

FRANK D'AMICO

KAREN MILLER

CHARLOTTE SOLOMON

ROGER STAIB, TOWNSHIP COMMITTEE AND  
LIASON TO THE COUNCIL

MARCH 20, 1995

6X

WE STRONGLY URGE THAT APPROPRIATIONS FOR THE FARMLAND PRESERVATION PROGRAM NOT BE REDUCED BELOW CURRENT LEVELS - OR TERMINATED ENTIRELY.

FIRST, THE MOST IMPORTANT REASON TO DO THIS IS TO PRESERVE THE UNIQUE INDIVIDUAL RESOURCES OF NEW JERSEY. NEW JERSEY'S RICH SOILS, LONG GROWING SEASON, AND ABUNDANT RAINFALL ARE EXCEPTIONAL FOR VEGETABLE AND FRUIT PRODUCTION. THE FACT THAT IT IS NEAR A HUGE METROPOLITAN AREA - THE THING THAT THREATENS ITS EXISTENCE — IS ITS GREATEST VALUE. OUR CURRENT FOOD PRODUCTION SYSTEM — WITH ITS DEPENDENCE ON PETROLEUM AND FEDERALLY FUNDED WATER PROJECTS AND SUBSIDIES IN THE WEST — IS THREATENED.

SECONDLY, PROTECTING FARMLAND IS AN EFFORT BASED ON THE FISCAL BENEFITS OF PROTECTING FAMILY FARMS AND LOCAL FARMING ECONOMIES. STATES WITH FARMLAND PRESERVATION PROGRAMS — PROGRAMS THAT ACTUALLY BUY DEVELOPMENT RIGHTS FROM FARMERS — KNOW THE COSTS OF SPRAWL, AND THE PERPETUAL VALUE OF RETAINING AGRICULTURE IN METROPOLITAN REGIONS. BUT A VERY IMPORTANT ASPECT OF PROTECTING FARMLAND FOR FARMING IS THAT FARMLAND PROVIDES OPEN SPACE AND PROTECTS THE RURAL CHARACTER AND WAY OF LIFE CITIZENS SO HIGHLY VALUE. THE PROTECTION OF FARMLANDS — THE HUB OF RURAL COMMUNITIES — HELPS TO STABILIZE TAXES, MAINTAINS THE PHYSICAL BEAUTY AND CHARM OF THE LANDSCAPE, AND PROVIDES JOBS WHILE SUSTAINING A DYNAMIC AGRICULTURAL TRADE BASE.

THIRDLY, THE FACTS ARE TRULY ALARMING. APPROXIMATELY 1.4 MILLION ACRES ARE LOST TO DEVELOPMENT — NATIONWIDE — EVERY YEAR. THAT'S ALMOST 4,000 ACRES EVERY SINGLE DAY — OR THREE ACRES EVERY MINUTE. AND IF UNCONTROLLABLE SUBURBAN SPRAWL WEREN'T

ENOUGH TO WORRY ABOUT, THE FUTURE OF OUR FARMLAND IS ALSO THREATENED BY THE DEVASTATION OF SOIL EROSION. ONE BILLION TONS OF IRREPLACABLE TOP SOIL — INCLUDING NUTRIENTS AND AGRICULTURAL CHEMICALS — WASH INTO OUR WATERWAYS EVERY DAY. FARMLAND PRESERVATION PROGRAMS CERTAINLY CAN HELP TO PREVENT FURTHER LOSSES — OF FARMLAND AND OF SOIL.

THE FARMING INDUSTRY IN NEW JERSEY IS DIVERSE. NOT ONLY DOES THE STATE BENEFIT FROM THE FRUITS AND VEGETABLES GROWN BUT THE ECONOMICAL IMPACT OF THE HORSE FARMS IS ENORMOUS. HORSE FARMS SUPPORT HAY AND STRAW GROWERS AND DISTRIBUTORS, VETERINARIANS, FEED STORES, TACK STORES, FARRIERS, GROOMS AND RIDERS.

AS FARMS DISAPPEAR AND HOUSES REPLACE THEM, THE COST TO TAXPAYERS AND THE SURVIVING FARMS INCREASE. WITH THE NEW HOMES COMES INCREASED SCHOOL ENROLLMENT, ADDED ROAD SERVICES AND MAINTENANCE. THESE COSTS ARE PASSED ON TO THE PEOPLE OF THE COMMUNITY IN THE FORM OF HIGHER TAXES. A FARM IN MILLSTONE TOWNSHIP, FOR EXAMPLE, HAS SEEN ITS TAXES RISE 61% IN THE LAST FIVE YEARS — AND THIS FARM IS 54 ACRES IN SIZE. JUST IMAGINE HOW FINANCIALLY DEVASTATING IT WOULD BE FOR LARGER FARMS — FARMS OF 5 ACRES — 100 ACRES — 500 ACRES! THE PRESSURE TO SELL TO DEVELOPERS INCREASES. NEW JERSEY OWES THE FARMERS WHO WANT TO STAY IN NEW JERSEY, AND FARMERS — FOR ALL THEY PUT BACK INTO THE ECONOMY AND INTO THE PHYSICAL LANDSCAPE — DESERVE SUPPORT.

FARMLAND PRESERVATION PROGRAMS ENJOY VOTER SUPPORT. THE CURRENT FUNDING DOES NOT MEET THE NEED — AND REDUCTIONS IN FUNDING WOULD TURN NEW JERSEY INTO A CONCRETE

WASTERLAND. REMEMBER, FARMS HAVE GIVEN NEW JERSEY ITS MOTTO THE "GARDEN STATE" AND HAS GIVEN NEW JERSEY ITS STATE ANIMAL - THE HORSE. AT A TIME WHEN OTHER STATES ARE LOOKING FOR WAYS TO INCREASE FUNDING AND SUPPORT FOR FARMLAND PRESERVATION, IT WOULD BE LUDICROUS FOR NEW JERSEY TO EVEN CONSIDER A CUTBACK IN FARMLAND PRESERVATION.

In Millstone Twp alone, 27 farms have recently been denied Farmland assessment which equals to 657.3 acres of land due to the horse boarding interpretation of the law.

Presently, more than half of these farms are for sale or the owners are considering to sell.

If we took round figures, we would be looking at 660 acres which could be sold using let's say 3 acre zoning, resulting in 220 homes having on the low side, 1.5 children at a <sup>minimum</sup> cost of \$8,500 per child for education, ~~the~~ with a \$6,000 tax burden per home owner, The result would be a \$1,485,000 negative tax base for a community of 6,000 residents. Population would increase by over 10% ~~the~~ alone exceeding the county's average <sup>annual</sup> growth figures.

Today, due to Ms. Karen Fedash and the realization of "need" as to the importance of the "Farmland Preservation" program for Millstone Twp as this microcosm and NJ "The Garden State" as a whole, we are receiving applications for "Farmland Preservation." With the help of this group, we can succeed in keeping NJ the state we, our family and friends <sup>can be proud of.</sup> Thank you! 9X

WATSON  
& HENRY

20 March 1995

Assembly Environmental and Energy Committee  
New Jersey State Legislature  
Legislative Office Building  
Trenton, NJ 08625

Subject: **Bill A-70**  
***Green Acres, Farmland and Historic Preservation, and***  
***Blue Acres Bond Act of 1995***

Ladies and Gentlemen:

Thank you for the opportunity to testify before you and your committee today. I am Michael C. Henry, Principal in the firm of Watson and Henry Associates, and am a Registered Professional Engineer and Registered Architect in the State of New Jersey. I am also a member of the New Jersey Historic Sites Council and the Greenwich Township (Cumberland County) Planning Board.

First, I would like to thank Assemblywoman Ogden for her continued support for the public stewardship and preservation of New Jersey's historic resources, its buildings, monuments and sites. Historic resources in New Jersey include not only traditional colonial and Revolutionary War period properties, but also 19th and 20th century buildings and sites of historic architectural or cultural significance in the areas of agriculture, transportation, science, industry, recreation and social change. Historic resources reflect physical evidence of the complete spectrum of New Jersey's history and are potent reminders of the human dreams, efforts and labors that made New Jersey, and its residents, what we are today.

It is, therefore, both appropriate and necessary that the State continue to enable the preservation of these important resources through the matching funds of the highly successful Historic Preservation Bond Fund. While the preservation of historic resources is the primary outcome of the Bond Fund, there is a secondary benefit of the program: jobs and economic activity.

Historic preservation projects are highly efficient employment generators, in terms of both professionals and building crafts. Historic preservation projects are generally:

- More labor intensive than conventional construction projects, with a larger proportion of the project cost going to labor than to materials. For example, craft and professional labor may only constitute 33 to 38% of a new construction budget, but 50 to 75% of a restoration project budget;
- More skilled craft intensive than conventional construction projects, with a larger proportion of the work requiring skilled trades and building crafts. These high skill crafts include all construction trade jurisdictions: carpenters, ironworkers, roofers, sheet metal workers, brick and stone and cement masons, electricians, plumbers, plasterers and painters, to name a few;
- More material efficient than new construction, since in essence, a building is recycled;

10X

- Consistent with the goals of land and natural resource conservation, since the buildings are preserved in place, requiring little or no development of additional land.

The historic preservation projects enabled by the Historic Preservation Bond Fund also boost professional employment and economic activity. Consider two employees in our office, Holly Boyer and Karin Reed, both native New Jerseyans. For both young women, the New Jersey Historic Preservation Bond Fund has provided employment, developed specialized skills, enabled these skills to be "exported" to work in other states, and has provided the economic foundation for home ownership in New Jersey.

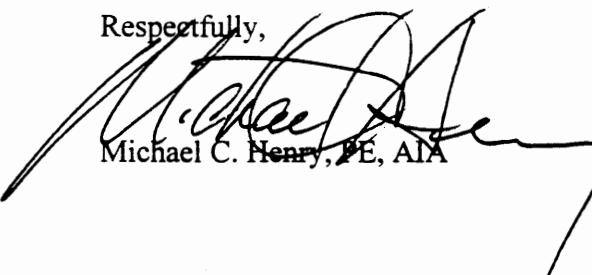
Holly is a graduate architect and began employment with Watson and Henry Associates while in college. Since graduating in 1992, over 80% of Holly's time has been spent on projects funded in part by the Bond Fund. Through her employment on Bond Fund projects, she has developed highly specialized architectural skills in the preservation of historic buildings, has retired some of her college loans, and has purchased a house which she is restoring. Holly's specialized skills have been assigned on the conservatory restoration at the Mark Twain House in Hartford Connecticut, while she continues to serve on many New Jersey projects.

Karin is a graduate structural engineer. She also began employment with Watson and Henry while in college, working on the Cape Henry lighthouse in Virginia as well as Bond Fund projects in New Jersey. Karin rejoined Watson and Henry in 1992 after graduate studies in historic preservation at Columbia University. Karin's specialized knowledge of historic concrete has been brought to bear on the preservation of Fort Mott in Salem County. Her skills, gained in part with the opportunities afforded by Bond Fund projects, have been applied out-of-state to preservation of Frank Lloyd Wright's *Fallingwater*, as well as the preservation of art glass mosaics at the headquarters of Corning, Inc. in Corning, New York. This week, Karin is closing on a house she has purchased and will restore here in New Jersey.

The Historic Preservation Bond Fund is more than preserving of bricks and mortar; it is preserving the story of the people of New Jersey who came before us, while making opportunities for today's craftspeople and professionals to make their own contribution bit to New Jersey's history and economy.

Thank you.

Respectfully,



Michael C. Henry, PE, AIA

MCH  
\HSC\BONDTES.doc.

11X



OCEAN COUNTY CULTURAL & HERITAGE COMMISSION

101 Hooper Avenue  
P.O. Box 2191  
Toms River, NJ 08754-2191  
(908) 929-4779  
Fax No. 908-506-5000

I am Pauline S. Miller, the ~~present~~ Administrator of the Ocean County Cultural & Heritage Commission. I serve as the resource person in Ocean County to assist the public on historic preservation issues. I also serve as Chairman on the Dover Township Historic Preservation Commission.

I formerly served for 20 years on the State Historic Sites Council, 13 years of which I chaired the Council.

In 1972 when I was appointed to the State Council, the historic preservation division for the state was a function under the State Historic Council, so I have had hands on experience with historic preservation issues throughout the state for the last 23 years and can speak of the worthiness of the Bond Issue as it affects the historic preservation of threatened historic sites in the state.

12X

Public Bond Hearing  
"The Green Acres, Farmland and Historic Preservation  
and Blue Acres Bond Act of 1995"  
March 20, 1995

The most useful tool for capital improvement funding for historic sites in New Jersey was the enactment of the Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987.

This enabling act provided \$22 million for a comprehensive grants program to assist in "brick and mortar" preservation projects and \$3 million for a low-interest revolving loan program to assist smaller projects of historical agencies with such projects as roof and heating repairs to historic buildings. The public renewed its support of this Bond Issue in November 1992 which provided an additional \$25 million in preservation grants which enabled the Historic Trust to launch a new program in 1994.

The matching grants have assisted in the restoration, preservation and rehabilitation of historic properties listed or eligible for listing on the State and National Register.

The Ocean County Cultural & Heritage Commission produced an Inventory of Historic Sites in Ocean County in 1981 which has provided the basis for listing 2200 Ocean County sites on the State Register. Several of these sites have benefited from this Preservation Bond Act by obtaining matching grants through the Historic Trust.

Some of the most notable benefits for Ocean County through matching grants from the Bond Issue are the 1857 Barnegat Lighthouse, Ocean County's landmark symbol of the sentinel of the sea. The grant recipient, the N.J. Division of Parks and Forestry, received a grant award of \$123,823 for this project which architects Watson & Henry restored to its former elegance in 1992.

Georgian Court College in Lakewood, a turn of the century mansion designed by Bruce Price for George Jay Gould, received a restoration grant aware in 1991 for \$64,675. The former estate has been a college campus since 1924.

The most recent ongoing restoration and stabilization project funded through Historic Trust funds is the award for \$295,782 to restore the Double Trouble sawmill in the Double Trouble State Park, which will be completed in April. The cranberry sorting house at Double Trouble is undergoing restoration through a grant award of \$408,000. These restoration projects will make this 200 year old mill site in the pine barrens a viable point along the N. J. Coastal Heritage Trail.

The Historic Trust is working with the historic preservation group in Island Heights to restore and stabilize the old Wanamaker Hall which served as a holiday camp for employees of Wanamaker stores in New York and Philadelphia until 1922. During World War I the Hall served as a training camp for commissioned officers. The Island Heights Cultural & Heritage Association are the recipients of a Trust Grant award for \$150,000.

All of these sites are a vital representation in the fabric of a segment of preserving our state's heritage through its built environment.

We need this Bond Issue to continue to preserve other sites before rust and decay destroys what is left of New Jersey's heritage.

A handwritten signature in black ink, appearing to read "Pauline S. Miller".

14X

# *New Jersey Conservation Foundation*

*300 Mendham Road, Morristown, N.J. 07960*

*201-539-7540*

Statement before the Assembly Environment and Energy Committee at the Ocean County Government Complex, Toms River, New Jersey

March 20, 1995

Chairperson Ogden:

We appreciate the opportunity to share our views on the "Green Acres, Farmland, and Historic Preservation, and Blue Acres Bond Act of 1995"; A-70.

My name is David Moore, I direct and represent the New Jersey Conservation Foundation, a charitable land trust, which has been working for open space protection and growth management in New Jersey for 35 years. We are supported by nearly 7000 members throughout the state.

We have backed every Green Acres bond issue since 1961, and worked closely with every administration since then to insure maximum effectiveness of the public investment in open space. In that effort, over 70,000 acres of what is now publicly protected open land has passed through our hands. We have also worked with and supported the two dozen land trusts now active in the state, which in turn have devoted thousands of people hours, and contributed millions of

dollars to augment the state effort.

I have the advantage of looking back over the entire history of the program, inasmuch as I was hired by the State of New Jersey the day following the passage of the first bond issue to assist in compiling acquisition plans. In my time with the state, and my 25 years with the Foundation, I have seen the Green Acres Program improve the quality of life for all New Jerseyans - seen the program help shape the character of the state - and seen the industry advertisements touting the Garden State's open space and recreation assets.

I have seen the dramatic effect the Green Acres program has had in drawing new business here, and equally dramatic economic impact the program has had on tourism. The Green Acres program has supplied the infrastructure for the second largest segment of our economy.

Parkland, it turns out, has an economic impact equal to no other. By way of illustration, in 1993 one small park in Morris County, Morristown National Historic Park, recorded 142,000 visitors. Those visitors in turn generated almost \$11 million in direct sales in the Morristown area, in gas stations, restaurants, hotels and the like. Counting the economic multiplier, which includes secondary economic effects, the benefit was nearly \$22 million! That doesn't even include tax generation or job creation which even

further add to the economy.

There is more good economic news, for open space sends no children to school, and costs governments very little to support. When compared to other land uses, parks and other preserved open spaces are by far the best ratable we can have.

We have a long way to go to meet our open space and recreational needs, and an even longer way to meet conservation and farmland protection goals. Crowded parks and overcrowded beaches and bikeways demonstrate that. While it is very clear we cannot buy all the conservation land needed to insure a high quality of life for all New Jerseyans, we can certainly help close the gap with the investment enabled with the Green Acres program.

NJCF has long advocated acquiring storm damaged beaches and flood plains. Taking such places out of circulation from a development point of view and opening them to the public makes good economic sense.

We need more than this bond issue; we need a stable funding source. But we cannot afford to wait for that new program; land costs continue to rise, so does the demand for open space. The value of the Green Acres investment to date has far exceeded the capital cost. There is no reason to believe that will not continue.

We urge this committee to release the bill, and to work  
for its passage through the legislature for a vote next  
November.

MAR. 9, '95

N.J. ASSEMBLY

TO: GOV. WHITMAN  
N.J. LEGISLATURE  
PRESS CORPS

169 Edgewood Dr.  
Toms River, N.J. 08755  
Phone 908-244-8170  
3-2-95

LETTER TO THE EDITOR:

The Six-Acre Tract: A Far Better Way To Preserve Farmland

Preserving farmland by paying farmers to keep their land in an agrarian state through deed restriction not only creates a class of gentlemen-farmers at the expense of the taxpayer but also prohibits the real preservation of farmland in the State of New Jersey due to a cost factor that is totally out of reach of the taxpayer, not to mention the fact that taxation in and of itself is a form of theft enraged in by the machinery of government.

The practical and sound way to preserve farmland is not through bonding and taxation, but through elucidation of land-use rights and zoning.

Every human being has a right to live off the land. It is universally recognized that farmland assessment starts at five acres. It is understood that a family can survive on five acres. Add one acre for the home and home industry and you have six contiguous acres.

Allow the farmer to sell the land in six-acre tracts with the understanding just mentioned for the use of such a tract. This would insure the farmer his or her retirement while at the same time preserving the land at no expense to the citizen who is mugged by the government on a regular basis.

And finally, allow the farmer to sell a six-acre tract only to the people who will use and live on that tract seventy-five percent of the time. This insures a decent cost of purchase and the absence of developers.

With this understanding, let Gov. Whitman deny her signature to the legislation calling for the expenditure of millions in the name of farmland preservation (A-44/S-1656 for north Jersey, A-45/S-1657 for central Jersey, and A-46/S-1658 for south Jersey.).

Sincerely,

  
Ray Kalainikas

19X

20X



STATE OF NEW JERSEY  
OFFICE OF THE GOVERNOR  
CN-001  
TRENTON  
08625  
(609) 292-5000

July 28, 1994

Christine Todd Whitman  
Governor

Mr. Ray Kalainikas  
169 Edgewood Drive  
Toms River, New Jersey 08755

Dear Mr. Kalainikas:

The United States Constitution and the New Jersey Constitution are clear concerning the separation of government and religious activity. It would be inappropriate for me, or any public official, to advocate or endorse the objectives of your correspondence.

Thank you for writing to me. I assure you that this administration will continue doing its utmost to fight hatred and bigotry wherever it exists.

Sincerely yours,

Christine Todd Whitman  
Governor

RESPONSE:

Government cannot protest, refute, and condemn the oral or written word of a religion that does not call for the destruction and enslavement of human life. But when a religious passage calls for the enslavement and the destruction of human life, it is the purpose and obligation of government to protest, refute, and condemn such a passage.

The purpose of government is to secure the rights of life, liberty, and the pursuit of happiness in conjunction with securing the understanding that all people are equal in their intrinsic value or inherent worth. You are free to practice your meaning of life or your religion as long as you do not violate this purpose of government.

When your religion moves to destroy human life, government has a right to stop you.

When your religion calls for the destruction of human life, government has a right to protest, refute, and condemn such a call, while protecting your right to make such a call through the written or spoken word.

If government officials have no problem with condemning the murderous racism of Khalid Abdul Muhammad, then they should have no problem in condemning the murderous racism of the torah as exhibited in Deut.

- Ray Kalainikas 6-2-94

#### DEUTEROHOMOY

"When you march up to attack a city, first offer it terms of peace. If it agrees to your terms of peace and surrenders, all its men, women and children shall serve you in forced labor. But if it refuses to make peace with you and instead offers resistance, the Lord, your God, will give you [Deut. 20:10-11]."

... "Then is how you shall deal with any city at a considerable distance from you which does not belong to the people of this land. But in the state of other nations in whose land you come, when you go to war against them as your heritage, you shall not leave a male and alive. You must [Deut. 20:12-13]."

FROM THE TORAH  
(first five books of O.T.)

had, put every male in it to the sword; but the women and children "and livestock and all else in it that is worth plundering you may take as your booty, and you may use whatever strength of heart which the Lord, your God, has given you."

"That is how you shall deal with any city at a considerable distance from you which does not belong to the people of this land. But in the state of other nations in whose land you come, when you go to war against them as your heritage, you shall not leave a male and alive. You must [Deut. 20:12-13]."

Christie Whitman, legislators, public officials and the press corps were given a letter, authored by myself, requesting the public condemnation of Deut. 20:10-11 as a passage of the Torah (first five books of the Old Testament) that is vile, racist, murderous and having nothing to do with the word or will of God.

Since Christie, as governor, is leading the charge in exposing and condemning murderous racism anywhere and in any place, made sure to leave two copies of the letter in her press box, not in the same day. Next, I sent a copy to Judy Jones in the governor's office of policy and planning. She indicated it was passed on to committee members. Not totally satisfied, I gave a copy to Hazel Russell, deputy director of constituent relations. We discussed the content and she agreed to place the letter in Christie's reading pile. Finally, as Lisa Randall, the new building commissioner, was about to meet with Christie, I gave her a copy to pass on to the governor. Having known her since she was an Assemblywoman, she agreed to give it to Christie. (As noted, I am writing for the Governor's specific written response to the letter.)

This particular passage of the Torah makes the racist and murderous remarks of Khalid Abdul

Muhammad look like child's play. Yet, in testimony on the Holocaust Bill (Senate 10) before the Senate Education Committee, Murray Lauritsen (head of the State Commission on Holocaust Education), only refused to condone that passage, but indicated because it was so repulsive it was objective in teaching students about history.

Prior to the massacre in the place called Hebron, Baruch Goldstein is quoted in a newspaper interview as saying, "The Torah commands us to drive out the nation who inhabits the land before us... we weren't being enough to push the truth before, now we're trying for it." Goldstein was likely referring to numbers 23:9-10.

It is not enough for religion and political leaders of the Jewish community to condemn the actions of Goldstein. They must condemn the passage of the Torah which instigated and gave permission to Goldstein's madness and racism. If they cannot bring themselves to condemn these murderous and racist passages, then it is to be assumed that they agree with these passages and thereby choose to follow its message or directives in

## EDITORIALS

JUNE 24, 1994

A-11

## The Courier-News

Henry M. Freeman, Publisher

Carol A. Hunter, Editor

Laura G. Harrigan, Managing Editor

Barbra Battman, Editorial Page Editor

Philip S. Showell, Chief Editorial Writer

RAY KALAINIKAS

Toms River

## Biblical passage decried as 'vile, racist, murderous'

Christie Whitman, legislators, public officials

and the press corps were given a letter, authored

by myself, requesting the public condemnation of

Deut. 20:10-11 as a passage of the Torah (first five

books of the Old Testament) that is vile, racist,

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Christie. (As noted, I am writing for the Governor's

specific written response to the letter.)

This particular passage of the Torah makes the

racist and murderous remarks of Khalid Abdul

o: Gov. WHITMAN 2-17-94  
N.J. LEGISLATURE +  
PAWS COAPS 2-18-94

HANOVER FREIGHTWAYS  
2-27-94

159 Edgewood Dr.  
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2-16-94

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MON TAKOMA COW 2-17-94  
PINECREST COW 2-17-94  
DOUG TAKOMA COW 2-17-94  
BAYHEAR 2-17-94

## A Double Standard Is Not Acceptable

The Jewish community reacted with a strong and loud voice in protest to the racist and murderous remarks found in a speech given by Khalid Abdul Muhammad of the Nation of Islam. Racism and murder should be condemned in all quarters. No speech or written passage advocating racism or murder should be left unanswered by strong condemnation, by strong refutation, and by strong protest. But here is where the bulk of the Jewish community seems to possess a double standard.

A case in point, testifying before both education committees of the state legislature on the issue of mandating holocaust education (S-2155/A-2750) I read aloud the following passage (Deut. 20: 10-17) from the Torah (the first five books of the Old Testament) explaining that the holocaust mentality existed long before this century:

Case of the Enemy  
"When you march up to attack a city, first offer it terms of peace. If it agrees to your terms of peace and surrenders, all its men, women and children shall serve you in forced labor. But if it refuses to make peace with you and instead offers resistance, the Lord, your God, will give you [Deut. 20:10-11]."

CONGRESSMAN SARTOR 3-4  
CALVETTA GUY 3-4  
DRICK TROWELL GUY 3-4  
JF. PAGET BRAZ 3-4  
PLUMPTREE GUY 3-14  
MANSHAFTE BD 3-16

IT. PLUMPTREE BD 3-16  
IT. PLEASANT DEBT GUY 3-30

204 DEUTEROHOMOY

had, put every male in it to the sword; but the women and children "and livestock and all else in it that is worth plundering you may take as your booty, and you may use whatever strength of heart which the Lord, your God, has given you."

"That is how you shall deal with any city at a considerable distance from you which does not belong to the people of this land. But in the state of other nations in whose land you come, when you go to war against them as your heritage, you shall not leave a male and alive. You must [Deut. 20:12-13]."

"When you march up to attack a city, first offer it terms of peace. If it agrees to your terms of peace and surrenders, all its men, women and children shall serve you in forced labor. But if it refuses to make peace with you and instead offers resistance, the Lord, your God, will give you [Deut. 20:10-11]."

The spokesman for the holocaust commission, who was wearing a yarmulke, reacted to the passage with silence, even after I publicly called for the commission to react to the passage.

To this day I am still waiting for members of the Jewish community to publicly condemn this passage and similar passages in the Torah as vile, racist, murderous, and as having nothing to do with the word or will of God.

A carpenter of Nazareth reacted to such passages in the Torah by saying, "You have heard that it was said, 'Thou shalt... hate thy enemy.' But I say to you, love your enemies, do good to those who hate you... ( Matt. 5 ).

Thomas Jefferson reacted to this passage of the Torah and to the whole of Judaism with these words: "Their system was despotism; that is, the belief in only one God. But their ideas of him and of his attributes were degrading and injurious... Their ethics were not only imperfect, but often irreconcilable with the sound dictates of reason and morality, as they respect intercourse with those around us; and repulsive and antisocial, as respecting other nations. They needed reformation, therefore, in an eminent degree. "

Since elected officials and newspapers are openly condemning the remarks of Khalid Abdul Muhammad on the basis that words of racism and murder should be exposed and condemned, I now call upon all elected officials and newspapers to publicly expose and condemn this passage and similar passages of the Torah as vile, racist, murderous, and as having nothing to do with the word or will of God. And furthermore, I call upon them to affirm that the inherent worth or intrinsic value of every human being is equal, no matter what the physical constitution or behavior of a human being may be.

Sincerely,  
  
Ray Kalainikas