

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

before

SENATE LIBERTY STATE PARK STUDY COMMISSION

The Development Practices and Issues of Liberty State Park
and its Relations to
The Liberty State Park Master-Action Plan

July 20, 1987
City Hall
Jersey City, New Jersey

MEMBERS OF COMMITTEE PRESENT

Senator Edward T. O'Connor, Jr., Chairman
Senator Thomas F. Cowan
Senator Christopher J. Jackman

ALSO PRESENT:

Marvin W. Jiggetts
Office of Legislative Services
Secretary, Senate Liberty State Park Study Commission

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

974.90
P252
1987
vol. 3
copy 2

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New Jersey State Legislature
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CHRISTOPHER J. JACKMAN

MARVIN W. JIGGETTS
Secretary

NOTICE OF A PUBLIC HEARING

July 2, 1987

The Senate Liberty State Park Study Commission will hold a public hearing on Monday, July 20, 1987 at 7:00 p.m. in the City Council Chambers of City Hall in Jersey City.

The Commission will take testimony concerning the development practices and issues at Liberty State Park to identify those procedures, activities and practices that may not conform to or be consistent with the Liberty State Park Master-Action Plan.

Anyone wishing to testify should contact Marvin Jiggetts, Secretary to the Commission, at (609) 984-4811.

DIRECTIONS: From Trenton, take the New Jersey Turnpike North to exit 14C (Grand Street Exit). Make the first right onto Montgomery Street and follow to Grove Street. City Hall is on the corner of Montgomery Street and Grove Street.

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SENATOR EDWARD T. O'CONNOR, JR. (Chairman): Good evening everyone. The meeting is now going to come to order. We do not have a public address system that's working for the room itself -- the chamber. But this microphone that you see in front of me is one that is picking up our comments tonight. Anyone who does address the Commission I would ask that you speak into the microphone because a permanent record is being made of our hearings.

My name is Edward O'Connor. I'm a State Senator. I represent the 31st Legislative District and I am the Chairman of the Liberty State Park Study Commission. To my immediate right is Senator Christopher Jackman who represents the 33rd Legislative District and he is also a member of the Commission. To my far left is Senator Thomas Cowan. He represents the 32nd Legislative District here in Jersey City and he's also a member of the Commission. The other members of the Commission are Senator Thomas Gagliano from Monmouth County, Senator Dan Dalton from Gloucester County, and Senator Louis Bassano from Union County. To my immediate left is Mr. Marvin Jiggetts from the Office of Legislative Services and to the far left, we're joined by Mr. Russ Molloy who is a member of the Staff of the Senate Majority.

Welcome now to the third and what we anticipate will be the final public hearing of the Liberty State Park Study Commission. The Liberty State Park Study Commission was created by a Senate resolution to review the development practices and issues of Liberty State Park including the proposed marina project and the role of the Department of Environmental Protection therein, and to identify those procedures, activities, and practices that may not conform to, or be consistent with, the Liberty State Park Master Plan.

The Commission held its first public meeting on March 3rd. At that public hearing the Commission received testimony from many of the participants involved in the development of

Liberty State Park about the issues and background concerning the park. The Commission held its second public meeting on May the 19th right here at City Hall. At that public hearing, the Commission received testimony from many local officials and interested citizens and civic organizations.

The purpose of this public hearing is to address any issues that were not previously raised at other public hearings and to hear from speakers who have not had the opportunity to address this Commission. After the conclusion of this public hearing, the Commission will go into deliberations to consider the issues that have been raised and the testimony that has been received. The Commission, after its deliberations, will issue a report to the full membership of the New Jersey Senate no later than December 31, 1987, and recommend any legislation it may consider appropriate.

At this time now we'll hear from anyone who's interested in addressing the Commission. And I would ask that you keep your remarks to no more than five to ten minutes if you have-- We now have a public address system. I ask you to confine your comments to five to ten minutes. If you have a written statement, you may submit that statement in lieu of addressing the Commission here tonight and it will be made part of the permanent record of the Commission. By way of starting this process, I will acknowledge a receipt of a letter dated July 20, 1987 to the Commission from Mr. Michael J. Barnes, the municipal engineer of the Division of Engineering of the City of Jersey City. It's a short letter so I'll read it into the record.

"Dear Senator O'Connor: The tidewater basin is polluted with materials other than the raw sewage that is discharged from the Mill Creek outfall during most rainfalls. Recently, NJDEP cited the scrap iron girm, adjacent to the Tidewater Basin, concerning discharges of oils and fuels onto the ground. These discharges, which may contain PCBs

ultimately flow into the tidewater basin. In addition, the rusted metal also contributes a pollutant into the Basin.

"NJDEP has also informed Jersey City that the Jersey Avenue Dump, at the foot of Jersey Avenue at Aetna Street, constitutes a danger to the public health and environment. This site drains into the tidewater basin. A recent survey of this site indicates that PCBs may be present and several drums of dyes and/or other materials are on site.

"These new developments should be addressed in the Marina's Environmental Impact Statement. Very truly yours, Michael J. Barnes." And that will be made a part of our record.

Our usual practice is that we maintain a sign up list for anyone who would like to address the Commission. Are there any people here tonight in attendance that would like to address the Commission? (positive response) Okay. We'll then circulate the list and have you sign up. I see three people. Anyone else that wishes to address the Commission? Four -- okay.

I have a list that includes Dr. William Gyure of the Jersey City Environmental Commission. Rosalie Marcianie, Lucille Scurti, and John Lester. Doctor say your name for us so that-- The signature-- I can't really make out.

D R. W I L L I A M G Y U R E: My name is Dr. William Gyure, Vice Chairman of Jersey City Environmental Commission. In our meeting in June, the Environmental Commission--

SENATOR JACKMAN: Hold it. Nobody can hear you on that. Can anybody hear him?

SENATOR O'CONNOR: Doctor, this is the house microphone here -- the smaller black one. This is what's making a record. So, you may want to--

DR. GYURE: Can you hear me now?

SENATOR O'CONNOR: I think so.

DR. GYURE: I'll speak very close to the microphone. In our June meeting, the Jersey City Environmental Commission took up the topic of the marina and Liberty State Park. We, at

that time, took a vote and we made certain recommendations to the Department of Environmental Protection and we'd like to make our thoughts known to this Commission as well. We have a prepared statement which I'll partially read to the numbers here and I'll addend to it certain of my own comments.

The Jersey City Environmental Commission would like to express its appreciation, first of all, for holding this meeting in Jersey City -- to you the members of the Commission. Our Commission feels that it is essential for the public to have a means of input into the plans for Liberty State Park. This has not always been the case.

The history of Liberty State Park, if it were to be retold, is a story of the residents of Jersey City wanting to create a park -- and working for this goal -- a park that would be a background for the people of the community to enjoy, for people outside our community to enjoy, and which would be also a fitting place to serve as a backdrop for the historical structures in the park location. The original plans were for -- note this -- ballparks, playgrounds, courts, and cultural and recreational facilities. And to reach these goals, Jersey donated 165 acres of land.

Over the years, of course, more land was added to this to create the size of the park as we see it today. The action program for the park seems to have been changed, however, as time went on. We feel, however, that the first policy and goal of the action program should be to keep Liberty State Park a park for the people in Jersey City and the surrounding communities. Our conception of a park is a green open space. As you know, Hudson County has one of the lowest per capita acreages of green open space parkland of any county of this State. To do away with more green open space would be, I feel, a crime to the citizens to the citizens of this county.

The purpose, I believe, of the Liberty State Park Development Corporation is to develop private use in the park

to, of course, make funds available for the upkeep of the park. In this past, there have been other private developments as snack bars and small facilities. However, suddenly we find at Liberty State Park, that we have a much bigger idea in mind. To add to the numerous marinas which will be up and down this coastline -- Newport City, Harisimus South, Port Liberte, and so on. We have another marina -- this one in the State Park taking up quite a bit of acreage and quite a bit of space and denying public access to some of that space.

The environmental issues of this marina, I believe, should be addressed. No one has looked at them very closely. You have such things as congestion, parking-- You have such ideas to keep in mind such as pollution from motorboats, pollution of the air, traffic congestion. We have much traffic now to be contending with all the other marinas that are going to be here. We'll have, I think, a traffic jam of monstrous proportions on our waterfront. To add to it, I believe, is folly.

There are other things that need to be looked at here -- in particular, water pollution. Besides the tidal flows, there's little flushing that occurs in the areas where these marinas are to be built. The basin itself is fed by Mill Creek in which sewage outflows during storms and, of course, stagnates there, because there's little flushing going on. In the short run, you'll have not only sewage, but you'll have oil and gasoline leaks, combustion, and air pollution as well, from products from as many as 850 boats which is the idea for the marina. Between the Circle Line, planned sailing school, boat launchings and slips, and existing commercial boats, we've got a possibility for real congestion.

We believe there's certainly a reason for setting a two-year phase of 300 slips during which you can closely monitor pollution problems before you even get into anything

larger. Certainly water quality and congestion would be small problems in the Black Tom Channel, for instance. A cost of extending the Mill Creek outflow would cancel any economic advantage to the basin itself. Whatever the pros and cons of each location cited in the park, the Development Corporation has never made explicit its reasons for choosing the basin, which is where they wish to build their marina.

The proposed marina, we believe, goes far beyond the idea of a small, affordable, accessible private facility in a State park. It's a huge marina with accessory uses of boat maintenance, fueling, and storage facilities in a State park. It goes far beyond a little snack bar. This marina will consume large portions of the great lawn, eliminating green space, and the structure would block the view of the skyline for the people or the residents of our county. The vista will be gone forever with this construction. We would have, of course, parking lots and boat storage facilities.

Most of the people in Jersey City and in Hudson County are not of the type who could afford a boat. I am not sure too many of the people in our community would use this marina. We might be able to view it from a distance, but that is about all. Those who do own a boat, certainly would find that there are numerous places up and down the coastline to talk about. There will be so many marinas here, that I'm wondering why we should add another?

We're opposed, essentially, as a Commission to the idea of a marina. We would like to see green space kept and preserved. If, however, the Liberty State Park Corporation insists on private development, we think that the opinions of the community should be allowed to play a role in that decision. Certainly, we are not in favor of a marina. Most of these ideas that I read to you were from the address that will be given to you as part of your record. Some of them are my own ideas added into the address here.

However, we also feel that there are many other projects that are worthy projects for private development if such is the desire of the corporation. As a Commission, our Environmental Commission hopes that instead of a private development, we keep a plain old green space with ballparks and maybe a swimming facility on the side. There is one at present, but it's undermanned. It needs much repair. We're in favor of the green space. Thank you.

SENATOR O'CONNOR: Doctor, thank you very much. You kept to the limitation that we are suggesting time wise, so, we are very appreciative of that, given the conditions that we're working under. The next speaker is Mrs. or Miss Rosalie Narciso.

R O S A L I E N A R C I S O: My name is Rosalie Narciso. I live in Jersey City. I don't really know how polluted the canal is or how many boats you plan to put in there. What I know is when I was a kid, I had to go down to the foot of Washington Street in front of Colgate's on a riding pier to see the water. That was the only place. If you do what you want to do, I'm going to have to go out and buy a 42 foot boat and pay God only knows how much money a year to go down by the water.

Last year, there was a boat show held at the central railroad terminal end of the park. They closed off entry to the little plaza at the front. I mean there was a man standing there with a little piece of paper and a barricade saying that I couldn't go down and look at the water's edge because they were charging admission to look at these boats. This is insanity. I mean, you don't need this. You've got lots of boat space. We don't need boat space. We need parks. We need open space to walk. We need bicycle trails. We don't need to build a boat slip for somebody from Fort Lee or somebody from Manhattan.

At the rate you're going, there's nothing left. Are these developers ever going to give back any part of the

waterfront? Are we going to have anything to look at in ten years or am I going to be charged admission to go down and stand on a plaza that we built with our tax money? I can't see having anything private held at that terminal. I don't really want to see anything put on it but more trees and I want to see more open space, not less. I mean, if people don't come here, maybe it's because people are not informed and you don't really make an effort. Put this on the ballot in Jersey City. Ask how many people want 800 and whatever boat slips down there? Nobody cares. This was a working class community. People can't afford these kind of boat slips. What, somebody's got a little 20 foot boat that he keeps someplace? You're building for a need that doesn't exist here. This is our park. Thank you.

SENATOR O'CONNOR: Thank you very much. I acknowledge the presence in the chamber of Councilwoman Frances Thompson. Councilwoman, did you want to address the Commission? I afford you the opportunity at this point.

C O U N C I L W O M A N F R A N C E S T H O M P S O N :
Hi. How are you? How are you gentlemen doing?

SENATOR O'CONNOR: Fine, Frances.

COUNCILWOMAN THOMPSON: I'm very concerned with the concept of the marina. I am also, along with being a councilwoman, a Jersey City Environmental Commissioner. And one of our major concerns-- And I am the chairman of the parks committee for the Commission.

As it stands right now, the park can facilitate (sic) the people of Jersey City. Many times I have to make the speech, but it's always to a different group. I'm going to make the same speech over again because it's always apropos.

Jersey City generally and has been for many, many years -- up until the last 15 years -- an industrial city. We have many newcomers that have come in the last five or ten years that do not truthfully understand the concept and the

true understanding of the people of Jersey City. We still are a very simplistic type of people. Being such as it may be, we're concerned as a city as a whole. We gave up a lot of land to the New Jersey Park Commission to Liberty State Park. When, in fact we feel that we've given you something and some things being taken away from the people of Jersey City, in general we get quite upset about that.

We don't object to newcomers coming, but we want them to understand how Jersey City people feel about our city. We love our city. I am a third generation here and I know what Jersey City has been, what it has turned in to be, and what it can be. And I'm 45 years old so don't think that I don't understand what's going on here.

We, the people of Jersey City, beyond me being an elected official, are not going to let anyone come in and consume up Jersey City and never ever consider the people who have stayed here, maintained themselves here, and built a loyalty into Jersey City. We don't need a marina.

As an elected official, there'll be a marina, a slip, and a yacht base in Newport. That's on our waterfront. Port Liberte will have gondolas; they also have their yacht slip already designed and made up. I think that's enough for the waterfront in the front base of Jersey City. We don't need one on one end of the town, one on the other, and then one in the middle from the Liberty State Park. I think that's sufficient.

I think that more than likely, when Hovnanian gets finished, with Droyers Point, there'll be another one on the other tip of Jersey City. All of which the basic everyday industrial kind of mentality of people that live in Jersey City will not be able to afford. Their major concern is not riding around on a sailboat, not riding around on a ship, but maintaining the beauty that has been in Jersey City and bringing that beauty back to Jersey City for all people who live here.

I say to you again, as newcomers, don't come and think that you're going to violate the people of Jersey City, their concepts, their beliefs, and their philosophy as a group of people. They won't tolerate it. They stand up and fight back for what they believe in. We don't need it. We have slips here. Join Newport if you want to get into a slip. Join Port Liberte if you can afford it. If you can't, do not violate our park. That's a peoples park, as far as we're concerned. And it needs to stay, just a State park, but we want the New Jersey legislators to understand that that's a park that is part of the city, and not just belonging to the State of New Jersey, but it's in Jersey City and it's part of Jersey City; and we want to be recognized as being part and parcel, in using parts of the Liberty State Park.

It is not just a State park, it is part and parcel, part of Jersey City. We gave you something and we want something back. Thank you.

SENATOR O'CONNOR: Thank you. The next speaker is Lucille Scurti.

L U C I L L E S C U R T I: Hello. My name is Lucille Scurti and I've been a resident of Jersey City all of my life. I went to grammar school, high school, and college in Jersey City.

It is my understanding that the park has always been developed for the people; not the wealthy people in the area, but for the people of Jersey City. It's a park for residents and a park for visitors. We now have the ferry going to the Statue of Liberty, which was a very nice touch that was added. It accommodates many people. Some people can ride their bikes to the park and go on the ferry and go to see the Statue of Liberty. Some people drive their cars in and park.

If you mentioned Jersey City 10 or 15 years ago, it was met with a very negative response, "How could you live there? It's such a terrible place." Well, now Jersey City is a very fashionable place to live. If you're from an old

neighborhood like I am, or if you're from a new condo area, it's still a very fashionable place to live. I grew up with many types of people. I grew up in an Italian/Polish neighborhood. I went to school with Italian, Polish, black, Puerto Rican, German, Irish children, and forgive me if I've forgotten anyone. I've learned to deal with a lot of people on many different levels in many different ways. And that's what that park stands for -- dealing with many people; not the wealthy, just people.

I feel now that because Jersey City is so fashionable, there is a great potential to make money. And of course, people hear money, people hear their pocketbooks, people hear their pockets swelling, and they get very anxious and very interested and everybody wants to jump in the pool there and make some money. I don't think it's necessary to make money and hurt the people that have lived in Jersey City -- people that have supported Jersey City, people that have support of their neighborhoods and their families and their friends, and their neighbors.

I disagree with building the marina. I disagree with building an expensive marina for expensive yachts. I think it's necessary to clean up the coastal areas. I do agree there is a lot of pollution over in the Morris Canal. I know my family and friends have gone there for the past couple of years to see the fireworks on the Fourth of July, to see the free concerts. And we walk across the Morris Canal up Jersey Avenue and we walk home into our neighborhood which is the North Village. Yes, it's a little bit dirty, but we walk with friends, we walk with neighbors, we walk with people that we care about and people who care about Jersey City.

We can deal with a little bit of what's happening there because we know that it's getting better everyday. But if it gets to the point where they are going to put us out, then I think some of us are going to protest and be very upset with that.

The point I'm trying to make is I think the park should be available to all people regardless of their economic income. I think more trees are necessary, more tables, more clean open fields would be welcomed. I don't think the yachts and the large boats will be welcomed. It's not just a park for the wealthy. It's a park for all people.

The Statue of Liberty is there. She represents that. She welcomes all people; not just the wealthy. And I think she's there to welcome all people who want to come and see her whether they get on the ferry and ride over to see her or whether they want to ride their bikes there, or fly their kites, or walk their children, or sit and have a picnic. They should not be told that they cannot have access to the park because their pocketbook isn't big enough or because their bank roll isn't big enough. Thank you very much.

SENATOR O'CONNOR: Thank you.

UNIDENTIFIED MEMBER OF THE AUDIENCE: Excuse me, Senator. I arrived late and--(inaudible)

SENATOR O'CONNOR: Well, we're going to get to that. We have one other speaker on the list whose name is John Lester and we'll take Mr. Lester now. (witness not present) Okay. Joseph Duffy, representing the Paulus Hook Historic District.

J O S E P H D U F F Y: Good evening members of the panel. This is the Subcommittee of the -- what, the Transportation?

SENATOR O'CONNOR: No. This is a special Senate Study Commission which has been--

MR. DUFFY: Oh, you're not a Transportation Committee?

SENATOR O'CONNOR: No, we're not.

MR. DUFFY: Well, my name is Joseph Duffy and I'm a lifelong resident of our great city. I reside at 108 Grant Street, and I'm addressing this special committee as President of the Historic Paulis Hook Association.

Members of the panel, ladies and gentlemen, I've been living in and around Liberty State Park practically all my

life. So, I know it like the back of my hand. I know the Morris Canal. As you all know, the Morris Canal not only extends from Washington Street but to about two blocks east to the river. The other body of water is called a tidewater basin; and that's why I'm here. The tidewater basin is a commercial body where ferry boats came in to be repaired, oil tankers came in to deliver fuel oil and gasoline to the--

SENATOR O'CONNOR: Joe, let me just caution you, because I'm interested in hearing all of this, but we're putting a ten minute cap on each speaker, so you may want to get right to the meat of what you are going to say.

MR. DUFFY: I'm sure I'll be within the limitations. My principal argument, members of the panel, is the construction of the marina. I attended every one of the 23 meetings that was held by the Liberty State Park Study Commission. They were held in Hoboken, Newark, Jersey City, New York, Trenton, and so on. Every one of the meetings where I was allowed to speak, I proposed at every meeting the reestablishment of a three penny ferry. The problem with the three penny ferry is this; we in the Paulis Hook neighbor -- we now have about 4000 residents in the Paulis Hook area and about 3200 of them are registered voters-- Plus the construction of the new office buildings that are going to rise there, this body and the members that are going to serve on the Liberty State Park Development Corporation are going to have a problem.

How are we, from Paulis Hook, going to get to Liberty State Park Central Railroad Terminal when there's any kind of an event in the Central Railroad Terminal, like there was last week? We can go all the way around to Pacific Avenue -- even if you wanted to walk, it would be a dangerous area to walk in; and if you're going to drive, you got to go all the way around Pacific Avenue and down to Communipaw Port to get into this Central Railroad Terminal.

So again, we have a problem with that. We think there's an easy solution. And I'm getting back to that Study Commission. I recommended that they re-institute the three penny ferry. It's only a short body of water at the foot of Washington Street -- right across the way where the Statue of Liberty boat now pulls out. There can't be any more than 20 to 30 feet. This is a problem. Ever since the Liberty State Park was acquired, my recollection is that about \$800 million was spent on Liberty State Park. Do you all know that? Approximately \$800 million. So what did they do?

SENATOR O'CONNOR: Joe, excuse me. You're going a little bit out of field. That may be a good idea--

MR. DUFFY: Yes. I'm opposed to the marina. Okay? I'm opposed to the marina. The original plan for Liberty State Park proposed a marina at the southern end, and the map I have here shows the marina at the southern end. And it is being used. Why do we need three times the size, maybe four times the size of the marina that's in the southern portion? The other problem with the marina that's going to be constructed here -- and I understand the contract has been signed; I don't know whether it's legal. There's been a question about that as I understand it -- the problem we have with it is the danger of an explosion or a fire.

I remember about 10 or 11 years ago, we had a Pier G in the tidewater basin. It was the only pier that was four stories high and all wood. On a Saturday night, and I remember when the St. Peter's bingo party was coming out at about 10:00 at night, there was this huge fire. Luckily the wind was in the wrong direction. If the wind came into our direction of Paulis Hook, all those buildings and homes along Essex Street, Morris Street, Warren Street, Washington Street, Dudley Street, Green -- they probably wouldn't be there today.

So the same danger exists with a marina of that size and that capacity going into tidewater basin. They would have

to use gasoline. There would have to be a storage for gasoline. Is that correct? You need gasoline. You know, where are the boat owners are going to get gasoline? They'll have to buy it, either there or some other place. But every boat will have some gasoline. Supposing there is a fire or an explosion, can you see the ripple effect? Every single boat that's tied up there will catch fire from the boat next to it. We're talking about 500 boats, not 20 or not 30 -- 500 plus. What's the real figure, Senator O'Connor, 550 is it?

SENATOR O'CONNOR: Well there have been different figures that we've heard -- 552, 850, 950. Do we have a number, Mr. Jiggetts?

MR. DUFFY: It's a lot of boats.

SENATOR JACKMAN: It's a lot of boats.

MR. DUFFY: It's a lot of boats. It's just like I said, it's a huge number of boats for the small residential area that we have in Paulis Hook, and I don't want to belabor the point. I'll sum up--

SENATOR JACKMAN: Five hundred ninety-nine.

MR. DUFFY: Five hundred ninety-nine. Thank you, sir. I'll sum up Chairman O'Connor by saying this--

SENATOR O'CONNOR: Okay. Exactly what it is is that there are--

MR. DUFFY: --we are opposed to the marina, and--

SENATOR O'CONNOR: Do you want to hear the answer? There are 599 boats plus 250 boats that would be stored and an additional 100 slips. That's the number.

MR. DUFFY: My principal objection to the marina and to any commercial development of Liberty State Park is that it's wrong. It's not necessary. I haven't made a study of this, but why is it, members of this panel, and ladies and gentlemen, that this is the only State park in all of the State parks of New Jersey that has these commercial aspects? I don't

know how many State parks there are. I wrote to Trenton to get the number. And how much money does the Legislature give to each of those State parks and support them on a per capita or per acre basis? Compare that with Liberty State Park. I think if you'll get the records and get the finances, you'll find out that most other State parks don't have commercial enterprises inside of those parks. It's completely funded by the State.

Why isn't the State funding Liberty State Park? I'll Tell you why: it's about a ten minute ride away from Wall Street. All the rich moneymakers that are down on Wall Street now, they can take a ride on the PATH station, get off on Broad Street and go down there with their \$5 or \$6 million boats and enjoy their pleasures. That's why. And the people in Trenton know this. They know it's easily accessible to the rich millionaires on Wall Street. Again, I am opposed to any marina and the golf course, and to any other commercial enterprises that go into the park. This park should be for the poor people -- poor people of Jersey City and the State--

SENATOR JACKMAN: Excuse me, Mr. Duffy, you do agree that there should be restaurants in to park?

MR. DUFFY: No. I--

SENATOR JACKMAN: No eating places?

MR. DUFFY: There are eating places in the park when they have any kind--

SENATOR JACKMAN: Do you have any objection to them?

MR. DUFFY: Well, not really. I remember when the Adams Express building -- Senator O'Connor probably remembers the Adams Express. They were right adjacent to the Central Railroad Terminal. And I argued strongly to the DEP, I said, "Don't destroy that building." It was a sound building -- red brick, two stories high. They destroyed it. I said, "Put a restaurant there. It's ideal." It faced the skyline of New York. I said that a good restaurant would attract people. But they destroyed the building.

So, again, I don't want to take up too much time from the next speakers. Mr. Chairman, I'm opposed to any commercial enterprise of Liberty State Park with the exception of maybe a restaurant. Thank you and I hope you vote that way. Thank you for listening.

SENATOR O'CONNOR: Thank you Mr. Duffy. We have finished the list of those who have signed up. I know Morris Pesin wants to address the Committee. Anyone else out there? Raise your hand, please. Sign the sheet, please. Morris, you have addressed the Committee on two occasions. We're only going to hear new material now with--

MORRIS PESIN: Exactly. That's what I'm here for -- to speak only on something new. It's going to be possibly four minutes, whatever it is, and I have some annexes (sic).

First, I want to thank the Chairman and the members of this Committee for their interest and efforts in carrying out the mandate of Senate Resolution EAO 91, to study the many social and legal ramifications of the proposed lease at Liberty State Park. Although the leases have been signed, and are still subject to various approvals and licenses by local, State, and Federal agencies, the developer, the DEP, the Development Corporation and the Advisory Commission are not defendants in an action of law in the Superior Court of Hudson County by the City of Jersey City and two property owners.

I have been advised that a memorandum and two astounding documents -- one the minutes of the meeting in the Governor's office on April 21, and the other a memorandum by Assistant DEP Commissioner Helen Fenske regarding the marina -- have been forwarded to the marina to be forwarded to the Committee to be included by Mayor Cucci who made them public at a press conference. Since the May 19th meeting, the Development Corporation, the DEP, and the Governor's office have arrogantly defied and demeaned this Committee and the New Jersey Senate in refusing to delay the signing of the marina

lease, pursuant to the request of Chairman O'Connor until after the Committee had completed its hearings pursuant to the resolution. The lawsuit before Judge Humphreys has to do with the legality of the marina leases and the constitutionality of the Development Corporation which is the basis of these Senate resolutions. A copy of the pleading briefs have been sent to the Committee Counsel, Russ Molloy, at his request and should be made part of the Committee proceedings.

SENATOR O'CONNOR: We acknowledge receipt of those.

MR. PESIN: Good. I respectfully request since the entire marina proposal and the signed leases are now in litigation, that the Senate Committee withhold the issuance of its recommendations until the courts of our State have adjudicated this matter. Any report that is issued by this Committee, cannot undo the signed lease, but may have a prejudicial impact of those proceedings affecting all litigants. This is not to say that this Committee should not issue a report. But I say that it is vital that it not be done at this time.

The court's decision and the findings of the Senate Committee should ultimately result in legislation regarding Liberty State Park and the preservation of our valuable parkland throughout the State. From privatization and commercialization under the guises of a high sounding concept of public/private partnership that is in essence a corporate takeover-- That is my statement that I will present, and just a few brief remarks thereafter.

We are glad that we have three members of this important Committee that are from Hudson County. I make a personal plea for the more than half a million people of Hudson County -- not Jersey City -- North Bergen, Union City, and Bayonne -- that after waiting all their lifetime they have gotten the most magnificent park to serve their recreational needs. And if we can't count on our own legislators who we

locally elect, then who else can we appeal to, because Trenton never listens to us, except when we have some Senators and others who push an issue and they get results for us -- thanks to them. So, I want them to bear this in mind -- the importance of your deliberations and your report.

One other point. We are asking up to this moment, by the way, we have not received a copy of the lease to this date. But I was told about--

SENATOR O'CONNOR: When you say, "we," you mean the Advisory Commission?

MR. PESIN: No. Myself and Audrey Zapp. I understand that the attorney for the city did receive it, I think only a few days ago. This is the most shocking thing of all. The horse has been led out of the back; now we have to close the door on it. So, we say this to the Committee, that there's a lot of work to be done. Agencies of this State, lawyers and accountants must be brought in by themselves to study this carefully to see that this is a giveaway of properties, because the amount of money they are receiving is infinitesimal.

And at the last hearing here, the reports in The Ledger and in The Bergen Record brought out the facts in the statement by Mr. Murphy, and Dewling, and others, that we're getting nothing in return; and the Governor's purpose in creating the Development Corporation was to generate funds to develop the park and it has been admitted by everyone that this has been unsuccessful, has been made miserable, and the Development Corporation, for all practical purposes, has been insolvent. It has generated no funds.

The last point. At Liberty Park, with its great 800 acres heralded throughout the country, there are 14 acres in the south end which is physically able to be worked to do things on it, except right now -- it's sort of tied up with repairs. And there are 50 acres -- 30 at the north end. The two most vital areas in the park that are useful, workable,

and available. Now when you take 30 acres away by this commercial development, you're going to leave exactly, for actual people's uses -- and I'm not counting parking lots -- 14 acres. Or you're reducing the available acreage by two-thirds. Look at a big map, and you will see exactly what I mean.

So, our great heralded 800 acre park will now become 14 acres, which are not, unfortunately, being used and have not been used over the Fourth of July. So, bear that in mind. We're not talking about golf courses, in lands, where they're storing a lot of our toxic waste and so forth. These are not even available.

So I plead, on a personal level, that we have to count on the members and hopefully you will be able to persuade those on the Commission that we don't need this park, we don't want it. It is-- I don't want to use any harsh words, I've got to be very careful with the words that I say-- Let's defeat this park. The important thing is, please do not come out with a report.

There are more studies to be made until the courts-- Because you know all about that Hebrew National commercial; they are going to appeal to a higher authority. The city has appealed to a higher authority -- higher than the Governor's office, and that is the courts of this State. I wish all you would read the briefs and the memorandums of that, and higher than that authority is God Almighty. We also appeal to him.

SENATOR O'CONNOR: Morris, before you sit down, going back to that lease for a moment, do you know as a member of the Advisory Commission whether the Advisory Commission has received, at this point, a copy of the lease?

MR. PESIN: We have not received the copy of the lease. We've been after that lease for seven months because had we had that lease seven months ago and gotten the financial impact statement, the subcommittee could have come up with our

report which was completed disregarded -- and that's one of the major points in the laws of today -- that the Advisory Commission illegally took a vote. And we're happy to leave that up to the courts to show that this thing was jammed through.

SENATOR O'CONNOR: Okay. You answered my question. Thank you very much. Next speaker is Aristedes Pappidas.

A R I S T E D E S P A P P I D A S: Good evening, Senators. My name is Aristedes Pappidas. I'm the President of the Essex Street Block Association. I'm also a member of the Friends of Liberty State Park Steering Committee.

I'd like to acquaint you with one of many concerns we have about this monstrous super marina. Essex Street is the most southernly residential street in Jersey City in the downtown district. This was a formerly near blighted street. It's now a place where, by far, most of the residents own their homes and where some of us are raising their families. This close physical distance to the park means that any negative environmental situation such as the air pollution caused by the 800-plus boats burning lead based marine gas will be inflicted on our lungs.

The DEP, by law, must do various environmental impact studies, one of which will have to deal this air pollution problem. This one possibly devastating health issue, alone, leads us to believe that this Committee should hold off on voting. We feel you should hold off on voting until the word is in on the problem and we would urge you all to do so. Thanks for your attention.

SENATOR O'CONNOR: Thank you very much. The next speaker is N, as in Nancy, Seeman.

N A N E T T E S E E M A N: Good evening. Nanette Seeman. One Thirty-two Audubon Avenue, Jersey City, New Jersey. I've been a resident of Greenville my whole life. My family has lived there for four generations on one side and three

generations on the other side. I represent some of my neighbors on Audubon College Drive, College Park, and Tower Street in the Greenville section. We're very concerned. I've been going to meetings since 1985 on PJP, Van Leer, and a lot of the other environmental problems that we've been experiencing in that area of the city. We found that we never got any cooperation whatsoever from DEP. In fact, we started calling them, "the Department of Eternal Procrastination."

My understanding when I went to the meeting at the Cadere School -- School No. 37 -- was that the property was owned by DEP. They did not have to apply for permits, and they could automatically issue their own permits without any testing whatsoever. I also found out that they would be selling gas at the facility which was denied to Newport, Harisimus Cove, and Port Liberte because they couldn't obtain permits.

A lot of senior citizens live in my area and they go to Liberty State Park everyday. They love the park and we feel it's a part of our community. We like some of the development that is going on. We're looking for new rateables in the city. But we don't want our park taken away from the senior citizens, from people my age, and from visitors from all over the country.

I'm a member of the 31st Legislative District and I'm looking to my elected officials to support us in this stand. I want to thank you for your time and have a nice evening.

SENATOR O'CONNOR: Thank you. The next speaker is John Casini. Mr. Casini?

J O H N C A S I N I: Senator O'Connor, members of the hearing panel, my name is John Casini. I reside at 114 33rd Street, Union City, New Jersey. I have been a boater for over 40 years. I'm obviously a senior citizen. You're not taking anything away from me. I'm a boater. As I listen to this poppycock, I just don't believe it. I'm not rich. But I desire a place to put my boat that isn't going to milk me like West Shore Marina where, according to the article that came out

in The Star Journal a couple of weeks ago, this man would start out with \$57.00 a foot; West Shore Marina wants \$150.00. I can't afford West Shore Marina. But if we do believe in the common welfare, which I think is in the Preamble of the Constitution, everybody should have what has to come to them eventually. In all of Hudson County I defy anyone in this hearing room or on the panel to tell me where I can put my boat in public facilities. Do I get an answer? I would like those facilities provided.

As I said, it's poppycock. Fire? Don't construct houses; they're going to burn. Boats around the water-- If anything is safer-- If anyway that fire can be put out, tell me if it can be put out any faster than water. I'm not saying that it can't happen. But I've also heard that we have a potential for pollution. If we have 559 boats in the marina, I defy anyone to tell me that 559 boats are going to dump their holding tanks all at one time and right in that marina. They will not. They will do it surreptitiously. I don't say that they won't do it, but they'll go right on the water -- eventually they will take care of their business.

It's being done. It's being done all the time. We just heard yesterday that there were ocean liners out there dumping the holding tanks of hundreds of people's waste into our water. That's pollution. We're not talking in terms of what may transpire over a period of time.

And again, I want to remind those who have said something about retaining Liberty State Park for the people. I'm people. There are more like me. Unfortunately, people don't show up at hearings. But I'm going to be a big mouth. I'm going to say what has to be said for the people who can't show up tonight. There is a need in Jersey for marinas. You can go up and down the Hudson River. You can go into the Raritan Bay. You can go to the Bay Shore. You can go to Shrewsbury. I know what I've talking about. I've been there.

There are no facilities available unless you want to get on a list. I've been on a list for Atlantic Highlands for six years and I'm now 41.

When we finally give the boaters something, we have an entitlement. They're on all the launching ramps. I'm a plain ordinary poor me. I said I live in Union City. I don't live in some swank elegant residence. I happen to have come up on a boat nine years ago. I own that boat. I love it. I want to go out weekends. I doesn't cost me. But whatever I have to pay for the facilities of the marina -- that's something to think about.

As so far as the pollution -- from what? Gasoline? You've got all the stench of the New Jersey Turnpike coming into the area here. You've got all of the harbor traffic. Five hundred and fifty-nine small pleasure boats are going to be a disaster? I don't believe some of these people. They don't even know what they are talking about. They're putting together an argument that doesn't make sense. And I implore you to consider the needs of the community.

There are many like us who have-- If we want to get to another place, to get on a waiting list of five or six years, where if we want enough depth for our boats to be able to go in and out of the marina, we have to check specific places. Land has been going to condo developers. If condo developers do put back any marina, they do so for the benefit of the people who buy the condos; not for the benefit of the public.

We have places stripped from us. None returned. There is a definite need for what you are listening to here tonight -- the marina to go up.

I thank you very much and I hope I haven't taken your time.

SENATOR O'CONNOR: Thank you. The next speaker is Marjorie Westling.

M A R J O R I E W E S T L I N G: Good evening. I'll take only about 10 seconds -- 20 seconds. Hudson County is the most heavily industrialized county in the State. We have 10% less open space than is required by the national government. Our population increases daily. Jersey City, gratuitously gave 165 acres of our land to the park. Now, the State proposes to take another 500 acres. I say shame on them. Have any of you been here on Sunday mornings about 11 a.m.? The people come in droves -- walking -- they have no automobiles -- with five or six children. The children's express wagons carry their belongings.

Do you know what we need in Liberty State Park? We need picnic tables. That's all. More picnic tables. No way a marina. We are 100% against this ridiculous scheme. Thank you very much.

SENATOR O'CONNOR: Thank you. The next and last scheduled speaker is Commissioner Audrey Zapp of the Advisory Commission.

A U D R E Y Z A P P: I want to thank you gentlemen for allowing me to come here this evening and share with you some of my thoughts. I just put on a yellow pad just a little observation. Mr. Casini, I'm very happy to meet you. And I can assure you that there is going to be a marina at Liberty State Park. Everyone who is interested in the Master Plan of Liberty Park and implementing that plan will be in favor of a marina. So, I'm sure that your input will have a great deal to do with implementing that marina that you find so necessary.

This evening I wanted to mention because of the legal case before Judge Humphreys, I find it inappropriate at this time to go into any detailed reports on Liberty State Park Marina which is now being reviewed by legal authorities. Of course you have many of my reports from in the past. And I received many calls from interested citizens stating their concerns that this meeting could interfere with the orderly legal procedure. We've got to realize that the marina is a very sensitive legal issue at this time.

Number two: I'm concerned that the Committee will issue a report before all the input and pertinent information and facts on the Liberty State Park Marina which I feel may be forthcoming, because in the discovery section of the legal case, I'm sure many new facts will come to light -- conflicts between issues of law, procedures, and the public trust issue.

It was very, very difficult in the past. You would ask a question and you would always get, "We can't give you that information," every time you would write a letter. Commissioner Dewling would say, "as I have been given to understand by the Liberty State Park Development Corporation--" Backing up his theory with documentation which would leave no questions asked because attached to his theory would be documentation showing that indeed he had no problems because he's asked for an independent financial audit, he asked for environmental studies, he asked for traffic studies, he asked for air quality, he asked for water quality--

SENATOR O'CONNOR: Okay. Commissioner, you're on a ten minute time limitation. We do want to hear your comments which supplement--

MS. ZAPP: Yes, but I'm not going into ten minutes. I don't really think you should interrupt me. You're going to make me stop thinking of what--

SENATOR O'CONNOR: Okay. We want you to direct it towards the pros and the cons of the marina as opposed to what's going on in the litigation.

MS. ZAPP: Senator O'Connor--

SENATOR O'CONNOR: We're not concerned about the litigation.

MS. ZAPP: The reason I'm asking you -- I want to make it very clear, Senator O'Connor -- the reason I'm asking that the Committee not issue a report, is because we do not have the facts at this moment. I'm making that very, very clear. It will only be that a judge may order some of this information to

be brought forward and it would be very important for the Committee to share some of this information with the City of Jersey City.

I'm making this point because, I want to let you know that what you have now is a lot of people's testimony, but what you need is much, much more definite factual information. And that is why I brought it to your attention. Certainly, this Senate Committee will be very much interested in studying, evaluating, and utilizing all information coming out of this legal deliberation.

I'm not asking that you become involved in the legal deliberation. That would be extraordinarily unethical. However, the material that comes out of a legal case certainly, you should be interested in utilizing, developing, and studying, because you cannot make a report in a vacuum. That's just one of the recommendations that I am making.

SENATOR O'CONNOR: Okay. You understand that as you make that recommendation though, that it's a double-edged sword. I mean, the case may end up coming out, not the way that you hope that it comes out.

MS. ZAPP: That's correct. I'm willing to take a chance. Everyone would realize that it's a double-edged sword. You take a chance that way. But you also, having known some of the background, I'm sure that during discovery that there is going to be something because we have nothing. Something is better than nothing. We have a zero now. Certainly if we have something it's going to be better than nothing.

So, one more thing I would like to say-- We can never let this happen again. Liberty State Park is too valuable a resource. In 1981 a special Assembly Committee was formed to investigate Liberty State Park. Under that particular committee, they again were investigating into the propriety of plans for the commercial development of 600 of Liberty State Park's 800 acres. It was a little more land, but they came

forward with a committee, report, and they recommended that there be more of a continuing inquiry and monitoring activities concerning the development of Liberty State Park. Unfortunately, some of the people involved in that report are no longer on the Legislature. However, one of the key figures was Mr. Janiszewski.

So, actually, you see, this is the second time we've had an investigatory report and an investigatory process and we can't let this happen again. We can't just let it fail. Every single time that we have it, people come forward, they spend all of their energies talking before committees, and there are recommendations that are made in reports, and then we go on to another Governor, and the new Governor has a new set of legislators and we have the same problem. This is going to be one of the things that I hope that we can solve so we cannot come back every two or three years and start impleading because Liberty State Park is not being used properly.

Then I'll just complete my statement this evening with a little quote from Gordon Bishop. The headline in this editorial was, "Include Yourself in the Shaping of Liberty Park's Future." "The people of New Jersey must decide what they would like Liberty Park to be. It is not the decision of the Governor elect," at that time he was just coming in -- "Thomas Kean or also the view of the outgoing Governor Byrne. It's Liberty Park's that counts. They merely represents the public interest in this prize piece of property -- the most valuable real estate in New Jersey if it were put out to bid."

For those who have been to Liberty Park, the trip would be worth the price of gasoline and tolls. After you have been there an hour or so, imagine what Liberty Park would be as a natural green preserve. And think what it would look like with buildings dotting the landscape -- even the most fanciful appealing structures. It's your park and your decision. And gentlemen, I hope I haven't prevailed upon you too sternly, but

I really feel this is a very, very serious issue and that it should get your undivided attention and I'm very happy that we have representatives there who we've all worked with before and we know your track record and please, just deliberate. And I still have a feeling that during this legal case, there will be, during discovery, some very pertinent information, and I hope it will be incorporated within your report because I don't want to see you keep coming back when new information comes forward. Thank you very much.

SENATOR O'CONNOR: Thank you. Senator Jackman, did you want to make a comment?

SENATOR JACKMAN: Just let me make one brief statement. It's going to be very brief. Let me, on the outset, through you, Mr. Chairman, say thank you to Morris, Audrey, and the rest of the people who came here today; and to let you know that anything that we're going to be doing will always be done with further consultation when necessary. So, don't anybody get any ideas that anything is going to be pushed aside on your words that were expressed here today. I'm sure the Chairman feels the same way I do, that whatever further needs are there, Ed O'Connor will take care of them. Thank you very much.

SENATOR O'CONNOR: Thank you Senator. Senator Cowan?

SENATOR COWAN: No, thank you.

SENATOR O'CONNOR: I want to also add my thanks to those of Senator Jackman and Senator Cowan and to the other members of the Commission that are not here this evening. We have, through the course of three hearings, heard from between 40 and 50 witnesses, and I think that's a great testament to the concern that everybody has about what's going on at Liberty State Park. It shows that everyone wants that park to be developed in accordance with the Master Plan.

We will adjourn the meeting. At this time we are concluding the public meetings with respect to the issue. We

will, in the future, get together as a body, deliberate, and ultimately render a report that will be ready no later than December 31st. That's our charge under the legislation and we will certainly make our deadline. Again, thank you all for coming out.

(HEARING CONCLUDED)

APPENDIX



NEW JERSEY SENATE

EDWARD T. O'CONNOR, JR.

SENATOR-31ST DISTRICT

1662 KENNEDY BOULEVARD

ENTRANCE: 245 PEARSALL AVENUE

JERSEY CITY, NEW JERSEY 07305

201-451-6120

July 21, 1987

Honorable Anthony R. Cucci
Mayor, City of Jersey City
280 Grove Street
Jersey City, NJ 07302

Dear Mayor Cucci:

Thank you for your letter of July 1, 1987 with enclosures, all on the subject of the proposed marina at Liberty State Park.

Your letter and the enclosures will be made part of the record of the Liberty State Park Study Commission.

Thank you for your continued interest in the matter.

Very truly yours,

Edward T. O'Connor, Jr.

ETOC:df

C.C.: Hon. S. Thomas Gagliano
Hon. C. Louis Bassano
Hon. Thomas F. Cowan
Hon. Christopher Jackman
Hon. Daniel J. Dalton
Marvin Jiggetts

1X

JUL - 1 1987

CITY OF
JERSEY CITY

ANTHONY R. CUCCI
MAYOR



CITY HALL
JERSEY CITY, N.J. 07302
(201) 547-5200

July 1, 1987

Hon. Edward T. O'Connor, Jr.
Senate Study Committee
850 Bergen Avenue
Jersey City, N. J. 07306

Dear Senator O'Connor:

Re: Marina

I am enclosing two important astounding documents with my comments thereupon, revealed at my recent press conference on the Marina.

I also enclose newsclips. Will you please include this documentation in the official testimony of the Senate Marina Study Committee of which you are Chairman.

Sincerely,

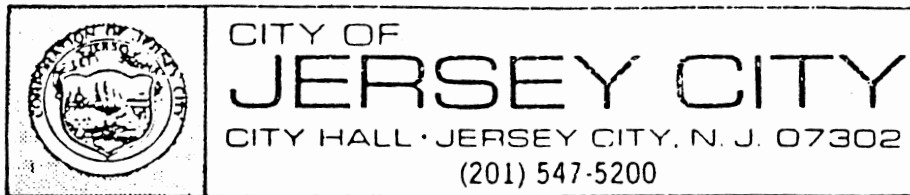
Anthony R. Cucci

Enclosures

Copies to:

Hon. S. Thomas Gagliano
Hon. C. Louis Bassano
Hon. Thomas F. Cowan
Hon. Christopher Jackman
Hon. Daniel J. Dalton

2x



OFFICE OF THE MAYOR
280 GROVE STREET
JERSEY CITY, N. J. 07302

STATEMENT FROM MAYOR ANTHONY R. CUCCI

LIBERTY STATE PARK - JUNE 25, 1987

Approximately one week ago, I issued a strong statement denouncing an agreement with a developer to build a private marina designed to service up to 800 boats right here at Liberty State Park. At that time, I stated the city's intention to block the marina project through court action.

I firmly believe this marina project places the needs of a chosen few boat owners far ahead of the needs of hundreds of thousands of working people and their families who visit this great park. I also believe that the marina, as proposed, poses a threat to the environment that is being ignored by the state.

Last week, I believed this marina to be the greatest possible obstacle to public usage and access to this land. Since that time, I have learned that the marina project is a mere symptom of a much greater problem--just the tip of an iceberg that threatens to swallow up this park and deprive the general public from enjoying its magnificent natural beauty.

CUCCI STATEMENT

Take Two

That greater threat is the reason I have called this news conference this morning.

You have all been provided with a copy of an internal state memorandum from Vincent B. Murphy, Jr., Chairman of the Liberty State Park Development Corporation, detailing the results of a Board meeting held on April 21, 1987, and attended by the Governor and members of the Department of Environmental Protection.

Mr. Murphy's memorandum paints a shocking picture of a new private supra-agency exempt from public control and scrutiny, with complete autonomous power over public land and public monies--an agency that meets in secret and is completely exempt from state laws and safeguards. An agency even more powerful in scope than the Hackensack Meadowlands Development Commission and the Port Authority.

This memorandum describes a private agency that will have absolute control over the destiny of this park. It will have complete authority over the D.E.P. and will be exempt from any public oversight or regulation.

The Liberty State Park Development Corporation members will have "carte blanche" to award any contract, control all spending and budgets, plan any development, and utilize any now public space for any privately held, profitable venture. If this corporation decides to replace the Great Lawn with a polo field, no reasonable voice will have the authority to challenge its decision.

CUCCI STATEMENT

Take Three

In the process, the D.E.P. --the state agency which should oversee this park's development-- has been completely emasculated, ignored, and in effect, told to stand in the corner and stay out of the profit motive's way.

Hundreds of thousands of dollars in revenues from the Liberty-Ellis Island Foundation once destined for park development will now be instead used to feed this giant new private supra-agency--again with absolutely no public oversight or audit.

Hundreds of thousands of dollars in funds generated by the marina project will also feed the new giant, instead of funding park development--again with absolutely no public oversight or audit.

The Governor's position is stated as favoring subverting or changing existing state laws that may challenge this new private supra-agency.

The Governor's position is stated as ordering the D.E.P. to by-pass the State House Commission usually charged with reviewing projects involving Green Acres land. This is a clear betrayal of repeated assurances state officials have given Jersey City officials that the State House Commission would be reviewing the project.

It is obvious from this memorandum that the Governor has brought heavy pressure on various parties to create the marina project and thereby establish the precedent on which future park projects will be controlled.

CUCCI STATEMENT

Take Four

A reasonable person might ask, "Why is the Governor doing this? Why is the D.E.P. being reduced to such a minor role? Why is it necessary to place so much authority over public land and monies in the hands of private individuals without any safeguards, controls or public scrutiny?"

The rationale, according to the Murphy Memorandum, is that the L.S.P.D.C. Board Members, all recruited from the private sector, cannot tolerate slow-moving bureaucratic agencies. But these same individuals are from the worlds of finance, law, insurance and public utilities--and have learned to operate with such restrictions in their daily business activities many years ago.

All public officials in the Executive Branch of government endure the frustrations of bureaucratic regulations. Should we now by-pass zoning boards, boards of adjustment, environmental impact studies, off-site impact analyses, public hearings, etc., simply to build projects which may not be truly in the public interest?

For many years, autonomous public agencies operated in New Jersey without any fiscal supervision. Under Governor Kean's administration--and through his initiative--these agencies are now required to submit their annual budgets to the state Division of Local Government Services for approval. Why should the L.S.P.D.C. be exempt from such public disclosure?

CUCCI STATEMENT

Take Five

You may inquire how I obtained a copy of this secret memorandum marked "Confidential" at the top. I would answer by asking why every New Jersey resident is not entitled to review this document? Why is secrecy so important?

You will also find enclosed a copy of another memorandum-- from Helen Fenske of the D.E.P. to a member of the Governor's staff. It's a briefing requested by the Governor on the background of the L.S.P.D.C.

In paragraph two, Ms. Fenske observes that ... "public interest responsibilities of the State cannot be delegated to a private entity... such as the L.S.P.D.C. without that entity losing its status as a private corporation and having to conform to the rules, regulations, policies and constraints imposed on government."

I couldn't agree more. My question is why are Ms. Fenske's and the D.E.P.'s rulings on this matter being swept under the rug and ignored?

Liberty State Park today stands at a crisis and a crossroads. Private control over public lands and monies may deliver a wonderful park all people can enjoy. It could also produce a moneymaking enterprise that caters to the chosen few and ignores the needs of hundreds of thousands of working people and their families. I'm not willing to take a chance on a private corporation's benevolence.

The specter of the Great Lawn reduced to a small patch of grass surrounded by golfers, boaters, food concessionaires and others--with a once proud skyline view blocked by a four story marina building--now looms over this park.

CUCCI STATEMENT

Take Six

If we allow that to happen, one of the last remaining pieces of open public space on the Hudson River will be lost forever. I call on the hundreds of thousands of visitors who have already made Liberty State Park the most popular state park in New Jersey to join in this fight to save this great facility.

Thank you for being here this morning.

Anthony R. Cucci

ANTHONY R. CUCCI

Cucci says city will fight marina in

By R. Clinton Taplin
Record Staff Writer

JERSEY CITY

Mayor Anthony R. Cucci said yesterday that the city will go to court over plans for a marina in Liberty State Park, arguing the plans were approved by the state over local objections. At a dockside news conference at the park, Cucci also maintained that Governor Kean was trying to transform the Liberty State Park Development Corporation, the

nonprofit agency established by the state to oversee development of the park, into a "new private supraagency" that could ignore even the wishes of the state Department of Environmental Protection (DEP) in how the 800-acre park should be developed.

The governor's office and DEP denied the assertion, saying the mayor had misread an out-of-date document that does not reflect state policy concerning the nonprofit development corporation.

Cucci and local members of the

corporation's advisory committee opposed the plan, approved two weeks ago, which includes leasing 50 acres of park property — including 30 acres of the Great Lawn near the old Central Railroad of New Jersey terminal — to a Philadelphia developer for an \$8-million, 550-slip marina.

He said the city is not opposed to a marina in the park, which sits between the New Jersey Turnpike and the Hudson River. Rather, the city objects to the location, in the Morris Canal basin, alleging

the marina and its proposed four-story boat warehouse will spoil the view of the Manhattan skyline and intrude on open space, Cucci said.

At the news conference, Cucci distributed documents which he said show that Kean — in a "clear betrayal of repeated assurances" that local officials will be involved in park development — has plans to make the corporation into a "new private supraagency exempt from public control and scrutiny."

"If [the corporation] decides to

replace the Great Lawn with a polo field, no reasonable voice will have authority to challenge its decision," Cucci said. To underscore his point, he handed out copies of a memo based on an Apr. 21 meeting attended by Kean, corporation board members, and DEP staff.

Cucci maintained that, in a May 7 memo marked "Confidential," corporation Chairman Vincent B. Murphy implies that the governor at the meeting approved limits on DEP supervision of corporation plans, operations, and reviews of

its finances.

John Samerjan, speaking for Kean, denied there was any attempt to undermine DEP responsibility or authority or to limit local participation. He said Cucci misread the Murphy memo which, whether accurate or not, was only Murphy's recollection of the meeting.

Corporation spokeswoman Barbara Kauffman and DEP spokesman James Staples said Cucci did

See MARINA Page B-5

MARINA

From MARINA Page B-3

not have a June 12 letter in which the corporation agreed to a revised contract with the DEP that would continue DEP review. Staples said the letter "cancels much of the mayor's criticisms" of the Murphy memo.

Murphy, a Merrill Lynch executive, was not available for clarification yesterday.

Efforts to reach the mayor for reaction and clarification were referred to Rick Cohen, a key Cucci aide and head of the city's Department of Housing and Economic Development.

"We have not seen the June 12 letter. I've had it read to me and it still doesn't seem to answer the mayor's questions. It uses terms like 'DEP will not unreasonably withhold approvals,'" said Cohen, adding that such terms suggest a

Record

Cucci charges DEP has surrendered Liberty Park to private interests

By AL FRANK

Mayor Anthony Cucci of Jersey City yesterday released a document he said demonstrates that the state Department of Environmental Protection (DEP) has lost control of Liberty State Park to a nonprofit corporation.

Later, DEP Commissioner Richard Dewling released another document he contended contradicted the mayor. A spokesman also said Governor Thomas Kean had not given over the waterfront park's operations to the Liberty State Park Development Corp.

The corporation was formed in 1984 to help attract private investment

to the 700-acre park. Although it already attracts more visitors than any other New Jersey park, most of Liberty State Park is devoid of facilities.

Cucci said the memorandum will be used in a lawsuit the city intends to file to prevent the DEP from proceeding on a contract with a Philadelphia company which will build a 552-slip marina at the park in exchange for a long-term operating lease.

Corporation officials maintained that Jersey City's opposition to the marina would vanish if the state came through with several million dollars to fix a faulty sewer line that empties into the waterway on which the marina is to

be built. But Cucci said there was "no quid pro quo."

Instead, the mayor said the city believes the contract, signed June 12, allows for too large a facility and constituted a giveaway of public parkland.

Cucci said the agreement was in line with the memorandum he released which showed the Governor "completely emasculated" the DEP and agreed to give the development corporation "absolute control over the destiny of this park."

Dismissing Cucci's remarks as "political rhetoric," Dewling said the memorandum, written by Vincent Murphy, corporation chairman, was only his "opinion or hope" of what would happen as a result of a two-hour meeting he and others had with Kean on April 21.

"The department is still in charge no matter how you slice it," Dewling said, noting that, after the meeting, another seven weeks of negotiations were needed to finalize the marina contract.

"There's no way Tom Kean, faced with the asset we have there at Liberty State Park, is going to give any agency a totally free hand with respect to the future of that park," added Carl Golden, the Governor's spokesman. "It would no longer be a state park if you did that and that's just not in the cards."

According to the Murphy memo, the Governor agreed that the marina contract need not be reviewed by the Statehouse Commission. The seven-member group, which includes Kean, generally reviews the terms of all leases and sales of state property.

The memo also said Kean agreed the DEP will not control the corporation's budget or agenda and "is not to police the corporation's relations with its subleasees."



Mayor Anthony Cucci
Opposes marina

na contract from Statehouse Commission review.

"We're not selling it (the marina's 50-acre site) and, in a sense, we're not really leasing it," Dewling said. "It's a public marina and the money coming back will be put back into the park."

Dewling also released a letter Murphy wrote June 12 to Deputy Commissioner Michael Catania.

The letter stated that the corporation's books are open to the DEP "at all times" and that it will hire a nationally recognized certified public accountant to conduct an annual audit. The agreement, which amends the DEP's contract with the corporation, also requires the corporation to provide annual reports to the DEP of its upcoming plans.

Cucci said Kean buckled to pressure from the corporation's volunteer board members who work in the banking, legal and other professions and "cannot tolerate slow-moving bu-

10X

Cucci fears Liberty Park will be for

By IAN POLUMBAUM

Staff Writer

JERSEY CITY—Mayor Anthony Cucci yesterday charged that the corporation established to develop Liberty State Park has become a "supra-agency exempt from public control" that threatens to make the park a preserve for the privileged.

In a press conference at the park, the mayor produced a private memo from the chairman of the Liberty State Park Development Corp. to its board members. The memo incriminated the state-established agency to Gov. Thomas H. Kean's approval to decide the park's future in secret. It also said Kean urged the agency to circumvent environmental authorities because he wants some projects finished before he is up for re-election.

"I'm not willing to take a chance on a private corporation's benevolence," Cucci said. He added that unchecked development "threatens to swallow up this park and deprive the general public from enjoying its natural beauty."

A spokesman for the state Department of Environmental Protection later dismissed the May 7 memo as wishful thinking by the chairman, Vincent B. Murphy Jr., and said a more recent letter from Murphy to the DEP shows the corporation has agreed to strict state scrutiny of its actions.

"It pretty much takes care of what the mayor was screaming about this morning," the DEP official, James M. Staples, said of the agreement reached this month.

But city officials voiced alarm at the earlier memo, which was marked "confidential" and described at an April 21 meeting attended by six corporation officials, two DEP officers and the governor. According to Murphy's account:

□ It was agreed the "DEP will not exercise budget or program controls" concerning development of the park.

□ Construction of a 552-slip private marina, which the city has said it will go to court to block, "will go ahead immediately."

□ Kean told the group the State House Commission, which normally oversees development in "Green Acres" areas, should not have any jurisdiction over the marina.

□ The Great Lawn, a vast meadow at the northern end of the park, might be developed further, rather than restricted to "passive uses" as the DEP had urged.

□ The governor urged the corporation to avoid bureaucratic procedures, because he "wants specific and substantial results within the time of his remaining term."

Kean's chief spokesman, Carl Golden, refused to comment on the details of the memo, which he said he had not seen.

"It's something Mr. Murphy wrote saying what the governor allegedly thinks," Golden said. "You should speak to Mr. Murphy."

Murphy, an executive with Merrill Lynch in Plainville, could not be

reached for comment. But the DEP yesterday cited a June 12 letter in which Murphy outlined an agreement between the park corporation, composed of himself and nine trustees from private business, and the department.

According to that letter, the corporation must submit an "activity and expenditure plan" annually for DEP review and approval. The firm also must provide itemized year-end reports summaries and keep its books open for DEP audits.

Any profit the corporation makes will be turned over to the DEP "for use in the operation and maintenance of the park," the letter stated.

Staples, the DEP spokesman, said the agreement constitutes "to



Photo by Don Smith

JERSEY CITY MAYOR Anthony R. Cucci, standing along the Morris Canal, discusses

rich

tal DEP control over financial doings" at the park.

Rick Cohen, director of the city's Department of Housing and Environmental Development, said he had not seen the June 12 letter, and a city official acknowledge privately that Cucci might not have called print and broadcast reporters to the park yesterday if he had seen it.

But after a reporter read his excerpts from the three-page letter, Cohen said a key proviso — "The department's approval of the (yearly) plan shall not be unreasonably withheld" — suggests the DEP will not have any real power in the park.

"Not unreasonably withheld" can mean the governor is saying to the DEP, "Don't stand in the way," he said.

Cucci charges profits are now park's major concern

by Silvia Ascarelli

The Liberty State Park Development Corp. is taking control of the park it was created to develop — without any oversight from the state Department of Environmental Protection — Jersey City Mayor Anthony Cucci charged yesterday.

At a news conference at Liberty State Park, Cucci said the state agency "has been completely emasculated, ignored and, in effect, told to stand in the corner and stay out of the profit motive's way."

He distributed as proof copies of a confidential three-page May 7 memo from Vincent Murphy, the corporation board's president, which described a two-hour meeting with Gov. Thomas Kean April 1.

But DEP and corporation officials contacted later pointed to a three-page June 12 letter from Murphy and agreed to by DEP which states DEP is to review an annual budget of proposed expenditures and projects as well as annual audits. Although the development corporation sets the agenda, DEP has the final word, said DEP spokesman Jim Staples.

Murphy could not be reached for comment.

The meeting with Kean occurred more than two weeks before the park's public advisory committee approved the controversial marina plan. A contract with Waterfront Developers Inc. of Philadelphia calling for an \$8 million, 552-slip marina and drydock space for 250 more boats was signed June 12. At least part of the marina is to open next May.

Jersey City officials yesterday threatened to require that the marina go through the local planning board, where they could question the size of a four-story boat storage facility and the amount of access the public will have to the waterfront.

State projects normally are exempt from local reviews, but the memo shows the development corporation and its marina to be private ventures, said city Housing and Economic Development Director Rick Co-

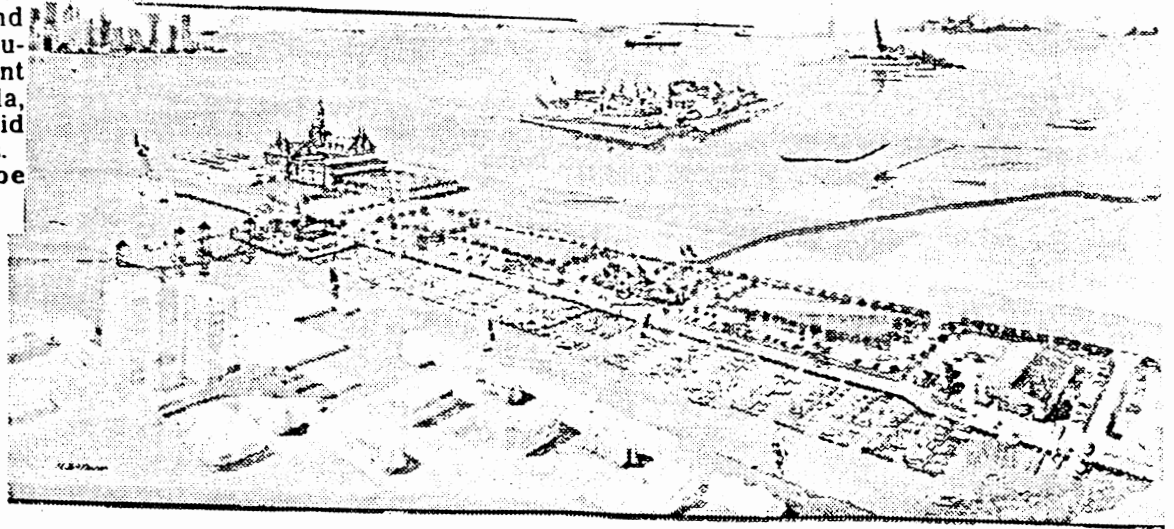
hen. The issue, he said, will probably be settled in court.

Jersey City already is planning a lawsuit against the marina project. One of the legal arguments is expected to be that DEP should not have given the development corporation some of its power.

Murphy's memo states that the nine people at the meeting agreed that DEP will not control the corporation's budget or projects and that the marina leases will not limit the so-called Great Lawns to passive uses in the future, as DEP had suggested.

Cucci charged that the memo shows an increasing privatization of a state park and a move which could destroy it.

"Mr. Murphy's memorandum paints a shocking picture of a new private supra-agency exempt from public control and scrutiny, with complete autonomous power over public



An artist's rendering of the proposed marina.

land and public monies — an agency that meets in secret and is completely exempt from state laws and safeguards," Cucci said yesterday. "An agency even more powerful in scope than the Hackensack Meadowlands Development Commission and the Port Authority."

Kean's decisions reflect a combination of political con-

siderations and a belief that he is serving the public interest, Cucci said. He charged no one with taking a payoff or breaking a law, "but it certainly appears to be finding ways of scraping the bottom of the barrel."

"It's a take-away of public rights and land and a misuse of public funds," he later added.

He said he has not talked with state or park officials about the memo because they haven't talked to Jersey City about the marina. Local officials always were excluded from nuts-and-bolts discussions.

"I think we were patronized," he said. "Nobody really listened."

DIVISION OF ENGINEERING

MICHAEL J. BARNES, P.E.
MUNICIPAL ENGINEER

ANTHONY R. CUCCI
MAYOR

July 20, 1987

Senator O'Connor, Chairman Senate Committee
- Liberty State Park Marina
1662 Kennedy Boulevard
Jersey City, NJ 07305

SUBJECT: Recent Developments - Tidewater Basin Water Quality

Dear Senator O'Connor:

The Tidewater Basin is polluted with materials other than the raw sewage that is discharged from the Mill Creek Outfall during most rainfalls. Recently, NJDEP cited the Scrap Iron Firm, adjacent to the Tidewater Basin, concerning discharges of oils and fuels onto the ground. These discharges, which may contain PCB'S ultimately flow into the Tidewater Basin. In addition, the rusted metal also contributes a pollutant into the Basin.

NJDEP has also informed Jersey City that the Jersey Avenue Dump - Foot of Jersey Avenue at Aetna Street constitutes a danger to the public health and environment. This site drains into the Tidewater Basin. A recent survey of this site indicates that PCB'S may be present and several drums of dyes and/or other materials are on-site.

These new developments should be addressed in the Marina's "Environmental Impact Statement".

Very truly yours,



MICHAEL J. BARNES, PE, PP
Municipal Engineer
Division of Engineering

tb



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
HELEN C. FENSKA, ASSISTANT COMMISSIONER
CN 402
TRENTON, N.J. 08625
609-292-3541

April 20, 1987

TO: Jane Kenny
FROM: Helen C. Fenska
SUBJECT: Briefing Paper for Governor Kean
Regarding Liberty State Park Development Corporation

As you requested, here is background on the Liberty State Park Development Corporation - the reasons for its formation, the operational and service context of its activities - and the reasons public/private partnerships require remarkable cooperation, communication and good will in order to work.

In essence, public interest responsibilities of the State can not be delegated to a private entity, such as the non-profit Liberty State Park Development Corporation, without that entity losing its status as a private corporation, and having to conform to all the rules, regulations, policies and constraints imposed on government (i.e. bidding requirements). This then destroys the flexibility and opportunities to be gained by having a partnership with the private sector.

It is the sorting out of the two roles, and the understanding of how they must compliment one another, that is causing problems now. Governor Kean could be very helpful in bringing about acceptance that the dual roles are important, distinct, and complimentary.

The top level talented executives in the Corporation find it difficult to operate in this way, so this partnership has more than normal frustration built into it than has been evidenced in our other park partnerships.

H.C.F.

Attachment

14X

PUBLIC/PRIVATE PARTNERSHIPS

NATIONAL TREND

A public/private format for park development and operations is being used increasingly throughout the country by state park systems not having stable sources of capital and operational funding. This approach is also being tried by the National Park Service. Gateway National Park and Ellis Island Restoration are current examples.

Every "partnership" is fraught with a measure of frustration until the dual government/private roles are mutually defined and accepted. The amount of tension and frustration appear to relate more to the size of the projects and their costs than other factors. A comparison of the Liberty State Park Development Corporation with National Park Service's Ellis Island Restoration Foundation would show many similarities relating to difficulties associated with the overlaying and constraining responsibilities of government interacting with the flexibility and freedoms inherent to the private sector mode of doing business.

HISTORY OF STATE PUBLIC/PRIVATE PARTNERSHIPS

There are perhaps forty or more state public/private partnerships of one kind or another currently operating in connection with a park, historic site or a state-owned property. These agreements, many of them long term, range from Waterloo Village in Allamuchy State Park (the Waterloo Foundation); Allaire Village (The Allaire Corporation); to Cape May Lighthouse (Mid-Atlantic Center for the Arts, Inc); Rancocas Indian Village (Ho-Hamilton Indian Corp.); Washington Crossing State Park Theater (Washington Crossing Association); Ringwood (Ringwood Arboretum Association); and Drumchwacket (Drumchwacket Foundation).

While partnership terms and activities vary, the basic format is a contract which allows the private sector, on behalf of a state property, to raise funds, provide services, and build or restore buildings and facilities. Increased flexibility in development options, creative activities, and enhancement of quantity and quality of services are all part of the benefits accrued to the State and the public at large, in addition to improved facilities.

LIBERTY STATE PARK DEVELOPMENT CORPORATION

The Liberty State Park Development Corporation's (LSPDC) basic organizational format was drawn from the successful Allaire Corporation, founded in 1948. The major difference between this organization and other established public/private partnerships is scale. Most of the existing partnerships have had more modest development goals and dollar needs.

LSPDC was born with the encouragement of the Governor in the hope top flight business and professional executives would join with the State to provide: -

- 1) Expertise, flexibility in development design and options, and financial acumen on behalf of quality facilities built by combining private monies with State resources.
- 2) Retention of revenue funds for reinvestment in other Liberty State Park facilities.

PROBLEMS. DIFFERENCES

Resulting in all public/private partnerships connected with a specific park or historic facility, a sense of ownership or proprietorship emerges on the part of the private organization. It is the dedication, generosity and work each feels makes a site flourish on behalf of the public which generates strong "ownership" prerogatives.

This often runs smack into State management prerogatives and public interest policies which overshadow or constrain private sector activities. Maturity, communication and good-will are required to sort out the management problems, but, in every case, solutions are forthcoming and the partnerships flourish. Waterloo, Allaire and Batsto Villages are examples of this.

Perhaps the difficulties seem greater over Liberty State Park because of the talented board of trustees who, by training and executive experience, have little patience for the constraints and slow bureaucratic ways of government. Also little exposure to the requirements of meeting public interest demands when designing a profitable business development.

Understandably the Corporation wants to act decisively and be unencumbered with the State's review capacity, except in a perfunctory way. This particular pressure is more sharply felt because dollar needs at Liberty State Park are greater and the State partnership capacity to respond to its part of the needs picture is diminishing.

Similar pressures are also now emerging in other "partnerships." Frustration with State park partnership support is reflected in the recent introduction of various special funding legislation promoted by the private sector. Examples are Waterloo (Music Shed - \$125,000 for design); D & R Canal (Historic restoration - \$6.4 million); Cape May Lighthouse (Restoration - \$50,000); Skylands Botanical Gardens (Operating - \$350,000). Liberty State Park Development Corporation has had special start-up funds from legislation, but the Corporation wants to promote a special Liberty Park bond issue so the State can get on with its part of the partnership.

In other words, these partnerships are now saying, "Hey, if you want us to work free, you've got to carry your state part!!! The LSPDC feels this State shortcoming strongly.

Operational demands on the State from LSPDC are also different in scale. For instance, Allaire Corporation has a full time director with a salary of \$25,000, paid from privately raised funds (a store, flea markets, art shows and weddings at Allaire Chapel). Their office operates from the basement of an existing state building. Waterloo Foundation operates similarly. LSPDC immediately saw the need to hire with State funds a \$70,000 president, 2 vice-presidents and a public relations firm because of the type and scale of

business development needed. Corporation offices are rented because the State does not have funds to complete available office space in the Terminal. (Funds diverted to construction of the Seawall.)

These problems, coupled with the need to agree on a process for conducting business through which the State has an appropriate review and approval role, provides the back drop for the present situation.

Helen C. Fenske
April 19, 1987

Attachments - 2

The new cooperative agreement has strengthened the authority and approval process of the State.

The primary sections that have been tightened up in the new cooperative agreement are as follows:

Sections 3, 4 and 5: Requires specific written agreements and approval by DEP be in place prior to the Development Corporation soliciting bids, negotiating or implementing leases, planning activities, etc., involving the park directly. This has become necessary in order to demonstrate the State's control over activities taking place in the park that have an effect on land and development in the park purchased with federal Land and Water Conservation Fund monies and Green Acres funding.

Section 9: Defines the reporting requirements and approvals required in the utilization of public funds. This agreement recognized the substantial amount of Public Funds being utilized over the long term by the Corporation for its operation and development by the Park. That is public funds being those funds derived from direct appropriation or fees derived from the leasing of State land. It is imperative that the State be able to demonstrate its credibility and control over the long term utilization of these public funds and as such requires an approval process to allay any public concerns as to "give away" of Park land.

ROLE/NEEDS

STATE

Overall responsibility is to provide recreational opportunities to the public.

Protect and enforce the nature and kind of recreational facilities to be consistent with and recognize the various funding sources utilized in the acquisition and development of the park. (i.e. Green Acres Bond funds and Land & Water Conservation funding from the National Park Service)

STATE NEEDS OF NON-PROFIT

Overall mission is to assist in the development of Public facilities in the Park.

To obtain the expertise and skills of the business community particularly in the areas of financial management, which are sorely needed for the long term development of the park and uniquely available to members of the Development Corporation.

To utilize the flexibility of a private corporation to solicit bids and obtain leases of higher return and recreational benefit to the State through "Competitive Negotiation".

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Liberty State Park Development Corporation

Liberty State Park, Jersey City, N. J. 07305

(201) 915-3420

cent B. Murphy, Jr.
Chairman

MEMO TO: Board Members

FROM: Vincent B. Murphy, Jr., Chairman

DATE: May 7, 1987

SUBJECT: Memo of Record of Meeting with Governor Kean, April 21, 1987:
2:00 - 4:00 P.M.

PRESENT AT THE APRIL 21 MEETING

Governor Thomas H. Kean
Vincent B. Murphy, Jr.
Bernard M. Hartnett, Jr.
Alan V. Lowenstein
Thomas J. Stanton, Jr.
Jane Kenny
Deborah Poritz
Helen C. Fenske
Michael Catania

MAJOR POINTS

Discussion

1. The Governor emphasized his strong support of the need for and the work of the Liberty State Park Development Corporation. After the Action Program was completed and adopted, he had called upon Vincent B. Murphy, Jr. to help him form the Liberty State Park Development Corporation.
2. Liberty State Park Development Corporation (LSPDC) Board members stated that the suggested revised Contract proposed by DEP would make it impossibly difficult to get work done at the desired pace. Corporation members requested that the Governor decide whether or not to keep the Corporation in place with the mission and power the Corporation thought had been intended, or to support the new DEP contract and let them do the whole thing. The Governor chose the former.
3. LSPDC Board members stated that DEP's proposed budget and program controls would usurp the Board's mission, reduce the revenues it needed to perform that mission, and take away the special experience and talents the Corporation was designed to bring to the Park development process.
4. LSPDC Board members explained problems caused by continued delays and urged going ahead promptly with the Marina. The Governor concurred, and asked DEP and LSPDC to resolve differences by Thursday, April 30.

TRUSTEES

Vincent J. Apruzzese, Esq. • Margaret Hayes • J. Robert Hillier, F.A.I.A.
Alan V. Lowenstein, Esq. • Helen S. Manogue • Gregory A. Marshall
Vincent B. Murphy, Jr. • Daniel P. Nugent • David J. Sherwood • Thomas J. Stanton, Jr.

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5. LSPDC Board members stated that the proposed new contract provides the opportunity to clarify the distinct responsibilities of the Corporation and the DEP. There was pointed discussion about such topics as potential hazardous waste, land surveys, warranting of title, Green Acres signoff, AG signoff, etc, which are typical DEP responsibilities, as well as preparation of the RFP's, evaluation of proposals, negotiation of contract, determination or selection of developer, and supervision of contract execution upon lease signing, which are typical LSPDC responsibilities.

6. The Governor urged that the entire process be streamlined and cleared of red tape, and that work proceed expeditiously on all projects.

7. DEP members raised problems of Sci/Tech compatibility with Green Acres requirements. The Governor indicated that they should be cleared immediately, either through modifying the description of use of funds, purchase of additional land if that were possible, or through the preparation of special legislation if necessary. Any other matters that required legislative action should be accomplished simultaneously.

8. The Governor asked why the DEP was advocating that the State House Commission meet with respect to the Marina, which the Governor's staff had judged compatible with Green Acres requirements. After discussion, the Governor indicated that he felt the Marina project should not come before the State House Commission.

9. The Governor indicated his understanding that the revenues from the Liberty-Ellis Island Foundation were intended to be a source of operating funds for the LSPDC.

DECISIONS

1. DEP will not exercise budget or program controls over Liberty State Park Development Corporation activities in accomplishing the Action Program.

2. The Marina project will go ahead immediately. The Marina project will not await any modifications to the existing Contract Agreement between the Corporation and the Department. Draft final leases are to be prepared immediately.

3. The new contract will specify the distinct and separate responsibilities of the Corporation and the department, both in general terms and in specific references to the next round of Action Program projects following the signing of the Marina leases. The next round of projects, to include the Sci/Tech Center, the Golf Course, the Food Service Facility, will be undertaken expeditiously. The Governor wants specific and substantial results within the time of his remaining term.

4. After signing of leases, the Corporation will oversee the execution of the Action Program projects undertaken through its subleases with chosen bidders. The Governor saw no reason for loss of time and efficiency through double policing of these procedures by the Department.

5. Any conflicts over Green Acres requirements with respect to the Sci/Tech Center are to be resolved immediately, through legislation if necessary. Any other Action Program elements requiring legislative clarification will be handled simultaneously.
6. The State House Commission will not need to be convened to consider the Marina project.
7. Revenues from Action Program leases are to flow directly to the Liberty State Park Development Corporation to assist in its preparation for and execution of approved Action Program elements. The Corporation will conduct the audits of these payments. DEP will not review these payments.
8. Revenues from the Liberty-Ellis Island Foundation are to flow directly to the Corporation. Except for these payments, the DEP will administer the Ellis Island lease requirements and those of DEP's Seawall contract.
9. The Corporation is to meet with its attorney to remove any inconsistencies between the understandings reached at their April 21 meeting and a new contract with DEP. As soon as this is completed, the Corporation will meet with the DEP to prepare a new contract.
10. There will be provisions in the primary leases that revenues to the Corporation from Action Program projects are to be expended in implementing the Action Program. Such provisions will not appear in the sub-leases, and DEP is not to police the Corporation's relations with its sub-leasees.
11. The Marina leases need not restrict the future use of the Great Lawns to passive uses, as suggested by DEP at this meeting. Rather, their future use is properly governed by the same procedures that apply to all Liberty State Park projects. For example should a future skating rink be proposed and found acceptable via all appropriate procedures including, of course, review by the Advisory Commission, its prospects are best not eliminated before hand by the Marina leases now under consideration.

Victory, loss in fight to block planned Liberty Park marina

By R. Clinton Taplin
Record Staff Writer

JERSEY CITY

The city won one and lost one yesterday in its legal battle to block a 550-slip, \$8-million marina the state plans for the north end of Liberty State Park.

The city's victory was Judge Burrell Ives Humphreys's order that the state, a non-profit development corporation, and a marina developer be in court Aug. 6 to explain why they should be permitted to build the marina.

But the setback came when Humphreys denied a city request for an order — pending full legal review — blocking the start of any work on the marina, in the Morris Canal basin near the old Central Railroad of New Jersey terminal.

The order requires appearances

in Superior Court by the state Department of Environmental Protection (DEP), which oversees state parks, and the Liberty State Park Development Corporation (LSPDC), a state-approved non-profit company the DEP has designated to develop the 800-acre park that sits between the New Jersey Turnpike and the Hudson River.

The third party is Waterfront Development Corporation, which recently acquired a 25-year lease from the LSPDC to some 50 acres — including part of the Great Lawn — where it will build the marina and a four-story boat warehouse.

Mayor Anthony R. Cucci has opposed a marina at the north end, favoring instead a location at the park's southern end, which he said would not cut into the part of

the park most used by city residents. The state plan, he maintained, puts the interests of wealthy boat owners ahead of low-income city residents who use the park as their back yard.

Special counsel Frank L. Holstein of West Orange represented the city before Humphreys yesterday.

He argued that the DEP's use of the LSPDC to develop park plans and policy was an illegal delegation of state responsibility to a non-governmental agency.

Furthermore, he said, the LSPDC awarded contracts without competitive bidding, does not solicit opinions from the public, and does not observe open-meeting law requirements.

Deputy Attorney-General Burton Weltman represented the DEP and Adrian M. Foley Jr. appeared



BURRELL IVES HUMPHREYS
Orders hearing on marina

for the LSPDC. Both attorneys denied Holstein's contentions as being false and based on misinformation.

Weltman said an order blocking work at the site was unnecessary because extensive paperwork was required before the contractor could drive a single nail.

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Judge turns down request to halt planning for Liberty State

By AL FRANK

An order barring the state from proceeding on a plan to build a marina at Liberty State Park in Jersey City was denied by a Superior Court judge yesterday.

The complaint brought against the state Department of Environmental Protection (DEP) and two other agencies charged with overseeing development at the park "raises some serious questions that don't appear to be frivolous," Superior Court Judge Burrell Ives Humphreys said.

But he said the city had not demonstrated that irreparable harm would be caused if he did not order work on the project halted immediately.

Decisions by public bodies are "entitled by a court to a presumption of validity," Humphreys said in his Jersey City courtroom, adding that the complaint did not allege fraud.

Instead, the judge scheduled a hearing for next month at which he will hear fuller arguments on the \$10 million project at the 700-acre waterfront park.

Asking for the restraining order, Frank Holstein, a West Orange attorney acting as the city's special counsel, said the decision to build the marina was reached illegally and constituted "an improper conversion of public park lands."

The complex, with up to 599 slips and a storage building for another 250 boats, is to be built on 50 acres at the northern end of the park. It is one of two marinas called for in the park's master plan.

After a search, the Liberty State Park Development Corp. signed a contract last month with Philadelphia Developers Corp.

The agreement requires the company to build the marina, in exchange for a 25-year operating lease under

ship of the facility as well as payments that may total more than \$8.4 million.

The park's development corporation was formed in 1984 to help attract private investment to the park, which is mostly devoid of facilities.

By making such "public-private partnerships," DEP officials said the park can obtain the facilities it could otherwise not afford.

The park corporation is augmented by the Liberty State Park Public Advisory Commission, which provides public input to park proposals.

Both groups are answerable to the

Hearing scheduled for next month on \$10-million waterfront project

DEP.

In his complaint, Holstein argued that the DEP had no power to delegate responsibilities to the park corporation and that state bidding requirements were ignored in the process of finding the marina builder.

He also said the advisory commission violated the state Open Public

Meetings Act for not properly advertising meetings when the matter was discussed. Attorneys representing the DEP, the park corporation and the advisory commission contended, however, that not all Holstein's facts were correct, a necessary requirement before a restraining order can be granted.

Bernard Hartnett Jr., an attorney

who chairs the advisory commission and also sits on the development corporation, said commission meetings and Senate hearings on the project have been well attended and the commission voted 6-3 in May to recommend the DEP proceed with the marina.

Adrian Foley, representing the park corporation, said the suit was merely a delaying tactic. "They're trying to stop momentum," he said, something opponents have succeeded in doing for more than a year.

Burton Weltman, a deputy attorney general representing the DEP

noted that construction could not be expected to begin at the site for even six months and the only actions that could be taken in the coming weeks are efforts to obtain required state and federal permits.

Weltman also said Humphreys should dismiss the case or at least require it to be filed in the proper court. Suits challenging the legality of an action of a state government agency should be filed with the Appellate Division of Superior Court, he said.

Those motions will be considered at the hearing scheduled for Aug.

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FRIDAY, MAY 29, 1987

Your
opinion

Testimony sparks marina pact opposition

I am writing to inform you of my opposition to the proposed contract between the Liberty State Park Development Corporation and the Waterfront Developers Corporation for the construction of a marina at Liberty State Park. It is my understanding that within the next few days, the Liberty State Park Development Corporation will sign the contract with the Waterfront Developers Corporation of the construction of the marina.

of any contract entered into between the Liberty State Park Development Corporation and the Waterfront Developers Corporation for the construction of a marina. — SEN. THOMAS F. COWAN, Jersey City.

A Senate Resolution was adopted appointing a commission to review the development practices and issues at Liberty State Park, including the proposed marina project, to determine if those practices are consistent with the Liberty State Park Master Action Plan. The commission, of which I am a member, has held two public hearings, and received testimony opposing the marina from members of the Liberty State Park Public Advisory Commission, elected and appointed municipal officials, representatives of neighborhood associations and citizens.

In light of that testimony, I feel that it is entirely inappropriate for the contract to be entered into without further input and deliberations. I strongly urge that the Department of Environmental Protection disapprove

*copy of letter
sent to comm.
Dewling.*

205X

Legislator asks Kean to intervene in Liberty State Park

By AL FRANK

Gov. Thomas Kean should convene a meeting to discuss a marina project at Liberty State Park, said the state senator who chairs a special commission reviewing development practices at the Jersey City park.

Sen. Edward O'Connor Jr. (D-Hudson) said the meeting, with both opponents and proponents, should be held before the state Department of Environmental Protection (DEP) signs a contract with a Philadelphia company to build the \$30 million marina at the park in exchange for a long-term operating lease.

Carl Golden, Kean's press secretary, said the Governor was unlikely to

convene such a meeting.

"Any structure is going to become a source of conflict and difference of opinion," he said.

"To call the Governor in to referee every time there's a difference of opinion isn't desirable," Golden continued.

He said the Governor "feels strongly enough" about the park that he might call a sitdown "if there's something there that everyone feels requires the Governor's input or intervention to get something off dead center."

But, Golden said, Kean would not intervene "simply because they're having split votes."

Opponents of the plan contend the 628-slip marina is too large and the agreement is tantamount to a giveaway

of public land at the 700-acre waterfront park.

Proponents say the marina will provide the largely undeveloped park with a handsome amenity and, in addition to offering space to boat owners of all incomes, will be open to the public.

Earlier this week, Michael Catania, the deputy commissioner of the DEP, said the marina contract is in the final stages of review. He said officials believe it should be signed within two

weeks.

O'Connor and five other senators were named earlier this year by Senate President John Russo (D-Ocean) to review the proposal and other development practices at the park.

At their second public hearing on Tuesday in Jersey City, several speakers asked the legislators to demand the DEP not sign the contract until the senators finished the hearings and presented a report.

Governor reluctant to step in before DEP approves contract

marina

debate

O'Connor, Sen. Thomas Cowan (D-Hudson) and Assemblyman Joseph Doria (D-Hudson) said they would make the request in writing to the DEP but suggested the Legislature was powerless to force the issue because the department comes under the Governor's executive authority.

Yesterday, O'Connor said Kean should step in to "gain the input of the individuals and organizations that have worked hard over the years to make Liberty State Park what it is today."

Bernard Hartnett, chairman of the Liberty State Park Public Advisory Commission, also said he saw no reason for such a meeting with the Governor.

"I think the process has worked," he said, noting that the commission

voted 6-3 two weeks ago to recommend the DEP proceed with the marina plan.

"I can't imagine any objections being raised that have not been thoroughly considered," Hartnett said.

"Further delay would slip the whole project another year and I think that would be unconscionable," he added. "This thing has to move."

The marina project has been a matter of dispute for six months.

With no capital funds available for parks, Kean has said agreements between private enterprise and the government are the only way Liberty State Park will be developed.

The park, with Ellis and Liberty islands nearby, is an expanse of former railroad land that already attracts more visitors than any other state park. Its popularity is expected to increase as billions of dollars in new real estate development is completed along the Hudson River.

Lex

Legislator accuses DEP of rushing into contract for Liberty Park marina

By AL FRANK

The senator who chairs a special commission examining development practices at Liberty State Park said the state Department of Environmental Protection (DEP) should have delayed signing a contract to build a marina at the Jersey City park.

"I would think it (a delay) would have been something they would have done in deference to the work we were doing," said Sen. Edward O'Connor (D-Hudson) who chairs the six-member commission which is required to deliver a report by Dec. 31.

O'Connor asserted that the senators have not been "diligent" in their proceedings and that the Philadelphia com-

pany awarded the contract was not about to drop out of the competition.

Vincent Murphy, the chairman of the Liberty State Park Development Corp., which has been negotiating a deal since last July, had said it was vital to sign the long-delayed agreement so the first slips would be open by next May.

The 25-year contract between the DEP, the development corporation and Philadelphia Developers Corp., calls for a 552-slip marina to be built on 50 acres at the northern end of the park. The agreement was signed Friday despite earlier statements by DEP Commissioner Richard Dewling and Deputy Commissioner Michael Catania denying any contract would be signed that day.

O'Connor said he believed the contract signing was fur-

ther evidence that the nonprofit development corporation was really controlling the park's growth even though it is technically beholden to the DEP.

"I understand and heard from (Senate) staff that the DEP is actually a little bit concerned the way the corporation has sort of gone on without control," O'Connor said.

While saying that opinion is "maybe second- or third-hand," O'Connor said it was certainly something he could believe after presiding over the public hearings the senators have conducted so far.

The corporation's actions have also led to tensions with the Liberty State Park Public Advisory Commission which voted 6-3 in support of the marina plan last month.

The commission, chaired by Bernard Hartnett of Jer-

sey City, also advises the DEP on park matters.

Yet O'Connor asserted the commission was virtually ignored in the marina negotiations and that did not bode well for future planned park projects like the amphitheater and the golf course.

"So much depends on the advisory commission to be effective and represent the public's interest."

"With the marina, the advisory commission was almost a nonplayer but, now that it's started-up and has a chairman, I'm sure Bernie Hartnett will do his utmost and that may change."

In the meantime, O'Connor said the Senate commission will hold a third and final public hearing in Jersey City before beginning its deliberations.

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