

APPENDIX

From: jean public [REDACTED]
Sent: Wednesday, May 08, 2019 4:31 PM
To: State House Commission; INFORMATION@sierraclub.org; INFO; media; info@afpqhr.org
Subject: [EXTERNAL] commission meeting tomorrow - urgen - public comment on issues

i have public comment on the agenda which will be heard tomorrow at teh state house. i cannot attend the meeting but do have written comment on tjhe transfers which are taking place which seem to be negative for taxpayers in this state.

2. auction 541 north main st vineland for \$110,000 is a more appropriate number. your \$86,000 to sell is too low and hat hardly covers the cost of transfer of the property.

3. lot 9 city of passaic - \$23,000 is much too low. should be raised to \$50,000 to cover the legal costs of this transfer. taxpayers should not be losing on these deals.

4. ok

5. park press woodbridge - there shoudl be no change to the 30 years lease which would require payment to nj taxpayers. nj has terrible financial deficit. it needs to be more watchful of these deals that cost taxpaeys so that the costs keep going up up up.

6 ok

7. arts - deal 1 - nj economic development authority in trenton wants arts allot ment for its buildings . it wants \$350,000 in one building and \$398,000 in another. i think these ec development buildings with their money losing and corruption can do without art. the taxpayers can save those tax dollars. in fact, it wouldbe far better to close down the corrupt economic development authority.

8. secaucus outdoor advertisiing - deny putting a sign in congetsted rt 3 where the congestion is overpowering. cars are going above 80 mph in that area and its a high accidcent area. it needs no more signs. this advertising sign will just add to accidents.

9. fairfield rt 46 hob ok

10. waywayanda state park ok

11. butler dep sewage taking land from green acres. what counts it eh land is green acres. not that it is butler. green acres should be recompensed since taxpayers already paid throughout the state for green acres land. \$15,000 for green acres land is more appropraite

12. humus land sale to usfws - deny this rush sale. it is never good to do rush sales. there is allot of strange goings on. it is best to wait until all is in tune and not rush to let this land go. nj div fish & game is involved in this transfer and you need to always look twice at what they are getting away with. they are logging our forests which the taxpayers paid to preserve. logging our forests which make air for us to breaehe. their doings need doubletakes.

13. warren 3 and 1/2 acres - alleged conservation easement - increase the payment from jcp&L from \$110,000 to \$275,000.

new business - details of all of these various items from 1 to 4 should be part of what is going on so that the taxpayers of this state know what they are paying for. its sneaky not to put information in on all items from 1-4

this comment is for the public record. please receipt. jean publee

GILMORE & MONAHAN

GEORGE R. GILMORE
THOMAS E. MONAHAN
JEAN L. CIPRIANI
Certified Civil Trial Attorney

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ROBIN LA BUE
ANDREA E. WYATT
DENIS P. KELLY
CHRISTEN E. MCCULLOUGH
MICHAEL S. NAGURKA
BARRY A. STIEBER

Of Counsel:
ANGELA M. KOUTSOURIS
CHRISTOPHER J. DASTI

April 18, 2019

Via Email (statehousecommission@treas.nj.gov)

State House Commission
c/o Robert J. Shaughnessy, Jr., Secretary
Trenton, New Jersey

**Re: Disposal of Block 99.02, part of Lots 1 & 1.01
Borough of Seaside Heights, Ocean County
Approval Granted – June 30, 2016**

Dear Commissioners:

I represent the Borough of Seaside Heights (“Borough”) and am in receipt of the letter submitted on behalf of the American Littoral Society, Inc. (“ALS”) and the New Jersey Conservation Foundation (“NJCF”) regarding the above-referenced matter. Please accept this letter on behalf of the Borough, in response to same.

As you know, the Commission granted approval to the Borough in June 2016 for the diversion of 1.37 +/- acres of Borough-owned beach property in exchange for the preservation of the historic Dr. Floyd L. Moreland Dentzel/Loof Carousel (“Carousel”), the restriction/conservation of 67 acres of County owned-land and ownership of a vacant boardwalk piece of property (Block 56, Lots 3, 7 & 9). The Commission’s approval contained conditions, most of which have been satisfied. In their letter, the ALS and NJCF sound the alarm that the Borough is going to breach a condition of approval, namely that the Carousel will not be located on Block 56, Lots 3, 7 & 9 by June 30, 2019, and request that the Commission take swift action against the Borough for this anticipated breach.¹ What the parties fail to mention is that the Borough had already submitted an official request to the Commission for an extension in recognition of its inability to meet this condition and that the Commission’s approval includes an optional extension. In fact, an official extension request was submitted to Green Acres and sent to the Commission for its consideration, without any objection by Green Acres. The extension request was scheduled to be heard on March 25th, however, that meeting was cancelled and is in

¹ The Commission actually required it be located on that piece or another boardwalk parcel, however, the Appellate Division, in its decision to uphold the Commission’s approval, required it be located on that land.

GILMORE & MONAHAN

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April 18, 2019

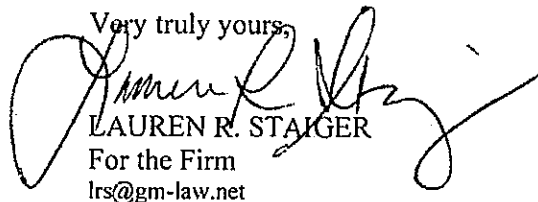
the process of being rescheduled. This could have been a moot point had that meeting taken place.

The fact of the matter is that the Borough did not act in bad faith during this process and would never willfully breach a condition of approval. As the ALS and NJCF are both aware, the approvals given for the project, at both the local and State level, were heavily litigated. In fact, the Supreme Court only denied certification less than three months ago, finally closing this chapter and allowing all parties to move forward knowing the appeals process has been exhausted. The Borough was not in a position, with the uncertainty of litigation, to proceed with spending tax payers' dollars on a building to house the Carousel until a reversal of the approvals was no longer an option. Moreover, the grant the Borough was seeking to obtain to help finance the construction of the building to house the Carousel was not available until March 2019.

The Borough has architectural renderings for a building to house the Carousel. It has engaged its professionals to seek grant opportunities for financing. It is also in the process of having the Carousel disassembled, moved to a "working warehouse" whereby the unit can be repaired in a safe location and ultimately restoring it. By all accounts, the Borough has, and continues to be, fully engaged in making this historic piece available to the public. In fact, I believe it is worth mentioning that the Borough has made the Carousel open and available to the public to date, even though such public access was technically not a condition of its approval.

Unfortunately, given the facts, the Borough was unable to fully proceed with meeting this condition until recently. Once it was able to move forward, it acted swiftly and is working towards securing and identifying funding to construct the building to house the Carousel, as well as towards repairing the piece. Accordingly, I request that the Commission reserve action and consideration of this matter until it is formally presented with the Borough's extension request, which contains the relevant and factual account of the current status.

Very truly yours,



LAUREN R. STAIGER
For the Firm
lrs@gm-law.net

cc: Andrew J. Provence, Esq. (via email)
Catherine R. McCabe, NJDEP Commissioner
Christopher Vaz, Administrator (via email)

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Andrew J. Provence†
aprovence@litprolaw.com

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NY & PA

April 4, 2019

By Email (StateHouseCommission@treas.nj.gov)

State House Commission
c/o Robert J. Shaughnessy, Jr., Secretary
Trenton, New Jersey

Re: Disposal of Public Beach, Block 99.02, part of Lots 1 and 1.01, Borough of Seaside Heights, Ocean County, Approval Granted June 30, 2016 Anticipated Breach of Condition of Approval

Dear Commissioners:

We represent the American Littoral Society, Inc. (ALS) and New Jersey Conservation Foundation (NJCF) with respect to the above-referenced matter. As you may recall, ALS and NJCF strongly opposed the application by the Borough of Seaside Heights for approval to dispose of 1.37 acres in exchange for the historic Dentzel-Loof Carousel, a .75-acre parking lot, and 67 acres of inaccessible wetlands. Although the State House Commission voiced concerns regarding this swap, the Commission mitigated some of its own concerns by conditioning its approval on the carousel being available for the public to ride somewhere along the boardwalk by June 30, 2019.¹ **We write to advise that the Borough has recently announced that it will not be able to honor this condition.**


In the enclosed article entitled, "*Seaside Heights Carousel Will Be on the Move as Officials Seek \$1.5M Grant for New Home*" and published on March 11, 2019 by the Lavallette-Seaside & Ortley Beach Shorebeat, the Borough Administrator advised that the carousel "will be non-operational for the summer." The article states that the carousel "hasn't been functioning" and it will be disassembled, then transported from the boardwalk to a warehouse for repairs that might not begin in the fall. Once the repairs are made, the carousel will then be without a home: the article reports that the Borough has failed to secure funding for the museum structure it testified it would erect, and Casino Pier (which received the alienated beach) will not permit the carousel to return. The article further reports that the Borough has not even settled on a design for the museum structure.

¹ As a result of an appeal filed by ALS, the Appellate Division modified this condition to require that the carousel be available for the public to ride on the .75-acre parking lot parcel no later than June 30, 2019.

An operational carousel located in a structure along the boardwalk on the .75-acre parking lot parcel was the key piece of compensation the public was to receive for the disposal of 1.49 acres of public beach. The fact that the Borough will not meet this condition is unacceptable, and requires swift and decisive action by the State House Commission. **We request the State House Commission conduct a public hearing on this matter before the June 30, 2019 date, so that ALS and NJCF may be heard, and that the SHC can redress this situation.**

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call me at (973) 642-1801.

Sincerely yours,



Andrew J. Provence

Enclosure

cc: N.J. Senator Bob Smith
Catherine R. McCabe, NJDEP Commissioner
Tim Dillingham, Executive Director, American Littoral Society, Inc.
Dr. Emile DeVito, New Jersey Conservation Foundation
Christopher Vaz, Administrator, Borough of Seaside Heights
James Curry, Esq.

lvx

ROBERT MOSS
17 New Street
Bloomfield, N.J. 07003-3603
(973) 743-5203

April 11, 2019

Via Email : statehousecommission@treas.nj.gov

Robert J. Shaughnessy, Jr., Commission Secretary
State House Commission
State House Annex
Trenton, New Jersey

Re: AFMV, LLC—Melvin
Your File: Disposal of Public Beach
Block 99.02, Part of Lots 1 and 1.01
Borough of Seaside Heights, Ocean County,
Approval Granted June 30, 2016
Anticipated Breach of Condition of Approval

cc: Christopher Vaz, Administrator, Borough of Seaside Heights (via email)
James Curry, Esq. (via email)
Andrew J. Provence, Esq. (via email)
Steven Melvin (via email)

Dear Mr. Shaughnessy:

I have received a copy of a letter dated April 10 from R. S. Gasiorowski to you and the commission members, challenging the premises of Mr. Provence's letter of April 4. The last paragraph of Mr. Gasiorowski's letter is incorrect.

The construction of a building to house the carousel is indeed a part of the compensation package and a "specific condition" of approval. The text cited by Mr. Gasiorowski was a condition of *DEP* approval, and is to be found in the Department of Environmental Protection SHC Approval Summary Sheet, SHC File No. 1527002. As we all know, DEP does not grant final approval of Green Acres disposals.

The State House Commission imposed housing the carousel within three years as a condition of approval:

SENATOR SMITH: By way of discussion of a possible motion. I think the testimony brought up two things that we should have in that motion: one is that the Borough is—it's a requirement of the approval, if an approval is granted, has to have the carousel housed within three years. I don't think it can be best intentions; it has to be a condition.

Transcript, bottom of p. 98, underlining added. Gary A. Kotler, Commission Counsel, responded, "May I ask for a clarification on both of these conditions? You say carousel housed within three

years. Is that specifically talking about being housed on that property on the Boardwalk?" The Commissioners decided that the condition would be that the carousel be located on the boardwalk, but not necessarily on the proffered replacement parcel. At p. 100.

The Appellate Division tightened the condition by requiring that the proffered replacement parcel be the carousel's location, slip opinion at 24, but did not disturb any other SHC conditions, including the three-year deadline.

Thank you for your attention to this matter.

Robert Moss

ROBERT MOSS
17 New Street
Bloomfield, N.J. 07003-3603
(973) 743-5203

April 20, 2019

Via Email : statehousecommission@treas.nj.gov

Robert J. Shaughnessy, Jr., Commission Secretary
State House Commission
State House Annex
Trenton, New Jersey

**Re: AFMV, LLC—Melvin
Your File: Disposal of Public Beach
Block 99.02, Part of Lots 1 and 1.01
Borough of Seaside Heights, Ocean County,
Approval Granted June 30, 2016
Anticipated Breach of Condition of Approval**

cc: Christopher Vaz, Administrator, Borough of Seaside Heights (via email)
James Curry, Esq. (via email)
Andrew J. Provence, Esq. (via email)
Steven Melvin (via email)

Dear Mr. Shaughnessy:

I have received a copy of a letter dated April 18 from Lauren R. Staiger of Gilmore and Monahan, to you and the commission members. The letter suggests that NJCF and ALS, in their April 4 letter to the Commission, are guilty of withholding information from the Commission, and reiterates part of a false narrative which I corrected in my April 11 letter on this matter. Further, the letter exudes an unseemly confidence that Seaside Heights' request is certain to withstand all challenges.

Ms. Staiger writes, "What the parties fail to mention is that the Borough had already submitted an official request to the Commission for an extension in recognition of its inability to meet this condition. . . ." But Ms. Staiger fails to provide any evidence that, and indeed makes no claim that, NJCF or ALS knew of the Borough's application.

Ms. Staiger continues, "and that the Commission's approval includes an optional extension." As I pointed out in my April 11 letter, the extension was part of DEP's approval, *not* the SHC's approval. No effort has been made to refute my analysis. I regret being in a position where direct language is most appropriate, but, the first time is a mistake, the second time is deliberate.

Ms. Staiger continues, "In fact, an official extension request was submitted to Green Acres and sent to the Commission for its consideration, without any objection by Green Acres." The relevance of this sentence is unclear, unless it is to claim that approval by the Office of Green Acres means that any objections by interested parties such as NJCF and ALS will be rejected.

Ms. Staiger writes, "The Borough was not in a position, with the uncertainty of litigation, to proceed with spending tax payers' dollars on a building to house the Carousel until a reversal of the approvals was no longer an option." This statement would be fine if the Borough had its financing lined up, but the Borough does not. It is only now seeking Green Acres financing (Seaside Heights municipal council Resolution 2019-93, approved March 20, 2019). Waiving, for the moment, the objection that neither Green Acres nor any other open space funds may be used to fund the carousel building, *see for example* N.J.A.C. 7:36-26.10(a), (e)2, (3)3., grants will not be awarded until later this year.

Thank you for your attention to this matter.

Robert Moss
I AM NOT AN ATTORNEY AND CANNOT
GIVE LEGAL ADVICE

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ATTORNEYS AT LAW
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R. S. GASIOROWSKI
GASIOROWSKI
JOHN E. HOLOBINKO

CHRISTIE A.

CATHY S. GASIOROWSKI
ALEXIS L. GASIOROWSKI

April 10, 2019

Via Email: statehousecommission@treas.nj.gov

Robert J. Shaughnessy, Jr., Commission Secretary
State House Commission
State House Annex
Trenton, New Jersey

**Re: AFMV, LLC – Melvin
Your File: Disposal of Public Beach
Block 99.02, Part of Lots 1 and 1.01
Borough of Seaside Heights, Ocean County,
Approval Granted June 30, 2016
Anticipated Breach of Condition of Approval**

Dear Mr. Shaughnessy & Members of the State House Commission:

I received an email from Christopher Vaz, Administrator of the Borough of Seaside Heights and then later a copy directly from Andrew J. Provence, Esq. concerning the above matter.

I would submit that Mr. Provence's letter is "misleading". Mr. Provence in his letter refers to this issue as being "contested" (and legally challenged). Nothing could be further from the truth. This matter was the subject of extensive litigation by Mr. Provence's clients and others as well. Mr. Provence copies James Curry, Esq., an attorney in Toms River. Mr. Curry filed a Prerogative Writs suit on behalf of parties named Melvin and Moss. That Prerogative Writs suit was defended by this office on behalf of AFMV and a decision was rendered by the Honorable Arnold B. Goldman, J.S.C. dismissing the Prerogative Writs suit. Similarly, there was a decision by the State House Commission and that decision was challenged by Mr. Provence and his clients.

Ultimately, all suits were consolidated and the Appellate Division in a lengthy opinion ruled against the plaintiffs Melvin and Moss as well as Mr. Provence and his clients. I enclose a copy of that decision.

S:\Litigation1\Casino Beach - American Littoral Society\Correspondence\Misc\Robert J. Shaughnessy, Jr. Commission Secretary - 4-8-19.docx

Page 2
April 10, 2019
Robert J. Saughnessy, Jr., Commission Secretary

Mr. Curry on behalf of plaintiff Melvin petitioned for certification to the Supreme Court of New Jersey which was denied. Similarly, an attempted Petition by Moss, who was no longer represented by Mr. Curry, was also denied. Mr. Provence did not file a Petition for Certification on behalf of his client.

I take great issue with the sentence in the first paragraph of Mr. Provence's letter dated April 4, 2019 wherein he states "Although the State House Commission voiced concerns regarding this swap, the Commission mitigated some of its own concerns by conditioning its approval on the carousel being available for the public to ride somewhere along the boardwalk by June 30, 2019." Mr. Provence then refers to a modification by the Appellate Division. I enclose a copy of the Appellate Court Decision.

What is similarly important, is that Mr. Provence mis-states the condition of the State House Commission Approval as set forth in bullet point #2 on page 12 of 13. It states "While the construction of a building to house the carousel is not part of the compensation for the proposed disposal, the Borough will make its best efforts to make the carousel available, as a public recreational amenity within two years of this approval (with up to two six-month extensions for good cause shown)." Clearly, the construction of the building was not a part of the compensation nor a "specific condition". The Borough had to make a good faith effort – they have. Whether they did or not, it does not prejudice the exchange.

Very truly yours,

R.S. GASTOROWSKI

RSG/cb

Enclosures

cc: Senator Bob Smith (Regular Mail)
Catherine R. McCabe, NJDEP Commissioner (via email)
Christopher Vaz, Administrator, Borough of Seaside Heights (via email)
James Curry, Esq. (via email)
Andrew J. Provence, Esq. (via email)
Frank Storino (via email)
Anthony Storino (via email)
Vincent Storino (via email)
Pat Storino (via email)
Dave Fassett (via email)



NJ Department of the Treasury
Division of Property Management & Construction

**REQUEST TO THE NEW JERSEY STATE HOUSE COMMISSION FOR APPROVAL
OF EXPENDITURE FOR RECOMMENDATION CONCERNING THE INCLUSION OF
ARTISTIC DESIGN, PURSUANT TO THE PUBLIC BUILDING ARTS INCLUSION
ACT, N.J.S.A. 52:16A-29 ET SEQ.**

N.J.S.A. 52:16A-29 et seq requires that, "Expenditures for recommendations concerning the inclusion of artistic designs in State buildings shall be approved by the State House Commission."

DPMC Project#: Not Applicable

Project Description: Trenton State Office Building Project
Health Building
55 North Willow Street City of Trenton, County
of Mercer, New Jersey

Current Estimate of Construction Cost: \$75,382,000

Proposed Arts Inclusion Budget: \$351,000.00

The total proposed budget for the art inclusion is \$351,000.000 allocated as follows:

- Mural on wall surface / \$75,000.00
- Terrazzo floor / \$50,000.00
- Future RFP for finished artwork pieces on various wall locations / \$9,000.00
- Exterior streetscape artwork / \$200,000.00 (Two sculptures at \$100,000.00 each).
- Stipend for shortlisted artist to prepare their presentation \$17,000.00 (\$1,000 per artist).

The total budget for the two distinct sculptures as outlined in Exhibit B, area D, is \$200,000.00 (\$100,000.00 is budgeted for each sculpture). The Art Selection Committee, upon review of artist(s) submissions, reserves the right to select one or two artists for these

two separate and distinct areas. The budget shall cover all costs incurred by the Artist relating to the design, fabrication and installation of the artwork. The covered expenses include, but shall not be limited to, compensation for design and engineering services, materials, transportation of artwork, fabrication, installation, etc.

Recommended By:



Christopher Chianese, Director
Division of Property Management & Construction

4-30-19

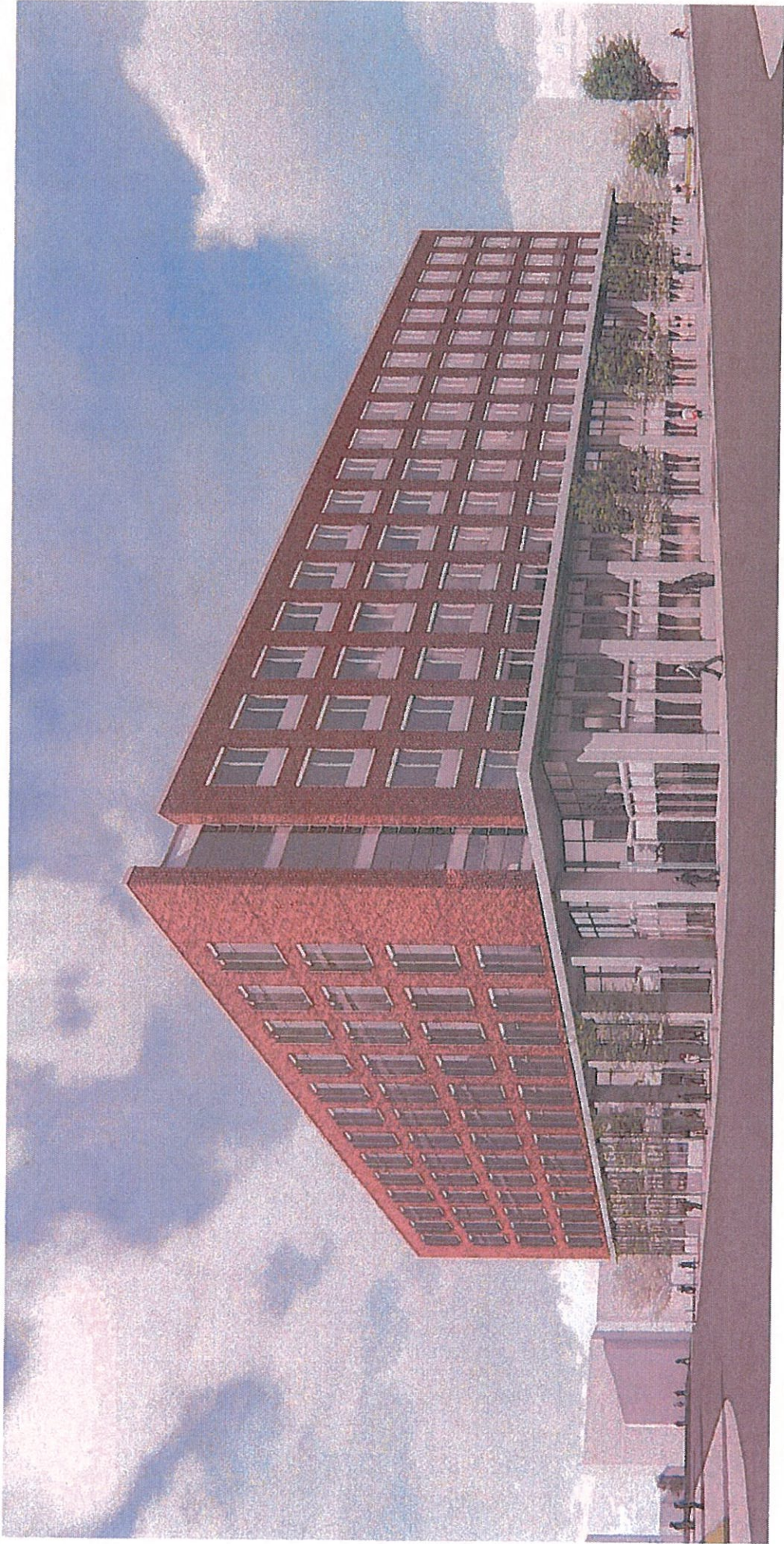
(Date)

Approved Arts Inclusion Budget: _____

Authorized State House Commission Representative:

Robert J. Shaughnessy, Jr.
Secretary, State House Commission

(Date)



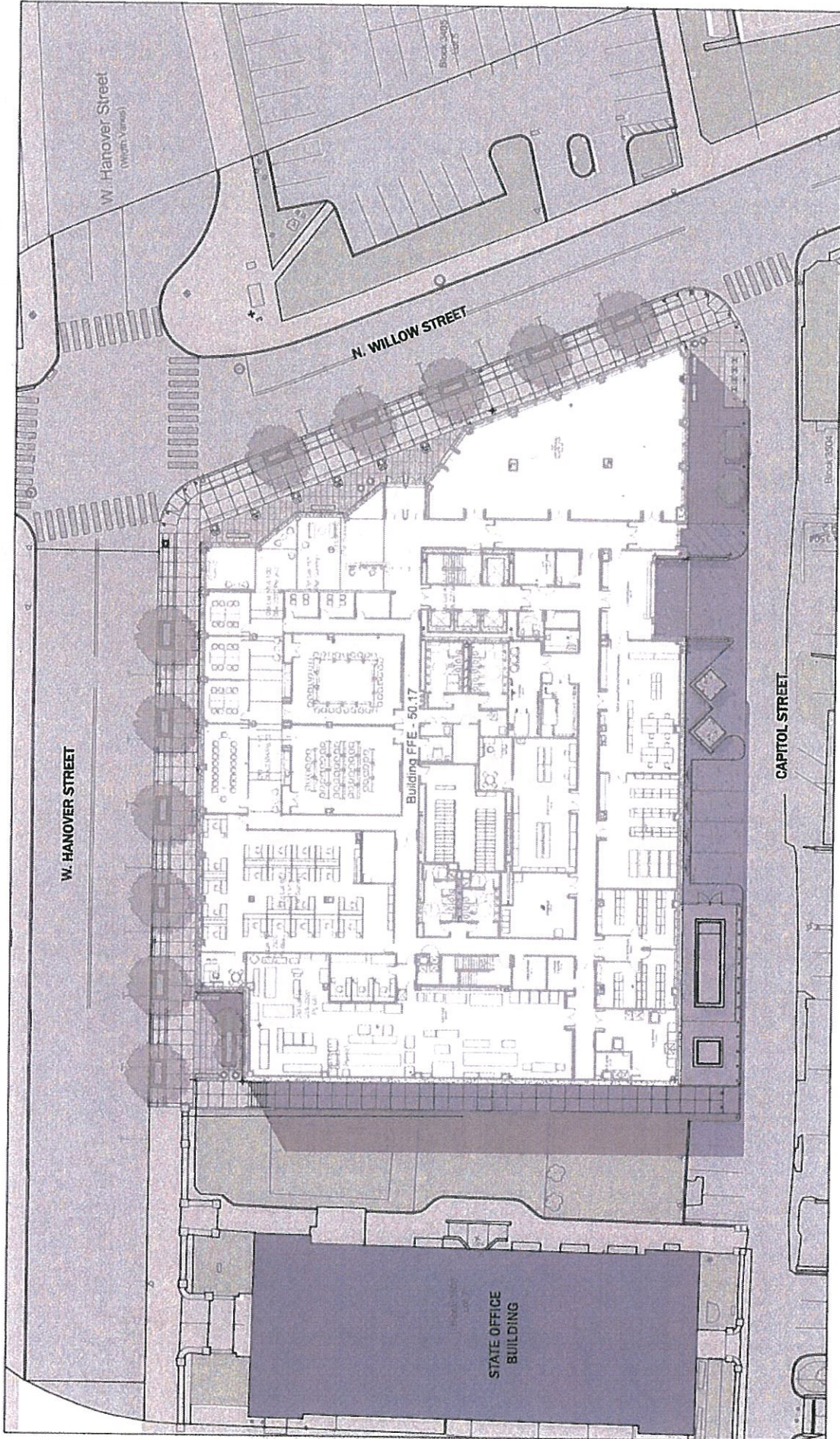
102



NJEDA Department of Health Building

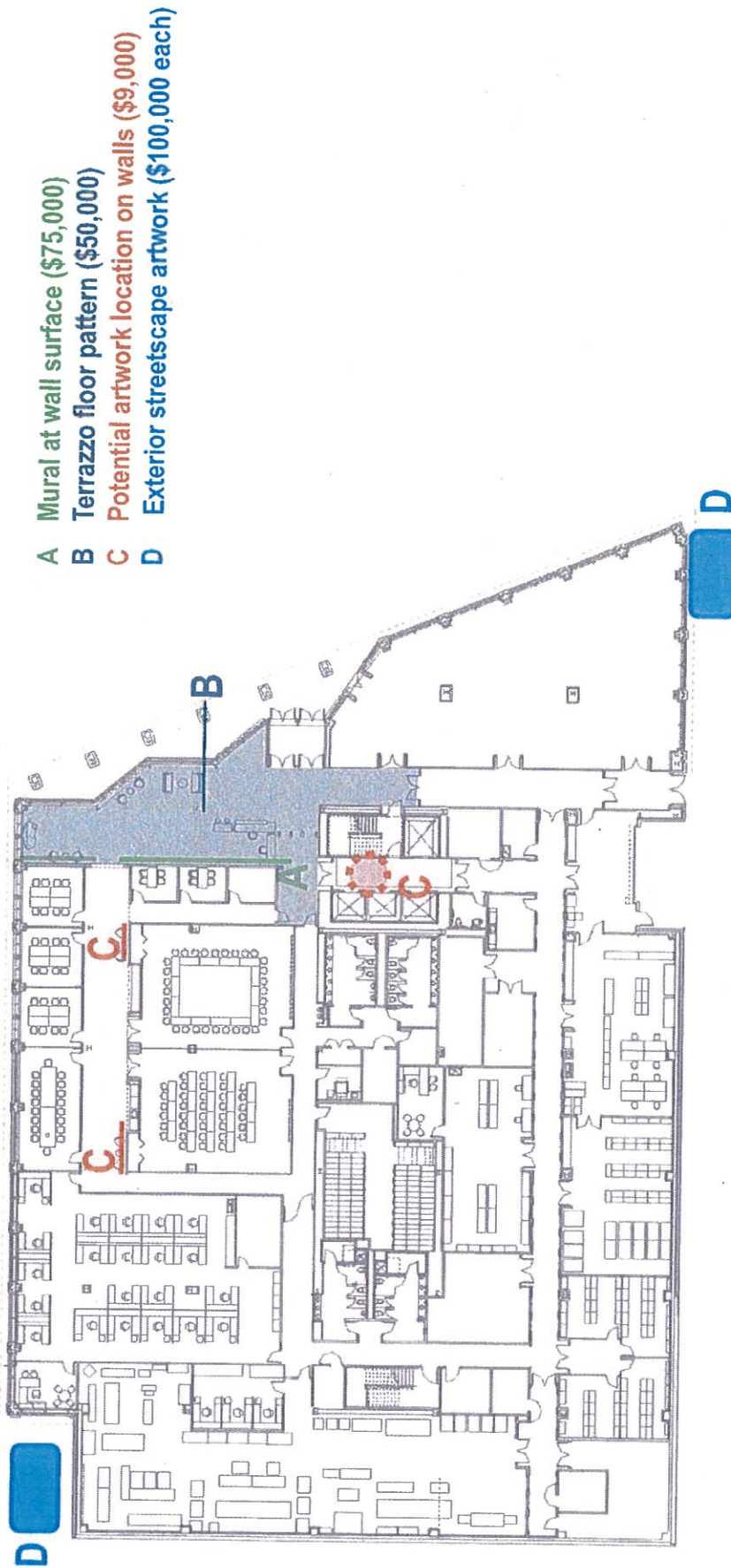
October 3, 2018

FDR



PUBLIC ARTWORK LOCATIONS PLAN

FIRST FLOOR



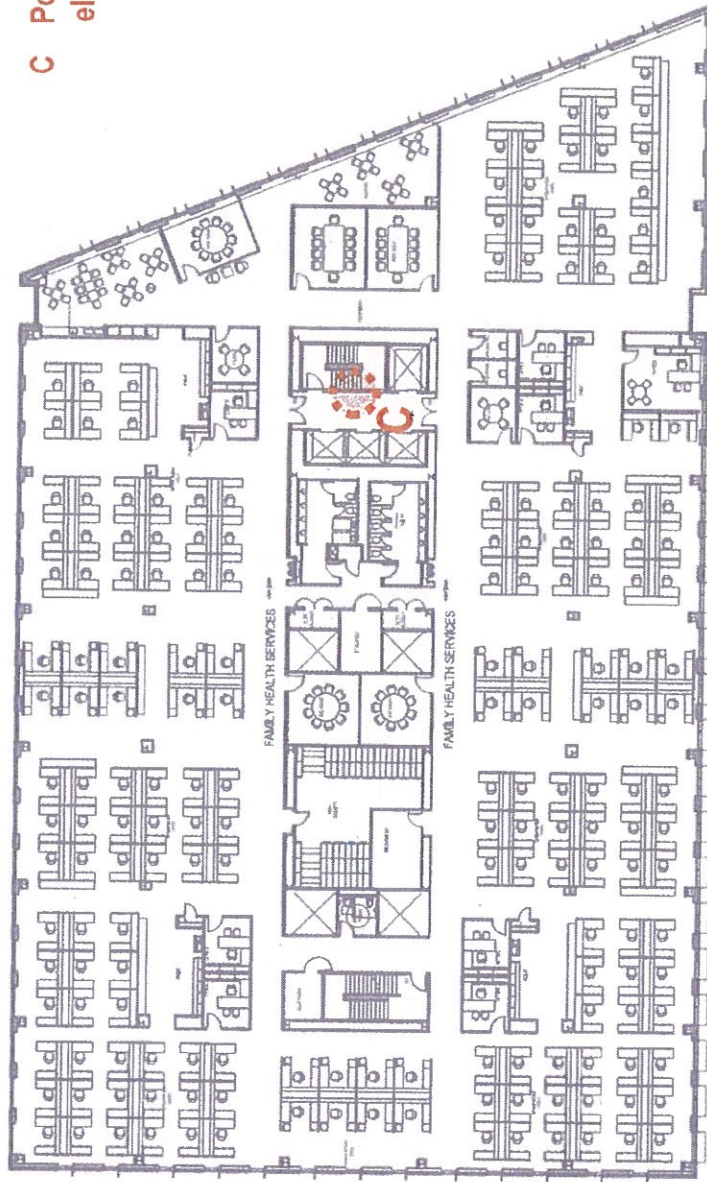
NJEDA Department of Health Building

Art Meeting: October 31, 2018

HR

PUBLIC ARTWORK LOCATIONS PLAN

TYPICAL UPPER FLOOR



C Potential artwork location on wall in elevator lobbies (\$9,000)

NJEDA Department of Health Building

Art Meeting: October 31, 2018





NJ Department of the Treasury
Division of Property Management & Construction

**REQUEST TO THE NEW JERSEY STATE HOUSE COMMISSION FOR APPROVAL
OF EXPENDITURE FOR RECOMMENDATION CONCERNING THE INCLUSION OF
ARTISTIC DESIGN, PURSUANT TO THE PUBLIC BUILDING ARTS INCLUSION
ACT, N.J.S.A. 52:16A-29 ET SEQ.**

N.J.S.A. 52:16A-29 et seq requires that, "Expenditures for recommendations concerning the inclusion of artistic designs in State buildings shall be approved by the State House Commission."

DPMC Project#: Not Applicable

Project Description: Trenton State Office Building Project
Taxation Building
3 John Fitch Way
City of Trenton, County of Mercer, New Jersey

Current Estimate of Construction Cost: \$79,528.000

Proposed Arts Inclusion Budget: \$399,000.00

The total proposed budget for the art inclusion is \$399,000.000 allocated as follows:

- Potential Outdoor Sculpture/ \$175,000.00
- Art Glass Wall/ \$75,000.00
- Wall Mounted Artwork, budget approximately/\$75,000.00
- Future RFP for finished artwork pieces/ \$7,000.00
- Relocation of existing of New Jersey on Parade installation from NJ Transit/\$50,000.00
- Stipend to shortlisted artists to prepare their presentation/\$17,000.00 (\$1,000 per artist).

The budget shall cover all costs incurred by the Artist relating to the design, fabrication and installation of the artwork. The covered expenses include, but shall not be limited to, compensation for design and engineering services, materials, transportation of artwork, fabrication, installation, etc. See attached.

The budget also includes the cost to relocate and install the New Jersey on Parade installation from NJ Transit to the new Taxation building.

Recommended By:



Christopher Chianese, Director
Division of Property Management & Construction

4/30/19

(Date)

Approved Arts Inclusion Budget: _____

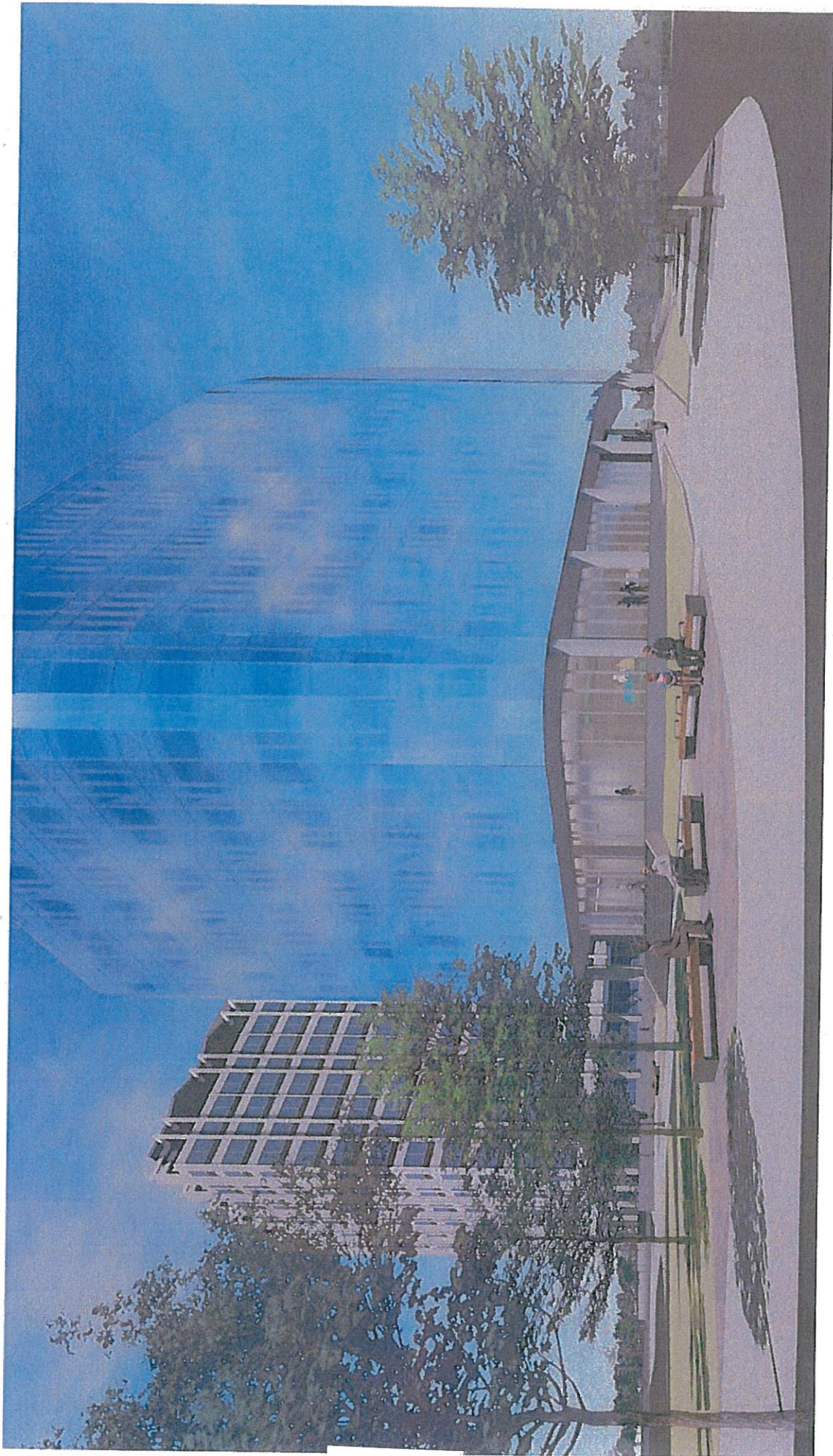
Authorized State House Commission Representative:

Robert J. Shaughnessy, Jr.
Secretary, State House Commission

(Date)

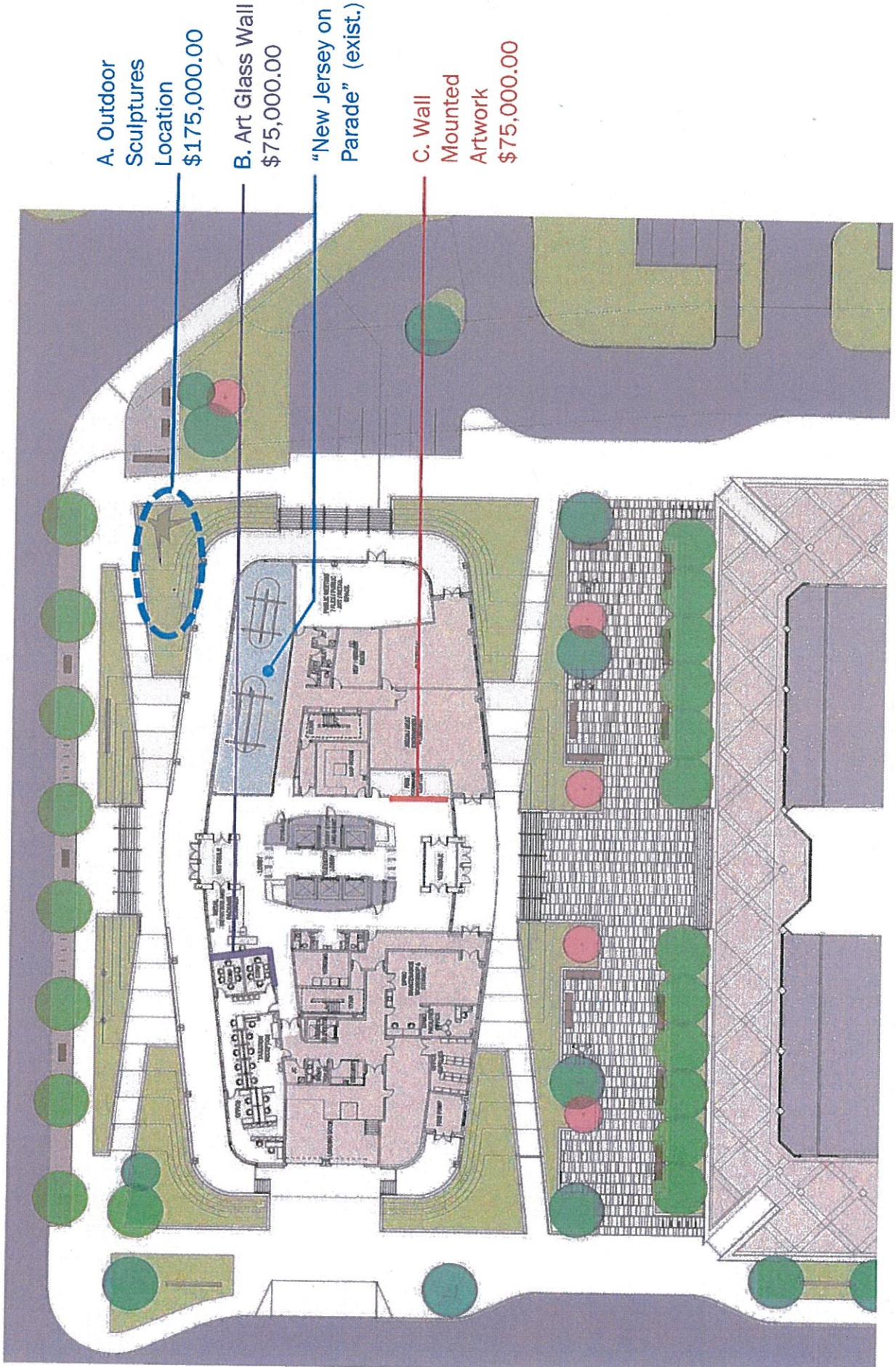
| Exterior View – Corner of South Warren and John Fitch Place

BALLINGER



2.5x

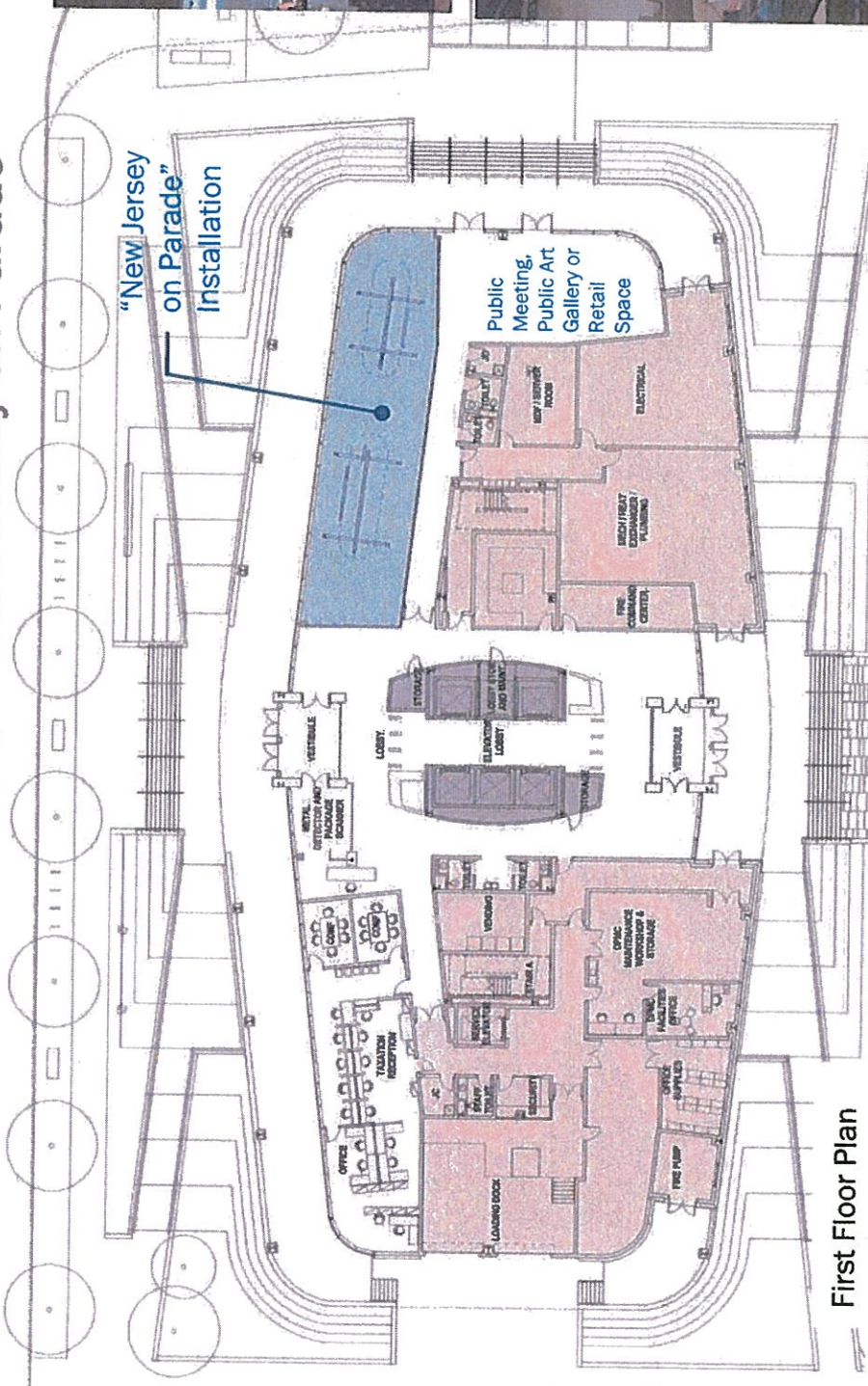
Public Art Work Locations - Site and First Floor Lobby



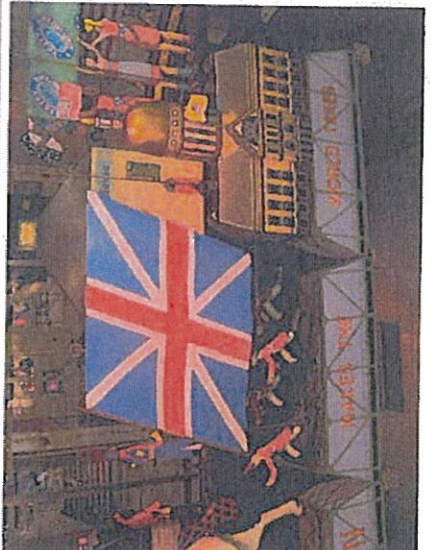
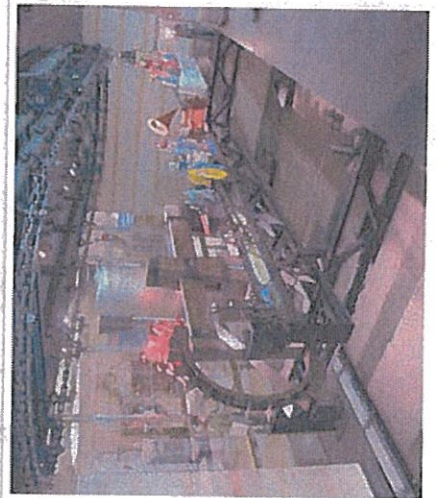
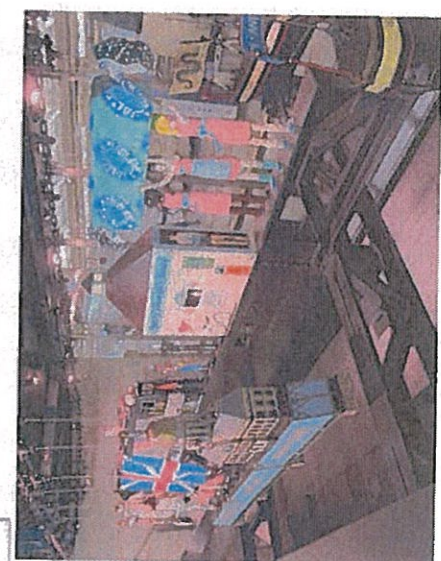
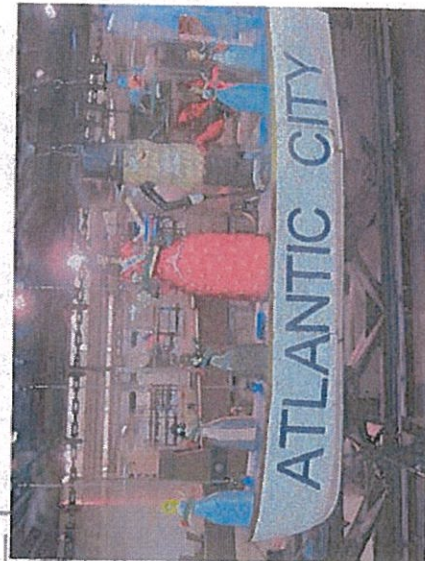
27

Public Art Work Locations - "New Jersey on Parade"

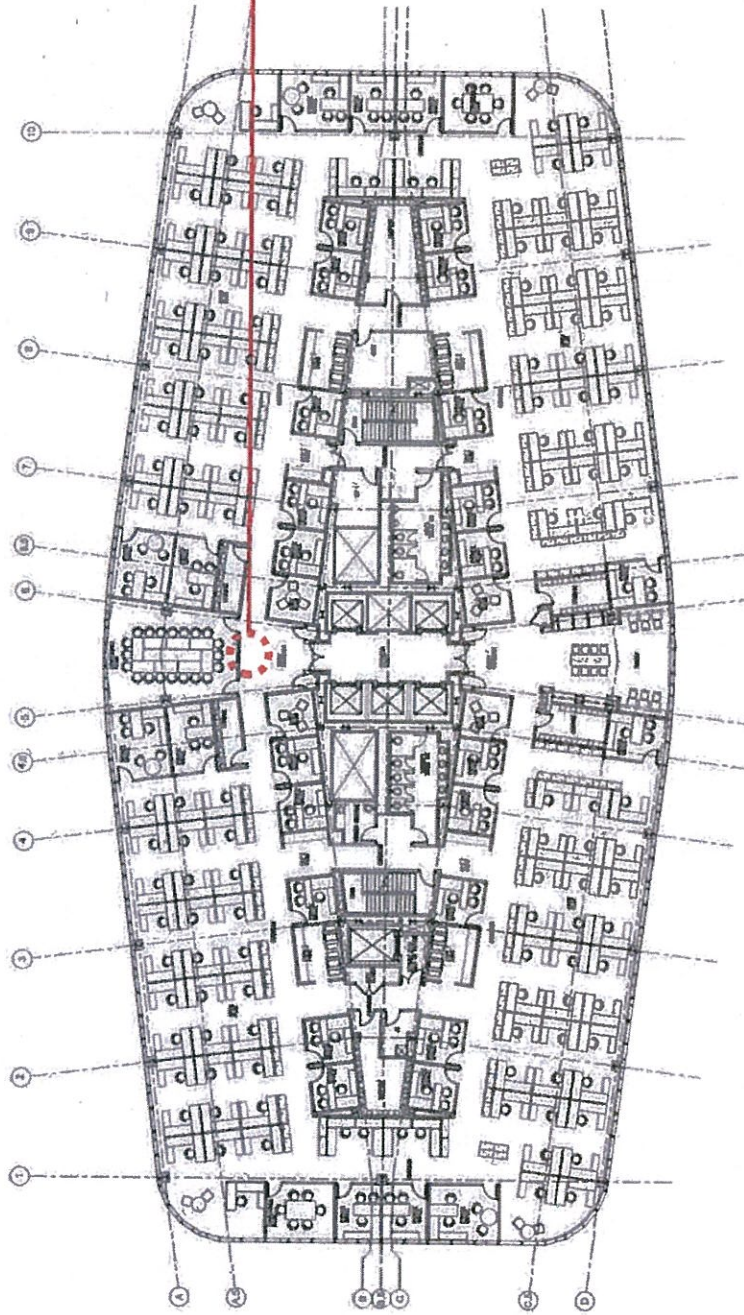
BALLINGER



First Floor Plan



Art Work Locations – Typical Office Floor



D. Finished Artwork
Pieces to be located on
Floors 2 - 8
\$1,000.00 per floor x
seven floors
\$7,000.00 Total

29x

**ADDITIONAL APPENDIX MATERIALS
SUBMITTED TO THE**

STATE HOUSE COMMISSION

for the

May 9, 2019 Meeting

Department of Transportation, State of New Jersey:

Daniel Nee, "Seaside Heights Carousel Will Be on the Move As Officials Seek \$1.5M Grant for New Home," *Lavallette-Seaside Shorebeat*, March 11, 2019. © 2017 Shorebeat LLC.